



LOCAL PLANNING AGENCY
OLD LEE COUNTY COURTHOUSE
2120 MAIN STREET, FORT MYERS, FL 33901
BOARD CHAMBERS (SECOND FLOOR)
MONDAY, AUGUST 31, 2026
9:00 AM

AGENDA

1. Call to Order/Review of Affidavit of Publication/Pledge of Allegiance
2. Public Forum
3. Approval of Minutes – July 27, 2026
4. Lee Plan Amendment

A. CPA2026-00005 Future Land Use Element Update

Amend the Future Land Use Element to increase efficiency, reduce unnecessary regulations, while maintaining the protection of public health, safety, and welfare and meeting State requirements. To maintain internal consistency and in order to relocate certain provisions amendments are also proposed to the Lee Plan Vision, Transportation Element, Conservation and Coastal Management Element, Historic Preservation Element, Administration, Glossary and the Lee Plan's appendices. The proposed amendments will not change allowable densities and intensities within Lee County. Specifically, the proposed amendments amend the Lee Plan's Vision Statement, Glossary, Administrative Element and Goals 1, 2, 5, 6, 7, 9, 10, 11, 36, and 124, Maps 1-C, and 1-D, and Table 1(a); Deletes Goals 3, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 34 and Maps 1-G, 2-A, 2-B, 2-C, 2-E, 3-G, and 3-H; and relocates text or layers from amended or deleted Goals and Maps to Goals 40, 114, 129, and 143, and new Maps 5-E and 5-F .

5. Land Development Code Amendments

- A. Amend Chapters 2, 10, 14, 33, and 34 of the LDC to increase efficiency, reduce unnecessary regulations, while maintaining the protection of public health, safety, and welfare and meeting State requirements.

- B. Amend Chapter 34 of the Land Development Code to incorporate Planned Development requirements for the Southeast Lee County Planning District.
 - C. Amend Chapters 6 of the Land Development Code for consistency with FEMA requirements concerning accessory structures.
- 6. Other Business
 - 7. Adjournment

This meeting is open to the public. Interested parties may appear at the meeting and be heard. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

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**MINUTES REPORT
LOCAL PLANNING AGENCY
JULY 27, 2026**

MEMBERS PRESENT:

Dustin Gardner	Stan Stouder (Chair)
Jennifer Sapen	Vincent Colaluca (Non-Voting School Board Member)
Don Schrotenboer (Vice Chair)	

MEMBERS ABSENT:

Dawn Russell	Henry Zuba
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STAFF PRESENT:

Nathan Beals, Utilities	Lindsey Karczewski, Planning
Kate Burgess, Principal Planner, Planning	Ohdet Kleinmann, Utilities
Brandon Dunn, Planning Manager	Janet Miller, DCD Admin.
Phil Gillogly, Natural Resources	Brianna Schroeder, Zoning
MarySue Groth, Senior Planner, Zoning	Becky Sweigert, Deputy Director, DCD
Michael Jacob, Deputy Cty. Atty.	Beth Workman, Principal Planner, Zoning

REPRESENTATIVES

CPA2025-00007 Pondella Holdings – Map Amendment

Veronica Martin, TDM Consulting

CPA2026-00004 Southeast Lee County Update

County-Initiated

Agenda Item 1 – Call to Order, Review of Affidavit of Publication/Pledge of Allegiance

Mr. Stouder, Chair, called the meeting to order at 9:00 a.m.

Mr. Jacob, Deputy County Attorney, certified that the affidavit of publication for today's meeting was properly advertised.

Agenda Item 2 – Public Forum- None

Agenda Item 3 – Approval of Minutes – April 27, 2026

Mr. Schrotenboer made a motion to approve the April 27, 2026 meeting minutes. The motion was seconded by Ms. Sapen. The Chair called the motion, and it passed 4-0.

Agenda Item 4 – Lee Plan Amendment

A. CPA2025-00007 Pondella Holdings – Map Amendment

Amend Map 4-B, Lee County Utilities Future Sewer Service Areas, to include the 6.42-acre subject property. Additionally, staff recommends inclusion of all properties south of Pondella Road, north of Stillwater Court, west of Palm Avenue and east of Hancock Creek be included in the Future Sewer Service Area.

Ms. Veronica Martin from TDM Consulting, Inc., representing Pondella Holdings, LLC, gave an overview of the project along with a PowerPoint Presentation. She was available for questions.

Due to a question by Ms. Sapen, Ms. Martin pulled up a map showing the subject property and noted that everything that is not in red that is south of Pondella Road will be included. She noted this information was included in the staff report.

Mr. Gardner noted that the documentation referenced several development scenarios ranging from 60 units to 90 units to 120 units. There were also some differentiating commercial wastewater numbers. He asked Ms. Martin to clarify what scenarios are used to determine the capacity.

Ms. Martin stated that this application began a year ago. She noted that the CT zoning district permits both multi-family and commercial development. She explained that as the Lee Plan is currently written, without being located in the Sanitary Sewer Service Area, they are permitted 2.5 dwelling units per acre and approximately 10,000 square feet of commercial. With this amendment, the applicant would be permitted up to 10 dwelling units per acre and 64,000 square feet of commercial. This is what the numbers are based on. Ms. Martin stated that at this point they do not have a development order site plan that differentiates between the multi-family area and the commercial. The applicant's intention is to have multi-family towards the south next to the single family lots and then the commercial along Pondella Road.

Mr. Gardner asked if the capacity determinations would come back for another development approval if the project can be larger.

Ms. Martin stated that was correct. It would go through another review through the rezoning as well as another review through Development Services for the development order. She noted that Lee County Utilities provided a letter of availability and capacity for this amendment, so they do have the capacity for future development.

Ms. Karczewski reviewed the staff report and recommendations along with a PowerPoint presentation.

Ms. Sapen referred to Page 7 of 7 in the staff report where it states, "*The property owners within the area proposed to be added by staff will not be required to connect based on existing infrastructure, but this will remove a regulatory barrier allowing them to connect in the future.*" She noted they were currently vacant tracts. She asked if the property owners would be required to connect once those tracts are developed.

Mr. Beals stated that if there are vacant tracts being developed, they would be required to connect if they exceed the threshold set by the Land Development Code. For instance, if there are more than 2.5 units per acre, they would have to connect for residential. If it is commercial, there are certain thresholds on square footage that would require them to connect to the County's sewer system. However, existing units would not be required to connect as there is no existing gravity available. Mr. Beals stated the only time property owners are required to connect to sewer is if there is a gravity sewer line in front of the property.

Ms. Sapen asked if this outer land was discussed at the North Fort Myers community meeting or if they only discussed the subject property.

Ms. Martin stated that she did not realize initially that staff wanted to include the additional 44 acres when she conducted the public information meeting in March. Therefore, she only discussed with the community the 6.42 acres. However, she was certain they would benefit and appreciate connection to sanitary sewer if it is available.

Mr. Stouder asked who would be responsible for putting the water and distribution lines in the ground through the remainder of the property, not the 6.42 acres, if these properties are added to the sewer map.

Mr. Beals stated they already have water lines throughout the area. This applies to sewer. Whoever wants to connect would have to extend the line. The County does not extend the lines through all of these acres. The only exception is a septic to sewer commercial project that was started years ago. He noted that, for the most part, it is driven by development and whether or not the vacant lots are in the boundary of the service area. If they exceed the thresholds, they will have to connect and do a map amendment.

Mr. Stouder asked for clarification that if the lot is south of Pondella Road and is a significant distance from it and they exceed the requirement, the individual lot owner has to pay for the installation of the distribution line.

Mr. Dunn stated that is correct, but another option would be for them to revise their development so it would not exceed those thresholds. This is what they would be able to do now without the sewer map available to them. They would have to limit their development to what could be built without access to the sewer.

Mr. Stouder felt it would be a burden to the lot owner within these distribution lines.

Mr. Dunn stated they are limited to what they can build without water and sewer regardless of whether they are part of this map change (Map 4B) unless they want to extend the sewer line to their property.

Mr. Stouder stated that, other than the burden of the lot owner, he finds this amendment to be compliant with the future land use. He felt it was a nice piece of planning to have infill and to include the other lot owners with the exception of burdening one or two with what would be financially a heavy burden. Other than that, he felt the infill and access was a good piece of planning.

Mr. Schrotenboer stated that the burden to the landowner comes either way. Either they have to come back if their development exceeds the limitations the County sets or they have to come back in and do a private amendment like this particular amendment before the LPA today to get added to the map.

Mr. Stouder disagreed and stated that the property owners have the ability to put in a septic system and operate on that. He did not feel this was a reason to deny the application, but he felt it was an unjust burden on the property owner.

The LPA had no further questions, so the Chair opened this item for public comment. No members of the public wished to comment, so the public comment portion was closed.

Mr. Schrotenboer made a motion to recommend transmittal of CPA2025-00007 (Pondella Holdings). The motion was seconded by Mr. Gardner. The Chair called the motion, and it passed 4-0.

B. CPA2026-00004 Southeast Lee County Update

Amend the Lee Plan's Future Land Use Element, Property Rights Element, Glossary, and Appendix to update the Southeast Lee Community Plan Area, to manage growth, streamline the Southeast Lee County overlays by relocating Planned Development requirements for Southeast Lee to the Land Development Code, reduce unnecessary regulations, and encourage development that will adequately protect water resources and wildlife habitat. This includes text amendments to Lee Plan Goal 33, Objectives 33.2, 33.3, and 33.4 and Policies 1.1.10, 1.1.13, 1.4.5, 1.6.10, 2.3.1, 2.3.2, 2.3.3, 6.1.2, 7.1.2, 33.1.2, 33.1.3, 33.1.6, 33.1.7, 33.1.8, 33.2.1, 33.2.2, 33.2.3, 33.2.4, 33.2.5, 33.3.1, 33.3.2, and Chapter 14 (Glossary), and add new Goals, Objectives, and Policies. To support the proposed text amendments, amendments are also proposed to Maps 1-A, 1-D, 2-A, 2-D, 4-A, and 4-B, and Tables 1(a) and 1(b).

Ms. Burgess reviewed the staff report and recommendations along with a PowerPoint presentation.

Mr. Stouder acknowledged that this was a voluminous undertaking with immense amounts of detail. He felt a lot of work went into it and he appreciated staff's efforts and skill.

Ms. Saper referred to Page 12 of 36 in the Staff report under Policy 1.4.8 (The Conservation Community future land use category), where it states, "*Nonresidential and multifamily uses may be allowed when developed alongside low-density residential uses.*" She felt a definition was needed for the word "*alongside.*"

Ms. Burgess stated the intent is that it be part of the same planned development so theoretically someone else could develop it, but it would still have to be part of the Planned Development standards or the overarching Planned Development.

Ms. Saper did not feel this is what the verbiage indicates. She could see how an applicant might believe that "*alongside*" means that if there is an infill in the middle, they could build something on either side of it.

Ms. Saper referred to Policy 33.4.3 on Page 11 of 36 of the staff report that reads, "*Nonresidential development in Southeast Lee County must demonstrate compliance with the established LDC requirements through a planned development and development agreement accepted by the County Attorney's Office.*" She asked why both a planned development and development agreement were needed.

Ms. Burgess stated the intent is that the development agreement can be a little easier or is sometimes a better function or contract for infrastructure, etc. It is not necessarily just a zoning regulation. It is a long term development requirement so it might be an either/or but it is something that is not addressed much in the Lee Plan or the Land Development Code. However, Development Agreements are something the County will start moving towards.

Mr. Stouder referred to the top of Page 12 of 36 in the staff report under Policy 1.1.16 where it reads, "*The Preservation and Innovation future land use category is connected to central utilities, and located along arterial or major collector roadways in the Southeast Lee County Community Plan Area...*" He asked if there was a reason we are limiting this to the Southeast Lee County Community Plan area rather than including it elsewhere in the county as well.

Ms. Burgess stated it might be appropriate in other areas as well, but because this amendment is focused on Southeast Lee County, they are focusing this category in that region only. She also noted that up until approximately three weeks ago, it was only an overlay that staff then changed to a future land use category. Since staff has not reviewed this on a broader scale, they wanted to limit it to Southeast Lee County for now.

Mr. Stouder felt staff might want to consider it on a broader scale at some point. He referred to Page 18 of 36 in the staff report under Goal 165.4, which reads, “*The right of a property owner to dispose of his or her property through sale or gift.*” He asked that this not be limited to a sale or give but through a “*legal conveyance.*” He noted there are other ways a property can be conveyed that is not a sale or a gift so it would make sense for that to be broadened.

Ms. Burgess stated this language came directly from State Statute; however, staff can review it further.

Mr. Dunn agreed and stated that staff could discuss it further with the County Attorney’s office and determine if it is appropriate or not. He stated that the State Statute only requires that the County have a minimum such as Numbers 1 through 4, but it does not say we cannot have more.

Mr. Stouder stated that “sale or gift” covers the majority of how that happens, but it is not all inclusive and has the potential to be burdensome to someone who conveys in another way.

The LPA had no further questions, so the Chair opened this item for public comment, but he stated there would be a 3 minute time limit. Public input was received from:

Marsha Ellis	Julianne Thomas (The Conservancy of SW Florida)
Peter Spahn	Daniel DeLisi (DeLisi, Inc.)
Alexis Crespo (RVi)	Neale Montgomery (Pavese Law Firm)
Ben Smith (Morris-Depew & Associates)	David Brown (RESPEC)
Brian Smith (Ensite, Inc.)	Matt DePaolis (Sanibel Captiva Conservation Foundation)
Derek Felder (Unite Lehigh)	James Kennedy
Marissa Figueroa (Audubon Florida)	

For those who were opposed to the amendments, their major concerns were: 1) The public is dissatisfied with this process; 2) These amendments are voluminous and the outreach that has taken place is not sufficient or as extensive as other efforts in the past such as the Dover Kohl study; 3) These amendments reflect one view, which is that of the development community. This effort began due to a number of applicants wanting to develop in this area; 4) The residents who live in this area rely on low density patterns to maintain their independence from government control including their access to their private water wells that rely on water quality. They use the sandstone aquifer, which the residents are in charge of in Lee County; 5) It is believed that these amendments remove protections that allow the recharge area to do what it can do; 6) Pushing these amendments through in an expedited state review does not fulfill the duty and obligation the BOCC has to serve this community and what the Local Planning Agency is appointed to uphold; 7) There are codes of conduct for planners to make sure they are not skipping over communities like Lehigh Acres that should be getting these investments; 8) There are ethical requirements for anyone who has development interests and are sitting on this Board; 9) There is ambiguous verbiage in these amendments such as *if, and, or, but, must, should* and *may*. There also needs to be a definition for the word “*significant*,” 10) What is the SW Florida Water Management District’s opinion of these changes?; 11) What enables the Board of County Commissioners to change the maps? What is the data

required and/or the documentation required?; 12) There is mention of land credits/swaps, but the public is under the impression those are only allowed on individual parcels. Are they allowed from county to county to the same developer on different parcels in the county? Are they allowed out of state?; 13) This effort should be handled in smaller segments rather than in one massive effort; 14) How has this effort been publicized? All the meetings and hearings should be publicized to allow people access for their input; 15) The public did not feel a 3 minute time limit was appropriate especially with amendments this expansive; 16) The public was concerned with not only what is being protected today but how easily these protections can be changed tomorrow; 17) By moving the many development standards out of the Lee Plan and into the Land Development Code, it lowers the threshold for future Boards to be able to weaken those standards. They felt that a Comprehensive Plan is a much higher bar than a Land Development Code amendment; 18) The County is replacing clear limitations on where commercial and non-residential uses are allowed with a more flexible performance based approach, which gives future decision makers a much broader discretion which can be good or bad depending on who is on the Board; 19) The philosophy has always been to protect water resources first and accommodate growth second. It is felt that this has shifted to where we are accommodating growth first and trusting that future regulations will protect water yet history has shown that it doesn't; 20) If these changes truly maintain the same level of protection, then there should be no objection to clearly demonstrating that every substantial DRGR safeguard being removed from the Lee Plan is recreated with equal strength in the Land Development Code; and, 21) There is concern that these amendments might be applied to other areas. The way this is written, it would be easy to expand this out to other areas such as Alva.

Ms. Marissa Figueroa from Audubon Florida thanked staff for their continued engagement with their stakeholders throughout the process. She stated that Audubon Florida supports the overall conservation goal of these proposed changes and appreciates the effort to better align future growth in Southeast Lee County for our water resource protection, ecological restoration, and wildlife conservation. She noted they are encouraged by the emphasis on restoring original flowways, protecting wetlands, open space, requiring hydrologic analysis, improving wildlife connectivity, and incorporating wildlife crossing standards. Audubon Florida felt these provisions recognize the environmental significance of Southeast East Lee County and its support for our regional water resource and habitat. They feel it is important to ensure that any additional development intensity is accompanied by clear lasting conservation benefits. As the county considers amendments, Audubon encourages the County to consider a central theme. They felt that, although this increase may appear very modest at the project level, across a large landscape it could result in additional homes, infrastructure, water demand, and pressure on natural systems. Audubon Florida also feels the County should distinguish between baseline development, requirements and measures that provide additional benefits, connections to public water, sewer, and reuse systems. Although these amendments might provide important public benefits, they do not necessarily 1) restore our regional flowways; 2) maintain our wetland hydrology; or 3) improve our habitat connectivity. Therefore, density incentives should reward actions that go beyond our existing requirements and deliver meaningful ecological outcomes. Ms. Figueroa stated that some of the most important conservation measures may also warrant being required rather than being offered as optional incentives. She felt it was unclear as to what is optional or mandatory when reading both the Lee Plan amendments and the Land Development Code amendments, so Audubon Florida recommends that the County require any regional flowway protection, habitat connectivity between projects, and conservation lands and strategies that minimize irrigation demand because this is central to achieving the environmental goals with these amendments. Audubon Florida believes that making these measures optional would allow for projects to receive additional density without delivering the broader landscape benefits that the proposal is intended to achieve. They also encourage that continued refinement of wildlife corridor standards and stronger measures that reduce groundwater dependent irrigation and protections over our wetland hydrology take place over the long term. In closing, Audubon Florida appreciates the thoughtful work that has gone into

these amendments and look forward to continuing to work with the County to ensure future growth in Southeast Lee County delivers meaningful and lasting conservation outcomes.

Ms. Julianne Thomas from The Conservancy of SW Florida stated that the Conservancy has reviewed the proposed amendments for the DRGR and their position is that density should not be incentivized in the DRGR on the environmentally sensitive land essential to the survival and recovery of the endangered Florida Panther. This means the primary zone and the adult breeding habitat designated areas. She noted that panthers are wide ranging and require large contiguous areas to meet their social, reproductive, and energetic needs. Habitat loss and fragmentation and the potential for human/wildlife conflicts are the greatest threats to the Florida Panthers. She noted that best available science recommends avoiding both the primary zone and the adult breeding habitat for the survival of the panther; therefore, The Conservancy recommends that both the adult breeding habitat and the primary zone should not be incentivized for increased density and should remain at 1 unit per 10 acres for uplands and 1 unit per 20 acres for wetlands. Ms. Thomas stated there was some confusion regarding what the existing density is for the area, but that she planned to discuss this with staff further at a later date so that she could be more comfortable with the assertion that the existing density is 1.15 units per acre not 1 unit per acre. She did not feel that increasing density makes the most sense for this area. She stated that The Conservancy feels that Policy 1.4.8 needs to add a reference recognizing the need to protect the property designated as primary zone panther habitat and/or adult breeding habitat from increased density or intensification. Even though the Land Development Code amendments are not being discussed today, Ms. Thomas wanted to note that for residential development for the wildlife crossing, The Conservancy feels it needs to be specified that it includes large mammals not just small mammals and perhaps a size of what that means would be appropriate. She noted there is also a section that talks about preserving, restoring, or creating habitat with plant species that is foraging within primary and secondary zoned panther habitat. She asked that staff be more specific in this policy on what target species these plantings would hope to attract since panthers do not forage. For instance, is the idea to attract deer and small mammals? The Conservancy feels that a new section needs to be added in the Land Development Code to state that new and planned developments must demonstrate that planned development will not result in detrimental impacts on the Florida panther wildlife resources specifically the Florida panther primary zone and the adult breeding habitat.

Mr. Matt DePaolis, Environmental Policy Director for the Sanibel Captiva Conservation Foundation (SCCF), stated there are some great ideals included in these amendments that he would like to see throughout the County, such as getting rid of strip development, making sure everyone is hooked up to sewer, making sure there are jobs in places that people live so that transportation needs are reduced. He stated that if the County had these goals in place all along, we would be in a much better place today. However, he felt that these amendments are trying to make up for the deficiencies of those planning goals in the past by putting them on the environmental preservation in Southeast Lee County. These amendments eradicate the benefits from this land in order to try to “*boot strap*” this fix on at the end. He did not feel this is how the County should approach this effort. Mr. DePaolis also believed this would induce demand in this area and lower the benefit we are seeing in our water resources and wildlife habitat. He referred to the term “adequate” and noted that “*adequate protection*” for water resources can have different meanings to a variety of people. He noted that currently, they are cancelling events on the beaches and closing causeways because they do not have adequate water quality protections and many of those are based on BMAPs that are trying to fix their TMDLs, which is not working. Mr. DePaolis stated that he was not in favor of rushing into a new development area in the DRGR. There was mention of 8 amendments on the books and 11 pending applications that are waiting for these amendments to go through. The theme seems to be a question of “how we can get to “yes” and how can we incentivize further development in this area instead of asking “should we say “yes?” Is this location the proper place?

Should we be incentivizing more traffic and more construction? Should we be turning what is disbursed water holdings into storm ponds next to warehouses? Regarding the Dover Kohl study that was brought up, there was discussion that it needed to be evaluated every 10 years. He was in favor of that being done rather than assuming what it would say after only a three (3) month analysis.

Ms. Alexis Crespo with RVI Planning & Landscape Architecture stated that her company represents four (4) of the pending applications in Southeast Lee County. She agreed with other comments that these amendments are a huge effort by staff and noted they have taken several months. She felt staff had been very transparent by hosting workshops with all the stakeholder groups throughout the process in a coordinated approach. She believed that when staff was confronted with eight (8) different amendments, it was clear that a plan for the Southeast Lee County area needed to evolve. She noted that comprehensive planning is not supposed to stay constant. The idea that the DRGR, which was drafted 35 years ago, should stay that way forever is not the reality of the case. There were some significant amendments that were done in 2014, but again, that is still over ten (10) years ago, so it is time to revisit those concepts. Ms. Crespo felt that the amendments before everyone today balances the various interests in terms of environmental and natural resource protection with development interests in the area. This will become more apparent at the next meeting when everyone can review the Land Development Code criteria. She stated there are policy protections such as Policy 2.3.2 on page 26 of 36 in the staff report that discourages other conventional future land use categories from happening in Southeast Lee County. It allows low density Conservation Community. One option is to have a high level of open space and indigenous preserve, or they can have employment based uses, which, to her, is in high demand based on all the rooftops in the area. Ms. Crespo noted that her office prepared a market study showing the extreme deficit of commercial land uses in Southeast Lee County. Based on the development, some being settlement agreements, the number of rooftops have significantly increased. As this moves forward, Ms. Crespo felt the public would be able to see that there will be a lot of protections built into the Lee Plan and the Land Development Code. It will also be apparent that developers will not be able to deviate from these standards, which is an indication that the public concerns have been heard and responded to. She discussed the SR82 Freeman project, which consists of 185 acres. They applied for the Tradeport future land use. She noted this site is immediately east of the new Lee County School Site property south of SR82 and just to the east of the Alico Road extension. They discussed different development options, which she believed was why staff did not include that project in the Preservation and Innovation community on the proposed map. However, she requested this project be included in the map because she felt it was consistent with the range of employment generating uses that their current pending application requests. She requested that addition to the map.

Mr. Ben Smith with Morris-Depew & Associates stated his firm is representing Daniels Tradeport. He noted it is an active comprehensive plan amendment, and it is mentioned in the staff report. He thanked staff for all their hard work and acknowledged it was a huge undertaking. His firm appreciates staff's initiative and comprehensive review of the Southeast Lee County planning area. His firm also agrees with staff's initiative to provide additional opportunities for appropriate non-residential development as it will better service Southeast Lee County, Lehigh Acres, and the county as a whole. He noted that both the staff report and the consistency narrative submitted with their application explains the planning consideration supporting this initiative. He referred to the Daniels Tradeport property located on Daniels Parkway immediately adjacent to the SW Florida International Airport at the northeastern boundary of the Southeast Lee County planning area. He noted that a portion of the property is already designated Tradeport. It was mentioned in the staff report. The pending Tradeport application proposes to extend that designation to the upland areas of the property. Mr. Smith noted this was a unique situation because this is the only property in Lee County in the Southeast Lee County boundary that has the Tradeport future land use on it. He noted that the Tradeport category was initially called the Airport Commerce

category and it was intended primarily for commercial and industrial uses on lands adjacent or near the airport. To him, this meant this property is particularly well situated for the category. However, both the existing Lee Plan policies as well as the proposed policies in this amendment treat the Tradeport designation as inconsistent with the Southeast Lee County planning area. Mr. Smith stated this inconsistency was created when the County established the Southeast Lee County boundary back in 2010. The Daniels Tradeport application proposed to resolve that inconsistency by removing all existing and proposed Tradeport lands on the property from the Southeast Lee County Planning Community and that request is supported by the application's consistency narrative and the technical materials including data and analysis prepared by David Brown with RESPEC Engineering. He noted that Mr. Brown from RESPEC Engineering was previously qualified as an expert in Lee County on these matters. Mr. Smith stated those materials include an integrated surface water and ground water model as well as a characterization of ground water and surface water conditions. Mr. Smith requested that the County exclude all areas of Tradeport from the Southeast Lee County Community Planning boundary, which will resolve this inconsistency and not perpetuate it.

Mr. Brian Smith from Ensite, Inc. stated his firm represents two (2) of the pending comprehensive plan amendment applications out of the eleven (11) mentioned. One concern he had is regarding the portion they are working on that will be included in the new Preservation and Innovation area. He referred to Objective 33.4.4 on Page 11 of 36 of the staff report where the FAR is .25. He referred to the PowerPoint presentation that showed an example of an Amazon type business in the area, but he noted that Amazon is an outlier that require a lot of parking. The reason their FAR is so much lower is because of the amount of parking they have. However, a typical industrial development has a FAR of .35 or .4. This is because standard development for industrial can fit anywhere from 15,000 square feet to 18,000 square feet to 20,000 square feet per acre on an industrial parcel. If the County wants employment opportunities in the area, they will need the FAR raised. He suggested that within the Preservation and Innovation areas, there could be a separate FAR for commercial and industrial. In looking at most of the industrial parcels, those parcels are going to be .3 or a .4 FAR. When looking at the Lee Plan for Tradeport and other industrial, the County calculates it based on development area not floor area. They give a 40% development area. If it is calculated by floor area, it causes an issue if someone has a two-story structure. It goes against the floor area ratio. He requested the County review this closer and consider raising the FAR to .35, which he believed would accomplish the goals and still have applicable open space preservation area. The .35 would help with industrial and commercial.

Mr. Daniel DeLisi from DeLisi, Inc. stated he was a Land Use Planner representing Corkscrew Plaza LLC. He noted that his client is in support of these amendments. He is also representing Pulte. Regarding the DRGR in general, it was established through litigation in 1989 based on what the Department of Community Affairs at that time considered to be population accommodation. The idea at that time was that you were not supposed to accommodate more population on your future land use map than population projections through the Horizon year of the Comprehensive Plan would suggest. Back in 1989, the Horizon year was 2010. At that time, Corkscrew Road was not paved past Wild Cat Run until the late 1990's. It was a completely different landscape. The idea of trying to prevent "*leapfrog*" development made a lot of sense. In 2026, it is no longer "*leapfrog*" development, but rather a natural order of progressive growth. Regarding groundwater resources, there was a letter from the Water Management District in 1989 saying it is not a recharge area. They stated that if the County wanted to add groundwater resources, they did not have to do it on the Water Management District's behalf. They stated that if the County wanted to decrease population, then do it for population purposes. He felt staff did a great job of consolidating all of these amendments into one comprehensive look. Mr. DeLisi stated there is much public interest in protecting the environment since it is an environmentally sensitive area. He agreed with Ms. Figueroa that the County should incorporate those aspects of environmental

enhancement into the proposal, which he felt staff has accomplished. If further clarifications are needed, those can be included, but overall, he felt it was a great amendment as it addresses what was intended in 1989 and we are also fulfilling the Department of Community Affairs' obligation from the initial litigation. He felt these amendments would allow us to both protect the environment and accommodate the growth that is coming into Lee County.

Ms. Neale Montgomery, Esquire, with Pavese Law Firm, stated her firm also represents Pulte. She noted they have property on Bonita Beach Road. She noted that Mr. David Brown from RESPEC will be stating that the Kehl Canal hydrologically severed that property from the DRGR. This means it does not meet the qualifications and needs to be removed from the DRGR area, which staff has recommended in their staff report. Ms. Montgomery stated she also represents Daniels Tradeport discussed by Mr. Ben Smith. She noted that this property has been in a quandary because it has Tradeport uses yet they have been unable to develop them because they are in the Southeast Lee County area. They request to be taken out of the Southeast Lee County area so that they can develop with the Tradeport uses. Ms. Montgomery referred to the Freeman property mentioned by Ms. Crespo. She noted the map recommends that the property immediately to the north, which is sort of a triangular shaped parcel, be in the Preservation Innovation land use category. As noted by Ms. Crespo, there are three (3) schools being placed next to them. On the other side of that is a long Preservation Innovation property (Jamerson property), which is where the Alico extension is coming through. She noted that to the east of the property, there is a part of Lehigh included that comes south of SR82. This means the property is going to be near a Preservation Innovation land use as well as two Lehigh Schools. Therefore, they request to be added to the Preservation Innovation land use category. Regarding access, she and Ms. Crespo tried to coordinate with some of the mid-level representatives from the School District but were unsuccessful. Their client, Mr. Freeman, has reached out to a level that she and Ms. Crespo could not connect with. There will be ongoing discussions regarding access. Ms. Montgomery agreed with Mr. DeLisi that density reduction was created because of 9J5, but 9J5 was eliminated in 2011 so it is no longer a valid basis for that category. She also agreed with Ms. Ellis that the groundwater recharge does not happen there. It happens up in the Kissimmee River Basin. Because the County did not prevail in some litigation, they revisited it with the Dover Kohl Study. She appreciated staff's efforts. Regarding members of the public who did not feel there was adequate notice, the notifications were consistent with Florida Statutes Chapter 163. Staff went to the Board for direction and many of the public attendees that were at that hearing to express concerns are also here today. She stated staff had talked to a long list of people, so there was robust outreach.

Mr. David Brown, professional geologist, stated his company is called RESPEC and they are a national practice lead in hydrogeology. Mr. Brown stated he had evaluated the hydrogeology, the groundwater resources, and surface water conditions within Southeast Lee County and the DRGR for over ten (10) years and has worked closely with staff. He applauded their work on these amendments. Based on his review of the hydrogeology, groundwater flow modeling that he performed, and surface water evaluations, he concluded that these amendments are compatible for the protection of surrounding water resources. It protects wellfields and improves lands that function as part of the hydrological system within Southeast Lee County (the DRGR). Mr. Brown noted he represents two (2) projects. One is the Pulte project south of the Kehl Canal and north of Bonita Beach Road. The property is completely isolated hydrologically and has even been mined. Not only has it been cut off by the Kehl Canal, but there have been mining activities onsite, so it does not represent something that needs to be preserved under Southeast Lee County as part of the DRGR. He is also involved with the Tradeport project along Daniels Road. He provided staff with a very detailed analysis that he hoped they would take into consideration when they look at adjusting the boundary. He applauded staff for their actions on these amendments and thanked them for their efforts.

No other members of the public wanted to provide public comment, so the public comment segment was closed.

Ms. Saper stated that during staff's overview, there was a picture of Bonita Beach Road. She asked if the area between the canal of Bonita Beach Road was remaining in Southeast Lee County or being removed.

Ms. Burgess stated it is being proposed to be removed from the Southeast Lee County area. It goes from Bonita Beach Road and Radio Tower Road. Staff took that entire corner out.

Ms. Saper referred to the Tradeport future land use category and asked how that would be handled.

Mr. Dunn stated that staff is currently reviewing that request. At this time, staff is not comfortable saying whether that change will be made or not. DCD staff will be working closely with Natural Resources and the County Attorney's office. The Tradeport designation was on this property previously; however, staff acknowledges that, as written, the Tradeport land use category would be inconsistent with Southeast Lee County, so staff wants to make sure they make the appropriate change.

Ms. Saper felt that was concerning because the property essentially has no use without that change.

Ms. Burgess stated staff did remove a large portion of that property from Southeast Lee County. There is only a small portion of a corner that is still within Southeast Lee County (the border). She explained that staff took that border based off of the watershed. She stated there are two watersheds that come in there. One goes towards the Airport and one that is part of most of Southeast Lee County. Staff took the one that is part of Southeast Lee County and used it as the border. If we follow the lines of the Tradeport future land use, it may not align with the watershed border which is a concern. Staff will work with Natural Resources and see what their analysis is on it, and it might be amended as this moves forward.

Mr. Schrotenboer stated there was some ambiguity in terms of the maximum density between 1 and 1.15. He asked for clarification.

Ms. Burgess stated that currently in the Environmental Enhancement & Preservation Communities Overlay (EEPCO) you can get a maximum density of 1 unit per acre, but then there is also a section within the EEPCO that allows for up to a 15% increase if the applicant does some additional policies. Staff essentially mirrored that in the new language. 1 unit per acre is the maximum, but if the applicant goes above and beyond by doing some additional things, they can get the additional 15% which is currently allowed in the EEPCO. Ms. Burgess acknowledged that it looks like we are increasing density on paper because we use the 1.15 units per acre as the maximum, but it is not actually an increase in density. It is what is currently allowed in the EEPCO.

Mr. Schrotenboer asked for confirmation that the incentives cannot take it above the 1.15 units per acre.

Ms. Burgess stated that is correct. The 1.15 units per acre would be the maximum even with the incentives that the applicant would have to perform. She noted there are approximately 10 or 12 total strategies. In order to get the 1 unit per acre, they have to do 7 of them (1 from each category and then some additional ones). This means it requires a lot of work for the developer to get to that 1 unit per acre.

Mr. Schrotenboer referred to the restriction of 300,000 square feet for Commercial uses. He asked if that no longer applies due to the court order settlement.

Ms. Burgess stated it currently applies. It means we will not have any new non-residential uses except for the ones that were approved through the settlement agreements. These amendments will strike that language and limit it to the FAR.

Mr. Schrotenboer referred to language regarding non-residential uses where there is mention of negative impacts to natural resources. He asked when that is determined and by whom.

Ms. Burgess stated it would be looked at from a very high level at the future land use map change. Any new projects that come in will have to go through a future land use map change. Staff will also look at all of the specific use impacts through the Planned Development process and they will probably have to do at least another simple analysis in the development order, so it will be looked at several times. Whatever they provide to the County, our Natural Resources Department will have to verify that it is correct and agree with the findings, but that requirement is not going to go away.

Mr. Schrotenboer referred to Page 12 of 36 in the staff report under Policy 1.4.8 (The Conservation Community future land use category). He noted there is language about a traditional Main Street design. He noted the words "*Main Street*" are capitalized. He asked if this is a defined term.

Ms. Burgess stated they did not define this term. A Main Street design is one that is recognizable. She noted it is also something that is encouraged not required.

Mr. Gardner referred to the timing and durability of the Land Development Code protections and asked why we are moving the detailed environmental protections out of the Lee Plan before the Land Development Code language is finalized and adopted.

Ms. Burgess stated that under state law we have up to 18 months to adopt companion Land Development Code amendments, but that is not staff's intention. Staff intends to bring them through the Committees quickly. She noted that none of the developments that staff would be approving through this would be able to move forward without their Planned Development. Until all of this is adopted, these amendments are not null, but they would not allow anyone to break ground. Applicants would have to go through the Planned Development process and that would have to be approved.

Mr. Gardner asked for confirmation that staff would retain most of the important protections, particularly those involving critical habitat and regional connectivity, in the Lee Plan.

Ms. Burgess stated there are already some protections for that in the different elements for conservation and wildlife habitat. There are already elements and policies that address that broadly. She explained that the intent with moving some of that from the Lee Plan to the Land Development Code was to keep legislative decisions in one document and quasi-judicial decisions in another document. However, the way staff has it written, they would not be able to get deviations from the requirements, and it would still go through the Hearing Examiner, etc.; the same as what a standard rezone would have to go through.

Mr. Dunn stated this is consistent with the kind of changes the County has been making within the Lee Plan over the last 10 years where certain items have been moved from the Lee Plan to the Land Development Code where it makes more sense.

Mr. Stouder stated he did not have a full understanding of the term “adequate protection,” as was mentioned by one of the speakers. He asked that a better definition for that term be included so that it cannot be mismanaged by an applicant and to ensure staff fully understands the meaning as well. Mr. Stouder stated he also had concerns about the boundaries. He referred to a comment made earlier by Brian Smith from Ensite, Inc. regarding the .4 FAR. He asked staff to explain how the FAR of .25 was derived.

Ms. Burgess stated she had reviewed the non-residential development and the trends of what would be considered a typical suburban non-residential development both for industrial and commercial uses from a high level planning perspective not just what is used locally here. She noted that Southeast Lee County is not intended to support a lot of development so the range .15 to .5. With that in mind, staff felt the .25 is on the middle lower end of that spectrum. Therefore, to staff, .25 seems reasonable. Staff might be amenable to utilizing the flooding mitigation lands or something else for some type of bonus to be able to bump someone’s development up a bit in extra square footage so they can reach a higher FAR.

Mr. Stouder stated he was a proponent of the .25. He agreed that the Southeast Lee County area is not meant to be Airport Woods or any of those sorts of uses. The .25 is an accommodation for that area to facilitate its own growth, so he encouraged staff to use the .25. He felt overall this is a massive undertaking that spans multiple decades, many of which members of this Board have practiced. He felt the comments from the public were well founded. He did not believe there is one panacea document that is going to meet everyone’s needs, but he felt these amendments were a good effort to stay with the theme of what has been Southeast Lee County yet accommodate where we are now 35 somewhat years later. While it is not perfect, he felt it is compliant and should be transmitted to the Board of County Commissioners.

Ms. Sapien stated the Board had not yet discussed the comments about Lehigh and the concerns that addressing the employment and shopping needs in this location does not incentivize or create the urgency in Lehigh for it to create their own. Although she understands that sentiment, she noted that the staff report outlines some of the problems in Lehigh such as the parcel sizes. At some point in the future, hopefully, those parcels can be assembled so that larger commercial developments can exist in Lehigh. However, in the meantime, these amendments provide an opportunity directly to the south of Lehigh especially with the Alico extension coming through. These amendments will be a benefit to Lehigh. In addition, if there are more employment opportunities, it will benefit the morning traffic jam when trying to get to I75. Hopefully, future employees can head south to some jobs rather than go onto I75.

Mr. Schrotenboer commended staff on this massive undertaking and felt it was something that needed to be done because things will not get resolved in a satisfactory way in the long term for the Southeast Lee County area if these amendments are handled in a “*piece meal*” manner. He felt the Environmental Enhancement Preservation Overlay demonstrates how good development can work in these areas along with preservation. He sees these amendments as an extension of that type of an overlay for non-residential uses.

Mr. Schrotenboer made a motion to: 1) recommend transmittal of CPA2026-00004 SE Lee County Update; 2) Remove the Daniels Tradeport category from the SE Lee County planning area; 3) Include the Freeman property into the Preservation and Innovation category under this new update; 4) Include clarification of the term “adequate protection” for natural resources; 5) Use an alternate term other than “alongside development,” and 6) That staff not limit a property owner from disposing of property through a gift or sale but through a “legal conveyance” since there are other ways a property can be conveyed that is not a sale or a gift. The motion was seconded by Mr. Gardner.

Mr. Jacob referred to staff’s suggestion to offer incentives to applicants if they want to be able to go over the .25 FAR.

Mr. Schrotenboer stated that would not be part of his motion.

The Chair called the motion, and it passed 4-0.

Agenda Item 5 – Other Business

Mr. Stouder asked if staff anticipated a Local Planning Agency meeting in August.

Mr. Dunn stated that at this time staff does anticipate meeting in August. Ms. Miller reached out to the Board regarding meeting on August 31st instead of August 24th. However, staff is still considering which date to choose. They should have an answer within this week and will firm it up with the LPA.

Mr. Stouder asked if the content would be Land Development Code related.

Mr. Dunn stated that was correct. There will be some Land Development Code based items. However, staff received previous BOCC direction regarding amendments to the community planning areas as well, so that will most likely be part of the packet as well.

Agenda Item 6 – Adjournment

The meeting adjourned at 10:52 a.m.

CPA2026-00005

Future Land Use Element Update

STAFF REPORT FOR CPA2026-00005: Future Land Use Element Update



County-Initiated Lee Plan Map and Text Amendments

Recommendation:

Transmit

Applicant:

Lee County BOCC
Direction on April 1, 2025

Representatives:

Lee County Planning
Section, Department of
Community Development

Amended Elements:

I. Vision Statement
II. Future Land Use
III. Transportation
VII. Conservation and
Coastal Management
IX. Historic Preservation
XIII. Administration
XIV. Glossary

Amended Maps:

1-C, 1-D, 1-G, 2-A, 2-B, 2-C,
2-D, 2-E, 3-G, 3-H, 5-E, and
5-F

Amended Tables:

1(a)

Location:

County Wide

Hearing Dates:

LPA: August 31, 2026
BOCC #1: TBD
BOCC #2: TBD

Attachment(s):

1: Proposed Amendments

REQUEST

As directed by the Board of County Commissioners, amend the Lee Plan to increase efficiency, reduce unnecessary regulations, while maintaining the protection of public health, safety, and welfare and meeting State requirements. To maintain internal consistency and in order to relocate certain provisions, amendments are proposed to the Lee Plan Vision, Future Land Use Element, Transportation Element, Conservation and Coastal Management Element, Historic Preservation Element, Administration, Glossary, and the Lee Plan's appendices. **The proposed amendments will not increase allowable densities and intensities within Lee County.**

SUMMARY OF SUBSTANTIVE CHANGES

Relocation and Reorganization

- Relocate requirements from Community Plans tied to specific land use categories (Coastal Rural, Rural Community Preserve, New Community) to the appropriate policies.
- Relocate environmental, transportation, and historic preservation objectives and policies from Community Plans to relevant elements when appropriate and not duplicative.
- Relocate provisions for the North Fort Myers Commercial Corridors and the Lehigh Acres Commercial Overlay to Goal 6 and expand function to be consistent across both areas.
- Move Planned Development requirements for the New Community in Northeast Lee County (Babcock Ranch) to the LDC.
- Consolidate related standards for easier use and administration.

Overlay and Future Land Use Category Updates

- Simplify provisions for the University Community, Burnt Store Marina Village, and University Village Interchange to improve clarity and implementation.
- Designate properties in the North Fort Myers Neighborhood Centers and the Lehigh Acres Specialized Mixed-Use Nodes as part of the Mixed Use Overlay.

Streamlining and Clarifications

- Remove duplicative Goals, Objectives, and Policies.
- Remove unnecessary regulations and relocate necessary standards to broadly applicable policies.
- Remove obsolete procedures, references, programs, and terminology.
- Retain provisions required for consistency with state and federal law.

Policy Expansion

- Expand the redevelopment policy to address a broader range of residential development types in addition to multi-family developments.

RECOMMENDATIONS

Staff recommends that the Board of County Commissioners **transmit** the proposed amendment based on the analysis and findings in this staff report.

PART 1

STAFF DISCUSSION AND ANALYSIS

BACKGROUND

The State of Florida was the national leader in comprehensive planning when the Growth Management Act was adopted in 1985. Not only did the Growth Management Act mandate that all jurisdictions within the State create comprehensive plans, but it also made those plans legally binding on all development within those jurisdictions. The state has updated the Growth Management Act numerous times since the bill was adopted, with the last major update occurring in 2011¹.

Comprehensive plans in Florida must include specific elements, and the content of those elements must be based on relevant and appropriate data and analysis that may or may not be housed in the plan itself. Because Lee County is a coastal county, the Lee Plan **must include elements** that address each of the following, in no particular order:

- Future Land Use
- Transportation
- Sanitary Sewer/Solid Waste/Drainage/
Potable Water/Aquifer Recharge
- Conservation
- Recreation and Open Space
- Housing
- Coastal Management
- Intergovernmental Coordination
- Capital Improvements
- Property Rights

The statute allows local governments to adopt additional **optional elements** but does not specify what those might include. A jurisdiction can choose topics like community design, agriculture, rural lands, resilience, or other locally relevant issues. Many jurisdictions have retained their economic development, historic preservation, or schools elements, as these were required in previous versions of the statute.

State statutes also require local governments to evaluate their comprehensive plans every seven years through a process called the Evaluation and Appraisal Report (EAR). EARs evaluate local comprehensive plans for consistency with state statute. Local governments are given the option (unless a statute provides otherwise) to address changes to comprehensive plans under state law, either through smaller, jurisdiction-initiated comprehensive plan amendments or through the EAR process. The EAR is intended to remedy legal inconsistencies between the local comprehensive plan and state law and assess the comprehensive plan's ability to accommodate the projected population for the next planning horizon. Lee County's next EAR is due in May 2028, and the last EAR occurred in 2021.

Local governments may elect to amend their comprehensive plans in accordance with the process they have established for jurisdiction-initiated amendments. In Lee County, the Board of County Commissioners must provide staff direction with an affirmative vote of three or more Commissioners at a properly noticed public meeting.

¹ Though other major bills have been passed since 2011 that influence community planning such as Senate Bill 180, which prohibits jurisdictions impacted by hurricanes from adopting more burdensome regulations, the Live Local Act, which requires local governments to allow affordable housing developments in all commercial, industrial, and mixed-use zoning districts (among others), and the elimination of Developments of Regional Impact (DRI) in 2015.

Lee County regularly amends its comprehensive plan through privately-initiated and county-initiated amendments. However, the Lee Plan has not undergone a comprehensive overhaul since its inception before the Growth Management Act was even adopted.

Since its initial adoption, some of the major updates to the Lee Plan include the addition of Goals, Objectives and Policies intended to implement community plans. The most recent Community Plan Areas were incorporated in 2011. Since then, the County has made updates to the Lee Plan, mostly involving cleanup, addressing specific topics, or responding to new state mandates. The recent Southeast Lee Amendments represented a notable shift from the usual county-initiated amendments to the Lee Plan, in which staff took a closer look at the existing community plan area requirements and re-envisioned them based on current conditions.

On **April 1, 2025**, the Board of County Commissioners directed staff to amend the Lee Plan and Land Development Code (LDC) to increase efficiency, reduce unnecessary regulations, and maintain the protection of public health, safety, and welfare while meeting State requirements.

Staff anticipates bringing additional elements of the Lee Plan forward with future amendments, but the amendments discussed in this report achieve the Board's direction by amending arguably the most impactful element of the Lee Plan to function more efficiently and predictably while staff continues to review other elements through sound and legal planning processes.

The proposed amendments follow the Board's direction to increase efficiency and reduce unnecessary regulations while maintaining the protections of public health, safety, and welfare and meeting State and Federal mandates.

PROCEDURAL REQUIREMENTS

The Lee Plan is Lee County's comprehensive plan, providing the long-term vision for the county's development. Florida Statutes require comprehensive plans to include certain topics as elements. The Lee Plan divides these elements into chapters, which are further supported by goals, objectives, standards, and policies. Lee Plan Chapter XIII, entitled Administration, section "d" addresses Amendments to the Plan. The applicable paragraph is reproduced below.

This plan, including the Future Land Use Map, may be amended in accordance with Florida Statutes and administrative procedures adopted by the Board of County Commissioners in Lee County Administrative Code 13-6. In accordance with § 163.3177(1)(f), Fla. Stat., all amendments must be based upon relevant and appropriate data and analysis.

Lee County Administrative Code 13-6 establishes procedures for amending the Lee Plan, including notice requirements and public participation provisions. According to Florida Statutes and AC 13-6, the proposed amendments are County-Initiated Amendments, meaning they are proposed amendments directed by an affirmative vote of three or more Commissioners. The BOCC provided specific direction to pursue these amendments on April 1, 2025.

County-initiated amendments have slightly different requirements from privately initiated amendments. According to AC 13-6, County-Initiated Amendments must follow sections C and D.1. Sections B and D.2, which set forth requirements for applications, fees, and Courtesy Notices, do not apply. No sign postings or mailed Courtesy Notices are required under AC 13-6 or Florida Statute. **The proposed amendments have followed the applicable procedures under AC 13-6.**

County-initiated amendments follow the **Expedited State Review** process under F.S. 163.3184(2)(a), which requires one public hearing before the Local Planning Agency for a recommendation to the BOCC and two public hearings before the BOCC. Applications that follow the Expedited State Review process also require review by the State Reviewing Agencies. **The proposed amendments will continue to follow the applicable process under F.S. 163.3184.**

AMENDMENTS & RATIONALE

The analysis and rationale will address the main intent of the Board of County Commissioners' direction to increase efficiency and reduce unnecessary regulation, and will also address relocation of provisions to more suitable locations within the Lee Plan or LDC, enhancements to existing allowances or incentives, elimination of duplicative requirements, and regulatory consistency. The proposed amendments are intended to create a more user-friendly and predictable Lee Plan by:

- Deleting or modifying policies that do not address requirements for Chapter 163 of the Florida Statutes, such as providing densities, intensities, or distribution of uses across unincorporated Lee County, in an effort to make the Lee Plan clearer and more concise;
- Relocating policies as necessary to remain in compliance with applicable comprehensive planning requirements;
- Deleting Goals, Objectives and Policies that create legal ambiguities and reduce predictability of the Lee Plan;
- Deleting Goals, Objectives, or Policies that do not comply with current requirements or case law.
- Deleting Goals, Objectives, or Policies that are outdated and no longer required or necessary
- Deleting Goals, Objectives, or Policies that interfere with Lee County's ability to plan for future infrastructure and public safety needs.
- Deleting duplicative policies and updating cross-references.
- Relocating policies as necessary to maintain public health, safety, and welfare; and
- Relocating regulatory language to the LDC or deleting language that is already included in the LDC

Given the scope of the proposed amendments, this section cannot address every change in the plan. Attachment 1 contains the entirety of the proposed amendments.

Reorganization

According to Florida Statutes, the future land use element of a local comprehensive plan should identify the general distribution, location, and extent of existing and proposed land uses, including residential, commercial, industrial, agricultural, recreational, conservation, and public facilities, or identify density and intensity standards that are necessary to ensure expected development patterns are predictable and transparent.

Several Community Plan Area Goals included objectives or policies that tie directly to future land use categories that are present in those areas and are necessary to retain, as those provisions have worked in tandem with the underlying future land use categories to provide allowable densities, intensities, and distribution of uses across unincorporated Lee County. This includes the Rural Community Preserves in Buckingham, the Coastal Rural future land use category on Pine Island, and areas of New Community within North Olga. In these cases, policies that specified densities, intensities, or uses are proposed to be incorporated into the policies that describe the future land use category, helping to ensure compliance with local comprehensive planning requirements, as discussed and identified in Attachment 1. The Rural

Community Preserves future land use category in the Buckingham Community Plan Area Provides a good example and is discussed below.

Policy 20.1.2 allows for commercial development near the intersections of Buckingham Road and Cemetery Road, and Buckingham Road and Orange River Boulevard that is currently zoned for commercial uses, but would otherwise not be consistent with the Rural Community Preserves future land use category. Senate Bill 180 (2025) prohibits local governments from adopting policies or making changes to local comprehensive plan policies that would result in more restrictions or create additional burdens on the property owner/developer. Therefore Policy 20.1.2 should be incorporated into Policy 1.4.3 in order to remain consistent with Florida law. Policy 20.1.2 is shown below.

POLICY 20.1.2: The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road is designated as the commercial node for the Buckingham Community Plan area. With the exception of the uses and the property identified in this policy, no new commercial development will be located outside of this commercial node. All new commercial developments in the node are required to provide a minimum of 30% open space. This commercial node is described as those lands 300 feet eastward from the easterly right-of-way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard. Commercial uses permitted in agricultural zoning districts, such as Feed and Tack stores, are allowed outside of the commercial node if appropriate zoning approval is granted. Commercial boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if lawfully existing or appropriate zoning approval is granted. Commercial uses are permitted on the property zoned C-1 located at 9140 Buckingham Road.

Similarly, lot size and clustering requirements have become two of the defining characteristics of the Rural Community Preserves future land use category. Currently, the minimum lot size is addressed in Policy 20.1.3, and clustering requirements are set out in Policy 20.1.5. These policies clearly apply only to the Rural Community Preserves future land use category. The requirements of these policies should continue to be implemented as part of the Rural Community Preserves future land use category. Policies 20.1.3 and 20.1.5 are shown below.

POLICY 20.1.3: Except for those clustered areas approved in accordance with Policy 20.1.5, all lots created in the Rural Community Preserve future land use category must have a minimum area of 43,560 square feet, unless a Minimum Use Determination has been issued. Calculation of lot size must exclude any road right-of-way or easement areas, water management areas, and natural water bodies.

POLICY 20.1.5: Clustering of residential development in the Rural Community Preserve requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:

- Buildings must be set back a minimum of 100 feet from the RPD boundary.
- The RPD must have a minimum of 10 acres in order to cluster homesites.

Combining Policies 20.1.2, 20.1.3, and 20.1.5 will relocate the allowable uses, densities, and intensities to a single location, making the Lee Plan and allowable development within the Rural Community Preserves future land use category easier to understand and implement. The relocation of these policies will also ensure that these requirements are not missed during the review of zoning, development order, and plat applications. Policy 1.4.3 as proposed is shown below:

POLICY 1.4.3: The Rural Community Preserves future land use category requires special design approaches to maintain existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and commercial sign standards, and retention of historic rural uses. Lands within this category are not to be converted to future urban or suburban areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. ~~**POLICY 20.1.2:** The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road is designated as the commercial node for the Buckingham Community Plan area. With the exception of the uses and the property identified in this policy, no new commercial development will be located outside of this commercial node. All new commercial developments in the node are required to provide a minimum of 30% open space. This commercial node is also includes the lands described as those lands 300 feet eastward from the easterly right-of-way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard. Commercial uses permitted in agricultural zoning districts, such as Feed and Tack stores, are allowed outside of the commercial node if appropriate zoning approval is granted. Commercial boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if lawfully existing or appropriate zoning approval is granted. Commercial uses are permitted on the property zoned C-1 located at 9140 Buckingham Road. Property in this category may not be rezoned to any RV district. Maximum density is one dwelling unit per acre (1 du/acre). Bonus densities are not allowed. **POLICY 20.1.3:** Except for those clustered areas approved in accordance with Policy 20.1.5, all lots created in the Rural Community Preserves future land use category must have a minimum area of 43,560 square feet, unless a Minimum Use Determination has been issued. Calculation and calculation of lot size must exclude any road right-of-way or easement areas, water management areas, and natural water bodies, unless clustered. **POLICY 20.1.5:** Clustering of residential development in the Rural Community Preserves requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:~~

- Buildings must be set back a minimum of 100 feet from the RPD boundary.
- The RPD must have a minimum of 10 acres in order to cluster homesites.

