

ORDINANCE NO. 3223

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, SUB-PART B, GROWTH MANAGEMENT CODE; CHAPTER 25, LAND USE REGULATIONS; ARTICLE II, DISTRICTS, DIVISION 14 THE FORUM SPECIAL DEVELOPMENT AREA BY RESERVING SECTION 25-270.59 THROUGH SECTION 25-270.70, CREATING DIVISION 15 MASTER DEVELOPMENT PLAN DISTRICT, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY, FLORIDA, that:

SECTION 1. The City Code of the City of Fort Myers, Florida, Sub-Part B, Growth Management Code; Chapter 25, Land Use Regulations; Article II, Districts, Division 14 The Forum Special Development Area is amended by reserving Section 25-270.59 through Section 25-270.70.

SECTION 2. The City Code of the City, Florida, Sub-Part B, Growth Management Code; Chapter 25, Land Use Regulations; Article II, Districts, is hereby amended by creating Division 15 Master Development Plan District to read as follows:

DIVISION 15. MASTER DEVELOPMENT PLAN DISTRICT

Section 25-270.71. Purpose and intent.

(a) It is the purpose of this division to improve and protect the public health, safety, and welfare of the citizens of the city by pursuing the following objectives:

- (1) To encourage innovation in community development.
- (2) To foster the safe, efficient, and economic use of the land and public facilities and services.
- (3) To facilitate the provision of adequate public

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services such as transportation, water, sewerage, drainage, electricity, open space and parks.

- (4) To encourage patterns of land use which decrease trip length of automobile travel and encourage trip consolidation.
- (5) To improve the design, quality and character of new development.
- (6) To provide for large-scale residential development, containing a variety of residential dwelling types and limited office, limited commercial and recreational land uses.
- (7) To set forth the standards and guidelines for the Master Development Plan (MDP).

Section 25-270.72. Interpretation.

(a) The provisions herein apply to the development of land designated master development plan (MDP) on the Future Land Use Map. The requirements of the Growth Management Code shall apply if this division does not otherwise address the area of regulation, as it may be amended. In the event of conflict between the provisions of this division and the requirements of the Growth Management Code, the provisions of this division shall govern.

(b) The interpretation and application of MDP will be reasonably and uniformly applied to all property within the city that is designated MDP.

(c) It is anticipated that some lands designated MDP will be developed as single projects and that others will develop as a number of individual residential

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communities, village centers, town centers, etc. This division accommodates both alternatives. When reference is made to "the MDP", "within a MDP", "each MDP" it is referring to the totality of a particular property designated MDP on the Future Land Use Map. The term "MDP community" refers to a development within an overall MDP including residential developments, village center(s) and town center(s). The MDP communities may include a number of tracts, parcels or pods.

Section 25-270.73. Definitions.

Except as specifically defined herein, words contained in this division shall be defined by Article I, Section 20-1 of the Growth Management Code.

- (1) *Accessory use or structure* means a use or structure of a nature customarily incidental and subordinate to the principal use or structure, and unless otherwise provided, on the same premises. Accessory uses and structures on the same premises shall be construed as meaning on the same lot or building parcel or on an abutting lot or building parcel in the same ownership. A swimming pool or spa with an open mesh pool cage is considered to be an accessory structure and is subject to the setbacks for accessory structures.
- (2) *Accessway* means land that is not dedicated to the public and is used or intended to be used for internal circulation, ingress or egress to commercial and residential parcels.

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- (3) *Alley* means a narrow service access to the rear of urban buildings that can provide service areas, vehicular and parking access, and other than city-owned public utilities, but which is not intended for general traffic circulation.
- (4) *Director* means the community development director for the city.
- (5) *Dwelling, cluster* means a single, freestanding, conventional building designed for one (1) dwelling unit which could be used for occupancy by one (1) family where the arrangement of dwellings or other buildings is in closely related and integrated groups and adjacent to open spaces of land.
- (6) *Dwelling, duplex* means a single, freestanding, conventional building on a single lot, designed for two (2) dwelling units under single ownership, or wherein each dwelling unit is separately owned or leased, but the lot is held under common ownership.
- (7) *Dwelling, multiple-family* means a group of three (3) or more dwelling units within a single conventional building, attached side by side or one above another, or both, and wherein each dwelling unit it may be individually owned or leased but the land on which the building is located is under common or single ownership. Dwelling units included in a building, which also contains commercial uses, shall be

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considered multiple-family dwelling units in determining parking requirements, density and other property development regulations.

- [8] *Dwelling, patio home* means a single, freestanding, conventional building designed for one (1) dwelling unit and which could be used for occupancy by one (1) family. Patio homes are identified separately from single-family detached dwellings in that there is a reduction in the minimum lot area square feet or floor area, lot width and setbacks and an increase in building coverage. Individual patio home dwellings are located on platted single-family lots.
- [9] *Dwelling, single-family attached* means a single, freestanding, conventional building designed as two (2) dwelling units attached by a common wall or roof, but wherein each dwelling unit is on a separate lot or parcel under separate ownership.
- [10] *Dwelling, single-family detached* means a single, freestanding, conventional building designed for one (1) dwelling unit and which could be used for occupancy by one family.
- [11] *Dwelling, townhouse* means a group of three (3) or more dwelling units attached to each other by a common wall or roof wherein each unit has direct exterior access and no unit is located above each other, and each unit is completely separated from any others by a rated firewall or

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a fire and sound resistant enclosed separation or space, and wherein each dwelling unit is on a separate lot or parcel under separate ownership.

- [12] *Dwelling, zero lot line* means a dwelling unit with at least one (1) wall of a building on a side or a rear line of the lot on which it stands.
- [13] *Height, building* means the vertical distance measured from the finished floor to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. Chimneys and necessary appurtenances mechanical or structural functions shall be excluded from this measurement. Where the space below the first story is used only for parking and limited storage, this space shall not be included in the calculation of building height.
- [14] *Lot coverage* means the percentage of a lot occupied by any solid roofed or solid walled structure (not screen cages).
- [15] *Lot or parcel measurement, depth* means depth of a lot or parcel is considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the front and the rearmost points of the side lot lines in the rear.
- [16] *Lot or parcel measurement, width* means the

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width of a lot or parcel shall be considered to be the average distance between straight lines connecting front and rear lot or parcel lines at each side of the lot or parcel, measured as straight lines between the foremost points of the side lot or parcel lines in front (where they intersect with the street line) and the rear most points of the side lot or parcel lines in the rear. Minimum lot width may be reduced for cul-de-sac lots or lots located on curvilinear streets provided the minimum lot area is still maintained.

- [17] *Master Development Plan (MDP) Design Review Committee* means a group with the responsibility for enforcing the design review guidelines and procedures within the MDP.
- [18] *Restaurant* means an establishment where food is ordered from a menu, prepared, and served for pay primarily for consumption on the premises. This definition is not intended to preclude incidental food take out service. The term "restaurant" does not include "fast food restaurant."
- [19] *Restaurant, drive-in or refreshment stand* means any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles and/or in other than a completely enclosed building on the premises, including

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those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for the purpose of this division. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant. This definition shall not apply to any full service sit down restaurant with outdoor seating.

[20] *Restaurant, fast food* means an establishment where food is prepared and served to the customer in a ready-to-consume state for consumption either within the restaurant building, outside the building but on the same premises, or off the premises and having any combination of two (2) or more of the following characteristics:

- a. A limited menu, usually posted on a sign rather than printed on individual sheets or booklets;
- b. Self-service rather than table service by restaurant employees;
- c. Disposable containers and utensils; or
- d. A kitchen area in excess of fifty (50) percent of the total floor area. A cafeteria or delicatessen shall not be

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deemed a fast-food restaurant for the purpose of this division.

