

LEE COUNTY ORDINANCE NO. 24-14

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE, CHAPTERS 2, 6, 10, 12, 14, 30, 33, 34, AND APPENDICES B, C, N; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

THE SPECIFIC LDC PROVISIONS THAT WILL BE AMENDED ARE: SEC. 2-43 (INTENT); SEC. 2-143 (DEFINITIONS); SEC. 2-146 (MINIMUM REQUIREMENTS); SEC. 2-148 (ESTABLISHMENT OF TRANSFER OF DEVELOPMENT RIGHTS PROGRAM); SEC. 2-149 (COMPUTATION OF WETLAND TDUS); SEC. 2-151 (COMPUTATION OF GREATER PINE ISLAND TDUS); SEC. 2-152 (DENSITY AND INTENSITY EQUIVALENTS OF GREATER PINE ISLAND TDUS); SEC. 2-154 (DENSITY AND INTENSITY EQUIVALENTS OF SOUTHEAST LEE COUNTY TDUS); SEC. 2-427 (PENALTIES AND LIENS); SEC. 2-482 (APPLICABILITY); SEC. 2-483 (DEFINITIONS); SEC. 6-76 (QUORUM); SEC. 6-211 (ADOPTION; AMENDMENTS); SEC. 6-421 (DESIGNATION); SEC. 10-1 (DEFINITIONS AND RULES OF CONSTRUCTION); SEC. 10-120 (MINOR CHANGES); SEC. 10-154 (ADDITIONAL REQUIRED SUBMITTALS); SEC. 10-174 (TYPES OF DEVELOPMENT ENTITLED TO LIMITED REVIEW); SEC. 10-211 (PLAT REQUIRED); SEC. 10-212 (PREPARATION AND SUBMISSION); SEC. 10-255 (STREET NAMES); SEC. 10-256 (BIKEWAYS AND PEDESTRIAN WAYS); SEC. 10-258 (EMERGENCY SHELTERS FOR MOBILE HOME OR RECREATIONAL VEHICLE DEVELOPMENTS); SEC. 10-261 (REFUSE AND SOLID WASTE DISPOSAL FACILITIES); SEC. 10-296 (STREET DESIGN AND CONSTRUCTION STANDARDS); SEC. 10-352 (POTABLE WATER SYSTEMS); SEC. 10-353 (SANITARY SEWER SYSTEMS GENERALLY); SEC. 10-354 (REUSE WATER SYSTEMS); SEC. 10-416 (LANDSCAPE STANDARDS); SEC. 10-420 (PLANT MATERIAL STANDARDS); SEC. 10-425 (OPEN SPACE AND LANDSCAPE REQUIREMENTS IN THE MIXED-USE OVERLAY); SEC. 10-610 (SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL DEVELOPMENTS); SEC. 12-107 (LEE PLAN CONSISTENCY); SEC. 12-119 (RECLAMATION REQUIREMENTS); SEC. 14-1 (PLANNING COMMUNITY REGULATIONS); SEC. 14-374 (DEFINITIONS); SEC. 30-2 (DEFINITIONS AND RULES OF CONSTRUCTION); SEC. 30-56 (PLANNING COMMUNITY REGULATIONS); SEC. 30-153 (PERMANENT SIGNS IN COMMERCIAL AND INDUSTRIAL AREAS); SEC. 33-1 (PURPOSE AND INTENT); SEC. 33-2 (APPLICABILITY); SEC. 33-3 (EFFECT OF LDC PROVISIONS); SEC. 33-5 (DEVIATIONS/VARIANCES); SEC. 33-1001 (APPLICABILITY AND COMMUNITY BOUNDARY); SEC. 33-1002 (DEFINITIONS); SEC. 33-1003 (COMMUNITY REVIEW); SEC. 33-1011 (GREATER PINE ISLAND ROAD LEVEL OF SERVICE); SEC. 33-1051 (APPLICABILITY); SEC. 33-1052

(RESIDENTIAL DENSITY LIMITATIONS); SEC. 33-1054 (COASTAL RURAL DEVELOPMENT STANDARDS); SEC. 33-1081 (PROPOSED STREET LAYOUT); SEC. 33-1202 (APPLICABILITY); SEC. 33-1203 (COMMUNITY REVIEW); SEC. 33-1204 (EXISTING PLANNED DEVELOPMENT); SEC. 33-1280 (APPLICABILITY); SEC. 33-1281 (ARCHITECTURAL STYLE); SEC. 33-1400 (APPLICABILITY); SEC. 33-1401 (COMMUNITY REVIEW); SEC. 33-1405 (LANDSCAPING); SEC. 33-1411 (APPLICABILITY); SEC. 33-1417 (MAXIMUM HEIGHT); SEC. 33-1480 (APPLICABILITY); SEC. 33-1481 (PLANNING COMMUNITY BOUNDARIES); SEC. 33-1482 (COMMUNITY REVIEW); SEC. 33-1483 (EXISTING PLANNED DEVELOPMENT); SEC. 33-1485 (DEFINITIONS); SEC. 33-1495 (APPLICABILITY); SEC. 33-1496 (ARCHITECTURAL STYLE); SEC. 33-1505 (PROHIBITED SIGNS); SEC. 33-1512 (COMMERCIAL DEVELOPMENT); SEC. 33-1517 (COMMERCIAL SITE LOCATION STANDARDS); SEC. 33-1531 (APPLICABILITY AND SCOPE); SEC. 33-1532 (COMMUNITY REVIEW); SEC. 33-1533 (CONFLICTING PROVISIONS); SEC. 33-1534 (EXISTING PLANNED DEVELOPMENT); SEC. 33-1537 (DEFINITIONS); SEC. 33-1541 (INTERFACE BETWEEN EXISTING LARGE LOT RESIDENTIAL SUBDIVISIONS AND HIGH DENSITY/INTENSITY USES); SEC. 33-1547 (SPECIAL EXCEPTION USES); SEC. 33-1566 (APPLICABILITY AND SCOPE); SEC. 33-1571 (PROPERTY DEVELOPMENT REGULATIONS); SEC. 33-1581 (LANDSCAPING BUFFERS); SEC. 33-1598 (ADOPTED TO SUPPLEMENT SIGNS PROVISIONS); SEC. 33-1601.1 (ELECTRONIC CHANGING MESSAGE CENTERS); SEC. 33-1613 (EXISTING DEVELOPMENT AND PLANNED DEVELOPMENTS); SEC. 33-1661 (APPLICABILITY); SEC. 33-1662 (COMMUNITY PLANNING AREA BOUNDARIES); SEC. 33-1663 (COMMUNITY REVIEW); SEC. 33-1664 (EXISTING DEVELOPMENT); SEC. 33-1669 (APPLICABILITY); SEC. 33-1678 (APPLICABILITY); SEC. 33-1702 (COMMUNITY REVIEW; MEETING REQUIREMENTS); SEC. 34-2 (DEFINITIONS); SEC. 34-6 (COMPLIANCE WITH SPECIFIC PLANNING COMMUNITY REQUIREMENTS); SEC. 34-141 (OFFICE ESTABLISHED); SEC. 34-145 (FUNCTIONS AND AUTHORITY); SEC. 34-491 (THE LEE PLAN); SEC. 34-653 (USE REGULATION TABLE); SEC. 34-654 (PROPERTY DEVELOPMENT REGULATIONS TABLE); SEC. 34-671 (GENERAL PURPOSE AND INTENT); SEC. 34-715 (PROPERTY DEVELOPMENT REGULATIONS TABLE); SEC. 34-734 (EMERGENCY SHELTERS); SEC. 34-763 (TIEDOWNS AND EMERGENCY SHELTERS); SEC. 34-841 (PURPOSE AND INTENT); SEC. 34-845 (PROPERTY DEVELOPMENT REGULATIONS TABLE); SEC. 34-871 (PURPOSE AND INTENT); SEC. 34-941 (PRIVATE RECREATIONAL FACILITIES PLANNED DEVELOPMENTS); SEC. 34-1493 (CALCULATION OF TOTAL PERMISSIBLE HOUSING UNITS); SEC. 34-1772 (PERMITTED USES; OPERATION); SEC. 34-1862 (MARINAS, FISH HOUSES AND DOCKING FACILITIES); SEC. 34-2013 (ACCESS); SEC. 34-2020 (REQUIRED PARKING SPACES); SEC. 34-3046 (TEMPORARY USE OF MOBILE HOME); APPENDIX B; APPENDIX C; APPENDIX N.

WHEREAS, Florida Statutes Section 125.01(1)(h) authorizes counties to establish, coordinate, and enforce zoning regulations necessary for the protection of the public; and,

WHEREAS, the Board of County Commissioners adopted the Lee County Land Development Code which contains regulations applicable to the development of land in Lee County; and,

WHEREAS, the Board of County Commissioners of Lee County, Florida, has adopted a comprehensive Land Development Code (LDC); and,

WHEREAS, Goal 4 of the Lee County Comprehensive Land Use Plan (Lee Plan) states: Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources; and,

WHEREAS, the Land Development Code Advisory Committee (LDCAC) was created by the Board of County Commissioners to explore amendments to the LDC; and,

WHEREAS, the LDCAC has reviewed the proposed amendments to the LDC on March 8, May 10, and July 12, 2024, and recommended approval of the proposed amendments as modified; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code on April 9, May 8, and July 10, 2024, and recommended their adoption; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments on March 25, May 20, and July 22, 2024, and found them consistent with the Lee Plan, as indicated.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION ONE: AMENDMENT TO LDC CHAPTER 2

Lee County Land Development Code Chapter 2 is amended as follows with strike through identifying deleted text and underline identifying new text.

CHAPTER 2 – ADMINISTRATION

ARTICLE II. – CONCURRENCY MANAGEMENT SYSTEM

DIVISION 1. – GENERALLY

Sec. 2-43. – Intent.

This article is intended to implement the requirements imposed by objectives 37.2 and 37.3 and policies 95.2.1, 95.1.3 (regulatory standards) and ~~74.2~~ 68.2 (school concurrency) of the Lee Plan; and F.S. §§ 163.3177, 163.31777, 163.3202(1) and (2)(g), 163.3167(8), and 163.3180.

Remainder of article remains unchanged.

ARTICLE IV. – BONUS DENSITY

DIVISION 1. – GENERALLY

Sec. 2-143. – Definitions.

- (a) The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Affordable Housing generally means housing on which the occupant is paying no more than a certain percent of gross income for housing costs; for purposes of this article, affordable housing is defined as that term is defined by the U.S. Department of Housing and Urban Development (HUD).

Remainder of section remains unchanged.

DIVISION 2. – BONUS DENSITY PROGRAM

Sec. 2-146. – Minimum requirements.

(a) through (c) remain unchanged.

- (d) The barrier and coastal islands, including, but not limited to, Gasparilla Island, Cayo Costa, North Captiva, Captiva Island, Buck Key, and Black Island are not eligible to receive bonus density, with the following exceptions:
- (1) Only the portion of Greater Pine Island defined in the Lee Plan as Pine Island Center is eligible to receive Greater Pine Island TDUs subject to this article and the Lee Plan. Suburban designated lands within the Greater Pine Island ~~Planning~~ Community Plan Area are not eligible receiving lands for any TDUs.

(2) remains unchanged.

- (e) TDUs may not be utilized on property located within the coastal high hazard area as defined in Section 2-483 or located within the Bayshore, Buckingham,

Caloosahatchee Shores, or Northeast Lee County ~~Planning Communities Community Plan Areas~~. Within the Southeast Lee County ~~Planning Community Plan Area~~, TDUs may only be used as described in Section 2-154.

Remainder of section remains unchanged.

DIVISION 3. – CREATION OF TRANSFERABLE DEVELOPMENT UNITS

Sec. 2-148. – Establishment of Transfer of Development Rights Program.

- (a) The Transfer of Development Rights Program provides that a TDU may be established from property that:

(1) and (2) remain unchanged.

- (3) Is located within the Greater Pine Island ~~Planning Community Plan Area~~; or

- (4) Is designated as ~~density reduction/groundwater resource~~ Density Reduction/Groundwater Resource (DR/GR) by the Lee Plan and is within the Southeast Lee County ~~Planning Community Plan Area~~.

- (b) TDUs may not be established from:

(1) through (6) remain unchanged.

- (7) Mines ~~designated on Lee Plan Map 14 as a future limerock mining area and zoned mining excavation planned development (MEPD) pursuant to Chapter 12; or~~

- (8) Land that is designated on Lee Plan Map ~~47~~ 2-D as an existing acreage subdivision.

Remainder of section remains unchanged.

Sec. 2-149. – Computation of Wetland TDUs.

(a) and (b) remain unchanged.

- (c) TDUs created pursuant to Subsection (a) or (b) of this section, may be doubled if the wetlands are within the Coastal High Hazard Area (CHHA) (Lee Plan Map 5-A).

(d) remains unchanged.

Sec. 2-151. – Computation of Greater Pine Island TDUs.

(a) and (b) remain unchanged.

- (c) Three TDUs are hereby established per one acre of uplands located in the Outlying Suburban future land use ~~categories~~category.

Remainder of section remains unchanged.

Sec. 2-152. – Density and intensity equivalents of Greater Pine Island TDUs.

- (a) The residential ratios for Greater Pine Island TDUs are as follows:

- (1) One Greater Pine Island TDU will be equal to two dwelling units when transferred to receiving lands outside of the Greater Pine Island ~~Planning~~ Community Plan Area;

(2) remains unchanged.

- (b) The nonresidential ratios for Greater Pine Island TDUs are as follows:

(1) remains unchanged.

- (2) The use of Greater Pine Island TDUs to increase commercial intensity is permitted within the Intensive Development, Central Urban and Urban Community future land use categories that are not located within the Greater Pine Island ~~Planning Community~~ Plan Area.

Remainder of section remains unchanged.

Sec. 2-154. – Density and intensity equivalents of Southeast Lee County TDUs.

- (a) In mixed-use communities in Southeast Lee County identified on Lee Plan Map 47 2-D, each TDU credit may be redeemed for a maximum of one dwelling unit, plus a maximum of 800 square feet of nonresidential floor area.
- (b) In rural golf course communities in Southeast Lee County identified on Lee Plan Map 47 2-D, each TDU credit may be redeemed for a maximum of one dwelling unit or two bed and breakfast bedrooms.

Remainder of section remains unchanged.

ARTICLE VII. – HEARING EXAMINER

Sec. 2-427. – Penalties and liens.

- (a) *Penalties.*

- (1) Fines imposed under this section for the first violation will be no less than \$25.00 per day and no greater than ~~\$1,000.00~~ \$250.00 per day. Fines imposed under this section for a repeat violation will be no less than \$50.00 per day and no greater than ~~\$5,000.00~~ \$500.00 per day. Unless agreed upon by the County Manager or designee, fines imposed pursuant to a Code Enforcement agreement must be imposed in accordance with the provisions of the Code Enforcement agreement. If the Hearing Examiner finds a violation is irreparable or irreversible in nature, a fine of up to ~~\$15,000.00~~ \$5,000.00 per violation may be imposed. Further, the fine may include the cost of all repairs incurred by the County as well as the costs of prosecuting the case before the Hearing Examiner.

Remainder of section remains unchanged.

ARTICLE XI. – HURRICANE PREPAREDNESS

Sec. 2-482. – Applicability.

This article applies only to development required to obtain a development order under Chapter 10 and is applicable to all new residential development within unincorporated areas of the County that are located in a land falling Category 1, 2, or 3 storm surge area. The provisions of this article are intended to supersede the provisions of the County Administrative Code 7-9 in the event of a conflict. Under this article, the term “residential development,” includes, but is not limited to, all assisted living facilities, dwelling units, living and housing units, mobile homes, recreational vehicle developments (including recreational vehicles qualifying as permanent residences under this Code), hotel and motel, health care facilities Groups I, II and IV, and social services facilities Groups III and IV, as these terms are defined in Chapter 34. ~~This article does not eliminate the shelter requirements applicable to mobile home or recreational vehicle developments contained in Section 10-258 to the extent this obligation is fulfilled by compliance with this article.~~

Sec. 2-483. – Definitions.