Duplication and Ambiguities

The Lee Plan includes provisions addressing residential, commercial, and industrial uses as well as conservation and natural resource protection, including beach nourishment, protection of wetlands and estuaries, protection of protected species habitat, and protection of life and property from flooding. The Lee Plan also provides objectives for hurricane evacuation and the provision of services and infrastructure for all areas of unincorporated Lee County. Many of the community plan goals also include objectives that address these same requirements. Examples of redundant or duplicative provisions include Objective 25.10: Natural Resources and Policies 25.10.1 through 24.10.4, addressing natural resources in Lehigh Acres. This objective and policies are shown along with other requirements of the Lee Plan that are applicable to all areas of unincorporated Lee County, including the Lehigh Acres Community Plan Area.

Applicable to the Lehigh Acres Community Plan Area	Applicable to all areas of unincorporated Lee County, including the Lehigh Acres Community Plan Area.
OBJECTIVE 25.10: NATURAL RESOURCES. To preserve, protect, and, where possible, enhance the physical integrity, ecological values, and natural beauty of Lehigh Acres Community Plan area, by maintaining the diverse and healthy native vegetation, and wildlife resources.	GOAL 123: RESOURCE PROTECTION. Manage coastal, wetland and upland ecosystems and natural resources in order to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.
POLICY 25.10.1: Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided, whenever possible, within the Lehigh Acres Community Plan area. Development must also be consistent with Goal 77 and Objective 77.3.	POLICY 77.3.3: The County encourages new developments to incorporate existing native plant communities and/or native trees along proposed and/or existing rights-of-way.
POLICY 25.10.2: Lee County will work with various agencies to identify existing wetlands that are worth saving or restoring within the Lehigh Acres Community Plan area.	POLICY 124.1.2#3. Lee County will incorporate the terms and conditions of state permits into County permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.
POLICY 25.10.3: Lee County will provide incentives (for example increased density, transfer of development rights, etc.) for the protection of wetlands, historic flow-ways, native habitat or other significant natural resources.	The County does provide incentives through the wetlands density calculations identified in Policy 124.1.1 as well as the Wetlands TDU Program, both apply to all areas of unincorporated Lee County, including Lehigh Acres.
POLICY 25.10.4: Where not inconsistent with SFWMD design criteria, natural habitat restoration is preferred to open water systems for treating stormwater.	POLICY 60.4.1: Encourage new developments to design surface water management systems with Best Management Practices including, but not limited to, filtration marshes, grassed swales planted with native or Florida Friendly Landscaping vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.

Restating similar requirements throughout the Lee Plan complicates the Lee Plan unnecessarily. If the requirements are stated slightly differently, these differences can lead to disagreements about intent and how the policies should be implemented or interpreted at different points in the review process. Deleting duplicative policies and removing unnecessary cross-references will create a comprehensive plan that is easier to understand and implement. Goals, objectives, and policies applicable to all of Lee County will continue to address the required elements of the Lee Plan, including transportation and other public infrastructure and services; conservation and coastal management; housing; parks, recreation, and open space; intergovernmental coordination; and economic development. In these cases, policies that are duplicative are proposed to be deleted and are identified in Attachment 1.

Ambiguities within the Lee Plan are closely tied to redundant or duplicative provisions within the Lee Plan. There are numerous goals, objectives and policies in the Lee Plan that require constant interpretation or reanalysis due to direct inconsistencies or small variations or ambiguities with the Future Land Use Map,

other policies or development standards. This can lead to different interpretations and implementation of policy and development standards. The effect of these ambiguities decreases predictability of the development process and what may be allowable on a given piece of land for property owners, County staff planning for future infrastructure and service needs, and nearby community members and can also lead to an inefficient review process. Goals, objectives or policies that are redundant or duplicative and create ambiguities or reduce predictability are proposed for deletion unless required to maintain compliance with applicable law or to protect public health, safety, and welfare, as identified in Attachment 1.

There are certain policies addressing historic, transportation, and resource protection that are not duplicative and were identified as appropriate to maintain and or relocate based on Board direction. These include, but are not limited to, Lee County's transferable development rights programs, which will be relocated to the Conservation and Coastal Management Element; transportation and parking concerns in Lehigh Acres and Boca Grande, which will be relocated to the Transportation Element; and the relocation of Babcock Ranch planned development rezoning requirements to the LDC. In these cases, policies that were determined not to be duplicative or were necessary to retain are identified in Attachment 1.

The table below summarizes the existing objectives and policies that are proposed to be relocated to other areas of the Lee Plan.

Relocated Community Plan Objectives and Policies

Captiva (Goal 23)	Summary	Relocated to
Policy 23.2.1	Allows mixed-use developments, including calculation of density, on certain Captiva properties through a Planned Development	Policy 11.1.3 (Future Land Use Element)
Greater Pine Island (Goal 24)		
Policy 24.1.1	Prohibits new canals or artificial channels within 1 mile of Pine Island	Policy 114.1.5 (Conservation & Coastal Management Element)
Policy 24.1.4	Provides for maintenance dredging of old channels and canals	Policy 114.1.5 (Conservation & Coastal Management Element)
Policy 24.3.1	Allows for continued implementation of the Greater Pine Island TDU Program	Policy 129.1.3 (Conservation & Coastal Management Element)
Policy 24.3.3	Prohibits adjusted maximum densities within Coastal Rural designations within the CHHA	Policy 1.4.7 (Future Land Use Element)
Objective 24.6	Allows for continued implementation of the Greater Pine Island TDU Program	Objective 129.2 (Conservation & Coastal Management Element)
Policy 24.7.8	Allows for continued implementation of the Greater Pine Island TDU Program	Policy 73.1.3 (Community Facilities & Services Element)
Lehigh Acres (Goal 25)		
Objective 25.8	Objective 28.8 and Policies 25.8.1, 25.8.5, and 25.8.7 address transportation and interconnection	Objective 40.2 (Transportation Element)

	challenges of managing growth within a large pre-platted area, including access onto arterial roadways and drainage canals that disrupt the transportation network.
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North Olga (Goal 29)	Summary	Relocated to
Objective 29.5	Lee County will continue to support agricultural heritage by supporting commercial-agriculture uses, but finds this is appropriate county-wide.	Policy 9.1.6 (Future Land Use Element)
Policy 29.5.1	Policy identifies support of community gardens. This should be applied county-wide.	Policy 9.1.7 (Future Land Use Element)
Policy 29.7.3	Encourages "Firewise" principles in site design for proposed planned developments. Lee County should encourage Firewise principles in all areas at risk of wildfires.	Policy 5.1.11 (Future Land Use Element)
Objective 29.9, Policy 29.9.1 and 29.9.2	Requirements addressing density and intensity for development in New Community will be relocated to the Policy describing the future land use category.	Policy 1.1.15 (Future Land Use Element)
Policy 29.9.3	Design requirements for planned developments under the New Community FLUC will be relocated to Chapter 34 of the LDC.	Land Development Code Section 34-1145

North Fort Myers (Goal 30)	Summary	Relocated to
Policy 30.2	Allows for continued implementation of the North Fort Myers Commercial Corridor.	Goal 6 (Future Land Use Element)
Policy 30.2.5	Allows for continued implementation of the North Fort Myers Commercial Corridor.	Goal 6 (Future Land Use Element)
Policy 30.2.6	Allows for continued implementation of the North Fort Myers Commercial Corridor.	Goal 6 (Future Land Use Element)

Population Growth and Growth Management

Many of the Goals, Objectives, and Policies proposed for deletion are outdated and no longer necessary or appropriate in the current environment. This includes both provisions in the Community Plan sub-element and other areas of the Lee Plan.

The goals, objectives, and policies found in the community plan area sub-element were adopted at various times between 1989 and 2011. The table below lists the initial adoption dates for community plan goals and the County's population at the time each goal was adopted. According to the April 1st, 2025, estimate by the University of Florida Bureau of Economic and Business Research (BEBR), Lee County's current population is 839,125. Based on the current population, Lee County has grown approximately 157 percent since 1989, when the initial community plan provisions were adopted, and 33 percent since the most recent community plan goals were incorporated into the Lee Plan.

Community Plan Area	Year Adopted	County Population When Adopted¹
Boca Grande	1989	325,374
Greater Pine Island	1989	325,374
San Carlos Island	1989	325,374
Buckingham	1991	346,287
Lehigh Acres	1998	413,952
Bayshore	2003	493,147
Caloosahatchee Shores	2003	493,147
Captiva	2003	493,147
Alva	2009	612,169
North Captiva	2009	612,169
North Fort Myers	2009	612,169
Olga	2009	612,169
Page Park	2009	612,169
Tice	2009	612,169
SE Lee County	2010	618,754
NE Lee County	2011	627,509
North Olga	2011	627,509

Community Plans were incorporated into the Lee Plan between 1989 and 2011. No new community plans have been incorporated into the Lee Plan since 2011, when Ordinance 11-14 adopted the community plan goals for North Olga and Northeast Lee County. While many of the community plan goals, objectives, and policies have been updated since then, substantial portions of the Lee Plan remain out of date with the needs of Lee County's current population. The Future Land Use Element contains numerous policies that are no longer necessary or effective due to changes in state law or updated planning efforts. For example, statutory changes since 2011 have eliminated or significantly altered how local governments can apply concurrency and plan for population growth. A good example of this is the restriction of extending or expanding the transportation network "into or through the [Buckingham] Community Plan area" identified in Policies 20.2.1 and 20.2.2 as adopted into the Lee Plan by Lee County Ordinance 10-15 on March 3, 2010. These policies took advantage of existing concurrency laws at the time, which limited growth based on the availability of existing or planned infrastructure such as water and sewer, solid waste, schools, parks and recreation facilities, transportation facilities, and emergency medical services. However, Florida's Community Planning Act of 2011 became effective on June 2, 2011, and revised and deleted mandatory concurrency requirements, including the elimination of mandatory concurrency requirements for transportation, parks and recreation, and schools². The changes incorporated into Florida Statutes through the Community Planning Act and Lee County's implementation of those changes had a direct impact on the effectiveness and consequences of Policies 20.2.1 and 20.2.2. These changes meant that deficiencies in Lee County's transportation network could not be used to effectively limit development dependent on roadway segments within the Buckingham Community Plan area. This has resulted in substantial impacts to levels of service on the transportation facilities in the community. At the same time, these policies have inhibited Lee County from addressing these impacts on a county-wide basis.

² Lee County maintains regulatory school concurrency based on an interlocal agreement between Lee County and the Lee County School District, consistent with 163.31777 of the Florida Statutes.

Another example of Lee Plan provisions that have become outdated is the limitations on central sewer and water facilities within the Bayshore Area. These provisions were initially adopted into the Lee Plan by Ordinance 03-02 on January 9, 2001. Objective 18.3 and Policy 18.3.1 seek to limit water and sewer infrastructure in the Bayshore area based on “the desire to maintain a low residential density” and an assumption that central sewage service is not economically feasible. While these policies may have been appropriate at the time, they are no longer appropriate based on the current environment. Availability of utilities can directly impact water quality and quantity and should be coordinated across the entire county to effectively address local needs, rather than driven only by the preferences of individual communities.

The Bayshore area is included in the Basin Action Management Plan (BMAP) for the Caloosahatchee River and Estuary. A BMAP is an actionable plan that Lee County must follow in order to achieve pollution reductions required by established Total Maximum Daily Loads (TDML) of specific pollutants. Private onsite septic systems have been documented to be a contributor to the TDML within the Caloosahatchee River. Additionally, under state statute FS 163.3177, as amended by HB 1379 in 2023, local governments must consider how to extend utilities to residential development exceeding one (1) unit per acre in a BMAP. Policy 18.3.1 is also duplicative of Lee Plan Standards 4.1.1 and 4.1.2, and removing it will avoid potential conflicts or inconsistencies with Standards 4.1.1, 4.1.2, and Chapter 10 of the Land Development Code (Chapter 10, Article III, Division 4. – Utilities). This was identified as a concern when this objective and policy were originally adopted. While not addressed when originally adopted, it is also inappropriate to tie the hands of future County Commissioners and officials long term because “central sewage service is not economically feasible.” The county must be able to react to changing state requirements and address public health and safety based on current conditions and priorities.

Updated policies will continue to direct growth towards areas with adequate infrastructure planned or in place, reduce reliance on outdated growth controls. The revised Future Land Use Element will continue to discourage leapfrog development through implementation of the Future Land Use Map and policies that are coordinated on a county-wide basis. Future land use categories in Lee County’s Future Non-Urban Areas such as DR/GR, Rural, Rural Community Preserves, Outer Island, and Coastal Rural will retain current low-density standards. Outdated policies not necessary to retain are identified in Attachment 1.

Policy and Program Improvements

There are a few provisions in the Lee Plan, both within the community plan areas and those that apply to all of unincorporated Lee County, that have been beneficial but could be improved to have greater applicability or to provide more of a benefit to property owners while also providing benefits to Lee County as a whole. These include the Commercial Overlay in Lehigh Acres, the Commercial Corridor in North Fort Myers and Objective 5.2, addressing redevelopment of over-density multi-family residential properties. Based on the requirements of Senate Bill 180 each of these strategies must be retained to preserve existing rights and to avoid creating additional burdens or restrictions to properties that currently benefit from these provisions. However, over the past several years staff has been reviewing these strategies and identifying ways to make them more effective for their intended purposes but have not had an opportunity to bring ideas forward for BoCC consideration prior to these amendments.

Objective 5.2: Redevelopment of Existing Multi-Family Residential Development is a good example of this. Objective 5.2 and its supporting policies are intended to “incentivize and promote cost effective and timely redevelopment of multi-family developments that were approved and developed prior to the adoption of the 1984 Lee Pan, in excess of the standard density range for their current Future Land Use Category.” This Objective was initially adopted in the years following Hurricane Charley to support redevelopment of multi-

family developments to modern building codes before being impacted by another storm. Limitations of this Objective and its supporting policies were identified following Hurricane Ian in 2022. Hurricane Ian caused widespread damage to Lee County's coastal areas, impacting many forms of residential development within Lee County, including multi-family, single-family, and mobile home developments. Following Hurricane Ian it also became apparent that structures built using the current/modern Florida Building Code fared substantially better than older structures built prior to current building code and minimum flood elevation requirements. Lee County's coastal areas represent some of the oldest developments in Lee County based on historic settlement patterns, many of which were approved prior to 1984 and were over-density based on the respective future land use categories for each of the properties. To encourage other types of residential developments to redevelop or convert to non-residential uses using modern building code and flood requirements it is recommended that Objective 5.2 and the supporting Policies be amended as shown below:

OBJECTIVE 5.2: REDEVELOPMENT OF EXISTING MULTI-FAMILY RESIDENTIAL DEVELOPMENT. To incentivize and promote cost effective and timely redevelopment of ~~multi-family residential~~ developments that were legally approved and developed prior to the adoption of the 1984 Lee Plan, in excess of the standard density range for their current Future Land Use Category. (Ord. No. [10-08](#))

POLICY 5.2.1: Over-density ~~multi-family~~ residential developments that ~~lawfully achieved their density prior to the effective date of the Lee Plan (December 21, 1984),~~ may be permitted to redevelop at their existing density or convert to a non-residential use. ~~Over density multi-family redevelopments will be considered on a case by case basis to determine the approval process to be followed to achieve redevelopment.~~ (Ord. No. [10-08](#))

POLICY 5.2.2: ~~When rezoning is required, the Planned Development zoning process must be utilized to prevent and mitigate adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans.~~ (Ord. No. [10-08](#))

POLICY 5.2.3: ~~In order to establish the: existing structures; number of dwelling units; floor area; existing water management systems and outfalls; and, impervious area on the subject property, all proposals for over density multi-family redevelopment must provide the County with full documentation verifying this information and establishing development was lawful when initially constructed. The documentation must include two site plans. One depicting existing development and another depicting the proposed plan of redevelopment. This information must be provided at a pre-application meeting with County staff.~~ (Ord. No. [10-08](#))

POLICY 5.2.4-5.2.2: The site design of the proposed development must be compatible with surrounding land uses to the maximum extent possible. (Ord. No. [10-08](#))

POLICY 5.2.5: ~~All wet retention and dry retention areas must be planted with appropriate native trees and herbaceous plant species.~~ (Ord. No. [10-08](#))

POLICY 5.2.6: ~~For sites located within the Coastal High Hazard Area, proposed redevelopment must:~~

- ~~1. Have sufficient elevation to address a storm surge from a land falling category 5 hurricane;~~
- ~~2. Be constructed to withstand winds of 200 mph in accordance with the Florida Building Code;~~

- ~~3. Utilize impact protection for all exterior openings in accordance with the Florida Building Code;~~
- ~~4. Be equipped with emergency power and potable water supplies to last up to five days;~~
- ~~5. Be protected with adequate ventilation, sanitary facilities, and first aid medical equipment; and,~~
- ~~6. Be designed to minimize light pollution, sky glow and light trespass beyond the property lines by using appropriate light fixtures and other light management techniques to reduce the impact on wildlife such as sea turtles and migrating birds. Techniques may include: utilizing fully shielded, full cut off luminaries; down style canisters with interior baffles on the balconies; pole lights less than 15 feet in height; bollard type fixtures with louvers; and other techniques acceptable to the Department of Community Development.~~
- ~~7. Up lighting is prohibited. Mercury vapor and metal halide lamps are also prohibited.~~
- ~~8. Glass windows and doors must be treated to achieve an industry approved, inside to outside light transmittance value of 45% or less.~~

(Ord. No. ~~10-08, 21-09~~)

The intent of the proposed amendments to Objective 5.1 and its supporting policies is to allow and encourage the redevelopment of existing structures to modern building code and elevation requirements without needing to wait to be impacted by a natural disaster, while also reducing redundancy within the Lee Plan and other applicable requirements. The proposed amendments also clarify that Lee County supports redevelopment to a nonresidential property when consistent with the Lee Plan. Language that is redundant with Building Code requirements or other Lee Plan requirements for compatibility are being eliminated. Proposed edits are meant to encourage redevelopment of older structures into modern code-compliant structures, improving the building stock of Lee County. Provisions that have been updated to expand or improve their effectiveness are identified in Attachment 1.

REGULATORY CONSISTENCY

The comprehensive plan governs all land use decisions in unincorporated Lee County. The proposed amendments aim to reorganize, update, and delete portions of the Lee Plan, making it challenging to evaluate each amendment in the Staff Report. For a detailed rationale of each amendment, refer to Attachment 1.

Rather than providing a traditional Lee Plan Analysis, this Staff Report focuses on the consistency of the proposed amendments with Florida Statutes, specifically Chapter 163 and SB 180, as well as relevant case law. The amendments will simplify the structure of the Lee Plan by reorganizing policies across various Goals, Objectives, and Policies, eliminating outdated regulations, and merging redundant provisions. This will enhance internal consistency and alignment with statutory requirements and the guidance of the Board of County Commissioners. Ultimately, the Lee Plan will continue to manage growth, protect natural resources, and coordinate necessary infrastructure and services while complying with local comprehensive planning requirements.

Florida Statutes, Chapter 163

Florida Statutes, Chapter 163.3177, Required and Optional Elements of Comprehensive Plan; Studies and Surveys, require local governments to adopt a comprehensive plan and specifies the elements, data, and analyses those plans must include. Under state requirements, comprehensive plans must provide principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the county, reflecting the community's commitment to implementing the plan and its elements.

The Future Land Use Element of the Lee Plan is the largest and most comprehensive, containing the bulk of the prescribed state requirements for local comprehensive planning. According to the statute:

*A future land use plan element designating **proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land.** The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed.*

Land use categories must be defined by permitted uses and general standards for density and intensity. These uses must be coordinated with the availability of infrastructure and services, topography, soil types, natural and historic resources, and other relevant criteria. All land use categories must be mapped. Florida Statutes do not prescribe specific future land use categories or locally created overlays. The local government has discretion to establish and organize its future land use categories and overlays, provided that the Future Land Use Element and Future Land Use Map, together, satisfy the requirements of the statute.

The proposed amendments remove, update, and redistribute Goals, Objectives, and Policies related to Lee County's Community Plan Areas, which are currently contained within the "b. Community Planning" sub-element of the Future Land Use Element, to other areas of the comprehensive plan. The Community Plan Areas are overlays for large sections of the county that describe permitted uses, density, and intensity standards in addition to the underlying Future Land Use classification. The additional standards are not necessary to meet State comprehensive planning requirements and are sometimes inconsistent with future land use categories or create ambiguities that can lead to disagreements about the intent of a policy or how the Future Land Use Map and policy should be applied when considering the Lee Plan as a whole.

The Lee Plan, as currently adopted, addresses the required topics and is generally structured to satisfy the applicable state requirements. State law generally does not govern the comprehensive plan's organizational structure, land use categories, overlays, or plan provisions. ***Policies may be removed, revised, consolidated, or relocated within the Lee Plan, provided the revised Plan continues to meet all applicable legal requirements, remains internally consistent, is supported by relevant data and analysis, and retains any protections or standards required by state law.***

The community plans were not intended to be regulatory and are not necessary to comply with state statute. Lee Plan Policy 17.1.3 provides ***"Community Plans should consist of long terms objectives and policies that are not regulatory in nature. If needed, land development regulations may be adopted to implement the community plan."*** This Policy is often missed when interpreting the Lee Plan and applying proper weight to the appropriate goals, objectives, and policies when reviewing the Lee Plan as whole which leads to ambiguities and disagreements about the intent of the Lee Plan.

SB 180

The requirements of SB 180 were generally codified in Florida Statute 252.422. Currently, Florida law, through Senate Bill 180 (2025), also provides that:

“each county listed in the Federal Disaster Declaration for Hurricane Debby (DR–4806), Hurricane Helene (DR–4828), or Hurricane Milton (DR–4834), and each municipality within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2027,..”.

While the language in SB 180 regarding Counties impacted by Hurricane Debby, Hurricane Helene, or Hurricane Milton, and lasting until October 1, 2027, is not codified in the Florida Statutes, it remains effective law.

Lee County was included in the Federal Disaster Declaration for all three of the identified hurricanes. Therefore, the proposed amendments may not result in comprehensive plan policies or LDC regulations that are more restrictive or burdensome, nor in a more restrictive or burdensome procedure for the review, approval, or issuance of a site plan, development permit, or development order. There are several sections of the Future Land Use Element that provide allowances that must be retained in compliance with SB 180.

Attachment 1 identifies sections of the amendments that retain at least one Policy to avoid conflicts with SB 180. These sections are:

- New Objectives 6.2, Commercial Overlay, and 6.3, Land Use Centers and Corridors, as carryovers from the Lehigh Acres and North Fort Myers Community Plan Areas.
- New Policy 11.1.3, Mixed Use Development, from Policy 23.2.1
- Incorporation of Policy 20.1.2, relating to commercial allowances in Buckingham, into Policy 1.4.3.
- Incorporation of Policy 21.2.3, relating to commercial allowances in Tice, into Goal 6.
- New Policy 129.1.3, relating to Greater Pine Island TDUs, from Policy 24.3.1.

All of these relocated policies provided additional allowances for certain areas of the County. Removing them could alter the property owner's private property rights or make development more difficult (i.e., burdensome).

The proposed Lee Plan Amendments do not result in more restrictive or burdensome amendments to the comprehensive plan or land development regulations.

CONCLUSIONS

Staff has reviewed the proposed amendments and provides the following conclusions:

- The proposed amendments do not increase densities or intensities anywhere within unincorporated Lee County.
- The proposed amendments provide adequate protection for the public health, safety, and welfare.

- The proposed amendments reinforce stated densities, intensities, and distribution of uses across unincorporated Lee County consistent with the Future Land Use Map and future land use categories to make the Lee Plan clearer and more concise;
- The proposed amendments reduce legal ambiguities and improve the predictability of the Lee Plan;
- The proposed amendments are consistent with F.S. 252.422 (Senate Bill 180), as they do not create additional burdens or restrictions and relocate provisions providing specific property rights.
- The proposed amendments are consistent with the BoCC direction from April 1, 2025.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners **adopt** the proposed amendment as shown in Attachment 1.

ATTACHMENT 1

- **Text Amendments**
- **Map Amendments**
- **Table Amendment**

ATTACHMENT 1: Proposed Lee Plan Amendments

Formatting Notes:

- Text that is proposed to be deleted is shown with ~~strike-through~~ formatting.
- Text that is proposed to be added is shown with underline formatting.
- Text that is proposed to be relocated is shown with ~~strike-through~~ formatting where it is being relocated from and double-underline formatting in the location where it is being relocated.
- If portions of a relocated policy are being deleted it is shown with both ~~double-underline and strike-through formatting~~ to show context.
- Staff notes are provided in red.

TEXT AMENDMENTS

I Vision Statement

The Lee Plan is designed to depict Lee County as it will appear in the year 2045 when the population is projected to be 1,056,600 permanent residents with an additional 18% seasonal residents. In order to balance the County's projected growth with evolving planning priorities, the following trends are expected to continue through the year 2045 planning horizon:

- The County's growth patterns will continue to be dictated by a Future Land Use Map that will not change dramatically. As a result, the distinction between future urban, suburban, and non-urban areas described by this plan will likely be maintained. The County's future urban areas will be essentially built out by 2045 and, to accommodate the population growth, an interest in the redevelopment of these areas will continue.
- The County's public facilities will be maintained at adequate levels of service, partly by the construction of new facilities and partly by the use of new methods to conserve the capacity of existing facilities.
- The County's natural resources will be protected through public land acquisition programs and by maintaining and enforcing cost-effective land use and environmental regulations that supplement, where necessary, federal, state, and regional regulatory programs.
- The County's traditional economic base will continue to be diversified in order to increase the percentage of high-paying jobs, reduce tax burdens on residents, and enhance the stability of the County. Traditional industries, such as agriculture, commercial fishing, tourism, and construction, will continue to play a significant role in the County's economy alongside new industries anticipated in response to technical advancements, the increasing capacity of Southwest Florida International Airport, and the growing number of higher education institutions within the County.

~~Community plans~~ Special Treatment Areas are identified ~~have been created~~ within the Lee Plan to address specific conditions unique to defined areas of the County. ~~The vision for each community plan area is~~

ATTACHMENT 1: Proposed Lee Plan Amendments

incorporated as a Goal within the Future Land Use Element and the boundary for each area is shown on the Future Land Use Map (Map 2-A).

II Future Land Use Element

POLICY 1.1.9: The University Community future land use category provides for Florida Gulf Coast University (FGCU) and associated support development. ~~The location and timing of development within this category must be coordinated with the development of FGCU and the provision of necessary infrastructure. In addition to all other applicable regulations, development within the University Community future land use category must be designed to enhance and support FGCU and will be subject to cooperative master planning with, and approval by, the FGCU President or their designee. Overall residential development within the University Village future land use category will not exceed 6,510 dwelling units. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community future land use category boundaries as they exist on October 20, 2010. Specific policies related to the University Community future land use category are provided in Goal 15. **POLICY 15.2.2:** The University Village is an area which provides the associated support development and synergism to create a viable University Community. This sub-category allows a mix of land uses related to and justified by the University and its development. Predominant land uses within this future land use category area are expected to be residential, commercial, office, public and quasi-public, recreation, and research and development parks.~~

- Removed unnecessary language.
- Incorporates language from Policy 15.2.2, addressing appropriate uses within the University Village, into the descriptor Policy for University Community. University Village is currently identified as the portion of the University Community that is outside of the lands covered by the FGCU Campus Master Plan. This is currently the section staff relies on to identify allowable uses within the University Community future land use category. The uses are neither a new requirement nor a restriction.
- Removes coordination requirements that are duplicated by the campus master planning process required by F.S. 1013.30.

POLICY 1.1.11: The Sub-Outlying Suburban future land use category is characterized by low density residential areas. Generally, the infrastructure needed for higher density development is not planned or in place. This future land use category ~~will~~ may be placed in areas where higher densities would be incompatible or where there is a desire to retain a low-density community character. Industrial land uses are not permitted. The standard density range[†] is from one dwelling unit per

[†] For Lots 6–11, San Carlos Groves Tract, Section 20, Township 46 South, Range 25 East, of the San Carlos/Estero area:

a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the Planned Development zoning process, in which the residential development is clustered in a manner that provides for the protection of flow-ways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.

ATTACHMENT 1: Proposed Lee Plan Amendments

acre (1 du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed. (Ord. No. [03-20](#), [03-02](#), [17-13](#), [21-09](#))

- **Removed unnecessary language. The footnote relates to a specific property that has already been developed.**

POLICY 1.1.15: The New Community future land use category are areas of land that can be planned and developed as a cohesive unit to better achieve the conservation of important environmental resources and initiate area-wide surface water management. New Community land must be located such that the area is capable of being developed with a balance of residential and non-residential uses and that major impacts of the development are internalized and/or alleviated by existing infrastructure or will be funded privately. New Community areas will be developed as freestanding economic units and will not impose negative fiscal impacts on the County (other than those associated with the delay in placing property improvements on the tax rolls). The residential density is one unit per 1.9 gross acres (1 du/1.9 acres) except within the Gateway/Airport Planning District, where a residential density of up to six dwelling units per gross acre (6 du/acre) may be permitted. Development within the New Community future land use category must have at least the following characteristics:

1. The land will be developed using the ~~under a well-conceived overall~~ Planned Development process;
2. The land can be served with all necessary facilities and services at no expense to the County. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective;
3. Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;
4. The land must be developed in such a manner as to protect environmentally sensitive areas;
5. The land must be developed as a free-standing community offering a complete range of land uses (e.g. a full mix of housing types for a range of household incomes, industrial and office employment centers, and community facilities such as fire departments, schools, law enforcement offices, public recreational areas, health care facilities, and community

b. ~~A maximum of 120 residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the Planned Development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed 32 acres, which must be located on the northwestern portion of the property. No development may occur in the flow-way, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for 30 of the maximum 120 residential dwelling units, to the state, County, or other conservation entity.~~

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commercial areas). The mix of land uses will be evaluated through buildout of the New Community to ensure developments include both residential and non-residential uses;²

6. Off-site impacts must be mitigated;
7. On-site levels of service must meet the County-wide standards contained in this plan;
8. The land area must exceed a minimum of 2,000 acres to ensure an appropriate balance of land uses; and
9. ~~The land must be developed consistent with Goal 29 if located within the North Olga Community Plan area identified on Lee Plan Map 2 A.~~ **POLICY 29.9.2:** Non-residential intensities for lands within the New Community future land use category will be limited to a maximum permitted Floor Area Ratio (FAR) of 0.15. The FAR will be based upon the gross acreage dedicated to non-residential uses within the overall planned development boundary, including all uplands, wetlands, open space, rights-of-way, recreation areas, and/or lake. In no case shall the total commercial square footage in the New Community future land use category identified on Map 1-D in North Olga exceed 1,170,000 square feet, in addition to 250 hotel rooms.

- Relocated from Goal Policy 29.9.2.
 - Updated for internal consistency and clarity.
-

POLICY 1.3.5: The University Village Interchange land use category is designed to accommodate both interchange land uses and non-residential land ~~uses related to the University. Development within this interchange area may or may not be related to, or justified by the land use needs of the University.~~ Land uses allowed within this area include those allowed in the Industrial Commercial Interchange category and the associated support development allowed in the University Village. The overall average intensity of non-residential development will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 1-B and Table 1(b). See the definition of Associated Support Development in the Glossary. Cooperative master planning and approval by the Florida Gulf Coast University Board of Trustees will be required prior to development within this land use category. Additionally, any development which meets or exceeds the DRI thresholds, either alone or through aggregation, must conform to the requirements of Ch. 380, Fla. Stat. (Ord. No. [92-47](#), [94-30](#), [00-22](#), [10-40](#))

- Removed unnecessary and outdated language. Coordination requirements with FGCU are duplicative of the statutorily required Campus Master Plan update process.
 - Revised for consistency with University Community future land use category.
-

²-Planned Developments in the New Community future land use category in the North Olga Community Plan area must have a minimum of 50,000 square feet of non-residential floor area under construction prior to construction of the 1,000th residential dwelling unit.

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POLICY 1.4.3: The Rural Community Preserves future land use category requires special design approaches to maintain existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and commercial sign standards, and retention of historic rural uses. Lands within this category are not to be converted to future urban or suburban areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. **POLICY 20.1.2:** The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road is designated as the commercial node for the Buckingham Community Plan area. With the exception of the uses and the property identified in this policy, no new commercial development will be located outside of this commercial node. ~~All new commercial developments in the node are required to provide a minimum of 30% open space. This commercial node is also includes the lands described as those lands 300 feet eastward from the easterly right-of-way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard.~~ Commercial uses permitted in agricultural zoning districts, such as Feed and Tack stores, are allowed outside of the commercial node if appropriate zoning approval is granted. Commercial boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if lawfully existing or appropriate zoning approval is granted. Commercial uses are permitted on the property zoned C-1 located at 9140 Buckingham Road. Property in this category may not be rezoned to any RV district. Maximum density is one dwelling unit per acre (1 du/acre). Bonus densities are not allowed.

~~**POLICY 20.1.3:** Except for those clustered areas approved in accordance with Policy 20.1.5, all lots created in the Rural Community Preserves future land use category must have a minimum area of 43,560 square feet, unless a Minimum Use Determination has been issued. Calculation and calculation of lot size must exclude any road right-of-way or easement areas, water management areas, and natural water bodies, unless clustered.~~

~~**POLICY 20.1.5:** Clustering of residential development in the Rural Community Preserves requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:~~

- ~~• Buildings must be set back a minimum of 100 feet from the RPD boundary.~~
- ~~• The RPD must have a minimum of 10 acres in order to cluster homesites.~~
- Condensed requirements currently contained in the Buckingham Community Plan to the Rural Community Preserve Land use category.
 - o Relocated non-residential allowances from 20.1.2.
 - o Relocated lot size requirements from Policy 20.1.3.
 - o Relocated clustering requirements from 20.1.5.

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POLICY 1.4.7: The Coastal Rural future land use category is established for the ~~Greater Pine Island Planning District~~ to address the area's predominantly rural character, coastal environment, existing agricultural uses, limited public infrastructure, and its location within and proximity to the Coastal High Hazard Area and Hurricane Vulnerability Zone.

The standard maximum density is one dwelling unit per 2.7 acres (1 du/2.7 acres). Maximum densities will be increased to an "Adjusted Maximum Density" of one dwelling unit per acre (1 du/acre) where 70% of the overall development parcel(s) is: maintained as native habitat; or restored as native habitat; or maintained in agricultural use on those parcels classified as agricultural under Chapter 193, Florida Statute, identified as existing farmland on Lee Plan Map 2-C. ~~**POLICY 24.3.3:** Adjusted Maximum Density is not permitted to be located within the Coastal High Hazard Area.~~

Residential developments containing ten or more dwelling units must be approved through the Planned Development rezoning process and, as part of the Planned Development process, must: a) demonstrate the implementation of adopted design standards and development approaches that support and maintain the rural character; b) provide notification to property owners of permitted adjacent agricultural uses and their right to continue operations; and c) provide mitigation for impacts to hurricane evacuation clearance times and shelter needs.

Permitted land uses include agriculture, fill-dirt extraction, conservation uses, minimal non-residential land uses, limited to marinas, fish houses, and minor commercial uses, that serve the island residents and visitors ~~as set forth in Policy 24.4.4~~, and low density residential uses. Bonus densities are not allowed ~~in this land use category~~.

- Relocated Adjusted Maximum Density limitation for Coastal Rural future land use in Coastal High Hazard Area from Policy 24.3.3.

~~**POLICY 1.6.3:** Certain lands are designated as future urban areas because of special needs for the provision of Privately Funded Infrastructure. Development in these areas may occur in accordance with the provisions of Goal 3 and its subsequent objective and policies.~~**GOAL 19: BOCA GRANDE COMMUNITY PLAN.** Preserve and conserve the environment, recreation and open space areas, and historic resources within the Boca Grande Community Plan area boundary of the community plan area while implementing Implement the Gasparilla Island Conservation District Act (GICDA) and upholding the Boca Grande Historic District.⁹

POLICY 1.6.4: The Water-Dependent Overlay zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are ~~detailed for such zones on San~~

⁹ The Boca Grande Historic District is that area described in Resolution Designating Historic Resource HD 90-05-01 District recorded in the Lee County Clerk of Courts Official Records Book 2164 Pages 1166-1203.

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Carlos Island under Goal 32, in the Greater Pine Island area under Goal 24, and for other areas in Lee County in the Conservation and Coastal Management Element. (Ord. No. [94-30](#), [00-22](#), [18-18](#))

- Relocated to continue implementing the Gasparilla Island Conservation District and Boca Grande Historic District from Goal 19.
 - Updated to maintain internal consistency
-

POLICY 1.6.7: The Agricultural Overlay (Map 1-G) shows existing active and passive agricultural operations in excess of 100 acres located outside of the future urban areas. Since these areas play a vital role in Lee County's economy, they should be protected from the impacts of new developments, and the County should not attempt to alter or curtail agricultural operations on them merely to satisfy the lifestyle expectations of non-urban residents. (Ord. No. [94-30](#))

POLICY 1.6.8: The Historic Surface and Groundwater Levels Overlay (Map 2-E 5-E) depicts the best available analysis of historic wet-season water depths and hydroperiods for Southeast Lee County as of March 2010. This depiction is based on detailed ecological analyses of 1953 aerial photography as described in the 2008 report, *Ecological Memorandum of the Density Reduction/Groundwater Resource Area*, by Kevin L. Erwin, Consulting Ecologist, Inc. For purposes of determining compliance with Policy 1.4.5, additional evidence as to historic water levels and hydroperiods may be submitted during the rezoning or development review processes as a basis for site-specific hydrological analysis for project design. (Ord. No. [10-20](#), [14-10](#), [18-18](#))

- Update cross-reference.
 - Removed unnecessary and outdated language. The Agricultural Overlay is not required by State Statute; agricultural uses are addressed through existing land uses and zoning allowances.
-

POLICY 2.1.3: All land use categories and Planning Districts permit the consideration of churches and schools (except in ~~Wetlands and~~³ Airport Noise Zones A and B), public uses and buildings, county facilities, public utilities and resource recovery facilities, public recreational uses (including franchised quasi-commercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies, and standards in this plan and applicable zoning and development regulations.

- Update to include reference to county facilities
-

³ Amendments to this Policy which included striking "Wetlands and" were transmitted by the BoCC on June 3, 2026.

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~~**OBJECTIVE 2.5: HISTORIC RESOURCES.** Historic resources will be identified and protected pursuant to the Historic Preservation Element and the County's Historic Preservation Ordinance. (Ord. No. 94-30, 00-22)~~

- Cross-reference is unnecessary and redundant.

~~**OBJECTIVE 2.6: COASTAL ISSUES.** Development in coastal areas is subject to the additional requirements found in the Conservation and Coastal Management Element of this plan, particularly those found under Goals 72, 73 and 101. (Ord. No. 18-28).~~

- Cross-reference is unnecessary and redundant.

~~**OBJECTIVE 2.7: SCENIC CORRIDORS.** Consider establishing special design standards along specified arterial and collector roads. (Ord. No. 94-30, 21-09)~~

~~**POLICY 2.7.1:** The County will identify key road segments which, with specialized design and landscaping standards, could become scenic landmarks. These segments may be relatively undeveloped arterial or collector roads or may be older roads along which revitalization or historic preservation efforts would be appropriate. (Ord. No. 00-22)~~

~~**POLICY 2.7.2:** A study will be conducted in cooperation with interested parties to identify and evaluate alternative design themes and land use patterns. The study will recommend specific incentives, development regulations, and funding sources to implement a scenic corridor program. (Ord. No. 00-22)~~

- Objective and policies are not required by state statute and do not protect public health, safety, or welfare.

~~**OBJECTIVE 2.8: SCHOOL LOCATION.** In order to ensure that public school locations are proximate to urban residential areas and are consistent with County growth policies proposals for new schools are subject to the objectives and policies contained under Goal 67. (Ord. No. 99-15, 18-28)~~

- Cross-reference is unnecessary and redundant.

~~**OBJECTIVE 2.9: CARRYING CAPACITY.** Understand the carrying capacity of the future land use map and integrate the concept into planning strategies. (Ord. No. 07-16)~~

~~**POLICY 2.9.1:** Utilizing carrying capacity information, determine the constraints to continual development as a quality of life characteristic. (Ord. No. 07-16)~~

~~**POLICY 2.9.2:** Evaluate a general assessment (barometer of variables) that links the goal of (and) capacity of development (built environment) to environment (natural or green space). (Ord. No. 07-16)~~

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~~**POLICY 2.9.3:** Evaluate science-based goals to assess what is necessary to maintain desired environmental factors (i.e. panthers extant, Estero Bay health, etc.). (Ord. No. [07-16](#))~~

~~**POLICY 2.9.4:** Maintain a Master Mitigation Plan that will identify and map and update, through a science-based process, those lands with the environmental science-based opportunities for mitigation, remediation, or preservation. Promote such areas for such uses through County programs. (Ord. No. [07-16](#))~~

- Removed unnecessary and outdated language. This was based on sections of state statutes that were removed in 2011. At that time, local governments were required to plan for a specific anticipated population range with an upper limit based on the anticipated population at the Lee Plan's planning horizon. Currently, statutes require that local governments ensure the future land use Map can, at a minimum, accommodate the anticipated population.

~~**GOAL 3: PRIVATELY FUNDED INFRASTRUCTURE.** To assist in the provision of a full range of privately funded urban infrastructure in specified future urban areas which have existing or projected deficits in one or more essential services. (Ord. No. [94-30](#))~~

~~**OBJECTIVE 3.1: FUNDING MECHANISMS.** The Future Land Use Map will include overlays designating specific geographic areas which are permitted urban-level densities and intensities because most necessary infrastructure will be provided through the creation of multifunction taxing and/or benefit districts, community development districts, direct developer provision, or an effective combination of similar financing mechanisms. (Ord. No. [90-22](#))~~

~~**POLICY 3.1.1:** The County will establish taxing/benefit districts where appropriate for the designated areas in accordance with the provisions of general law. Such a district may be limited to specific types of infrastructure upon a formal finding by the Board of County Commissioners that more appropriate mechanisms have been identified to provide the remaining facilities and services; a district may also be limited to a geographic area smaller than the overlay zone upon a formal finding by the board that this reduction will not substantially increase infrastructure costs which must be paid by general County revenues. (Ord. No. [90-22](#))~~

~~**POLICY 3.1.2:** With initial funds from each designated area or other source, an examination will be made (under direction of the County) of the infrastructure needs for that area. A detailed plan for the provision of needed facilities will then be prepared.~~

~~**POLICY 3.1.3:** The infrastructure to be provided through this program in each designated area may include any or all of the following facilities and services as appropriate: collector and arterial roads, surface water management (see Policy 60.2.2), water and sewer mains and treatment, fire and EMS service, parks, etc.~~

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~~**POLICY 3.1.4:** A committee of landowners in each designated area may be established to provide input into this process.~~

~~**POLICY 3.1.5:** Where proposed development projects had been approved contingent upon the private provision of infrastructure that now will be provided through a different mechanism, the developer may apply through the zoning process to have such conditions modified or deleted.~~

~~**POLICY 3.1.6:** Rezoning to permit increased densities that are granted after the effective date of this policy (March 1, 1989) but before the district (or equivalent funding mechanism) has been established and an infrastructure plan has been prepared will be subject to a special requirement that further development orders will be granted only upon a clear showing that the development will not cause the mandatory levels of service in Policy 95.1.3 to be exceeded. The granting of a development order will not release the property owner from any obligations under the privately funded infrastructure overlay. This requirement will not apply if it would preclude the constitutionally mandated reasonable use of a parcel of land. (Ord. No. 93-25, 00-22)~~

- Removed unnecessary and outdated language. Florida Statutes set forth procedures and requirements for funding private infrastructure.
-

~~**POLICY 5.1.10:** Unless specifically addressed in this plan, in~~ those instances where contiguous land is within two or more land use categories, the allowable number of dwelling units will be the sum of the allowable dwelling units for each land use category. The dwelling units may be distributed across the property provided that the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area land use category does not exceed the density allowed in that future land use category. (Ord. No. 92-35, 00-22, 07-12, 23-12)

~~**POLICY 29.7.3**~~ **5.1.11:** Proposed planned developments will consider the incorporation of “Firewise” principles in site design, including building orientation, access management, landscaping type and placement. For the purposes of this policy, Firewise principles are those guidelines developed by the National Fire Protection Association to mitigate the risk of wildland fire to homes in the wildland/urban interface.

- Updated for internal consistency. Proposed amendments accommodate density calculations used within the EEPKO (Proposed Conservation Community) and the New Community future land use category associated with Babcock Ranch in Northeast Lee County.
- Relocated from Policy 29.7.3

OBJECTIVE 5.2: REDEVELOPMENT OF EXISTING MULTI-FAMILY RESIDENTIAL DEVELOPMENT. To incentivize and promote cost effective and timely redevelopment of ~~multi-family residential~~ developments that were legally approved and developed prior to the adoption of the

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1984 Lee Plan, in excess of the standard density range for their current Future Land Use Category. (Ord. No. [10-08](#))

POLICY 5.2.1: Over-density ~~multi-family~~ residential developments ~~that lawfully achieved their density prior to the effective date of the Lee Plan (December 21, 1984), may be permitted to redevelop at their existing density or convert to a non-residential use.~~ Over-density multi-family redevelopments will be considered on a case by case basis to determine the approval process to be followed to achieve redevelopment. (Ord. No. [10-08](#))

POLICY 5.2.2: ~~When rezoning is required, the Planned Development zoning process must be utilized to prevent and mitigate adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans.~~ (Ord. No. [10-08](#))

POLICY 5.2.3: ~~In order to establish the: existing structures; number of dwelling units; floor area; existing water management systems and outfalls; and, impervious area on the subject property, all proposals for over-density multi-family redevelopment must provide the County with full documentation verifying this information and establishing development was lawful when initially constructed. The documentation must include two site plans. One depicting existing development and another depicting the proposed plan of redevelopment. This information must be provided at a pre-application meeting with County staff.~~ (Ord. No. [10-08](#))

POLICY 5.2.4-5.2.2: The site design of the proposed development must be compatible with surrounding land uses to the maximum extent possible. (Ord. No. [10-08](#))

POLICY 5.2.5: ~~All wet retention and dry retention areas must be planted with appropriate native trees and herbaceous plant species.~~ (Ord. No. [10-08](#))

POLICY 5.2.6: For sites located within the Coastal High Hazard Area, proposed redevelopment must:

- ~~1. Have sufficient elevation to address a storm surge from a land falling category 5 hurricane;~~
- ~~2. Be constructed to withstand winds of 200 mph in accordance with the Florida Building Code;~~
- ~~3. Utilize impact protection for all exterior openings in accordance with the Florida Building Code;~~
- ~~4. Be equipped with emergency power and potable water supplies to last up to five days;~~
- ~~5. Be protected with adequate ventilation, sanitary facilities, and first aid medical equipment; and,~~
- ~~6. Be designed to minimize light pollution, sky glow and light trespass beyond the property lines by using appropriate light fixtures and other light management techniques to reduce the impact on wildlife such as sea turtles and migrating birds. Techniques may include: utilizing fully~~

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~~shielded, full cut off luminaries; down style canisters with interior baffles on the balconies; pole lights less than 15 feet in height; bollard type fixtures with louvers; and other techniques acceptable to the Department of Community Development.~~

~~7. Up lighting is prohibited. Mercury vapor and metal halide lamps are also prohibited.~~

~~8. Glass windows and doors must be treated to achieve an industry approved, inside to outside light transmittance value of 45% or less.~~

~~(Ord. No. 10-08, 21-09)~~

- Allow additional over-density residential projects to redevelop without having to wait to be impacted by a natural disaster.
- Clarify that Lee County supports redevelopment to a nonresidential property when consistent with the Lee Plan.
- Remove language that is redundant with Building Code requirements.
- Proposed edits are meant to encourage redevelopment of older structures into modern code-compliant structures, improving the building stock of Lee County.

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the County. (Ord. No. 94-30)

OBJECTIVE 6.1: ~~Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan. **POLICY 6.1.4:** Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.~~

- Delete existing objective language, which is redundant with the other provisions of the plan that are mentioned, and relocate language from Policy 6.1.4, which is more appropriate as an Objective.

POLICY 6.1.4: ~~Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. **POLICY 21.2.3:** The Olga Mall property, 2319 S. Olga Drive, may continue to provide minor commercial retail services for the Olga community.~~

- Existing policy relocated to Objective 6.1.
- Proposed policy relocated from Policy 21.2.3.

~~**GOAL 13: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR.** To **POLICY 6.1.12:** Maintain regulations to ensure that the development of Private Recreational Facilities in the DR/GR Future Land Use Category is compatible with the intent of this future land use category, including recharge to aquifers, development of future wellfields and the reduction of density.~~

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- Relocated from Goal 13.

OBJECTIVE 6.2: COMMERCIAL OVERLAY. Designate on the Commercial Overlay (Map 1-D) locations appropriate and necessary for commercial development based on the commercial demand of nearby residents.

POLICY 6.2.1: The Commercial Overlay depicts locations where commercial development will have a positive impact on transportation facilities through reducing vehicle miles traveled (VMT) necessary for projected residents of approved residential development to access commercial and employment opportunities.

POLICY 6.2.2: Requests to expand the Commercial Overlay will be evaluated based on all of the following criteria:

1. Located within a Future Urban Area.
2. Located at the intersection of two arterial roadways, or a collector and an arterial roadway.
3. Has a minimum lot size of two (2) acres.

POLICY 6.2.3: In addition to the uses already allowed in the current zoning district, properties within the Commercial Overlay are allowed, by-right, the uses permitted in the Commercial Corridor Use Regulations table located within the Land Development Code.

- The Lehigh Acres Commercial Overlay Zones will be converted to the Commercial Overlay, which will be shown on Map 1-D.
- Future applicants could request to add property to the Commercial Overlay based on criteria established in proposed Policy 6.2.2.
- Retaining the Commercial Overlay is necessary to avoid conflicts with SB 180.
- Providing for commercial uses, as proposed in LDC section 34-1127, within Lehigh Acres, a large pre-platted community, will reduce the average time required to access goods, services, and employment opportunities.

OBJECTIVE 6.3 30.2: LAND USE: CENTERS AND CORRIDORS. To encourage revitalization of designated Town Center Overlay districts, Road Corridor Overlay districts and redevelopment areas. (Ord. No. [09-11](#), [18-18](#))

POLICY 6.3.1 3.2.5: Certain areas along major road corridors outside designated Town Centers and Neighborhood Centers, are located within a Corridor Overlay District with provisions in the LDC requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. ~~Within the Corridor Overlay District, deviations from landscaping, buffering, signage or architectural requirements may not be granted, unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34.~~

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~~**POLICY 6.3.2 30.2.6:** Development within the Town and Neighborhood Centers and the Corridor Overlay Districts may use the development standards allowed within the Mixed Use Overlay. (Ord. No. 18-18)~~

- Relocated from Objective 30.2. and Policies 30.2.5 and 30.2.6.
- Retaining the North Fort Myers Corridor Overlay is necessary to avoid conflicts with SB 180.
- Recognize ongoing practice of allowing for additional uses within the Corridor Overlay district.
- Allowed incentives, including the additional allowable uses, will continue to support the revitalization of North Fort Myers.

GOAL 7: INDUSTRIAL LAND USES. To promote opportunities for well-planned industrial development at suitable locations within the County.

~~**OBJECTIVE 7.1:** Industrial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.~~

- Delete existing Objective language, which is redundant with the other provisions of the plan that are mentioned, and replace with language more appropriate as an Objective.

POLICY 9.1.3: Protect bonafide agricultural activities in Future Non-Urban Areas (see Map 1-C) from the impacts of new natural resource extraction operations, recreational uses, and residential developments.

- Updated for internal consistency.

~~**OBJECTIVE 9.2:** To prevent the location of agricultural uses proximate to incompatible urban uses and to promote the efficient use of existing and programmed urban infrastructure, new agricultural uses should be directed away from future urban areas. (Ord. No. 00-22)~~

~~**POLICY 9.2.1 9.1.5:** Rezoning to agricultural districts is prohibited in future urban and suburban areas except for parcels five acres or larger within future suburban areas without access to central potable water or sanitary sewer service. designated Sub-Outlying Suburban or, if located within the Pine Island or Caloosahatchee Shores Community Plan area, designated Outlying Suburban or Suburban. Requests to rezone properties to an agricultural district within the Sub-Outlying Suburban, Outlying Suburban, or Suburban future land use categories will be reviewed on a case-by-case basis with consideration of the following: current and future availability of public services; compatibility with surrounding land uses; acreage of the request; cumulative effect on County tax~~

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~~base; and, protection or mitigation of environmental features, including but not limited to flow-ways, protected species, and habitat.~~

~~**POLICY 9.1.6: OBJECTIVE 29.5: AGRICULTURE.** Support small and large-scale farming operations and alternative, agriculturally-based enterprises to sustain economically-viable commercial agriculture in order to foster a diverse local economy while maintaining agricultural uses. For the purposes of this objective, alternative, agriculturally-based enterprises including but are not limited to the production of biofuel crops, niche farming activities, agri-tourism, and carbon offset farming.~~

~~**POLICY 29.5.1 9.1.7:** Support compatible urban agriculture and the use of public and private lands for community gardens.~~

- Updated for internal consistency and clarity.
 - Relocated from Objective 29.5.
 - Relocated from Policy 29.5.1.
 - Modify to identify support for compatible urban agricultural uses.
-

~~**POLICY 10.2.9:** As part of the a new MEPD rezoning application, a public informational meeting which meets the requirements of Policy 17.3.4 must be held prior to the submittal of the rezoning application and within three miles of the boundary of the affected Community Plan Area. (Ord. No. 19-13)~~

- Updated to maintain internal consistency.
-

~~**POLICY 23.2.1 11.1.3: Mixed Use Development.** Mixed use developments as defined in the Glossary, and mixed use developments structures containing both commercial and residential uses within the same structure, are appropriate permitted on Captiva properties that were zoned C-1 or CT as of Jan. 1, 2006. Such properties may be allowed residential units in addition to commercial uses at a density consistent with the Lee Plan. Such developments will only be permitted if approved as a Commercial or Mixed Use Planned Development. (Ord. No. 03-02, 18-04, 18-18)~~

- Relocated from Policy 23.2.1.
- Retention of this policy is necessary to avoid conflicts with SB 180.

~~**GOAL 13: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR.** To ensure that the development of Private Recreational Facilities in the DR/GR is compatible with the intent of this future land use category, including recharge to aquifers, development of future wellfields and the reduction of density. (Ord. No. 99-16, 18-18)~~

- Goal 13 has been relocated to Goal 6 (Commercial Uses), and the remaining Objectives and supporting Policies have been deleted because they are duplicative with LDC

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standards for PRFPDs (LDC Section 34-941). These types of regulations are more appropriately located in the Land Development Code.