- [21] *Setback measurement, preserves* means setbacks shall be measured from the edge of the preserve, not from any required preserve buffer.
- [22] *Setback measurement, waterbody and/or* means setbacks shall be measured from the water's edge (lake control elevation).
- [23] *Setback measurement, street, alley and accessway* means setbacks shall be measured from the edge of the easement or right-of-way. If no easement or right-of-way exists, setbacks shall be measured from the edge of the pavement.
- [24] *Setback measurement, side and rear setback* means setbacks shall be measured from the property line, not from any easement or buffer.
- [25] *Setback measurement, accessory residential pool or spa* means for an accessory pool or spa without a screened pool cage, setbacks shall be measured from the water's edge to the property line.

Section 25-270.74. Conceptual master development plan.

- (a) A master development plan (MDP) conceptual master plan shall be approved for each property designated as MDP on the future land use map. The conceptual MDP master plan will depict the general location of proposed and/or existing major roadways through or abutting the

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property, any existing water bodies and any land designated Conservation (CON) on the future land use map. The MDP conceptual master plan shall also identify maximum development density and/or intensity for the property expressed in appropriate units of measurement (e.g., dwelling units for residential uses, square footage for commercial and office uses, etc.), and shall show the general location of all areas proposed to be developed for non-residential uses that are located along arterial and collector streets within the project or are not entirely internal to the project site.

(b) The conceptual MDP master plan must be approved by city council before a landowner can seek final MDP master plan approval pursuant to Section 25-270.75, Growth Management Code. The conceptual MDP master plan approval shall be approved by city council pursuant to either of the following:

- (1) Concurrent with the adoption of a future land use map amendment designating the property as MDP; or
- (2) Pursuant to the adoption of a Development of Regional Impact (DRI) development order, in which case the approved DRI Map H will be considered the approved conceptual MDP master plan.

Section 25-270.75. Final master development plan master plan approval

(a) No development may occur on property designated master development plan (MDP) until a final MDP master plan is submitted to and approved by the city on that

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part of the MDP. The initial procedure chosen for approval of any portion of the MDP will be the procedure all subsequent MDP master plan approvals will follow within the MPD pursuant to one of the procedures as follows:

- (1) The landowner may seek final MDP master plan approval utilizing the planned unit development (PUD) procedures provided in Chapter 25, Division 10, Growth Management Code. If approval is requested pursuant to the PUD process, this division does not apply and development will be regulated by Chapter 25, Division 10 and other requirements of the Growth Management Code, except that the development regulations contained in this division will be the base regulations for the PUD from which deviations must be requested if desired by the developer.
- (2) Alternatively, a landowner may seek administrative final MDP master plan approval from the development services manager with the consent of the director, public works director and engineering division designee. A final MDP master plan may be submitted prior to, or concurrent with a request for preliminary plat approval pursuant to Chapter 28, Growth Management Code. The final MDP master plan must be approved prior to obtaining approval for a preliminary plat or site development infrastructure plans for property within the boundary of the final MDP

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master plan. Under this alternative, the final MDP master plan shall be consistent with the regulations of this division and will follow the procedures set forth in Section 25-270.76, Growth Management Code.

Section 25-270.76. Final master development plan master plan review process.

(a) If a landowner seeks administrative approval of a final master development plan (MDP) master plan pursuant to Section 25-270.75(a)(2), Growth Management Code, the procedures set forth in this section will be utilized.

(b) The information included with each submittal to the development services division for final MDP master plan approval shall be as follows:

- (1) All information required on the application form provided by the development services division.
- (2) All information, plans, and supporting documents submitted to the MDP Design Review Committee pursuant to Section 25-270.78, Growth Management Code.
- (3) A copy of the approval issued by the MDP Design Review Committee.
- (4) A traffic analysis of the impacts anticipated from the proposed development, utilizing methodology approved by the city engineer.
- (5) An analysis of water and sewer service to be provided to the property.
- (6) A general description of the surface water management system for the property. A copy of the South Florida Water Management District

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Environmental Resource Permit for the property, if available, will suffice for purposes of this item.

- (7) A list of property owners within three hundred (300) feet of the boundary of the property for which final MDP master plan approval is requested. The list shall be taken from the most recent tax rolls maintained by the Lee County Property Appraiser.
- (8) The appropriate application fee included in Chapter 20-148, Growth Management Code.
- (9) Any other information reasonably requested by the development services manager with the consent of the director, public works director, and engineering division designee.
- (c) Within ten (10) days of receipt of a request for final MDP master plan approval, the department shall transmit by certified mail a notice to all property owners located within three hundred (300) feet of the project boundary indicating that a request for final MDP master plan approval has been received, that the plan and supporting documentation is available for public inspection, and that any comments on the final MDP master plan may be submitted to the department for consideration within thirty (30) days of the date of the notice.
- (d) In reviewing the final MDP master plan, the development services manager with the consent of the director, public works director and engineering division designee shall consider the MDP design review committee checklist and recommendations, the information and documentation submitted by the applicant, comments and

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recommendations from other city departments, and any comments received from property owners to whom notice was sent, and shall determine if the final MDP master plan meets the criteria as follows:

- (1) The proposed development conforms to the MDP percentages of residential and non-residential land use acreages.
- (2) The proposed development is consistent with the density set for the MDP through the future land use map amendment.
- (3) The proposed development is consistent with the requirements of this division.
- (4) The final MDP master plan generally follows the pattern of land uses depicted on the conceptual MDP master plan. Parcel lines and land use acreages shall be shown on the final MDP master plan for the general purpose of depicting development areas and use intensities; however, parcel lines and land use acreages can be adjusted by the developer during the final platting processes.
- (5) Adequate provision for off-site impacts created by the development have been adequately addressed by the developer, either through demonstrated compliance with DRI development order requirements, if applicable, or as determined reasonably necessary by the development services manager with the consent of the director, public works director and engineering division designee.

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(e) Within sixty (60) days of submission of a complete request for final MDP master plan approval, the development services manager with the consent of the director, public works director, and engineering division designee shall issue a written decision approving the final MDP master plan, approving the final MDP master plan with conditions, or denying the final MDP master plan. Record of the final MDP master plan decision shall be filed with the city clerk and a copy maintained for public inspection in the office of the director. Any decision rendered by the director may be appealed to the board of zoning adjustments by the landowner, or by any property owner within three hundred (300) feet of the subject property who made timely written comment to the department, pursuant to Section 20-111, Growth Management Code.

Section 25-270.77. Master Development Plan Design Review Committee(s).

(a) Each Master Development Plan (MDP) shall have a MDP Design Review Committee.

(b) If an MDP has more than one (1) MDP Design Review Committee, the developer shall provide the city with a map indicating the area to be reviewed by each MDP Design Review Committee and a list of the members of each MDP Design Review Committee.

(c) The developer shall appoint the members of the MDP Design Review Committees. Once the developer no longer owns property within the MDP or at his option, a property owners association and/or community development district (CDD) designated by the developer may appoint the MDP Design Review

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Committee members.

(d) A MDP Design Review Committee shall consist of three (3) to five (5) individuals with various areas of professional expertise relating to construction or design.