The following words, terms and phrases, when used in this article, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Coastal high hazard area means the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model and delineated by Map 5-A of the Lee Plan as required by F.S. § 163.3177(6)(a)10.c.(VI).

Remainder of section remains unchanged.

SECTION TWO: AMENDMENT TO LDC CHAPTER 6

Lee County Land Development Code Chapter 6 is amended as follows with strike through identifying deleted text and underline identifying new text.

CHAPTER 6 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. – CODES AND STANDARDS

DIVISION 2. – BOARD OF ADJUSTMENT AND APPEALS

Sec. 6-76. – Quorum.

~~Five~~~~Seven~~ members of the Board of Adjustment and Appeals shall constitute a quorum. Variation with respect to the application of any provision of the standard code or modification of any order of the Building Official, Fire Official, coordinator or their designees, requires an affirmative of the majority vote among the Board members present. ~~An affirmative majority vote must consist of at least four affirmative votes.~~ Any member of the Board of Adjustment and Appeals shall not act in any case in which he has a personal interest.

DIVISION 4. – UNSAFE BUILDING ABATEMENT CODE

Sec. 6-211. – Adoption; amendments.

The following Sections of the 1985 Standard Unsafe Building Abatement Code, as published by Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, are hereby adopted and made part of this article as follows:

Chapter I, Administration.

Section 105, relating to the Board of Adjustment and Appeals, is deleted, and the latest adopted County ordinance relating to the Board of Adjustment and Appeals is substituted therefor.

Chapter II, Definitions.

Chapter III, Inspection and Notice of Noncompliance.

Sections 302.1.2; 302.1.3; and 302.1.4, relating to service of notice and proof of service, are deleted and replaced in their entirety with the following: *The notice and all attachments thereto shall be provided to the owner of record in accordance with the notice procedures set forth in section 2-429 of this code.*

Remainder of section remains unchanged.

ARTICLE IV. – FLOOD HAZARD REDUCTION

DIVISION 1. – ADMINISTRATION

Subdivision III. Duties and Powers of the Floodplain Administrator

Sec. 6-421. – Designation.

The ~~Building Official is designated as the~~ Floodplain Administrator is designated by the County Manager. The Floodplain Administrator may delegate performance of certain duties to other employees.

SECTION THREE: AMENDMENT TO LDC CHAPTER 10

Lee County Land Development Code Chapter 10 is amended as follows with strike through identifying deleted text and underline identifying new text.

CHAPTER 10 – DEVELOPMENT STANDARDS

ARTICLE I. – IN GENERAL

Sec. 10-1. – Definitions and rules of construction.

(a) remains unchanged.

- (b) *Definitions.* Except where specific definitions are used within a specific section of this chapter for the purpose of such sections, the following terms, phrases, words and their derivations will have the meaning given in this subsection when not inconsistent with the context:

AC through ASTM remain unchanged.

Absence of need means where it can be reasonably determined that:

(1) remains unchanged.

- (2) Is not identified on the Lee Plan Map 3-A (~~Financially Feasible Highway Plan Cost Feasible Roadway Projects~~), 3-C (~~Financially Feasible Transit Network 2045 Financially Feasible Transit Network~~) or 3-D (~~Unincorporated Bikeways/Walkways Facilities Plan Lee County Walkways & Bikeways~~); and

(3) remains unchanged.

Abutting through Expressway remain unchanged.

Final plat is defined as that term is defined by F.S. Ch. 177.

Florida Department of Environmental Protection (DEP) through Person remain unchanged.

~~*Plat means a plat as defined by F.S. Ch. 177, as amended.*~~

Plat or replat means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirements of F.S. Ch. 177, and this Land Development Code.

Preliminary plat is defined as that term is defined by F.S. Ch. 177.

Remainder of the section remains unchanged.

ARTICLE II. – ADMINISTRATION

DIVISION 2. DEVELOPMENT ORDERS

Subdivision II. - Procedures

Sec. 10-120. – Minor Changes.

(a) through (e) remain unchanged.

- (f) ~~Any number of minor changes will be allowed. ; however, only two separate submittals or applications will be allowed for either single or multiple minor changes on small projects and only four separate submittals will be allowed for either single or multiple minor changes on large projects. Minor changes required due to conflicts in the requirements of other governmental agencies or utility companies will not be counted towards the maximum of two separate minor change submittals.~~

Subdivision III. – Submittals

Sec. 10-154. – Additional required submittals.

The following must be submitted with an application for development order approval:

(1) through (25) remain unchanged.

- (26) *Assurance of completion of improvements.* Assurance of completion of the development improvements as specified in this section will be required for all off-site improvements prior to commencing any off-site or on-site development.

Assurance of completion of the development improvements for on-site subdivision improvements will be required prior to the ~~approval~~acceptance of the ~~preliminary subdivision~~plat. Those on-site subdivision improvements that have been constructed, inspected and approved by the Director of Development Services through the issuance of a Certificate of Compliance may be excluded from the requirements of this section.

Remainder of section remains unchanged.

DIVISION 3. – LIMITED REVIEW PROCESS

Sec. 10-174. – Types of development entitled to limited review

The following types of development may be processed in accordance with this division:

- (1) *Type A.* Any improvements to the land determined by the Director to have no impacts on public facilities in accordance with applicable standards of measurement in this chapter (vehicular trips, amount of impervious surface, gallons per day, etc.), including up to ~~400~~ 200 square feet of additional impervious surface, resealing/restriping of existing private roadways and existing parking lots, and any Notice of Intent to Commence Water Retention Excavation for AG use or as an amenity to a single-family residence where blasting activities will not be conducted and where no more than 1,000 cubic yards of spoil will be removed off-site. (See Section 10-329(c)(1)).

(2) and (3) remain unchanged.

- (4) *Type D.*

a. through c. remain unchanged.

d. Previously developed properties that are vacant for more than one year as determined by the Development Services Manager.

Remainder of section remains unchanged.

DIVISION 5. - PLATS

Sec. 10-211. – Plat required.

- (1) Subdivisions of land, as defined in this chapter, must be platted in accordance with the requirements of F.S. Ch. 177, Pt. I (F.S. § 177.011 et seq.), this chapter, and County Administrative Code 13-19, as amended.

- (2) A preliminary plat must receive approval in accordance with Administrative Code 13-19 prior to the issuance of building permits for buildings on property within the plat boundaries.
- (23) ~~Except as provided under Subsection (5) of this section,~~ A final plat must be recorded in the public records of the County prior to the issuance of Certificates of Occupancy or Compliance for building permits on for property within the plat boundaries.
- (34) Lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land created by a plat must:
- a. Meet the density requirements of the Lee Plan and any other applicable requirements;
 - b. Comply with the minimum property development regulations for the zoning district in which it is located or be approved by the Director pursuant to Section 34-2221(1); and
 - c. Abut and have access to a road that meets the minimum construction standards set forth in Section 10-296.
- (45) Residual parcels not meeting the minimum requirements under this subsection may be created for the limited purposes of construction of surface water management systems, right-of-way, drainage, utilities, and other similar uses as determined by the Development Review Director.
- (56) Building permits may be issued for model buildings and sales centers prior to ~~preliminary plat approval~~ recording of the plat, subject to evidence of unified control and, provided that any Certificate of Compliance Occupancy issued is for model or sales use only, until the final plat has been recorded.
- (67) The establishment or extension of a road resulting in the creation of three or more lots, parcels, tracts, tiers, blocks, sites, or units, requires a plat.

Sec. 10-212. Preparation and submission.

Plats must be prepared in compliance with F.S. Ch. 177 and must contain all of the elements specified in F.S. Ch. 177, Pt. I (F.S. § 177.011 et seq.) and AC 13-19. ~~Review copies of~~ The preliminary plat must be submitted with the application for prior to development order approval. The ~~preliminary initial~~ plat submittal must include a boundary survey of the lands to be platted, in accordance with F.S. § 177.041.

ARTICLE III. – DESIGN STANDARDS AND REQUIREMENTS

DIVISION 1. – GENERALLY

Sec. 10-255. – Street names.

Street names shall not be used which will duplicate or be confused with the names of existing streets. New streets that are an extension of or in alignment with existing streets shall bear the same name as that borne by such existing streets. All courts and circles should have one name only. All proposed street names shall be approved in writing by the Department of ~~Community Development~~ Public Safety (Emergency Management) (EMS), E911/Addressing, and be indicated on the plat, if any, and on the site plan.

Sec. 10-256. – Bikeways and pedestrian ways.

- (a) *Required for development and redevelopment in urban and suburban areas.* All development and redevelopment proposed within future urban areas or future suburban areas, as defined by the Lee Plan, or along trails depicted on the Greenways Master Plan (Lee Plan Map 22-4-E), or along walkways and bikeways depicted on the County Walkways and Bikeways Map (Lee Plan Map 3-D) are required to provide for bikeways and pedestrian ways.

Remainder of section remains unchanged.

Sec. 10-258. – ~~Reserved.~~ Emergency shelters for mobile home or recreational vehicle developments.

~~For all mobile home or recreational vehicle developments, there shall be required an emergency shelter, which shall be a building of wood frame, metal or CBS construction. The size of each emergency shelter shall be determined by using the total number of units and spaces multiplied by 2.4 (representing the average number of persons per household), multiplied by the shelter space requirement of 20 square feet of usable floorspace per person, and multiplied by the maximum estimated percentage of evacuating population that would use a shelter (45 percent), which would equal the total required size of the emergency shelter. In no case, however, shall this section be interpreted to require construction of a shelter with less than 1,000 square feet of floor area. The shelter shall be elevated to a minimum height equal to or above the worst-case Category 3 flooding level utilizing the National Weather Service Storm Surge Model, "SLOSH."~~

Sec. 10-261. – Refuse and solid waste disposal facilities.

- (a) *Provision of container spaces.* All new construction of multifamily residential developments, commercial businesses, and industrial uses must provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers. At a minimum, the following area requirements must be provided:

<i>Commercial/Industrial Business Building sq. ft.</i>	<i><u>Special Notes Or Regulations</u></i>	<i>Multifamily Development Units</i>	<i>Minimum sq. ft. for Garbage Collection</i>	<i>Minimum sq. ft. for Recyclable Collection</i>
	<u>Note (1)</u>	5—25	120	96
		25+	216 sq. ft. (120 sq. ft. + 96) for first 25 units, plus 8 sq. ft. for each additional dwelling unit	<u>96 sq. ft. for first 25 units, plus 8 sq. ft. for each additional dwelling unit</u>
0—5,000			60	24
5,001—10,000			80	48
10,001—25,000			120	96
25,000+			216 sq. ft. (120 sq. ft. + 96) for first 25,000 sq. ft., plus 8 sq. ft. for each additional 1,000 sq. ft.	<u>96 sq. ft. for first 25,000 sq. ft., plus 8 sq. ft. for each additional 1,000 sq. ft.</u>

Notes:

1) Mini warehouse* developments must calculate the minimum enclosure size in relation to the square footage of the office and caretaker's residence. *See Warehouse, public, Storage, dead, and Warehouse, hybrid.

(b) through (e) remain unchanged.

DIVISION 2. – TRANSPORTATION, ROADWAYS, STREETS AND BRIDGES

Sec. 10-296. – Street design and construction standards.

(a) through (d)(10) remain unchanged.

- (d) (11) *Pavement design.* New construction or reconstruction of streets and roadways must be in accordance with Table 3 unless an alternative pavement design based on traffic type and volume performed by a registered professional engineer demonstrates the same or better structural integrity or, in the case of capital improvement projects, an acceptable alternative is approved by the Director of the Lee County Department of Transportation. Roadway pavement design criteria will also apply to travel lanes, turn lanes, median openings, bicycle lanes, on-street parking, and bus-pullout bays. The applicant may submit a request for an administrative deviation in accordance with Section 10-104(a)(5) for an alternative design.

TABLE 3. MINIMUM PAVEMENT DESIGN SPECIFICATIONS

	<i>Friction Course</i>	<i>Structural Course</i>	<i>Base</i>	<i>Subgrade</i>
Principal Arterial	One-inch Type S-III (section 331, FDOT specifications) OR SUPERPAVE 9.5 (FDOT <u>Standard Specifications</u>)	2½-inch asphaltic concrete FDOT Type S-4 or SUPERPAVE 12.5 (Section <u>334, FDOT</u>)	FDOT Optional Base Group 9 (ten inches of compacted limerock)	Twelve-inch-thick stabilized subgrade LBR40
Minor Arterial	One-inch Type S-III (section 331, FDOT specifications) OR SUPERPAVE 9.5 (FDOT <u>Standard Specifications</u>)	2½-inch asphaltic concrete FDOT Type S-4 or SUPERPAVE 12.5 (Section <u>334, FDOT</u>)	FDOT Optional Base Group 9 (ten inches of compacted limerock)	Twelve-inch-thick stabilized subgrade LBR40
Major Collector	One-inch Type S-III (section 331, FDOT specifications) OR SUPERPAVE 9.5 (FDOT <u>Standard Specifications</u>)	1½-inch asphaltic concrete FDOT Type S-4 or SUPERPAVE 12.5 (Section <u>334, FDOT</u>)	FDOT Optional Base Group 6 (eight inches of compacted limerock)	Twelve-inch-thick stabilized subgrade LBR40
Minor Collector	None	1½-inch asphaltic concrete FDOT Type S-4 or SUPERPAVE 12.5 (Section <u>334, FDOT</u>)	FDOT Optional Base Group 6 (eight inches of compacted limerock)	Twelve-inch-thick stabilized subgrade LBR40

		S-1 or SUPERPAVE 12.5 (<u>Section 334, FDOT</u>)	compacted limerock)	
Local and Access Street (including Privately-Maintained Nonresidential Streets)	None	1½-inch asphaltic concrete FDOT Type S-1 or SUPERPAVE 12.5 (<u>Section 334, FDOT</u>)	FDOT Optional Base Group 6 (eight inches of compacted limerock)	Twelve-inch-thick stabilized subgrade LBR40
Privately-Maintained Residential Local Streets	None	One-inch asphaltic concrete FDOT Type S-III, or SUPERPAVE 9.5 (<u>Section 334, FDOT</u>)	FDOT Optional Base Group 4 (six inches of compacted limerock)	Six-inch-thick stabilized subgrade LBR40
Shared Streets/ Bicycle Boulevard	None	Six-inch Portland Cement concrete, or one-inch asphaltic concrete FDOT Type S-III, or SUPERPAVE 9.5 (<u>Section 334, FDOT</u>)	FDOT Optional Base Group 4 (six inches of compacted limerock)	Six-inch-thick stabilized subgrade LBR40
Shared Use Path/Sidewalk/Cycle Track	None	Six-inch Portland Cement concrete, or one-inch asphaltic concrete FDOT Type S-III, or SUPERPAVE 9.5 (<u>Section 334, FDOT</u>)	FDOT Optional Base Group 1 (four inches of compacted limerock) <u>only for asphaltic concrete option</u>	Six-inch-thick stabilized subgrade LBR40

- (e) *Road design.* All roadways will be designed and constructed in accordance with this subsection. Cross sections within this subsection are for illustrative purposes only.

(1) *Urban roadways.* Roadway segments in or abutting future urban areas identified in the Lee Plan will be designed in accordance with this subsection. Design criteria will be determined by the existing functional classification of the adjacent roadway identified in AC 11-1 and the future land use designation of the property identified in the Lee Plan Future Land Use Map.

a. through e. remain unchanged.

f. *Bicycle and pedestrian facilities.* Include a shared use path when depicted on the Lee Plan Maps 3-D or 224-E. Where a shared use path or greenway is not depicted, pedestrian facility width dimensions will be governed by the design tables contained in this section.

g. through h. remain unchanged.

i. *Urban context design criteria.*

1. *Urban principal arterials.*

i. remains unchanged.

ii. *Context design.* Urban principal arterial roadway lane width, bicycle and pedestrian facilities, and planting strips must be designed in accordance with the criteria set forth in Table 4.