OBJECTIVE 13.1: ~~To ensure that Private Recreation Facilities are located in the most appropriate areas within the DR/GR future land use category. (Ord. No. 99-16, 18-18)~~

POLICY 13.1.1: ~~The Private Recreation Facilities Overlay, Map 1 F, shows those locations that are appropriate for the development of Private Recreation Facilities in the DR/GR future land use category. The areas depicted on Map 1 F are consistent with the application of the following locational criteria:~~

- ~~1. Located outside of those areas designated for public acquisition through Florida Forever, the Corkscrew Regional Ecosystem Water Trust (CREW), the SFWMD's Save Our Rivers Program, and the County's 20/20 Conservation Program;~~
 - ~~2. Located in areas characterized as predominantly impacted with agricultural, mining or other permitted uses;~~
 - ~~3. Located outside of areas depicted as 100 Year Flood Plains, as illustrated on Map 5-B as amended through June of 1990;~~
 - ~~4. Located to minimize impact on "Hot Spots of Biological Resources and Rare Species Occurrence Records," from the Florida Game and Freshwater Fish Commission's, "Closing the Gaps in Florida Wildlife Habitat Conservation System" published in 1994;~~
 - ~~5. Located in areas characterized by large lot single or limited ownership patterns; and,~~
 - ~~6. Located in areas with direct access to existing roadways.~~
- ~~(Ord. No. 99-16, 18-18, 21-09)~~

POLICY 13.1.2: ~~Private Recreational Facilities within the DR/GR land use category will only be allowed, subject to the other requirements of this Goal, in the areas depicted on the Private Recreational Facilities Overlay, Map 1 F., except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.~~

POLICY 13.1.3: ~~Private Recreational Facilities are also allowed within the DR/GR land use category in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. limited to golf courses and ancillary uses.~~

OBJECTIVE 13.2: GROWTH MANAGEMENT. ~~Development of Private Recreation Facilities in the DR/GR must be consistent with the growth management principles and practices as provided in the following policies. (Ord. No. 99-16, 18-18)~~

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~~POLICY 13.2.1: PRIVATE RECREATION FACILITY PLANNED DEVELOPMENT (PRFPD).~~ All Private Recreational Facilities proposed within the DR/GR future land use category must be reviewed as a PRFPD, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. (Ord. No. ~~99-16, 18-18, 21-09~~)

~~POLICY 13.2.2:~~ Approved PRFPDs will automatically expire, reverting to the original zoning category, if a Lee County development order is not obtained within five years of zoning approval. (Ord. No. ~~99-16, 18-18~~)

~~POLICY 13.2.3: RESIDENTIAL USES PRECLUDED.~~ Residential uses, other than a single bonafide caretaker's residence or a resident manager's unit, or those uses as listed in Policy 13.2.6 are not permitted in conjunction with a PRFPD. Residential density associated with land zoned as PRFPD will be extinguished and cannot be transferred, clustered or otherwise assigned to any property. (Ord. No. ~~99-16, 10-21, 18-18~~)

~~POLICY 13.2.4:~~ Further, the approval of Private Recreational Facilities on any property within the DR/GR will not be considered as justification for approving an amendment to the Future Land Use Map series which would increase residential density in the DR/GR areas. (Ord. No. ~~99-16, 18-18~~)

~~POLICY 13.2.5:~~ The boundaries of the PRFPD may not be designed to allow out parcels or enclaves of residential units to be integrated into the golf course perimeter, except as allowed in Policy 13.2.6. (Ord. No. ~~99-16, 10-21, 18-18~~)

~~POLICY 13.2.6:~~ Time share, fractional ownership units, and Bed and Breakfast establishments may be permitted if the property is designated as a Rural Golf Course Community (see Map 2-D). These uses must be ancillary to or in conjunction with uses within the Private Recreational Facility, including a Golf Training Center or similar facility, and must be located adjacent to, or within 1,000 feet of, the principal use that is being supported. Through the PRFPD process, the applicant must demonstrate that external vehicular trips will be reduced from typical single family residential units due to the ancillary nature of the use. (Ord. No. ~~10-43, 18-18, 21-09~~)

~~POLICY 13.2.7:~~ Time share, fractional ownership units, or bed and breakfast establishments may only be constructed through transferring density in accordance with the Southeast Lee County TDR Program. Each TDR credit that is eligible to be transferred to a Mixed Use Community (see Map 2-D) can be redeemed for one timeshare unit, one fractional ownership unit, or two bed and breakfast bedrooms. (Ord. No. ~~10-43, 17-13, 18-18, 21-09~~)

~~POLICY 13.2.8:~~ Private Recreational Facilities must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no adverse effects such as dust, noise, lighting, or odor on surrounding land uses and natural resources. (Ord. No. ~~99-16, 10-43, 18-18~~)

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~~POLICY 13.2.9: COMMERCIAL USES.~~ Commercial uses may be permitted within PRFPDs as provided in Policy 13.3.9 when ancillary or in conjunction with Private Recreation Facilities. (Ord. No. 99-16, 10-43, 18-18, 19-25)

~~POLICY 13.2.10:~~ Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any adjacent, existing agricultural, mining or conservation activities. (Ord. No. 99-16, 10-43, 18-18)

~~POLICY 13.2.11:~~ Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and must be compatible with any adjacent publicly owned lands. (Ord. No. 99-16, 10-43, 18-18)

~~OBJECTIVE 13.3: GENERAL DEVELOPMENT REGULATIONS.~~ The protection of water quality, quantity, natural resources, and compatibility will be addressed by additional development controls that regulate the permitted uses, parcel size, density, intensity and design of Private Recreational Facilities. (Ord. No. 99-16, 18-18)

~~POLICY 13.3.1:~~ Private Recreational Facilities will submit a Master Concept Plan at the time of planned development submittal that identifies the general location of proposed uses and structures, play fields and golf course routings. Minor adjustments to this Master Concept Plan may be made administratively at the discretion of the Director. (Ord. No. 99-16, 18-18)

~~POLICY 13.3.2:~~ Applications for Private Recreational Facilities must include an environmental assessment during the zoning approval process. The assessment must include, at a minimum, an analysis of the environment, historical and natural resources and a protected species survey as required by LDC, Chapter 10. (Ord. No. 99-16, 18-18)

~~POLICY 13.3.3:~~ In addition to an environmental assessment, the applicant must demonstrate compatibility with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal. (Ord. No. 99-16, 18-18)

~~POLICY 13.3.4:~~ The development will incorporate an Integrated Pest Management program for any managed recreational areas. (Ord. No. 99-16, 18-18)

~~POLICY 13.3.5:~~ Where buildings or impervious development is located within twenty-five feet of the property boundary, a buffer 15 feet wide, with 5 trees per 100 linear feet, and a solid double row hedge must be provided, unless a more restrictive buffer is required during the planned development review. (Ord. No. 99-16, 18-18)

~~POLICY 13.3.6:~~ No illumination may be used which creates glare on adjacent properties. All exterior lighting will be designed with downward deflectors to eliminate skyward glare. Parking areas, walkways and paths and maintenance areas may be illuminated for security purposes, provided that light poles do not exceed twelve feet in height. (Ord. No. 99-16, 18-18)

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POLICY 13.3.7: ~~Native and xeriscape vegetation will be encouraged, such that:~~

- ~~1. 100% of all required trees and 75% of all additional trees must be native.~~
- ~~2. 80% of all required shrubs and 50% of all additional shrubs must be native.~~
- ~~3. A minimum of 70% of all trees and shrubs must be xeriscape varieties.~~
- ~~4. The native and xeriscape requirements do not apply to turf areas.~~
- ~~5. No plant species included in the Florida Exotic Pest Plant Council, 1999 List of Florida's Most Invasive Species, will be planted.~~

~~(Ord. No. [99-16](#), [18-18](#))~~

POLICY 13.3.8: ~~The following site requirements, regulating lot size, setbacks and open space must be equalled or exceeded:~~

- ~~1. Principal uses, other than golf courses, and the ancillary uses listed in Policy 13.2.6, permitted under this subdivision must have a minimum lot size of ten acres.~~
- ~~2. Building Setbacks.~~
 - ~~a. 50 feet from an existing right-of-way line or easement.~~
 - ~~b. 75 feet from any private property line under separate ownership and used for residential dwellings.~~
 - ~~c. 50 feet from any adjacent agricultural or mining operation.~~
 - ~~d. Greater setbacks may be required during the public hearing process to address unique site conditions.~~
- ~~3. Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the planned development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 500 feet from any existing or future residential use, as measured from the edge of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.~~

~~In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:~~

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- a. ~~be located 500 feet or more from any property line abutting an existing or planned public right of way; or~~
 - b. ~~provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right of way; or~~
 - c. ~~be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.~~
4. ~~Open Space. A minimum of 85% open space must be provided. However, natural and man-made bodies of water may contribute 100% to achieving the minimum requirements. To the extent possible, pervious paving and parking areas, and buildings elevated above ground level will exceed the 85% open space requirement.~~
5. ~~Security. All entrances to Private Recreational Facilities must be restricted from public access during non-use hours.~~
- (Ord. No. ~~99-16, 02-04, 10-21, 18-18~~)

POLICY 13.3.9: DENSITY/INTENSITY LIMITATIONS. Uses in a PRFPD are subject to the following limitations:

Clubhouse/ Administrative Area	20,000 SF/18 hole golf course
Golf Course Restrooms	Not to exceed two structures per 18 hole golf course, limited to 150 SF per structure
Maintenance Area	Not to exceed 25,000 SF of enclosed or semi-enclosed building area, on a maximum of 5 acres of land per 18 hole golf course
Fractional Ownership/ Time share Units	• The maximum allowable units will be calculated based on 1 du/10 acres for the entire area of the PRFPD • All timeshare/fractional ownership units must be transferred in accordance with Goal 33
Bed and Breakfast Establishments	• The maximum number of Bed and Breakfast establishments will be limited to 1 per every 18 holes of golf • Bedrooms within a Bed and Breakfast establishment will be limited to a maximum of 7 per unit, with a maximum of two adult occupants per bedroom
Horse Stable	40,000 SF of stable building/10 acres
Camping Restrooms	• 1 toilet per four camp units, clustered in structures not to exceed 500 SF per structure • 1 shower per 4 toilets
Camping Area Office	1,000 SF per campground
Commercial Uses	• Limited to neighborhood commercial development with uses that are in compliance with the Wellfield Protection Ordinance without any exemptions⁶ • Total commercial gross floor area for the entire area of the PRFPD may not exceed 100,000 SF, not including clubhouse square footage

(Ord. No. ~~99-16, 02-02, 10-21, 18-18, 19-25~~)

POLICY 13.3.10: ~~General development standards for golf courses and ancillary uses within the~~

⁶ No uses that would require the storage of any toxic, hazardous substances as identified in the Wellfield Protection Ordinance or sanitary hazards may be permitted.

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Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. will follow the development standards established for this MPD zoning district and are exempt from Policies 13.3.1 through 13.3.9.

OBJECTIVE 13.4: WATER QUALITY, QUANTITY, AND SURFACE WATER RESOURCES.

Private Recreational Facilities must be located, designed and operated in such a way that they will not degrade the ambient surface or groundwater quality. These facilities must be located, designed and operated in such a way that they will not adversely impact the County's existing and future water supply. The location, design and operation of Private Recreational Facilities must maintain or improve the storage and distribution of surface water resources. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.4.1: All applications and documentation for the PRFPD rezoning process must be submitted to the Lee County Department of Natural Resources for their formal review and comment. The Department of Natural Resources Director must make a formal finding that the proposed uses will not have negative impacts on present and future water quality and quantity, and will review and approve modeling submitted to support the PRFPD. Applicant modeling efforts must be evaluated and approved by the Lee County Department of Natural Resources and the Lee County Utilities Department. Issues of well locations, easements and wastewater reuse must be evaluated and approved by the Lee County Department of Natural Resources and the Lee County Utilities Department during the PRFPD process. Formal agreements addressing these issues will be entered into prior to the issuance of a development order. Co-location of recreational and public facilities is encouraged. (Ord. No. [99-16](#), [03-04](#), [18-18](#))

POLICY 13.4.2: Applications for Private Recreational Facilities in or near existing and proposed wellfields must be designed to minimize the possibility of contamination of the groundwater during construction and operation. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.4.3: Private Recreational Facilities must provide a monitoring program to measure impacts to surface and groundwater quality and quantity (see Objective 13.7). (Ord. No. [99-16](#), [18-18](#))

POLICY 13.4.4: As part of a rezoning request for a Private Recreational Facility in the DR/GR area, a pre-development groundwater and surface water analysis must be conducted and submitted to the County. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals which are anticipated to be associated with the project. Prior to the applicant commencing this baseline study, the methodology of the study must be submitted for review, comment, and approval by the County. (Ord. No. [99-16](#), [18-18](#))

POLICY 13.4.5: Any Private Recreational Facility located in any wellfield protection zone must meet the requirements/criteria for protection zone 1, unless updated modeling is provided by the applicant and is approved by Lee County Department of Natural Resources and the Lee County Utilities Department. (Ord. No. [99-16](#), [03-04](#), [18-18](#))

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POLICY 13.4.6: ~~The surface water management system design must incorporate natural flow way corridors, cypress heads, natural lakes, and restore impacted natural flow way corridors.~~

- ~~1. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems. Included within these systems must be an average 50 foot wide vegetative setback measured from the edge of managed turf to the wetland jurisdictional wetland line or top of bank of natural water bodies.~~
- ~~2. The development must maintain the function and integrity of local and regional flow ways. Flow ways are precluded from being primary surface water treatment areas. Applications for Private Recreational Facilities must demonstrate adequate hydraulic capacity without increasing flood levels. Private Recreational Facilities must participate in the implementation of the Lee County Surface Water Management Plan as well as the SFWMD's South Lee County Watershed Plan.~~
- ~~3. The Historic Flow way Aerial Map depicts the general flow way paths that exist in the DR/GR area. The lines shown on this map are not regulatory but show the general boundaries of the main conveyances. During the rezoning process, conceptual surface water management plans must be submitted and approved. Prior to the issuance of a development order, proposed Private Recreation Facilities will provide detailed hydrologic and hydraulic analysis demonstrating the limits of flow for various storm events and the developed sites ability to convey these flows. Where an existing flow way is not well defined or discontinuous, flexibility will be given to allow different alignments within a site.~~

~~(Ord. No. [99-16](#), [18-18](#))~~

POLICY 13.4.7: ~~Any Private Recreational Facility proposed within the DR/GR future land use category must cooperate with Lee County and the SFWMD in implementing an overall surface water management plan as outlined in Objective 60.2 and 126.1. Compliance with these policies must be demonstrated during development order approval. (Ord. No. [99-16](#), [18-18](#), [21-09](#))~~

POLICY 13.4.8: ~~If a proposed Private Recreation Facilities falls within an area identified as an anticipated drawdown zone for existing or future public well development, the project must utilize an alternative water supply such as reuse or withdrawal from a different non-competing aquifer or show that adequate supply is available in excess of that being used for planned public water supply development. (Ord. No. [99-16](#), [18-18](#))~~

POLICY 13.4.9: ~~The protection of water quality, quantity, and surface water resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan and the Hydrological Restoration Plan, and are exempt from Policies 13.4.1 through 13.4.8.~~

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OBJECTIVE 13.5: WILDLIFE. The location, design and operation of Private Recreational Facilities will incorporate preservation and/or management activities that restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species. (Ord. No. ~~99-16, 18-18~~)

POLICY 13.5.1: The development will not have an adverse impact on any existing, viable on-site occupied wildlife habitat for protected species, species of special concern, threatened or endangered species. (Ord. No. ~~99-16, 18-18~~)

POLICY 13.5.2: All proposed fencing must be designed to permit wide-ranging animals to traverse the site. (Ord. No. ~~99-16, 18-18~~)

POLICY 13.5.3: Through the development review process, Private Recreation Facilities will be designed and operated to conserve critical habitat of protected species. This will be accomplished through regulation, incentives and public acquisition. (Ord. No. ~~99-16, 18-18~~)

POLICY 13.5.4: The protection of wildlife within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Protected Species Management and Human-Wildlife Coexistence Plan, and are exempt from Policies 13.5.1 through 13.5.3.

OBJECTIVE 13.6: NATURAL RESOURCES. Private Recreational Facilities must be located, designed and operated to minimize environmental impacts, and where appropriate, protect, enhance and manage natural resources such as flow ways, waterways, wetlands, natural water bodies, and indigenous uplands. (Ord. No. ~~99-16, 18-18~~)

POLICY 13.6.1: All retained onsite natural areas, must be perpetually managed by the owner(s), or their assignees, with accepted Best Management Practices. The type of management techniques will be determined by the specific plant community. A natural area land management plan must be submitted to the Lee County Department of Community Development prior to the approval of a final local development order. Management techniques addressed in the plan must include, but not be limited to the following: exotic pest plant control; removal of any trash and debris; restoration of appropriate hydrology; prescribed fire; native plant restoration, where appropriate; discussion of flora and fauna; enhancement of wildlife habitat; and, retention of dead trees and snags. (Ord. No. ~~99-16, 18-18~~)

POLICY 13.6.2: The development will minimize adverse effects on wetlands and riparian areas, and will result in no net reduction in functional wetland acreage as identified by the SFWMD Wetland Rapid Assessment Procedure (WRAP). (Ord. No. ~~99-16, 18-18~~)

POLICY 13.6.3: Private Recreational Facilities must be designed to preserve a minimum of 50% of on-site, indigenous native upland habitat. (Ord. No. ~~99-16, 18-18~~)

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~~**POLICY 13.6.4:** The development will incorporate energy and resource conservation devices, such as low flow water fixtures, and natural skylights. (Ord. No. [99-16](#), [18-18](#))~~

~~**POLICY 13.6.5:** The protection of natural resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including The Indigenous Preservation, Restoration, and Management Plan and Hydrological Restoration Plan, and are exempt from Policies 13.6.1 through 13.6.4.~~

~~**OBJECTIVE 13.7: MONITORING AND ENFORCEMENT.** In order to ensure that Private Recreational Facilities do not degrade the ambient condition of water quality, water quantity, vegetation and wildlife, an ongoing monitoring program must be established by the developer. (Ord. No. [99-16](#), [18-18](#))~~

~~**POLICY 13.7.1:** Annual surface water and groundwater monitoring must continue in perpetuity. The monitoring requirements will be established utilizing those nutrients and chemicals that are anticipated to be associated with the proposed project that were identified by the pre-development groundwater and surface water analysis required by Policy 13.4.4. This surface and groundwater monitoring is to be conducted, at a minimum, on a quarterly basis by a qualified third party. This monitoring data must be submitted to the County as soon as it is available. A summary report of this monitoring effort must be provided annually to Lee County Department of Natural Resources for their review. (Ord. No. [99-16](#), [18-18](#))~~

~~**POLICY 13.7.2:** If surface and/or groundwater monitoring shows degradation of water quality the County will notify the property owner that a plan, to correct the identified problem(s), must be submitted. The property owner must submit a plan of action within 30 days after receipt of written notice from the County. The plan must identify actions that will correct the problem(s) within the shortest possible time frame. This plan will be reviewed and must be found to be acceptable by the County. If the plan is not submitted as required, or is found to be unacceptable by the County, the County will require that all activities on the property cease until a plan is submitted and approved. The approved plan must be implemented by the property owner. If the County determines that the approved plan is not being implemented properly, the County can require that all activities on the property cease until the property owner comes back into compliance. (Ord. No. [99-16](#), [18-18](#))~~

~~**POLICY 13.7.3:** The approved Private Recreational Facility must submit an annual monitoring report for a period of five years, addressing the interaction between the use and environment. This report must provide a discussion and documentation on the following activities:~~

- ~~1. Construction Monitoring—the applicant will submit annual reports detailing construction activities, permitting, compliance with Audubon International Signature Standards and percent complete.~~
- ~~2. Land Management Activities—including those used on the golf course, as well as natural and preserve areas.~~

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- ~~3. Wildlife Monitoring — the applicant will provide a discussion of wildlife, wildlife activity, and wildlife management activities.~~
- ~~4. Irrigation Monitoring — the applicant will provide a summary of the monthly irrigation withdrawal and irrigation sources.~~
- ~~5. Mitigation/Vegetation Monitoring — the applicant will provide status reports on the viability of any mitigation and/or landscaping conducted on site.~~
- ~~6. Integrated Pest Management Monitoring — the applicant will provide a discussion on the pest management techniques, and any pest problems that have occurred on the project.~~

~~Should adverse impacts in any of the above areas be identified, enforcement and mitigation will be provided through the appropriate regulatory agency and enforcement procedures. These procedures will be spelled out during the development order process. If, after five years, no significant adverse impacts are determined, the reporting on these subjects may be terminated. (Ord. No. [99-16](#), [18-18](#))~~

~~**POLICY 13.7.4:** The monitoring program within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan, and are exempt from Policies 13.7.1 through 13.7.3.~~

~~**OBJECTIVE 13.8: GOLF COURSE PERFORMANCE STANDARDS.** The location, design and operation of golf courses located within the Private Recreational Facilities Overlay will minimize their impacts on natural resources, and incorporate Best Management Practices. A maximum of five 18-hole golf courses, for a total of 90 golf holes, will be permitted. (Ord. No. [99-16](#), [10-21](#), [18-18](#), [21-09](#))~~

~~**POLICY 13.8.1:** Natural waterways located on the site of a proposed golf course must be left in a natural, unaltered condition. Channelization will not be performed. (Ord. No. [99-16](#), [18-18](#))~~

~~**POLICY 13.8.2:** An applicant must demonstrate, prior to the issuance of a local development order, that a golf course is designed to minimize adverse effects to waters and riparian areas through the use of such practices as integrated pest management, adequate stormwater management facilities, vegetated buffers, reduced fertilizer use, etc. The facility must have an adequate water quality management plan, such as a stormwater management facility constructed in uplands to ensure that the recreational facility results in no substantial adverse effect to water quality. (Ord. No. [99-16](#), [18-18](#))~~

~~**POLICY 13.8.3:** If a waterway crossing is necessary, then it must be designed to minimize the removal of trees and other shading vegetation. Any crossings of existing natural flow ways and water bodies must be bridged. Created or restored flow ways and water bodies may be crossed by~~

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bridges or culverts or a combination as approved by Lee County and SFWMD. (Ord. No. ~~99-16, 18-18~~)

POLICY 13.8.4: ~~Waterway crossings by cart paths will be constructed of permeable material, no wider than 8 feet, and placed on pilings from edge of floodplain to edge of floodplain. (Ord. No. 99-16, 18-18)~~

POLICY 13.8.5: ~~A new lake or pond should not be located within an existing natural waterway. Upland ponds must not expose stream channels to an increase in either the rate or duration of floodwater, unless required by SFWMD for regional water management objectives. (Ord. No. 99-16, 18-18)~~

POLICY 13.8.6: ~~For golf course developments, all fairways, greens, and tees must be elevated above the 25 year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system. (Ord. No. 99-16, 18-18)~~

POLICY 13.8.7: ~~Where a golf course is proposed, it must comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, May 1995. (Ord. No. 99-16, 18-18)~~

POLICY 13.8.8: ~~The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon International Signature Program for Golf Courses. The management practices include:~~

- ~~1. The use of slow release fertilizers and/or carefully managed fertilizer applications.~~
- ~~2. The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad-spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA-SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending on site specific soil conditions. Application of pesticides within 100 feet of any CREW, or other adjacent public preserve lands, is prohibited.~~
- ~~3. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.~~
- ~~4. The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions.~~

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(Ord. No. ~~99-16, 18-18~~)

POLICY 13.8.9: Irrigation systems must utilize computerized irrigation based on weather station information, moisture sensing systems to determine existing soil moisture, evapotranspiration rates, and zone control, to ensure water conservation. For Private Recreation Facilities located outside of the depicted Wellfield Protection zones, reuse water, where available, will be utilized for irrigation. Reuse water within Wellfield Protection zones must be in compliance with the Wellfield Protection Ordinance. (Ord. No. ~~99-16, 18-18~~)

POLICY 13.8.10: ~~Golf courses must be designed, constructed, managed and certified in accordance with the Audubon International Signature Program. (Ord. No. ~~99-16, 18-18~~)~~

POLICY 13.8.11: It is the landowner(s) responsibility to notify the County within 10 working days if the status of certification from Audubon changes from being in full compliance. Failure to do so could result in penalties up to and including revocation of golf course use if it is deemed that the violation(s) are a possible threat to the environment. If the golf course loses its certification from Audubon, then the property owner must submit a plan of action acceptable to the County that will achieve re-certification in the shortest possible time. The plan must be submitted within 30 days after receipt of written notice from the County. If the plan is not submitted as required, then all activity on the property must cease until a plan is submitted and approved. An approved plan must be implemented in good faith by the property owner. If the County determines that the plan is not being implemented properly, then all activity on the property must cease until the property owner comes back into full compliance. (Ord. No. ~~99-16, 18-18~~)

POLICY 13.8.12: GOLF SITE REQUIREMENTS.

1. ~~The minimum number of golf holes is 18. The minimum size for an 18 hole golf course is 150 acres. In no instance may the golf course impacts exceed 150 acres per 18 holes. Allowable uses within the impact area are greens, tees, fairways, clubhouses, maintenance facilities, cart and pedestrian pathways, parking areas, i.e. all associated support uses.~~
2. ~~200 acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on site or off site. On site preserves must be a minimum of 1 acre in size; minimum 75 foot wide with an average 100 foot width. Indigenous vegetation preserved on site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the LDC. However, the indigenous vegetation preserve requirement must be met with a minimum of 100 actual indigenous acres onsite. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.~~
3. ~~All off site indigenous vegetation preserves must be located within the DR/GR areas. Unless located within or adjacent to existing or designated public acquisition areas, the minimum parcel size is 50 indigenous acres.~~

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- ~~4. The off-site indigenous vegetation preserves must include a management plan that is approved as part of the planned development rezoning. This management plan must include invasive exotic vegetation removal with perpetual management. This does not preclude the transfer of the property to a public entity as long as perpetual maintenance is guaranteed.~~
- ~~5. Additional golf development must be in increments of 9 golf holes. For every additional 9 golf holes, the site area must be increased by 75 acres. Additional golf course impacts are limited to 75 acres per nine holes. The on-site or off-site indigenous preserve area must be increased by 100 acres for each nine holes and is subject to the restrictions above.~~
(Ord. No. ~~99-16, 02-02, 18-18~~)

~~**POLICY 13.8.13:** Performance standards within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. were found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district and are exempt from Objective 13.8 and Policies 13.8.1 through 13.8.12.~~

GOAL 13-35: RESERVED

~~**GOAL 14: BURNT STORE MARINA VILLAGE.** To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. (Ord. No. ~~09-16, 18-18~~)~~

- Removed unnecessary and outdated language. The level of detail for the Burnt Store Marina Village is not required by statute or appropriate for a legislative policy document. The Burnt Store Marina Village future land use category, as described in Policy 1.1.14, will continue to identify allowable densities and uses.

~~**OBJECTIVE 14.1:** The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and commercial marina uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project. (Ord. No. ~~09-16, 18-18~~)~~

~~**POLICY 14.1.1:** The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel~~

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units; and a maximum of 160 residential units. A maximum height of 220 feet is permitted if multiple layers of parking are incorporated into the structures. (Ord. No. [09-16](#), [18-18](#))

POLICY 14.1.2: Development and redevelopment within the Burnt Store Marina Village must be accomplished through the planned development rezoning process. New development in this category must connect to a potable water and sanitary sewer system. (Ord. No. [09-16](#), [17-13](#), [18-18](#))

POLICY 14.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements. (Ord. No. [09-16](#), [18-18](#))

POLICY 14.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public. (Ord. No. [09-16](#), [18-18](#))

POLICY 14.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Map 5-A. (Ord. No. [09-16](#), [18-18](#))

GOAL 15: UNIVERSITY COMMUNITY. In order to ensure that development within the University Community land use category protects and enhances the ability of Florida's 10th University to provide secondary education as described in the Mission Statement of that institution and to assure that land uses or development activities do not interfere with, disrupt, or impede the efficient operation of that institution the following Objectives and Policies will apply to all development within the University Community land use category. The Application (Volume 1 of 2) (1992) and the Support Document (Volume 2 of 2) (1992) to the Amendment to the Lee County Comprehensive Plan for the University Community is incorporated by reference herein as a resource and information document. (Ord. No. [92-47](#), [94-30](#), [00-22](#), [17-10](#), [18-18](#))

- Removed unnecessary and outdated language. The level of detail for the University Community is not required by statute or appropriate for a legislative policy document. The University Community future land use category, as proposed and described in Policy 1.1.9, will continue to identify allowable densities and uses.

OBJECTIVE 15.1: FUTURE LAND USE. In order to ensure that the location and timing of development within the University Community is coordinated with the development of the University and the provision of necessary infrastructure; and, that all associated support development within the University Community is designed to enhance the University; all development within the University Community will be subject to cooperative master planning which must conform to the following policies. (Ord. No. [00-22](#), [18-18](#))

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~~**POLICY 15.1.1:** Lee County will, through public and private economic and business development initiatives, promote the University Community as a catalyst for economic diversification and the promotion of employment throughout Lee County and the Region. Within the University Community land use category the focus of this endeavor (the emphasis) will be on university related scientific research and high technology development activities. (Ord. No. [00-22](#), [18-18](#))~~

~~**POLICY 15.1.2:** The University Community will provide a mix of housing types with densities sufficient to meet the needs of and designed to accommodate the varying lifestyles of students, faculty, administration, other university personnel and employees of the associated support development. (Ord. No. [00-22](#), [18-18](#))~~

~~**POLICY 15.1.3:** Lee County will maintain and as necessary adopt appropriate regulations providing for university housing, including student dormitories and boarding houses. (Ord. No. [00-22](#), [07-12](#), [18-18](#))~~

~~**POLICY 15.1.4:** Lee County will maintain and as necessary adopt regulations further defining how densities for individual parcels within the University Community will be determined. The regulations will address how the total number of units will be tallied to ensure that the overall total number of residential units within the University Village do not exceed 6,510 dwelling units. The regulations will provide a mechanism for clustering densities within the University Community. (Ord. No. [00-22](#), [07-12](#), [10-40](#), [18-18](#))~~

~~**POLICY 15.1.5:** In order to create a cohesive community, site design within the University Community must utilize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The County will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan Process.~~

~~As part of the local development order approval for primary infrastructure installation on property within Area 9 of the University Community, the developer must demonstrate that the proposed plan of development supports pedestrian, bicycle and transit opportunities. A multi-modal interconnection between the property and the FGCU campus must be provided at no cost to Lee County consistent with Lee Plan Policy 15.1.16.5. (Ord. No. [94-30](#), [00-22](#), [10-40](#), [14-03](#), [17-10](#), [18-18](#))~~

~~**POLICY 15.1.6:** Lee County will facilitate mass transit opportunities connecting the University Community to other parts of the County, in accordance with the goals, objectives, and policies of the Transportation Element. (Ord. No. [94-30](#), [00-22](#), [18-18](#))~~

~~**POLICY 15.1.7:** A diverse mixture of land uses will be encouraged within the University Community. (Ord. No. [94-30](#), [00-22](#), [17-13](#), [18-18](#))~~

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~~**POLICY 15.1.8:** Agricultural activity including but not limited to tree farms, nurseries, or agricultural research facilities will be permitted within the University Community. (Ord. No. [00-22](#), [17-10](#), [18-18](#))~~

~~**POLICY 15.1.9:** Prior to the commencement of development within the University Community land use category, an area-wide Conceptual Water Management Master Plan must be submitted to and approved by Lee County and SFWMD staff. This water management plan will be integrated with the Conceptual Master Plan and be prepared through a cooperative effort between the property owner, Lee County, and SFWMD. This master plan will ensure that the water management design of any development within the University Community will maintain or improve the currently existing quality and quantity of groundwater recharge. This plan must be consistent with the drainage basin studies that were prepared by Johnson Engineering, and approved by SFWMD. Lee County will amend the County land development regulations to require all new development to be consistent with the appropriate basin study. Prior to zoning or development order approval on any portion of Area 9, the developer must demonstrate through modeling, accepted by Lee County staff, that the proposed development will not create significant impacts on present or future water resources. (Ord. No. [94-30](#), [00-22](#), [10-40](#), [17-10](#), [18-18](#))~~

~~**POLICY 15.1.10:** Development within the University Community land use category will be consistent with the Generalized Land Use Map and the eight area descriptions contained on or between pages 6 through 10 of the University Community Conceptual Master Plan, dated April 1994. The University Community Conceptual Master Plan is hereby amended to include a new Area 9 which is east and north of areas 5 and 8 and bounded on the east side by the Florida Power and Light easement and the north by Alico Road. (Ord. No. [94-30](#), [10-40](#), [18-18](#))~~

~~**POLICY 15.1.11:** If not otherwise addressed by the Conceptual Master Plan, the landowner(s) within the University Village will coordinate infrastructure connections and interconnections, including but not limited to roadways, utilities and water management, with the University Campus through the established Board of Regents' master planning, review and approval process. (Ord. No. [00-22](#), [07-12](#), [18-18](#))~~

~~**POLICY 15.1.12:** To encourage a variety of wildlife habitats and university study sites, special consideration will be given in the Conceptual Master Plan to the preservation of portions of the most pristine and diverse wildlife habitat areas (such as, pine flatwoods, palmetto prairies, and major cypress slough systems) as an incentive to reduce, on a one for one basis, open space requirements in other developments within the University Community. The implementation of this policy will occur at the time of zoning and development review. (Ord. No. [94-30](#), [00-22](#), [07-12](#), [10-40](#), [17-10](#), [18-18](#))~~

~~**POLICY 15.1.13:** The use of septic tanks will be prohibited except for temporary septic tanks for model homes, construction trailers, and temporary sales offices. Permanent septic tanks will be limited to rest room facilities in golf courses, existing agricultural operations, or any agricultural operation of twenty five acres or more. (Ord. No. [00-22](#), [07-12](#), [18-18](#))~~

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~~**POLICY 15.1.14:** The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the University Community will be borne by those who benefit. Such funding may include (but is not limited to) outright construction by the developer, special taxing or benefit districts, or Uniform Community Development Districts (Ch. 190, Fla. Stat.). The cost for these types of improvements will not be borne by the County. (Ord. No. 94-30, 00-22, 07-12, 18-18)~~

~~**POLICY 15.1.15:** The cost for the provision and expansion of facilities necessary to comply with the recommendations of the Estero Basin that benefits development in the University Community will be borne by those who benefit. Such funding may include (but is not limited to) outright construction by the developer, special taxing or benefit districts, or Uniform Community Development Districts (Ch. 190, Fla. Stat.). The cost for these types of improvements will not be borne by the County. (Ord. No. 94-30, 00-22, 07-12, 18-18)~~

~~**POLICY 15.1.16:** For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards:~~

- ~~1. **Mixed Use:** Development must incorporate a mix of uses (multiple types of residential development along with non-residential development) and be consistent with the intent of Goals 11 and 15 and Policy 1.1.9. Development on Alico West, Area 9, must be rezoned to a planned development as specified by the LDC. The following maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:~~
 - ~~● Residential: A maximum of 1,950 units~~
 - ~~● Retail: A maximum 200,000 square feet~~
 - ~~● Office/Research/Development: A maximum of 140,000 square feet~~
 - ~~● Hotel: 250 rooms~~
- ~~2. **Density:** To ensure the creation of a development that has sufficient residential mass to support the proposed non-residential intensity, while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by Policy 15.1.2, the total project must not exceed a total of 1,950 dwelling units.~~
- ~~3. **Non-Residential Uses:** Specific location of non-residential uses, design details, and intensities of non-residential uses will be reviewed during the rezoning process to determine compliance with the requirements of applicable Lee Plan provisions, including but not limited to compatibility, mix of uses, civic spaces, recreation and open space, interconnectivity, and multi-modal design elements.~~
- ~~4. **Office, Research and Development Facilities:** Research and development facilities and office buildings are encouraged which will attract the targeted industries as established by the State~~

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- of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by Policy 15.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 15.2.2.
- 5. ~~Connectivity to FGCU:~~** To further implement Policy 15.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to FGCU. This connection will be a pedestrian friendly multi-modal facility, with traffic calming, multi-use paths, and other pedestrian oriented safety features. The connection to FGCU must be constructed consistent with the FGCU Campus Master Plan and Development Agreement.
 - 6. ~~Pedestrian Friendly Design:~~** The development will be designed as a pedestrian friendly community. Areas targeted and marketed as student housing, as well as retail, office, and research and development areas, will include pedestrian oriented design features, including traffic calming, sidewalks on both sides of the road system, safety call boxes, and facilities to accommodate the FGCU Eagle Express, Lee Tran, and other alternative modes of transportation.
 - 7. ~~Parking:~~** Parking in Area 9 should be screened and minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking.
 - 8. ~~Town Square:~~** Area 9 may contain public and private entertainment venues, including but not limited to facilities such as theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities.
 - 9. ~~Landscaping:~~** All plantings used in buffers and landscaping must be at least 75% native. Irrigation must be provided through a central irrigation system that complies with the Lee County Water Conservation Ordinance. Irrigation control boxes and wells are prohibited on individual residential lots.
 - 10. ~~Florida Gulf Coast University Participation:~~** The owner or agent for DRI or planned development rezoning requests must conduct two meetings with the President of FGCU or designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9. The developer must invite Lee County zoning and planning staff to participate in such meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. 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 meetings, list of attendees; a summary of the concerns or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.

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~~**11. Stormwater Retention for Adjacent Transportation Facilities:** Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.~~

~~(Ord. No. [10-40](#), [14-03](#), [17-10](#), [18-18](#), [22-04](#))~~

~~**OBJECTIVE 15.2: UNIVERSITY COMMUNITY SUB CATEGORIES.** The University Community meets an educational infrastructure need for the Southwest Florida five County area by providing the necessary and appropriate land uses to carry out the mission of Florida's 10th University as stated by the Board of Regents. Within the University Community land use category there are two distinct sub-categories: University Campus and the University Village. The University Window Overlay is also a part of the University Community land use category. (Ord. No. [94-30](#), [18-18](#))~~

~~**POLICY 15.2.1:** The University Campus area provides for the land uses of the University and its related functions. Development within the University Campus will be in accordance with provisions of any development agreement(s) between the Department of Economic Opportunity and the Board of Regents under the provisions of Ch. 380, Fla. Stat. and any other applicable state law. (Ord. No. [00-22](#), [18-18](#))~~

~~**POLICY 15.2.2:** The University Village is an area which provides the associated support development and synergism to create a viable University Community. This sub-category allows a mix of land uses related to and justified by the University and its development. Predominant land uses within this area are expected to be residential, commercial, office, public and quasi-public, recreation, and research and development parks. (Ord. No. [00-22](#), [14-03](#), [18-18](#))~~

~~**POLICY 15.2.3:** The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:~~

Ben Hill Griffin Parkway	From Alico Road to Corkscrew Road
Alico Road	From I 75 to Ben Hill Griffin Parkway
Corkscrew Road	From I 75 to Ben Hill Griffin Parkway
Estero Parkway	From I 75 to Ben Hill Griffin Parkway

~~With input from affected property owners, Lee County and the Florida Gulf Coast University Board of Trustees will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments. (Ord. No. [00-22](#), [07-12](#), [10-40](#), [17-10](#), [18-18](#))~~

GOAL 16: RESERVED

b. Community Planning

~~**GOAL 17: COMMUNITY PLANNING.** Ensure a unified approach to community planning that complements and remains consistent with the County's overall goals, objectives, and policies. (Ord. No. 07-09, 18-18)~~

Goal Number	Community Name
18	Bayshore
19	Boca Grande
20	Buckingham
21	Caloosahatchee Shores
22	Olga
23	Captiva
24	Greater Pine island
25	Lehigh Acres
26	North Captiva
27	Northeast Lee County
28	Alva
29	North Olga
30	North Fort Myers
31	Page Park
32	San Carlos Island
33	Southeast Lee County
34	Tice

~~**OBJECTIVE 17.1: COMMUNITY PLANS.** To create community plans that address specific conditions unique to a defined area of the County. A community plan is a Goal in the Lee Plan specific to a defined area of the County with long term community objectives and policies.~~

~~**POLICY 17.1.1:** Coordinate community plans with County wide and regional plans with respect to population accommodation, transportation, employment, economic development, and infrastructure needs in an effort to avoid inconsistencies.~~

~~**POLICY 17.1.2:** Community plans must address specific conditions unique to a defined area of the County. Conditions may be physical, architectural, historical, environmental or economic in nature.~~

~~**POLICY 17.1.3:** Community plans should consist of long term objectives and policies that are not regulatory in nature. If needed, land development regulations may be adopted to implement the community plan.~~

~~**OBJECTIVE 17.2: COMMUNITY PLAN AREAS.** To depict the boundaries of community plan areas on the Future Land Use Map (Map 2 A). (Ord. No. 18-18)~~

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~~**POLICY 17.2.1:** Each community plan area boundary must be rationally related to the condition(s) identified in the individual community plan. (Ord. No. 18-18)~~

~~**POLICY 17.2.2:** Expansion of an existing community plan area boundary must be supported by data and analysis demonstrating all of the following:~~

- ~~• a specific condition addressed in the community plan also exists outside and immediately contiguous to the existing community plan area;~~
- ~~• expansion of the community plan area boundary would not be duplicative or contrary to the provisions of the Lee Plan;~~
- ~~• expansion of the community plan area boundary requires authorization by the property owner whose property will be added to the community plan area;~~
- ~~• expansion of the community plan area boundary will advance the objectives of the community plan; and~~
- ~~• expansion of the community plan area boundary must be contiguous to the existing community plan area and must not create an enclave.~~

- Community Plans are not required by state statute.
- Goals, Objectives, or Policies that are necessary to protect public health, safety, and welfare, or are required by state law, have been relocated.
- Based on BoCC direction, Goals, Objectives, and Policies that are out of date, ineffective, or duplicative are being deleted.

~~**OBJECTIVE 17.3: PUBLIC INPUT.** To provide opportunities for public input as part of the comprehensive plan and land development code amendment process. (Ord. No. 18-18)~~

~~**POLICY 17.3.1:** Educate the public regarding comprehensive planning and sound planning principles by requiring public information meetings. (Ord. No. 07-09, 18-18)~~

~~**POLICY 17.3.2:** One public information meeting is required for privately initiated applications that propose a text change within a community plan or revises a map designation within a community plan area boundary. The meeting must be conducted before the application can be found complete. (Ord. No. 18-18)~~

~~**POLICY 17.3.3:** Public information meetings required pursuant to the provisions of this sub-element must be held within the established community plan area boundary that is affected by the amendment.⁷ (Ord. No. 18-18)~~

⁷For applications within the Northeast Lee County community plan area boundary, a public information meeting must be held within both the Alva and North Olga community plan area boundaries.

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~~**POLICY 17.3.3:** Public information meetings required pursuant to the provisions of this subelement must be held within the established community plan area boundary that is affected by the amendment.⁷~~

~~**POLICY 17.3.4:** For required public information meetings, the applicant must provide the following:~~

- ~~• Adequate meeting space to accommodate projected attendance and security measures (as needed).~~
- ~~• Advance notice of the meeting in a publication of local distribution provided at least ten calendar days prior to the meeting, unless otherwise specified herein.⁸~~
- ~~• At the meeting, a general overview of the text or map amendment and effect thereof.~~
- ~~• After the meeting, a meeting summary document submitted to the County 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 the applicant's response to any issues that were raised.~~

~~(Ord. No. [18-18](#))~~

~~**POLICY 17.3.5:** Additional public information meetings may be required as provided in the LDC.
(Ord. No. [18-18](#))~~

- The public input currently required under Goal 17 exceeds public noticing requirements under state statute.

~~**GOAL 18: BAYSHORE COMMUNITY PLAN.** Protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, and exclude incompatible uses that are destructive to the character of this rural residential environment. (Ord. No. [93-02](#), [18-18](#))~~

- This Goal, Objectives, and supporting Policies are not required by state statute.
- Bayshore is an established community with existing acreage subdivisions as well as master planned communities. Based on typical lot size and current development patterns and future land use categories, the removal of Goal 18 and subsequent Objectives and Policies will not have a significant impact on land use or future development patterns.

~~**OBJECTIVE 18.1: LAND USE.** The County will continue to enforce land development regulations that ensure separation of urban and rural land uses through the implementation of open space, buffers,~~

⁸ See Policy 23.4.1 for specific public information meeting requirements for applications within the Captiva community plan area boundary.

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and setback requirements that protect high quality environmental areas, such as creeks, oak hammocks, floodplains and wetlands from potential impacts of development. Planned developments, through appropriate conditions of approval, will be required to locate low residential densities along the perimeters of the development. Amendments to the Future Land Use Map that increase density or intensity must demonstrate compatibility through a concurrent planned development rezoning. (Ord. No. 03-02, 18-14, 18-18)

POLICY 18.1.1: Retail commercial uses will be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR-31 and Bayshore, and SR-31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the LDC. (Ord. No. 03-02, 18-18)

POLICY 18.1.2: The following properties are deemed consistent with Policy 18.1.1: the existing 7.1 acre +/- retail commercial center at 10440 Bayshore Road, the 0.66 acre +/- retail commercial property at 19451 SR-31, the 0.83 +/- acre retail commercial property at 17270 Durrance Road, and the 0.36 +/- acre retail commercial property described in resolution Z-72-93, which is part of the property at 6600 Nalle Grade Road. (Ord. No. 03-02, 17-13, 18-18)

POLICY 18.1.3: No new industrial uses or industrial rezonings are permitted after February 3, 2003. (Ord. No. 03-02, 18-18)

POLICY 18.1.4: No new mining uses or commercial excavations are permitted after February 3, 2003. (Ord. No. 03-02, 18-18)

- Removed unnecessary language.
 - o Commercial uses are addressed on a county-wide scale within Goal 6 of the Lee Plan.
 - o Industrial uses are addressed on a county-wide scale within Goal 7 of the Lee Plan.
 - o Commercial mining and excavations are addressed on a county-wide scale within Goal 10 of the Lee Plan.

OBJECTIVE 18.2: TRANSPORTATION. All road improvements within the Bayshore Community considered by the County will address the community's goal to maintain its rural character and give preference to alternatives that allow existing roads to function at their current capacity. (Ord. No. 03-02, 18-18)

POLICY 18.2.1: Any expansion of the state arterial roadways should include physically separated provisions for bicyclists/pedestrians. (Ord. No. 03-02, 18-18)

POLICY 18.2.2: Road capacity improvements needed within the Bayshore Community to serve demands generated outside the community will be designed to minimize the impacts on the community and its rural character. (Ord. No. 03-02, 18-18)

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~~**POLICY 18.2.3:** If a need to extend Del Prado Boulevard east of I-75 through the Bayshore Community Plan area is demonstrated, the corridor evaluation must include alternatives to using the existing Nalle Grade Road alignment. The evaluation will address (but not be limited to) access, safety and community character issues. Alternatives will be presented at an evening public information meeting in accordance with Policies 17.3.3 and 17.3.4. (Ord. No. 03-02, 18-18)~~

- This Objective and related Policies are out of date and inconsistent with existing entitlements.
- The provisions were created prior to the removal of required transportation concurrency from Florida Statutes (2011) and the Lee Plan (2014).
- Lee County's transportation network should be coordinated across the entire county to effectively address local needs, rather than driven only by the preferences of individual communities.

~~**OBJECTIVE 18.3: SEWER AND WATER.** Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories except to the areas identified by Lee Plan Table 6, "10-Year Sanitary Sewer Service Feasibility Plan". Central water service for enhanced fire protection will be encouraged where economically feasible. (Ord. No. 03-02, 18-18, 25-10)~~

~~**POLICY 18.3.1:** No landowner will be required to connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes an intensity that exceeds the thresholds in Standards 4.1.1 and 4.1.2. (Ord. No. 03-02, 18-18)~~

- Availability of utilities can directly impact water quality and quantity and should be coordinated across the entire county to effectively address local needs, rather than driven only by the preferences of individual communities.
- Policy 18.3.1 is duplicative and only reiterates Standards 4.1.1 and 4.1.2 as applied across unincorporated Lee County.
- Removing Policy 18.3.1 will avoid potential conflicts or inconsistencies with Standards 4.1.1, 4.1.2, and Chapter 10 of the Land Development Code (Chapter 10, Article III, Division 4. – Utilities)

~~**OBJECTIVE 18.4: PARKS AND RECREATION.** The County will explore, with the support of the residents of Bayshore, the feasibility of establishing an equestrian park as the primary recreation facility for this community. (Ord. No. 03-02, 18-18)~~

~~**POLICY 18.4.1:** The support of the Bayshore residents may include assistance with development and maintenance of such a recreation facility. (Ord. No. 03-02, 18-18)~~

- This Objective and its related Policy are outdated and not enforceable.

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~~**GOAL 19: BOCA GRANDE COMMUNITY PLAN.** Preserve and conserve the environment, recreation and open space areas, and historic resources within the Boca Grande Community Plan area boundary of the community plan area while implementing the Gasparilla Island Conservation District Act (GICDA) and upholding the Boca Grande Historic District.⁹ (Ord. No. 05-19, 18-18)~~

~~**OBJECTIVE 19.1: FUTURE LAND USE.** To preserve the traditional character, and scale of the Historic District and residential areas of the Boca Grande Community Plan area by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure.~~

~~To enforce the regulations found in the GICDA and to further develop growth management policies and regulations to limit densities and intensities of development in the Boca Grande Community Plan area, in order to maintain the historic scale and development patterns of the community. (Ord. No. 05-19, 18-18)~~

~~**POLICY 19.1.1:** Lee County will work with the Boca Grande community to establish boating and marine facility site location standards which will help to identify appropriate locations and development regulations that are consistent with a scope and intensity that will protect the community from the potential negative impacts. Future public boat ramps and other watercraft launching facilities on Gasparilla Island will only be developed with adequate on-site parking, and should minimize impacts to traffic and pedestrian safety, the environment, neighborhoods, and consider marine safety issues. (Ord. No. 05-19, 18-18)~~

~~**POLICY 19.1.2:** In order to preserve the existing community character of Boca Grande, the Boca Grande community will work to develop standards to regulate all commercial uses on Gasparilla Island. Development standards will identify commercial design guidelines, parking and signage standards, appropriate intensity of uses and establish location standards to ensure consistency with the existing community character. (Ord. No. 05-19, 18-18)~~

~~**POLICY 19.1.3:** The owner or agent for any rezoning or special exception request must conduct one public information meeting in accordance with Policies 17.3.3 and 17.3.4 prior to the application being found sufficient. (Ord. No. 05-19, 18-18)~~

~~**POLICY 19.1.4:** In order to promote water conservation and better manage this important resource, the Boca Grande community will develop standards for permit requests of new buildings to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns as a non-potable water source, wherever practicable. (Ord. No. 05-19, 18-18)~~

~~**POLICY 19.1.5:** In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, including areas outside the Boca Grande Historic District, the Boca Grande~~

⁹ The Boca Grande Historic District is that area described in Resolution Designating Historic Resource HD 90-05-01 District recorded in the Lee County Clerk of Courts Official Records Book 2164 Pages 1166-1203.

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~~community will develop regulations to preserve light, space and air around new residential dwelling construction and to discourage “mega houses” or “mansionization” of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained. (Ord. No. 05-19, 18-18)~~

~~**POLICY 19.1.6:** Lawfully existing businesses and commercial buildings in the Boca Grande commercial areas will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher intensity will require a review of parking impacts, setbacks, height, and uses as necessary. (Ord. No. 05-19, 18-18)~~

~~**POLICY 19.1.7:** Lee County will support the Boca Grande community in their efforts to further investigate the need for modified development regulations applicable to Boca Grande, ~~b~~Based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross County administration of growth management legislation. The Boca Grande community may propose development regulations that address the following:~~

- ~~a. The creation of the Gasparilla Island Zoning Overlay district to address inconsistencies with current zoning districts and the comprehensive plan and GICDA, implement policies adopted in this plan, and adopt modified development regulations such as, but not limited to, parking requirements, minimum setbacks, and commercial and residential design standards.~~
- ~~b. The creation of a marine park zoning district to facilitate consistent local enforcement of existing Federal, State and County regulations in waterfront areas and new regulations to better manage coastal issues such as use and rental of personal watercrafts, abandoned vessels, live aboards, sanitation, water quality, and noise.~~

- Removed unnecessary and outdated language. These policies are duplicative and already covered by the LDC and the Gasparilla Act, which establish setback, height, and lot coverage standards.
- Relocated requirement to implement the Gasparilla Island Conservation District Act (GICDA) and uphold the Boca Grande Historic District to Policy 1.6.3.
- Duplicative marine facilities criteria currently exist in Objective 128.4.
- This is duplicative and addressed within LDC Section 34-2255.

~~**OBJECTIVE 19.2: TRANSPORTATION, PARKING AND TRAFFIC CIRCULATION.** To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and abundant open space and preservation areas. No policy in this community plan will be construed or interpreted to imply that Lee County will implement and/or enforce new traffic regulations, traffic control, or parking regulations~~

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~~which are determined to be significantly substandard or may cause a defined safety or operational problem.~~

~~Lee County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternate forms of transportation within the community, the need for specialized standards for parking and commercial service areas, and the seasonal nature of infrastructure demand that exists throughout the community. (Ord. No. 05-19, 18-18)~~

POLICY 19.2.1: ~~Enforce the provisions of the GICDA which limit growth, limit building height and restrict advertising throughout the Boca Grande Community Plan area. (Ord. No. 05-19, 18-18)~~

POLICY 19.2.2: ~~Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands and supports the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians including strict enforcement of traffic laws. (Ord. No. 05-19, 18-18)~~

POLICY 19.2.3: ~~In order to preserve the historic characteristics of the community, Lee County will support the use of all way stop intersections or other traffic control methods, rather than traffic signals, whenever possible in the Boca Grande community. (Ord. No. 05-19, 18-18)~~

POLICY 19.2.4: ~~Lee County will support efforts of the Boca Grande community to beautify road right of ways and enhance the public realm of Boca Grande by including provisions for streetscaping in the Historic Downtown Village in the LeeScape Master Plan. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground. (Ord. No. 05-19, 18-18)~~

POLICY 19.2.5: ~~Lee County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande. (Ord. No. 05-19, 18-18)~~

POLICY 19.2.6: ~~Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community, and by improving pedestrian circulation within the Historic District. (Ord. No. 05-19, 18-18)~~

- Lee County is required to implement and enforce the provisions of GICDA. This Policy is not necessary.
- Goals, Objectives, or Policies that are necessary to protect public health, safety, and welfare, or are required by state law, have been relocated.
 - Relocated to Objective 40.3, within a new Goal 40 in the Transportation Element.

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- Based on BoCC direction, Goals, Objectives, and Policies that are out of date, ineffective, or duplicative are being deleted.
 - o The hurricane evacuation policy is duplicative of Goals 72 and 73.