(e) The MDP Design Review Committee shall review the following:

- (1) All final MDP master plans submitted to the city for review with a preliminary plat.
- (2) All sign permits, building permits, final subdivision plats, and applications for administrative deviations.

(f) Applications to be reviewed by the MDP Design Review Committee shall be on the standard city application and include any necessary attachments. The applicant shall submit the required number of plan sets or application copies to the MDP Design Review Committee.

(g) MDP Design Review Committee checklist.

- (1) The MDP Design Review Committee shall create a checklist for every review and shall note on the checklist its findings and evaluation.
- (2) A copy of the completed checklist, signed and dated by the MDP Design Review Committee, shall be provided to the applicant for submission to the city. The MDP Design Review Committee shall stamp plan sets attached to the checklist.
- (h) The MDP Design Review Committee will,

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upon completion of its review, issue an approval or denial based on the plans and related information.

Section 25-270.78. Final master development plan review.

(a) If the final MDP master plan includes only part of the MDP, an exhibit is required showing the location of the proposed MDP community(s) within the MDP.

(b) The final MDP master plan shall be legible and at an appropriate scale to adequately show the proposed development, including information as follows:

- (1) The general size, configuration, and location of all residential areas, town center and village center parcels;
- (2) The general size, configuration, and location of each development phase, unless the development is to be constructed in a single phase;
- (3) The minimum width and composition of any proposed buffers and/or setbacks along the perimeter of the subject property;
- (4) The general location of area set aside for open space;
- (5) The location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development;
- (6) Access and facilities for public transit, where applicable;
- (7) The general location of stormwater management areas and the general location of the main spine road(s) within the property.

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- (8) The information shall be presented in tabular form as follows:
 - a. The maximum height of any proposed buildings or structures;
 - b. The number of dwelling units by type;
 - c. The number of hotel or motel units;
 - d. The gross square feet of types of town center and village center uses and/or other development types expressed in appropriate and measurable units and dimensions;
 - e. The acreage set aside for open space;
 - f. The number of trips ends generated in the a.m. or p.m. peak hours.
- (9) A tree survey is not required but information regarding the tree cover within the MDP shall be provided by a qualified professional through any of the following:
 - a. A site plan indicating the total percentage of tree canopy on the site of the proposed development; or
 - b. Aerial photograph(s) indicating the total percentage of tree canopy on the site of the proposed development; or
 - c. Florida Land Use and Cover Classification System (FLUCCS) maps, quad sheets and/or soils maps indicating the total tree canopy or estimates.
- (c) At a minimum, the review of the MDP Design Review Committee shall address, in its review of a final MDP

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master plan, the following:

- (1) Consistency of the proposed development with the MDP percentages of residential and non-residential land use acreages.
 - (2) Consistency of the proposed development with the required mix of dwelling unit types and non-residential uses.
 - (3) Consistency of the proposed development with the density set for the MDP.
 - (4) Consistency of the proposed development with the requirements of this division and the Growth Management Code.
 - (5) Compatibility of the proposed development with existing and proposed land uses in the area.
 - (6) If the final MDP master plan includes only part of a MDP, a table is required showing relationship of the proposed MDP community(s) to the MDP percentages of residential and non-residential land use acreages, the required mix of dwelling unit types and non-residential uses, density, and open space for the MDP.
- (d) Final MDP master plan generally follows the pattern of land uses as depicted on the conceptual MDP master plan. Parcel lines and land use acreages shall be shown on the final MDP master plan for the general purpose of depicting development areas and use intensities; however, they can be adjusted by the developer during the final design and/or final platting process.
- (e) In its review of sign permits, building permits, final subdivision plats and applications for

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administrative deviations, the MDP Design Review Committee shall in its review address the following:

- (1) Consistency of the permits or applications with the requirements of this division and the Growth Management Code.
- (2) Compatibility of the permits or applications with existing and proposed land uses in the area.

Section 25-270.79. Administrative amendments to an approved final master development plan master plan.

(a) Amendments to an approved master development plan (MDP) master plan may be requested at any time during the development of or useful life of the MDP.

(b) The specific location of uses within the final MDP master plan may be revised so long as the change is internal to the final MDP master plan as a whole such that:

- (1) The change in location does not affect the compatibility of the plan with land uses existing or proposed outside of the boundaries of the final MDP master plan (i.e. external compatibility); and
- (2) The change in location does not affect the compatibility of the plan with land uses that have already been developed within the boundaries of the final MDP master plan (i.e. internal compatibility); and
- (3) Any changes in the location of land uses that the director determines will not affect the internal or external compatibility of the final MDP master plan may be approved

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administratively by the director. Any change in the location of land uses that the director determines is likely to affect the internal or external compatibility of the final MDP master plan shall be processed in the same manner as an original final MDP master plan as provided in Section 25-270.75. In determining whether a proposed change is likely to affect the internal or external compatibility of the final MDP master plan, there shall be a presumption that the change will affect the compatibility of the plan, which presumption may be rebutted by the applicant.

(c) Changes in the land use parameters approved as part of the final MDP master plan may be approved administratively by the director as long as the criteria are met as follows:

- (1) The revision does not increase the proposed number of dwelling units, retail, and/or office square footage by more than five (5) percent, unless there is an exchange of permitted uses pursuant to Section 25-270.79(c)(4), Growth Management Code.
- (2) The revision does not involve a reduction of the area set aside for open space and usable open space, or a substantial relocation of such area.
- (3) The revision does not involve an increase in the height of buildings or reduction in

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setback lines from the property lines.

- (4) The revision does not involve an increase in the number of vehicular trip ends generated in the a.m. or p.m. peak hours by more than five (5) percent.
- (5) Changes that exceed the thresholds specified in subsections (1) through (4) above must be processed in the same manner as an original final MDP master plan as provided in Section 25-270.75, Growth Management Code.

(d) Within thirty (30) days of submission of a complete request of an amendment to an approved final MDP master plan, the development services manager with the consent of the director, public works director and engineering division designee shall issue a written decision approving the amendment, approving the amendment with conditions, or denying the amendment. Record of the decision regarding the amendment shall be filed with the city clerk and a copy maintained for public inspection in the office of the director. Any decision rendered by the director may be appealed to the Board of Zoning Adjustments by the landowner, or by any property owner within three hundred (300) feet of the subject property who made timely written comment to the department, pursuant to Section 20-111, Growth Management Code.

Section 25-270.80. Property development.

(a) A preliminary plat must be submitted and the site development infrastructure plans must be approved prior to the development of property included in that plat, in

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accordance with Chapter 28, Subdivisions, Growth Management Code, except that:

- (1) Clearing, excavation, golf course, water management facilities, and development area fill permits may be reviewed and approved prior to the submittal of the preliminary plat as long as the final MDP master plan has been approved for the subject MDP community, and if required, the South Florida Water Management District ERP Permit and US Army Corps of Engineers 404 Permit have been issued for the MDP community.
- (2) Site development infrastructure plans for platted subdivision improvements may be submitted concurrently with a preliminary plat.
- (3) If a developer chooses to obtain building permits for vertical construction prior to final plat approval, security must be provided for the platted subdivision improvements as required in Section 28-69, Growth Management Code. Upon acceptance of such security by the city, building permit applications for any development within the plat boundary, including residential and commercial structures, may be reviewed and approved concurrently with the site development infrastructures plans.
- (4) If the developer chooses to construct the subdivision improvements pursuant to Section 28-68, Growth Management Code in lieu of posting a bond or other security, building

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permits for the following uses may be issued by the city prior to the completion of fifty (50) percent of the dollar value of all site improvements:

- a. Site amenities including clubhouses, guardhouses, recreations facilities, and wall and entry features.
- b. The construction of model homes provided the developer submits a covenant of unified control which also acknowledges that the use of the model home is temporary. The occupancy shall note that the model home is for temporary use as a model only until such time as a final plat is recorded.
- c. Temporary sales facilities and design centers.
- d. Temporary construction and administrative offices.