TABLE 4. URBAN PRINCIPAL ARTERIAL

<i>Lee Plan Future Land Use Designation</i>		<i>Intensive</i>	<i>Central Urban and General Interchange</i>		<i>Urban Community</i>	
<i>Existing/Proposed Land Use</i>		<i>All</i>	<i>Commercial</i>	<i>Residential</i>	<i>Commercial</i>	<i>Residential</i>
Lane Width		11 feet	12 feet	11 feet	12 feet	12 feet
On-Road Bicycle Facility		5-foot bike lane	5-foot bike lane	5-foot bike lane	5-foot bike lane	5-foot bike lane
Streetside	Planting Strip	8-foot strip	8-foot strip	8-foot strip	6-foot strip	5-foot strip
	Pedestrian Facility Width	12 feet	10 feet	8 feet	6 feet	5 feet

iii. remains unchanged.

Urban Principal Arterial

2. Urban minor arterials.

i. remains unchanged.

ii. *Context design.* Urban minor arterial roadway lane width, bicycle and pedestrian facilities, and planting strips must be designed in accordance with the criteria set forth in Table 5.

TABLE 5. URBAN MINOR ARTERIAL

Lee Plan Future Land Use Designation		Intensive	Central Urban <u>and</u> <u>General Interchange</u>		Urban Community	
Existing/Proposed Land Use		All	Commercial	Residential	Commercial	Residential
Lane Width		10 feet	11 feet	11 feet	11 feet	11 feet
On-Road Bicycle Facility		Shared lane	5-foot bike lane	Shared lane	5-foot bike lane	5-foot bike lane
Streetside	Planting Strip	8-foot strip	8-foot strip	8-foot strip	6-foot strip	5-foot strip
	Pedestrian Facility Width	12 feet	10 feet	8 feet	6 feet	5 feet

iii. remains unchanged.

Urban Minor Arterial

3. Urban major collectors.

i. remains unchanged.

ii. *Context design.* Urban major collector roadway lane width, bicycle and pedestrian facilities, and planting strips must be designed in accordance with the criteria set forth in Table 6.

TABLE 6. URBAN MAJOR COLLECTOR

Lee Plan Future Land Use Designation		Intensive	Central Urban <u>and</u> <u>General Interchange</u>		Urban Community	
Existing/Proposed Land Use		All	Commercial	Residential	Commercial	Residential
Lane Width		10 feet	10 feet	10 feet	11 feet	11 feet
On-Road Bicycle Facility		Shared lane	5-foot bike lane	Shared lane	5-foot bike lane	Shared lane

Streetside	Planting Strip	8-foot strip	8-foot strip	8-foot strip	6-foot strip	5-foot strip
	Pedestrian Facility Width	10 feet	8 feet	8 feet	6 feet	5 feet

iii. remains unchanged.

Urban Major Collector

4. Urban minor collectors.

i. remains unchanged.

- ii. *Context design.* Urban minor collector roadway lane width, bicycle and pedestrian facilities, and planting strips must be designed in accordance with the criteria set forth in Table 7.

TABLE 7. URBAN MINOR COLLECTOR

<i>Lee Plan Future Land Use Designation</i>		<i>Intensive</i>	<i>Central Urban and General Interchange</i>		<i>Urban Community</i>	
<i>Existing/Proposed Land Use</i>		<i>All</i>	<i>Commercial</i>	<i>Residential</i>	<i>Commercial</i>	<i>Residential</i>
Lane Width		10 feet	10 feet	10 feet	11 feet	11 feet
On-Road Bicycle Facility		Shared lane	Shared lane	Shared lane	Shared lane	Shared lane
Streetside	Planting Strip	8-foot strip	8-foot strip	8-foot strip	6-foot strip	5-foot strip
	Pedestrian Facility Width	8 feet	8 feet	8 feet	6 feet	5 feet

iii. remains unchanged.

Urban Minor Collector

5. Urban local and access streets.

i. remains unchanged.

- ii. *Context design.* Urban local and access street roadway lane width, bicycle and pedestrian facilities, and planting strips must be designed in accordance with the criteria set forth in Table 8.

TABLE 8. URBAN LOCAL AND ACCESS STREETS

Lee Plan Future Land Use Designation		Intensive	Central Urban and General Interchange		Urban Community	
Existing/Proposed Land Use		All	Commercial	Residential	Commercial	Residential
Lane Width		10 feet	10 feet	10 feet	11 feet	11 feet
On-Road Bicycle Facility		Shared lane	Shared lane	Shared lane	Shared lane	Shared lane
Streetside	Planting Strip	8-foot strip	8-foot strip	6-foot strip	6-foot strip	5-foot strip
	Pedestrian Facility Width	6 feet	6 feet	5 feet	6 feet	5 feet

iii. remains unchanged.

Urban Local/Access Street

6. Urban shared streets.

i. remains unchanged.

- ii. *Context design.* Urban shared street roadway bicycle and pedestrian facilities, and planting strips must be designed in accordance with the criteria set forth in Table 9.

TABLE 9. URBAN SHARED STREET

Lee Plan Future Land Use Designation		Intensive	Central Urban and General Interchange		Urban Community	
Existing/Proposed Land Use		All	Commercial	Residential	Commercial	Residential
On-Road Bicycle Facility		Shared lane	Shared lane	Shared lane	Shared lane	Shared lane
Streetside	Planting Strip	8 ft.—20 ft. strip	8 ft.—20 ft. strip	6 ft.—10 ft. strip	8 ft.—20 ft. strip	6 ft.—10 ft. strip
	Pedestrian Facility Width	12 ft.—20 ft.	10 ft.—16 ft.	8 ft.—12 ft.	10 ft.—16 ft.	8 ft.—12 ft.

iii. remains unchanged.

7. Urban bicycle boulevards.

i. remains unchanged.

- ii. *Context design.* Urban bicycle boulevard roadway bicycle and pedestrian facilities, and planting strips must be designed in accordance with the criteria set forth in Table 10.

TABLE 10. URBAN BICYCLE BOULEVARDS

<i>Lee Plan Future Land Use Designation</i>		<i>Intensive</i>	<i>Central Urban and General Interchange</i>	<i>Urban Community</i>
<i>Existing/Proposed Land Use</i>		<i>All</i>	<i>All</i>	<i>All</i>
On-Road Bicycle Facility		8 ft. bike lane	6 ft.—8 ft. bike lane	4 ft.—6 ft. bike lane
Streetside	Planting Strip	8-foot strip	8-foot strip	8-foot strip
	Pedestrian Facility Width	6 feet	6 feet	5 feet

iii. *remains unchanged.*

8. *remains unchanged.*

- (2) *Suburban roadways.* Roadway segments in or abutting future suburban areas identified in the Lee Plan will be designed in accordance with this section. Design criteria will be determined by the existing functional classification of the roadway identified in AC 11-1 and the future land use identified in the Lee Plan Future Land Use Map.

a. *through d. remain unchanged.*

e. *Bicycle and pedestrian facilities.* Include a shared use path when depicted on the bikeways/walkways facilities plan Map 3-D of the Lee Plan or Greenways Plan Maps ~~22~~ 4-E of the Lee Plan. Where a shared use path or greenway is not depicted, pedestrian facility width dimensions will be governed by design tables contained in this section.

f. *through h. remain unchanged.*

(3) *Non-urban roadways.* Roadway segments in or abutting to future non-urban areas identified in the Lee Plan will be designed in accordance with this subsection. Design criteria will be determined by the existing functional classification of the roadway identified in AC 11-1 and the future land use.

a. *through c. remain unchanged.*

- d. *Bicycle and pedestrian facility.* A separated bicycle and pedestrian facility is required where depicted on Lee Plan Maps 3-D or ~~224~~ 4-E.

Remainder of division remains unchanged.

DIVISION 4. – UTILITIES

Sec. 10-352. – Potable water systems.

- (a) *Connection to central system required for certain developments.* The following types of developments, when located within the boundaries of the certificated or franchised service area of any investor- or subscriber-owned water utility, or within the County utilities' future water service areas as delineated on Map 64-A in the Lee Plan, must connect to that respective water system:

Remainder of section remains unchanged.

Sec. 10-353. – Sanitary sewer systems generally.

- (a) *Connection to central system required for certain developments.* The following types of developments, when located within the boundaries of the certificated or franchised service area of any investor- or subscriber-owned utility, or within the County utilities' future sewer service areas as delineated on Map 74-B in the Lee Plan, must connect to that respective sewer system:

Remainder of section remains unchanged.

Sec. 10-354. – Reuse water systems.

(a) remains unchanged.

- (b) For projects meeting the requirements of Subsection (a) of this section and delineated on Map 74-B of the Lee Plan, the irrigation of grassed or landscaped areas must occur through the use of a second water distribution system supplying treated wastewater effluent or reuse water. This reuse water system must be constructed and operated in accordance with Florida Administrative Code 62-610 and the County Reclaimed Water Ordinance.

(c) remains unchanged.

DIVISION 6. – OPEN SPACE, BUFFERING AND LANDSCAPING

Sec. 10-416. – Landscape standards.

(a) through (c) remain unchanged.

- (d) *Buffering adjacent property.* Buffering and screening applies to all new development. Existing landscapes that do not comply with the provisions of this section must be brought into conformity to the maximum extent possible when the vehicular use area is altered or expanded, except for restriping of lots/drives, the

building square footage is increased, or there has been a discontinuance of use for a period of one year or more and a request for an occupational license to resume business is made.

(1) through (8) remain unchanged.

- (9) Development abutting natural waterway. Except where Chapter 33 provides a stricter standard for Greater Pine Island (as defined in Goal 424 of the Lee Plan and in Section 33-1002), there must be a 50-foot-wide vegetative buffer landward of non-seawalled natural waterways as measured from the mean high water line or top of bank, whichever is further landward.

Remainder of section remains unchanged.

Sec. 10-420. – Plant material standards.

(a) through (g) remain unchanged.

- (h) *Invasive exotics.* The following highly invasive exotic plants may not be planted, (i.e., are prohibited) and must be removed from the development area. Methods to remove and control invasive exotic plants must be included on the development order plans. A statement must also be included on the development order that the development area will be maintained free from invasive exotic plants in perpetuity. For the purposes of this subsection, invasive exotic plants include:

Prohibited Invasive Exotics

<i>Common Name</i>	<i>Scientific Name</i>	<i>Common Name</i>	<i>Scientific Name</i>
<u>Rosary pea</u>	<u>Abrus precatorius</u>	<u>Lead tree</u>	<u>Leucaena leucocephala</u>
Earleaf acacia	Acacia auriculiformis	Japanese Climbing fern	Lygodium japonicum
Woman's tongue	Albizia lebbeck	Old World climbing fern	Lygodium microphyllum
Bishopwood	Bischofia javanica	Melaleuca, paper tree	Melaleuca quinquenervia
Australian pines	All Casuarina species	Downy rose myrtle	Rhodomyrtus tomentosus <u>tomentosa</u>
Carrotwood	Cupianopsis <u>Cupaniopsis</u> anacardioides	Chinese tallow	Sapium sebiferum
<u>Dodder</u>	<u>Cuscuta spp.</u>	<u>Beach naupaka</u>	<u>Scaevola taccada</u>
Rosewood	Dalbergia sissoo	Brazilian pepper, Florida holly	Schinus terebinthifolius

<u>Winged yam</u>	<u>Dioscorea alata</u>	Tropical soda apple	Solanum viarum
Air potato	Dioscorea alata <u>bulbifera</u>	Java plum	Syzygium cumini
Murray red gum	Eucalyptus camaldulensis	Rose apple	Syzygium jambos
Weeping fig	Ficus benjamina	Cork tree	Thespesia populnea
Cuban laurel fig	Ficus microcarpa	Wedelia	Wedelia trilobata
<u>Cogongrass</u>	<u>Imperata cylindrica</u>	<u>Beach vitex</u>	<u>Vitex rotundifolia</u>

- (i) *Grasses in lieu of sod or seeding.* If dry detention areas are planted with native clump grasses in lieu of sod or seeding, then the plants must be a minimum one-gallon container size planted three-foot on center. Maintenance of the planted dry detention areas includes removal of exotic vegetation. Mowing of native clump grasses is not permitted.

(j) *remains unchanged.*

Sec. 10-425. – Open space and landscape requirements in the Mixed-Use Overlay.

Properties located within the Mixed-Use Overlay as delineated on Map 1-C, Page 6 of the Lee Plan and described in Objective 11.2 must provide the following minimum open space and landscape requirements. The landscape requirements for specific uses identified in Section 10-424 must be provided.

Remainder of section remains unchanged.

ARTICLE IV. – DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL DEVELOPMENTS

Sec. 10-610. – Site design standards and guidelines for commercial developments.

(a) *through (c) remain unchanged.*

(d) *Pedestrian walkways and bicycle parking.*

(1) *and (2) remain unchanged.*

(3) Bicycle parking requirements.

a. *remains unchanged.*

b. Design.

1. A ~~b~~Bicycle parking areas must include a bicycle rack with appropriate access to accommodate adequate space for the

~~required number of bicycles, facility suited to a single bicycle must be a standalone inverted - U design measuring a minimum of 36 inches high and 48 inches wide of 1½ inch Schedule 40 pipe, ASTM F 1083 bent in one piece ("bike rack") mounted securely to the ground, by a three-eighth-inch thick steel base plate, ASTM A 36 so it is capable of securing the bicycle frame and both wheels.~~

- ~~2.~~ Each bicycle parking space must have a minimum of three feet of clearance on all sides of the bike rack.
- ~~3-2.~~ Bicycle parking spaces must be surfaced with stabilized, all-weather materials consistent with those approved for the ~~motor vehicle parking lots, lighted~~ and located no greater than 100 feet from the a building entrance, ~~s~~ providing access to the public.
- ~~4-3.~~ Extraordinary bicycle parking designs and surfaces that depart from the bike rack standard but are consistent with the development's design theme may be considered at time of development order by the Director in accordance with Section 10-104(b). ~~Bike racks that are freely oriented, function without securing the bicycle frame, or require the use of a bicycle kick stand are prohibited.~~

Remainder of section remains unchanged.

SECTION FOUR: AMENDMENT TO LDC CHAPTER 12

Lee County Land Development Code Chapter 12 is amended as follows with strike through identifying deleted text and underline identifying new text.

CHAPTER 12 – RESOURCE EXTRACTION

ARTICLE II. – MINING AND EXCAVATION

DIVISION 1. – GENERALLY

Sec. 12-107. – Lee Plan consistency.

The following Lee Plan ~~policies~~provisions must be adhered to in applying for and conducting mining activities:

Remainder of section remains unchanged.

Sec. 12-119. – Reclamation requirements.

- (a) *Reclamation plan.* The excavated lake must be designed to ensure appropriate native wetland areas will be created as a littoral shelf to provide long-term water quality benefits; a source of natural organics for the lake; and a wildlife habitat. Additionally, the final shoreline configuration outside of the littoral zone created wetland areas must be designed to prevent shoreline erosion. The overall reclamation plan must provide long-term plans to sustain or improve the baseline water quality as well as sustain healthy fish and wildlife populations.

Plans and other appropriate documents accurately depicting the plan of reclamation, consistent with the standards detailed in Subsection (b) of this section are required. The reclamation plan must be consistent with the mining plan and include:

(1) through (6) remain unchanged.

- (7) Bank slope. After excavation is complete and upon reclamation of the site, the banks of the excavations outside of the required marsh creation area must be sloped at a ratio not greater than six horizontal to one vertical from the top of the finished grade to a water depth of four feet below the dry season depth. Deviation or variance from the slope requirement ~~is prohibited. This prohibition does not apply to a mine located within the Future Limerock Mining area as shown on Map 14 of the County Comprehensive Plan. A deviation or variance from this standard may be granted to a mine located on Map 14 through the public hearing process requested through the MEPD process.~~

Remainder of section remains unchanged.