~~OBJECTIVE 19.3: PARKING.~~ ~~To create safe and efficient parking for employees, patrons and visitors by implementing appropriate parking standards in the LDC which address the capacity and design needs of the commercial businesses in the Boca Grande Community Plan area. (Ord. No. 05-19, 18-18)~~

~~POLICY 19.3.1:~~ ~~As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long range strategy to address increased parking demand. This may result in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following: revised traffic count thresholds; maximum development intensities; revised minimum parking requirements; traffic congestion mitigation practices; vehicle and pedestrian safety programs; shared parking agreements; or, public/private partnerships to fund new or expanded parking facilities. (Ord. No. 05-19, 18-18)~~

~~POLICY 19.3.2:~~ ~~Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking facilities, and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined. (Ord. No. 05-19, 18-18)~~

~~POLICY 19.3.3:~~ ~~Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts of the Boca Grande community to analyze the appropriateness of overnight and long term parking in the public rights of way, the Gilchrist median, and along beach access streets. (Ord. No. 05-19, 18-18)~~

~~POLICY 19.3.4:~~ ~~Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during peak traffic periods, such as those occurring in March and April. (Ord. No. 05-19, 18-18)~~

~~POLICY 19.3.5:~~ ~~For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal. (Ord. No. 05-19, 18-18)~~

~~POLICY 19.3.6:~~ ~~Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community. (Ord. No. 05-19, 18-18)~~

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- Goals, Objectives, or Policies that are necessary to protect public health, safety, and welfare, or are required by state law, have been relocated.
 - Relocated to Objective 40.3, within a new Goal 40 in the Transportation Element.
- Based on BoCC direction, Goals, Objectives, and Policies that are out of date, ineffective, or duplicative are being deleted.
 - The existing Objective 19.3 is duplicative of the proposed Objective 19.2, which is being relocated to the Transportation Element (Objective 40.3).

~~**OBJECTIVE 19.4: CONSERVATION AND COASTAL MANAGEMENT.** To preserve, protect, and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of the Boca Grande Community plan area, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner compatible with the GICDA, the promotion and preservation of the Boca Grande Historic District as a thriving community, and preservation of the Boca Grande Community Plan area's historic heritage. (Ord. No. 05-19, 18-18)~~

~~**POLICY 19.4.1:** Lee County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events. (Ord. No. 05-19, 18-18)~~

~~**POLICY 19.4.2:** Support the State's efforts to protect and preserve mangroves both on private properties as well as within public lands and easements. (Ord. No. 05-19, 18-18)~~

~~**POLICY 19.4.3:** Preserve the beach dune system, beach dune vegetation, and beach dune wildlife, by discouraging any construction seaward of the 1978 Coastal Construction Control Line. This policy will not apply to the placement of raised walkways intended to cross over the dune system from adjoining properties, nor will it apply to bona fide beach renourishment and shoreline protection efforts. Lee County will support the State's efforts to protect the beach dune system, beach dune vegetation, and beach dune wildlife communities on Gasparilla Island. (Ord. No. 05-19, 18-18)~~

~~**POLICY 19.4.4:** Beach renourishment efforts will include the re-establishment of a beach dune system, beach dune vegetation, and beach dune wildlife communities, including nesting birds and turtles, to the greatest extent practicable. Any rock or hard revetment will be covered with sand and planted with salt resistant native plants. (Ord. No. 05-19, 18-18)~~

~~**POLICY 19.4.5:** Except for emergency events and public purposes, vehicular traffic is banned from all beaches in the Boca Grande Community Plan area. (Ord. No. 05-19, 18-18)~~

~~**POLICY 19.4.6:** Lee County will use regulatory powers to preserve, protect, and enhance the marine habitat surrounding Gasparilla Island, including sea grass beds, manatee habitat, estuarine habitat, and near shore waters of Gasparilla Island. Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency. (Ord. No. 05-19, 18-18)~~

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~~**POLICY 19.4.7:** Permits for new dock construction will be reviewed to assure the protection of sea grass beds, manatee habitat, tarpon fishing grounds, and other environmental values intrinsic to Charlotte Harbor. Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.4.8:** Assist in the enforcement of best management practices for anchorages of Gasparilla Island. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.4.9:** Maintain policies and guidelines for beach clean-up during red tide and similar extraordinary tidal events. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.4.10:** Maintain a program to restore the plant diversity on County owned lands within the Boca Grande Community plan area through the removal of exotic vegetation and its replacement with native species. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.4.11:** Lee County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.4.12:** Work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna within the Boca Grande Community Plan area. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.4.13:** Support research into the causes and control of red tide and other similar extraordinary tidal events. (Ord. No. [05-19](#), [18-18](#))~~

- The existing Objective 19.4 and supporting Policies are duplicative of the Conservation and Coastal Management Element of the Lee Plan. Specifically Objective 101.5, Policy 101.5.2 for beach renourishment, Objective 123.2, Policy 123.2.12 for mangrove protection, Objective 101.5 for beach and dune systems, Objective 123.7 for manatee protection, and Objective 101.1, Policy 101.1.2 for coastal area planning and protection of environmentally sensitive coastal areas.
- Duplicative language is also addressed in other areas of the LDC, or state statutes.

~~**OBJECTIVE 19.5: NATURAL RESOURCE PROTECTION.** To preserve, protect, and enhance the natural environments within the Boca Grande Community plan area through measures that control the risk of harm attributable to human impact. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.5.1:** Lee County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico. (Ord. No. [05-19](#), [18-18](#))~~

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- The existing Objective 19.5 and supporting Policies are duplicative of the Conservation and Coastal Management Element of Lee Plan. Specifically Goal 113 for preservation of fish population and estuarine ecosystems.
- Duplicative language is also addressed in other parts of the LDC, or state statutes.

OBJECTIVE 19.6: COMMUNITY FACILITIES AND SERVICES. ~~To ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors and stakeholders of the Boca Grande Community plan area.~~

~~Through the administration of County services, the Land Development and Administrative Codes, and the cooperative efforts of interagency and intergovernmental agreements, continue to provide utilities and infrastructure; emergency, law enforcement and fire protection services; education, information resource and recreation services; and mosquito and animal control services, in a safe and efficient manner. (Ord. No. [05-19](#), [18-18](#))~~

POLICY 19.6.1: Lee County will seek to maintain and enhance the public/private partnership for the operation and enhancement of the Boca Grande Community Center and other County-operated facilities open to the public in the community of Boca Grande. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.2: Lee County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Lee County will continue to support the Wellhead Protection regulations adopted by the GIWA and Charlotte County to protect and preserve the sources upon which the community of Boca Grande relies for its potable water. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.3: Lee County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Lee County will enter into an intergovernmental agreement with Charlotte County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in Charlotte County. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.4: Lee County will facilitate and cooperate with the applicable mosquito control district to control the health risk that mosquitoes represent. Lee County will continue to support the utilization of safe, effective, and environmentally responsible measures for mosquito control, recognizing the need to preserve local flora and fauna, including marine life. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.5: Lee County will work with the applicable mosquito control district to facilitate the dissemination of aerial spraying schedules, as well as any threat to the public health, to the community of Boca Grande, the Boca Grande Health Clinic, and the newspapers that serve the community of Boca Grande. (Ord. No. [05-19](#), [18-18](#))

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POLICY 19.6.6: Lee County will support the operation and enhancement of a reference library facility, including the provision and improvement of adequate electronic based equipment, internet access, and software, in cooperation with local community organizations. Professionally trained library personnel will manage and operate the facility. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.7: So long as local interest exists in the community of Boca Grande to maintain an Island School to serve the population of the community of Boca Grande, Lee County will support the Lee County School Board, if necessary, with an interlocal agreement, in maintaining a viable school site and educational programs. Such support may include, but is not limited to, facilitation of land use regulations, joint use of community resources, funding assistance, joint utilization of staffing, or other applicable coordination efforts. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.8: Lee County will cooperate with the Boca Grande Fire Control District (BGFCF) in the provision of fire protection services to the community of Boca Grande. Such cooperation will include, but will not be limited to, recognition that the Fire Chief of the BGFCF has the authority for interpretation and enforcement of fire codes in the community of Boca Grande. All homes will be required to have the address clearly posted on the property. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.9: Lee County will provide the necessary communications infrastructure as required to manage and dispatch all 911 calls affecting the community of Boca Grande, entering into agreements as necessary with the BGFCF and Charlotte County. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.10: Lee County will cooperate in the establishment of interlocal agreements between and among all necessary parties to provide for: 1) the appropriate handling of hazardous materials incidents; 2) mutual aid agreements with the Englewood Area Fire Control District and Charlotte County Fire and EMS; 3) advanced life support emergency medical services; and 4) back-up EMS response as may be required by the community of Boca Grande. (Ord. No. [05-19](#), [18-18](#))

POLICY 19.6.11: Lee County will cooperate as necessary in the provision of communications, information distribution, public service meetings, educational efforts, and a local liaison for emergency situations affecting the community of Boca Grande. Lee County will maintain an up-to-date list of first in team contacts, cooperate as necessary with applicable jurisdictions and service providers for communication of evacuation status, shelter locations, and re-entry information in the event of an emergency situation. The issuance of evacuation notices will be coordinated with Charlotte County. Lee County will work with other local, State, and Federal authorities as necessary to assist in the provision of adequate means by which the community of Boca Grande can be evacuated through the Cape Haze Peninsula in the event of an emergency situation. It is acknowledged that the appropriate Emergency Operations Center is determined by the Boca Grande Fire Control District. (Ord. No. [05-19](#), [18-8](#))

POLICY 19.6.12: Lee County Emergency Medical Services will provide land or air transportation to the most appropriate facility and will maintain a liaison with the Boca Grande Health Clinic to keep the clinic fully informed of all Emergency Medical protocols and procedures for operations and any changes that may be implemented whether temporary or permanent. The Boca Grande

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~~Health Clinic will be informed relating to any public health issues or public County health problems. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.6.13:** Lee County will promote and assist as necessary in the provision of a full-time police and law enforcement presence for the community of Boca Grande. Cooperative arrangements in the form of interlocal agreements, or other mechanisms as may be applicable, between Lee and Charlotte County will be supported if necessary. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.6.14:** Provide the necessary maintenance and improvements on all public rights-of-way to ensure the continued safety and efficiency of roadways, paths, and surface water management systems. (Ord. No. [05-19](#), [18-18](#))~~

- The existing Objective 19.6 is duplicative of the Goals, Objectives and supporting Policies addressed in the Community Facilities and Services Element of the Lee Plan. Specifically Goal 53 for potable water, Goal 56 for sanitary sewer, Goal 62 for solid waste, Goal 64 for libraries, Goal 65 for fire protection, Goal 66 for EMS provision, Goal 67 for educational efforts, Goal 69 for handling of hazardous materials, and Goal 70 for police provision.
- Duplicative language is also addressed in other areas of the LDC or state statutes.

~~**OBJECTIVE 19.7: OPEN SPACE, RECREATION AND BEAUTIFICATION.** To promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of the Boca Grande Community Plan area. These efforts will enhance the aesthetic qualities of the Boca Grande Community Plan area and benefit its residents while preserving the characteristics of its fragile barrier island system.~~

~~The Boca Grande Community Plan area represents a unique cross-jurisdictional, barrier island community with distinct physical attributes that govern the preservation of open space and recreational opportunities. Opportunities will be sought to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational areas while seeking to limit demands upon a restricted infrastructure and enhancing the aesthetic qualities of the Boca Grande Community Plan area. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.7.1:** Support efforts to protect and enhance the functionality of the eight mile long pedestrian/bike/electric golf cart path in the Boca Grande Community Plan area (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.7.2:** Coordinate public works projects, such as street resurfacing, repairs, maintenance, drainage swales and other surface water management systems so that they include landscaping and aesthetic options that are in keeping with the concept of promoting, preserving and enhancing the ecological and aesthetic qualities of the Boca Grande Community Plan area. (Ord. No. [05-19](#), [18-18](#))~~

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~~**POLICY 19.7.3:** Investigate the feasibility of converting Banyan Street to a one-way facility and reducing the pavement width in order to better preserve and protect the banyan trees. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.7.4:** Automobile parking on 5th Street from Park to Gilchrist, known as Mahogany and Veterans Park, is prohibited. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.7.5:** Lee County will continue to support the designation of Gasparilla Island as a bird and wildlife sanctuary, as adopted in Lee County Ordinance 83-16. Lee County will support the efforts of Charlotte County for the designation of Cole Island, Live Oak Key, Peekins Ranch Cove and Key, the fishing pier at the old 400 foot railroad bridge, the peninsula located north of the Lee County line (as identified in the Open Space Inventory), all remaining land zoned Environmentally Sensitive, as well as the Charlotte County portion of Gasparilla Island, as a bird and wildlife sanctuary. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.7.6:** Support and promote the preservation of environmentally sensitive lands and support, promote and investigate additional preservation programs. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.7.7:** Lee County will maintain the existing recreational facilities on Gasparilla Island, including two tennis courts, a basketball court, a volleyball court, the baseball field on Wheeler Street, the various beach access locations, a community playground, the picnic areas, and fishing sites, including one on the Bayou. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.7.8:** Lee County will support efforts in the Historic District to install and maintain additional native landscaping, especially along Park Avenue and Fourth Street, to provide greater community aesthetics, safer pedestrian movement, landscaped parking areas for automobiles and golf carts and more efficient traffic flow. (Ord. No. [05-19](#), [18-18](#))~~

- The existing Objective 19.7 and the supporting Policies are duplicative the Parks, Recreation, and Open Space Element of the Lee Plan. Specifically, Goal 77 for enhanced aesthetic appearance and preservation of native trees and Goal 83 for recreational facilities.
- Duplicative language is also addressed in other areas of the LDC, County Ordinances, or state statutes.

~~**OBJECTIVE 19.8: HISTORIC PRESERVATION.** To protect, preserve, and enhance the historic resources and heritage of the Boca Grande Community Plan area. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.8.1:** Maintain a Boca Grande Historic Preservation Board. (Ord. No. [05-19](#), [18-18](#))~~

~~**POLICY 19.8.2:** Lee County will work with the community of Boca Grande in updating its inventory of contributing and non-contributing structures as part of its efforts to preserve the historic resources of Gasparilla Island. Lee County will assist in efforts to create a record of the~~

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historic features of the Island in order to sustain a legacy for future generations. (Ord. No. ~~05-19, 18-18~~)

~~**POLICY 19.8.3:** Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered. (Ord. No. ~~05-19, 18-18~~)~~

~~**POLICY 19.8.4:** Lee County will investigate additional fiscal and tax incentives to preserve the economic viability of the Historic District of Boca Grande. (Ord. No. ~~05-19~~)~~

~~**POLICY 19.8.5:** Lee County will preserve the historic village character of the commercial sector of Boca Grande by adhering to the criteria of the Design Guidelines Manual for the Boca Grande Historic District. Lee County will support efforts of the Boca Grande community to modify site and design regulation within the Boca Grande Historic District to include commercial signage and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island. (Ord. No. ~~05-19~~)~~

~~**POLICY 19.8.6:** Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted. (Ord. No. Ordinance No. ~~05-19~~)~~

- Objectives and Policies that are necessary to protect public health, safety, and welfare, or are required by state law, have been relocated.
 - o Objective 19.8 has been relocated to Objective 143.5.
- Objectives and Policies that are out of date, ineffective, or duplicative of the Historic Preservation Element of the Lee Plan are being deleted.

~~**OBJECTIVE 19.9: ECONOMICS.** To preserve and promote the economic health of the Boca Grande Community Plan area while not expanding the amount of commercial property on the Island in accordance with the GICDA. (Ord. No. ~~05-19, 18-18~~)~~

~~**POLICY 19.9.1:** Lee County will support efforts by the Gasparilla Island Bridge Authority (GIBA) to secure funding for the repair and maintenance of the bridges connecting Gasparilla Island to the mainland. (Ord. No. ~~05-19, 18-18~~)~~

~~**POLICY 19.9.2:** Lee County will support efforts to preserve, maintain, and enhance the beaches of Gasparilla Island. (Ord. No. ~~05-19, 18-18~~)~~

~~**POLICY 19.9.3:** To ensure Boca Grande's economic health, Lee County will support the preservation of historic businesses and commercial structures. Support may include historic~~

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~~preservation grants and development regulations which will encourage mixed use buildings. The Gasparilla Inn is an example. (Ord. No. 05-19, 18-18)~~

- The existing Objective 19.9 and supporting Policies are duplicative of the Conservation and Coastal Management and Historic Preservation Elements of the Lee Plan. Specifically Objective 101.5 for preservation and maintenance of beaches and Goal 143 for supporting preservation of historic businesses and commercial structures.
- Duplicative language is also addressed in other areas of the LDC, County Ordinances, or state statutes.

~~**GOAL 20: BUCKINGHAM COMMUNITY PLAN.** Manage the future growth in the Buckingham Community Plan area; to preserve the existing rural and agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic and rural character; and to protect the unique historical and environmental resources in the Buckingham Community Plan area. (Ord. No. 91-19, 93-25, 94-30, 10-15, 18-18)~~

- Buckingham is an established community with existing acreage subdivisions as well as master planned communities. Based on typical lot sizes and current development patterns, land use or future development patterns would not be significantly impacted by the removal of Goal 20 and the subsequent Objectives and Policies.
- The Rural Community Preserves future land use category will continue to control the development in this area.

~~**OBJECTIVE 20.1: LAND USE.** Land uses in the Buckingham Community Plan area will be developed in a manner that is consistent with the rural and agricultural land use pattern. (Ord. No. 00-22, 10-15, 18-14, 18-18)~~

~~**POLICY 20.1.1:** No property within the Buckingham Community Plan area will be rezoned to RVPD. (Ord. No. 00-22, 10-15, 18-18)~~

~~**POLICY 20.1.2:** The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road is designated as the commercial node for the Buckingham Community Plan area. With the exception of the uses and the property identified in this policy, no new commercial development will be located outside of this commercial node. All new commercial developments in the node are required to provide a minimum of 30% open space. This commercial node is described as those lands 300 feet eastward from the easterly right of way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard. Commercial uses permitted in agricultural zoning districts, such as Feed and Tack stores, are allowed outside of the commercial node if appropriate zoning approval is granted. Commercial boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if lawfully existing or appropriate zoning approval is granted. Commercial uses are permitted on the property zoned C-1 located at 9140 Buckingham Road. (Ord. No. 94-30, 98-09, 00-22, 10-15, 18-18)~~

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~~**POLICY 20.1.3:** Except for those clustered areas approved in accordance with Policy 20.1.5, all lots created in the Rural Community Preserve future land use category must have a minimum area of 43,560 square feet, unless a Minimum Use Determination has been issued. Calculation of lot size must exclude any road right of way or easement areas, water management areas, and natural water bodies. (Ord. No. [00-22](#), [10-15](#), [18-18](#))~~

~~**POLICY 20.1.4:** Bonus density is prohibited in the Rural Community Preserve. (Ord. No. [10-15](#), [18-18](#))~~

~~**POLICY 20.1.5:** Clustering of residential development in the Rural Community Preserve requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:~~

- ~~• Buildings must be set back a minimum of 100 feet from the RPD boundary.~~
 - ~~• The RPD must have a minimum of 10 acres in order to cluster homesites.~~
- ~~(Ord. No. [10-15](#), [18-18](#))~~

~~**POLICY 20.1.6:** When possible, residential development adjacent to the Rural Community Preserve future land use category should make appropriate transitions to the Community Plan area with a graduated increase in density as development moves away from the Rural Community Preserve future land use category boundary. Appropriate buffers will be established for projects adjacent to the Rural Community Preserve future land use category boundary during the rezoning process. (Ord. No. [10-15](#), [18-18](#))~~

~~**POLICY 20.1.7:** To preserve the shoreline, a 50-foot setback is required from the Orange River. The setback will be measured from the mean high water line or from the top of bank of the Orange River, whichever is further landward. Docks are exempt from this setback requirement. (Ord. No. [10-15](#), [18-18](#))~~

~~**POLICY 20.1.8:** The owner or agent of any rezoning or special exception request on property within the Community Plan area boundary or on property with existing or proposed direct access to Buckingham Road, must hold one public information meeting in accordance with Policies 17.3.3 and 17.3.4 prior to the application being found sufficient. (Ord. No. [18-18](#))~~

- Relocated and modified Policies 20.1.2, 20.1.3, and 20.1.5 to Policy 1.4.3 to incorporate into the Rural Community Preserves future land use category.
- Retention of Policy 20.1.2 is necessary to avoid conflicts with SB 180.

~~**OBJECTIVE 20.2: TRANSPORTATION.** To use context sensitive design, appropriate to Future Non-Urban Areas, for roadway improvements. For purposes of this objective, improvements related to bicycle, pedestrian and equestrian facilities or safety improvements, including but not limited to intersection and turn lane additions or improvements, will not be deemed an expansion of the roadway. (Ord. No. [94-30](#), [99-15](#), [00-22](#), [10-15](#), [18-18](#))~~

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~~**POLICY 20.2.1:** Future multi-lane expansions within the Buckingham Community Plan area will be limited to the four-laning of Buckingham Road (except for the portion of Buckingham Road that is encompassed by the Luckett Road Extension). All other existing roadways within the boundaries of the Buckingham Community Plan area will remain in their two-lane configuration. This policy does not include bicycle, pedestrian and equestrian facilities or safety improvements. Prior to adding any multi-lane expansions of Buckingham Road to the schedule of capital improvements, one public meeting after 5:00 p.m. regarding the proposed road expansion must be held in accordance with Policies 17.3.3 and 17.3.4. (Ord. No. [10-15](#), [18-18](#))~~

~~**POLICY 20.2.2:** Future extensions of roadways into or through the Community Plan area will be limited to the Luckett Road Extension on the alignment and in the configuration as adopted by the Board of County Commissioners on June 3, 2008. Any proposal to further change the adopted alignment of the Luckett Road Extension will require analysis and public input with at least one public meeting in accordance with Policies 17.3.3 and 17.3.4. The analysis must consider the feasibility of locating the alignment as far south as possible, starting east of Pangola, in order to skirt the Buckingham Community Plan area. In addition, specific roadway extensions are prohibited as follows:~~

- ~~1. The extension of State Road 31 south of the Orange River is prohibited.~~
- ~~2. The extension of Ellis Road is prohibited.~~
- ~~3. The extension of Staley Road to State Road 82 is prohibited.~~
- ~~4. The extension and connection of Long Road to Ellis Road is prohibited.~~

- ~~5. No new east-west collector roadways will be planned or built within the Rural Community Preserve.~~

~~(Ord. No. [10-15](#), [18-18](#))~~

~~**POLICY 20.2.3:** Identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham Community Plan area to the extent practicable and consistent with the balance of applicable policies. (Ord. No. [10-15](#), [18-18](#))~~

- Lee County's transportation network should be coordinated across the entire county to effectively address local needs, rather than driven only by the preferences of individual communities.
- This Objective and related Policies are out of date and inconsistent with existing entitlements.
- The provisions were originally created prior to the removal of required transportation concurrency from Florida Statutes (2011) and the Lee Plan (2014).

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~~OBJECTIVE 20.3: PUBLIC FACILITIES AND UTILITIES.~~ To maintain the rural character of the Buckingham Community Plan area with the provision of public facilities and utilities appropriate for Future Non-Urban Areas. (Ord. No. ~~00-22, 03-19, 10-15, 18-18~~)

~~POLICY 20.3.1:~~ In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Community Plan area, except to the areas identified by Lee Plan Map 4-B as Future Sanitary Sewer Service Areas, areas identified by Lee Plan Table 6, “10-Year Sanitary Sewer Service Feasibility Plan”, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future public facility. Under no circumstances will the availability of central sewer lines be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 20.1.5), within the Rural Community Preserve. (Ord. No. ~~10-15, 18-18, 25-10~~)

~~POLICY 20.3.2:~~ Central water lines may be extended along roads of the Buckingham Community Plan area upon request of property owners, with extension and connection fees paid by the person(s) receiving the water service. The County may also extend central water lines through the Buckingham Community Plan area, if necessary. Connection to this expanded water service network will be on a voluntary basis, unless required by state or federal regulations. Under no circumstances will the availability of central water be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 20.1.5), within the Buckingham Community Plan area. (Ord. No. ~~10-15, 18-18, 24-10~~)

~~POLICY 20.3.3:~~ All new large developments (as defined in LDC, Chapter 10) must install utilities underground. Utilities include, but are not limited to, electricity, telephone, and cable lines. (Ord. No. ~~10-15, 18-18~~)

~~POLICY 20.3.4:~~ Lehigh Acres Municipal Services Improvement District (LAMSID) is encouraged to continue to develop and maintain its infrastructure to minimize flooding, manage flows down the Orange River, and improve water quality. In addition, LAMSID is encouraged to work with the Lee County Emergency Operations Center to develop a system to warn residents in advance of large releases of water. (Ord. No. ~~10-15, 18-18~~)

~~POLICY 20.3.5:~~ Any development or redevelopment of property must be done in a manner that does not adversely impact the rural community. Any use must provide appropriate separation, buffering, traffic mitigation and control, and environmental protection. (Ord. No. ~~10-15, 18-18~~)

~~POLICY 20.3.6:~~ Detention and correctional facilities are prohibited within the Buckingham Community Plan area. (Ord. No. ~~10-15, 18-18~~)

~~POLICY 20.3.7:~~ No new landfills or resource recovery facilities are permitted in the Buckingham Community Plan area. Expansion of the Resource Recovery facilities located on the County property is permitted, including the introduction of new operations and facilities to address solid waste needs. (Ord. No. ~~10-15, 18-18~~)

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- Removed. Public facilities provided by Lee County should be coordinated across the entire county to effectively address local needs, rather than driven only by the preferences of individual communities.

~~**OBJECTIVE 20.4: LANDSCAPING, BUFFERING, COMMUNITY AESTHETICS, AND QUALITY OF LIFE.** To provide adequate and appropriate landscaping, open space, and buffering as a means of protecting and enhancing the historic rural character and natural environment of the Buckingham Community Plan area from potential negative impacts of developments, utilities, public services, roads, and land use changes or other improvements. (Ord. No. [10-15](#), [18-18](#))~~

~~**POLICY 20.4.1:** Essential service and community facilities must provide an appropriate native vegetative buffer to address compatibility. (Ord. No. [10-15](#), [18-18](#))~~

~~**POLICY 20.4.2:** Lee County will continue, through Lee County Solid Waste Collection Agreements, to require all current and future solid waste collection contractors to perform weekly litter collection along approximately one and one half miles of Buckingham Road, in the vicinity of the Resource Recovery Facility. (Ord. No. [10-15](#), [18-18](#))~~

~~**POLICY 20.4.3:** Residential project walls are prohibited. Berms are allowed in accordance with the LDC, but must be designed to be undulating. (Ord. No. [10-15](#), [18-18](#))~~

~~**POLICY 20.4.4:** Outdoor lighting must be designed to reduce light pollution and light trespass. (Ord. No. [10-15](#), [18-18](#))~~

~~**POLICY 20.4.5:** Any deviation from landscaping, buffering, or signage requirements may not be granted, unless the request meets the approval criteria for variances set forth in LDC, Chapter 34. (Ord. No. [10-15](#), [18-18](#))~~

- Redundant with requirements of Land Development Code and other areas of the Lee Plan.

~~**OBJECTIVE 20.5: ENVIRONMENT, OPEN SPACE AND PARKS.** To protect the environment, open space and parks within the Buckingham Community Plan area. (Ord. No. [10-15](#), [18-18](#))~~

~~**POLICY 20.5.1:** Lee County will work with the Buckingham Community to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community Plan area. (Ord. No. [10-15](#), [18-18](#))~~

~~**POLICY 20.5.2:** Any access to the Orange River, except for single family docks, will be reviewed through the planned development zoning process to insure consistency with surrounding areas. Docks, except for single family docks, approved prior to March 3, 2010 may remain but may not be expanded unless the expansion complies with this policy. (Ord. No. [10-15](#), [18-18](#))~~

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~~**POLICY 20.5.3:** The removal of invasive exotic plants, as defined by the state or County, is required for all new development within the Rural Community Preserve. (Ord. No. [10-15](#), [18-18](#))~~

- Objective 20.5 and supporting policies are duplicative of Goal 85 and the Land as applied to all areas of unincorporated Lee County.

~~**OBJECTIVE 20.6:** To protect and support agricultural uses. These uses include a variety of agricultural applications such as tree farms, citrus farms, stables, cattle, cows, goats, and other livestock and crops of varying sizes. (Ord. No. [10-15](#), [18-18](#))~~

~~**POLICY 20.6.1:** Growing of crops for alternative energy sources on an experimental basis, such as *Jatropha curcas*, will be considered an agricultural use. (Ord. No. [10-15](#), [18-18](#))~~

- Objective 20.6 and Policy 20.6.1 are not statutorily required and are not necessary. Agricultural uses are protected in Florida Statute, Chapter 823.14.

~~**GOAL 21: CALOOSAHATCHEE SHORES COMMUNITY PLAN.** Protect the existing character, natural resources and quality of life in the Caloosahatchee Shores Community Plan area, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments. (Ord. No. [03-21](#), [18-18](#))~~

- Goal 21 and supporting Objectives and Policies are out of date. Caloosahatchee Shores is not rural east of I-75.

~~**OBJECTIVE 21.1: COMMUNITY CHARACTER.** To create a visually attractive community. (Ord. No. [03-21](#), [18-18](#))~~

~~**POLICY 21.1.1:** Maintain LDC regulations that provide for enhanced landscaping, signage and architectural standards consistent with the goal of maintaining an old Florida rural identity. The preferred architectural style for all buildings in commercial developments is Florida vernacular. (Ord. No. [03-21](#), [07-12](#), [18-18](#))~~

~~**POLICY 21.1.2:** Any deviation from landscaping, buffering, signage or architectural requirements may not be granted unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34. (Ord. No. [03-21](#), [18-18](#))~~

~~**POLICY 21.1.3:** Protect Caloosahatchee Shores' rural character from the encroachment of inconsistent and incompatible urban development by requiring that amendments to the future land use map that increase density or intensity be accompanied with a concurrent planned development rezoning that demonstrates compatibility with the rural character. (Ord. No. 09-06, [18-14](#), [18-18](#))~~

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- Architectural and landscaping requirements are duplicative of requirements that apply to unincorporated Lee County and applied in the LDC.
- The stated desire to protect “rural character” is not supported by long existing areas of Suburban, Urban Community and Central Urban future land use categories and is inconsistent with the Future Land Use Map.

~~OBJECTIVE 21.2: COMMERCIAL LAND USES.~~ New commercial uses will be limited to properties already zoned for commercial uses as well as properties located at the intersection of I-75 and S.R. 80, the intersection of S.R. 31 and S.R. 80, the State Route 80 Corridor Overlay, the Verandah Boulevard commercial node, and the Commercial, Central Urban and Suburban future land use categories adjacent to S.R. 80. New commercial zoning must be approved through the planned development rezoning process. Commercial redevelopment and increased commercial opportunities on properties adjacent to SR 80 to service the needs of the Caloosahatchee Shores Community Plan area and surrounding areas are encouraged. (Ord. No. ~~03-21, 11-24, 17-13, 18-18~~)

~~POLICY 21.2.1:~~ To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31, north of SR 80 and east and west of SR 31 are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in the Glossary.

The Verandah Boulevard commercial node is intended for Minor Commercial levels as defined in the Glossary. Office and residential uses consistent with the Suburban designation are also allowed in this Minor Commercial node. (Ord. No. ~~03-21, 11-24, 17-13~~)

~~POLICY 21.2.2:~~ New retail uses along Buckingham Road will be limited to the intersection of S.R. 80 and Buckingham Road. (Ord. No. ~~03-21, 11-24, 17-13~~)

~~POLICY 21.2.3:~~ The Olga Mall property, 2319 S. Olga Drive, may continue to provide minor commercial retail services for the Olga community. (Ord. No. ~~03-21, 11-24~~)

- This objective and supporting policies are out of date and do not accurately depict current and anticipated development patterns in the area.
- West of Buckingham Road properties are in the Caloosahatchee Shores Community Plan area and are mostly developed with older commercial uses on relatively small, platted lots in the C-1 zoning district.
- East of Buckingham Road properties are in the Olga Community Plan area. These lands generally consist of developed and vacant agricultural lands on larger lots in Future Suburban and Future Non-Urban Areas. Current regulations favor residential uses over other non-residential uses, potentially creating a shortage of land available to serve existing and anticipated residents with non-residential uses.
- This is a fast-growing area of the county, and restrictions on commercial uses should be reduced in order to provide services to residents of the area and commuters that rely on SR 80.

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- Land within the Rural future land use category, between Buckingham Road and Hickey's Creek Mitigation Park, will continue to have limitations on commercial uses as it does elsewhere in unincorporated Lee County.
- Policy 21.2.2 is unnecessary based on current and established development patterns, which mainly include planned residential communities along Buckingham Road, outside of the Rural Community Preserves future land use category.
- Distribution and availability of commercial uses are determined by the Future Land Use Map.
- Policy 21.2.3 was relocated to Goal 6. Retention of this policy is necessary to avoid conflicts with SB 180.

~~**OBJECTIVE 21.3: RESIDENTIAL USES.** To protect and enhance the existing residential neighborhoods in the Caloosahatchee Shores Community Plan area by providing appropriate buffers between residential and non-residential uses. (Ord. No. 03-21, 18-18)~~

~~**POLICY 21.3.1:** Maintain LDC regulations that provide for greater buffering between adjacent commercial and residential uses except for in mixed-use developments. (Ord. No. 03-21, 07-12, 18-18)~~

- Objective 21.3 and Policy 21.3.1 redundant with Goals 5 and 77 of the Lee Plan.

~~**OBJECTIVE 21.4: MIXED-USE DEVELOPMENT.** To encourage mixed-use developments in specific areas of the Caloosahatchee Shores Community Plan area through a variety of incentives. (Ord. No. 03-21, 18-18)~~

~~**POLICY 21.4.1:** With the exception of mixed-use projects, residential uses fronting SR 80 and Buckingham Road are limited to no more than four dwelling units per acre. (Ord. No. 03-21)~~

~~Densities should be based on Future Land Use Category, consistent with treatment on other areas of unincorporated Lee County.~~

~~**POLICY 21.4.2:** Mixed-use developments and mixed-use buildings, as defined in the Glossary, are the preferred development and building type for properties within the Mixed Use Overlay (Map 1-C). With the exception of development at the intersection of SR 80 and SR 31, which will be allowed densities consistent with the Urban Community future land use designation, mixed-use developments in the Mixed Use Overlay will be limited to six dwelling units per acre. (Ord. No. 03-21, 18-18)~~

~~**POLICY 21.4.3:** Maintain LDC regulations that encourage mixed-use developments. (Ord. No. 03-21, 07-12, 18-18)~~

- This Objective and Policies concerning Mixed Use Development are unnecessary and duplicative of Goal 11, existing future land use categories, and the Mixed Use Overlay.

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OBJECTIVE 21.5: COMMUNITY FACILITIES/PARKS. To provide and facilitate the provision of a broad mix of community facilities. (Ord. No. ~~03-21, 18-18~~)

POLICY 21.5.1: ~~Seek appropriate recreational opportunities, parks, nature, pedestrian and equestrian trails through public/private partnerships. (Ord. No. 03-21, 18-18)~~

POLICY 21.5.2: ~~Identify opportunities to maintain and enhance public access to the Caloosahatchee River. All new commercial development on properties along the Caloosahatchee River are strongly encouraged to provide for public access to the riverfront. (Ord. No. 03-21, 18-18)~~

POLICY 21.5.3: ~~Ensure that the development of new parks or enhancement of existing parks address the recreational needs of the community and are integrated into the surrounding developments and open space areas. The concept would be for a park to act as a hub, connected to other open space/recreational opportunities through pedestrian bicycle or equestrian linkages, either along public rights of way or through adjacent developments. (Ord. No. 03-21, 18-18)~~

- Objective 21.5 and Policies 21.5.1, 21.5.2, and 21.5.3 are unnecessary and duplicative of Goals 83 – 86 and Policy 95.1.3.
- Creates potential inconsistency with the capital improvement schedule.

GOAL 22: OLGA COMMUNITY PLAN. Maintain Olga's heritage and rural character. (Ord. No. ~~09-10, 18-18~~)

OBJECTIVE 22.1: ~~To maintain the Future Land Use Map in a manner that reflects the Olga Community Plan. (Ord. No. 09-10, 18-18)~~

POLICY 22.1.1: ~~All new development requiring a development order on Old Olga Road from the western intersection of SR 80 and Old Olga Road east to the eastern intersection of Old Olga Road and SR 80 will be required to install eight foot wide bicycle and pedestrian facilities along one side of the length of the property line. The bicycle and pedestrian facility will be required on the east and south side of Old Olga Road from the western intersection of Old Olga Road and SR 80 to the intersection of Old Olga Road and South Olga Road; and, on the north side of Old Olga Road from the intersection of Old Olga Road and South Olga Road to the eastern intersection of Old Olga Road and SR 80. The community will work with the Lee County Bike and Pedestrian Committee to get a retrofit project prioritized. (Ord. No. 09-10, 18-18)~~

POLICY 22.1.2: ~~Development density and intensity will gradient from the center to the edge suitable to integrate surrounding land uses. (Ord. No. 09-10, 18-18)~~

POLICY 22.1.3: ~~Floor Area Ratio (FAR) maximums in the Commercial Future Land Use Category described in Lee Plan Policy 1.1.10, located north of SR 80 and east of South Olga Road will be a maximum of 0.25. (Ord. No. 09-10, 10-34, 18-18)~~

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~~**POLICY 22.1.4:** Building and project designs must ensure that internal street systems are designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Ord. No. [09-10](#), [18-18](#))~~

~~**POLICY 22.1.5:** Heritage trees will be preserved or, when possible, may be relocated on site. If a heritage tree must be removed from the site then a replacement tree with a minimum 20-foot height must be planted within an appropriate open space. (Ord. No. [09-10](#), [18-18](#), [21-09](#))~~

~~**POLICY 22.1.6:** A collector road connection from South Olga Drive west to the intersection of Old Olga Road and Caribbean Drive is supported. If constructed, the roadway connection will be at the developer's expense as properties along the proposed roadway are built. (Ord. No. [09-10](#), [18-18](#))~~

~~**POLICY 22.1.7:** Maintain LDC regulations that require natural habitats, such as tree canopies, be incorporated into project site designs. (Ord. No. [09-10](#), [18-18](#))~~

~~**POLICY 22.1.8:** When undertaking streetscape improvements, new private construction and building rehabilitation, utility lines must be placed underground where it is economically feasible and where practical to improve visual qualities. (Ord. No. [09-10](#), [18-18](#))~~

- Policy 22.1.1 is redundant with requirements in LDC 10-296 and Lee Plan Map 3-D.
- Policy 22.1.2 is duplicative with Policy 5.1.5, which addresses compatibility with adjacent residential development.
- Policy 22.1.4 is duplicative of Policy 6.1.5.
- Policy 22.1.5 is redundant with requirements in LDC 10-416, which incentivizes the protection of heritage trees.
- Policy 22.1.8 is unnecessary in the Lee Plan and may not be appropriate or feasible based on site-specific design requirements or needs of the specific utility provider.

~~**GOAL 23: CAPTIVA COMMUNITY PLAN.** The goal of the Captiva Community Plan is to protect the coastal barrier island community's natural resources such as beaches, waterways, wildlife, vegetation, water quality, dark skies and history. This goal will be achieved through environmental protections and land use regulations that preserve shoreline and natural habitats, enhance water quality, encourage the use of native vegetation, maintain the mangrove fringe, limit noise, light, water, and air pollution, create mixed-use development of traditionally commercial properties, and enforce development standards that maintain the historic low-density residential development pattern of Captiva. (Ord. No. [03-01](#), [18-04](#), [18-18](#), [23-33](#))~~

~~**OBJECTIVE 23.1: PROTECTION OF NATURAL RESOURCES.** To continue the long-term protection and enhancement of wetland habitats, water quality, native upland habitats (including rare and unique habitats), and beaches on Captiva. (Ord. No. [03-01](#), [18-04](#), [18-18](#))~~

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~~**POLICY 23.1.1: Mangrove Fringe.** Consider development regulations that will provide additional protection to the shoreline, including mangrove fringe, to the greatest extent possible. (Ord. [18-04](#), [18-18](#))~~

~~**POLICY 23.1.2: Blind Pass.** Cooperate at the federal, state, regional and local levels, efforts to maintain Blind Pass as an open pass. Lee County recognizes the positive benefits of maintaining an open Blind Pass to the near shore environment, marine ecology, back bay water quality, and boater access. (Ord. No. [03-01](#), [11-19](#), [18-04](#), [18-18](#))~~

~~**POLICY 23.1.3: Estuarine and Wetland Resources.** Continue to support the protection of estuarine and wetland resources and wildlife habitat on Captiva. (Ord. No. [03-01](#), [18-04](#), [18-18](#))~~

~~**POLICY 23.1.4: Beach and Shore Preservation.** Continue to support the effort of the Captiva Erosion Prevention District, a beach and shore preservation authority under provisions of Chapter 161, Florida Statutes, to preserve, protect and maintain Captiva's beaches using environmentally responsible methods. (Ord. No. [03-01](#), [18-04](#), [18-18](#))~~

~~**POLICY 23.1.5: Quality of Adjacent Waters.** Continue to support efforts to investigate measures that may improve water quality in Pine Island Sound and the Gulf of Mexico. This may include a feasibility analysis of alternative wastewater collection and treatment systems to serve the Captiva community for a planning period of 30 years, including a central sewer system based upon current land use regulations. Should the feasibility analysis show that Captiva requires or is best served by an alternative wastewater collection and treatment system, Lee County will encourage efforts to size the system consistent with development permitted by the Lee Plan and the LDC. (Ord. No. [03-01](#), [18-04](#), [18-18](#))~~

~~**POLICY 23.1.6: Natural Upland Habitats.** Continue to support the preservation of native upland vegetation and wildlife habitat on Captiva. (Ord. No. [18-04](#), [18-18](#))~~

- Objectives and Policies that are out of date, ineffective, or duplicative are being deleted.
 - o Objective 23.1 is duplicative of Goal 23, generally.
 - o Policy 23.1.1 is duplicative of Objective 123.2 and Policy 123.2.12.
 - o Policy 23.1.2 is duplicative of Goal 114 and Policy 114.1.3.
 - o Policy 23.1.2 is duplicative of Goals 122, 123, and 124 114.
 - o Policy 23.1.4 is duplicative of Objectives 101.4 and 101.5.
 - o Policy 23.1.5 is duplicative of Objectives Goals 59, 60, and Objective 56.2.
 - o Policy 23.1.6 is duplicative of Objectives Goals 123.

~~**OBJECTIVE 23.2: PROTECTION OF COMMUNITY RESOURCES.** To continue the long term protection and enhancement of community facilities, existing land use patterns, unique neighborhood-style commercial activities, infrastructure capacity, and historically significant features on Captiva. (Ord. No. [03-02](#), [18-04](#), [18-18](#))~~

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~~POLICY 23.2.1: Mixed Use Development.~~ Mixed use developments as defined in the Glossary, and mixed use developments containing both commercial and residential uses within the same structure, are appropriate on Captiva properties that were zoned C-1 or CT as of Jan. 1, 2006. Such properties may be allowed residential units in addition to commercial uses at a density consistent with the Lee Plan. Such developments will only be permitted if approved as a Commercial or Mixed Use Planned Development. (Ord. No. ~~03-02, 18-04, 18-18~~)

~~POLICY 23.2.2: Subdivision of Existing RSC 2 Parcels.~~ Maintain existing development regulations that restrict the subdivision of parcels that are zoned RSC 2 (Captiva Estate) as of January 1, 2002 unless the resulting lots comply with the minimum lot size and dimensional requirements set forth in the LDC for RSC 2-zoned lots in Captiva. (Ord. No. ~~03-01, 18-04, 18-18~~)

~~POLICY 23.2.3: Building Heights.~~ Maintain building height regulations that account for barrier island conditions, such as mandatory flood elevation and mean high sea level, for measuring height of buildings and structures. (Ord. No. ~~18-04, 18-18, 23-33~~)

~~POLICY 23.2.4: Historic Development Pattern.~~ Limit development to that which is in keeping with the historic development pattern on Captiva including the designation of historic resources and the rehabilitation or reconstruction of historic structures. The historic development pattern on Captiva is comprised of low-density residential dwelling units, as defined in LDC, Chapter 10, minor commercial development and South Seas Island Resort. (Ord. No. ~~18-04, 18-18~~)

~~POLICY 23.2.5: Lot Size per Unit.~~ Development orders or development permits that would result in a reduction of the minimum lot size per unit permitted on a parcel under the parcel's current zoning category or under any other zoning category that would result in a reduction of the minimum lot size per unit on that parcel (as of March 23, 2018) are prohibited. (Ord. No. ~~18-04, 18-18~~)

~~POLICY 23.2.6: Variances and Deviations.~~ Variances and/or deviations from the current development standards will not be permitted unless they meet all of the specific requirements for variances and deviations set forth in the LDC. (Ord. No. ~~18-04, 18-18~~)

~~POLICY 23.2.7: Alternative Transportation.~~ Support integration of pedestrian and bicycle facilities into the transportation network to make Captiva safer for pedestrians, golf carts and bicyclists and to reduce automobile dependence and the need for increased parking facilities. (Ord. No. ~~18-04, 18-18~~)

~~POLICY 23.2.8: Underground Utilities.~~ Support efforts to investigate the relocation of utilities underground. (Ord. No. ~~18-04, 18-18~~)

~~POLICY 23.2.9: Dark Skies.~~ Limit light pollution and light trespass on Captiva in order to protect wildlife from any detrimental effects and for the benefit of Captiva residents and visitors. (Ord. No. ~~18-04, 18-18~~)

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- Objectives 23.2, and the supporting policies are duplicative of the Future Land Use Map and future land use categories, which include Outlying Suburban (3 dwelling units per acre), and Wetlands, or other provisions of the Lee Plan and:
 - o Do not establish densities or intensities
 - o Do not establish distribution or commercial, industrial, residential, or agricultural uses, and,
 - o Create ambiguities that decrease predictability of the Plan.
- Site development standards for utilities in the Lee Plan are unnecessary and may not be appropriate or feasible based on site-specific design requirements or needs of the specific utility provider.
- Policy 23.2.1 has been relocated to Policy 11.1.3 Retention of this policy is necessary to avoid conflicts with SB 180.
- Objectives and Policies that are out of date, ineffective, or duplicative are being deleted.
 - o Policy 23.2.3 is duplicative of Land Development Code, 34-2175, which limits height based on future land use category and a specific limitation for Captiva Island.
 - o Policy 23.2.9 is duplicative of Objective 123.5.

~~**OBJECTIVE 23.3: NATIVE VEGETATION AND TREE CANOPY.** To enforce and strengthen existing vegetation ordinances intended to preserve, promote, and enhance the existing native vegetation and tree canopy on Captiva. (Ord. No. [18-04](#), [18-18](#))~~

~~**POLICY 23.3.1: Trees along Captiva Drive.** Support efforts to restore the historic tree canopy and vegetative buffers along Captiva Drive between Blind Pass and the north end of Captiva Drive by promoting planting of indigenous, native or non-invasive trees, preferably those that require minimal irrigation once established. (Ord. No. [18-04](#), [18-18](#))~~

~~**POLICY 23.3.2: Invasive Vegetation and Nuisance Pests.** Consider implementation of methods or programs, including education of individual property owners, to reduce the proliferation of invasive exotic vegetation and nuisance pests. (Ord. No. [18-04](#), [18-18](#))~~

- Removed unnecessary and outdated language.
- Policy 23.3.1 is not an appropriate policy. Development of single-family residential uses does not require the installation of trees.

~~**OBJECTIVE 23.4: PUBLIC PARTICIPATION.** Opportunities for public input will be provided during the comprehensive plan amendment and rezoning processes. (Ord. No. [18-04](#), [18-18](#))~~

~~**POLICY 23.4.1: Public Informational Meeting.** The owner or agent applying for an amendment to Captiva community specific provisions in the Lee Plan or LDC must conduct one public informational meeting. The applicant is fully responsible for providing the meeting space, providing advance notice of the meeting, and providing security measures as needed. The meeting must be held within the community plan boundary. Advance notice of the meeting must be disseminated in a community based media outlet, physically posted at the post office and provided~~

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~~in writing to citizen groups and civic associations within the community that are registered with Lee County for notification of pending Lee Plan or LDC amendments. The notice must be available and posted at least one week prior the scheduled meeting date.~~

~~At the meeting, the agent will provide a general overview of the amendment 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 the applicant's response to any issues that were raised. This information must be submitted to the County before an application for a project can be found sufficient.~~

~~Zoning Public Informational Meetings: Zoning related public information meetings will be required as provided in the LDC. (Ord. No. [18-04](#), [18-18](#))~~

~~**POLICY 23.4.2: Online Database.** Maintain an online database available to the public for their review containing comprehensive plan amendment and zoning case information specific to each community plan area. (Ord. No. [18-04](#), [18-18](#))~~

- This policy is out of date and not necessary. Zoning and Comprehensive Plan Amendments cases are maintained online for all areas of unincorporated Lee County. State law provides legal notice requirements.

~~**GOAL 24: GREATER PINE ISLAND COMMUNITY PLAN.** Manage future growth on and around Greater Pine Island so as to: maintain the island's unique natural resources, rural character, and coastal environment; support the viable and productive agricultural community and other local businesses; and to protect the public health, safety and welfare of island residents and visitors when a hurricane strike is imminent. (Ord. No. [94-30](#), [05-21](#), [16-07](#), [18-18](#))~~

~~**OBJECTIVE 24.1: NATURAL RESOURCES.** County regulations, policies, and discretionary actions affecting Greater Pine Island will permit no further degradation of estuarine and wetland resources, and will serve the long term preservation of native upland vegetation and wildlife habitat. (Ord. No. [94-30](#), [00-22](#), [16-07](#), [18-18](#))~~

~~**POLICY 24.1.1:** The County will not approve or support any new canals on Greater Pine Island or any new artificial channels in natural waters within one mile of Pine Island. (Ord. No. [94-30](#), [00-22](#), [18-18](#))~~

~~**POLICY 24.1.2:** Lee County will maintain a map of the seagrass beds around Greater Pine Island, and will regulate boating activities around Greater Pine Island and marina siting on Greater Pine Island in such a way as to prevent the net loss of seagrasses due to "prop dredging." (Ord. No. [94-30](#), [00-22](#), [18-18](#))~~

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~~**POLICY 24.1.3:** Lee County will explore the possibility of estimating the aerial extent and maturity of mangroves in Greater Pine Island for the purpose of providing baseline data necessary to ensure that the cumulative impact of mangrove alteration does not decrease the combination of aerial extent and maturity of mangroves relative to the baseline data. (Ord. No. 94-30, 00-22, 16-07, 18-18)~~

~~**POLICY 24.1.4:** Maintenance dredging of old channels and canals may be permitted in those cases where the original channel (or canal) depth and width can be accurately determined. (Ord. No. 18-18)~~

~~**POLICY 24.1.5:** New development, including “planned development” rezoning approvals, new subdivisions, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody or associated wetlands. This requirement will not apply to existing subdivided lots.~~

~~For agriculture, this requirement:~~

- ~~• will be implemented through the notice of clearing process in the LDC, Chapter 14;~~
- ~~• will include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and~~
- ~~• if native vegetation does not currently exist, native tree cover will be established within three years of issuance of the notice of clearing.~~

~~The placement and width of the 50-foot vegetated buffer can be modified to accommodate development; however, the development must meet all of the following criteria:~~

- ~~• impact less than 1.5 acres of the associated wetlands; and,~~
- ~~• the impacted area must consist primarily of exotic vegetation; and,~~
- ~~• avoid all impacts to mangrove swamps and tidal flats (FLUCCS Code 612 and 651); and,~~
- ~~• be in the Urban Community Future Land Use Category; and,~~
- ~~• be a planned development.~~

~~In addition to the listed criteria, the development must create an onsite wetland area. The created wetland area must meet the following:~~

- ~~• must be a minimum of 1.5 square feet for each square foot of impacted associated wetlands; and,~~
- ~~• consist of 100% native wetland species; and,~~
- ~~• consist of 6’ wetland trees to be planted 15’ on center and 3-gallon wetland shrubs planted 3’ on center; and,~~
- ~~• maintain a hydrologic connection with the remaining preserved associated wetlands; and,~~
- ~~• the wetland creation area may be comprised of planted dry detention, filter marsh or other similar green infrastructure techniques; and,~~
- ~~• the created wetlands are not intended to replace any state or federal required offsite mitigation for permitted impacts to wetlands.~~

~~(Ord. No. 00-22, 03-03, 11-30, 18-18)~~

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~~**POLICY 24.1.6:** The County will continue to encourage the preservation of environmentally sensitive areas, rare and unique uplands, eagle nesting areas, and archaeological and historic sites on Greater Pine Island in accordance with the priorities set out in this Plan. (Ord. No. 94-30, 00-22, 18-18)~~

~~**POLICY 24.1.7:** Lee County will assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County will assess the feasibility of various corrective measures. (Ord. No. 94-30, 00-22, 03-03, 18-18)~~

~~**POLICY 24.1.8:** Lee County will support practices that reduce pesticides, fertilizers, animal waste, and other pollutants entering Greater Pine Island's estuarine and wetland resources. (Ord. No. 16-07, 18-18)~~

~~**POLICY 24.1.9:** Lee County will support the use of central sanitary sewer service to reduce potential contamination to groundwater or the surrounding estuarine systems from on-site septic systems. (Ord. No. 16-07, 18-18)~~

- Lee County's Natural Resource Protection should be coordinated across the entire county to effectively address local needs, rather than driven only by the preferences of individual communities.
- Policy 24.1.2 is not required within the Lee Plan. Protection of seagrasses will continue to be protected by Policy 101.1.2, 114.2.1 and Florida Statutes.
- The Objectives and Policies are duplicative of Goals 123 and 141 of the Lee Plan and LDC requirements for waterway buffers.
- Objectives and Policies that are necessary to protect public health, safety, and welfare, or are required by state law, have been relocated.
 - o Policy 24.1.1 and Policy 24.1.4 have been relocated to Policy 114.1.5.

~~**OBJECTIVE 24.2: ROAD IMPROVEMENTS.** The County will continually monitor traffic levels within Greater Pine Island to maintain hurricane evacuation clearance times in accordance with Objective 24.7. (Ord. No. 00-22, 16-07, 18-18, 18-28)~~

~~**POLICY 24.2.1:** Lee County will monitor impacts to the existing transportation infrastructure of Greater Pine Island recognizing the limited access to the community and the seasonal nature of infrastructure demand. (Ord. No. 16-07, 18-18)~~

~~**POLICY 24.2.2:** Lee County will continue to work toward attaining a level of service for out of County hurricane evacuation in a Category 5 storm event that does not exceed 18 hours. (Ord. No. 16-07, 18-18)~~

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~~**POLICY 24.2.3:** Lee County will work with the Florida Department of Transportation (FDOT) to identify hurricane evacuation roadway capacity improvements in order to maintain evacuation clearance time standards for Greater Pine Island. (Ord. No. [16-07](#), [18-18](#))~~

~~**POLICY 24.2.4:** The County will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. This path should be designed similar to the bicycle path north of Pineland that was completed in 2001. (Ord. No. [03-03](#), [16-07](#), [18-18](#))~~

~~**POLICY 24.2.5:** Lee County will continue to evaluate pedestrian safety and circulation, and will seek to minimize pedestrian-vehicular conflicts within the Matlacha Historic District. (Ord. No. [16-07](#), [18-18](#))~~

~~**POLICY 24.2.6:** Lee County will assess the benefits of expanding mass transit services to Greater Pine Island to minimize the number of vehicular trips through Matlacha, and will encourage projects to accommodate bus stops, multi-modal opportunities, ride share lots, water taxis, and/or pedestrian connectivity. (Ord. No. [16-07](#), [18-18](#))~~

- Lee County's Transportation needs should be coordinated across the entire county to effectively address local needs, rather than driven only by the preferences of individual communities.
- These Objectives and Policies are duplicative of those in Goal 73.