Section 25-270.81. Mixed land uses.

All property designated master development plan (MDP) shall include a mix of dwelling unit types and non-residential uses.

- (1) For purposes of this section, floor area includes the total floor area of all stories of a building within the surrounding exterior solid walls.
- (2) Each MDP shall provide a twenty (20) percent minimum of both single family and multiple family uses.

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- (3) Proposed MDPs with between five hundred (500) and one thousand six hundred (1,600) residential units shall include a minimum of two (2) acres and thirty thousand (30,000) square feet of floor area of village center uses to service the MDP.
- (4) Proposed MDPs with between one thousand six hundred (1,600) and two thousand four hundred ninety-nine (2,499) residential units shall include a minimum of fifteen (15) acres and one hundred thousand (100,000) square feet of floor area of village center uses to service the MDP.
- (5) Proposed MDPs with between two thousand five hundred (2,500) and four thousand nine hundred ninety-nine (4,999) residential units shall include a minimum of thirty (30) acres and two hundred thousand (200,000) square feet of floor area of village center and/or town center uses to service the MDP.
- (6) Proposed MDPs with more than five thousand (5,000) residential units, or more, shall include a minimum of thirty (30) acres and two hundred thousand (200,000) square feet of floor area in town center uses to serve residents of the MDP and surrounding residential developments. The large MDPs shall also include at a minimum one (1) village center with a minimum of ten thousand (10,000) square feet of floor area for each one thousand five hundred (1,500) residential units.

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Section 25-270.82. Residential land uses.

(a) The purpose of this section is to set forth the types of uses which may be permitted within the residential land use areas of a MDP master plan.

(b) Areas designated as residential on a MDP master plan may include a broad range of residential unit types and related accessory uses. At the applicant's option, the MDP master plan may include residential land use sub-areas designating areas of different densities or product type (Residential 1, Residential 2, for example).

(c) Permitted uses and structures include:

- (1) Residential dwelling units including single family detached, patio home, cluster home, zero lot line, two family attached, duplex, single family attached, townhouse and multi-family.
- (2) Residential accessory uses, including but not limited to: garages, carports and parking areas, swimming pools, spas and enclosures, tennis courts, gazebos, shade structures, guest houses, and cabana bedrooms.
- (3) Model homes, sales and design centers including administrative offices and construction offices.
- (4) Nursing home/adult congregate living facilities/residential care facility.
- (5) Golf courses, golf clubhouse, golf course accessory and associated uses, including but not limited to:
 - a. Practice and driving range areas

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- b. Golf cart barns
 - c. Restrooms/shelters
 - d. Restaurant(s) including outdoor seating
 - e. Consumption of alcoholic beverages on premises in the clubhouse including outdoor seating on the golf course and in the snack bar at a ninth hole or other appropriate location
 - f. Food and beverage service
 - g. Refreshment stand/snack bar at a ninth hole or other appropriate location
 - h. Pro shop
 - i. Locker rooms
 - j. Specialty retail shops, accessory to clubhouse only
 - k. Personal services including, but not limited to: Automated teller machines, barber, beauty salons, exercise studios and health clubs/spas, laundry and dry cleaning pick up establishments and the like.
 - l. Community and golf course maintenance areas, maintenance buildings and utility storage buildings and other customary accessory uses of golf courses including gasoline service.
- (6) Schools, public or private.
- (7) Community recreation facilities to include the following or other comparable or other such facilities constructed for the purpose of

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outdoor recreation for the residents of the development and their guests:

- a. Basketball and other courts
- b. Bocce courts
- c. Boardwalks and nature trails
- d. Fishing piers
- e. Horseshoe pits
- f. Jogging paths
- g. Outdoor amphitheaters
- h. Parks
- i. Pedestrian and bicycle paths
- j. Picnic areas
- k. Playgrounds
- l. Shuffleboard courts
- m. Swimming pools with facilities
- n. Tennis courts
- o. Vita courses

(8) Community recreational amenity center and associated uses, including but not limited to:

- a. Administrative offices and library
- b. Basketball and other court facilities
- c. Coffee and snack bar/refreshment stand
- d. Consumption of alcoholic beverages on premises including outdoor seating
- e. Day care center
- f. Food and beverage service
- g. Locker rooms
- h. Personal services including, but not limited to:

- 1. Automated Teller Machines (ATM)

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2. Barber shops
 3. Beauty salons
 4. Exercise studios
 5. Health clubs/spas
 6. Laundry and dry cleaning pick-up establishments and the like
 - i. Pro shop
 - j. Restaurant(s), including outdoor seating
 - k. Specialty retail shops, accessory to community recreational amenity center only.
 - l. Swimming pools
 - m. Tennis courts
- (9) Customary community accessory uses and structures including guardhouses, gatehouses, signage, landscape features, access control structures, wireless telecommunication facilities and project maintenance facilities.
- (10) Temporary Sales and/or construction offices including those on wheels.
- (d) Residential property development regulations for residential and residential accessory uses are set forth in Table 1. Property development regulations for club houses, schools, recreational and maintenance facilities located in the town center, village center(s) or residential areas are set forth in Table 2.

TABLE 1 DEVELOPMENT STANDARDS FOR RESIDENTIAL USES																
Dwelling Type	Area (square feet)	Lot Width (1)		Lot Depth	Front		Side	Rear Principal Structures		Rear Accessory Structures	Lots Abutting Open Space, Lakes ⁽⁹⁾ , Preserves or Golf Course		Maximum Building Height	Minimum Distance Between Buildings	Maximum Lot Coverage	Minimum Floor Area
		Minimum	Lot Size		Setbacks	Back to Back Lots ⁽⁵⁾		Rear Principal Structures	Rear Accessory Structures		Rear Principal Structures	Rear Accessory Structures				
Single Family Detached	5,000	50	100	15/20 ⁽³⁾	6	20	5	10	3		45 ⁽⁸⁾ 3 stories	n/a	55%	1400		
Patio and Zero Lot Line	3,500	35	80	15/20 ⁽³⁾	0 and 10 ⁽²⁾ or 3 and 7 or 5 and 5	20	5	10	3		45 ⁽⁸⁾ 3 stories	n/a ½ SBH	55%	1200		
Cluster	3,500 per unit															
Single Family Attached and Townhouse	2,000 per unit	20	80	15/20 ⁽³⁾	0 and 10 ⁽²⁾ or 3 and 7 or 5 and 5	20	5	10	3		50 ⁽⁸⁾ 3 stories	n/a	(4)	1000		
Two Family Attached and Duplex	3,500	32	100	15/20 ⁽³⁾	0 or 6	20	5	10	3		45 ⁽⁸⁾ 3 stories	n/a	55%	1000		
Multiple Family ⁽⁶⁾	6,500	80	80	20/10 ⁽⁷⁾	½ SBH, 10 max.	25	5	15	3		65 ⁽⁸⁾ 4 stories	½ SBH	(4)	750		