SECTION FIVE: AMENDMENT TO LDC CHAPTER 14

Lee County Land Development Code Chapter 14 is amended as follows with strike through identifying deleted text and underline identifying new text.

CHAPTER 14 – ENVIRONMENT AND NATURAL RESOURCES

ARTICLE I. – IN GENERAL

Sec. 14-1. – Community Planning Area ~~community~~ regulations.

Remainder of section remains unchanged.

ARTICLE V. – TREE PROTECTION

DIVISION 1. – GENERALLY

Sec. 14-374. – Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Administrator” through “Dripline” remain unchanged.

Greater Pine Island means the area that is affected by Lee Plan Goal 24 as depicted on ~~the Future Land Use Map~~ 2-A and as described in Section 33-1002.

Remainder of division remains unchanged.

SECTION SIX: AMENDMENT TO LDC CHAPTER 30

Lee County Land Development Code Chapter 30 is amended as follows with strike through identifying deleted text and underline identifying new text.

CHAPTER 30 – SIGNS

ARTICLE I. – IN GENERAL

Sec. 30-2. – Definitions and rules of construction.

(a) remains unchanged.

(b) The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

“Abandoned sign” through “Government sign” remain unchanged.

Greater Pine Island means the area that is affected by Lee Plan Goal 24 as depicted on ~~the Future Land Use Map~~ 2-A and described in Chapter 33, Article III.

Remainder of section remains unchanged.

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

Sec. 30-56. – Community Planning Area ~~community~~ regulations.

Applications and permit approvals for signs and sign structures associated with projects located in the following Community P~~lanning Areas~~communities must also comply with

the regulations set forth in Chapter 33 pertaining to the specific Community Planning Areas communities.

Remainder of section remains unchanged.

ARTICLE IV. – RESTRICTIONS BASED ON LOCATION

DIVISION 2. – ON-SITE SIGNS

Sec. 30-153. – Permanent signs in commercial and industrial areas.

(1) through (4) remain unchanged.

(5) *Electronic changing message centers.* Electronic message centers are permitted along I-75 and arterial streets, subject to the following limitations:

a. Location.

1. and 2. remain unchanged.

3. In the North Fort Myers ~~Planning Community~~ Community Plan Area on property located at the intersection of S.R. 45 (U.S. 41) and S.R. 45A (Business 41) having a minimum of 600 feet, more or less, of road frontage along S.R. 45 and 820 feet of road frontage along S.R. 45A, provided that:

i. through v. remain unchanged.

4. remains unchanged.

5. In the North Fort Myers ~~Planning Community~~ Community Plan Area (Commercial Corridors), pursuant to Section 33-1602.

Remainder of section remains unchanged.

SECTION SEVEN: AMENDMENT TO LDC CHAPTER 33

Lee County Land Development Code Chapter 33 is amended as follows with strike through identifying deleted text and underline identifying new text.

CHAPTER 33 – ~~PLANNING COMMUNITY~~ PLAN AREA REGULATIONS

ARTICLE I. – IN GENERAL

Sec. 33-1. – Purpose and intent.

The purpose of this chapter is to adopt the guidelines and provisions a ~~planning community plan area~~ believes is necessary to achieve the goals, objectives and policies set forth in the County Comprehensive Plan applicable to each recognized individual ~~planning community plan area~~ located within unincorporated areas of the County. These provisions are intended to enhance, not replace, the regulations contained in the balance of this Code, unless a particular ~~planning community plan area~~ specifically provides otherwise.

Sec. 33-2. – Applicability.

The articles of this chapter apply to the ~~planning communities~~ Community Plan Areas in unincorporated areas of the County that are specifically identified in the Lee Plan. Each article covers an individual ~~planning cCommunity Plan Area~~, or specifically identified portion of a ~~planning cCommunity Plan Area~~, that has chosen to pursue adoption of standards for the particular community. In the event of conflict between the provisions of this chapter and the requirements of F.S. § 553.79, the requirements of F.S. § 553.79 shall prevail.

Sec. 33-3. – Effect of LDC provisions.

Development within the ~~planning communities~~ Community Plan Area affected by this chapter must comply with all County regulations, including the provisions of this Code. The ~~planning cCommunity Plan Area~~ regulations are intended to supplement regulations in this Code unless a particular ~~planning cCommunity Plan Area~~ specifically provides otherwise.

Sec. 33-5. – Deviations/variances.

Deviations and variances from the provisions set forth in each article may be achieved under the standards specifically set forth by the particular ~~planning cCommunity Plan Area~~. If the article does not contain a specific provision related to variances and deviations, then the relevant provisions in Chapters 10 and 34 will apply.

ARTICLE III. – GREATER PINE ISLAND COMMUNITY PLAN AREA

DIVISION 1. – IN GENERAL

Sec. 33-1001. – Applicability and community boundary.

The provisions of this article apply to all new development or redevelopment requiring zoning, local development order approval, or an agricultural notice of clearing permit, located within the Greater Pine Island ~~Planning-Community Plan Area~~ as defined in Goal 24 of the County Comprehensive Plan. The boundaries of the Greater Pine Island ~~Planning-Community Plan Area~~ are depicted in the County Comprehensive Plan on ~~future land use Map 2-A-1, Page 2 of 8~~. A copy of the Greater Pine Island portion of the ~~planning~~

~~communities~~ Community Plan Areas map is reproduced in Appendix I as Map 5. A legal description of the Greater Pine Island ~~Planning~~ Community Plan Area is set forth in Appendix I and includes Matlacha (the Chamber of Commerce building and all lands to the west), as well as Little Pine Island, Pine Island, and small adjacent islands.

Sec. 33-1002. – Definitions

The following definitions are in addition to those set forth in other chapters of this Code and are applicable to the provisions set forth in this article only. If, when construing the specific provisions contained in this article, these definitions conflict with definitions found elsewhere in this Code, then the definition set forth in this section will control. Otherwise, the definition contained elsewhere in this Code will control. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adjusted maximum density means a maximum density of one dwelling unit per acre (one du/acre) permitted in the Coastal Rural future land use category, where the standard maximum density is exceeded, and where a minimum of 70 percent of the development is maintained or restored as native habitat, or where 70 percent of the site is maintained in agricultural use on those parcels identified as existing farmland on Lee Plan Map 2-C 24.

Continued agricultural use on existing farmland means existing farmland identified on Lee Plan Map 2-C 24 that will be committed, through a binding Master Concept Plan and/or development order, to continued agricultural activity and use in exchange for County approval allowing the adjusted maximum density. The approved density is based on the acreage attributable to the entire property under consideration and requires that all residential units must be placed on other uplands not committed for agricultural use within the boundary of the subject property. Amendments to the binding Master Concept Plan and/or development order may not modify the land area committed to continued agricultural use. Greater Pine Island TDUs may not be established or severed from existing farmland committed to continued agricultural activity in exchange for adjusted maximum density.

Remainder of section remains unchanged.

Sec. 33-1003. – Community review.

(a) remains unchanged.

(b) Meeting requirements. The applicant is responsible for providing the meeting space, notice of meeting, and security measures as needed. The meeting location will be determined by the applicant and must be held within the boundaries of the Greater Pine Island Community Plan Area. Meetings may, but are not required to, be conducted before non-County-formed boards, committees, associations, or planning panels. During the

meeting, the agenda will provide a general overview of the project for any interested citizens. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues. The applicant is not required to receive an affirmative vote or approval of citizens present at the meeting.

Remainder of section remains unchanged.

DIVISION 2. – TRANSPORTATION

Sec. 33-1011. – Greater Pine Island Road level of service.

~~The roadway level of service standards set forth in Lee Plan Policy 24.2.1 and a maximum hurricane evacuation clearance time of 18 hours for Pine Island residents as set forth in Lee Plan Policy 24.2.2 must be maintained for Pine Island Road.~~

(a) The minimum acceptable peak hour, peak season, peak direction roadway level of service standard for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is level of service “E” calculated in accordance with Policy ~~37.1.495.1.3~~ of the County Comprehensive Plan. This standard will be measured at the County’s permanent count station #3 on Little Pine Island at the western edge of Matlacha and will apply to all of Greater Pine Island.

Remainder of section remains unchanged.

DIVISION 5. – COASTAL RURAL DEVELOPMENT REGULATIONS

Sec. 33-1051. – Applicability.

The following provisions and development standards apply to new development and redevelopment within the Coastal Rural future land use category, as depicted on the County future land use Map, Lee Plan Map 1-A.

Sec. 33-1052. – Residential density limitations.

New residential development and redevelopment within Coastal Rural designated lands may be developed in accordance with the standard maximum density provisions or the adjusted maximum density provisions set forth in this article and Lee Plan Policy 1.4.7 as follows:

(a) remains unchanged.

(b) The adjusted maximum density established by Policy 1.4.7 of the Lee Plan is one dwelling unit per acre where a threshold of 70 percent of the development parcels is maintained or restored as native habitat, or where 70 percent of the site is maintained for

agricultural use on those parcels identified as existing farmland on Lee Plan Map 2-C 24 .

Sec. 33-1054. – Coastal ~~r~~Rural development standards.

The following development standards apply to development or redevelopment within the Coastal Rural land use category that meet the thresholds for large residential developments, as defined in this article:

(a) *remains unchanged.*

(b) *Property development regulations*

(1) *remains unchanged.*

(2) Developments must connect to public utilities, when located within the boundaries of the certificated or franchised service area of any investor- or subscriber-owned water utility, or within the County Utilities future service areas as delineated on Maps 4-A 6 and 4-B 7 in the Lee Plan, and where a connection point is within one-quarter mile of the parcel boundary.

Remainder of section remains unchanged.

DIVISION 6. – DESIGN STANDARDS

Sec. 33-1081. – Proposed street layout.

All new streets in the Greater Pine Island ~~Planning~~ Community Plan Area must be fully integrated into the County-maintained street system of the surrounding area. These requirements apply equally to new County-maintained and privately maintained streets.

Remainder of section remains unchanged.

ARTICLE IV. – PAGE PARK ~~PLANNING~~ COMMUNITY PLAN AREA

DIVISION 1. – IN GENERAL

Sec. 33-1202. – Applicability.

(a) *Scope.* The provisions of this article apply to all development located within the Page Park Community Plan Area, as defined in Goal 31 of the Lee Plan (see Map 6 in Appendix I). The standards in this article apply to nonresidential, religious, institutional, multifamily and mixed-use developments (which must contain a residential component), including live-work units, except where the authority of a separate political jurisdiction supersedes County authority.

(b) remains unchanged.

- (c) *Development orders.* The provisions of this article apply to all development orders and limited review development orders described in Section 10-174(1), (2) and (4)a that are requested within the Page Park Community Plan Area. Compliance with these provisions will be required in order to obtain development order approval.

Remainder of section remains unchanged.

Sec. 33-1203. – Community review.

(a) *Applications requiring review.* The owner or agent applying for the following types of County approvals must conduct one publicly advertised informational session in accordance with Subsection (b) of this section within the Page Park Community Plan Area prior to obtaining an approval or finding of sufficiency of the following:

- (1) Development orders. This includes all applications for development orders requested within the Page Park Community Plan Area;

Remainder of section remains unchanged.

Sec. 33-1204. – Existing planned development.

Existing, approved Master Concept Plans may be voluntarily brought into compliance with the Page Park Community Plan Area regulations or any regulation contained in this article through the administrative amendment process. No public hearing or community meeting will be required if the sole intention is for existing planned developments to comply with these regulations.

DIVISION 2. – DEVELOPMENT STANDARDS AND SPECIFICATIONS

Subdivision II. – Architectural

Sec. 33-1280. – Applicability.

Architectural design of all commercial, public, and mixed-use buildings within the Page Park Community Plan Area must comply with this subdivision.

Sec. 33-1281. – Architectural style.

The required architectural style in the Page Park Community Plan Area is that of a main street, as defined in Section 33-1205. (See Figures 1 through 6, 10, and 13 through 17.)

ARTICLE V. – LEHIGH ACRES ~~PLANNING~~ COMMUNITY PLAN AREA

DIVISION 1. – IN GENERAL

Sec. 33-1400. – Applicability.

- (a) *Scope.* The provisions of this article will apply to all development located in the Lehigh Acres Community Planning Community Area as depicted on Lee Plan Map 42-A, and as defined in Goal 25 of the County Comprehensive Plan.
- (b) *Zoning.* The provisions of this article apply to all requests to rezone within the Lehigh Acres Community Planning Community Area. Compliance with these provisions will be required to obtain zoning approval unless approved by variance or deviation.
- (c) *Development orders.* The provisions of this article apply to development orders and limited review development orders described in Section 10-174(1), (2) and (4)a that are requested within the Lehigh Acres Community Planning Community Area. Compliance with these provisions will be required in order to obtain development order approval.

Remainder of section remains unchanged.

Sec. 33-1401. – Community review.

- (a) *Applications requiring review.* The owner or agent applying for the following types of County approvals must conduct one publicly advertised information session within the Lehigh Acres Community Planning Community Area prior to obtaining approval or finding of sufficiency of the following:

Remainder of section remains unchanged.

Sec. 33-1405. – Landscaping.

(a) and (b) remain unchanged.

- (c) *Buffers.* Buffers must comply Section 10-416(d) except as modified below:

(1) through (3) remain unchanged.

- (4) Section 10-416(d)(6) does not apply within the Lehigh Acres Community Planning Community Area.

DIVISION 2. – COMMERCIAL DESIGN STANDARDS AND SPECIFICATIONS

Sec. 33-1411. – Applicability.

This division applies to all commercial development, except areas located within the Downtown Lehigh Acres, Community Mixed-Use Activity Centers, Neighborhood Mixed-Use Activity Centers, or the Local Mixed-Use Activity Centers, as depicted on Lee Plan Map 42-B.

Subdivision II. – Architectural.

Sec. 33-1417. – Maximum height.

- (a) Maximum building heights are determined based on location in the Specialized Mixed-Use Nodes of the Community Plan Overlay as depicted on Lee Plan Map 42-B. Buildings outside of the Specialized Mixed-Use Nodes are limited to a maximum of three stories or 45 feet, whichever is less, unless approved by variance or deviation in accordance with Chapter 34.

Remainder of section remains unchanged.

ARTICLE VII. – CALOOSAHATCHEE SHORES ~~PLANNING~~ COMMUNITY PLAN AREA

DIVISION 1. – IN GENERAL

Sec. 33-1480. – Applicability.

This article is applicable to Caloosahatchee Shores ~~Planning~~ Community Plan Area (see Map 14 in Appendix I), described in Goal 21 of the County Comprehensive Plan (Lee Plan).

- (a) *Scope.* The provisions of this article apply to all development located in the Caloosahatchee Shores ~~Planning~~ Community Plan Area, as defined in Section 33-1481(a) and depicted in the County Comprehensive Plan on Lee Plan Map 42-A and apply to all commercial, religious, institutional, multiple-family, and mixed-use developments, including live-work units, except where the authority of a separate political jurisdiction supersedes County authority.
- (b) *Zoning.* The provisions of this article apply to all requests to rezone property located within the Caloosahatchee Shores Community Plan Area. Compliance with these provisions will be required to obtain zoning approval unless approved by variance or deviation.
- (c) *Development orders.* The provisions of this article apply to all development orders and limited review development orders described in Section 10-174(1), (2) and (4)a that are for property located within the Caloosahatchee Shores Community Plan Area. Compliance with these provisions will be required in order to obtain development order approval.

Remainder of section remains unchanged.

Sec. 33-1481. – ~~Planning Community Plan Area~~ boundaries.

- (a) ~~Caloosahatchee Shores Planning Community Plan Area~~. The boundaries of the Caloosahatchee Shores ~~Planning Community Plan Area~~ are as depicted in the County Comprehensive Plan on Lee Plan Map ~~42-A~~ and in Appendix I on Map 14. The following overlays are located within the Caloosahatchee Shores ~~Planning Community Plan Area~~:

- (1) ~~Olga Planning Community Plan Area Overlay~~. The boundaries of the Olga Community Overlay District are as depicted in the ~~County Comprehensive Plan on Lee Plan Map 1~~ and in Appendix I on Map 14.