~~**OBJECTIVE 24.3: RESIDENTIAL LAND USES.** County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future residential areas than in mainland Lee County, as described in the following policies. (Ord. No. [94-30](#), [00-22](#), [18-18](#))~~

~~**POLICY 24.3.1:** Due to the constraints on future development posed by the limited road connections to mainland Lee County, only Greater Pine Island TDUs are permitted in Greater Pine Island consistent with Table 1(a), Note 4. Only the portion of Greater Pine Island defined as Pine Island Center is eligible to receive Greater Pine Island TDUs. (Ord. No. [16-07](#), [18-18](#))~~

~~**POLICY 24.3.2:** When warranted by actual construction and occupancy of homes, existing substandard subdivisions may become subject to Municipal Service Taxing or Benefit Districts to provide roads, drainage, and other public facilities. (Ord. No. [18-18](#))~~

~~**POLICY 24.3.3:** Adjusted Maximum Density is not permitted to be located within Coastal Rural designated lands within the Coastal High Hazard Area. (Ord. No. [16-07](#), [18-18](#))~~

~~**POLICY 24.3.4:** Dwelling units may be transferred from parcels that have a future land use designation of Coastal Rural to parcels with urban future land use categories on Greater Pine Island, subject to the following:~~

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- ~~1. The receiving and transferring lands are under the same ownership at the time this policy was adopted, and remain under the same ownership at the time units are transferred;~~
 - ~~2. The maximum allowable density that may be transferred from Coastal Rural parcels is limited to one dwelling unit per 2.7 acres (1 du/2.7 acres);~~
 - ~~3. The property receiving the additional dwelling units is rezoned to a planned development;~~
 - ~~4. Density can be allocated across the planned development zoned property, including those lands within the planned development that are designated Coastal Rural, provided that the density developed within Coastal Rural designated property does not exceed 1 dwelling unit per 2.7 acres (1 du/2.7 acres);~~
 - ~~5. Development rights for each unit transferred from the transferring parcel are extinguished through a recorded instrument acceptable to the County Attorney's Office and provided to the Department of Community Development with the planned development rezoning application for the receiving parcel;~~
 - ~~6. The allowable density on the receiving parcels will be the sum of the allowable densities for the receiving and transferring parcel, subject to the Coastal Rural density limitations set forth in subsection 4 above; and~~
 - ~~7. Bona fide agricultural uses on the transferring parcel may continue in accordance with Policy 24.6.1.~~
- Objectives and Policies that are necessary to protect public health, safety, and welfare, or are required by state law, have been relocated. Retention of these policies are necessary to avoid conflicts with SB 180.
 - o Policy 24.3.1 has been relocated to Policy 129.1.3 to maintain current implementation of Greater Pine Island TDU program.
 - o Policy 24.3.3 has been relocated to Policy 1.4.7 Coastal Rural future land use category

~~OBJECTIVE 24.4: COMMERCIAL LAND USES.~~ County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future commercial areas than in mainland Lee County, as described in the following policies. (Ord. No. ~~94-30, 00-22, 18-18~~)

~~POLICY 24.4.1:~~ The future urban areas in Pine Island Center are targeted for most future commercial and industrial uses, as permitted by other portions of this plan. Non-residential developments within Pine Island Center are encouraged to provide employment opportunities; serve the day-to-day needs of residents and visitors; demonstrate a positive impact on traffic patterns within Greater Pine Island; and reduce the number of vehicular trips through Matlacha. (Ord. No. ~~16-07, 18-18~~)

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~~**POLICY 24.4.2:** Commercial development at locations outside Pine Island Center, but within future urban land use categories, must be designed to minimize impacts to residential and adjacent agricultural uses. Permitted uses should be restricted to the following: marinas; fish houses; and minor commercial uses to serve the day to day needs of local residents and island visitors. (Ord. No. [94-30](#), [00-22](#), [10-17](#), [16-07](#), [18-18](#))~~

~~**POLICY 24.4.3:** The County will provide specific architectural and site design standards for Greater Pine Island in the LDC. These standards must: promote but not mandate rehabilitation over demolition; address the size and scale of building mass in relation to the built and natural environment; establish community specific architectural standards in support of Greater Pine Island's coastal rural character; preserve mature trees wherever possible; encourage the location of off-street parking to the side and rear of buildings to preserve viewsheds along public roadways; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City. Deviations from these standards may not be granted unless the request meets the County approval criteria for variances set forth in the LDC, Chapter 34. (Ord. No. [03-03](#), [16-07](#), [18-18](#))~~

~~**POLICY 24.4.4:** In the Coastal Rural future land use category, commercial development is restricted to minor commercial development as set forth in Policy 6.1.2. All zoning requests for commercial projects must utilize the planned development rezoning process and be consistent with the following:~~

- ~~• Total building floor area is limited to 5,000 square feet, unless the development can demonstrate compatibility with adjacent uses, and a positive impact on traffic patterns within Greater Pine Island.~~
- ~~• Development must not exceed two acres of impervious area.~~
- ~~• Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island, such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.~~
- ~~• Buildings exceeding 5,000 square feet that are lawfully existing or approved as of October 1, 2009 will be deemed vested for the approved and existing square footage for the life of the structure despite a change in use.~~

~~(Ord. No. [10-17](#), [16-07](#), [18-18](#), [22-28](#))~~

- This objective and policies are generally duplicative of the requirements the various future land use categories that are located on Pine Island, which include Coastal Rural, Outlying Suburban, Suburban, Urban Community, Public Facilities, Wetlands, and Conservation Lands.
- Most commercial uses are expected in "Pine Island Center", where the Urban Community future land use category allows for non-residential uses based on the

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future land use category. The Urban Community future land use category is only found in Pine Island Center on Pine Island.

- In the Coastal Rural future land use category non-residential uses are to be limited as described in Policy 1.4.7 and 6.1.2, and is not necessary here.
- Areas within the Suburban and Outlying Suburban future land use category do allow for commercial uses, but these areas have primarily been subdivided into residential lots, with the exception of some large agricultural tracts near the north end of Pine Island that remain in active agricultural use.

~~**OBJECTIVE 24.5: HISTORIC RESOURCES.** Lee County will continue to formally designate historic resources and archaeological sites on and around Greater Pine Island. (Ord. No. 94-30, 00-22, 18-18)~~

- Objective 24.5 is duplicative of Goal 141

~~**POLICY 24.5.1:** The County will continue to recognize Matlacha as an historic district, with an emphasis upon preserving the historic commercial fishing uses that give the community its unique character. (Ord. No. 94-30, 00-22, 18-18)~~

~~**POLICY 24.5.2:** Public acquisition of historic structures and archaeological sites will be considered in conjunction with other public purposes such as parks or preservation of environmentally sensitive lands. (Ord. No. 00-22, 18-18)~~

~~**POLICY 24.5.3:** The County will evaluate the effects of County regulations (such as zoning, road setbacks, and other development regulations) on designated historic districts and other districts of local concern, and will modify such regulations where necessary to protect both the interests of owners of historic structures and the health, safety, and welfare of the general public. (Ord. No. 94-30, 00-22, 18-18)~~

~~**POLICY 24.5.4:** The County will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The County will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and will identify potential buildings or districts for the National Register of Historic Places. (Ord. No. 03-03, 18-18)~~

- Policy 24.5.3 does not provide any specific protection and only says the county will evaluate the effects of county regulations. This is not necessary as a Lee Plan policy.
- Objectives and Policies that are out of date, ineffective, or duplicative are being deleted.
 - o Policy 24.5.1 is duplicative of Ordinance 92-34
 - o Policy 24.5.2 is duplicative of Policy 143.4.1.
 - o Policy 24.5.4 is duplicative of Goal 141.

~~**OBJECTIVE 24.6: GREATER PINE ISLAND TRANSFER OF DEVELOPMENT RIGHTS (Greater Pine Island TDR) PROGRAM.** To promote and preserve the rural character of Pine Island,~~

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Lee County will pursue the incorporation of Greater Pine Island's purchase and transfer of development rights programs into the LDC. (Ord. No. [05-21](#), [16-07](#), [18-18](#))

~~**POLICY 24.6.1:** Lee County will amend its LDC to implement transfer of development rights and purchase of development rights programs for Greater Pine Island. The new programs will create incentives for property owners within Greater Pine Island to transfer development rights associated with their parcels to: receiving lands outside of the planning community; future urban areas within the planning community that are targeted for development in accordance with these provisions; or, Lee County. The programs will allow for continued agricultural uses on sending lands, in addition to limited non-residential uses that directly support the agricultural operations. (Ord. No. [16-07](#), [18-18](#))~~

~~**POLICY 24.6.2:** The Greater Pine Island TDR program will have the following characteristics:~~

- ~~a. Creation of Greater Pine Island Transferable Development Units (Greater Pine Island TDUs).
 - 1. Up to one Greater Pine Island TDU may be created per five acres of wetlands.
 - 2. Up to one Greater Pine Island TDU may be created per one acre of uplands located in non-urban future land use categories.
 - 3. Up to three Greater Pine Island TDUs may be created per one acre of uplands located in the Outlying Suburban future land use categories.
 - 4. Up to two Greater Pine Island TDUs may be created from a single family lot or parcel designated as wetlands that holds an affirmative Minimum Use Determination pursuant to Chapter XIII.~~
 - ~~b. Receiving area density and intensity equivalents of Greater Pine Island TDUs.
 - 1. One Greater Pine Island TDU will be equal up to two dwelling units when transferred to eligible receiving lands outside of the Greater Pine Island Community Plan area.
 - 2. One Greater Pine Island TDU will be equal up to one dwelling unit when transferred to receiving lands in Pine Island Center.
 - 3. Lee County may establish non-residential incentives for the use of Greater Pine Island TDUs within Future Urban Areas of the unincorporated Lee County.~~
 - ~~c. The LDC may include regulations that permit the County to evaluate the effectiveness of the Greater Pine Island TDR program and make changes that may further condition or restrict the use of Greater Pine Island TDUs.~~
- ~~(Ord. No. [16-07](#), [18-18](#))~~

~~**POLICY 24.6.3:** The County will administer the TDR program and will develop a clear and concise forum to disseminate program information and records, including but not limited to a: TDR program website that will provide general program information, rules and guidelines; TDU administrative determination application; County approved form of conservation easement; certified TDU database with ownership information; and, for-sale TDU clearinghouse information for those individuals that request to be included within the TDU clearinghouse program. (Ord. No. [16-07](#), [18-18](#))~~

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- Relocated to new Objective 129.2 within a separate goal for Lee County TDU programs, Goal 129.

~~OBJECTIVE 24.7: HURRICANE PREPAREDNESS, EVACUATION AND MITIGATION.~~ Lee County will provide for the protection of Greater Pine Island residents, visitors and property from the physical and economic effects of hurricanes and tropical storms. The following policies will supplement Goal 73 as it relates to the hurricane preparedness, evacuation, mitigation and sheltering for residents of Greater Pine Island. (Ord. No. ~~16-07, 18-18, 18-28~~)

~~POLICY 24.7.1:~~ Lee County will work to maintain hurricane evacuation clearance times for Greater Pine Island, and continue to incorporate those times into the County-wide evacuation decision-making planning. (Ord. No. ~~16-07, 18-18~~)

~~POLICY 24.7.2:~~ Lee County will continue to include Greater Pine Island specific issues in its Comprehensive Emergency Management Plan and related evacuation planning documents. (Ord. No. ~~16-07, 18-18~~)

~~POLICY 24.7.3:~~ Comprehensive Plan amendments within Greater Pine Island must be found consistent with Policy 101.1.4. (Ord. No. ~~16-07, 18-18, 18-28~~)

~~POLICY 24.7.4:~~ Lee County will continue to include Greater Pine Island in its year-round public information program focused on disaster preparedness. The program will include information on hurricane risk, the need for timely evacuation, the availability and location of hurricane shelters and the actions necessary to minimize property damage to protect human life. (Ord. No. ~~16-07, 18-18~~)

~~POLICY 24.7.5:~~ New residential development and redevelopment within, or partially within, the Hurricane Vulnerability Zone must mitigate hurricane sheltering and evacuation impacts in accordance with the LDC, Chapter 2, Article XI. (Ord. No. ~~16-07, 18-18~~)

~~POLICY 24.7.6:~~ Shelters will not be built on barrier or coastal islands within Greater Pine Island. Where financially feasible, geographically appropriate, and in the interest of public health, safety and welfare, Lee County will make every effort to construct new public buildings to hurricane shelter standards. (Ord. No. ~~16-07, 18-18~~)

~~POLICY 24.7.7:~~ Where feasible, Lee County will evaluate the purchase of lands within Greater Pine Island identified as Coastal High Hazard Areas in order to reduce the expansion of new development within vulnerable areas. (Ord. No. ~~16-07, 18-18~~)

~~POLICY 24.7.8:~~ The County will evaluate alternative mechanisms to improve evacuation clearance times within the community plan area, including but not limited to: access control; mandatory evacuation notices; one-way evacuation routes; and the preparation and implementation of community-specific mitigation measures. (Ord. No. ~~16-07, 18-18~~)

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~~POLICY 24.7.9:~~ Deviations relating to setbacks, lot coverage, and density within the Coastal High Hazard Area may not be granted, unless the request meets the County approval criteria for variances set forth in the LDC, Chapter 34. (Ord. No. ~~16-07, 18-18~~)

- Objective 24.7 and the supporting policies are generally duplicative of Goal 73, with the exception of Policy 24.7.8 which is proposed to be added to Goal 73 as Policy 73.1.3.
- Lee County's evacuation requirements should be coordinated across the entire county to effectively and equitably address local needs. Policy 24.7.8 is duplicative of Goal 38, 72, and 73.

~~GOAL 25: LEHIGH ACRES COMMUNITY PLAN.~~ Ensure that continued development and redevelopment converts this largely single use, antiquated pre-platted area into a vibrant residential and commercial community consisting of: safe and secure single family and multi-family neighborhoods; vibrant commercial and employment centers; pedestrian friendly mixed use activity centers and neighborhood nodes; and, adequate green space and recreational opportunities. (Ord. No. ~~10-16, 18-18~~)

~~OBJECTIVE 25.1: SPECIALIZED MIXED USE NODES.~~ To create mixed use nodes that contribute the uses needed to support the Lehigh Acres Community Plan area shown on Map 2-B. (Ord. No. ~~10-16, 18-18~~)

~~POLICY 25.1.1:~~ Specialized mixed use nodes are classified in three sub-categories: Downtown Lehigh Acres; Community Mixed Use Activity Centers; and, Neighborhood Mixed Use Activity Centers. (Ord. No. ~~10-16, 18-18~~)

~~POLICY 25.1.2:~~ New development and redevelopment are encouraged to integrate a mixture of at least two or more varied uses, such as retail, office, residential, or public. All developments within the Specialized Mixed Use Nodes must be consistent with Table 1(c). (Ord. No. ~~10-16, 18-18~~)

~~POLICY 25.1.3:~~ In order to promote a sustainable urban form, these areas are expected to develop at the higher end of the density and intensity ranges, including bonus density. (Ord. No. ~~10-16, 18-18~~)

~~POLICY 25.1.4:~~ Developments in these areas are encouraged to share required features such as parking, stormwater detention and management areas, open space and other civic areas. (Ord. No. ~~10-16, 18-18~~)

~~POLICY 25.1.5:~~ Within these nodes, promote pedestrian friendly mixed use development:

- ~~a. Buffer walls between commercial and residential uses are not required.~~
- ~~b. Bicycle and pedestrian facilities will be provided throughout these developments.~~
- ~~c. Connections between all uses are required to facilitate alternative modes of transportation.~~

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d. ~~Connections to adjacent developments will be provided.~~

e. ~~Vehicular connections between different uses will be provided to facilitate the internal capture of trips.~~

(Ord. No. ~~10-16, 18-18~~)

POLICY 25.1.6: ~~Additional Specialized Mixed Use Nodes may be appropriate at the following intersections following the construction of the Luckett Road Extension: W 12th Street and Sunshine Boulevard; W 12th Street and Williams Avenue; W 12th Street and Richmond Avenue; and, W 12th Street and Joel Boulevard. (Ord. No. 10-16, 18-18)~~

POLICY 25.1.7: ~~Development within Specialized Mixed Use Nodes may use the development standards allowed within the Mixed Use Overlay. (Ord. No. 17-13, 18-18)~~

POLICY 25.1.8: ~~Establish comprehensive stormwater management areas within the Specialized Mixed Use Nodes to achieve an efficient use of property. (Ord. No. 10-16, 18-18)~~

OBJECTIVE 25.2: DOWNTOWN LEHIGH ACRES. ~~To redevelop as a vibrant, intensely developed mixed-use gathering place to serve area residents. Downtown Lehigh Acres will provide opportunities for multi-family residential, public and private education, live-work, retail, office, medical, entertainment, arts, commercial/public parking, parks, other civic uses, and public amenities. The potential mixture of jobs, living, cultural and recreation opportunities allows the greatest efficiency in the use of infrastructure and other public expenditures of any development style envisioned by this Plan. Downtown Lehigh Acres is an appropriate receiving area for transferred development rights. (Ord. No. 10-16, 18-18)~~

POLICY 25.2.1: ~~The Downtown Lehigh Acres area offers a mix of opportunities to live and work in a vibrant, well-designed urban environment. Land use is focused on providing residential or office uses on upper floors, with retail uses at the street level to energize the urban experience. Parking should be in structures, not in surface lots. Street trees, well-designed public gathering areas, and lighting should be employed to create a safe, inviting experience at the street level both day and night. (Ord. No. 10-16, 18-18)~~

POLICY 25.2.2: ~~Provide housing for a wide variety of income levels, in an environment that allows less reliance on the automobile. (Ord. No. 10-16, 18-18)~~

POLICY 25.2.3: ~~Create and revitalize the Downtown as the premier urban center of Lehigh Acres, providing jobs, residential opportunities, and cultural and economic activities. Residents should find not only access to employment, transportation, and basic amenities, but a concentration of restaurants, galleries, and unique shopping experiences. (Ord. No. 10-16, 18-18)~~

POLICY 25.2.4: ~~Downtown Lehigh Acres will be viewed as a receiving area for any transfer of development rights program that is established in Lee County. (Ord. No. 10-16, 18-18)~~

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POLICY 25.2.5: Bonus density greater than 15 units per acre in the Intensive Development Future Land Use Category must be achieved through the transfer of development rights program. (Ord. No. ~~10-16, 18-18~~)

OBJECTIVE 25.3: COMMUNITY MIXED USE ACTIVITY CENTERS. To provide the uses needed to support all of the Lehigh Acres Community Plan area including: residential; public and private education; live work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. (Ord. No. ~~10-16, 18-18~~)

POLICY 25.3.1: Identify those areas within Lehigh Acres that have sufficient vacant or undeveloped land to accommodate the community scale development that will balance the land uses and provide opportunities to diversify the economic base of the community. (Ord. No. ~~10-16, 18-18~~)

POLICY 25.3.2: Future developments that provide employment opportunities mixed with facilities offering goods and services that support the wider community are encouraged. (Ord. No. ~~10-16, 18-18~~)

OBJECTIVE 25.4: NEIGHBORHOOD MIXED USE ACTIVITY CENTER. To provide the uses needed to support large portions of the Lehigh Acres Community Plan area including: residential; public and private education; live work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. (Ord. No. ~~10-16, 18-18~~)

POLICY 25.4.1: Future developments that provide mixed use facilities offering goods and services that support the surrounding neighborhoods as well as local employment opportunities and alternate housing types are encouraged. (Ord. No. ~~10-16, 18-18~~)

POLICY 25.4.2: In addition to adhering to the policies under Objective 25.1, Specialized Mixed Use Nodes, these areas are intended to provide a strong link to the existing single family areas. Interconnections utilizing all modes of transportation are highly encouraged. (Ord. No. ~~10-16, 18-18~~)

POLICY 25.4.3: In areas that are already platted, the utilization of the existing street network and block design is strongly encouraged. (Ord. No. ~~10-16, 18-18~~)

OBJECTIVE 25.5: LOCAL MIXED USE ACTIVITY CENTERS. To support the local daily commercial needs of the neighborhood. (Ord. No. ~~10-16, 18-18~~)

POLICY 25.5.1: To assure neighborhoods have local access to commercial services that support the daily needs of the neighborhood, Local Mixed Use Activity Centers will not be assumed to be an encroachment into the neighborhood. (Ord. No. ~~10-16, 18-18~~)

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~~**POLICY 25.5.2:** These areas are intended to provide a strong link to the existing single family neighborhood. Interconnections utilizing all modes of transportation are highly encouraged. (Ord. No. 10-16, 18-18)~~

~~**POLICY 25.5.3:** Buffer walls between commercial and residential uses are not required. (Ord. No. 10-16, 18-18)~~

~~**POLICY 25.5.4:** Connections between the commercial use and the immediate neighborhood are required. These connections should include pedestrian and bicycle facilities. (Ord. No. 10-16, 18-18)~~

~~**POLICY 25.5.5:** To receive the Local Mixed Use Activity Center designation, the center should be located approximately ½ mile or more from the edge of any area identified in Objective 25.1, Specialized Mixed Use Nodes, and must meet the following locational and access criteria:~~

- ~~a. Must initially have frontage on two publicly maintained streets.~~
 - ~~b. Local Mixed Use Activity Center will be designated through the zoning process.~~
 - ~~c. May be expanded to an area that is adjacent to a previously designated Local Mixed Use Activity Center.~~
- ~~(Ord. No. 10-16, 18-18)~~

- Deleted text related to Specialized Mixed Use Nodes, Downtown Lehigh Acres, Communality Mixed Use Activity Centers, Neighborhood Mixed Use Activity Centers, and Local Mixed Use Activity Centers. Areas previously identified on Map 2-B will be redesigned to be within the Mixed Use Overlay and identified on Map 1-C.

~~**OBJECTIVE 25.6: COMMERCIAL OVERLAY ZONES.** To designate on the Future Land Use Map a Commercial Overlay for properties in the Lehigh Acres Community Plan area. (Ord. No. 98-09; 10-16, 18-18)~~

~~**POLICY 25.6.1:** Commercial uses are permitted on lands in the Lehigh Commercial Overlay once commercial zoning has been approved. Land in the Lehigh Commercial Overlay may also be used for schools, parks, and other public facilities; churches and synagogues; and residential uses that provide housing alternatives to the typical 1/4 to 1/2 acre subdivision lots. Creation of new single-family lots smaller than one acre is not permitted due to the oversupply of standard subdivision lots. If cumulative new residential development takes place on more than 1% of this land per year, Lee County will take steps to provide additional commercial land in Lehigh Acres to offset the loss. Lee County will take steps to reduce any emerging surplus of commercial land in Lehigh Acres if cumulative new commercial development exceeds an average floor area ratio of 1.0 (the ratio of interior floor space to total lot area). (Ord. No. 98-09, 00-22, 10-16, 18-18)~~

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~~**POLICY 25.6.2:** Because of the shortage of suitable undivided tracts, commercial uses may also be appropriate on certain other lands that might otherwise be used for residential lots.~~

- ~~1. Many such lands are designated as part of the Lot Assembly Overlay. These lands are platted for single family lots and are under multiple ownerships. Commercial uses on individual lots or small assemblies of lots would generally be intrusive to existing or emerging neighborhoods. However, the assembly of entire blocks would provide suitable commercial parcels. Major lot assemblies could qualify for commercial zoning whether assembled by government action, private sector purchases, cooperative arrangements between individual lot owners, or similar arrangements.~~
- ~~2. Other tracts or combinations of platted lots in Lehigh Acres may also be considered for commercial rezoning (even if they are outside any of the three overlays) through the planned development zoning processes or by requesting the CN 3 conventional commercial zoning district that was created to address Lehigh Acres conditions. Lands suitable for such rezoning would include:~~
 - ~~a. Tracts that are assembled from vacant lots at the intersection of future collector or arterial roads in sparsely developed areas where there are very limited or no suitable commercial locations in any of the Commercial Overlays; or~~
 - ~~b. Tracts that separate existing commercial and residential land uses where some commercial uses may be appropriate if they provide a substantial buffer and reasonably protect the privacy of existing dwellings. Landowners seeking commercial zoning under this subsection should expect a minimal level of commercial uses and/or to provide extra levels of buffering.~~
 - The Lehigh Acres Commercial Overlay Zones will be converted to the Commercial Overlay, which will be described in proposed Objective 6.2 and shown on Map 1-D.
 - Other appropriate areas could request to be added to the Commercial Overlay in the future based on criteria established in proposed Policy 6.2.2.
 - Retaining the Commercial Overlay is necessary to avoid conflicts with SB 180.
 - Providing for commercial uses within Lehigh Acres, a large preplatted community, will reduce average the time required access goods, services and employment opportunities.

~~**OBJECTIVE 25.7: PARKS, RECREATION, OPEN SPACE AND PUBLIC FACILITIES.** To create a coherent network of parks, greenways, water amenities, open space, and other public facilities. (Ord. No. [10-16](#), [18-18](#))~~

~~**POLICY 25.7.1:** Lee County Parks and Recreation will work with LAMSID to identify rights-of-way or easements that can be incorporated into the Greenways Master Plan. (Ord. No. [10-16](#), [18-18](#))~~

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~~**POLICY 25.7.2:** Lee County, LAMSID, the Lee County School District, and other agencies will work together to identify areas that can be acquired for possible co-location of parks, water retention and other water amenities, school sites, and other public facilities. (Ord. No. [10-16](#), [18-18](#))~~

~~**POLICY 25.7.3:** Lee County will work with the Lee County School District and other agencies that operate within the Community Plan area to identify adequate land to develop additional public facilities needed to accommodate the expected growth of Lehigh Acres. (Ord. No. [10-16](#), [18-18](#))~~

~~**POLICY 25.7.4:** Lee County will explore cost effective land acquisition opportunities that may present themselves through the escheatment process. Where these opportunities exist and can be capitalized on, Lee County will plan for the aggregation of land for needed community facilities or to incentivize private development of commercial or employment uses. (Ord. No. [10-16](#), [18-18](#))~~

- Objective 25.7 is duplicative of Goals 83 through 86 in the Parks, Recreation and Open Space Element.

~~**OBJECTIVE 25.8: TRANSPORTATION, PARKING, AND TRAFFIC CIRCULATION.** To improve transportation, parking, and circulation within the Lehigh Acres Community Plan area. (Ord. No. [10-16](#), [18-18](#))~~

~~**POLICY 25.8.1:** Whenever possible, all new commercial development adjacent to Lee Boulevard right of way must provide access to either 5th Street West, 4th Street West, or other local, collector or arterial roadway. Direct access to Lee Boulevard is discouraged. (Ord. No. [10-16](#), [18-18](#))~~

~~**POLICY 25.8.2:** All connections to SR 82 must be consistent with the FDOT Corridor Access Management Plan for SR 82. (Ord. No. [10-16](#), [18-18](#))~~

~~**POLICY 25.8.3:** All connections to Gunnery Road must be consistent with the Gunnery Road Access Management Plan. (Ord. No. [10-16](#), [18-18](#))~~

~~**POLICY 25.8.4:** All new commercial development must provide parking lot interconnections to adjacent properties and must not prevent pedestrian or vehicular access from adjacent residential areas. (Ord. No. [10-16](#), [18-18](#))~~

~~**POLICY 25.8.5:** Lee County will identify possible locations of new bridges to improve the continuity of the street network and connect neighborhoods. (Ord. No. [10-16](#), [18-18](#))~~

~~**POLICY 25.8.6:** Lee Tran will continue to identify opportunities to improve service, frequency, routes, and bus stop amenities in the Lehigh Acres Community Plan area. (Ord. No. [10-16](#), [18-18](#))~~

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~~**POLICY 25.8.7:** New single family model homes are prohibited within 300 feet of arterial and collector roads. (Ord. No. [10-16](#), [18-18](#))~~

~~**POLICY 25.8.8:** Lee County will not permit mine truck traffic from mines established in Hendry County to utilize Lee County maintained roads within the Lehigh Acres Community Plan area as a primary access. Mines within Hendry County may establish secondary access points to Lee County maintained roads for emergency access purposes only. (Ord. No. [10-16](#), [18-18](#))~~

- Lee County's Transportation needs should be coordinated across the entire county to effectively address local needs, rather than driven only by the preferences of individual communities.
- Objective and policies are not required by state statute and do not protect public health, safety, or welfare.

~~**OBJECTIVE 25.9: SEWER AND WATER.** Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development that is reliant upon on-site well and septic systems. (Ord. No. [10-16](#), [18-18](#))~~

~~**POLICY 25.9.1:** The availability of sewer and water to serve uses within the Specialized Mixed Use Nodes and the Commercial Overlay Zones is not a requirement for zoning approval. However, sewer and water must be available to the property in accordance with Standard 4.1.1 and 4.1.2 before a development order will be issued. (Ord. No. [10-16](#), [18-18](#))~~

~~**POLICY 25.9.2:** Direct new development and redevelopment in Lehigh Acres to areas that can be reasonably expected to receive public services and infrastructure during the planning horizon. (Ord. No. [10-16](#), [18-18](#), [21-09](#))~~

~~**POLICY 25.9.3:** Lee County will support the expansion of water and sewer facilities throughout Lehigh Acres. (Ord. No. [10-16](#), [18-18](#), [24-10](#))~~

- Lee County's utilities needs should be coordinated across the entire county to effectively address local needs, rather than driven only by the preferences of individual communities.
- Objectives and Policies that are out of date, ineffective, or duplicative are being deleted. This is achieved through water and sewer development standards identified in Standards 4.1.1 and 4.1.2

~~**OBJECTIVE 25.10: NATURAL RESOURCES.** To preserve, protect, and, where possible, enhance the physical integrity, ecological values, and natural beauty of Lehigh Acres Community Plan area, by maintaining the diverse and healthy native vegetation, and wildlife resources. (Ord. No. [10-16](#), [18-18](#))~~

~~**POLICY 25.10.1:** Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and~~

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provided, whenever possible, within the Lehigh Acres Community Plan area. Development must also be consistent with Goal 77 and Objective 77.3. (Ord. No. ~~10-16, 18-18~~)

POLICY 25.10.2: Lee County will work with various agencies to identify existing wetlands that are worth saving or restoring within the Lehigh Acres Community Plan area. (Ord. No. ~~10-16, 18-18~~)

POLICY 25.10.3: Lee County will provide incentives (for example increased density, transfer of development rights, etc.) for the protection of wetlands, historic flow ways, native habitat or other significant natural resources. (Ord. No. ~~10-16, 18-18~~)

POLICY 25.10.4: Where not inconsistent with SFWMD design criteria, natural habitat restoration is preferred to open water systems for treating stormwater. (Ord. No. ~~10-16, 18-18~~)

- The Objective and Policies above are duplicative of Goal 77, Goal 123, and Goal 124.

GOAL 26: NORTH CAPTIVA COMMUNITY PLAN. Preserve the character, scale, fragile environment, and way of life in the North Captiva Community Plan area by guiding future land use; transportation and roads; conservation and coastal management; Safety Harbor; shore and water quality, water and waste management; open space, recreation, and quality of life; and citizen participation and community education. (Ord. No. ~~09-09, 18-18~~)

OBJECTIVE 26.1: FUTURE LAND USE. Preserve the traditional character, scale, and tranquility of the North Captiva community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment or overburden the existing infrastructure. (Ord. No. ~~09-09, 18-18~~)

POLICY 26.1.1: Variances should be limited to unique, specifically authorized circumstances and be allowed only in situations where unnecessary hardship would otherwise occur; i.e., where all of the following criteria are met:

1. the hardship cannot be corrected by other means allowed in the land development regulations;
 2. strict compliance with the applicable regulations allows the property owner no reasonable use of the property;
 3. the variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties located on the same street and within the same Future Land Use category, unless denial of the variance would allow no reasonable use of the property;
 4. the applicant did not cause the need for the variance, and;
 5. the variance is not contrary to the spirit of the LDC.
- (Ord. No. ~~09-09, 18-18~~)

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- Objectives and Policies that are out of date, ineffective, or duplicative are being deleted.
- Duplicative of the Outer Islands future land use category, which addresses density, intensity, and use of property.
- Unnecessary and duplicative of variance criteria within the LDC Section 34-145.

~~**OBJECTIVE 26.2: TRANSPORTATION AND PATHWAYS.** Ensure that the character of North Captiva is retained while providing adequate facilities for ingress, egress, and intra-island transportation consistent with property rights. (Ord. No. 09-09, 18-18)~~

~~**POLICY 26.2.1:** Lee County will cooperate with the North Captiva community in the location and provision of public boat ramps, access facilities, and parking for the purpose of providing access to North Captiva. (Ord. No. 09-09, 18-18)~~

~~**POLICY 26.2.2:** Seek technical advice from Lee County from time to time on procedures necessary to accomplish pathway maintenance and safety. (Ord. No. 09-09, 18-18)~~

~~**POLICY 26.2.3:** Except for emergency events, public purposes, approved community needs, and permitted heavy construction equipment, internal combustion powered vehicles are banned from all pathways on North Captiva. (Ord. No. 09-09, 18-18)~~

- Lee County's Transportation needs should be coordinated across the entire county to effectively address local needs, rather than driven only by the preferences of individual communities.

~~**OBJECTIVE 26.3: CONSERVATION AND COASTAL MANAGEMENT.** To preserve, protect and enhance the natural resources, wildlife habitat, and natural beauty of North Captiva, by maintaining diverse and healthy native vegetation, clear offshore waters, diverse and abundant native marine life, wildlife resources, and by minimizing harm resulting from human activity. (Ord. No. 09-09, 18-18)~~

~~**POLICY 26.3.1:** Protect and preserve the distinct environmental resources on North Captiva to the greatest extent possible. These resources include but are not limited to: mangroves; the beach dune system, beach dune vegetation, and beach dune wildlife; coastal dunes, beaches, and coastal scrub vegetation; beach dune wildlife, including shorebird nesting habitat and sea turtle habitat; the marine habitat, including sea grass beds and fisheries; and, rare and unique upland habitats. (Ord. No. 09-09, 18-18)~~

~~**POLICY 26.3.2:** Support the efforts of the Federal, State and County authorities to preserve, protect, and enhance the distinct environmental resources on North Captiva. (Ord. No. 09-09, 18-18)~~

~~**POLICY 26.3.3:** Maintain land development regulations intended to stop the proliferation of invasive exotic vegetation and nuisance pests. (Ord. No. 09-09, 18-18)~~

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- Policy 26.3.2 does not provide any specific protections. Lee County will continue to be in compliance with applicable laws.
- Duplicative of Goal 77, Objective 101.4, Goal 122, Goal 123, and Goal 124

~~OBJECTIVE 26.4: WATER AND WASTE MANAGEMENT.~~ Ensure a high quality of living by managing natural resources and waste products in a way that is sustainable, cost effective, and agreeable to island residents and island taxpayers. (Ord. No. ~~09-09, 18-18~~)

~~POLICY 26.4.1:~~ The North Captiva community may conduct a feasibility study of cisterns and other water conservation systems, the long term development of an island wide potable water system, and the development of an island wide wastewater treatment system. The feasibility study will include, but not be limited to, costs estimates, new or innovative technologies, grant funding assistance and other funding opportunities. (Ord. No. ~~09-09, 18-18~~)

~~POLICY 26.4.2:~~ The North Captiva community may conduct a potable water hydrology study to support potable water planning. (Ord. No. ~~09-09, 18-18~~)

- This Objective and Policy is not required by Florida Statutes and is not necessary in the Plan. The two actionable Policies say the “North Captiva community” may conduct feasibility studies. Removal of these Policies would not preclude feasibility studies from being conducted by the community or Lee County.

~~OBJECTIVE 26.5: OPEN SPACE, RECREATION, AND QUALITY OF LIFE.~~ To promote, protect, and enhance open space, recreational facilities, including beach access, and the quality of life for residents and visitors of North Captiva. (Ord. No. ~~09-09, 18-18~~)

~~POLICY 26.5.1:~~ The North Captiva community and Lee County will cooperate to preserve, protect, and enhance open space, passive recreation areas, and beach access points, regardless of size on North Captiva. This may be accomplished by Lee County acquiring property or conservation easements on private lands or vacant lots. (Ord. No. ~~09-09, 18-18~~)

~~POLICY 26.5.2:~~ The North Captiva community and Lee County will cooperate in the community’s efforts to obtain an accessible community facility and library for the purposes of meeting, recreation, and community education. (Ord. No. ~~09-09, 18-18~~)

~~POLICY 26.5.3:~~ The North Captiva community will work with Lee County, the State of Florida, and the National Parks Service and other agencies to provide appropriate new or enhanced greenways, ecological corridors, or recreational trail systems. These opportunities may include passive parks or nature and pedestrian trails, and may be developed through public/private partnerships. (Ord. No. ~~09-09, 18-18~~)

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- Objective 26.5 and the supporting policies is duplicative of Goals 82 through 86 in the Parks, Recreation and Open Space Element, and Goal 64 in the Community Facilities and Services Element.

~~OBJECTIVE 26.6: CITIZEN PARTICIPATION AND COMMUNITY EDUCATION.~~ To enhance the community character, sustain natural resources, and involve the public in decisions that affect them, by providing educational and participation opportunities. (Ord. No. ~~09-09, 18-18~~)

~~POLICY 26.6.1:~~ Lee County will involve residents from the North Captiva Community Plan area in planning processes that relate specifically to North Captiva and generally to barrier islands, island ingress and egress, and other changes that may affect the island and its environment. (Ord. No. ~~09-09, 18-18~~)

~~POLICY 26.6.2:~~ Upon request, Lee County will provide educational programs or materials on energy conservation, solid waste management, hazardous waste, surface water runoff, septic maintenance, water conservation, Florida Friendly Landscaping, green building, harbor management, cultural resources, and history. The site for these programs will be located on North Captiva. (Ord. No. ~~09-09, 18-18~~)

~~OBJECTIVE 26.7: PUBLIC SAFETY.~~ Preserve the character of North Captiva by providing for a law enforcement presence on North Captiva Island. (Ord. No. ~~09-09, 18-18~~)

~~POLICY 26.7.1:~~ The North Captiva community will encourage the Lee County Sheriff's Office to be present during special events and during periods of high occupancy on North Captiva. The North Captiva community will work to identify housing and other resources as necessary in support of enforcement activities. (Ord. No. ~~09-09, 18-18~~)

~~POLICY 26.7.2:~~ Lee County will continue to ensure viable hurricane evacuation for hurricanes and other emergencies as well as emergency communication options for the residents and other affected persons. (Ord. No. ~~09-09, 18-18~~)

- Policies that dictate the operations of the Lee County Sheriff's office are not appropriate for the Lee Plan.
- Objective 26.6 and supporting Policies do not provide any specific development requirements are not necessary in the Lee Plan.
- Objectives and Policies that are out of date, ineffective, or duplicative are being deleted.
 - o Objective 26.7 is duplicative of Objective 70.2.
 - o Policy 26.7.2 is duplicative of Goal 73.

~~GOAL 27: NORTHEAST LEE COUNTY COMMUNITY PLAN.~~ Maintain, enhance, and support the heritage and rural character, natural resources, and agricultural lands. Alva and North Olga will work cooperatively toward this goal through the objectives and policies that follow, and through their individual community plans. (Ord. No. ~~11-14, 18-18~~)

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~~OBJECTIVE 27.1: AGRICULTURAL AND RURAL CHARACTER.~~ Maintain and enhance the viability of the existing and evolving commercial agricultural operations, preserve open space, and retain the rural character of Northeast Lee County. For the purposes of this objective, rural character is defined as those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, ample views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and the protection of environmentally sensitive lands. (Ord. No. ~~11-14, 18-18~~)

~~POLICY 27.1.1:~~ Support the agricultural and rural character within Northeast Lee County by encouraging continued commercial agricultural operations and encourage new development to be clustered to conserve large areas of open lands. (Ord. No. ~~11-14, 18-18~~)

~~POLICY 27.1.2:~~ Work with residents and property owners of Alva and North Olga to develop standards and guidelines for clustering future development and conserving large areas of open lands to promote compatibility with adjacent residential and agricultural areas. These standards and guidelines are intended to give clear and meaningful direction for future amendments to the LDC. (Ord. No. ~~11-14, 18-18~~)

~~POLICY 27.1.3:~~ Work with residents and property owners of Alva and North Olga to amend the LDC to provide opportunities for rural mixed uses that are connected to and compatible with adjacent areas. (Ord. No. ~~11-14, 18-18~~)

~~POLICY 27.1.4:~~ Work with the residents and property owners of Alva and North Olga to establish amendments to the LDC that will foster agricultural operations and support rural uses. (Ord. No. ~~11-14, 18-18~~)

~~POLICY 27.1.5:~~ In all discretionary actions, consider the effect on Northeast Lee County's commercial agricultural operations and rural character. (Ord. No. ~~11-14, 18-18~~)

~~POLICY 27.1.6:~~ Coordinate planning activities in the Alva and North Olga Community Plan area boundaries to maintain and enhance the rural character, natural resources, agriculture, and connectivity of Northeast Lee County. (Ord. No. ~~18-18~~)

~~POLICY 27.1.7:~~ Facilitate appropriate access and use of Conservation 20/20 lands to support kayaking/canoeing, bird watching, hiking and other passive recreational uses related to nature-based tourism. Recreational opportunities will be balanced with the protection of natural resources and will comply with the Land Stewardship Plan prepared by the Conservation 20/20 Land Program. (Ord. No. ~~18-18~~)

~~POLICY 27.1.8:~~ The owner or agent of a rezoning or special exception request within the Northeast Lee County Community Plan area must conduct two public information meetings, in accordance with Policies 17.3.3 and 17.3.4, prior to the application being found sufficient. One

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~~meeting must be held within the Alva Community Plan area boundary and the other in the North Olga Community Plan area boundary. (Ord. No. [18-18](#))~~

- Objective 27.1 and the supporting policies do not establish densities or intensities, do not establish distribution or commercial, industrial, residential, or agricultural uses, and create ambiguities that decrease predictability of the Plan.

~~**OBJECTIVE 27.2: RURAL PLANNING TOOLBOX.** To develop and further the use of a rural toolbox of incentives, programs, and regulations that enhance and maintain Northeast Lee County's sense of place and provide for the long term preservation of large tracts of contiguous natural resource and open space areas, while providing the regulatory flexibility needed to support commercial agricultural operations. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 27.2.1:** Work with Alva and North Olga to develop and refine rural planning tools including but not limited to: transfer of development rights and purchase of development rights programs, conservation and agricultural easements, farmland trusts, and LDC regulations. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 27.2.2:** The Northeast Lee County Planning Community may be a sending area for County wide TDRs, but may only receive TDRs from within the Northeast Lee County Planning Community. (Ord. No. [11-14](#), [18-18](#))~~

- Objective 27.2 and the supporting policies do not establish densities or intensities, do not establish distribution or commercial, industrial, residential, or agricultural uses, and create ambiguities that decrease predictability of the Plan.
- Lee County did not establish a TDU Program specific to Northeast Lee County.

~~**OBJECTIVE 27.3: NATURAL RESOURCES.** To enhance, preserve and protect the physical integrity, ecological standards, and rural character of Northeast Lee County by focusing on: water basins; native vegetation; wildlife habitat and resources; and areas designated for long term conservation. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 27.3.1:** Identify opportunities for appropriate limited public access to and passive recreational use of the Bob Janes Preserve. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 27.3.2:** Identify, maintain, and enhance appropriate public access to Northeast Lee County's public lands and surface waters, balanced with new and ongoing efforts to protect and enhance the community's water quality and natural resources. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 27.3.3:** Lee County will work to identify areas suitable for public water dependent/water-related recreation, such as canoe/kayak launches, boardwalks, jogging paths, fishing platforms, and waterside parks within Northeast Lee County. (Ord. No. [18-18](#))~~

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- Objective 27.3 and supporting policies are duplicative of Goals 82 – 86 as well as Goals 123.

~~**OBJECTIVE 27.4: CONNECTIVITY.** Enhance and maintain high levels of connectivity across the Northeast Lee County Planning Community. (Ord. No. 11-14, 18-18)~~

~~**POLICY 27.4.1:** Work to preserve the rural character and scenic qualities of North River Road, and support multiple modes of travel for residents, businesses, visitors, and commercial agriculture within Northeast Lee County. Implementation of this policy will not impact the function or operation of agricultural lands within the Planning Community for the purposes of scenic preservation. (Ord. No. 11-14, 18-18)~~

~~**POLICY 27.4.2:** Plan and implement alternatives to roadways (e.g., greenways, blueways, equestrian trails, and other pedestrian pathways) within Northeast Lee County connecting people to public lands, recreation areas, public facilities, and the rural mixed use villages. (Ord. No. 11-14, 18-18)~~

~~**POLICY 27.4.3:** Proactively plan for wildlife connections within Northeast Lee County that support habitat needs of native animals on public lands and waters. (Ord. No. 11-14, 18-18)~~

~~**POLICY 27.4.4:** Evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road. (Ord. No. 11-14, 18-18)~~

- Lee County's transportation network should be coordinated on a County-wide scale to address county needs and not be only based on needs of individual communities.

~~**GOAL 28: ALVA COMMUNITY PLAN.** Support and enhance the unique rural, historic, agricultural character and natural environment and resources of the Alva Community Plan area, including the rural village and surrounding area. (Ord. No. 11-21, 18-18)~~

- Goal 28 as well as Objectives 28.1, 28.2, and 28.3 are out of date and do not adequately address the impacts of SR 80 and the growth along this corridor.
- The development pattern is controlled by the underlying future land use categories, which include DR/GR (1 unit per 10 acres), Rural (1 unit per acre), Outlying Suburban (3 units per acre), Urban Community (6 units per acre), Conservation Lands, and Public Facilities.
- Goal 28 as well as Objectives 28.1, 28.2, and 28.3 create inconsistencies between the Future Land Use Map and Future Urban and Suburban Areas that are outside of the area identified as the "Rural Village".
- Goal 28 as well as Objectives 28.1, 28.2, and 28.3, and the supporting policies:
 - o Do not establish densities or intensities
 - o Do not establish distribution or commercial, industrial, residential, or agricultural uses, and,

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- o Create ambiguities that decrease predictability of the Plan.

~~**OBJECTIVE 28.1: RURAL CHARACTER.** Maintain and enhance the rural character and environment of Alva through planning practices that:~~

- ~~1. Manage growth and protect Alva's rural nature.~~
- ~~2. Maintain agricultural lands and rural land use patterns.~~
- ~~3. Provide needed community facilities, transportation systems, and infrastructure capacity.~~
- ~~4. Protect and enhance native species, ecosystems, habitats, natural resources, and water systems.~~
- ~~5. Preserve Alva's historic places and archaeological sites.~~

~~(Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.1.1:** Evaluate and identify appropriate commercial areas with a focus on the rural village area. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.1.2:** Alva will work with Lee County to develop sustainable land use practices through which transportation and infrastructure systems, public services, and parks are provided consistent with Alva's rural character. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.1.3:** Alva will work with Lee County to identify appropriate locations for and promote the establishment of community gardens. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.1.4:** New industrial activities or changes of land use that allow future industrial activities, not directly associated with Alva's commercial agriculture, are prohibited in Alva. (Ord. No. [11-21](#), [18-18](#), [21-09](#))~~

~~**POLICY 28.1.5:** New natural resource extraction mining activities are prohibited in Alva. (Ord. No. [11-21](#), [18-18](#), [21-09](#))~~

~~**POLICY 28.1.6:** Outdoor display in excess of one acre and commercial uses that require outdoor display to such an extent are prohibited. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.1.7:** Coordinate the Alva and North Olga Community Plans to achieve the Northeast Lee County Community Plan goal, objectives, and policies. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.1.8:** Alva will work in coordination and partnership with the other planning communities in the East Lee County area in order to ensure effective collaboration and coordinated planning efforts. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.1.9:** Alva will work with Lee County to coordinate planning efforts with the adjacent counties, and other local, regional, state, and federal agencies to maintain the rural character of Alva. (Ord. No. [11-21](#), [18-18](#))~~

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~~**OBJECTIVE 28.2: RURAL LANDS FRAMEWORK.** Provide for the varied residential, commercial, and natural resource needs of Alva's rural lands by establishing a planning framework that serves the area's different users. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.2.1:** Alva will work with Lee County to ensure that future development projects maintain or enhance Alva's rural character by establishing planning policies and LDC standards that are compatible with Alva's vision and guiding principles. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.2.2:** Future land use amendments that would increase the allowable total density of Alva are discouraged and must demonstrate consistency with the objectives and policies of this goal through concurrent planned development rezoning. Future Land Use Map amendments that would decrease the allowable total density of Alva and that are otherwise consistent with the objectives and policies of this goal are encouraged. (Ord. No. [11-21](#), [18-14](#), [18-18](#))~~

~~**POLICY 28.2.3:** Promote sustainable residential development patterns and rural character by utilizing rural planning practices such as:~~

- ~~1. Cluster development in compact, interconnected neighborhoods situated in appropriate locations.~~
- ~~2. Designate appropriate allowed uses.~~
- ~~3. Establish compatible parcel sizes, density, and intensity standards.~~
- ~~4. Conserve natural resources.~~
- ~~5. Provide standards for adequate open space.~~
- ~~6. Maintain commercial agricultural uses.~~
- ~~7. Incorporate green building standards.~~
- ~~8. Identify locations suitable for public services.~~

~~(Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.2.4:** Establish architectural standards that support and enhance the historic resources within the Alva Community Plan area:~~

- ~~1. Featuring architectural and design themes consistent with Alva's historic architectural styles.~~
- ~~2. Including street graphic standards that address size, location, style, and lighting.~~

~~(Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.2.5:** Promote economic opportunities, including ecotourism, commercial agriculture, and associated businesses that contribute to the rural character of the Alva Community Plan area.~~

~~(Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.2.6:** Establish design standards in the LDC that:~~

- ~~1. Foster a unique landscape theme for the rights-of-way for North River Road and other County-maintained roads.~~
- ~~2. Address connectivity and separation among differing uses.~~
- ~~3. Preserve native plant communities, including subtropical and tropical hardwood hammock, scrub, and wetlands, to enhance the existing native vegetation and tree canopy.~~
- ~~4. Encourage the removal of exotic species.~~

~~(Ord. No. [11-21](#), [18-18](#))~~

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~~**POLICY 28.2.7:** Promote commercial agriculture by addressing:~~

- ~~1. Farm to market demands on roadway infrastructure.~~
 - ~~2. Storage of commercial agricultural equipment at a private residence of an individual employed or engaged in an agricultural operation as a permitted use in residential zoning districts.~~
 - ~~3. Incentives for continued commercial agricultural use.~~
 - ~~4. Location of associated packaging, processing, warehousing, and other value added activities.~~
- ~~(Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.2.8:** Promote the historic character of the Alva Community Plan area by utilizing the LDC to:~~

- ~~1. Consider formal local designation of additional historic buildings and districts.~~
 - ~~2. Identify potential national or state registered history buildings and districts.~~
 - ~~3. Evaluate the effects of County regulations on designated historic districts and modify as necessary.~~
- ~~(Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.2.9:** Develop and promote innovative rural planning tools, such as purchase and transfer of development rights, to:~~

- ~~1. Maintain commercial agriculture.~~
 - ~~2. Conserve and restore agricultural lands, open lands, native vegetated uplands and wetlands.~~
 - ~~3. Sustain the rural character of the Alva Community Plan area.~~
- ~~(Ord. No. [11-21](#), [18-18](#))~~

~~**OBJECTIVE 28.3: RURAL VILLAGE FRAMEWORK.** To establish the appropriate regulatory and incentive framework to implement a mixed use rural village center in the area depicted on Map 1-C. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.3.1:** Establish standards for a mixed use rural village center that provides for walkable residential areas, appropriately located commercial and professional services, and public resources. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.3.2:** Alva will work with Lee County to consider designating the rural village and areas therein as historic districts. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.3.3:** Consider a maximum height standard in the LDC for the historic core, as depicted on Map 1-C that supports the Alva Methodist Church and the Alva School buildings position as dominant features and landmarks of the rural village. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.3.4:** Explore the feasibility and potential funding for developing and implementing a site improvement plan for the existing boat launch area and facilities on Pearl Street and the Alva Heritage Park on Palm Beach Boulevard and the right of way for High Street. (Ord. No. [11-21](#), [18-18](#))~~

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~~**POLICY 28.3.5:** To prevent strip development along Palm Beach Boulevard, the majority of acreage available for commercial development will be located within the rural village, particularly the village center (sub areas 2 and 3). (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.3.6:** Any new development on parcels within the rural village area currently zoned commercial will be evaluated for consistency with the design and use standards of the rural village through the development review process in order to contribute to the overall design concept and be compatible with the village character and adjacent neighborhoods. (Ord. No. [11-21](#), [18-18](#))~~

~~**OBJECTIVE 28.4: CONNECTIVITY.** To provide appropriate and reasonable access and linkages throughout the Alva Community Plan area that support rural character. (Ord. No. [11-21](#), [18-18](#))~~

- Lee County's transportation network should be coordinated on a County-wide scale to address county needs and not be only based on needs of individual communities.