All distances are in feet unless otherwise noted

SBH= Sum of Adjacent Building Heights

Table 1 Notes

1. Minimum lot width may be reduced for cul-de-sac lots or lots located on curvilinear streets provided the minimum lot area is still maintained.
2. Where the zero-foot yard option is utilized, the opposite side of the structure shall have a ten (10) foot side yard.
3. Front setbacks for dwellings shall be fifteen (15) feet. Front setbacks for front-loaded garages shall be twenty (20) feet. Front setbacks for side entry garages may be reduced to fifteen (15) feet subject to documentation that a vehicle parked in the driveway will not encroach into the right-of-way.
4. Maximum lot coverage will result from the application of the above development standards on individual lots and no other limitations shall apply to lot coverage for residential structures.
5. For any lot served both by a street and an alley, the lot line adjacent to the alley shall be treated as a rear lot line, and the setback shall be measured from the edge of pavement.
6. Adult congregate living facilities, nursing homes and residential care facilities shall comply with the setbacks of multi-family uses set forth in Table 1.
7. The front setback for accessory garages or carports for multi-family uses is reduced to ten (10) feet when access to the garages or carports is provided from an accessway (not the abutting street).
8. All structures greater than two stories in height, abutting existing residential development outside the MDP

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boundary which has permitted building heights of two stories or less, shall have a minimum setback of one hundred (100) feet from the MDP boundary.

9. Section 22-66(8), Growth Management Code does not apply.

Section 25-270.83. Village centers.

(a) The purpose and intent of the village centers section is to identify permitted uses and development standards for village centers within the master development plan (MDP) where certain neighborhood commercial, recreational and community facilities serving the residential community can exist together in unison and complement one another through well planned site design techniques and safe, efficient and economical use of land and public facilities.

(b) Pedestrian and bicycle access to the village centers is required.

(c) Permitted uses and structures in the village centers include all of the uses permitted in the residential area provided in Section 25-270.82(c), Growth Management Code, plus the following:

- (1) Adult and/or child day care centers.
- (2) Automated teller machines (ATM)
- (3) Community center uses including but not limited to accessory uses as follows:
 - a. Apparel shops, including, but not limited to, clothing, hats, jewelry, shoes and other customary clothing accessories
 - b. Auto service stations including

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- convenience stores with accessory
- self-service fuel pumps and car washes
- c. Car washes
- d. Clubs, private
- (4) Schools, public or private.
- (5) Community recreation facilities to include other comparable or other such facilities constructed for the purpose of outdoor recreation for the residents of the development and their guests as follows:
 - a. Basketball and other courts
 - b. Boardwalks
 - c. Bocce courts
 - d. Fishing piers
 - e. Horseshoe pits
 - f. Jogging paths
 - g. Nature trails
 - h. Outdoor amphitheaters
 - i. Parks
 - j. Pedestrian and bicycle paths
 - k. Picnic areas
 - l. Playgrounds
 - m. Shuffleboard courts
 - n. Swimming pools with facilities
 - o. Tennis courts
 - p. Vita courses
- (6) Community recreational amenity center and associated uses, including but not limited to:
 - a. Administrative offices and libraries
 - b. Basketball and other court facilities

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- c. Coffee and snack bars/refreshment stands
- d. Consumption of alcoholic beverages on premises including outdoor seating
- e. Day care centers
- f. Food and beverage services
- g. Locker rooms
- h. Personal services including, but not limited to:
 - 1. Automated teller machines (ATM)
 - 2. Barber shops
 - 3. Beauty salons
 - 4. Exercise studios
 - 5. Health clubs/spas
 - 6. Laundry and dry cleaning pick-up establishments and the like
- i. Pro shops
- j. Restaurant(s), including outdoor seating
- k. Specialty retail shops, accessory to community recreational amenity center only
- l. Swimming pools
- m. Tennis courts
- (7) Conservation and water management facilities
- (8) Food stores
- (9) Offices, business and/or professional (excluding pest control services and labor

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pools)

- (10) Personal services including, but not limited to:
 - a. Barber
 - b. Beauty salons
 - c. Exercise studios and health clubs/spas
 - d. Laundry and dry cleaning pick up establishments
 - e. Self service laundries and the like
- (11) Public and private parks and commonly owned open space
- (12) Restaurants; refreshment stands, and open air cafes used in conjunction with a restaurant to be contained within the property lines. Consumption of alcoholic beverages on premises shall be permitted in accordance with the requirements of the Growth Management Code.
- (13) Signs
- (14) Specialty shops including but not limited to:
 - a. Antique and curio shops arts
 - b. Crafts and hobby shops
 - c. Bait and tackle shops
 - d. Bicycle rental, bookstores
 - e. Florists
 - f. Gift and souvenir shops
 - h. Newsstands
 - i. Novelty shops
 - j. Stationery shops and other similar retail sales or service shops

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- (15) Studios for artists, photography, interior decorating and similar uses
- (16) Temporary sales and/or construction offices including those on wheels
- (17) Any other use similar in nature, in keeping with the spirit or intent and when compatible with the above uses and compatible with the stated purpose and intent of the MDP.

(d) Property development regulations for town center and village center uses are set forth in Table 2.

Section 25-270.84. Town center(s).

(a) The purpose and intent of the town center(s) section is to set forth the general locations of uses within the master development plan (MDP) where retail, office, hotel, residential and certain commercial facilities serve the residential community and area residents can exist together in unison and complement one another through well planned site design techniques and safe, efficient and economical use of land and public facilities.

(b) Town centers shall be located on or near the intersection of two (2) arterials or an arterial and a collector street and shall be buffered from any residential use outside the MDP.

(c) Permitted uses and structures in the town center(s) include all of the uses permitted in the residential area and village center as provided in Sections 25-270.82(c) and 25-270.83(c), Growth Management Code, plus the following:

- (1) Adult and/or child day care centers

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- (2) Apparel shops, including, but not limited to:
 - a. Clothing
 - b. Hats
 - c. Jewelry
 - d. Shoes and other customary clothing accessories
- (3) Auto service stations including convenience stores with accessory self-service fuel pumps and car wash
- (4) Banks and financial institutions—Drive-in facilities and automated teller machines (ATM) permitted
- (5) Car washes
- (6) Churches
- (7) Clubs, private
- (8) Cocktail lounges or bars
- (9) Commercial centers
- (10) Commercial, recreational uses
- (11) Community facilities
- (12) Conference center(s)
- (13) Conservation and water management facilities
- (14) Credit agencies other than banks
- (15) Cultural center(s)
- (16) Department stores
- (17) Drug and sundry stores, including drive-thru pharmacies
- (18) Food and drink consumption, including nightclubs
- (19) Food stores

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- (20) Hardware, furniture, appliances and sporting goods
- (21) Health care clinics including, but not limited to medical, dental, optical, chiropractic, osteopathic plus related facilities such as blood banks and organ donor facilities
- (22) Hotels and motels
- (23) Health services, except the following uses which shall be permitted only in a hospital campus. For purposes of this section, "hospital" shall mean a facility licensed by the state that provides full medical and emergency care, has on-site security and a minimum of three hundred (300) beds:
 - a. Alcohol and Drug treatment, outpatient facilities
 - b. Blood banks
 - c. Blood donor stations
 - d. Outpatient detoxification centers
 - e. Outpatient mental health clinics
 - f. Outpatient treatment clinics for alcoholism and drug addiction
 - g. Plasmapheresis centers
- (24) Medical and dental offices
- (25) Membership organization
- (26) Night clubs
- (27) Offices, business and/or professional (excluding pest control services and labor pools)
- (28) Package stores