(2) remains unchanged.

Sec. 33-1482. – Community review.

- (a) *Applications requiring review*. The owner or agent applying for the following types of County approvals must conduct one publicly advertised information session within the Caloosahatchee Shores ~~Planning Community Plan Area~~ prior to obtaining approval or finding of sufficiency of the following:

Remainder of section remains unchanged.

Sec. 33-1483. – Existing planned development.

Existing approved Master Concept Plans may be voluntarily brought into compliance with the Caloosahatchee Shores Community Plan Area requirements or any regulation contained in this article through the administrative amendment process. No public hearing will be required if the sole intention is for existing planned developments to comply with these regulations. Notwithstanding, any request to change the zoning designation of a parcel must comply with the notice and hearing requirements under F.S. § 125.66.

Sec. 33-1485. – Definitions.

The following definitions are in addition to those set forth in other chapters of this Code and are applicable to the provisions set forth in this article only. If, when construing the specific provisions contained in this article, these definitions conflict with definitions found elsewhere in this Code, then the definitions set forth below will control. Otherwise, the definitions contained elsewhere in this Code will control. If a term is not defined the term must be given its commonly understood meaning unless there is a clear indication of an intent to construe the term differently from its commonly understood meaning:

“Articulation” through “Façade” remain unchanged.

Florida vernacular means the architectural style in the Caloosahatchee Shores ~~Planning Community Plan Area~~ consistent with the historic design features of central and south Florida building tradition that incorporate elements from traditional Colonial Revival, and Folk architectural styles.

Remainder of section remains unchanged.

DIVISION 2. – DESIGN STANDARDS

Subdivision II. - Architectural

Sec. 33-1495. – Applicability.

Architectural design of all commercial, public and mixed-use buildings within the Caloosahatchee Shores ~~Planning Community Plan Area~~ must comply with this subdivision.

Sec. 33-1496. – Architectural style.

The architectural style in the Caloosahatchee Shores ~~Planning Community Plan Area~~ is Florida vernacular. Vernacular style must be displayed through the inclusion of building materials, roof overhangs, porches, columns, covered corridors, covered walkways and pitched roofs (where applicable).

Subdivision III. - Signs

Sec. 33-1505. – Prohibited signs.

- (a) Unless a deviation or variance is granted, the following signs are prohibited within the Caloosahatchee Shores ~~Planning Community Plan Area~~:

Remainder of section remains unchanged.

DIVISION 3. – OVERLAY DISTRICTS

Subdivision I. - Olga ~~Planning Community Plan Area~~

Sec. 33-1512. – Commercial development.

All new zoning allowing additional commercial floor areadevelopment must be zoned a Commercial Planned Development District.

Subdivision II. – State Route 80 Corridor

Sec. 33-1517. – Reserved ~~Commercial site location standards.~~

~~The parcels located in the State Route 80 Corridor Overlay District are not subject to the commercial site location standards of Lee Plan Policy 6.1.2 and have been determined to meet the requirements of the commercial infill requirements of the Lee Plan.~~

ARTICLE VIII. – NORTH FORT MYERS PLANNING COMMUNITY PLAN AREA

DIVISION 1. – IN GENERAL

Sec. 33-1531. – Applicability and scope.

The provisions of this article will apply to all development located in the North Fort Myers Community Plan Area, as defined in Goal 30 of the County Comprehensive Plan.

Sec. 33-1532. – Community review.

- (a) *Applications requiring review.* The owner or agent applying for the following types of County approvals must conduct one publicly advertised information session within the North Fort Myers Planning Community Plan Area prior to obtaining approval or finding of sufficiency of the following:

Remainder of section remains unchanged.

Sec. 33-1533. – Conflicting provisions.

If the provisions of this article are inconsistent with provisions found in other adopted codes, ordinances, or regulations of the County, this article will take precedence, except for provisions applicable to properties located within the Mixed-Use Overlay, as delineated on Map 1-C, ~~Page 6~~ of the Lee Plan and described in Objective 11.2.

Sec. 33-1534. – Existing planned development.

Existing approved Master Concept Plans may be voluntarily brought into compliance with the North Fort Myers Community Plan Area provisions (Lee Plan Goal 30) or any regulation contained in this article through the administrative amendment process. No public hearing will be required if the sole intention is for existing planned developments to comply with these regulations. Notwithstanding, any request to change the zoning designation of a parcel must comply with the notice and hearing requirements under F.S. § 125.66.

Sec. 33-1537. – Definitions.

The following definitions are in addition to those set forth in other chapters of this LDC and are applicable to the provisions set forth in this article only. If, when construing the specific provisions contained in this article, these definitions conflict with definitions

found elsewhere in this LDC, then the definitions set forth below will take precedence. Otherwise, the definitions contained elsewhere in this LDC will control:

“Alley” through “Civic lands” remain unchanged.

Commercial corridor means all commercially zoned properties with frontage on, or contiguous to and developed in conjunction with properties with frontage on, the following roadways within the North Fort Myers ~~Planning~~ Community Plan Area:

Remainder of section remains unchanged.

DIVISION 2. – NORTH FORT MYERS COMMUNITYWIDE LAND DEVELOPMENT PROVISIONS

Sec. 33-1541. – Interface between existing large lot residential subdivisions and high density/intensity uses.

The following regulations apply to the location, operation, fencing, landscaping, and parking associated with high density or high intensity uses which abut existing large lot residential subdivisions within the North Fort Myers ~~Planning~~ Community Plan Area.

Sec. 33-1547. – Special exception uses.

The following uses, when listed as permitted or special exception uses in Chapter 34, will be allowed within the North Fort Myers Community Plan Area only as a special exception and will be subject to the following additional condition:

Remainder of section remains unchanged.

DIVISION 3. – COMMERCIAL CORRIDOR LAND DEVELOPMENT PROVISIONS

Subdivision I. - Generally

Sec. 33-1566. – Applicability and scope.

The provisions of this division apply to all commercially zoned properties with frontage on, or contiguous to and developed in conjunction with properties with frontage on, the following roadways within the North Fort Myers ~~Planning~~ Community Plan Area:

Remainder of section remains unchanged.

Subdivision II. – Design Standards for Commercial Corridors

Sec. 33-1571. – Property development regulations.

(a) remains unchanged.

- (b) Mixed-Use Overlay. Properties located within the Mixed-Use Overlay, as delineated on Map 1-C, ~~Page 6~~ of the Lee Plan and described in Objective 11.2, may apply the alternative property development regulations under the MUO category in Table 34-845.

Remainder of section remains unchanged.

Subdivision III. – Urban Design Guidelines

Sec. 33-1581. – Landscaping buffers.

- (a) Properties located within the Mixed-Use Overlay, as delineated on Map 1-C, ~~Page 6~~ of the Lee Plan and described in Objective 11.2, must provide the minimum landscape requirements established in Section 10-425. The landscape requirements identified in Section 10-424 must be provided for specific uses developed within the Mixed-Use Overlay.
- (b) Properties located outside the Mixed-Use Overlay must use the following buffer tables instead of Section 10-416(d)(3) and (4):

Table 1. remains unchanged.

Table 2. table remains unchanged.

Notes:

- 1. All landscape buffer designs will complement adjacent project buffers to help aid in establishing a continuous landscape theme within the North Fort Myers Community Plan Area. The use of plant material indigenous to, and consistent with, existing vegetation within the North Fort Myers Community Plan Area is recommended.

Remainder of section remains unchanged.

Subdivision V. – Signs

Sec. 33-1598. – Adopted to supplement signs provisions.

This section is adopted as an addendum to the general sign regulations set forth in Chapter 30 and is applicable all properties in the North Fort Myers ~~Planning~~ Community Plan Area.

Sec. 33-1601.1. – Electronic changing message centers.

Electronic changing message centers, as defined in Section 30-2, are permitted per Section 30-153(5) and are also permitted in the North Fort Myers ~~Planning~~ Community Plan Area as follows:

(1) and (2) remain unchanged.

- (3) Predominantly commercial areas on Commercial Corridors within the North Fort Myers ~~Planning~~ Community Plan Area per Section 33-1537 only;

Remainder of section remains unchanged.

ARTICLE IX. – CAPTIVA- COMMUNITY PLAN AREA

DIVISION 1. – IN GENERAL

Sec. 33-1613. – Existing development and planned developments.

Existing, approved Master Concept Plans may be voluntarily brought into compliance with the Captiva Community Plan Area provisions or any regulation contained in this article through the administrative amendment process. No public hearing will be required if the sole intention is for existing planned developments to comply with these regulations. All other requests to change the zoning designation of a parcel must comply with the notice and hearing requirements under F.S. § 125.66.

Remainder of section remains unchanged.

ARTICLE X. – NORTH OLGA- COMMUNITY PLAN AREA

DIVISION 1. – IN GENERAL

Sec. 33-1661. – Applicability

The provisions of this article apply to all new development requiring zoning or local development order approval, excluding limited development orders entitled to limited review per Section 10-174, located in the North Olga Community ~~Planning~~ Area, as defined in Goal 29 of the County Comprehensive Plan.

Sec. 33-1662. – Community planning area boundaries.

The boundaries of the North Olga Community ~~Planning~~ Area are as depicted in the County Comprehensive Plan Map 2-A1, Page 2 of 8.

Sec. 33-1663. – Community review.

(a) remains unchanged.

- (b) *Meeting requirements.* The applicant is responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. The meeting location will be determined by the applicant and must be held within the boundaries of the North Olga Community Plan Area, ~~or within the boundaries of an immediately adjacent community planning area (Alva, Bayshore, or Caloosahatchee Shores).~~ Meetings may, but are not required to, be conducted before non-County-formed boards, committees, associations, or planning panels. During the meeting, the agent will provide a general overview of the project for any interested citizens. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. The applicant is not required to receive an affirmative vote or approval of citizens present at the meeting.

Sec. 33-1664. – Existing development.

Existing planned developments may voluntarily bring a Master Concept Plan into compliance with the North Olga Community Plan Area provisions, or any regulation contained in this division, administratively. No public hearing will be required if the sole intention is for existing planned developments to comply with these regulations.

DIVISION 2. – DESIGN STANDARDS

Subdivision II. – Architecture

Sec. 33-1669. – Applicability.

Architectural design of all buildings within the North Olga Community Plan Area must comply with this subdivision; places of worship, single-family and duplex dwellings are exempt from this subdivision.

DIVISION 3. – ADDITIONAL USE

Sec. 33-1678. – Applicability.

The following regulations apply to home occupation within the North Olga Community Plan Area. The ordinance from which this this division is derived is adopted as an addendum to the home occupation regulations set forth in Chapter 34, Article VII, Division 18.

ARTICLE XI. – UPPER CAPTIVA- COMMUNITY PLAN AREA

DIVISION 1. – IN GENERAL

Sec. 33-1702. – Community review; meeting requirements.

The applicant is responsible for providing the meeting space, notice of the meeting, and security measures as needed. The meeting must be held within the Upper Captiva ~~Community Plan Area~~ planning area. The specific meeting location will be determined by the applicant. Meetings may, but are not required to, be conducted before non-County-formed boards, committees, associations, or planning panels. During the meeting, the agent will provide a general overview of the project for any interested citizens. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. The applicant is not required to receive an affirmative vote or approval of citizens present at the meeting. This meeting must be held after the application has been filed. The applicant will provide notice to the Upper Captiva Community no less than ten days before the meeting by placing signs or posters in public places, by circulating a notice to the broadest e-mail list available, and by submitting a notice for posting on the community website. The applicant must also provide the meeting summary to the Upper Captiva Community for the purpose of posting on the community website and on any appropriate Lee County government document clearinghouse.

SECTION EIGHT: AMENDMENT TO LDC CHAPTER 34

Lee County Land Development Code Chapter 34 is amended as follows with strike through identifying deleted text and underline identifying new text.

CHAPTER 34 – ZONING

ARTICLE I. – IN GENERAL

Sec. 34-2. – Definitions.

The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Abutting property” through “Government agency” remain unchanged.

Greater Pine Island means the area that is affected by Lee Plan Goal 24 as depicted on the ~~Future Land Use Map 2-A~~ Future Land Use Map 2-A and as described in Section 33-1002.

“Greenhouse” through “Skyglow” remain unchanged.

Southeast Lee County means the land designated as ~~Planning Community District #18~~ Planning Community District #18 on Lee Plan Map ~~461-B~~ 461-B.

Remainder of section remains unchanged.

Sec. 34-6. – Compliance with specific ~~planning community~~ Community Plan Area requirements.

If the subject property is located in one of the following communities, the owner/applicant will be required to demonstrate compliance with the requirements applicable to the specific community as outlined in Chapter 33.

Remainder of section remains unchanged.

ARTICLE II. – ADMINISTRATION

DIVISION 4. – HEARING EXAMINER

Sec. 34-141. – Office established.

The Office of Hearing Examiner is hereby created and established, in accordance with the provisions of this Code. The Hearing Examiner has the powers set forth in:

- The Land Development Code;
- Code Enforcement Board/Special Masters Ordinance (Lee County Code, Chapter 1, Article II, Division 2 and Section 18-95);
- Historic Preservation Ordinance (Lee County Code, Chapter 22);
- The Nuisance Accumulation Ordinance (Lee County Code, Chapter 18, Article IV);
- ~~Post Disaster Recovery Ordinance (Lee County Code, Chapter 10, Article IV);~~
- Mandatory Recycling of Commercial and Multifamily Residential Solid Waste, Construction and Demolition Debris (Lee County Code, Chapter 23, Article III);
- Mandatory Solid Waste Collection and Disposal Benefit Unit Ordinance (Lee County Code, Chapter 25, Article VII, Division 2);
- The Lot Mowing Ordinance (Lee County Code, Chapter 18, Article V);
- The Abandoned Property Registration Program (Lee County Code, Chapter 18, Article III); and
- The Noise Control Ordinance (Lee County Code, Chapter 19, Article VI).

Sec. 34-145. – Functions and authority.

The Hearing Examiner is limited to the authority that is conferred by the following:

(a) through (c) remain unchanged.

(d) *Zoning matters.*

(1) through (3) remain unchanged.

(4) *Findings/review criteria.*

a. *Approval.* Before approval or recommending approval for:

1. *Rezoning generally.* The Hearing Examiner must find the request:

a) through f) remain unchanged.

g) Will be served by urban public services, defined in the Lee Plan, if located in a Future Urban area category.

Remainder of section remains unchanged.

ARTICLE V. – COMPREHENSIVE PLANNING; THE LEE PLAN

Sec. 34-491. – The Lee Plan

(a) remains unchanged.

(b) The Lee Plan contains a future land use map which divides the County into future urban, future suburban, and future non-urban ~~nonurban, and environmentally sensitive~~ areas. All development must be consistent with the future land use map, the definitions of the land use categories in the text of the plan, and the remainder of the text of the Lee Plan.

(c) remains unchanged.

ARTICLE VI. – DISTRICT REGULATIONS

DIVISION 2. – AGRICULTURAL DISTRICTS

Sec. 34-653. – Use regulation table.

Table remains unchanged.

Notes:

(1) remains unchanged.

(2) Any lot created in the rural community preserve land use category (as delineated by Policy ~~47.1.3~~20.1.3 of the Lee Plan) after July 9, 1991, must have a minimum area of 43,560 square feet excluding all street rights-of-way or easement areas, water management areas, and natural water bodies. Public utility easement areas may be included in the lot size calculation.

Remainder of section remains unchanged.

Sec. 34-654. – Property development regulations table.

Table remains unchanged.

Notes:

(1) *remains unchanged.*

(2) Any lot created in the rural community preserve land use category (as delineated by Policy 47.1.320.1.3 of the Lee Plan) after July 9, 1991, must have a minimum area of 43,560 square feet excluding all street rights-of-way.

Remainder of section remains unchanged.

DIVISION 3. – RESIDENTIAL DISTRICTS

Subdivision I. – In General

Sec. 34-671. – General purpose and intent.