~~**POLICY 28.4.1:** Establish a walkable mixed use rural village center that provides for the needs of pedestrians, cyclists, equestrian riders, and drivers. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.4.2:** Provide for multiple connections to the existing transportation network by establishing land development practices and regulations through which new streets and roads, particularly those in residential areas or rural centers, will be required to interconnect with adjacent land uses. Additionally, the regulations will prohibit entry gates and perimeter walls around residential development. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.4.3:** Address roadway transportation needs in a context sensitive manner reflective of Future Non Urban Areas.~~

- ~~1. Evaluate the capacity and level of service standards for rural roads.~~
 - ~~2. Monitor traffic levels in coordination with Hendry County.~~
 - ~~3. Evaluate the designation of North River Road as a constrained roadway for scenic purposes.~~
 - ~~4. Maintain farm to market functions of rural roadways including North River Road and Palm Beach Boulevard.~~
- ~~(Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.4.4:** Evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road. (Ord. No. [11-21](#), [18-18](#))~~

~~**OBJECTIVE 28.5: NATURAL RESOURCES AND ENVIRONMENTAL SYSTEMS.** To enhance, preserve, protect, and restore the physical integrity, ecological standards, and natural beauty of the Alva Community Plan area. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.5.1:** Consider development standards that:~~

- ~~1. Protect the integrity, stability, and beauty of the natural environment.~~
- ~~2. Maintain wildlife habitat and habitat travel corridors.~~

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- ~~3. Require new development and redevelopment to be designed and operated to conserve critical habitats of protected, endangered, and threatened species, and species of special concern.~~
- ~~4. Increase development setbacks from natural areas and surface waters.~~
- ~~5. Establish requirements for natural buffers from parcel lines to development areas.~~
- ~~6. Prohibit developments that would harm protected, endangered, and threatened species, or species of special concern.~~
- ~~7. Enhance connectivity to maintain uninterrupted wildlife corridors among, between, and within parcels.~~
- ~~8. Develop surface water management system design standards that incorporate natural flow way corridors, cypress heads, natural lakes, and restore impacted natural surface waters.~~
- ~~9. Evaluate the feasibility and opportunities for an overall surface water management plan.~~
(Ord. No. ~~11-21, 18-18~~)

~~**POLICY 28.5.2:** Identify and evaluate land conservation funding opportunities and acquisition priorities to protect vital natural resources, ecosystems, and habitats from the impacts of clear cutting for residential or agricultural purposes. (Ord. No. 11-21, 18-18)~~

~~**POLICY 28.5.3:** All new development and redevelopment must maintain compliance with State of Florida mandated Total Maximum Daily Load (TMDL) requirement for designated water bodies. (Ord. No. 11-21, 18-18)~~

~~**POLICY 28.5.4:** New development and redevelopment in or near existing and potential wellfields must:~~

- ~~1. Be designed to minimize the possibility of contaminating groundwater during construction and operation.~~
- ~~2. Comply with the Lee County Wellfield Protection Ordinance.~~

~~(Ord. No. 11-21, 18-18)~~

~~**POLICY 28.5.5:** Provide educational programs or materials on energy conservation, energy efficiency, greenhouse gas emission reductions, solid waste management, hazardous waste, surface water runoff, septic maintenance, water conservation, Florida Friendly Landscaping, green building, cultural resources, history, etc. The site for these programs will be located in Alva. (Ord. No. 11-21, 18-18)~~

- Objective 28.5 and the supporting policies are duplicative of Goals 123 and 124, the Wellfield Protection Ordinance, and existing Basin Action Management Plan (BMAP) requirements.

~~**OBJECTIVE 28.6: PUBLIC RESOURCE ACCESS.** Increase the opportunity for public access to and enjoyment of the scenic, historic, recreational, and natural resources in Alva. (Ord. No. 11-21, 18-18)~~

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~~**POLICY 28.6.1:** Alva will work with Lee County to identify opportunities to link public lands, facilities, and recreation areas that minimize disturbance of natural systems and wildlife habitat and incorporate these links into the Greenways Master Plan. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.6.2:** Identify potential public uses for significant historic structures and archaeological sites. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.6.3:** Alva will work with Lee County to identify areas suitable for passive water-dependent/water related recreational uses and activities, such as canoe and kayak launch areas, boardwalks, jogging paths, fishing platforms, and waterside parks. (Ord. No. [11-21](#), [18-18](#))~~

~~**POLICY 28.6.4:** Alva will continue to work with Lee County to evaluate appropriate access and use of Conservation 20/20 lands to support kayaking and canoeing, bird watching, hiking, and other passive recreation related to eco-tourism. Recreational opportunities will be balanced with the protection of natural resources and will comply with the Land Stewardship Plan prepared by the Conservation 20/20 land program. (Ord. No. [11-21](#), [18-18](#))~~

- Objective 28.6 and the supporting policies are duplicative of Goals 82 – 86 as well as Goals 123 and 141.

~~**GOAL 29: NORTH OLGA COMMUNITY PLAN.** Promote and support the unique rural character, heritage, economy, quality of life, and natural resources in the North Olga Community Plan area. (Ord. No. [11-14](#), [18-06](#), [18-18](#))~~

- Community character as well as residential and commercial land uses are described by the underlying future land use categories, which include DR/GR (1 unit per 10 acres), New Community (1 unit per 1.9 acres), Rural (1 unit per acre) and Outlying Suburban (3 units per acre).
- Goal 29 as well as Objectives 29.1, 29.2, and 29.3, and the supporting policies are duplicative of the Future Land Use Map and future land use categories, or other provisions of the Lee Plan and:
 - o Do not establish densities or intensities
 - o Do not establish distribution or commercial, industrial, residential, or agricultural uses, and,
 - o Create ambiguities that decrease predictability of the Plan.

~~**OBJECTIVE 29.1: COMMUNITY CHARACTER.** To establish comprehensive plan policies, land development regulations, and other planning and development tools to manage future community development in a manner that protects and enhances the rural character and aesthetic appearance of the North Olga Community Plan area, while supporting the continued viability of commercial agricultural businesses. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 29.1.1:** Protect the community's rural aesthetic qualities, preserve the natural and historic resources, and support a diverse rural economy by promoting compact or clustered development~~

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areas that maintain large, contiguous tracts of open space, while supporting commercial agricultural businesses. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.1.2: The North Olga Community will work in conjunction with Lee County, public agencies, land owners, and community service providers to examine the need for a rural mixed-use village center that provides for public meeting space, institutional uses, recreational opportunities and local goods and services. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.1.3: Maintain enhanced design, landscaping, signage, and architectural standards to promote the rural character of the North Olga Community Plan area. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.1.4: Deviations or variances relating to landscaping, signage guidelines, or compliance with applicable architectural standards within the North Olga Community Plan area may not be granted, unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34. (Ord. No. [11-14](#), [18-18](#))

OBJECTIVE 29.2: RESIDENTIAL LAND USES. Protect and enhance the rural character of the North Olga Community by evaluating residential development proposals for consistency with the community's rural character and sense of community. Rural character is defined as those characteristics that convey the rural lifestyle such as: large lots or clustered development, ample view of wooded areas, open spaces, and river fronts, working farms, productive agricultural uses, and the protection of environmentally sensitive lands. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.2.1: Proposed planned developments will be encouraged to provide a mix of unit types and flexible lot sizes to allow for clustering, affordability, preservation of open space, natural assets, and diversity of choice within the community. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.2.2: Proposed residential development adjacent to an existing large lot residential area or commercial agriculture business will provide appropriate separation, such as a minimum lot size of one unit per acre for lots abutting the perimeter of property line(s). For the purposes of this policy, large lot residential uses are defined as those residential uses with lot sizes equal to or greater than one acre. (Ord. No. [11-14](#), [18-18](#))

POLICY 29.2.3: Encourage proposed planned developments to provide community gardens to allow for social, recreational and education activities for the residents of the planned development. (Ord. No. [11-14](#), [18-18](#))

OBJECTIVE 29.3: COMMERCIAL LAND USES. Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions should promote the rural character of the North Olga Community Plan area and allow for non-residential land uses that serve and support the rural community, including uses permitted by Objective 29.9. Regulations will support a unified and attractive rural-oriented design theme in terms of landscaping architecture, lighting and signage. (Ord. No. [11-14](#), [18-06](#), [18-18](#))

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POLICY 29.3.1: Continue to support the long-term viability of commercial agriculture industry through the development and implementation of incentives and tools including, but not limited to: TDR programs; farmland trusts; agricultural easements; and development practices that promote compact development patterns and the preservation of productive agricultural lands. For the purposes of this policy, commercial agriculture is defined as the production of crops and livestock for sale, specifically for widespread distribution to wholesalers and/or retail outlets. (Ord. No. ~~11-14, 18-18~~)

POLICY 29.3.2: Support ancillary commercial throughout the Rural designated areas that promote the rural and agricultural character of the community, if appropriate zoning approval is granted. For the purposes of this policy, ancillary commercial uses are defined as non-residential uses that support the local, rural-based economy. (Ord. No. ~~11-14, 18-18~~)

POLICY 29.3.3: In order to maintain the rural and aesthetic value of the community, proposed new commercial development will utilize a consistent landscaping and architectural style for all buildings within proposed commercial developments, and will comply with the applicable design standards within the LDC, Chapter 33, as part of the development review process. (Ord. No. ~~11-14, 18-18~~)

POLICY 29.3.4: Opportunities for non-residential and mixed-use development that are compatible with the rural and agricultural character of the community may be permitted through the planned development rezoning process within the New Community future land-use category in accordance with Objective 29.9. (Ord. No. ~~18-06, 18-18~~)

OBJECTIVE 29.4: TRANSPORTATION. Road improvements within the North Olga community considered by the County will promote the community's goal to maintain its rural character and provide for safe access, and appropriate transportation resources including roadways and pedestrian, bike, and equestrian trails and pathways. (Ord. No. ~~11-14, 18-18~~)

- Lee County's transportation network should be coordinated on a County-wide scale to address county needs and not be only based on needs of individual communities.
- This objective and related Policies are out of date and inconsistent with state and local requirements.
 - o The provisions were originally created prior to the removal of required transportation concurrency from Florida Statutes (2011) and the Lee Plan (2014).

POLICY 29.4.1: Future improvements to North River Road or other public roadways within the North Olga community should be pursued only after careful analysis of safety, need, community and environmental impact. Public roadways improvements should incorporate rural design treatments. Public participation in planning and design processes for these road improvements should provide opportunities for involvement of the North Olga community. (Ord. No. ~~11-14, 18-18~~)

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~~**POLICY 29.4.2:** Work with the North Olga community to allow for the use of roadways in a manner that supports local commercial agriculture businesses and their continued viability. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 29.4.3:** Work with the North Olga community to evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road through the community. (Ord. No. [11-14](#), [18-18](#))~~

~~**OBJECTIVE 29.5: AGRICULTURE.** Support small and large scale farming operations and alternative, agriculturally-based enterprises to sustain economically viable commercial agriculture in order to foster a diverse local economy while maintaining the agricultural heritage of the North Olga Community Plan area. For the purposes of this objective, alternative, agriculturally-based enterprises including but are not limited to the production of biofuel crops, niche farming activities, agri-tourism, and carbon offset farming. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 29.5.1:** Support the use of public and private lands for community gardens. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 29.5.2:** Evaluate future development proposals, not including lot splits, for compatibility with adjacent, existing small and large scale farming operations, including buffers, setbacks, and site design standards to ensure that those activities do not unduly impact the viability of the community's agricultural businesses. (Ord. No. [11-14](#), [18-18](#))~~

- Objectives and Policies that are necessary to protect public health, safety, and welfare, or are required by state law, have been relocated.
 - o Objective 29.5 has been relocated to Policy 9.1.6.
 - o Policy 29.5.1 has been relocated to Policy 9.1.7.
- Objectives and Policies that are out of date, ineffective, or duplicative are being deleted.
 - o Policy 29.5.2 is duplicative of Goal 9.

~~**OBJECTIVE 29.6: OPEN SPACE, RECREATION AND COMMUNITY FACILITIES.** Facilitate public access to and the enjoyment of scenic, historic, recreational, and natural resources in the North Olga community. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 29.6.1:** Incorporate key linkages within the North Olga community into the Greenways Master Plan, such as connection between the North River Road Greenway and the Franklin Locks. These linkages will serve the purpose of providing a meaningful trail network, which will include connections to public recreational areas and minimize disturbances to wildlife habitats and natural systems. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 29.6.2:** Work with private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River. (Ord. No. [11-14](#), [18-18](#))~~

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~~**POLICY 29.6.3:** Proposed planned developments adjacent to the Caloosahatchee River will be encouraged to provide public access to the river. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 29.6.4:** Identify and expand water-based recreational opportunities, including but not limited to canoe/kayak launch areas, boardwalks, fishing platforms and waterside parks. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 29.6.5:** Evaluate the need for community facilities within North Olga to provide public meeting space. This evaluation will include the identification of funding sources and the facility's appropriate location and scale. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 29.6.6:** Support the development of nature and agriculturally-based tourism where appropriate throughout the community. Opportunities for nature and agriculturally-based tourism include but are not limited to bird watching, equestrian facilities, kayaking/canoeing, and bed and breakfast establishments. (Ord. No. [11-14](#), [18-18](#))~~

- Objective 29.6 and the supporting policies are duplicative of Goals 82 – 86 as well as Goal 161.

~~**OBJECTIVE 29.7: CONSERVATION.** Preserve, protect, and, where possible, enhance the physical integrity, rural character, ecological values, and natural beauty of the North Olga Community Plan area, focusing upon the Caloosahatchee River, native vegetation, wildlife resources, and areas designated for long-term conservation. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 29.7.1:** Balance public access to the Caloosahatchee River with protection and rehabilitation efforts, in order to preserve the river's natural features and function. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 29.7.2:** Encourage future development to maintain on-site native vegetation communities. (Ord. No. [11-14](#), [18-18](#))~~

~~**POLICY 29.7.3:** Proposed planned developments will consider the incorporation of "Firewise" principles in site design, including building orientation, access management, landscaping type and placement. For the purposes of this policy, Firewise principles are those guidelines developed by the National Fire Protection Association to mitigate the risk of wildland fire to homes in the wildland/urban interface. (Ord. No. [11-14](#), [18-18](#))~~

- Objectives and Policies that are necessary to protect public health, safety, and welfare, or are required by state law, have been relocated.
 - o Policy 29.7.3 has been relocated to Policy 5.1.11.
- Objectives and Policies that are out of date, ineffective, or duplicative are being deleted

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- o Objective 29.7 and Policies 29.7.1 and 29.7.2 are duplicative of Goals 122 and 123.

~~**OBJECTIVE 29.8: WATER DEPENDENT OVERLAY.** Protect marine-oriented land uses within the North Olga Community Plan area from incompatible or pre-emptive land uses. The Water Dependent Overlay within the community applies to the Owl Creek Boat Works as depicted on Lee Plan Map 1 H. (Ord. No. 11-14, 18-18)~~

~~**POLICY 29.8.1:** Prior to the redevelopment of the Owl Creek Boat Works facility, the owner will be required to conduct a cultural resource assessment of the property to determine the existence of historical structures, archaeological resources and other cultural resources. (Ord. No. 11-14, 18-18)~~

- Duplicative of requirements for all properties located within Archaeological Sensitivity Zone 1.

~~**OBJECTIVE 29.9: NEW COMMUNITY.** Land designated as New Community on the Future Land Use Map within the North Olga Community Plan area will be developed as a unified planned development in order to achieve conservation and enhancement of important environmental resources; initiate area wide surface water management; prevent sprawling land use patterns; create critical hydrological and wildlife corridors and connections; and protect rural character of the surrounding community. (Ord. No. 18-06, 18-18)~~

~~**POLICY 29.9.1:** Residential densities for land within the New Community future land use category may be permitted up to a maximum of 1 du/1.9 acres. In no case shall the unit count in the New Community future land use category in North Olga exceed 2,078 dwelling units. (Ord. No. 18-06, 18-18, 25-02)~~

~~**POLICY 29.9.2:** Non-residential intensities for lands within the New Community future land use category will be limited to a maximum permitted Floor Area Ratio (FAR) of 0.15. The FAR will be based upon the gross acreage dedicated to non-residential uses within the overall planned development boundary, including all uplands, wetlands, open space, rights of way, recreation areas, and/or lake. In no case shall the total commercial square footage in the New Community future land use category in North Olga exceed 1,170,000 square feet, in addition to 250 hotel rooms. (Ord. No. 18-06, 18-18, 25-02)~~

~~**POLICY 29.9.3:** Prior to development, a planned development rezoning must be approved, and include conditions and requirements that demonstrate the following:~~

~~a. Environmental Enhancements.~~

- ~~1. A minimum of 60% open space, inclusive of onsite preserve, to accommodate the following:~~
 - ~~i. Water quality enhancement areas, including but not limited to natural systems-based stormwater management facilities, filter marshes, and wetland buffers to reduce the rate of run-off and associated nutrient loads;~~
 - ~~ii. Existing regional flow ways;~~

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- ~~iii. Preservation of 90% of the onsite wetlands;~~
- ~~iv. Critical wildlife connection(s) to adjacent conservation areas through on-site preserve areas;~~
- ~~v. Roadway setbacks and perimeter buffers; and~~
- ~~vi. Passive recreational and civic areas that comply with the definition of open space, as set forth in the LDC.~~

- ~~2. Open space areas must be platted in separate tracts, outside of privately owned lots, and dedicated to an appropriate maintenance entity. A Community Development District (CDD), Independent Special District (ISD), or a master property owners association must be created to accept responsibility for perpetually maintaining the open space areas identified in the planned development.~~
- ~~3. Record a conservation easement for a minimum of 50% of the planned development benefiting a public agency acceptable to Lee County, or Lee County itself, and dedicated to an appropriate maintenance entity. Land subject to conservation easement(s) can be used for on-site mitigation and will be recorded as development orders are issued. The timing of conservation easement(s) and restoration may be phased so long as the area dedicated to conservation easement is equal to or greater than the area of land approved for development on a cumulative basis.~~
- ~~4. Provide a protected species management plan to address human wildlife coexistence, including educational programs and development standards.~~
- ~~5. Provide wildlife crossings on-site and to adjacent wildlife habitat areas.~~
- ~~6. Provide recreational connections to adjacent public and private conservation and preserve land, subject to approval by the appropriate agencies, through the provision of publicly accessible trailheads and similar facilities within the development.~~
- ~~7. Incorporate Florida Friendly Landscaping with the low irrigation requirements in common areas.~~
- ~~8. A binding commitment as part of the planned development to implement an environmental education program for homeowners, businesses and visitors to describe the local ecology, including but not limited to wildlife, plant communities, and native habitats, in addition to the design standards, restoration projects, and management programs/plans, incorporated into the development to address environmental protection.~~
- ~~9. Incorporate energy efficiency and other Low Impact Development (LID) performance standards within the development.~~
- ~~10. Minimize impacts to natural areas and native habitat by concentrating development primarily in areas previously impacted by agricultural uses and other development activities.~~

~~_____ b. Water Quality & Hydrological Enhancements. _____~~

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- ~~1. The stormwater management system must demonstrate through design or other means that water leaving the development meets current state and federal water quality standards. Outfall monitoring will be required on a quarterly basis for a minimum of 5 years from the date of acceptance of construction of the water management system by the SFWMD. Monitoring may be eliminated after 5 years if the water quality standards are met.~~
 - ~~2. Demonstrate an additional 50% water quality treatment beyond the treatment required by the SFWMD for the on-site stormwater management basins.~~
 - ~~3. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas, as applicable by SFWMD permits.~~
 - ~~4. Provide a lake management plan that requires best management practices for the following:
 - i. fertilizers and pesticides;
 - ii. erosion control and bank stabilization; and
 - iii. lake maintenance requirements and deep lake management for lakes exceeding 12 feet below lake surface (BLS).~~
 - ~~5. Provide a site specific ecological and hydrological plan, which includes at a minimum the following: preliminary excavation and grading plans, exotic removal and maintenance plan, supplemental planting plan, and success criteria for meeting established goals.~~
 - ~~6. Provide a site specific mitigation and enhancements to reduce discharge rates.~~
 - ~~7. Utilize reuse and surface water generated by the development to meet the irrigation demands of the recreation and development areas, to the extent such reuse is available.~~
 - ~~8. Demonstrate that the proposed planned development will not result in significant detrimental impacts on present or future water resources.~~
- ~~c. Infrastructure Enhancements.~~
- ~~1. All development within the planned development must connect to centralized water and sewer services, with the exception of interim facilities used on a temporary basis during construction, and for unmanned essential services on a temporary basis until water and sewer service is extended to the development.~~
 - ~~2. Written verification as to adequate public services for the planned development from the sheriff, EMS, fire district, and Lee County School District, or via interlocal agreements with adjacent jurisdictions and/or special districts.~~
 - ~~3. Civic space, recreational areas, and a variety of amenities distributed throughout the development for use by the general public, to be maintained by the property owners' association or similar entity.~~
 - ~~4. Sufficient right of way to accommodate an 8 foot wide multi purpose pathway along the roadway frontages, where the planned development abuts SR 31 and CR 78.~~

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~~d. Community Character.~~

- ~~1. Transition to lower densities and intensities where adjacent to off-site conservation lands.~~
- ~~2. Enhanced buffers and setbacks along external roadways to preserve rural vistas and viewsheds that are at least 50% wider than the LDC requirements.~~
- ~~3. Locate access points onto adjacent arterial roadways to minimize impact to the surrounding rural community.~~

~~(Ord. No. [18-06](#), [18-18](#))~~

- Relocated to Policy 1.1.15 New Community future land use category.
- Policy 29.9.3 is more appropriately located within the Land Development Code, and is being moved to LDC Section 34-1145.

GOAL 30: NORTH FORT MYERS COMMUNITY PLAN. Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources. (Ord. No. [09-11](#), [18-18](#))

OBJECTIVE 30.1: NEIGHBORHOODS AND HOUSING. To support the creation and preservation of affordable housing options in safe and attractive neighborhoods. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.1.1: Continue to implement Neighborhood District Revitalization Plans utilizing Community Development Block Grant (CDBG) funds, as available. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.1.2: Explore opportunities to expand programs designed to help maintain, repair, and improve existing owner-occupied housing. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.1.3: Encourage a diversity of housing types in the North Fort Myers Community Plan area by supporting mixed-use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.1.4: Encourage development of affordable housing options on property with the following characteristics: located within the Intensive Development, Central Urban, and Urban Community on the Future Land Use Map; located where central water/sewer service is available; and located within walking distance of mass transit, commercial and personal services, and parks and recreation facilities. (Ord. No. [09-11](#), [18-18](#))

POLICY 30.1.5: The North Fort Myers Community supports incorporating into the Mixed Use Overlay the addition of single person apartment types of 500 square feet or less and the evaluation of flexibility for all types of fees associated with the development of those units. (Ord. No. [09-11](#), [18-18](#))

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~~**POLICY 30.1.6:** Accessory apartments, such as mother-in-law or student housing units, will be considered affordable units, allowing those units to be considered bonus density when calculating allowable density. (Ord. No. [09-11](#), [18-18](#))~~

- Objectives 30.1, and the supporting policies are duplicative of the Future Land Use Map, existing future land use categories, and the Mixed Use Overlay and:
 - o Do not establish densities or intensities;
 - o Do not establish distribution or commercial, industrial, residential, or agricultural uses; and,
 - o Create ambiguities that decrease predictability of the Plan.

~~**OBJECTIVE 30.2: LAND USE: CENTERS AND CORRIDORS.** To encourage revitalization of designated Town Center Overlay districts, Road Corridor Overlay districts and redevelopment areas. (Ord. No. [09-11](#), [18-18](#))~~

~~**POLICY 30.2.1:** Town Centers, located at the intersections listed below, are appropriate for moderate to high intensity, pedestrian-oriented, mixed-use development and redevelopment.~~

- ~~North Cleveland Avenue and Hancock Bridge Parkway~~
- ~~North Tamiami Trail—Pondella Road to the Caloosahatchee River~~
- ~~Bayshore and I-75~~

~~(Ord. No. [09-11](#), [18-18](#))~~

~~**POLICY 30.2.2:** Development of the Town Centers as a whole (not individual projects) are envisioned to encompass the following general principles:~~

- ~~A mix of uses are encouraged to promote walking; allow for shared parking; support transit; and minimize disturbance of natural areas, wildlife corridors, and drainage ways;~~
- ~~Buildings should be designed to frame the public realm, enliven streetscapes, and provide for the informal surveillance of public spaces, primary entries, windows, storefronts, porches, and stoops should open onto streets, sidewalks, and public spaces;~~
- ~~Parks, squares, plazas, and promenades should be designed to promote community life and provide a variety of outdoor public space;~~
- ~~To dispense traffic, promote walking, and provide convenient routes for vehicles and pedestrians, streets should be designed in interconnected networks with generous sidewalks, shade trees, well-marked crossings, and amenities; and~~
- ~~Parking areas (except for on-street spaces), loading docks, and service entries should be screened from public view and accessed from alleys, service courts, and side streets.~~

~~Individual projects within the Town Centers should further these general principles.~~

~~(Ord. No. [09-11](#), [18-18](#))~~

~~**POLICY 30.2.3:** Maintain provisions allowing for greater minimum, maximum base, and maximum total densities and building heights in the Mixed Use Overlay. (Ord. No. [09-11](#), [18-18](#))~~

~~**POLICY 30.2.4:** The following areas are designated as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed-use development: Littleton and North Cleveland Avenue; North Tamiami Trail and Del Prado Boulevard; North Tamiami Trail and Nalle Grade~~

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Road; Hancock Bridge Parkway and Orange Grove Boulevard; North Tamiami Trail and Pine Island/Bayshore Roads; Bayshore Road and Slater Road; and Bayshore Road and Hart Road. For these areas, neighborhood-serving, mixed use development; pedestrian friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses are preferred. (Ord. No. ~~09-11, 17-13, 18-18~~)

~~**POLICY 30.2.5:** Certain areas along major road corridors outside designated Town Centers and Neighborhood Centers, are located within a Corridor Overlay District with provisions in the LDC requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. Within the Corridor Overlay District, deviations from landscaping, buffering, signage or architectural requirements may not be granted, unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34. (Ord. No. ~~09-11, 18-18~~)~~

~~**POLICY 30.2.6:** Development within the Town and Neighborhood Centers and the Corridor Overlay Districts may use the development standards allowed within the Mixed Use Overlay. (Ord. No. ~~18-18~~)~~

~~**POLICY 30.2.7:** Maintain land development incentives for bringing older development into compliance with current regulations. (Ord. No. ~~09-11, 18-18~~)~~

~~**POLICY 30.2.8:** The following uses are prohibited within the North Fort Myers Community Plan area: “detrimental use” as defined in the LDC. (Ord. No. ~~09-11, 18-18~~)~~

~~**POLICY 30.2.9:** Floor Area Ratio (FAR) maximums in the Commercial Future Land Use Category described in Policy 1.1.10, located south of Pine Island Road between Orchid Road and Barrett Road, will be 0.26. (Ord. No. ~~10-34, 18-18~~)~~

- Areas currently identified in Policy 30.2.1 as Town Centers will be added to the Mixed Use Overlay, where not already included.
- Areas currently identified in Policy 30.2.4 as Neighborhood Centers will be added to the Mixed Use Overlay, where not already included.
- Relocate Objective 30.2 and Policies 30.2.5 and 30.2.6 to a new objective in Goal 6: Commercial Land Use. Retention of this policy is necessary to avoid conflicts with SB 180.
- The property described in Policy 30.2.9 has been annexed into the City of Cape Coral and this policy no longer applicable.

~~**OBJECTIVE 30.3: TRANSPORTATION.** The North Fort Myers Community Plan area will have neighborhood, corridors and community interface improvements identified. (Ord. No. ~~09-11, 18-18~~)~~

~~**POLICY 30.3.1:** Encourage streetscape and landscape improvements along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine~~

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Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella Road, Hancock Bridge Parkway, and Del Prado Boulevard. (Ord. No. ~~09-11, 18-18~~)

~~**POLICY 30.3.2:** Provide public input opportunities in the planning and design processes for future improvements or extension of Littleton Road, Hancock Bridge Parkway, Hart Road, Slater Road, and other roadways not currently shown on the Future Functional Classification Map (Map 3-B). Road improvements or extensions should be based on a careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. (Ord. No. ~~09-11, 18-18~~)~~

~~**POLICY 30.3.3:** Identify opportunities to improve transit service, frequency, routes, and stop amenities within the North Fort Myers Community Plan area. (Ord. No. ~~09-11, 18-18~~)~~

~~**POLICY 30.3.4:** Road capacity improvements needed within the North Fort Myers Community Plan area to serve demand generated outside the Community Plan area should be designed to minimize impacts, improve visual character, and improve local access and mobility. (Ord. No. ~~09-11, 18-18~~)~~

- Objective 30.3 and supporting policies are not required by state statute, are out of date. Transportation is addressed in the Transportation Element as well as Policy 95.1.3, and should be coordinated county-wide.

~~**OBJECTIVE 30.4: COMMUNITY FACILITIES & SERVICES.** To provide community facilities and services within the Town Centers, Neighborhood Centers and Corridor Overlay Districts. (Ord. No. ~~09-11, 18-18~~)~~

~~**POLICY 30.4.1:** Support a collaborative effort for providing medical services and facilities within the North Fort Myers Community Plan area. (Ord. No. ~~09-11, 18-18~~)~~

~~**POLICY 30.4.2:** Support the concept of a single source of sewage service to the North Fort Myers Community Plan area. (Ord. No. ~~09-11, 18-18~~)~~

- Policy 30.4.1 is unnecessary and duplicative of the Future Land Use Map, which supports the location of medical services and facilities in appropriate locations.
- Where appropriate, Policy 30.4.2 is duplicative of Goal 56.

~~**OBJECTIVE 30.5: PARKS, RECREATION & CONSERVATION.** The North Fort Myers community will identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies. (Ord. No. ~~09-11, 18-18~~)~~

~~**POLICY 30.5.1:** Ensure parks and recreation facilities are reasonably accessible and adequate to meet the needs of residents. (Ord. No. ~~09-11, 18-18~~)~~

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~~**POLICY 30.5.2:** Integrate the North Fort Myers Community Park into the surrounding development and open space areas, including incorporation of the development of a community park facility. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments. (Ord. No. [09-11](#), [18-18](#))~~

~~**POLICY 30.5.3:** Protect and conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community. (Ord. No. [09-11](#), [18-18](#))~~

~~**POLICY 30.5.4:** Maintain stewardship and management plans for 20/20 Conservation Lands within North Fort Myers Community Plan area. (Ord. No. [09-11](#), [18-18](#))~~

~~**POLICY 30.5.5:** Support the nomination of properties along planned trails, wildlife corridors, greenways, major creeks, and with access to the Caloosahatchee River to the Conservation 20/20 program. (Ord. No. [09-11](#), [18-18](#))~~

~~**POLICY 30.5.6:** Implement recommendations for the Greenways Master Plan. As a first priority, support development of the Tamiami Trail North segment of the Charlotte Lee Collier Greenway and water access and signage improvements to access the Blueways designated along Yellow Fever Creek and along the Caloosahatchee River at Caloosahatchee Creeks Preserve. (Ord. No. [09-11](#), [18-18](#))~~

~~**POLICY 30.5.7:** Identify opportunities in new developments for the establishment and protection of wildlife movement corridors and interconnection of conservation easements to facilitate wildlife movement through the County. (Ord. No. [09-11](#), [18-18](#))~~

- Objective 30.5 and supporting policies are duplicative of Goals 83 through 86 in the Parks, Recreation and Open Space Element.

~~**OBJECTIVE 30.6: DOWNTOWN WATERFRONT.** The North Fort Myers community supports the creation of a project specific, time specific, cost specific redevelopment plan for the North Fort Myers Downtown Waterfront area. (Ord. No. [09-11](#), [18-18](#))~~

~~**POLICY 30.6.1:** The North Fort Myers community supports the integration of the redevelopment plan for waterfront downtown with the planning for the alignment, functional classification, and location of any Hancock Bridge Parkway expansion. (Ord. No. [09-11](#), [18-18](#))~~

~~**POLICY 30.6.2:** The redevelopment plan will consider the stormwater needs and water and sewer needs that result from the transportation and land use changes of Downtown Waterfront. (Ord. No. [09-11](#), [18-18](#))~~

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~~**POLICY 30.6.3:** The land use component of Downtown Waterfront will include land uses that assist in completing North Fort Myers' employment base, and broaden the housing base for those who will be employed by the new center. (Ord. No. 09-11, 18-18)~~

- Objective 30.6 is not required by state statute and is not necessary in the Lee Plan.

~~**GOAL 31: PAGE PARK COMMUNITY PLAN.** Revitalize the village-like residential neighborhood into a vibrant mixed use community, that captures the heritage of the Page Park Community Plan area by providing infrastructure, pedestrian and bicycle connections, and business opportunities together with consistency in signage, landscaping, and enhanced development standards, thereby promoting a mix of commercial and residential uses that will provide services to the local community and the driving public. (Ord. No. 09-08, 18-18)~~

~~**OBJECTIVE 31.1:** Enhance the existing physical appearance of Page Park while maintaining the historic character of the community. (Ord. No. 09-08, 18-18)~~

~~**POLICY 31.1.1:** Deviations from landscaping, buffering, signage or architectural requirements may not be granted, unless the request meets the approval criteria for variances set forth in the LDC, Chapter 34. (Ord. No. 09-08, 18-18)~~

~~**POLICY 31.1.2:** Encourage mixed use developments with mixed use buildings throughout the commercial/mixed use areas depicted on the Page Park Overlay (Map 1-C). (Ord. No. 09-08, 17-13, 18-18)~~

~~**POLICY 31.1.3:** New residential development, with the exception of a single family residential dwelling, that requires a rezoning within the Page Park Community Plan area must be rezoned as a Residential Planned Development (RPD). (Ord. No. 09-08, 18-18)~~

- Objectives 31.1, and the supporting policies are duplicative of the Future Land Use Map and the Mixed Use Overlay and:
 - o Do not establish densities or intensities
 - o Do not establish distribution or commercial, industrial, residential, or agricultural uses, and,
 - o Create ambiguities that decrease predictability of the Plan.

~~**OBJECTIVE 31.2: COMMERCIAL USE.** To ensure that commercial redevelopment incorporates required landscaping, architecture, lighting and signage, and provides for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on the neighboring properties. (Ord. No. 09-08, 18-18)~~

~~**POLICY 31.2.1:** New stand-alone commercial activity and uses will be limited to Danley Drive and within the commercial/mixed use areas shown on the Page Park Overlay (Map 1-C). Commercial uses will be permitted elsewhere within the community, but only as part of a mixed~~

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use development or as a mixed use building. This policy does not apply to existing commercial uses and property currently zoned for commercial uses. (Ord. No. ~~09-08, 18-18~~)

POLICY 31.2.2: The following uses are prohibited within the Page Park Community Plan area: “detrimental uses” (as defined in the LDC); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display over one acre. (Ord. No. ~~09-08, 18-18~~)

POLICY 31.2.3: New stand-alone industrial development that requires rezoning within the Page Park Community Plan area must be rezoned as an Industrial Planned Development (IPD). (Ord. No. ~~09-08, 18-18~~)

- This objective is generally duplicative of the future land use categories and the Mixed Use Overlay, which allow for and commercial and mixed use development in appropriate locations.

OBJECTIVE 31.3: HOUSING. Explore opportunities to provide workforce housing. (Ord. No. ~~09-08, 18-18~~)

POLICY 31.3.1: Encourage live work units within the commercial/mixed use areas on the Page Park Overlay (Map 1 C). (Ord. No. ~~09-08, 17-13, 18-18~~)

POLICY 31.3.2: Upon request, the County will inform, educate, and encourage residents of the Page Park Community Plan area about funding opportunities or programs available to assist in the rehabilitation of existing residential structures that are in need of repair, rehabilitation or removal. (Ord. No. ~~09-08, 17-13, 18-18~~)

- This objective is generally duplicative of the future land use categories and the Mixed Use Overlay, which allow for and support workforce housing in appropriate locations.

OBJECTIVE 31.4: TRANSPORTATION. To give preference to transportation alternatives that allow existing roads to function at their current capacity when considering necessary road improvements within the Page Park Community Plan area. (Ord. No. ~~09-08, 18-18~~)

POLICY 31.4.1: Implement traffic calming techniques to mitigate or curtail cut through and speeding traffic on local residential streets within the Page Park Community Plan area. (Ord. No. ~~09-08, 18-18~~)

POLICY 31.4.2: The County may review and evaluate traffic control devices in the Page Park Community Plan area, including one way streets and stop controls, and remove or revise traffic control devices found to be obsolete for traffic routing. (Ord. No. ~~09-08, 18-18~~)

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~~**POLICY 31.4.3:** Expansion of Danley Drive or South Road should include engineering and financial feasibility analysis for physically separated provisions for bicyclists/pedestrians to provide for connection to the Ten Mile Linear Park, Jerry Brooks Park, and US 41 corridors. Paved shoulders and sidewalks may be considered where a separated path is not feasible. (Ord. No. 09-08, 18-18)~~

- Objective 31.4 and supporting policies are not required by state statute and are not necessary in the Lee Plan.

~~**OBJECTIVE 31.5: SEWER AND WATER.** To recognize that central sewer service is essential and is strongly encouraged given the desire to provide a mix of uses and a mix of residential densities in the Page Park Community Plan area. (Ord. No. 09-08, 18-18)~~

~~**POLICY 31.5.1:** Central sewer service is strongly recommended for future higher density and intensity developments proposed within the Page Park Community Plan area. Any new developments that meet the criteria outlined in Lee Plan Standard 4.1.2 are required to connect to a central sewer system. (Ord. No. 09-08, 18-18)~~

- Objective 31.5 and Policy 31.5.1 is duplicative of Standard 4.1.2, Goal 56, and Objective 56.1

~~**GOAL 32: SAN CARLOS ISLAND.** All development approvals on San Carlos Island must be consistent with following objective and policy in addition to other provisions of this plan. (Ord. No. 94-30, 18-18)~~

~~**OBJECTIVE 32.1: SAN CARLOS ISLAND WATER DEPENDENT OVERLAY ZONE.** To protect marine orientated land uses on San Carlos Island from incompatible or pre-emptive land uses all development must be consistent with the following policies in addition to other provisions of this plan. (Ord. No. 99-15, 18-18)~~

- Areas on San Carlos Island located within the Water-Dependent Overlay will remain on the Water-Dependent Overlay, however the specific development requirements currently in Policy 32.1.1 and 32.1.2 of the Lee Plan are not necessary and are redundant with the underlying future land use categories, including the Industrial Development future land use category at the foot of the Matanzas Pass Bridge and south of Main Street, and Central Urban future land use category north of Main Street.

~~**POLICY 32.1.1:** New development and substantial redevelopment within the Industrial Development and the DRMUWD land use categories on San Carlos Island will be permitted only in accordance with the following criteria (See glossary for definitions and Maps 1-A and 1-H for boundaries). However, in no event will Lee County permit new or expanded petroleum facilities which would serve uses other than marine related uses.~~

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- ~~1. At the foot of the Matanzas Pass Bridge—Within the Water Dependent Overlay zone which is defined as land within 150 feet of the shoreline: water dependent marine industrial uses and water dependent functions of recreational marinas.~~
 - ~~• Landward of the Overlay zone (150 foot line): marine industrial uses, in addition to water-related accessory uses which may be permitted to occupy up to 50% of that portion of a parcel lying landward of the 150 foot line.~~
- ~~2. North of Main Street—Within the Water Dependent Overlay zone which is defined as land within 150 feet of the shoreline: water dependent marine industrial uses and recreational marinas.~~
 - ~~• Landward of the Overlay zone (150 foot line): marine industrial uses, in addition to commercial or marine industrial uses which support the major industrial activities and recreational marinas.~~
- ~~3. South of Main Street—Within the Water Dependent Overlay zone which is defined as land within 300 feet of the shoreline: water dependent marine industrial uses as well as those uses described under Goal 12 and Policy 12.3.3.~~
 - ~~• Landward of the Overlay zone (300 foot line): marine industrial uses; in addition, dry-storage recreational marinas may also be permitted through the “planned development” rezoning process, provided the following is clearly demonstrated:~~
 - ~~— Water access can be provided with only minimal interference to the waterfront industrial uses; and~~
 - ~~— Adequate road access is provided for the waterfront industrial uses; and~~
 - ~~— Any other commercial uses (such as food service or retail space) must be clearly ancillary to the recreational marina or industrial uses and comprise no more than 5% of the site, unless located within the DRMUWD future land use category.~~
- ~~4. Water Dependent Overlay Zones in General—The Water Dependent Overlay zones will be included in the Lee County zoning regulations and may be the subject of deviation requests during the planned development rezoning process. This provision is particularly intended to encourage joint use of parking, access easements, and stormwater retention facilities where such joint use does not negate the essential purpose of the overlay zones. (This also applies to the Water Dependent Overlay zones elsewhere on San Carlos Island as described in Policy 32.1.1.)~~
- ~~5. Ancillary Commercial Uses—Wherever water dependent, marine industrial uses are permitted, water related ancillary commercial uses may also be permitted, provided they are clearly subordinate to the parcel's principal use and their total development area (building, parking, required buffers, water retention, etc.) does not exceed 15% of the parcel's total area. However, at the foot of the Matanzas Pass Bridge, this percentage may be increased to 25% so long as the resulting commercial use of land lying in the Industrial Development land use category does not exceed 50% of all land in that category that is under unified ownership or control as of March 1, 1988.~~

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~~6. **DRMUWD Future Land Use Category** Development within this land use category must be consistent with the requirements of Goal 12. (Ord. No. 94-30, 99-15, 00-22, 10-38, 18-18)~~

~~**POLICY 32.1.2:** New development and substantial redevelopment within a portion of the Urban Community land use category on San Carlos Island will be subject to the additional requirement that within a Water-Dependent Overlay zone, wet or dry storage recreational marinas and other water-dependent uses only will be permitted. This Water-Dependent Overlay zone affects two separate areas, both lying south of Main Street and east of San Carlos Boulevard, as depicted on Map 1-H and described as follows: land within 150 feet of the shoreline along the inlet (between other lands designated as Industrial Development but exempting the Gulf Cove Trailer Park); and, land within 300 feet of the shoreline and lying east of, and within 930 feet of, the main Industrial Development area. (Ord. No. 99-15, 00-22, 18-18)~~

~~**OBJECTIVE 32.2:** To manage growth, development, and redevelopment on San Carlos Island. To maintain and enhance the area's quality of life and public and private infrastructure. (Ord. No. 98-09, 18-18)~~

~~**POLICY 32.2.1:** As part of the transit design process, the County will consider ways to establish pull-overs and turn-offs for the pick-up and discharge of passengers from all trolley and mass transit vehicles and requiring that such pick-up and discharge be done only at specified transit stops. (Ord. No. 98-09, 00-22, 18-18)~~

~~**POLICY 32.2.2:** Prior to the expenditure of public funds for the construction of new parking facilities within San Carlos Island, an analysis of the relationship of the facility to the level of service on constrained and backlogged roads will be undertaken, in order to determine if the location, size and function of the facility is appropriate and consistent with the adopted CRA plan and the Transportation Element. (Ord. No. 98-09, 00-22, 18-18)~~

~~**POLICY 32.2.3:** Recreation areas must have a minimum of impervious surfaces. (Ord. No. 98-09, 00-22, 18-18)~~

~~**POLICY 32.2.4:** Sidewalks, bike paths and mass transit routes must be designed to provide convenient and safe access to all recreational facilities in the area. (Ord. No. 98-09, 00-22, 18-18)~~

- Policy 32.2.1 is duplicative of Goal 43.
- Policy 32.2.2 is outdated and redundant. Development of public facilities must be consistent with applicable portions of the Lee Plan or other county requirements, regardless if they are reiterated in this Policy or not.
- Policy 32.2.3 is duplicative of State ERP process, which incentivizes reduction of impervious surfaces through design requirements.

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~~**GOAL 34: TICE HISTORIC COMMUNITY PLAN.** Redevelop the Community Plan area into vibrant commercial and residential neighborhoods, with mixed use centers, landscaping, safe pedestrian and bicycle facilities, improved transit service, and an array of public space and recreational areas while protecting the community's historic resources. (Ord. No. 18-18)~~

- The Tice Goal generally reiterates and is redundant with existing development requirements supported by the Lee Plan's Future Land Use Map and Mixed Use Overlay, as implemented through the Land Development Code.

~~**OBJECTIVE 34.1: REDEVELOPMENT.** Promote redevelopment activities that: enhance appearance, form, use, and interconnectivity of private and public buildings; expand multimodal transportation facilities; extend the community's road and street grid; improve public facilities and infrastructure systems; preserve historic resources; and create mixed use centers. (Ord. No. 18-18)~~

- Development patterns are established by the underlying future land use categories, which include Intensive Development immediately adjacent to SR 80 and Suburban or Central Urban in the neighborhoods to the north and south of SR80. Additionally, the areas in the Intensive Development future land use category are within the Mixed Use Overlay, which allows for more compact development patterns and facilitates redevelopment.
- Objectives 34.1, and the supporting policies are generally reiterative of the Future Land Use Map and future land use categories, or other provisions of the Lee Plan and:
 - o Do not establish densities or intensities
 - o Do not establish distribution or commercial, industrial, residential, or agricultural uses, and,
 - o Create ambiguities that decrease predictability of the Plan.

~~**POLICY 34.1.1:** In the Tice Gateway and Tice Historic Center utilize the Mixed Use Overlay to encourage mixed use developments consistent with Goal 11 that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle friendly environments. Tice Gateway is defined as the properties with frontage on Palm Beach Boulevard. The Tice Historic Center is the area of the Community Plan area contiguous to the City of Fort Myers at the intersection of Tice Street and Palm Beach Boulevard. (Ord. No. 18-18)~~

~~**POLICY 34.1.2:** Support redevelopment by maintaining land development regulations that allow for urban forms of development and a variety of uses in the Mixed Use Overlay. (Ord. No. 18-18)~~

~~**POLICY 34.1.3:** Improve the overall connectivity, increase the functionality of the street grid, and expand the multimodal connectivity within the Community Plan area by improving the linkages between the community's neighborhoods (including: Morse Shores, Russell Park, South Tice, and Alabama Groves), commercial and economic areas, mixed use centers, parks, and schools through~~

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~~the incorporation of: connector roads and neighborhood streets; courtyards, public plazas and gathering places; greenway trails and sidewalks; parks and recreational facilities; blueways; and natural open spaces. (Ord. No. [18-18](#))~~

~~**POLICY 34.1.4:** Evaluate creating a historic district that identifies and protects the Community Plan area's historic resources through historic designations. The intent of the historic district designation is to preserve and highlight the historic resources and ensure new development is compatible with the historic character of the area. (Ord. No. [18-18](#))~~

~~**POLICY 34.1.5:** Encourage the preservation of historic resources and support redevelopment efforts that integrate known historic resources into development plans. (Ord. No. [18-18](#))~~

~~**POLICY 34.1.6:** Explore funding sources and options for signage to identify key community entrances, neighborhoods, and historic structures. (Ord. No. [18-18](#))~~

~~**POLICY 34.1.7:** Explore local funding mechanisms to support redevelopment. These mechanisms may include establishment of a municipal service benefit/taxing unit. (Ord. No. [18-18](#))~~

~~**OBJECTIVE 34.2: COMMERCIAL AND ECONOMIC LAND USES.** Provide commercial, economic, and employment opportunities within the Community Plan area by establishing active economic corridors centered along Palm Beach Boulevard, Ortiz Avenue, and Tice Street that feature high quality, distinct, and visually appealing commercial developments. (Ord. No. [18-18](#))~~

~~**POLICY 34.2.1:** Maintain land development regulations that address the following:~~

- ~~a. Underutilized buildings, shopping centers, and lots;~~
- ~~b. Uses that provide socioeconomic opportunity;~~
- ~~c. Lots that have irregular size, depth, building placement, and lack parking, landscaping, and infrastructure facilities;~~
- ~~d. Vegetative and light features that help unify and add visual appeal to developments;~~
- ~~e. Transportation resources that connect the Community Plan area to the surrounding neighborhoods and greater Lee County region and provide opportunities to walk, bike, ride transit, and drive within and through the Community Plan area; and~~
- ~~f. Transit facilities that provide for the specific needs of the area's workforce and that link Palm Beach Boulevard, Tice Historic Center (intersection of Palm Beach Boulevard and Tice Street), and Billy's Creek Commerce Center.~~

~~(Ord. No. [18-18](#))~~

~~**POLICY 34.2.2:** Maintain development standards for commercial developments to be designed as to support a walkable, multimodal community with transportation facilities that provide for the needs of pedestrians, cyclists, transit riders, and drivers by providing:~~

- ~~a. Interconnection of adjacent commercial uses in order to minimize vehicular access points on primary road corridors;~~
- ~~b. Parking at the rear of the developments;~~
- ~~c. Pedestrian connections such as sidewalks, trails, crosswalks, walkways and entrances, signalized and or lighted crossings, shade, and other pedestrian elements;~~
- ~~d. Bike facilities such as bike racks, bike lanes, and bike ways;~~

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- e. ~~Transit resources such as shelters, well-serviced transit lines, and intermodal connection facilities;~~
- f. ~~Improved network connections to Tice Street; and~~
- g. ~~Intersection improvements along Palm Beach Boulevard, Ortiz Avenue, and Tice Street.~~
(Ord. No. ~~18-18~~)

- This objective and Policy are redundant with existing development requirements supported by the Lee Plan's Future Land Use Map and Mixed Use Overlay, as implemented through the Land Development Code.

~~**OBJECTIVE 34.3: TRANSITIONAL USES.** Establish transitional use areas between commercial corridors and single-family residential neighborhoods. (Ord. No. ~~18-18~~)~~

~~**POLICY 34.3.1:** Transitional uses include pedestrian-oriented retail uses, commercial offices, day care centers, mid-rise multifamily buildings, live-work units, and accessory apartments. (Ord. No. ~~18-18~~)~~

~~**POLICY 34.3.2:** Consider development standards to allow the conversion of single-family uses abutting commercial uses that are located along commercial corridors into transitional uses. (Ord. No. ~~18-18~~)~~

~~**POLICY 34.3.3:** It is anticipated that transitional uses will coexist with existing single-family residences in the transitional use area. (Ord. No. ~~18-18~~)~~

- The uses supported by this policy are also supported by the underlying future land use categories, which include Intensive Development immediately adjacent to SR 80 and Suburban or Central Urban as you move further away from the road. Additionally, the areas in the Intensive Development future land use category are within the Mixed Use Overlay, which allows for more compact development patterns.
- Objectives 34.3, and the supporting policies are generally reiterative of the Future Land Use Map and future land use categories, or other provisions of the Lee Plan and:
 - o Do not establish densities or intensities
 - o Do not establish distribution or commercial, industrial, residential, or agricultural uses, and,
 - o Create ambiguities that decrease predictability of the Plan.

~~**OBJECTIVE 34.4: COMMUNITY FACILITIES.** Coordinate the provision of a broad mix of community facilities including parks, utilities and infrastructure, and transportation. (Ord. No. ~~18-18~~)~~

~~**POLICY 34.4.1:** Community facilities will be located and designed to promote an economically vibrant, mixed-use, and interconnected multimodal urban community. Public facilities, such as stormwater, transportation facilities, public spaces, and other utilities in the community's mixed-use centers will be developed to meet the unique needs and demands of such areas. (Ord. No. ~~18-18~~)~~

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~~**POLICY 34.4.2:** Integrate parks and open spaces into the surrounding neighborhoods. Locate parks to act as anchors for neighborhoods, and connect to other open space and recreational opportunities through pedestrian and bicycle linkages, either along public rights of way or through adjacent neighborhoods. (Ord. No. [18-18](#))~~

~~**POLICY 34.4.3:** Maintain the existing waterfront County parks and explore maintenance options for Russell Park. (Ord. No. [18-18](#))~~

- Policy 34.4.1 does not provide specific direction and is unnecessary. County facilities are designed to meet the needs of the community that is being served.
- This Objective and it's supporting Policies are duplicative of Goals 76, 77, 78, 82, and 83-86.

~~**OBJECTIVE 34.5: COORDINATION.** Coordinate with the City of Fort Myers and FDOT to enable and promote effective redevelopment activities within the Community Plan area. (Ord. No. [18-18](#))~~

~~**POLICY 34.5.1:** Promote the use of Palm Beach Boulevard as the “Gateway” to Fort Myers through a collaborative effort between Lee County, City of Fort Myers, and FDOT. Aesthetic and safety improvements may include:~~

- ~~a. Road improvements;~~
- ~~b. Bicycle and pedestrian improvements that better link the corridor to the surrounding neighborhoods;~~
- ~~c. Landscaping, hardscaping, signage and other community character elements;~~
- ~~d. Building placement, pedestrian entranceways, and other physical design features; and~~
- ~~e. Access to commercial businesses and neighborhood streets through connectivity improvements.~~

~~(Ord. No. [18-18](#))~~

- Not necessary as a Lee Plan Policy. Lee County DCD, DOT and Florida DOT meet quarterly to coordinate improvements of state roads and the development that is taking place or is anticipated to take place along those facilities.

~~**GOAL 35: RESERVED** (Ord. No. [18-18](#))~~

III Transportation Element

~~**OBJECTIVE 36.2:** Lee County recognizes that development immediately adjoining the I-75 ramps could render future interchange improvements extremely costly if not prohibitive. To assist the County in evaluating the impacts of specific rezoning proposals located within 1000 feet of I-75 ramps, County staff will estimate the possible right of way needs for interchange improvements in that quadrant and present this information during the rezoning process. Where possible, development approvals must be phased to protect land critical for future interchange improvements. (Ord. No. [17-13](#), [99-18](#), [00-22](#), [21-09](#))~~

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POLICY 36.2.1: ~~The following access control standards will apply to the interstate interchange areas of Lockett Road, Alico Road, Corkscrew Road, and Bonita Beach Road. The specified turning movements are not to be construed as conveying a property right or creating any expectation that they will be a permanent feature. The County reserves the right to modify or further restrict movements as it deems necessary to address operational and safety issues. Access control issues for Daniels Parkway west of I-75 are governed by the controlled access resolution adopted by the Board of County Commissioners on October 4, 1989, as may be amended from time to time. The other interchange areas are state roads where access is controlled by FDOT under the provisions of Rule 14-97.003, FAC. The standard is a strict requirement during the rezoning and development order processes for cases after the effective date of this policy.~~

Access Control Standards for Lockett Road and Bonita Beach Road

- ~~1. The distance to the first connection will be at least 880 feet, provided such location is outside the federal limited access right-of-way line. A connection is generally defined as a driveway or roadway, limited to right-in/right-out movements, but can include a directional median opening. This distance will be measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate. A single connection per property not meeting this connection spacing standard may be provided, pursuant to the connection permit process, if no reasonable access to the property exists, and if permitting authority review of the connection permit application provided by the applicant determines that the connection does not create a safety, operational or weaving hazard.~~
- ~~2. The minimum distance to the first full movement median opening will be at least 1,760 feet as measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate.~~
- ~~3. Connections and median openings consistent with the above spacing standards may still be denied in the location requested when the Lee County Traffic Engineer determines, based on the engineering and traffic information provided in the permit application, that the safety or operation of the interchange or the limited access highway would be adversely affected.~~
- ~~4. Connections and median openings existing prior to 1998 that do not meet the standards are allowed to remain (unless they need to be closed for operational safety reasons), but cannot expand movements, except in the case of County roadway extensions.~~

Access Control Standards for Alico Road

The access on Alico Road is limited to the following movements and locations, from west to east and excluding the area within the interstate limited access right-of-way:

STATION	DISTANCE ⁴	MEDIAN OPENING?	MOVEMENT	CONNECTION
160+59.33	n/a	Yes	All	Oriole Road

⁴ Distance measured from next connection to the west.