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- (29) Parking lots, parking decks and parking garages, public or private
- (30) Personal services including, but not limited to:
 - a. Barber
 - b. Beauty salons
 - c. Exercise studios and health clubs/spas,
 - d. Laundry and dry cleaning pick up establishments
 - e. Self service laundries and the like
- (31) Photographic studios, portrait
- (32) Pickup stations for dry cleaning or laundry and laundromats which use non-vented, self-contained equipment
- (33) Public and private parks and commonly owned open space
- (34) Public administration, excluding correctional institutions
- (35) Restaurants; refreshment stands, and open air cafes used in conjunction with a restaurant to be contained within the property lines. Consumption of alcoholic beverages on premises shall be permitted in accordance with the requirements of the Growth Management Code.
- (36) Restaurants, fast food with drive-thru
- (37) Schools, public, private, or commercial
- (38) Signs
- (39) Specialty shops including but not limited to:
 - a. Antique and curio shops

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- b. Arts, crafts and hobby shops
 - c. Bait and tackle shops
 - d. Bicycle rental
 - e. Bookstores
 - f. Florists
 - g. Gift and souvenir shops
 - h. Newsstands
 - i. Novelty shops
 - j. Stationery shops and other similar retail sales or service shops
- (40) Studios for artists, photography, interior decorating and similar uses
- (41) Supermarkets
- (42) Theaters (indoor as well as outdoor amphitheaters)
- (43) Any other use similar in nature, in keeping with the spirit or intent and when compatible with the above uses. The building official may approve any other commercial or professional service, which is comparable and compatible with the stated purpose and intent of the MDP.
- (d) Property development regulations for activity center uses are set forth in Table 2.

TABLE 2 DEVELOPMENT STANDARDS FOR VILLAGE CENTERS, TOWN CENTERS AND OTHER USES		
	Town Centers	Village Centers, Club House, School, Other Recreational & Maintenance Facilities
Minimum Lot Areas	10,000 square feet	10,000 square feet
Minimum Lot Width ⁽¹⁾	100 feet	100 feet
Minimum Average Lot Depth	100 feet	80 feet
Minimum Building Setback from an arterial	25 feet	25 feet
Front Yard Setback (Principal and Accessory Uses)	20 feet	15 feet
Side Yard Setback	12 ½ feet or up to ½ Sum of Adjacent Building Heights	12 ½ feet or up to ½ Sum of Adjacent Building Heights
Rear Yard Setback	15 feet	15 feet
Water Body Setback	10 feet	10 feet
Maximum Building Height ⁽²⁾	75 feet 6 Stories	45 feet 3 Stories
Distance Between Structures	20 feet or up to ½ Sum of Adjacent Building Heights	20 feet or up to ½ Sum of Adjacent Building Heights
Maximum Lot Coverage ⁽³⁾	65%	65%

Table 2 Notes

1. Minimum lot width may be reduced for cul-de-sac lots or lots located on curvilinear streets provided the minimum lot area is still maintained.
2. All structures greater than two (2) stories in height, abutting existing residential development outside the MDP boundary which has permitted building heights of two stories or less, shall have a minimum setback of one hundred (100) feet from the MDP boundary.
3. Maximum lot coverage will result from the

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application of the above development standards on individual lots and no other limitations shall apply to lot coverage for commercial and recreational structures when the lot size is less than two (2) acres.

Section 25-270.85. Public utilities.

(a) Public utility easements shall be ten (10) feet on each side of the street right-of-way, if required. Side and rear lot public utility easements are not mandatory. Other utility easements shall be provided as required by the private utility company.

(b) All public utility services including electric, telephone and cable television shall be underground installation to the maximum extent possible. Above ground facilities shall only be allowed if they previously existed, or if underground installations are impossible or impracticable.

Section 25-270.86. Streets and access improvements.

(a) Private streets.

(1) Street right-of-way width: The minimum right-of-way width to be utilized for local streets shall be forty-five (45) feet. Accessways serving multi-family tracts shall not be required to meet this standard.

(2) Pavement widths: Each traffic lane on a two-way street shall be a minimum of ten (10) feet in width and a two (2) foot wide curb and gutter shall be provided. The traffic lane on a one-way street shall be a minimum of fifteen (15) feet in width.

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- (3) The use of paver blocks is permitted subject to approval by the public works director and engineering division designee. Maintenance and restoration, if required, of paver blocks shall be the responsibility of the property owners' association or their assigns.
- (b) Alleys.
 - (1) Alleys, when provided, shall be located in an easement or right-of-way of at least twenty-two (22) feet wide.
 - (2) Alleys shall be paved.
 - (3) Dead-end alleys are prohibited.
 - (4) City owned and maintained water and sewer lines shall not be located in alleys.
- (c) Accessways
 - (1) Accessways are not required to be within a right-of-way.
 - (2) Public utility easement shall be provided as required by private utility company.
 - (3) Pavement widths: On a two-way accessway each traffic lane shall be a minimum of eleven (11) feet in width if no curb and gutter is provided. If two (2) foot wide curb and gutter is provided on a two-way accessway, each lane shall be a minimum of ten (10) feet in width. On a one-way accessway, the traffic lane shall be a minimum of fifteen (15) feet in width.
- (d) Cul-de-sac streets.

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- (1) Dead end streets shall not exceed five hundred (500) feet in length unless turn-arounds are provided.
 - (2) Cul-de-sacs shall be a minimum outside pavement diameter of ninety (90) feet for residential areas and one hundred twenty-five (125) feet for commercial areas. The cul-de-sac shall have a minimum pavement width of twenty-four (24) feet if landscape islands are utilized. The public works director, engineering division designee and fire department will consider a reduction in the pavement diameter when stabilized surfaces and access points are provided or hammerhead-turning facilities are installed.
 - (3) Landscape islands in the center of the cul-de-sac, with Type "F" curb, shall be permitted as long as the minimum pavement width requirements are met.
 - (e) Intersection radii. Street intersections shall be provided with a minimum of twenty (20) foot radius (edge of pavement) for all internal project streets and a thirty-five (35) foot radius for intersections at project entrances.
 - (f) Tangent shall not be required between reverse curves on any project streets.
- Section 25-270.87. Connectivity.**
- (a) Street connectivity within a master development plan (MDP) is encouraged.

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(b) Pedestrian/bicycle connections are required within a MDP between residential areas and any town centers and village centers.

(c) Wherever practicable, pedestrian/bicycle connections shall be provided to roadways that are designed to arterial and collector standards.

Section 25-270.88. Landscaping.

(a) All arterial and collector streets within a master development plan shall be planted with Live Oaks at a spacing of fifty (50) feet apart with a minimum size at planting of ten (10) feet high, with a three (3) inch caliper at six (6) inches from base of trunk.

(b) Required street trees shall be located on private property, as close to the right-of-way as possible. If enhanced landscaping is proposed, the location of the street trees can vary within the roadway buffer provided that the required minimum number of trees is installed for the entire length of the road segment to be landscaped.

(c) Maintenance of the street trees shall be the responsibility of the property owners' association or their assigns.

(d) All other landscaping requirements shall comply with Chapter 30, Growth Management Code.

Section 25-270.89. Sidewalks, bike paths and bike racks.

(a) Internal pedestrian sidewalks are permitted over closed (piped) drainage easements and within open (adjacent to swales) drainage easements as long as all Americans with Disabilities Act requirements are satisfied.