The purpose and intent of the residential districts is to permit various types of dwelling units at various densities in the ~~urban~~public service areas where infrastructure exists or can feasibly be extended, and to permit lower-density, single-family conventional and mobile home dwelling units in nonurban areas where the services and conveniences of the urban areas are not provided.

Subdivision III. – Multiple-Family Districts

Sec. 34-715. – Property development regulations table.

No structure may hereafter be erected, constructed, moved, altered or maintained in the RM Districts in a manner that is not consistent with the property development regulations for Multiple-Family Districts, except as provided for in Article VIII of this chapter, or in Section 34-620 or Section 34-713.

Properties located within the Mixed-Use Overlay as delineated on Map 1-C, ~~page~~ 6 of the Lee Plan and described in Objective 11.2 may apply the alternative property development regulations under the “MUO” category.

Remainder of section remains unchanged.

Subdivision IV. – Mobile Home Residential Districts

Sec. 34-734. – ~~Reserved. Emergency shelters.~~

~~Mobile home residential developments commenced after August 1, 1986, will be required to provide emergency shelters in accordance with the provisions of Section 10-258.~~

DIVISION 4. – RECREATIONAL VEHICLE PARK DISTRICTS

Sec. 34-763. – ~~Tiedowns, and emergency shelters.~~

(a) *Tiedowns.*

(1) The following recreational vehicles must be properly tied down in accordance with the standards set forth in F.A.C. Ch. 15C-1, as amended, or Chapter 6, Article IV, whichever is applicable, as follows:

a. All permanent units, as defined in section 34-2. (d).

b. *remains unchanged.*

(2) *remains unchanged.*

(b) ~~Emergency shelters.~~ ~~New or phased recreational vehicle developments will be required to provide an emergency shelter in accordance with the provisions of Section 10-258.~~

DIVISION 6. – COMMERCIAL DISTRICTS

Sec. 34-841. – Purpose and intent.

(a) *remains unchanged.*

(b) C-1A, C-1 and C-2 Commercial Districts. The purpose and intent of the C-1A, C-1 and C-2 Districts is to regulate the continuance of commercial and select residential land uses and structures lawfully existing in the C-1A, C-1 and C-2 Districts as of August 1, 1986, and as originally permitted by the County Zoning Regulations of 1962, as amended, and 1978, as amended, respectively. Subsequent to February 4, 1978, no land or water shall be rezoned into the C-1A, C-1 or C-2 Districts, unless located within the Mixed-Use Overlay as identified on Lee Plan Map 1-C, ~~Page 6~~. In no case shall new development be permitted in any existing C-1A, C-1 or C-2 District which is not consistent with the Lee Plan.

Remainder of section remains unchanged.

Sec. 34-845. – Property development regulations table.

No structure may hereafter be erected, constructed, moved, altered or maintained in any conventional commercial district in a manner inconsistent with the property development regulations for conventional commercial districts, except as provided for in Article VIII of this chapter, or in Section 34-620.

Properties located within the Mixed-Use Overlay, as delineated on Map 1-C, page 6 of the Lee Plan and described in Objective 11.2, may apply the alternative property development regulations under the MUO category.

Remainder of section remains unchanged.

DIVISION 7. – MARINE-ORIENTED DISTRICTS

Sec. 34-871. – Purpose and intent.

- (a) *CM Marine Commercial District.* The purpose and intent of the CM District is to permit the designation of suitable locations for, and to ensure the proper development and use of, land and adjacent waters for commercial marinas and other uses incidental to those facilities. The principal uses of land are limited to waterfront-dependent uses required for the support of recreational boating and fishing. The marina siting and design criteria are set forth under Objectives 128.4 and 128.5 ~~and 128.6~~ of the Lee Plan and in the Manatee Protection Plan.
- (b) *IM Marine Industrial District.* The purpose and intent of the IM District is to permit the designation of suitable locations for, and to ensure the proper development and use of, land and adjacent waters for commercial and industrial waterfront-dependent land uses. These uses are more intense than those normally encountered in a recreational marina yet fall short of the intensity of use represented by the storage and commodity handling facilities and equipment attendant to the waterborne commerce movement facilities that are the principal focus of the PORT District. The marine industrial district is intended to accommodate uses such as boatbuilding, major hull and engine maintenance and repair, landing, icing and shipping of fish and seafood (fish and seafood processing requires a special exception), and other uses of similar scope and scale. The marina siting and design criteria are set forth under Objectives 128.4 and 128.5 ~~and 128.6~~ of the Lee Plan and in the Manatee Protection Plan.

Remainder of section remains unchanged.

DIVISION 9. – PLANNED DEVELOPMENT DISTRICTS

Sec. 34-941. – Private Recreational Facilities Planned Developments.

- (a) *Applicability.* The PRFPD Private Recreational Facilities Planned Development District option may only be requested and approved in those areas depicted on the Lee Plan Private Recreation Facilities Overlay Map (Map-4 1-E).

(b) through (d) remain unchanged.

- (e) *Additional design and performance standards for golf course use.* The following standards for golf courses are in addition to design standards set forth above:

(1) through (4) remain unchanged.

- (5) Golf course site requirements.

a. through f. remain unchanged.

g. Management and maintenance of natural areas. The owners, or their assignees, must use accepted Best Management Practices to perpetually maintain all golf course areas as well as any on-site natural vegetation areas associated with other private recreational facilities.

i. Appropriate management techniques will be determined based upon the existing plant community. A land management plan for natural vegetation areas must be submitted to, and approved by, the ~~Lee County Division of Planning~~ prior to issuance of a local development order.

Management techniques addressed in the plan must include, but are not limited to, the following:

Remainder of section remains unchanged.

ARTICLE VII. – SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 12. – DENSITY

Sec. 34-1493. – Calculation of total permissible housing units.

The Lee Plan establishes a standard and maximum residential density range permissible for each residential land use category. The procedure set forth in this section must be used to determine the standard residential density as well as the total number of housing units which may be permitted within a development.

- (1) *Proposed developments.*

a. remains unchanged.

b. *Estimation of total permissible housing units.* The number of permissible housing units is calculated as follows:

1. *Intensive development, central urban and urban community land use districts.*

i. remains unchanged.

ii. Additional units may be transferred from abutting wetland areas at the same underlying density as is permitted for the uplands, so long as the uplands density does not exceed the maximum standard density plus one-half of the difference between the maximum total density and the maximum standard density as set forth in Table 1(a). Summary of Residential Densities in the Lee Plan.

Remainder of section remains unchanged.

DIVISION 18. – HOME OCCUPATIONS; LIVE-WORK UNITS

Sec. 34-1772. – Permitted uses; operation.

- (a) Any use of a residence for a home occupation must be clearly incidental and subordinate to its use for residential purposes by the occupants.
- (b) All retail transactions ~~The use~~ must be conducted entirely within the dwelling unit, though incidental business uses may be conducted elsewhere at the residential property or customary accessory building.
- (c) ~~No e~~ No more than two employees or independent contractors ~~employees must reside in the residential dwelling unit, except up to two employees or independent contractors who do not reside at the residential dwelling unit may other than members of the immediate family residing in the dwelling will~~ may be permitted to work at the residence, but may be employed to work elsewhere provided that the employees do not come to the residence for equipment, vehicles, or supplies. Under special conditions, such as a disabled person or retiree needing clerical assistance, the Director may allow one employee who is not a resident of the home to work at the residence.
- (d) ~~There may be no exterior indication that the dwelling is used for any purpose other than a residence, except that one~~ Signage is limited to one non-illuminated nameplate, not exceeding one square foot (144 square inches) in area, ~~may be attached to the building on or next to the~~ its primary entrance.
- (e) No commodities, stores or display of products on the premises may be visible from the street or surrounding residential area. ~~No outdoor display or storage of materials, goods, supplies or equipment used in the home occupation may be permitted on the premises, unless approved by special exception. Vehicles and trailers for use in connection with a home occupation may not be parked or stored on the premises unless completely enclosed within a building. Parking or storage~~

of trucks and commercial vehicles used in the operation of the home occupation must be in compliance with the requirements of section 34-1181.

- (f) No equipment may be used which creates noise, vibration, glare, fumes, odors or electrical interference ~~objectionable to the normal senses beyond that associated with a residential use.~~ No equipment or process may be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises beyond that associated with a residential use.
- (g) ~~No use permitted by this division may generate greater volumes of traffic than would otherwise be expected by normal residential uses.~~
- (h) ~~No use that attracts customers to the dwelling unit may be permitted under this section.~~

DIVISION 21. – MARINE FACILITIES, STRUCTURES AND EQUIPMENT

Sec. 34-1862. – Marinas, fish houses and docking facilities.

- (a) *Water-dependent overlay zones.* Water-dependent overlay zones have been designated for shoreline areas where priority will be granted to water-dependent land uses (Goal 8). Goal 12 of the Lee Plan details specific requirements for the water-dependent overlay zones on San Carlos Island (see Map 21-H of the Lee Plan). Policies regulating water-dependent uses in other areas of the County are found under Objectives 128.1 and 128.2 and are mapped in the appendix of the Lee Plan, as Map 421-H.
- (b) *Marina siting criteria.* The marina siting criteria set forth in the Manatee Protection Plan and Objective 128.54 and Policies 128.54.1 through 128.54.12 of the Lee Plan must be considered in evaluating new or substantially expanded marinas, other wet slip facilities and boat ramps.
- (c) *Marina design criteria.* The marina design criteria set forth in the Manatee Protection Plan and Objective 128.65 and Policies 128.65.1 through 128.65.16 of the Lee Plan must be utilized in evaluating the design of new marinas, or expansion of wet slip facilities at existing marinas.

Remainder of section remains unchanged.

DIVISION 26. – PARKING

Sec. 34-2013. – Access.

- (a) *remains unchanged.*

- (b) Each parking lot must have a distinct parking lot entrance. The entrance must meet the requirements of Chapter 10, as well as the following:
- (1) Minimum width at property line for one-way entrances is 15 feet.
 - (2) Minimum width at property line for two-way entrances is 24 feet.
 - (3) Maximum throat width at property line is 35 feet.

The ~~Manager~~Director may determine that high traffic volumes or other special circumstances warrant other requirements. Emergency Services facilities, including fire, EMS, and sheriff's stations, are exempt from the maximum width requirements provided that the maximum throat width at the property line does not exceed 80 feet.

Remainder of section remains unchanged.

Sec. 34-2020. – Required parking spaces.

All uses are required to provide off-street parking based on the single-use development requirement unless the use is located in a development that qualifies as a multiple-use development, in which case, the minimum required spaces for multiple-use developments may be used. Use of the multiple-use development minimum parking regulations is optional. Parking for uses not specifically mentioned in this section must meet the minimum parking requirement for the use most similar to that being requested.

- (a) *Residential uses.* Residential uses permitted under this chapter are subject to the following minimum requirements:

Table 34-2020(a). Required Parking Spaces for Residential Uses

<i>Use</i>		<i>Special Notes or Regulations</i>	<i>Minimum Required Spaces for Single-Use Development</i>	<i>Minimum Required Spaces for Multiple-Use Development</i>
1.	Single-family, duplex, two-family attached and mobile home units		2 spaces per unit	—
2.	Townhouses	Note (1)	2 spaces per unit	—
3.	Multiple-family and timeshare units	Notes (1) & (3)	2 spaces per unit	—
4.	Assisted living facilities	Note (2), Sections 34-1414(c) et seq. & 34-1494 et seq.	0.54 spaces per unit	0.41 spaces per unit
5.	Continuing care facilities	Note (2), Sections 34-	1.12 spaces per unit	1 space per unit

		1414(c) et seq. & 34-1494 et seq.		
6.	Independent (self-care) living facilities, including group quarters, health care (Groups I & II), social services (Groups III & IV) and other similar uses	Note (2), Sections 34-1414(c) et seq. & 34-1494 et seq.	1 space per unit	0.59 spaces per unit
7.	Clubhouse and ancillary uses within a residential community without a golf course	Notes <u>(4)</u> & <u>(5)</u>	4 spaces per 1,000 square feet of total floor area	3.5 spaces per 1,000 square feet of total floor area

Notes:

- (1) In addition to the spaces required, additional parking spaces equal to ten percent of the total required must be provided to accommodate guest parking in a common parking lot.
- (2) Where the living units are maintained under single management and the residents are not capable or permitted to own or operate private vehicles on the same premises, the Director may authorize up to a 75 percent reduction in required parking spaces if sufficient parking is provided for employees and visitors.
- (3) If vehicles back directly onto an internal roadway or accessway, the driveway must be designed so that:
 1. The driveway connects to a private internal local road or accessway with a design and posted speed limit of 25 miles per hour, or less;
 2. The visual clear zone sight distance (considering vehicles that may be parked nearby) is a minimum of 200 feet and in conformance with the visibility triangle criteria of Section 34-3131;
 3. Traffic calming devices are provided per Lee County AC-11-14; and
 4. The length of the driveway, as measured from the garage structure or the end of the stacked parking space farthest from the street or accessway must be a minimum of 22 feet to the edge of a private street right-of-way or easement line or 27

feet to the edge of pavement of an accessway. However, this section is not to be interpreted to allow buildings or structures closer to a street right-of-way or easement than permitted by Section 34-2192.

- (4) May include administrative offices or other ancillary uses to the clubhouse such as a gym and/or meeting room.
- (5) Where a residential community includes a golf course, parking for a clubhouse with food and beverage service, limited or a restaurant will be six spaces per hole or 12.5 spaces per 1,000 square feet of restaurant whichever is greater.

Remainder of section remains unchanged.

DIVISION 37. – SUBORDINATE AND TEMPORARY USES

Subdivision II. – Temporary Uses

Sec. 34-3046. – Temporary use of mobile homes or recreational vehicles (RVs).

- (a) *Rehabilitation or construction of residence following disaster.*
 - (1) If fire or disaster renders a permanent residential structure ~~single-family residence~~ unfit for human habitation, the temporary use of a recreational vehicle or mobile home, travel trailer or park-trailer located on the property ~~single-family lot~~ during rehabilitation of the original residence or construction of a new residence may be permitted subject to the regulations set out in this section.
 - (2) The maximum duration of the use is ~~48-36 months or 540 days~~ after the date the Governor of the State of Florida ~~President of the United States~~ issues a disaster declaration of a state of emergency. If no disaster declaration of a state of emergency is issued, then the maximum duration of the use is six months. The Director may extend the permit once for a period not to exceed 60 days in the event of circumstances beyond the owner's control. Application for an extension must be made prior to expiration of the original permit.
- (b) *Rehabilitation or construction of a damaged business, commercial or industrial uses following disaster.*
 - (1) Business, commercial or industrial uses, damaged by a major or catastrophic disaster necessary for the public health and safety or that will aid in restoring the community's economic base, may be permitted to use a mobile home or similar type structure to carry out their activities until the

damaged structures ~~are~~ is rebuilt or replaced according to applicable development or redevelopment regulations.

- (2) The maximum duration of the temporary use is ~~nine 24 months or 270 days~~ after the date the ~~Governor of the State of Florida~~ President of the United States issues a ~~disaster~~ declaration of a state of emergency. If no ~~disaster declaration of a state of emergency~~ is issued, then the maximum duration of the use is six months. The Director may extend the permit once for a period not to exceed 60 days in the event of circumstances beyond the owner's control. Application for an extension must be made prior to expiration of the original permit.

(c) *Construction of residence in AG District.*

- (1) A recreational vehicle or temporary mobile home may be permitted to be emplaced on a lot during construction of a conventional single-family dwelling in ~~an~~ the agricultural district.
- (2) The recreational vehicle or mobile home must be removed from the property within ten days of the issuance of the Certificate of Occupancy, or expiration of the building permit for the conventional dwelling, whichever occurs first.

(d) *Conditions for use.*

- (1) Required water and sanitary facilities must be provided.
- (2) The mobile home or recreational vehicle, ~~travel trailer or park trailer~~ must be removed from the property within ten days after the Certificate of Occupancy is issued for the new or rehabilitated residence, business, commercial or industrial use or upon expiration of the temporary use permit, whichever occurs first.
- (3) Placement or setting of the mobile home or recreational vehicle, ~~travel trailer or park trailer~~ must comply with Chapter 6, Article IV, pertaining to floodplain management.