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170+54.54	995.21 ft.	Yes ⁵	All	Alico-Int. Park DRI
177+74.54	720 ft.	Yes	All	Three Oaks Parkway
222+81	n/a	Yes	EB to NB Left In ⁶ Rt In/Rt Out from N & S	Coca-Cola Bottling Co. (N) University Plaza (S)
234+44	1,163 ft.	Yes	All	Ben Hill Griffin Parkway

Access Control Standards for Corkscrew Road

The access on Corkscrew Road is limited to the following movements and locations, from west to east and excluding the area within the interstate limited access right-of-way:

STATION	DISTANCE ⁷	MEDIAN OPENING?	MOVEMENT	CONNECTION
172+84	n/a	Yes	All	Three Oaks Parkway
179+44	660 ft.	Yes	EB to NB Left In ⁸ Rt In/Rt Out from N & S	Corkscrew Crossing (#1)
185+29	585 ft.	Yes	All	Corkscrew Crossing (#2)
187+83	254 ft.	No	Rt In/Rt Out from N ⁹	Pic-N-Run Entrance
190+34	253 ft.	Yes	EB to NB Left In Rt In/Rt Out from N	Estero Int. Com. Park (#3)
194+29	395 ft.	Yes	WB to SB Left In NB to WB Left out Rt In/Rt Out from S	Corkscrew Woodlands
221+47	n/a	Yes	U turns only	None
230+14	867 ft.	Yes	EB to NB Left In Rt In/Rt Out from N &	Miromar Outlet Mall
236+73	660 ft.	Yes	All	Ben Hill Griffin Parkway

(Ord. No. [17-13](#), [00-22](#), [03-05](#), [21-09](#))

- Modified and relocated to proposed Objective 40.4. as the Objective does not make sense in a Lee Plan Goal that addresses Maps.

~~OBJECTIVE 36.3: BABCOCK RANCH COMMUNITY (BRC).~~ To minimize the development impacts of the BRC in Charlotte County on the Lee County transportation system, with the goal of protecting the rural nature of northeastern Lee County, and to assure the transportation impacts in Lee County, generated by the BRC approved in Charlotte County, are funded entirely by the BRC ISD or other BRC-related funding mechanism. In addition, to provide a process by which these identified improvements are added to the Transportation Map Series and the Capital Improvement Program (CIP).
(Ord. No. [10-03](#))

⁵ Unsignalized only; subject to future restrictions if traffic signal warranted.

⁶ A WB to SB left-in may be allowed if sufficient right-of-way is provided and an analysis demonstrating acceptable operation is submitted to and approved by LCDOT.

⁷ Distance measured from next connection to the west.

⁸ A WB to SB left-in may be allowed at this location if necessary.

⁹ The previously-approved driveway for the Pic-N-Run may remain provided there is no other access; however, if Pic-N-Run establishes a connection to the frontage road system and other access locations, the driveway must be removed.

¹⁰ The Right-in/Right-out from the south already exists at Station 230+65. This connection may be shifted west to any point between Stations 226+30 and 230+65 if proven not to be a traffic safety hazard.

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~~**POLICY 36.3.1:** Lee County views as a priority the proposed East-West Connector roadway and related interstate interchange and any other transportation/mobility improvements that will minimize the impacts in Lee County from the development of the BRC in Charlotte County. Lee County supports the use of the Lee County and Charlotte County MPO plan update processes in a comprehensive, coordinated, cooperative fashion to consider the need for, and location of, an East-West Connector roadway and related interstate interchange, as well as evaluation of transportation alternatives that might serve the projected need related to development of the BRC while minimizing the impacts to the rural nature of northeast Lee County. Upon inclusion in the appropriate MPO plan(s), funding for the East-West Connector roadway or transportation/mobility alternatives will be allocated in accordance with Policy 36.3.3(c). (Ord. No. [10-03](#))~~

~~**POLICY 36.3.2:** The comprehensive transportation analysis of the BRC has identified the potential need for numerous transportation/mobility improvements in Lee County. In order to address the impacts of the development of the BRC in Charlotte County, additions to the Transportation Map Series and the CIP may be necessary.~~

- ~~a. Lee County does not have the responsibility to fund the capital transportation/mobility improvements required by the development of the BRC in Charlotte County.~~
- ~~b. As contemplated in the Interlocal Planning Agreement dated March 13, 2006, and the BRC Road Planning Agreement dated May 23, 2006, the capital transportation/mobility improvements required by the development of the BRC will be funded entirely by the BRC ISD or other BRC related funding mechanism ("the Developer"). (Ord. No. [10-03](#))~~

~~**POLICY 36.3.3:** Analysis of the development of the BRC in Charlotte County identified potential transportation/mobility improvements beyond the financially feasible improvements currently reflected in the Transportation Map Series; therefore any future amendments to the Transportation Map Series related to the BRC will be consistent with the procedures set forth below:~~

- ~~a. The funding necessary to construct the transportation/mobility improvements resulting from BRC development may exceed the proportionate share contribution anticipated from the BRC DRI increments. Developer contributions exceeding the DRI proportionate share assessment for a given increment may be necessary to satisfy the financially feasible standard required to support an amendment to the Transportation Map Series, as well as future amendments to the CIP.~~
- ~~b. Prior to Lee County amending the Transportation Map Series and the CIP to include specific BRC-related transportation/mobility improvements, the ISD, or other BRC-related funding mechanism, will have to commit to fully funding these improvements if the proportionate share assessment does not fully fund these identified improvements.~~
- ~~c. Developer contributions in excess of its DRI proportionate share assessment may be applied directly toward identified improvements through pipelining. The funding necessary to justify inclusion in the Lee Plan will be delivered via development agreements, interlocal agreements, or other mechanisms acceptable to Lee County, which mechanisms will coincide with each~~

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~~increment of the BRC. Upon execution of a development agreement, interlocal agreement, or other mechanism acceptable to Lee County providing for full funding of the identified transportation/mobility improvement, the County will include the transportation/mobility improvement on the Transportation Map Series and the transportation/mobility improvements will be included in the CIP as funded by developer contributions.~~

- d. ~~Failure of the Developer of the BRC to fully fund the transportation/mobility improvements necessary to serve the BRC will prevent the inclusion of those transportation/mobility improvements as amendments to the Transportation Map Series and the CIP.~~
(Ord. No. [10-03](#))

~~**POLICY 36.3.4:** In recognition of the environmentally sensitive nature of the area, any transportation/mobility improvements in Lee County or within two miles of the Lee County border must include an analysis of the location and design of wildlife crossings. The wildlife crossings must be coordinated with the appropriate federal, state and local agencies including: SFWMD, Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, Charlotte County, and Lee County. (Ord. No. [10-03](#))~~

- Relocated to proposed Objective 40.1. as the Objective does not make sense in a Lee Plan Goal that addresses Maps.

GOAL 40: AREAS FOR TRANSPORTATION PLANNING. Certain areas may necessitate requirements to mitigate transportation impacts.

OBJECTIVE 40.1 36.3: BABCOCK RANCH COMMUNITY (BRC). To minimize the development impacts of the BRC in Charlotte County on the Lee County transportation system, with the goal of protecting the rural nature of northeastern Lee County, and to assure the transportation impacts in Lee County, generated by the BRC approved in Charlotte County, are funded entirely by the BRC ISD or other BRC related funding mechanism. In addition, to provide a process by which these identified improvements are added to the Transportation Map Series and the Capital Improvement Program (CIP). (Ord. No. [10-03](#))

POLICY 40.1.1 36.3.1: Lee County views as a priority the proposed East-West Connector roadway and related interstate interchange and any other transportation/mobility improvements that will minimize the impacts in Lee County from the development of the BRC in Charlotte County. Lee County supports the use of the Lee County and Charlotte County MPO plan update processes in a comprehensive, coordinated, cooperative fashion to consider the need for, and location of, an East-West Connector roadway and related interstate interchange, as well as evaluation of transportation alternatives that might serve the projected need related to development of the BRC while minimizing the impacts to the rural nature of northeast Lee County. Upon inclusion in the appropriate MPO plan(s), funding for the East-West Connector roadway or transportation/mobility alternatives will be allocated in accordance with Policy 36.3.3(c). (Ord. No. [10-03](#))

POLICY 40.1.2 36.3.2: The comprehensive transportation analysis of the BRC has identified the potential need for numerous transportation/mobility improvements in Lee County. In order to

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address the impacts of the development of the BRC in Charlotte County, additions to the Transportation Map Series and the CIP may be necessary.

- a. Lee County does not have the responsibility to fund the capital transportation/mobility improvements required by the development of the BRC in Charlotte County.
- b. As contemplated in the Interlocal Planning Agreement dated March 13, 2006, and the BRC Road Planning Agreement dated May 23, 2006, the capital transportation/mobility improvements required by the development of the BRC will be funded entirely by the BRC ISD or other BRC related funding mechanism (“the Developer”).
(Ord. No. 10-03)

POLICY 40.1.3 36.3.3: Analysis of the development of the BRC in Charlotte County identified potential transportation/mobility improvements beyond the financially feasible improvements currently reflected in the Transportation Map Series; therefore any future amendments to the Transportation Map Series related to the BRC will be consistent with the procedures set forth below:

- a. The funding necessary to construct the transportation/mobility improvements resulting from BRC development may exceed the proportionate share contribution anticipated from the BRC DRI increments. Developer contributions exceeding the DRI proportionate share assessment for a given increment may be necessary to satisfy the financially feasible standard required to support an amendment to the Transportation Map Series, as well as future amendments to the CIP.
- b. Prior to Lee County amending the Transportation Map Series and the CIP to include specific BRC-related transportation/mobility improvements, the ISD, or other BRC-related funding mechanism, will have to commit to fully funding these improvements if the proportionate share assessment does not fully fund these identified improvements.
- c. Developer contributions in excess of its DRI proportionate share assessment may be applied directly toward identified improvements through pipelining. The funding necessary to justify inclusion in the Lee Plan will be delivered via development agreements, interlocal agreements, or other mechanisms acceptable to Lee County, which mechanisms will coincide with each increment of the BRC. Upon execution of a development agreement, interlocal agreement, or other mechanism acceptable to Lee County providing for full funding of the identified transportation/mobility improvement, the County will include the transportation/mobility improvement on the Transportation Map Series and the transportation/mobility improvements will be included in the CIP as funded by developer contributions.
- d. Failure of the Developer of the BRC to fully fund the transportation/mobility improvements necessary to serve the BRC will prevent the inclusion of those transportation/mobility improvements as amendments to the Transportation Map Series and the CIP.
(Ord. No. 10-03)

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POLICY 40.1.4 36.3.4: In recognition of the environmentally sensitive nature of the area, any transportation/mobility improvements in Lee County or within two miles of the Lee County border must include an analysis of the location and design of wildlife crossings. The wildlife crossings must be coordinated with the appropriate federal, state and local agencies including: SFWMD, Florida Fish and Wildlife Conservation Commission, U.S. Fish and Wildlife Service, Charlotte County, and Lee County. (Ord. No. 10-03)

- Relocate Objective 36.3 through Policy 36.3.4 to new Objective 40.1 within the Transportation Element.

OBJECTIVE 40.2 25.8: TRANSPORTATION, PARKING, AND TRAFFIC CIRCULATION WITHIN LEHIGH ACRES. To improve transportation, parking, and circulation within the Lehigh Acres Community Plan area.

POLICY 40.2.1 28.8.1: To minimize driveway connections to arterial and major collector roadways, all ~~All~~ new commercial development must provide parking lot interconnections, with accompanying cross-access easement rights, to adjacent properties unless physical constraints prevent the interconnection, and must not prevent pedestrian or vehicular access from adjacent residential areas.¹¹

Whenever possible, all new commercial development adjacent to Lee Boulevard right-of-way must provide access to either 5th Street West, 4th Street West, or other local, collector or arterial roadway. Direct access to Lee Boulevard is discouraged.

POLICY 40.2.2 25.8.5: Lee County will identify possible locations of new bridges to improve the continuity of the street network and connect neighborhoods.

POLICY 40.2.3 25.8.7: New single-family model homes with direct access to collector or arterial roadways are prohibited within 300 feet of arterial and collector roads.

- Relocate Objective 25.8 and Policies 25.8.1, 25.8.5 and 25.8.7 to new Objective 40.2 within the Transportation Element.

OBJECTIVE 40.3 19.2: TRANSPORTATION, PARKING AND TRAFFIC CIRCULATION ON BOCA GRANDE. To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and abundant open space and preservation areas. No policy in this community plan will be construed or interpreted to imply that Lee County will implement and/or enforce new traffic regulations, traffic control, or parking regulations which are determined to be significantly substandard or may cause a defined safety or operational problem.

¹¹ Amendments to this Policy were transmitted by the BoCC on June 3, 2026.

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Lee County will recognize the inherent need to limit additional impacts to the existing transportation infrastructure of Boca Grande, the varied types and limited access to the community, the need for alternate forms of transportation within the community, the need for specialized standards for parking and commercial service areas, and the seasonal nature of infrastructure demand that exists throughout the community. (Ord. No. 05-19, 18-18)

- Relocated from Objective 19.2.

POLICY 40.3.1 19.2.2: Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands and supports the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians including strict enforcement of traffic laws. (Ord. No. 05-19, 18-18)

- Relocated from Policy 19.2.2.

POLICY 40.3.2 19.2.4: Lee County will support efforts of the Boca Grande community to beautify road rights-of-ways and enhance the public realm of Boca Grande by including provisions for streetscaping in the Historic Downtown Village in the LeeScape Master Plan. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground. (Ord. No. 05-19, 18-18)

- Relocated from Policy 19.2.4.

POLICY 40.3.3 19.2.6: Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community, and by improving pedestrian circulation within the Historic District. (Ord. No. 05-19, 18-18)

- Relocated from Policy 19.2.6.

POLICY 40.3.4 19.3.1: As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long-range strategy to address increased parking demand. This may result in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following: revised traffic count thresholds; maximum development intensities; revised minimum parking requirements; traffic congestion mitigation practices; vehicle and pedestrian safety programs; shared parking agreements; or, public/private partnerships to fund new or expanded parking facilities. (Ord. No. 05-19, 18-18)

- Relocated from Policy 19.3.1.

POLICY 40.3.5 19.3.2: Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking

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facilities, and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined. (Ord. No. 05-19, 18-18)

- Relocated from Policy 19.3.2.

POLICY 40.3.6 19.3.3: Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts of the Boca Grande community to analyze the appropriateness of overnight and long term parking in the public rights-of-way, the Gilchrist median, and along beach access streets. (Ord. No. 05-19, 18-18)

- Relocated from Policy 19.3.3.

POLICY 40.3.7 19.3.4: Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during peak traffic periods, such as those occurring in March and April. (Ord. No. 05-19, 18-18)

- Relocated from Policy 19.3.4.

POLICY 40.3.8 19.3.5: For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal. (Ord. No. 05-19, 18-18)

- Relocated from Policy 19.3.5.

POLICY 40.3.9 19.3.6: Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community. (Ord. No. 05-19, 18-18)

- Relocated from Policy 19.3.6.

OBJECTIVE 40.1POLICY 36.2.1: The following access control standards will apply to the interstate interchange areas of Lockett Road, Alico Road, Corkscrew Road, and Bonita Beach Road. The specified turning movements are not to be construed as conveying a property right or creating any expectation that they will be a permanent feature. The County reserves the right to modify or further restrict movements as it deems necessary to address operational and safety issues. Access control issues for Daniels Parkway west of I-75 are governed by the controlled access resolution adopted by the Board of County Commissioners on October 4, 1989, as may be amended from time to time. The other interchange areas are state roads where access is controlled by FDOT under the provisions of Rule 14-

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97.003, FAC: The standard is a strict requirement during the rezoning and development order processes for cases after the effective date of this policy.

POLICY 40.1.1: Access Control Standards for Luckett Road and Bonita Beach Road

1. The distance to the first connection will be at least 880 feet, provided such location is outside the federal limited access right-of-way line. A connection is generally defined as a driveway or roadway, limited to right-in/right-out movements, but can include a directional median opening. This distance will be measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate. A single connection per property not meeting this connection spacing standard may be provided, pursuant to the connection permit process, if no reasonable access to the property exists, and if permitting authority review of the connection permit application provided by the applicant determines that the connection does not create a safety, operational or weaving hazard.
2. The minimum distance to the first full movement median opening will be at least 1,760 feet as measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate.
3. Connections and median openings consistent with the above spacing standards may still be denied in the location requested when the Lee County Traffic Engineer determines, based on the engineering and traffic information provided in the permit application, that the safety or operation of the interchange or the limited access highway would be adversely affected.
4. Connections and median openings existing prior to 1998 that do not meet the standards are allowed to remain (unless they need to be closed for operational safety reasons), but cannot expand movements, except in the case of County roadway extensions.

POLICY 40.1.2: Access Control Standards for Alico Road

The access on Alico Road is limited to the following movements and locations, from west to east and excluding the area within the interstate limited access right-of-way:

<u>STATION</u>	<u>DISTANCE</u> ¹²	<u>MEDIAN OPENING?</u>	<u>MOVEMENT</u>	<u>CONNECTION</u>
<u>160+59.33</u>	<u>n/a</u>	<u>Yes</u>	<u>All</u>	<u>Oriole Road</u>
<u>170+54.54</u>	<u>995.21 ft.</u>	<u>Yes</u> ¹³	<u>All</u>	<u>Alico Int. Park DRI</u>
<u>177+74.54</u>	<u>720 ft.</u>	<u>Yes</u>	<u>All</u>	<u>Three Oaks Parkway</u>
<u>222+81</u>	<u>n/a</u>	<u>Yes</u>	<u>EB to NB Left-In</u> ¹⁴ <u>Rt-In/Rt-Out from N & S</u>	<u>Coca-Cola Bottling Co. (N)</u> <u>University Plaza (S)</u>
<u>234+44</u>	<u>1,163 ft.</u>	<u>Yes</u>	<u>All</u>	<u>Ben Hill Griffin Parkway</u>

¹² Distance measured from next connection to the west.

¹³ Unsignalized only; subject to future restrictions if traffic signal warranted.

¹⁴ A WB to SB left-in may be allowed if sufficient right-of-way is provided and an analysis demonstrating acceptable operation is submitted to and approved by LCDOT.

ATTACHMENT 1: Proposed Lee Plan Amendments

- Relocate Objective 36.2 and Policy 36.2.1 to new Objective 40.4 within the Transportation Element.

POLICY 40.1.3: Access Control Standards for Corkscrew Road

The access on Corkscrew Road is limited to the following movements and locations, from west to east and excluding the area within the interstate limited access right-of-way:

<u>STATION</u>	<u>DISTANCE</u> ¹⁵	<u>MEDIAN OPENING?</u>	<u>MOVEMENT</u>	<u>CONNECTION</u>
<u>172+84</u>	<u>n/a</u>	<u>Yes</u>	<u>All</u>	<u>Three Oaks Parkway</u>
<u>179+44</u>	<u>660 ft.</u>	<u>Yes</u>	<u>EB to NB Left-In</u> ¹⁶ <u>Rt-In/Rt-Out from N & S</u>	<u>Corkscrew Crossing (#1)</u>
<u>185+29</u>	<u>585 ft.</u>	<u>Yes</u>	<u>All</u>	<u>Corkscrew Crossing (#2)</u>
<u>187+83</u>	<u>254 ft.</u>	<u>No</u>	<u>Rt-In/Rt-Out from N</u> ¹⁷	<u>Pic-N-Run Entrance</u>
<u>190+34</u>	<u>253 ft.</u>	<u>Yes</u>	<u>EB to NB Left-In</u> <u>Rt-In/Rt-Out from N</u>	<u>Estero Int. Com. Park (#3)</u>
<u>194+29</u>	<u>395 ft.</u>	<u>Yes</u>	<u>WB to SB Left-In</u> <u>NB to WB Left-out</u> <u>Rt-In/Rt-Out from S</u>	<u>Corkscrew Woodlands</u>
<u>221+47</u>	<u>n/a</u>	<u>Yes</u>	<u>U-turns only</u>	<u>None</u>
<u>230+14</u>	<u>867 ft.</u>	<u>Yes</u>	<u>EB to NB Left-In</u> <u>Rt-In/Rt-Out from N &</u>	<u>Miromar Outlet Mall</u>
<u>236+73</u>	<u>660 ft.</u>	<u>Yes</u>	<u>All</u>	<u>Ben Hill Griffin Parkway</u>

(Ord. No. 17-13, 00-22, 03-05, 21-09)

- Relocated from Objective 36.2
- Necessary to maintain public safety and welfare at Lee County's interchange areas.

GOAL 40 – GOAL 41: RESERVED (Ord. No. 17-13)

¹⁵ Distance measured from next connection to the west.

¹⁶ A WB to SB left-in may be allowed at this location if necessary.

¹⁷ The previously-approved driveway for the Pic-N-Run may remain provided there is no other access; however, if Pic-N-Run establishes a connection to the frontage road system and other access locations, the driveway must be removed.

¹⁸ The Right-in/Right-out from the south already exists at Station 230+65. This connection may be shifted west to any point between Stations 226+30 and 230+65 if proven not to be a traffic safety hazard.

ATTACHMENT 1: Proposed Lee Plan Amendments

VII Conservation and Coastal Management Element

~~**POLICY 114.1.5 24.1.1:** The County will not approve or support any new canals on Greater Pine Island or any new artificial channels in natural waters within one mile of Pine Island. **POLICY 24.1.4:** Maintenance dredging of old channels and canals may be permitted in those cases where the original channel (or canal) depth and width can be accurately determined.~~

- Relocated from Policies 24.1.1 and 24.1.4.
-

~~**OBJECTIVE 124.2: WETLANDS TRANSFER OF DEVELOPMENT RIGHTS (Wetlands TDR) PROGRAM.** To incorporate purchase and transfer of development rights programs for the protection and preservation of wetlands into the LDC. (Ord. No. [19-26](#))~~

~~**POLICY 124.2.1:** The programs may create incentives for property owners of wetlands to transfer development rights associated with the Wetlands future land use category to eligible upland receiving lands or Lee County. (Ord. No. [19-26](#))~~

~~**POLICY 124.2.2:** The Wetlands TDR program will have the following characteristics:~~

- ~~1. Creation of Wetland Transferable Development Units (Wetland TDUs).
 - Up to one TDU may be created per five acres of wetlands.
 - Up to two TDUs may be created from a single family lot or parcel designated as wetlands that holds an affirmative Minimum Use Determination pursuant to Chapter XIII.
 - TDUs allowed by 1.a. or 1.b. above, and created from wetlands located within the Coastal High Hazard Area may be doubled.~~
- ~~2. Receiving area density and intensity equivalents of Wetland TDUs.
 - In the Intensive Development, Central Urban, Urban Community, or General Interchange future land use categories, one Wetland TDU may be redeemed for up to two dwelling units.
 - Lee County may establish non-residential incentives for the use of Wetland TDUs within Future Urban Areas of the unincorporated Lee County.~~
- ~~3. The LDC may include regulations that permit the County to evaluate the effectiveness of the Wetlands TDR program and make changes that may further condition or restrict the use of Wetland TDUs.
(Ord. No. [19-26](#))~~

~~**POLICY 124.2.3:** The County will administer the TDR program and develop a forum to disseminate program information and records. The forum may include a TDR program website that provides general program information, rules and guidelines; TDU administrative determination application; County approved form of conservation easement; certified TDU database with~~

ATTACHMENT 1: Proposed Lee Plan Amendments

ownership information; and, TDU clearinghouse for individuals that request to be included within the TDU clearinghouse program. (Ord. No. ~~19-26~~)

- Relocated to new Objective 129.1 within a separate goal for Lee County TDU programs, Goal 129.

GOAL 129: LEE COUNTY TRANSFERABLE DEVELOPMENT RIGHTS PROGRAMS. Lee County will administer Transferable Development Rights programs to incentivize the protection of community resources.

- Create new Goal 129 to provide a location for Lee County TDU Programs.

OBJECTIVE 129.1 24.6: GREATER PINE ISLAND TRANSFER OF DEVELOPMENT RIGHTS (Greater Pine Island TDR) PROGRAM. To promote and preserve the rural character of Pine Island, Lee County will pursue the incorporation of Greater Pine Island's purchase and transfer of development rights programs into the LDC.

POLICY 129.1.1 24.6.1: ~~Lee County will amend its LDC to implement~~ Maintain in the Land Development Code transfer of development rights and purchase of development rights programs for Greater Pine Island. The new programs will create incentives for property owners within Greater Pine Island to transfer development rights associated with their parcels to: receiving lands outside of the planning community; future urban areas within the planning community that are targeted for development in accordance with these provisions; or, Lee County. The programs will allow for continued agricultural uses on sending lands, in addition to limited non-residential uses that directly support the agricultural operations. (Ord. No. ~~16-07, 18-18~~)

POLICY 129.1.2 24.6.2: The Greater Pine Island TDR program will have the following characteristics:

- c. Creation of Greater Pine Island Transferable Development Units (Greater Pine Island TDUs).
 5. Up to one Greater Pine Island TDU may be created per five acres of wetlands.
 6. Up to one Greater Pine Island TDU may be created per one acre of uplands located in non-urban future land use categories.
 7. Up to three Greater Pine Island TDUs may be created per one acre of uplands located in the Outlying Suburban future land use categories.
 8. Up to two Greater Pine Island TDUs may be created from a single-family lot or parcel designated as wetlands that holds an affirmative Minimum Use Determination pursuant to Chapter XIII.
- d. Receiving area density and intensity equivalents of Greater Pine Island TDUs.
 4. One Greater Pine Island TDU will be equal up to two dwelling units when transferred to eligible receiving lands outside of the Greater Pine Island Community Plan area.

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5. One Greater Pine Island TDU will be equal up to one dwelling unit when transferred to receiving lands in Pine Island Center.
 6. Lee County may establish non-residential incentives for the use of Greater Pine Island TDUs within Future Urban Areas of the unincorporated Lee County.
- c. The LDC may include regulations that permit the County to evaluate the effectiveness of the Greater Pine Island TDR program and make changes that may further condition or restrict the use of Greater Pine Island TDUs.
(Ord. No. [16-07, 18-18](#))

POLICY 129.1.3 ~~24.3.1~~: Due to the constraints on future development posed by the limited road connections to mainland Lee County, only Greater Pine Island TDUs are permitted in Greater Pine Island consistent with Table 1(a), Note 4. Only the portion of Greater Pine Island defined as Pine Island Center is eligible to receive Greater Pine Island TDUs. (Ord. No. [16-07, 18-18](#))

POLICY 129.1.4 ~~24.6.3~~: The County will administer the TDR program and will develop a clear and concise forum to disseminate program information and records, including but not limited to a: TDR program website that will provide general program information, rules and guidelines; TDU administrative determination application; County-approved form of conservation easement; certified TDU database with ownership information; and, for-sale TDU clearinghouse information for those individuals that request to be included within the TDU clearinghouse program. (Ord. No. [16-07, 18-18](#))

- Relocated from Objective 24.6 and Policies 24.3.1, 24.6.4, 24.6.2, and 24.6.3.

OBJECTIVE 129.2 ~~124.2~~: WETLANDS TRANSFER OF DEVELOPMENT RIGHTS (Wetlands TDR) PROGRAM. To incorporate purchase and transfer of development rights programs for the protection and preservation of wetlands into the LDC. (Ord. No. [19-26](#))

POLICY 129.2.1 ~~124.2.1~~: The programs may create incentives for property owners of wetlands to transfer development rights associated with the Wetlands future land use category to eligible upland receiving lands or Lee County. (Ord. No. [19-26](#))

POLICY 129.2.2 ~~124.2.2~~: The Wetlands TDR program will have the following characteristics:

4. Creation of Wetland Transferable Development Units (Wetland TDUs).
 - a. Up to one TDU may be created per five acres of wetlands.
 - b. Up to two TDUs may be created from a single-family lot or parcel designated as wetlands that holds an affirmative Minimum Use Determination pursuant to Chapter XIII.
 - c. TDUs allowed by 1.a. or 1.b. above, and created from wetlands located within the Coastal High Hazard Area may be doubled.
5. Receiving area density and intensity equivalents of Wetland TDUs.

ATTACHMENT 1: Proposed Lee Plan Amendments

- c. In the Intensive Development, Central Urban, Urban Community, or General Interchange future land use categories, one Wetland TDU may be redeemed for up to two dwelling units.
 - d. Lee County may establish non-residential incentives for the use of Wetland TDUs within Future Urban Areas of the unincorporated Lee County.
6. The LDC may include regulations that permit the County to evaluate the effectiveness of the Wetlands TDR program and make changes that may further condition or restrict the use of Wetland TDUs.
(Ord. No. 19-26)

POLICY 129.2.3 ~~124.2.3~~: The County will administer the TDR program and develop a forum to disseminate program information and records. The forum may include a TDR program website that provides general program information, rules and guidelines; TDU administrative determination application; County-approved form of conservation easement; certified TDU database with ownership information; and, TDU clearinghouse for individuals that request to be included within the TDU clearinghouse program. (Ord. No. 19-26)

- Relocated from Objective 124.2 and Policies 124.2.1, 124.2.2, and 124.2.3.

GOAL ~~129~~130 - GOAL 134: RESERVED

IX Historic Preservation

OBJECTIVE 143.5 ~~POLICY 19.8.1~~: Maintain a Boca Grande Historic Preservation Board.

POLICY 143.5.1 ~~19.8.3~~: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered.

POLICY 143.5.2 ~~19.8.5~~: Lee County will preserve the historic village character of the commercial sector of Boca Grande by adhering to the criteria of the Design Guidelines Manual for the Boca Grande Historic District. ~~Lee County will support efforts of the Boca Grande community to modify site and design regulation within the Boca Grande Historic District to include commercial signage and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island.~~

- Relocated and renumbered from Policies 19.8.1, 19.8.3, and 19.8.5.
 - Deleted sections are no longer consistent with federal law.
-

ATTACHMENT 1: Proposed Lee Plan Amendments

XIII Administration b. Administrative Interpretations of the Plan

2. Standards for Administrative Interpretations

a. through e.(4)(a) remains unchanged.

- (b) The lot/parcel is located on Captiva Island in an area identified by Policy 23.2.1 11.1.3 and is approved as a Commercial or Mixed-Use planned development.

- Amended to maintain internal consistency.
-

XIV Glossary

~~**ACTIVITY CENTER**—Those areas of such economic, recreational, cultural, or unique locational significance that the community has unusual difficulty in providing transportation facilities consistent with adopted service levels (see Objective 37.3).~~

- Deleted to maintain internal consistency.
-

~~**ASSOCIATED SUPPORT DEVELOPMENT**—Within the University Community land use category is that development which is related to and justified by the University, including but not limited to support facilities, university housing, and development, such as research and development parks, which would not have come to the University Community except for the synergy created by the University. (Ord. No. 92-47)~~

- Deleted to maintain internal consistency
-

~~**COMMUNITY PLAN**—A Goal in the Lee Plan specific to a defined area of the County with long term community objectives and policies that complement and remain consistent with the County's overall goals, objectives, and policies. (Ord. No. 18-18)~~

- Deleted to maintain internal consistency
-

COUNTY FACILITIES – means property owned or leased by Lee County and all uses and improvements thereon, including but not limited to public utilities and resource recovery facilities, public recreational uses, public safety facilities, communication towers, and other public facilities. The term does not include property owned, leased, or controlled exclusively by a constitutional officer, independent authority,

ATTACHMENT 1: Proposed Lee Plan Amendments

dependent or independent special district, municipality, school board, state agency, federal agency, or other governmental entity.

- Added definition to clarify what constitutes a county facility.

FUTURE NON-URBAN AREAS – Those categories on the Future Land Use Map that are designated primarily for single use developments with a density equal to or less than 1 unit per acre ~~unless otherwise allowed within a special treatment area identified in Objective 1.7:~~ Rural, Rural Community Preserve, Coastal Rural, Outer Island, Open Lands, ~~Wetlands,~~ Conservation Lands (upland and wetland), New Community within the ~~North-Olga-Northeast Lee County Planning District-Community~~ and Density Reduction/Groundwater Resource.

- Amended to maintain internal consistency.

FUTURE SUBURBAN AREAS – Those future urban categories on the Future Land Use Map that are designated primarily for single use developments: Suburban, Outlying Suburban, Sub Outlying Suburban, Industrial Development, Airport, Tradeport, Commercial, Industrial Interchange, General Commercial Interchange, Industrial Commercial Interchange, University Village Interchange, University Community, ~~Public Facilities,~~ and the New Community within the Gateway/Airport Planning ~~District-Community~~.

- Amended to maintain internal consistency.

PINE ISLAND CENTER – Urban Community-designated lands that are generally located at the arterial intersection of Pine Island Road and Stringfellow Road ~~within the Greater Pine Island Planning Community.~~

- Amended to maintain internal consistency.

MAP AMENDMENTS

Map 1-C: Mixed Use Overlay

- Add lands from the Lehigh Acres Specialized Mixed Use Nodes and North Fort Myers Neighborhood Centers to the Mixed Use Overlay.

Map 1-D: Special Treatment Areas

- Add lands from Lehigh Acres Commercial Overlay.
- Add lands showing the Babcock Ranch portion of the New Community.
- Delete Privately Funded Infrastructure layer

Map 1-G: Agriculture Overlay

- Delete. Outdated and not required by State Statute, as distribution of agricultural uses are addressed through the allowable uses based on the Future Land Use Map.

Map 2-A: Community Planning Area

- Delete to maintain internal consistency

Map 2-B: Lehigh Acres Community Plan Overlay

- Delete to maintain internal consistency.
- The Specialized Mixed Use Nodes will be relocated to Map 1-C.
- The Lehigh Acres Commercial Overlay will be moved to Map 1-D.

Map 2-C: Existing Pine Island Farmland

- Relocate to Map 5-E for implantation of the Greater Pine Island TDU Program.

Map 2-E: Historic Surface and Groundwater Levels

- Relocate data and delete.

Map 3-G: Alico Road Access Plan

- Delete. Not appropriate in the Lee Plan. To protect roadway capacity at interchange areas, corresponding text is being relocated to Goal 40 in the Transportation Element.

Map 3-H: Corkscrew Road Access Plan

- Delete. Not appropriate in the Lee Plan. To protect roadway capacity at interchange areas, corresponding text is being relocated to Goal 40 in the Transportation Element.

Map 5-E: Existing Pine Island Farmland

- Relocated from Map 2-C.

Map 5-F: Historic Surface and Groundwater Levels

- Relocated from Map 2-E.

TABLE AMENDMENTS

Table 1(a): Summary of Residential Densities

- Update to maintain internal consistency.

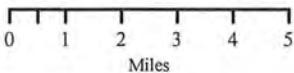
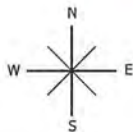
MIXED USE OVERLAY

PROPOSED

- MixedUseOverlay
- Add to Overlay
(From Specialized Mixed Use Nodes)
- Add to Overlay
(From Neighborhood Centers)
- Remove from Overlay
- Transit Route
- City Limits

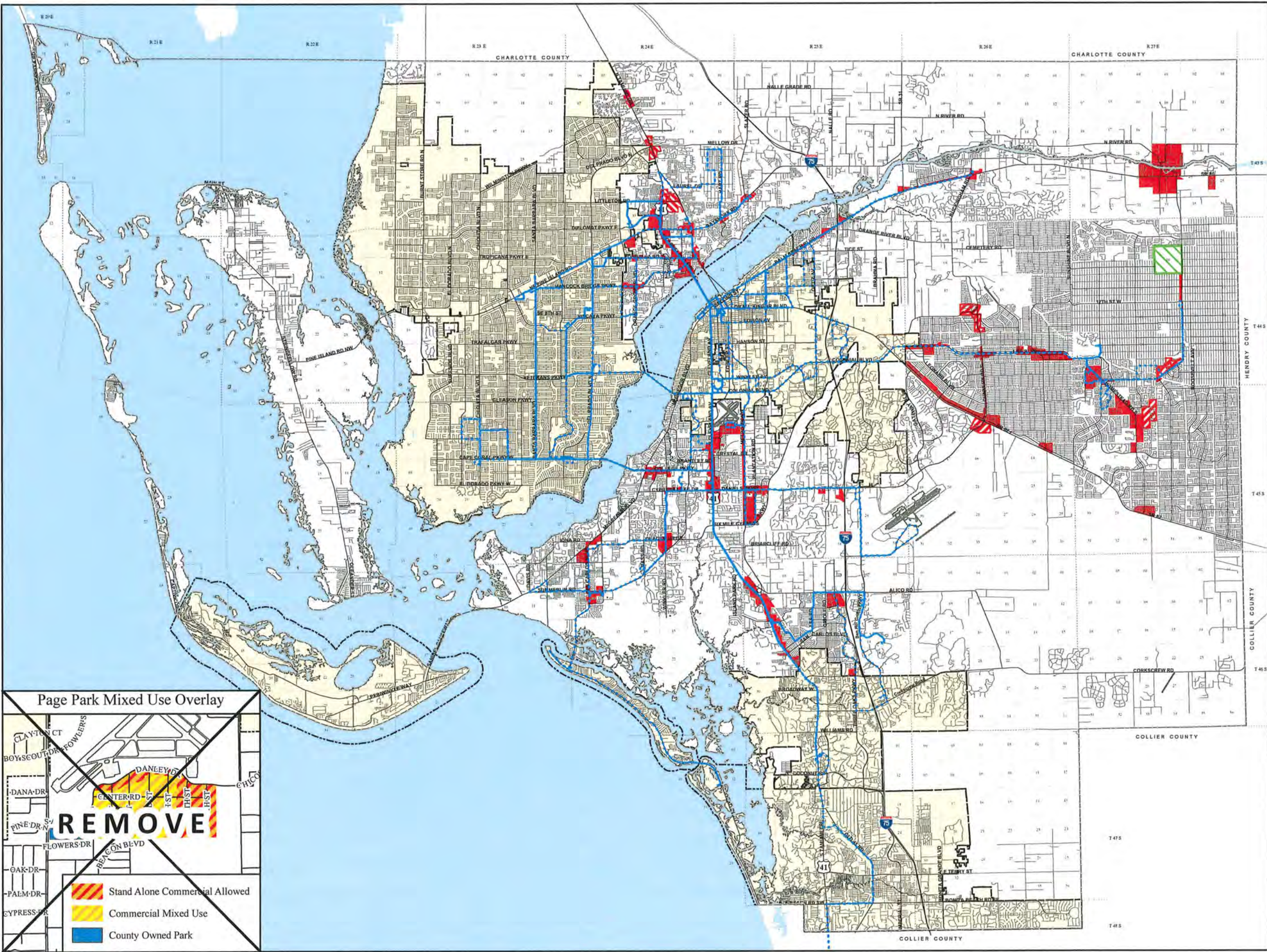
Ord. No. 07-15, 09-07, 09-08, 10-33, 11-18, 11-21, 17-20, 18-18, 20-08, 21-01, 23-11, 23-12, 23-32, 24-18, 25-17, 25-21

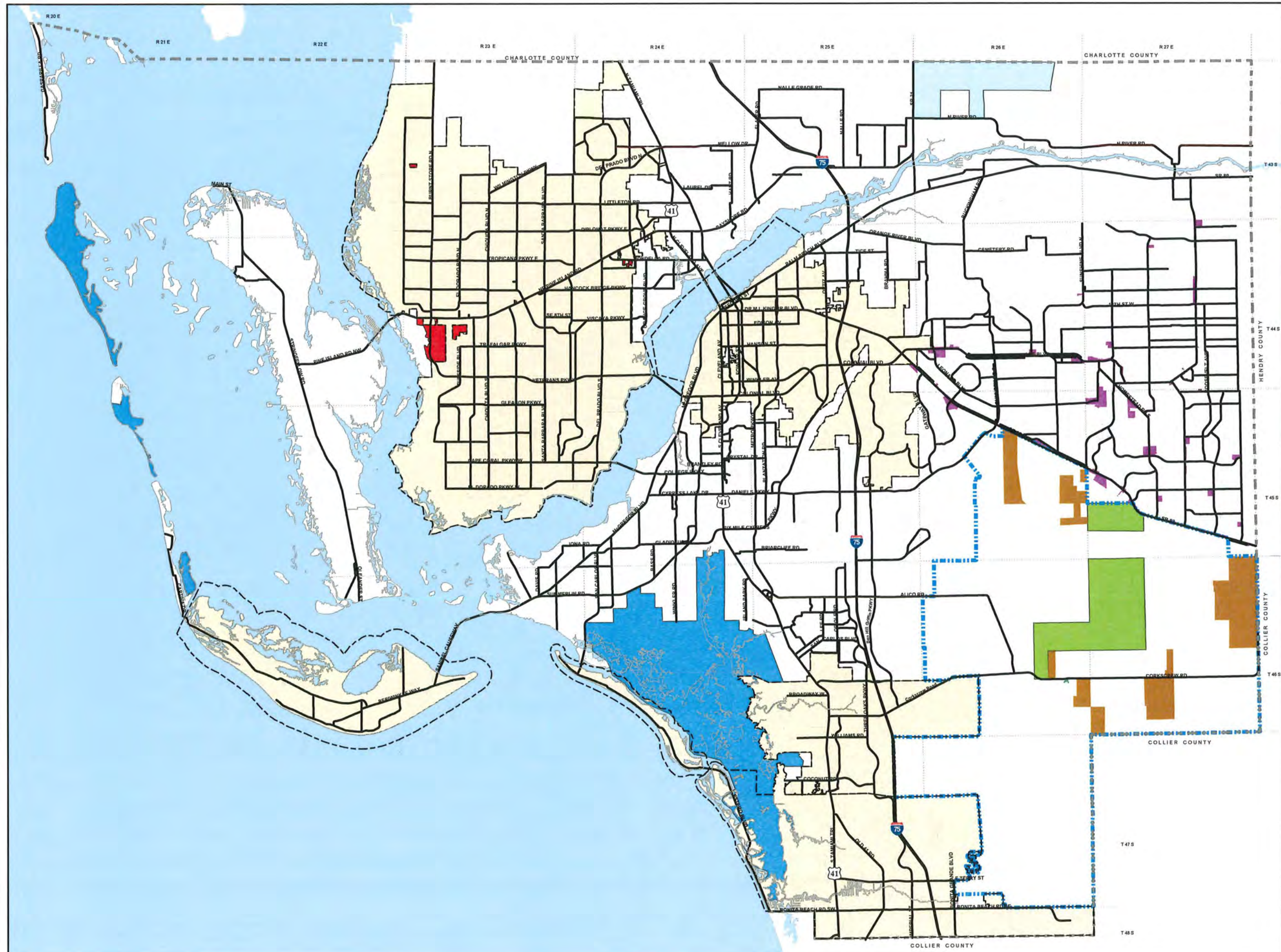
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City limits and LeeTran Routes current to date of map generation

Lee Plan Map 1-C





SPECIAL TREATMENT AREAS PROPOSED

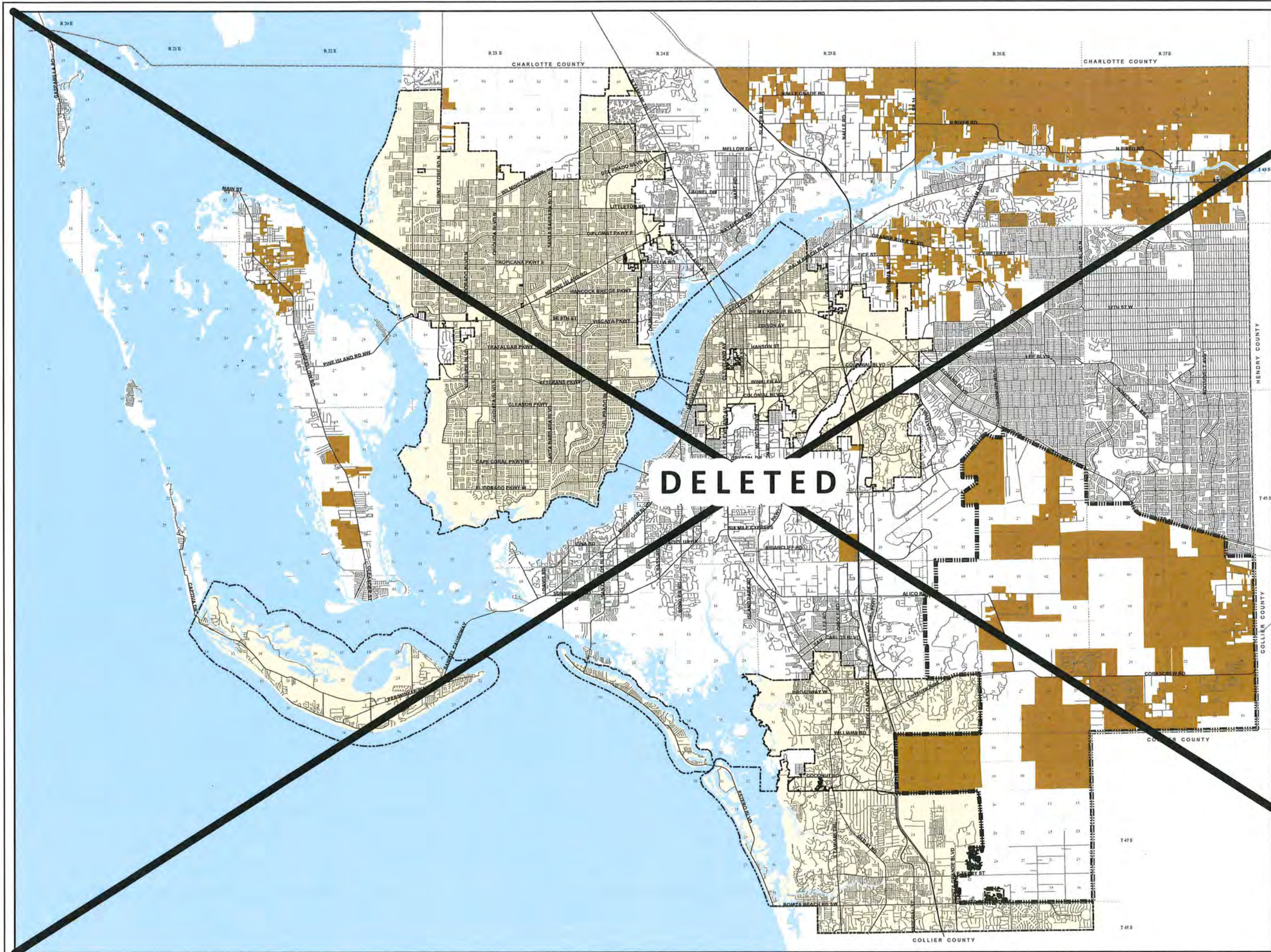
- Urban Reserve
Ord. No. 89-02, 93-25, 18-18
- Privately Funded Infrastructure (Deleted)
Ord. No. 89-02, 93-25, 18-18
- Public Acquisition
Ord. No. 89-02, 93-25, 18-18
- Airport Mitigation Overlay
Ord. No. 04-16, 19-05
- Rural Residential Overlay**
 - Existing Acreage Subd.
 - Rural Golf Course Community
- Ord. No. 10-19, 10-21, 10-43, 12-24, 14-21, 15-13, 15-14, 17-06, 17-23, 17-24, 19-24
- New Community (Babcock)
- Commercial Overlay
- City Limits
- Southeast Lee County

CPA2026-00005



Map Generated: August 2026
City limits current to date of map generation

Lee Plan Map 1-D



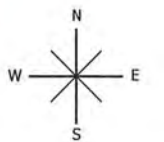
AGRICULTURAL OVERLAY

 Agricultural Operations
See Policy 1.6.7

 Southeast Lee County

 City Limits

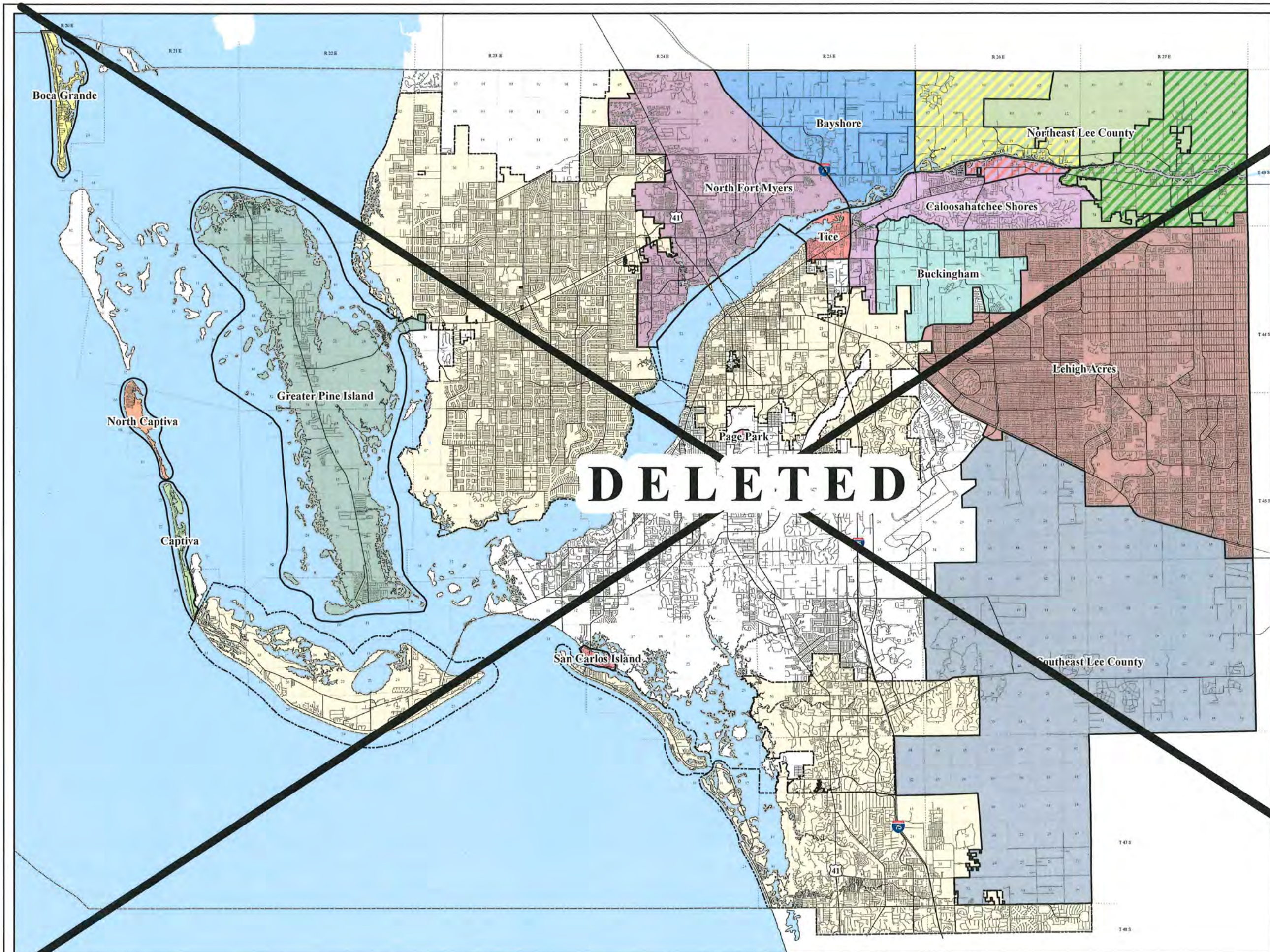
Ord. No. 94-03, 03-04, 10-20, 10-43, 17-23



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Miles

Map Generated August 2026
City limits current to date of map generation

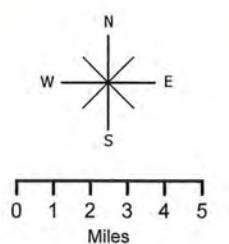
Lee Plan Map 1-G



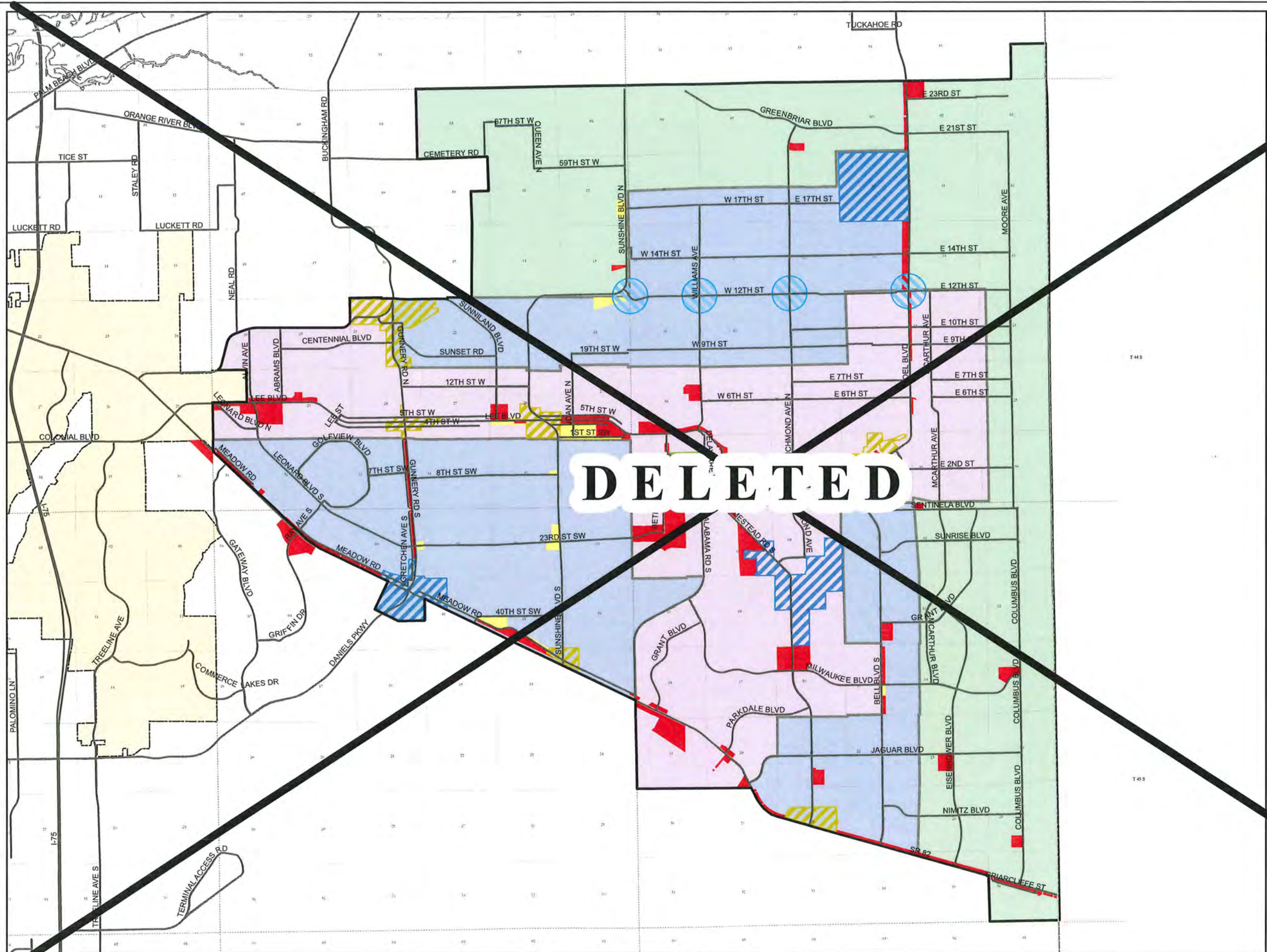
COMMUNITY PLANNING AREAS

- Boca Grande
- Bayshore
- Buckingham
- Caloosahatchee Shores
- Captiva
- Greater Pine Island
- Lehigh Acres
- North Captiva
- North Fort Myers
- Northeast Lee County
- Page Park
- San Carlos Island
- Southeast Lee County
- Tice
- Alva
- North Olga
- Olga
- City Limits

Ord. No. 89-02, 02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 08-05, 09-07, 09-08, 09-09, 09-10, 09-11, 10-16, 11-14, 11-21, 11-24, 17-10, 17-23, 18-18