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(b) Sidewalks may be located outside platted rights-of-way, when located within a separate sidewalk easement as long as they are connected to the overall pedestrian access system.

(c) Sidewalks may be located within landscape buffers and/or easements.

(d) Private streets with a sixty (60) foot wide right-of-way or greater shall have a minimum eight (8) foot wide sidewalk on one side of the street, or a five (5) foot wide sidewalk on both sides of the street, either of which may meander in and out of the right-of-way.

(e) Private streets with a right-of-way equal to or greater than forty-five (45) feet wide but less than sixty (60) feet wide shall have a minimum five (5) foot wide sidewalk on one (1) side of the street.

(f) With the approval of the public works director, engineering division designee and the fire department, private streets with a right-of-way greater than forty-five (45) feet wide but less than sixty (60) feet wide may reduce pavement widths to a minimum of ten (10) feet for each traffic lane on a two-way street and a two (2) foot wide curb and gutter shall be provided and shall have a minimum five (5) foot wide sidewalk on both sides of the street.

(g) All required sidewalks and bike paths located within rights-of-way or easements shall be paved (concrete or asphalt). Unpaved walkways may be permitted if the applicant can demonstrate that based on the location and surrounding environmental features that a paved

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surface is not desirable. The applicant shall also demonstrate that an unpaved walkway will not be hazardous to pedestrians.

(h) Commercial and professional uses shall include bicycle/parking facilities, providing for bicycle parking facilities at a ratio of one (1) for every fifteen (15) automobile parking spaces up to a maximum of fifty (50) bicycles.

Section 25-270.90. Off-street parking.

(a) The off-street parking and loading requirements shall be as set forth in Chapter 29, Traffic Circulation and Parking, Article III, Off Street Parking and Loading, Growth Management Code, as may be amended.

(b) In order to permit flexibility in design, innovative development and improved traffic circulation within the golf course clubhouse(s), golf cart parking spaces may be provided on-site in lieu of vehicular parking spaces at a calculation not to exceed twenty-five (25) percent of the minimum off-street vehicular parking space requirements for such land uses.

(c) Golf cart parking spaces at the golf course clubhouse(s) are not required to be paved but shall be compacted, stabilized, well drained and surfaced with a durable grass cover. The golf cart parking shall be located on the same parcel it serves and be arranged for safe and convenient access. Minimum aisle widths for golf cart parking shall be twelve (12) feet for two-way traffic and six (6) feet for one-way traffic, and

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the minimum size requirements for parking spaces shall be six (6) feet by ten (10) feet.

Section 25-270.91. Open Space.

(a) Each master development plan (MDP) shall provide a minimum of thirty percent (30%) open space.

Open space shall include golf courses, passive recreation areas, one hundred percent (100%) of any lake area, buffers and any lands designated conservation (CON) on the future land use map that are located within the overall boundary of the development.

(b) Within a MDP, there is no minimum open space requirement for MDP communities or parcels within a MDP community so long as thirty percent (30%) of the gross area of the MDP is provided as open space.

(c) A minimum of fifty percent (50%) of the required open space must be retained indigenous vegetation, where such conditions exist. The indigenous vegetation includes open space acreage within passive recreation areas, buffers and any lands designated conservation (CON) that are located within the MDP.

Section 25-270.92. Signage generally.

(a) Signage in an master development plan (MDP) shall be in conformance with Chapter 27, Growth Management Code, except as set forth herein. Variations may be approved through the administrative deviation process set forth herein.

(b) The applicant may submit an optional sign

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package to the city for administrative review and approval. The sign package may address alternatives to the standards for project boundary signs, project entrance signs, internal signs and traffic signs standards presented herein. The sign package shall include graphic representations of the proposed signs.

(c) Signage shall meet the safety requirements of the Manual of Uniform Control Devices except as approved by the public works director. All applications to the city for a sign permit shall include written verification from the MDP Design Review Committee that a completed application for consideration of the signage proposal has been reviewed and approved by the MDP Design Review Committee.

(d) For the purpose of this division, each platted parcel shall be considered a separate parcel of land and shall be entitled to any sign permitted herein.

(e) All signs shall be located so as not to cause sight line obstructions. See Section 29-59. Growth Management Code.

(f) All internal project rights-of-way may be utilized for decorative landscaped entrance features and signage subject to review and approval from the development services manager, with the consent of the director, public works director and engineering division designee, for consistency with the requirements set forth herein.

Section 25-270.93. Signs in public rights-of-way.

(a) Signs shall be permitted in public rights-of-way subject to city council approval, where applicable.

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(b) The applicant shall provide a hold harmless agreement and a maintenance agreement to the city for consideration by city council for the installation and maintenance of signage in the rights-of-way prior to the issuance of building permits.

(c) Right-of-way permits shall be required.

Section 25-270.94. Project boundary signs.

(a) One (1) project boundary sign or monument may be located at each property corner of an MDP community, adjacent to public rights-of-way. The project boundary sign may contain the name of the subdivision, and the insignia or motto of the MDP community.

(b) The sign face area may not exceed sixty-four (64) square feet in area and may not exceed the height or length of the monument upon which it is located. If the sign is two-sided, each sign face may not exceed sixty-four (64) square feet in area.

(c) Sign face square footage is calculated by total square footage of community name, insignia, and motto only.

(1) The setback from any public right-of-way and any perimeter property line shall be ten (10) feet, provided that the signs do not cause sight line obstructions. See Section 29-59, Growth Management Code.

(2) Project boundary signage shall be ground mounted and the sign structure is limited to a maximum height of twelve (12) feet.

(3) Project boundary signs may be lighted

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provided all lights are shielded in a manner that prevents direct glare onto adjacent roadways or residences.

Section 25-270.95. Project entrance signs.

(a) One (1) ground or wall-mounted entrance sign may be located on both sides of each entrance right-of-way and in the entry median of each individual MDP community. Such signs may contain the name of the MDP community, the insignia or motto of the MDP community and the name of the developer. The signs may be one (1), two (2) or three (3) sided.

(b) A sign face area shall not exceed eighty (80) square feet and the total sign face area at each entrance shall not exceed one hundred sixty (160) square feet. If the sign is a single, two-sided sign, each sign face shall not exceed eighty (80) square feet in area. The sign face area shall not exceed the height or length of the wall or monument upon which it is located. Where a three-sided sign is utilized, the third sign side shall face internal to the MDP community and the sign message area shall not exceed ten (10) square feet.

(c) The setback for the project entrance signs from the public right-of-way and any perimeter property line shall be ten (10) feet, provided that the signs do not cause sight line obstructions. See Section 29-59, Growth Management Code.

(d) Project entrance signs may not exceed a height of ten (10) feet above the finished grade level of the sign site. For the purpose of this provision, finished grade shall be considered to be no greater

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than the highest crown elevation of the nearest road.

Section 25-270.96. Construction entrance signs.

One (1) sign, a maximum of twenty (20) feet in size, shall be permitted at each construction entrance to identify the entrance.

Section 25-270.97. Internal signs.

(a) Directional or identification signs may be allowed internal to the MDP and MDP communities. Such signs may be used to identify the location or direction of approved uses such as, but not limited to, models or model sales centers, clubhouse, or recreational areas, and residential neighborhoods. Individual signs may be a maximum of eight (8) square feet per side in size, and a maximum height of twelve (12) feet. Signs maintaining a common architectural theme may be combined to form a menu board with a maximum size of twenty-four (24) square feet per side and a maximum height of twelve (12) feet. There shall be no maximum number of permitted directional or identification signs.