SECTION NINE: AMENDMENT TO LDC CHAPTER APPENDIX B

Lee County Land Development Code Appendix B is amended as follows with strike through identifying deleted text and underline identifying new text.

APPENDIX B

APPENDIX B GULF OF MEXICO BEACH DESCRIPTION¹

GULF OF MEXICO BEACH DESCRIPTION

GASPARILLA ISLAND.

Those beaches westerly from the Lee County Line on the north to a point being the southernmost point of the island bearing due south provided, however, that said northernmost and southernmost points are subject to change as a result of natural erosion and accretion occurring to the beaches over time.

CAYO COSTA ISLAND (LA COSTA)

Those beaches westerly from that point being the northernmost point of the island bearing due north to that point being the southernmost point of the island bearing due south; provided, however, that said northernmost and southernmost points are subject to change as a result of natural erosion and accretion occurring to the beaches over time.

THOSE UNNAMED ISLANDS IN THE GULF OF MEXICO OFF THE WESTERN COAST OF CAYO COSTA ISLAND.

All beaches of each island.

NORTH CAPTIVA ISLAND.

Those beaches westerly from that point being the northernmost point of the island bearing due north to that point being the southernmost point of the island bearing due south; provided, however, that said northernmost and southernmost points are subject to change as a result of natural erosion and accretion occurring to the beaches over time.

CAPTIVA ISLAND.

Those beaches westerly from that point being the northernmost point of the island bearing due north to that point being the southernmost point of the island bearing due south; provided, however, that said northernmost and southernmost points are subject to change as a result of natural erosion and accretion occurring to the beaches over time.

~~ESTERO ISLAND.~~

¹Editor's note(s)—Printed herein is Appendix B to the Land Development Code. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and expression of numbers in text has been used. Additions made for clarity are indicated by brackets.

~~Those beaches westerly from that point being the northernmost point of the island bearing due north to that point being the southernmost point of the island bearing due south; provided, however, that said northernmost and southernmost points are subject to change as a result of natural erosion and accretion occurring to the beaches over time.~~

LOVER'S KEY GROUP OF ISLANDS INCLUDING BLACK ISLAND.

~~Those beaches westerly from that point beginning at the northernmost point bearing due north of the western most lands of the island group fronting on the Gulf of Mexico to a point being the southernmost point of the island group bearing due south; provided, however, that said northernmost and southernmost points are subject to change as a result of natural erosion and accretion occurring to the beaches over time.~~

BIG HICKORY ISLAND.

~~Those beaches westerly from that point being the northernmost point of the island bearing due north to that point of the island in Big Hickory Pass being the southernmost point bearing due south; provided, however, that said northernmost and southernmost points are subject to change as a result of natural erosion and accretion occurring to the beaches over time.~~

LITTLE HICKORY ISLAND (BONITA BEACH).

~~Those beaches westerly from that point being the northernmost point of the island bearing due north to that point being the Lee County Line on the south; provided, however, that the said northernmost and southernmost points are subject to change as a result of natural erosion and accretion occurring to the beaches over time.~~

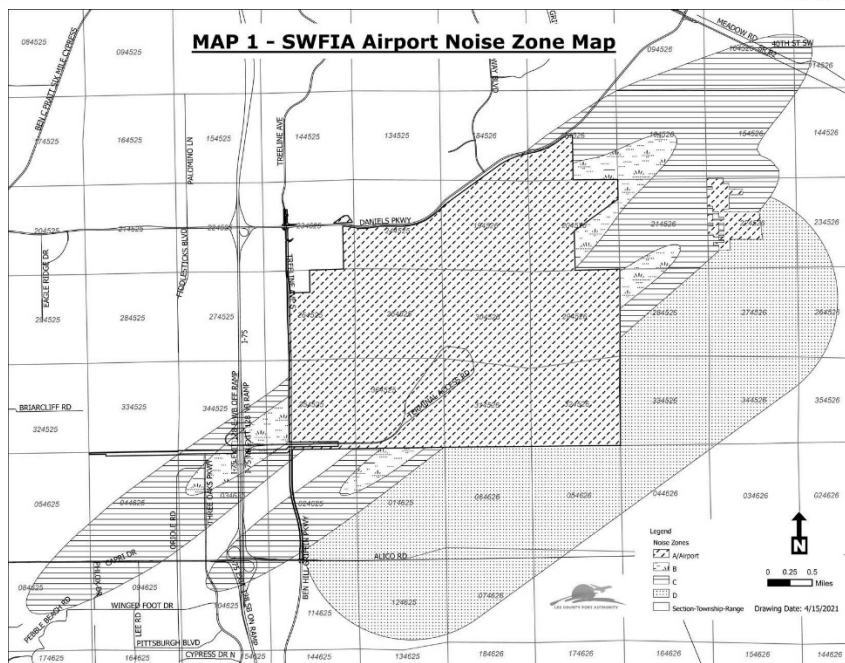
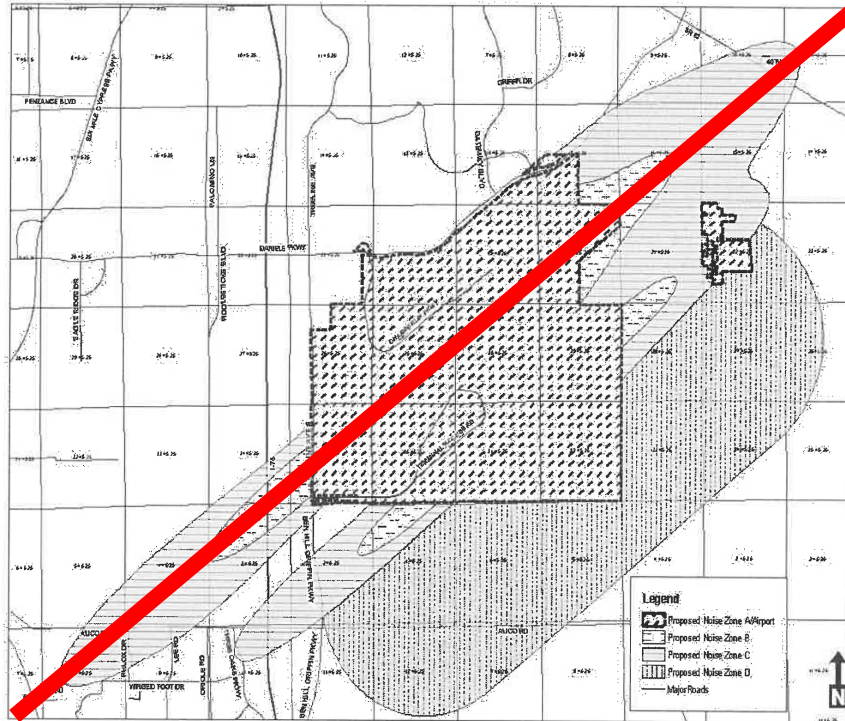
SECTION TEN: AMENDMENT TO LDC CHAPTER APPENDIX C

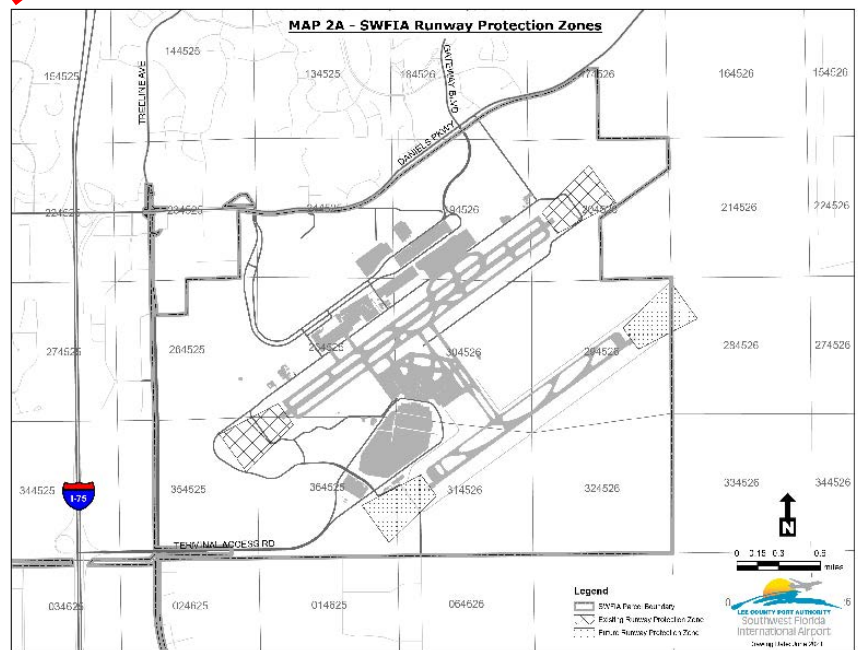
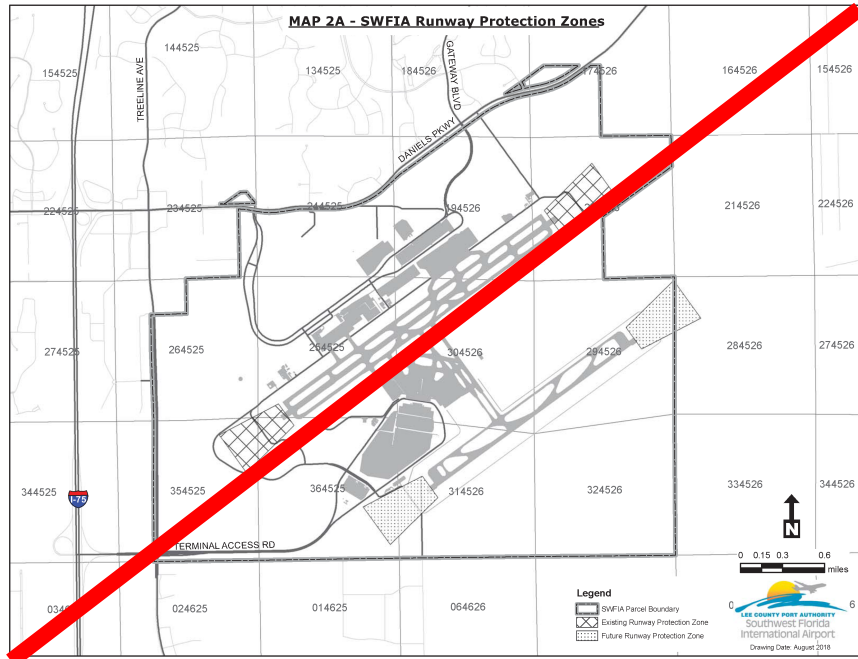
Lee County Land Development Code Appendix C is amended as follows with strike through identifying deleted text and underline identifying new text.

APPENDIX C AIRPORT COMPATIBILITY DISTRICT MAPS

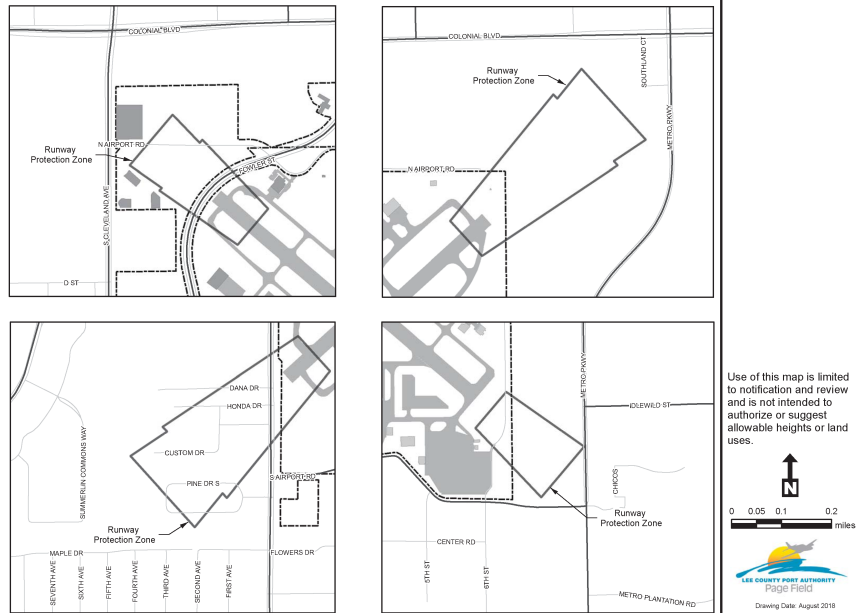
Map 1

SWFIA Airport Noise Zone Zone Map

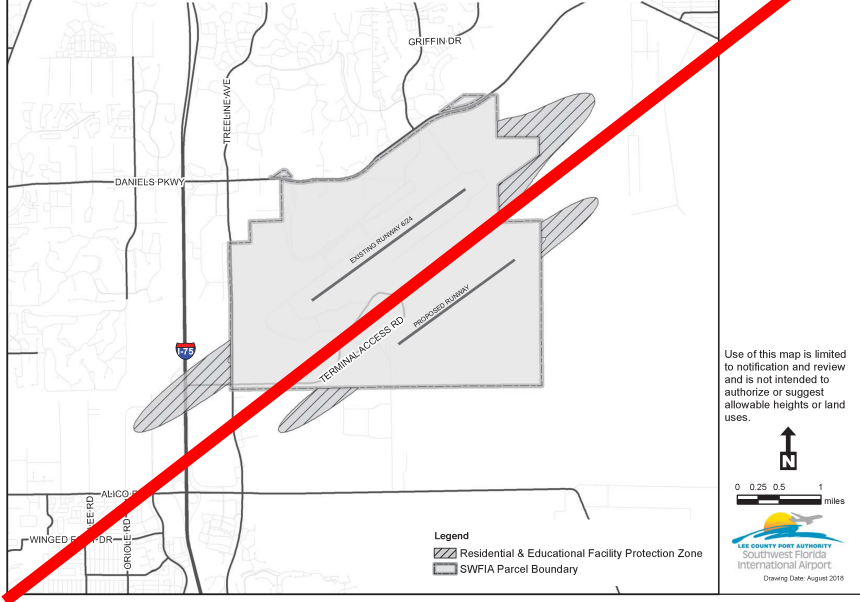


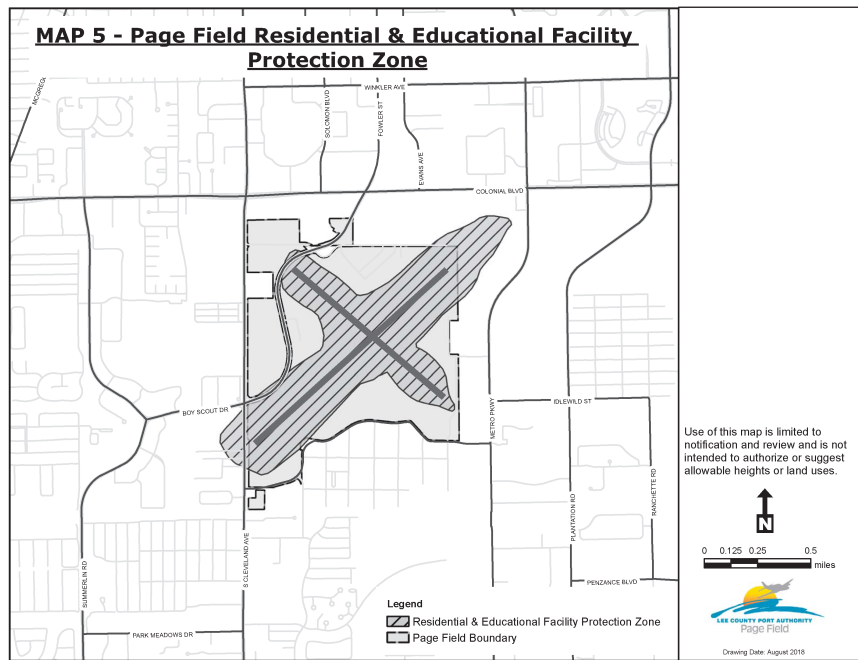
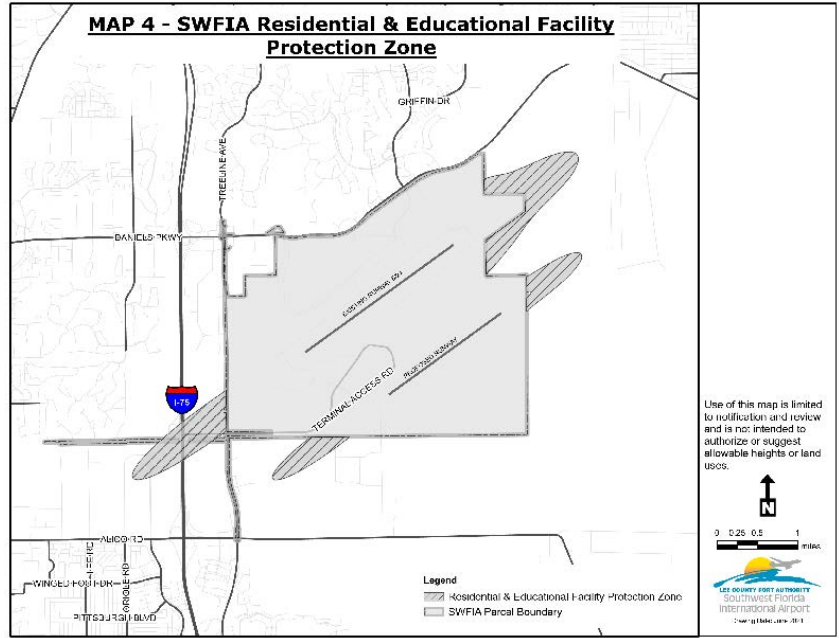


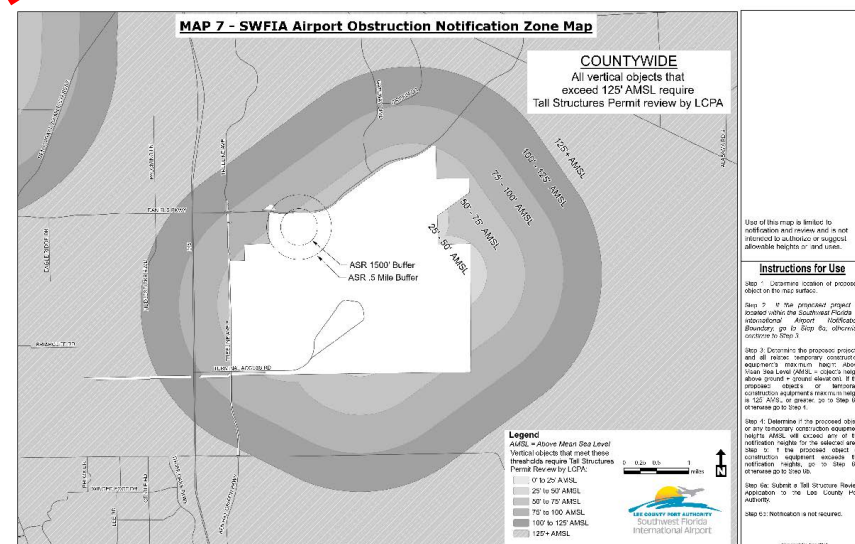
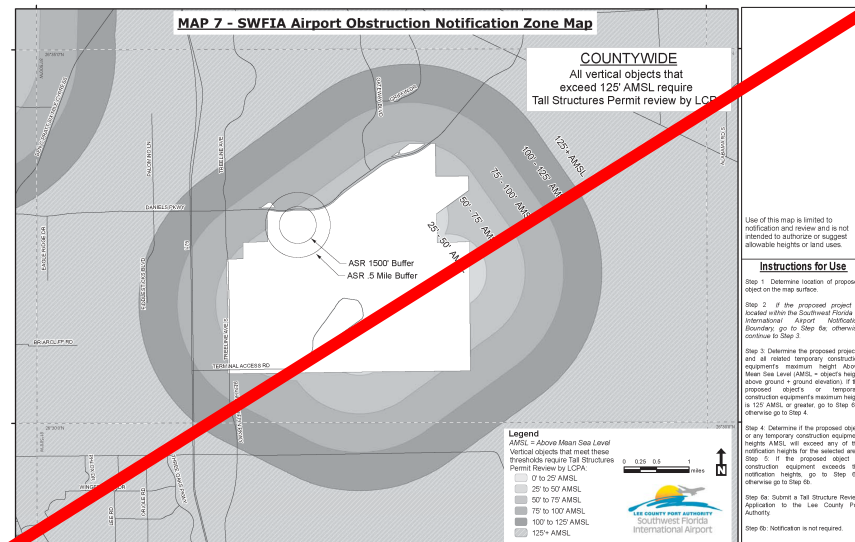
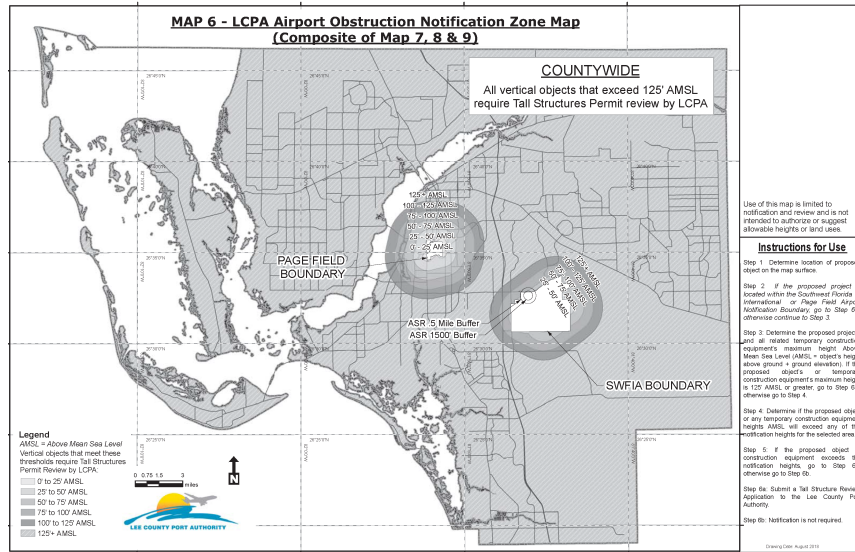
MAP 3B - Page Field Runway Protection Zones

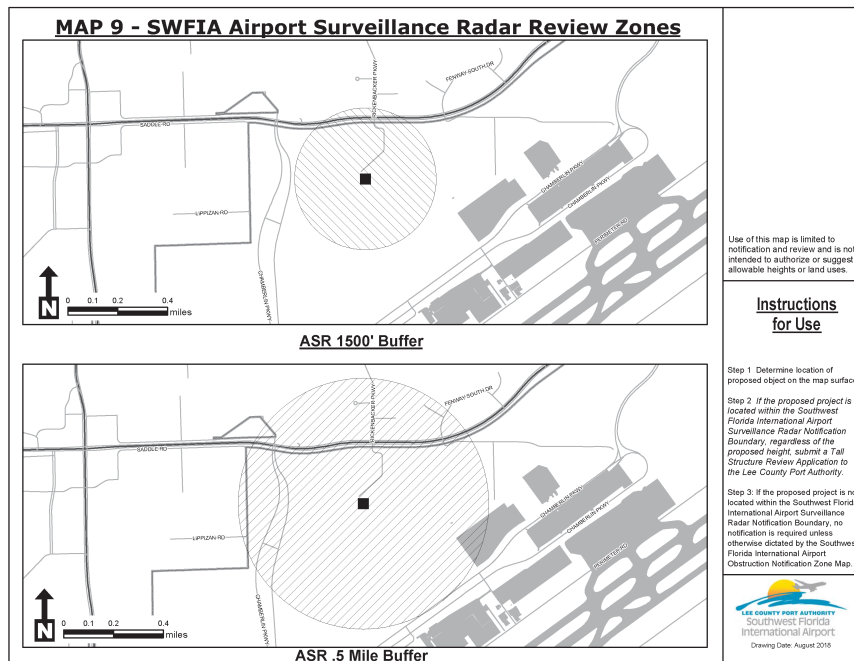
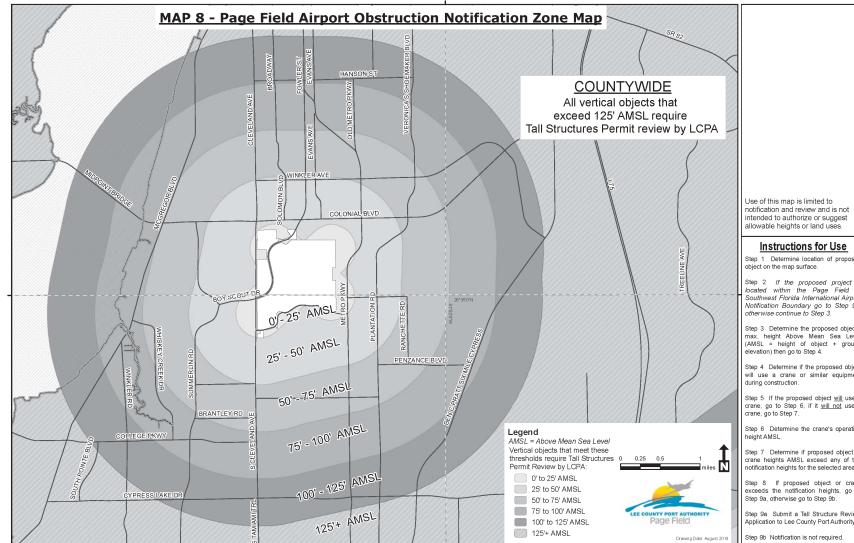


MAP 4 - SWFIA Residential & Educational Facility Protection Zone





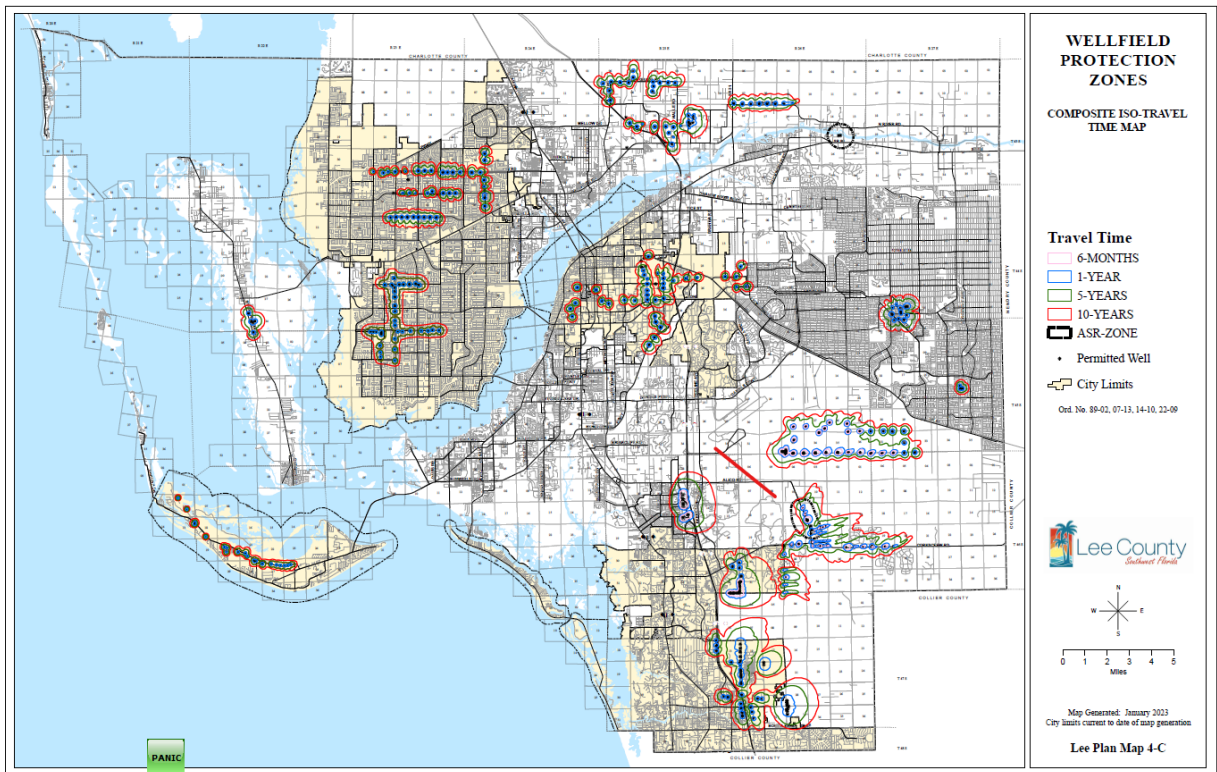
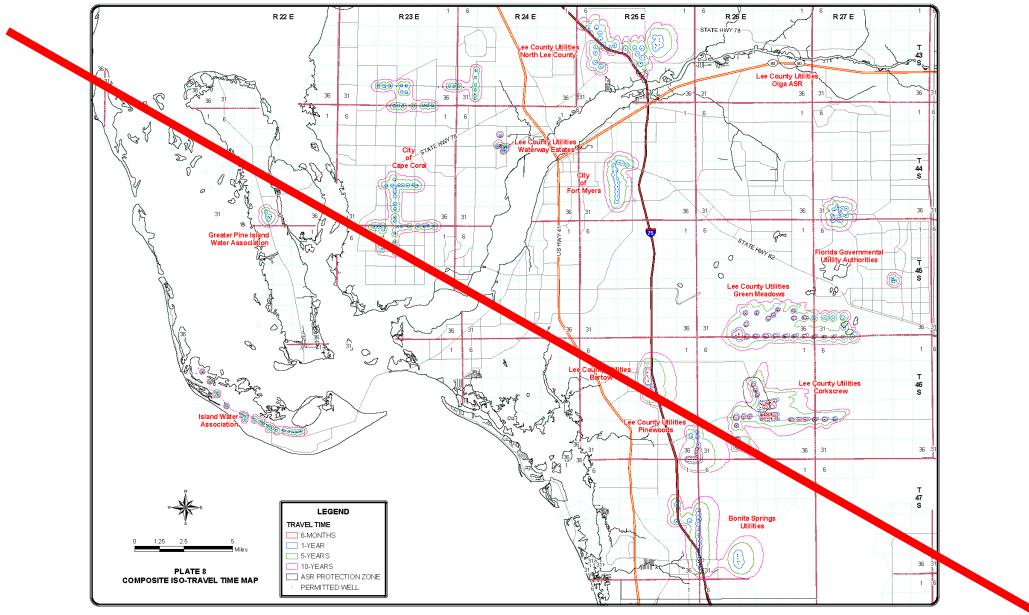




SECTION ELEVEN: AMENDMENT TO LDC CHAPTER APPENDIX N

Lee County Land Development Code Appendix N is amended as follows with strike through identifying deleted text and underline identifying new text.

APPENDIX N WELLFIELD PROTECTION ZONES



SECTION TWELVE: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

SECTION THIRTEEN: SEVERABILITY

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such unconstitutional provision was not included.

SECTION FOURTEEN: CODIFICATION AND SCRIVENER'S ERRORS

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code. Sections of this ordinance can be renumbered or relettered and the word "ordinance" can be changed to "section", "article," or other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Administrator, County Manager or his designee, without the need for a public hearing.

SECTION FIFTEEN: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION SIXTEEN: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State. The provisions of this ordinance will apply to all projects or applications subject to the LDC unless the development order application for such project is complete or the zoning request is found sufficient before the effective date.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

Commissioner Hamman made a motion to adopt the foregoing ordinance, seconded by Commissioner Pendergrass. The vote was as follows:

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 1st day of October, 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Mike Greenwell, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

By: _____
Office of the County Attorney