(b) Real estate signs with a maximum of four (4) square feet per side may be permitted in residential districts. Such signs may advertise "For Sale", "Sold To", "Lot #", or similar verbiage.

(c) Temporary signage may be utilized with permanent signage up to the time of seventy-five (75) percent of project buildout.

Section 25-270.98. Traffic signs.

Traffic signs in public and private rights-of-way, such as street signs, stop signs and speed limit signs may be

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designed to reflect a common architectural theme. The signage will not be maintained by the city, but by the property owners' association or their designee. The placement and size of signs will be in accordance with local and State Department of Transportation criteria.

Section 25-270.99. Billboards.

Billboards may be permitted in accordance with Section 27-106, Growth Management Code.

Section 25-270.100. Fences and walls.

a) Except as may be otherwise permitted pursuant to a building parcel/building site plan approval, no wall or fence shall block the sight-line of passing motorists so as to constitute a traffic hazard.

(b) Residential walls shall be limited to a height of eight (8) feet from average ground level, unless an increased height is permitted in accordance with the requirements below.

(c) Commercial walls shall be limited to a height of ten (10) feet from the finished grade level of the site. For the purpose of this section, finished grade shall be considered to be no greater than the highest crown elevation of the nearest road unless an increased height is permitted in accordance with the requirements below.

(d) Fences and walls for residential neighborhood and or commercial projects fences may include architectural features such as columns, cupolas, fountains, parapets, and the like, at a height not exceeding twice the fence or wall height.

(e) No increase in height for fences or walls may be approved unless the request received the prior approval of

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the MDP Design Review Committee and is processed through the administrative deviation process.

(f) Wire fences of chain link type permitting visibility may be erected along the front, side and rear property lines provided they do not exceed six (6) feet in height.

(g) All chain link fences (including all poles, rails, gates, supports and the like) shall be green, brown or black plastic or vinyl-coated material only. Chain link and wire fencing is prohibited in the front yard and on corner lots where the side is adjacent to a street.

(h) Fences used to enclose a tennis court or other sport activity area may exceed the height limitations set forth above.

(i) Fences involving agriculture purposes shall be exempt from these regulations.

(j) MDP and MDP community perimeter fences may exceed the height limitations set forth above.

Section 25-270.101. Model homes/sales and design centers/sales offices/construction offices.

(a) Model homes, sales centers, sales offices, construction offices (including temporary sales, construction offices and service centers on wheels) and other uses and structures related to the promotion and sale of real estate, such as but not limited to pavilions, viewing platforms, gazebos, parking areas, and signs, shall be permitted principal uses throughout the master development plan (MDP).

(b) Prior to final plat approval, a maximum of

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twelve (12) model homes shall be permitted within each MDP community.

(c) Model homes to be located within a proposed single-family development may be approved following administrative approval of a final plat and construction drawings for all required infrastructure encompassing the lots on which the models are to be constructed. Time limit on approval shall be up to ten (10) years or until completion of lot sales.

(d) Model homes shall be "wet" or "dry" facilities. A wet facility is one that has adequate plumbing for issuance of a certificate of occupancy. A dry facility is everything else. Wet model home facilities may be occupied by a sales office and/or sales representative.

- (1) Dry model homes facilities shall be unoccupied by a sales office and/or representative.
- (2) Transportation to and from unoccupied model homes shall be provided at a sales center, which also shall provide required parking and handicapped accommodations.
- (3) The model home/sales and design centers and construction offices may utilize septic tanks or holding tanks for waste disposal subject to permitting under Rule 64E-06, F.A.C. and may use potable or irrigation wells. Offices located in permanent structures shall be required to connect to the central utility system at the time it becomes available.

Section 25-270.102. Administrative deviations from master development plan standards.

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(a) The master development plan (MDP) as set forth in this division provides for administrative deviations from the design standards found in Table 1: Development Standards for Residential Uses, Table 2: Development Standards for Town Center, Village Center and Other Uses, and other specific provisions of the MDP.

(b) All requests for administrative deviations shall be submitted to the applicable MDP Design Review Committee for their review, evaluation and recommendation prior to submission to the development services division. The applicant must submit to the development services division a copy of the MDP Design Review Committee recommendation which shall include the committee's justification for concluding their recommendation.

(c) Deviations from the provisions of this division may be approved administratively by the development services manager with the consent of the director, public works director and engineering division designee.

(d) Administrative deviation(s) shall be granted only when the development services manager, the director, public works director and engineering division designee find that the criteria have been met as follows:

- (1) Administrative deviations that encourages innovation in community development, improves the design, quality and character of new development; fosters a more functional relationship pattern between different land uses, encourages patterns of land use that decrease trip lengths of automobile travel and

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encourage trip consolidation; and fosters safe, efficient and economic use of land and public facilities/ services shall be given greatest consideration.

- (2) The alternative is no less consistent with the health, safety and welfare of the abutting landowners and the general public than the standard from which the deviation is being requested.
- (3) Special conditions may be included in the administrative deviation to address unique aspects of the parcel to protect a bona fide public interest. The objective of administrative deviation is to provide design flexibility in community development.
- (4) An application for administrative deviation shall include documentation, which demonstrates how the administrative deviation will provide to the benefit of, or at least not to the detriment of, the public interest, and how the deviation provides for good planning and design flexibility.
- (5) The administrative deviation does not increase density or intensity (i.e., number of dwelling units or quantity of commercial or office floor area), or decrease the minimum required buffers and open space.
- (e) The development services manager, with the consent of the director, public works director and engineering division designee, must issue a written

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approval, denial or approval with conditions of the administrative deviation. The approval, approval with conditions, or denial must clearly identify the action requested by the applicant and the basis of the final administrative action of the city. If the development services manager, with recommendation from the director, public works director and engineering division designee, denies the administrative deviation, this does not preclude the applicant from submitting a variance application in accordance with the Growth Management Code or filing an appeal of administrative action. All variance requests from other requirements of the Growth Management Code must follow the procedures set forth in the Growth Management Code.

(f) All applications for administrative deviations shall include a review fee for each administrative deviation application. See Section 20-148, Growth Management Code.

Sections 25-270.103 - 25-270.110. Reserved.

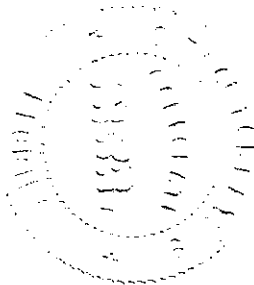
SECTION 3. Severability.

If for any reason, any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrase, clauses, sentences, paragraphs and sections of this ordinance.

SECTION 4. This ordinance shall become effective immediately upon adoption.

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PASSED IN PUBLIC SESSION of the City Council of the City of Fort
Myers, Florida, this 4th day of October, A.D., 2004.



Aye

Tammara Hall
Tammara Hall

Aye

Veronica S. Shoemaker
Veronica S. Shoemaker

Aye

Ann M. Knight
Ann M. Knight, Ed.D.

Aye

Michael Flanders
Michael Flanders

Aye

Randall P. Henderson, Jr.
Randall P. Henderson, Jr.
Council Members

APPROVED this 4th day of October, A.D., 2004, at
5:39 o'clock p.m.

Jim Humphrey
Jim Humphrey
Mayor

FILED in the Office of the City Clerk this 4th day of October,
A.D., 2004.

Marie Adams
Marie Adams, CMC
City Clerk