Map Generated: August 2026
City limits current to date of map generation



LEHIGH ACRES COMMUNITY PLAN OVERLAY

Specialized Mixed Use Nodes

- Downtown
- Community Mixed Use Activity Center
- Neighborhood Mixed Use Activity Center
- Potential Mixed Use Activity Center

Commercial Overlay Zones

- Commercial
- Lot Assembly

Lehigh Acres Tiers

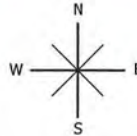
- Tier 1
- Tier 2
- Tier 3

Lehigh Acres Planning Community

12th Street/Lockett Road Connection

City Limits

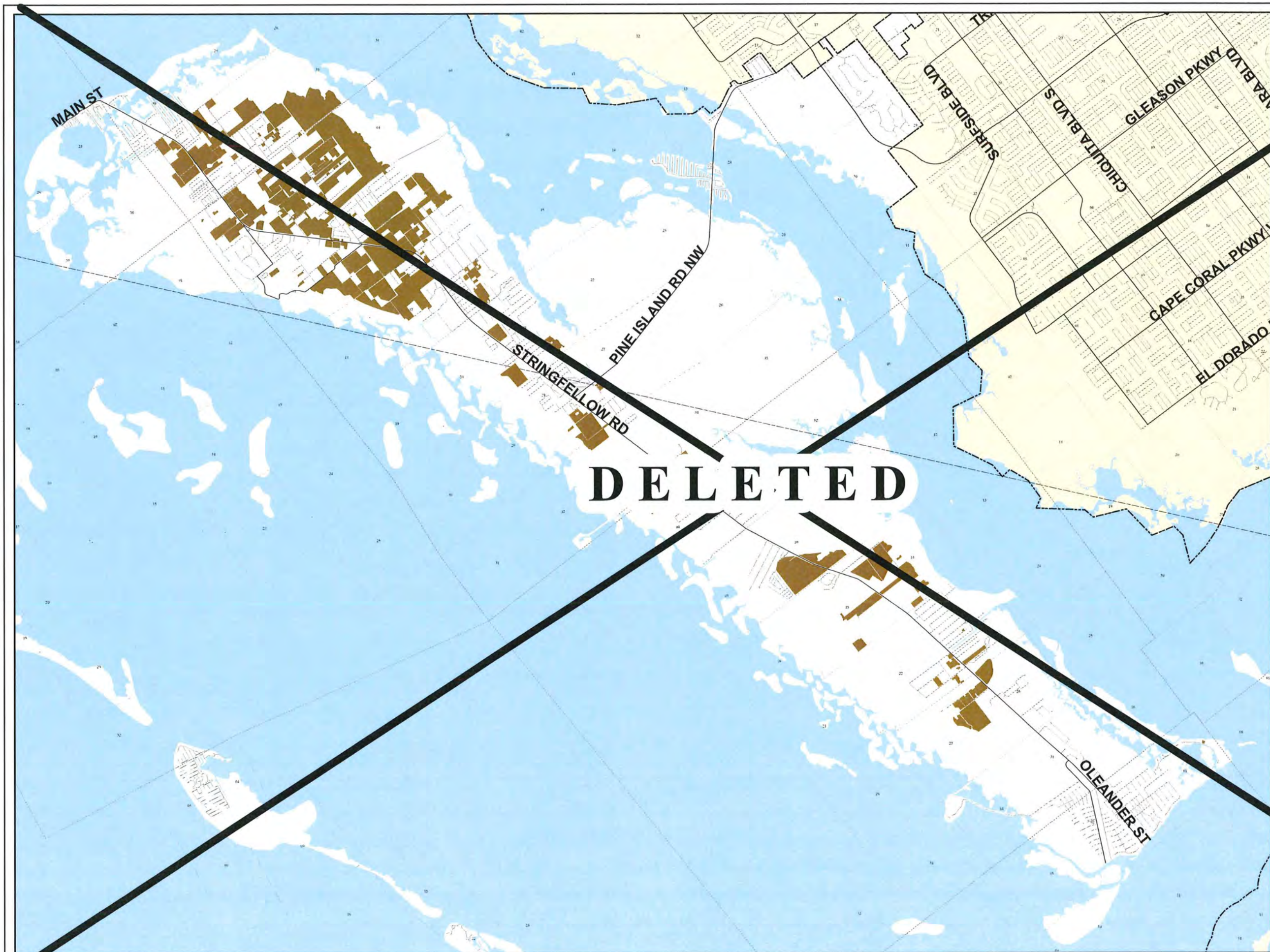
Ord. No. 10-16



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Lee Plan Map 2-B

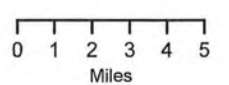


EXISTING PINE ISLAND FARMLAND

 Farmland

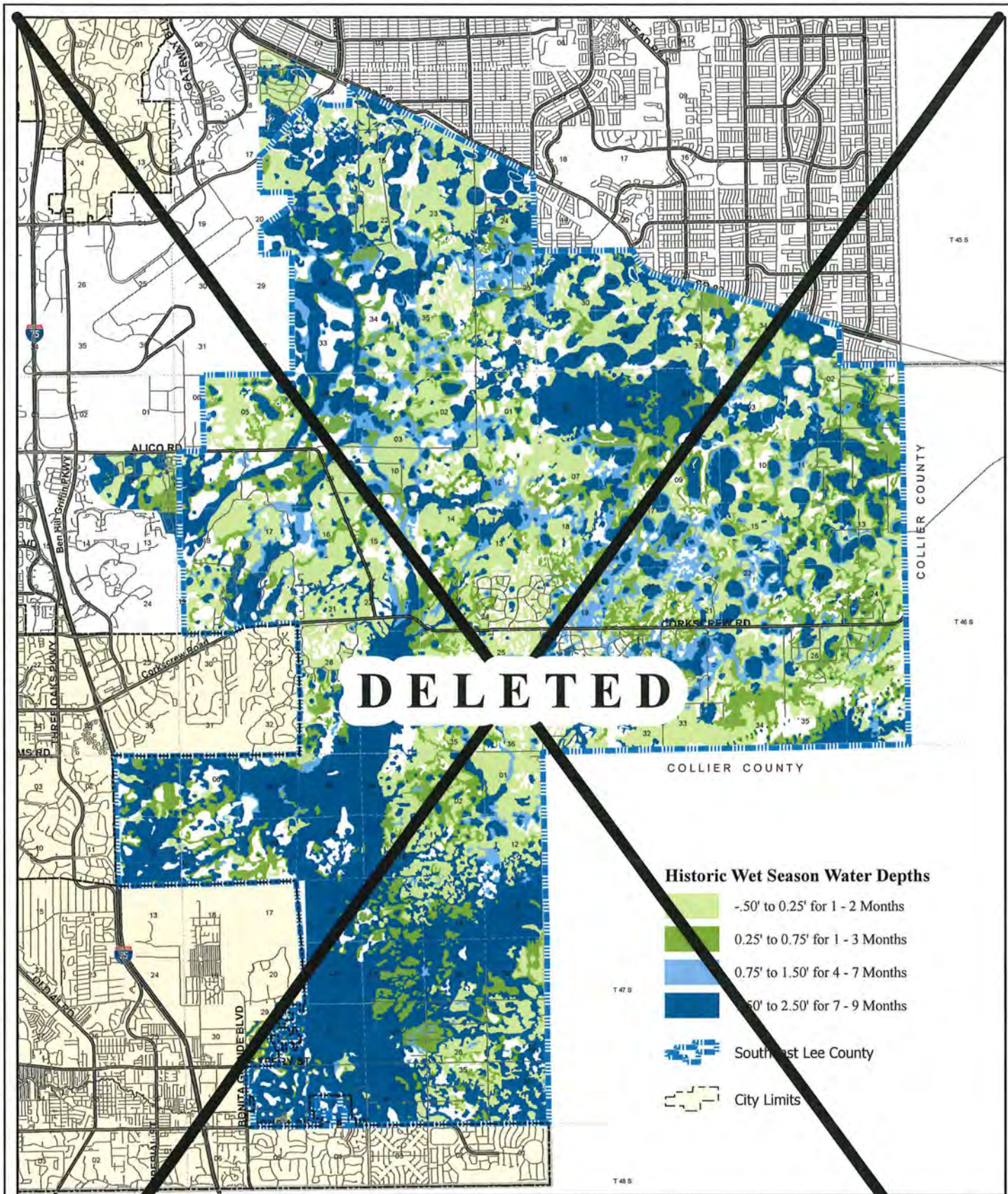
 City Limits

Ord. No. 05-21



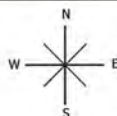
Map Generated: August 2026
City limits current to date of map generation

Lee Plan Map 2-C



Map Generated: August 2026
City Limits current to date of map generation

Ord. No. 10-43, 17-23

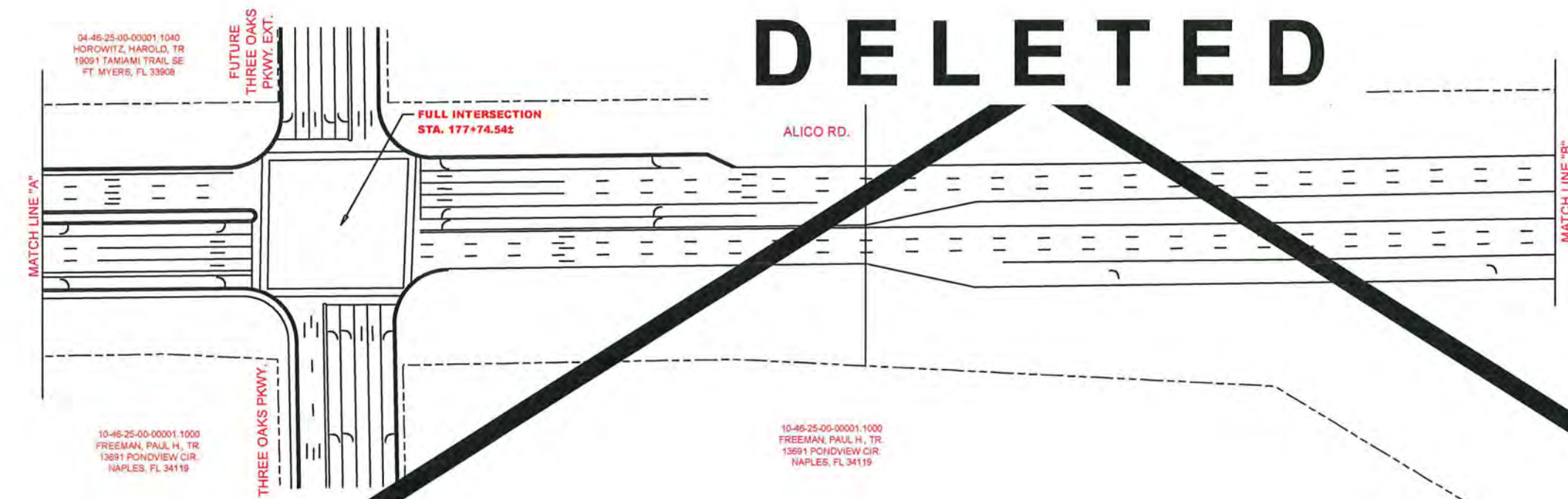


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Miles

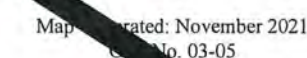
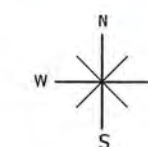
HISTORIC SURFACE AND GROUNDWATER LEVELS

Lee Plan Map 2-3

**ORVILLE ROAD TO
HEN HILL GRIFFIN
PARKWAY**

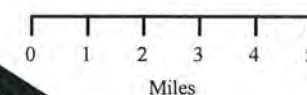


DELETED



**ALICO ROAD
ACCESS PLAN**

**ORVILLE ROAD TO
HEN HILL GRIFFIN
PARKWAY**



Map generated: November 2021
Drawing No. 03-05

DELETED

03-46-25-00-00001.1090
FLECK, INDIANA, INC.
205 CHARLES ST.
OCONTO, WI 54153

ALICO RD.

I-75

03-46-25-00-00001.0000
AGRI-INSURANCE COMPANY, LTD.
BARCLAYS BANK INTNL. BLDG.
44 CHURCH ST.
P.O. BOX HM2064
HAMILTON HM-HX, BERMUDA

03-46-25-00-00001.0000
AGRI-INSURANCE COMPANY, LTD.
BARCLAYS BANK INTNL. BLDG.
44 CHURCH ST.
P.O. BOX HM2064
HAMILTON HM-HX, BERMUDA

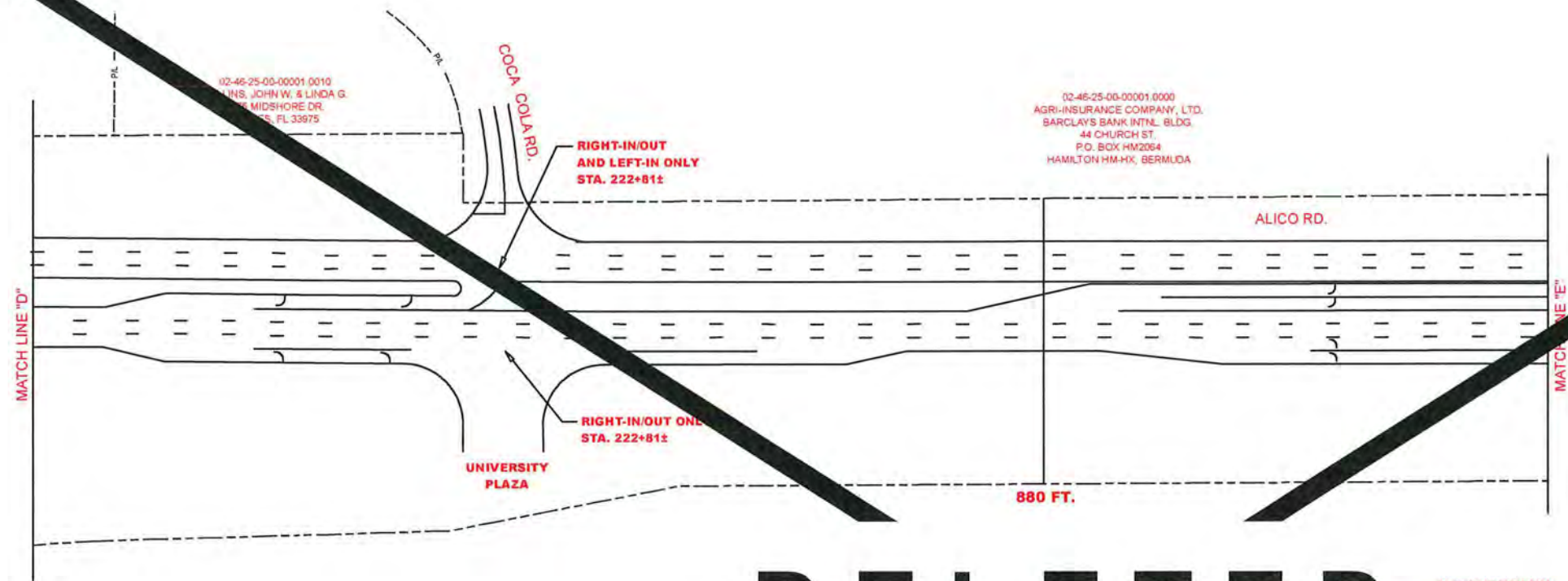
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44 CHURCH ST.
P.O. BOX HM2064
HAMILTON HM-HX, BERMUDA

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MCMALE, GERARD A., JR., TR.
1601 JACKSON ST., STE. 200
FT. MYERS, FL 33901

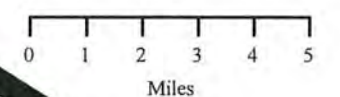
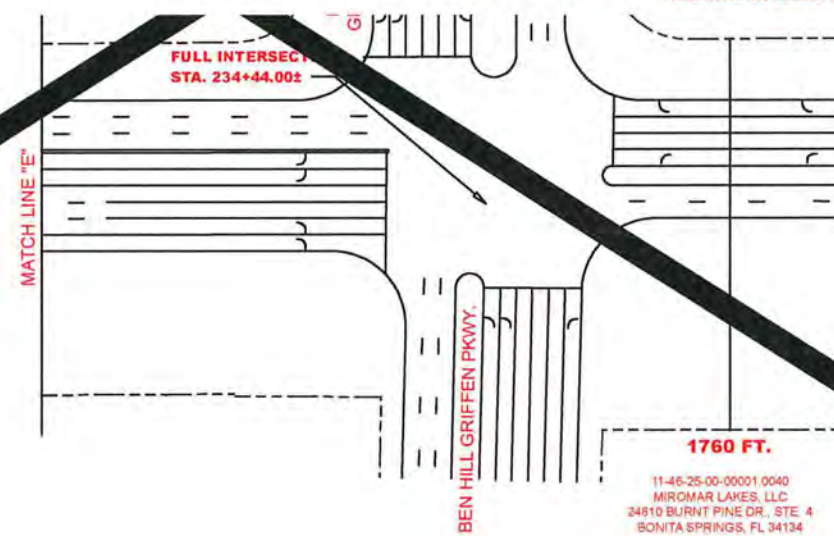
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MCMALE, GERARD A., JR., TR.
1601 JACKSON ST., STE. 200
FT. MYERS, FL 33901

ALICO ROAD ACCESS PLAN

ORACLE ROAD TO BEN HILL GRIFFIN PARKWAY



DELETED

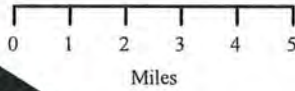
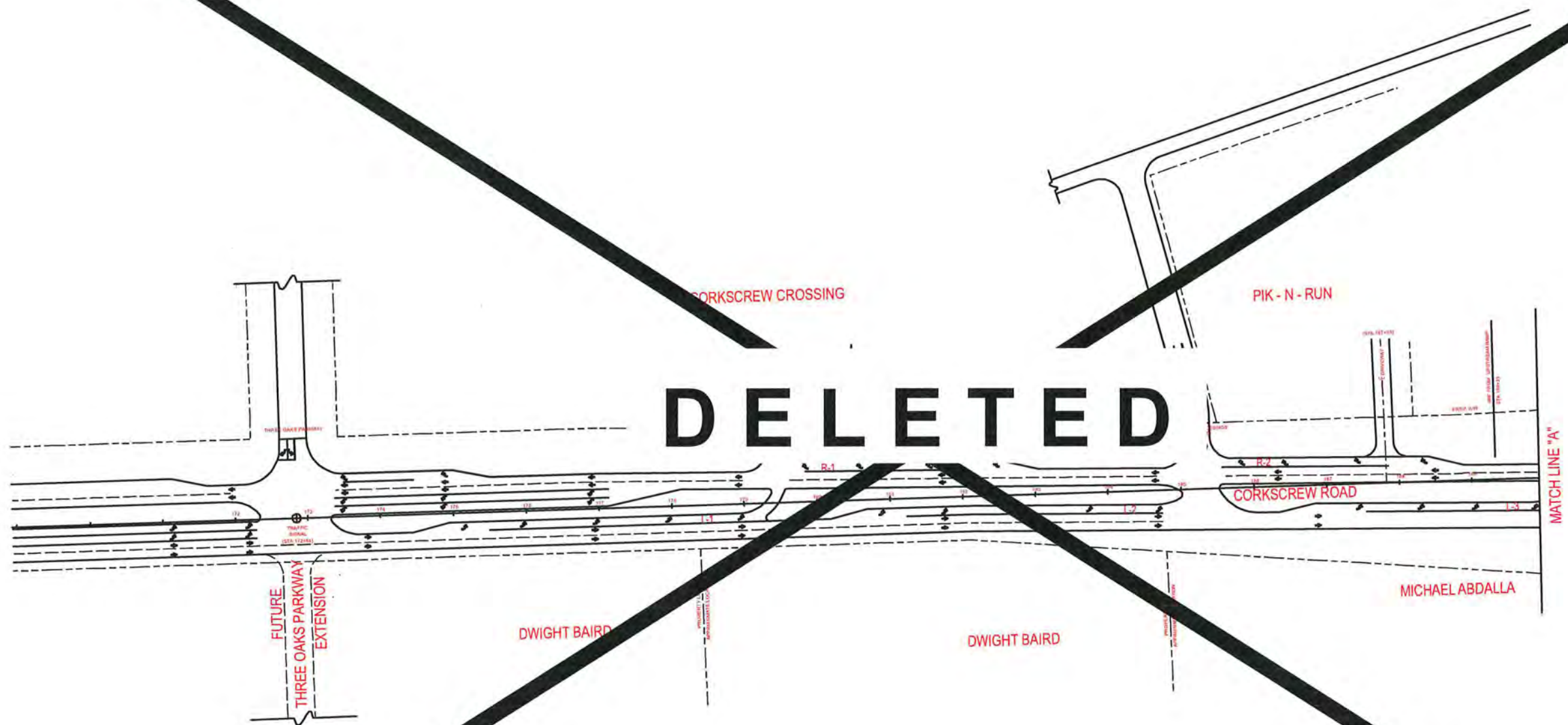


Map generated: November 2021
Version No. 03-05

**CORKSCREW ROAD
ACCESS PLAN**

**THREE OAKS
PARKWAY
TO
BEN HILL GRIFFIN
PARKWAY**

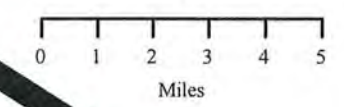
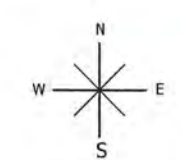
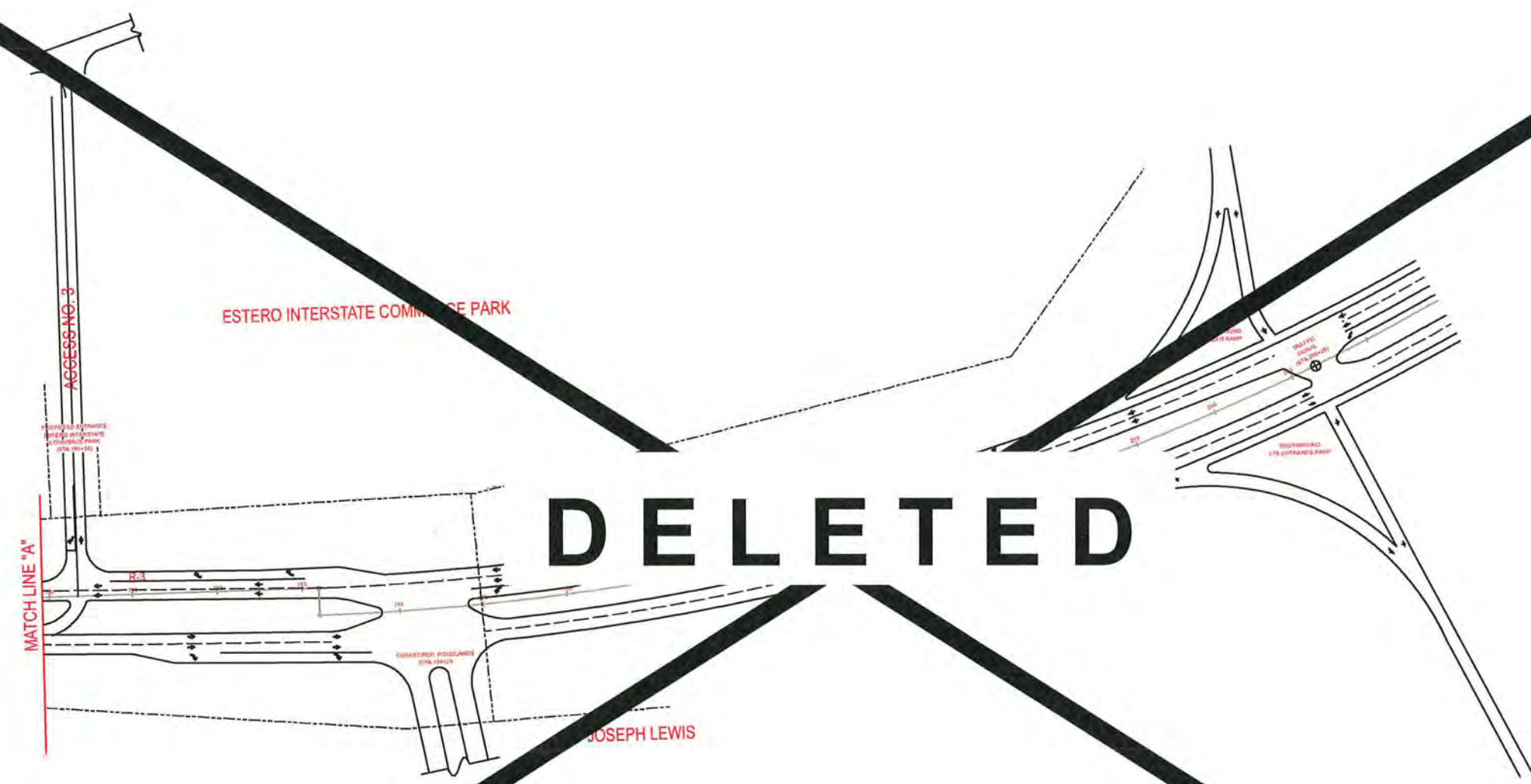
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Map created: November 2021
No. 03-05

**CORKSCREW ROAD
ACCESS PLAN**

**THREE OAKS
PARKWAY
TO
BEN HILL GRIFFIN
PARKWAY**

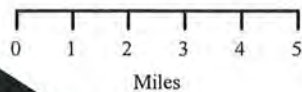


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Sheet No. 03-05

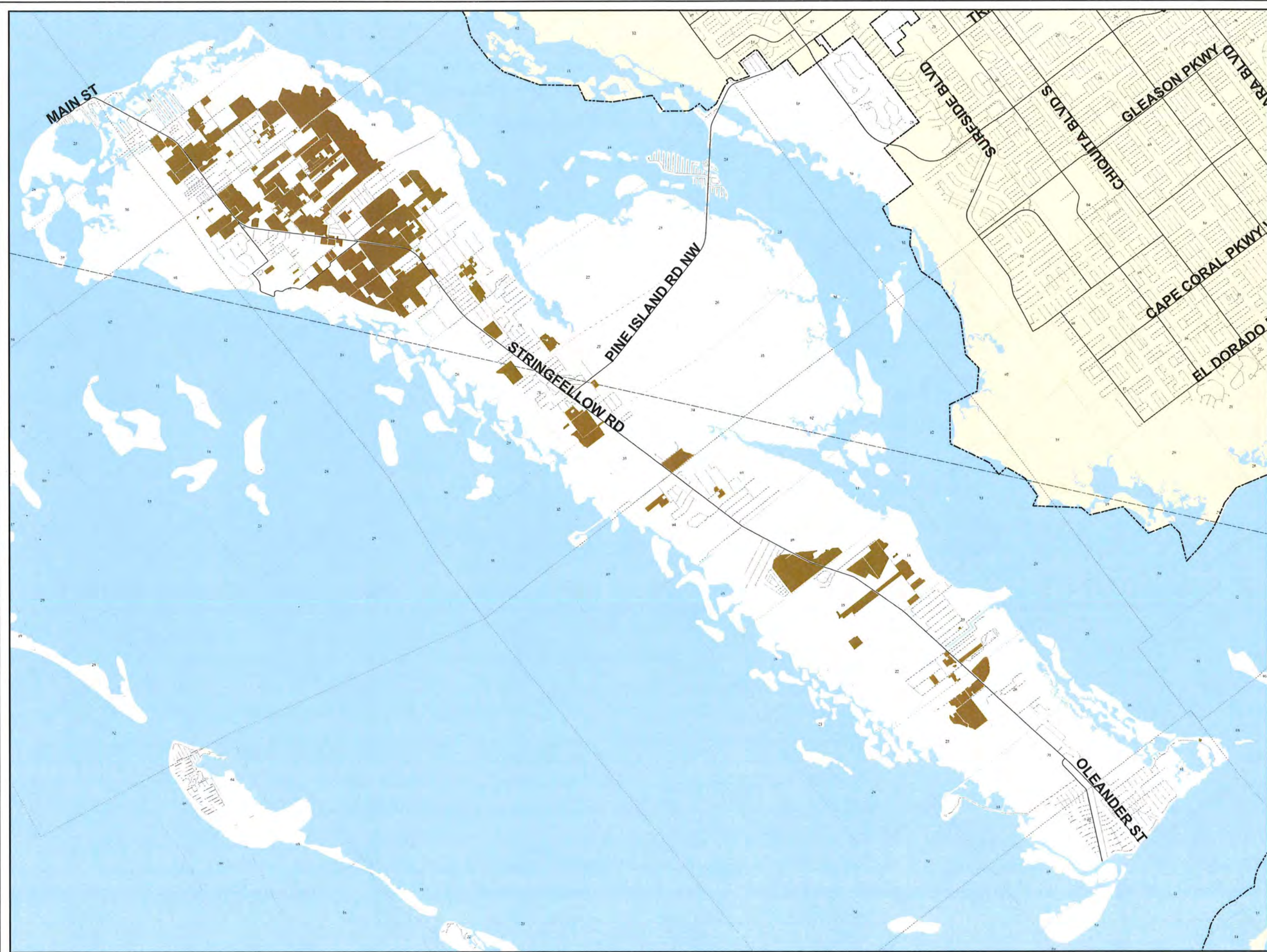
**CORKSCREW ROAD
ACCESS PLAN**

**THREE OAKS
PARKWAY
TO
BEN HILL GRIFFIN
PARKWAY**

DELETED



Map created: November 2021
Sheet No. 03-05



**EXISTING
PINE ISLAND
FARMLAND**

 Farmland

 City Limits

Ord. No. 05-21

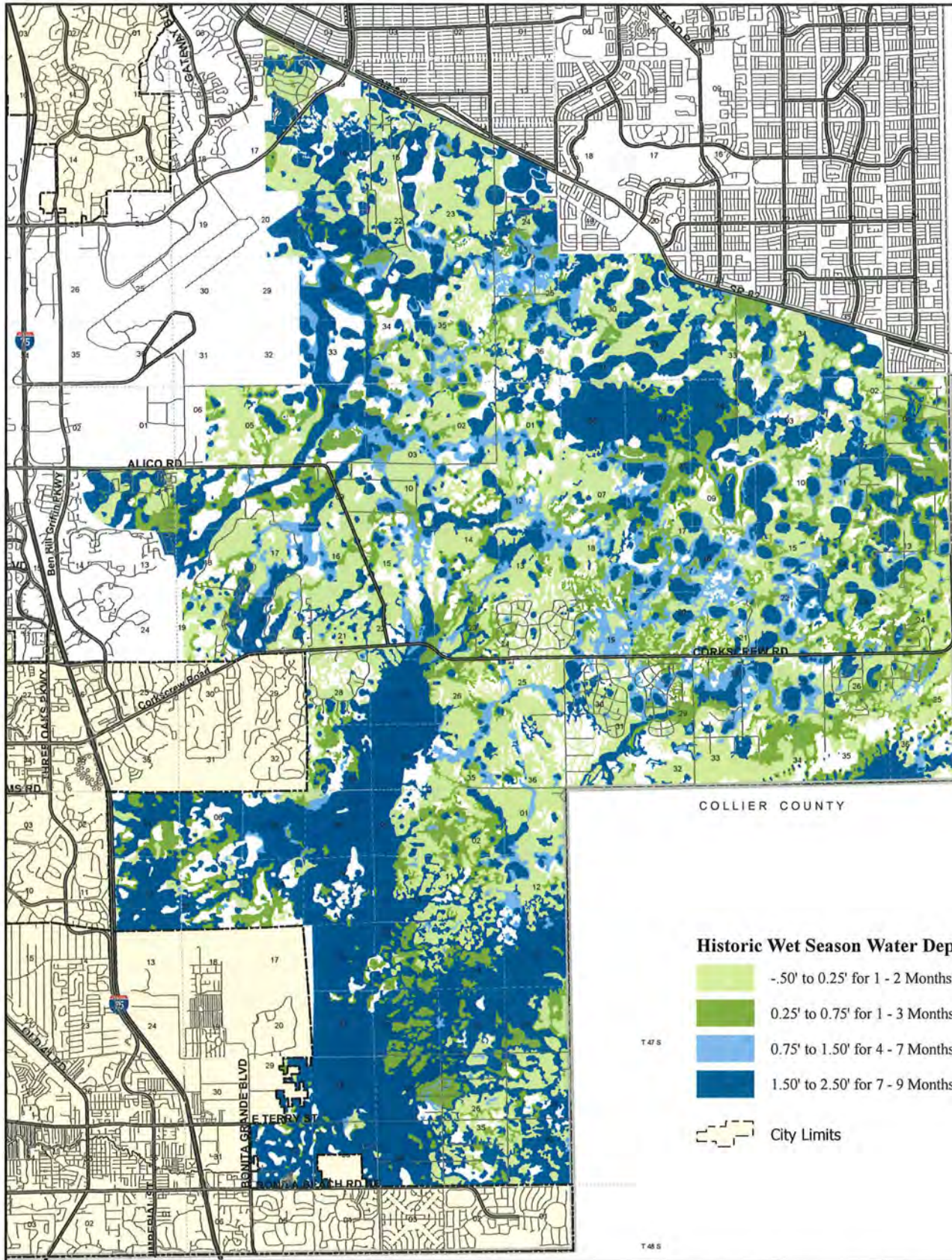


0 1 2 3 4 5
Miles

PROPOSED

Map Generated: August 2026
City limits current to date of map generation

Lee Plan Map 5-E



Historic Wet Season Water Depths

- .50' to 0.25' for 1 - 2 Months
- 0.25' to 0.75' for 1 - 3 Months
- 0.75' to 1.50' for 4 - 7 Months
- 1.50' to 2.50' for 7 - 9 Months

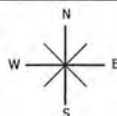
City Limits



Lee County
Southwest Florida

Map Generated: August 2026
City limits current to date of map generation

ORD. No. 10-43, 17-23



0 1 2 3 4 5
Miles

HISTORIC SURFACE AND GROUNDWATER LEVELS

PROPOSED

Lee Plan Map 5-F

TABLE 1(a)
SUMMARY OF RESIDENTIAL DENSITIES¹

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development ¹⁴	8	14	22
General Interchange ²	8	14	22
Central Urban ¹⁵	4	10	15
Urban Community ^{4,5,16}	1	6	10
Suburban ¹⁷	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban	1	2	No Bonus
Rural ¹⁰	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve ⁶	No Minimum	1	No Bonus
Open Lands ⁷	No Minimum	1 du/10 acres	No Bonus
Density Reduction/Groundwater Resource ¹³	No Minimum	1 du/10 acres	No Bonus
Wetlands ⁸	No Minimum	1 du/20 acres	No Bonus
New Community ¹⁹	No Minimum	6	No Bonus
University Community ⁹	1	2.5	No Bonus
Destination Resort Mixed Use Water Dependent ¹¹	6	9.36	No Bonus
Burnt Store Marina Village ¹²	No Minimum	160 Dwelling Units; 145 Hotel Units	No Bonus
Coastal Rural ¹⁸	No Minimum	1 du/2.7 acres	No Bonus

CLARIFICATIONS AND EXCEPTIONS

¹See the glossary in Chapter XII for the full definition of “density”.

²Except in the General Interchange future land use category adherence to minimum densities is not mandatory but is recommended to promote compact development.

³These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in the LDC, Chapter 2.

⁴Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 du/acre must “acquire” the density above 3 du/acre utilizing Greater Pine Island TDUs ~~(see Objective 24.6), or transfer dwelling units in accordance with Policy 24.3.4.~~

⁵In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.

⁶~~Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.~~

no changes proposed to notes 7 through 18

¹⁹The maximum density in the New Community future land use category is limited to 1 du/1.9 acres in the ~~North Olga Community Plan area~~ Northeast Lee County Planning District (see Policy 1.1.15).

**MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT**

TO: Local Planning Agency (LPA) **DATE:** August 21, 2026

FROM: Adam Mendez
Principal Planner

RE: Land Development Code (LDC) Amendments
Southeast Lee County, Flood Hazard Reduction, and LDC Reorganization and Updates

On April 1, 2025, the Board of County Commissioners authorized staff to draft amendments to the Lee Plan and Land Development Code to increase efficiency, reduce unnecessary regulations and redundancies, and while maintaining protection of public health, safety, and welfare and meeting State and Federal requirements.

As part of that ongoing effort, staff has reviewed the relationship between the Lee Plan and the Land Development Code and conducted a broader review of the County's zoning and development regulations to identify opportunities to reduce duplication, eliminate unnecessary or obsolete provisions, streamline review procedures, and improve clarity and administration. This work is being coordinated with concurrent amendments to the Lee Plan that reorganize the Future Land Use Element.

On April 21, 2026, The Board of County Commissioners directed staff to prepare amendments, relating to the Southeast Lee County Community Plan Area, to manage growth, streamline the Southeast Lee County Overlays, reduce unnecessary regulations, and encourage development that preserves or restores the County's natural resources.

The amendments currently before the LPA consist of three separate items. Staff seeks LPA input and separate recommendations on whether each of the proposed LDC amendment items is consistent with the Lee Plan. The amendments are being presented separately based on their subject matter and relationship to the concurrent Lee Plan amendments:

1. **LDC Reorganization and Updates**, amending Chapters 2, 10, 14, 30, 33, and 34 of the Land Development Code to implement the concurrent Future Land Use Element Update (CPA2026-00005).
2. **Southeast Lee County LDC Amendments**, establishing the regulatory provisions necessary to implement the concurrent Southeast Lee County Lee Plan amendments (CPA2026-00004); and
3. **Chapter 6 Flood Hazard Reduction Amendments**, this item is being deferred.

The proposed amendments are summarized below.

A. Amendments to LDC Chapters 2, 10, 14, 30, 33, and 34 – LDC Reorganization and Updates

Issue: The Land Development Code contains regulations and procedures that are duplicative, outdated, unnecessarily complex, or located separately from other provisions addressing the same subject.

Solution: Amend LDC Chapters 2, 10, 14, 30, 33, and 34 to streamline zoning and development review procedures, consolidate overlapping regulations, remove obsolete or unnecessary requirements, clarify approval processes and decision-making authority, and update substantive development standards. The amendments also implement the concurrent Lee Plan reorganization by eliminating Chapter 33 as a stand-alone chapter, relocating regulations to the appropriate chapters and sections of the LDC, updating related cross-references and terminology, and removing provisions that are duplicative or no longer necessary.

Outcome: Establishes a more efficient, coordinated, and user-friendly regulatory framework by reducing unnecessary procedural steps, eliminating duplicative and obsolete regulations, clarifying how development and zoning applications are reviewed and decided, and placing related standards together within the Code. The amendments improve predictability and administration for applicants, the public, decision-makers, and staff while retaining regulations necessary to protect public health, safety, welfare, and other adopted planning objectives.

B. Southeast Lee County Land Development Code Amendments

Issue: Proposed updates to the Lee Plan addressing development requirements in Southeast Lee County include the addition of two new future land use categories requiring the use of the planned development rezoning process to ensure protection of natural resources. Based on current direction, locating development requirements in the Lee Plan is not appropriate.

Solution: Incorporate requirements for planned development rezonings for the new future land use categories into Chapter 34 of the LDC. Requirements for the Environmental Enhancement and Preservation Communities Overlay (EEPCO) are being relocated from the Lee Plan to the LDC for the new Conservation Community future land use category. The new Preservation and Innovation future land use category will include similar requirements for non-residential uses.

Outcome: Planned development requirements for two new future land use categories will be incorporated into Chapter 34 of the LDC to ensure the Lee Plan is correctly implemented.

Attachments

1. Draft LDC Reorganization and Modernization Amendments
2. Draft Southeast Lee County LDC Amendments

Formatting Notes:

- Text that is proposed to be deleted is shown with ~~strike-through~~ formatting.
 - Text that is proposed to be added is shown with underline formatting.
 - Text that is proposed to be relocated is shown with strike-through formatting where it is being relocated from and double-underline formatting in the location where it is being relocated.
 - If portions of text being relocated are being deleted, it is shown with both ~~double underline and strike through formatting~~ to show context.
 - Staff notes are provided in red.
-

Chapter 2 - ADMINISTRATION

ARTICLE IV. - BONUS DENSITY

DIVISION 1. GENERALLY

Sec. 2-143. Definitions.

Staff Note: Update terminology to reflect Lee Plan amendments.

Affordable Housing through Future Land Use Map remains unchanged.

Greater Pine Island TDU means a transfer of development unit generated from sending lands within the ~~Greater Pine Island Community Plan area~~Planning District, and which may include wetlands, unimproved uplands, and/or improved uplands in accordance with these provisions.

Low Income through Sever remain unchanged.

Southeast Lee County TDU means a transfer of development unit generated from sending lands within the Southeast Lee County ~~Community Plan area~~Planning District, and which may include preserved or restored wetlands, unimproved uplands, and/or improved uplands in accordance with these provisions.

Standard Density Range through Water Body, Natural remain unchanged.

Wetland TDU means a Transferable Development Unit generated from sending lands designated as wetlands, outside of the ~~Greater Pine Island or Southeast Lee County Community Plan areas~~Planning Districts, which are preserved or restored in accordance with this article.

Wetlands through Work Force Income remain unchanged.

DIVISION 2. - BONUS DENSITY PROGRAM

Sec. 2-146. Minimum requirements.

Staff note: Update terminology to reflect Lee Plan amendments.

(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 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 Bayshore, ~~Buckingham~~, Caloosahatchee Shores, or Northeast Lee County Planning Districts, or the Rural Community Preserve Future Land Use Category Community Plan Areas. Within the Southeast Lee County Planning District Community Plan Area, TDUs may only be used as described in Section 2-154.

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) *through (2) remain unchanged.*
- (3) Is located within the ~~Greater Pine Island Community Plan Area~~ Planning District; or
- (4) Is designated as Density Reduction/Groundwater Resource (DR/GR) by the Lee Plan and is within the Southeast Lee County ~~Community Plan Area~~ Planning District.

Remainder of Section is unchanged.

Sec. 2-149. Computation of Wetland TDUs.

- (a) Units of measure of Wetland TDUs, which are generated from wetlands outside of the ~~Greater Pine Island or Southeast Lee County Community Plan areas~~ Planning Districts are hereby established at one TDU per five acres of wetlands. The County will not recognize TDUs smaller than one-tenth unit. The following table sets forth equivalent TDUs for various acreages or portions of an acre:

Remainder of Section is 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 District 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 District Community Plan Area~~.

ARTICLE VIII. CERTIFIED RECOVERY RESIDENCES RESERVED.

Sec. 2-440. - Reasonable accommodation requests.

Staff note: Add process for reasonable accommodation for recovery residences as required by Florida Statutes.

- (a) *Purpose and Applicability.* The purpose of this section is to establish procedures for review and approval of reasonable accommodation requests to County land use and zoning ordinances, rules, regulations, policies, and procedures that may prohibit establishment of certified recovery residences pursuant to Section 397.487, Florida Statutes.

(b) *Application Procedure.* A request for reasonable accommodation shall be made to the Department of Community Development by an Applicant. An application for reasonable accommodation must, at a minimum, provide the following:

- (1) Name and contact information of the Applicant or the Applicant's authorized representative;
- (2) Property address and parcel identification number of where the reasonable accommodation is being requested. If the Applicant is not the owner of the property, then the contact information for the owner and an owner's authorization form is also required;
- (3) A description of the accommodation needed, identifying the ordinances, rules, regulations or policies from which the Applicant is requesting a reasonable accommodation and why the requested accommodation is necessary;
- (4) Signature of the Applicant and date;
- (5) Any additional information or documents the Applicant feels is necessary to supplement the request for reasonable accommodation.

The Department of Community Development will date-stamp the application upon receipt and notify the applicant, in writing, within thirty (30) days if additional information is required. The Applicant must provide the additional information within thirty (30) days. Failure of the Applicant to provide a response within thirty (30) days will result in the application being withdrawn, unless the applicant requests an extension of time in writing.

(c) *Review and Determination.* Within sixty (60) days of receiving a completed application, the Director, or designee, shall review the request for reasonable accommodation and make a determination consistent with the FHA and/or ADA, and Florida Statutes. The Director, or designee, will make the determination, in writing, to:

- (1) Approve the reasonable accommodation request in whole or in part, with or without conditions; or
- (2) Deny the reasonable accommodation request, in accordance with state and federal law, and state the objective evidence-based reasons for denial and identify any deficiencies or actions necessary for reconsideration.

If the written determination is not issued within sixty (60) days after receipt of the completed application, the reasonable accommodation request is deemed approved unless the parties agree in writing to a reasonable extension of time.

(d) *No Fee.* There shall be no fee imposed by the County for the reasonable accommodation request process outlined in this section.

(e) *Revocation.* A reasonable accommodation approval may be revoked by the Director for cause, including, but not limited to, violation or lapse of the conditions of approval or failure to maintain state licensure as a certified recovery residence for more than one hundred eighty (180) days.

Secs. 2-441440—2-449. - Reserved.

Chapter 10 - DEVELOPMENT STANDARDS

ARTICLE I. IN GENERAL

Sec. 10-7. General requirements.

Staff note: Remove reference to Chapter 33.

(a) through (c) remain unchanged.

~~(d) Development order applications and approvals for projects located within a planning community must also comply with the regulations set forth in Chapter 33 pertaining to the specific planning community.~~

(e) through (h) re-lettered (d) through (g)

ARTICLE II. ADMINISTRATION
DIVISION 2. DEVELOPMENT ORDERS
Subdivision II. Procedures

Sec. 10-101. Applicability of requirements.

Staff note: Add exception for County facilities.

- (a) *Development orders.* All developments, as defined in this chapter, including subdivisions, are required to obtain a development order prior to commencing any land development activities or receiving any development permit, including a building permit, with the exception of the following, which are not subject to review pursuant to this chapter except as noted herein:
- (1) through (9) remain unchanged.*
- (10) Mine Excavation Planned Developments (or existing mines as defined in Section 12-121) issued in accordance with Chapter 12; ~~and~~:
- (11) County facilities (as defined in Section 34-2) approved by the Board of County Commissioners.

ARTICLE III. - DESIGN STANDARDS AND REQUIREMENTS
DIVISION 3. SURFACE WATER MANAGEMENT

Sec. 10-329. Excavations.

Staff note: Remove need for special exception. Excess spoil removal plans are reviewed and analyzed at time of Development Order.

- (a) *remains unchanged.*
- (b) *Excavation types and required approvals.* Excavation are generally constructed either for mining operations, for stormwater retention or as a development site amenity. Table 1 summarizes the various types of excavations and the permits and approvals required for each excavation type.

TABLE 1. TYPES OF EXCAVATIONS, REGARDLESS OF SIZE, AND THE PERMITS AND APPROVALS REQUIRED FOR EACH EXCAVATION TYPE

<i>Excavation Type</i>	<i>Excavated Materials Destination</i>	<i>Permits/Approvals Required¹</i>
Development project — stormwater retention, i.e., lakes and ponds, etc. where the material to be moved off-site qualifies as excess spoil "Surplus material" or "excess material"	Off-site—Material to be moved off-site is less than 20,000 cubic yards	1. Development Order; 2. SFWMD permit (if applicable); and 3. An approved "Excess Spoil Removal Plan"
	Off-site—Material to be moved off-site is 20,000 or more cubic yards in volume.	1. Development Order; 2. SFWMD permit; and 3. <u>Projects with a Planned Development zoning designation must have excess spoil removal as an approved use.</u> Planned Development Zoning with "excess spoil removal" as an approved use or, in conventional zoning districts

		that permit excavation for water retention, a special exception for excess spoil removal
--	--	--

¹General requirements for all excavation activities are specified in Chapter 34, Article VII, Division 15. Where the primary use of the site is related to mine activity, a MEPD approval must be obtained under Chapter 12 prior to removal of materials from the site.

(c) *Procedures.*

(1) through (3) remains unchanged.

(4) *Administrative approval of an Excess Spoil Removal Plan.*

a. remains unchanged.

b. *Excess Spoil Removal Plan.*

- i. Any applicant requesting administrative approval to remove excavated material to an off-site location must submit an Excess Spoil Removal Plan with the Development Order application, so as to provide the Director of Development Services sufficient information to determine whether off-site hauling may be approved administratively or if a public hearing will be required.

- ii. No changes.

Remainder of Section is unchanged.

DIVISION 4. UTILITIES

Sec. 10-355. Easements; location of water and sewer lines.

Staff note: Remove outdated references to Compact PD/Chapter 32.

(a) through (f) remain unchanged.

- ~~(g) *Compact PD.* In compact communities regulated by Chapter 32, the rights-of-way of local streets are the preferred location for wet utility lines such as water and wastewater. Alleys or lanes are the preferred location for dry utility lines such as electricity, telephone, and cable television. The proposed location of all utilities in compact communities must be shown on development order plans.~~

DIVISION 6. - OPEN SPACE, BUFFERING AND LANDSCAPING

Sec. 10-416. Landscape standards.

Staff note: Remove reference to Greater Pine Island Community Plan area and revise section for clarity. Add new subsection (12) to remove requirements between nonresidential uses within the same planned development.

Subsections (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 24 of the Lee Plan and in Section 33-1002), there 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.

a. through b. remain unchanged.

c. The natural waterway buffer must be designed to incorporate the natural resources maintenance easement required under Section 10-328(a). Vegetation removal within the buffer is limited to:

1. through 3. remain unchanged.

~~4. Prior to removal of native vegetation, approval must be obtained from ES staff.~~

(10) and (11) remain unchanged.

(12) Internal buffers between non-residential uses within the same Planned Development are not required to provide buffers between internal uses.

~~Sec. 10-424. Landscape requirements for specific uses.~~

Staff note: Delete section. No requirements are provided, only unnecessary cross-references.

~~(a) The following uses require landscaping or screening beyond the minimum standard requirements:~~

~~(1) Recreational vehicle planned developments, Section 34-939(a)(3).~~

~~(2) Private recreational facilities planned developments, Section 34-941.~~

~~(3) Display, sale, rental or storage facilities for motor vehicles, boats, recreational vehicles, trailers, mobile homes or equipment, Section 34-1352.~~

~~(4) Convenience food and beverage stores, automobile service stations, fast food restaurants, and car washes, Section 34-1353.~~

~~(5) Wireless communications facilities, Section 34-1447(c)(4)(c).~~

~~(6) Essential services and facilities, Section 34-1616(b).~~

~~(7) Mining, Chapter 12.~~

~~(8) Residential project walls, Section 34-1743(b)(3).~~

~~(9) Open storage, Section 34-3005(b)(1).~~

~~(10) San Carlos Island Redevelopment Overlay Districts, Chapter 33.~~

~~Sec. 10-424~~25. Open space and landscape requirements in the Mixed-Use Overlay.****

Staff note: Remove cross reference to deleted Chapter and Section and update language as necessary.

Properties located within the Mixed-Use Overlay as delineated on Map 1-C of the Lee Plan and described in Objective 11.2 must provide the following minimum open space and landscape requirements. Open space and landscape requirements specific to certain uses, as set forth in Chapter 34, must be provided. ~~The landscape requirements for specific uses identified in Section 10-424 must be provided.~~

(a) *Open space.* Large developments must provide a minimum of 20 percent open space and small developments must provide a minimum of ten percent open space ~~with the following exceptions:~~

~~(1) Planning communities governed by Chapter 33; and~~

~~(2) Open space requirements may be except if reduced through the use of Greater Pine Island Transfer of Development Units (TDUs) in accordance with Chapter 2.~~

(b) through (f) remain unchanged.

Secs. 10-425—10-440. Reserved.

DIVISION 10. - RESERVED. ~~LAKES PARK REGIONAL WATERSHED~~

Staff note: Eliminate requirements for Lakes Park Regional Watershed, which is no longer consistent with the Florida stormwater rule. The Lakes Park watershed is no longer defined as a critical watershed by the Lee Plan.

~~Sec. 10-531. Findings of fact.~~

The Board of County Commissioners finds the following facts to be true:-

- (1) That the County has created for the benefit of the peoples of the County and Southwest Florida the Lakes Regional Park as a water-oriented recreational resource;-
- (2) That the lakes within the Lakes Regional Park are a series of manmade water bodies which are the result of previous rock mining operations, the only sources of water for these lakes being rainwater and surface runoff;-
- (3) That the watershed of the Lakes Regional Park, as described and delineated in Exhibits A and B to Ordinance No. 85-46, codified in this division, which are on file in the office of the County Department of Public Resources, is characterized by increased urbanization;-
- (4) That the County Health Department and the Division of Environmental Services have concluded that the urbanization and attendant land uses within the watershed of the Lakes Regional Park affect the quality of water in the Lakes Regional Park via surface water runoff and groundwater movement;-
- (5) That the Board agrees with the conclusions of the County Health Department and the Division of Environmental Services; and-
- (6) That the potential exists for the degradation of surface water and groundwater quality within the Lakes Regional Park Watershed as a result of pollutants contained in urban runoff.-

~~Sec. 10-532. Intent.~~

The intent and purpose of this division is to protect the public health, safety and welfare of the residents of the County by requiring all development within the Lakes Regional Park Watershed to meet the development criteria contained in this division, thereby protecting, preserving and enhancing the water quality of the Lakes Regional Park and its watershed.-

~~Sec. 10-534. Penalty for violation.~~

Any person who violates any provision of this division shall, upon conviction, be punished as provided in Section 1-5. Such person also shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.-

~~Sec. 10-535. Additional remedies.~~

In addition to any criminal penalties which may be imposed pursuant to Section 10-534, the Board of County Commissioners and any of its employees to whom the Board may have entrusted responsibility, either in whole or in part, for compliance with this division, or for the operation of the Lakes Regional Park, shall have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this division, including injunctive relief to enjoin and restrain any person from violating this division.-

~~Sec. 10-536. Conflicting provisions.~~

Whenever the requirements or provisions of this division are in conflict with the requirements or provisions of any other lawfully adopted ordinance, the most restrictive requirements shall apply.-

~~Sec. 10-537. Compliance; notice of violation.~~

- (a) It is a violation of this division to commence any development within the watershed without first obtaining all necessary development permits.-
- (b) Any violations, either during or after construction, of the requirements of this division, including the minimum standards for surface water runoff quality, shall require that construction of the development be halted or that the discharge of water from the site cease until the violation has been corrected.-
- (c) Whenever it is determined that there is a violation of this division, a notice of violation shall be issued and sent, by whatever reasonable method seems most likely to ensure that the notice is received, to the person committing the violation. The notice of violation issued shall:-
 - (1) Be in writing;-
 - (2) Be dated and signed by the authorized County agent issuing the notice;-
 - (3) Specify the violation;-
 - (4) State that the violation shall be corrected within ten days of date of notice of violation; and-
 - (5) State that, if the violation is not corrected by the specified date, civil and criminal proceedings may be commenced.-

~~Sec. 10-538. Variances.~~

~~Requests for variances from the terms of this division shall be administered and decided in conformance with the requirements for variances which are set forth in Chapter 34.~~

~~Sec. 10-539. Delineation of watershed.~~

~~The lands which comprise the Lakes Regional Park Watershed and which shall be subject to the provisions of this division are described in Exhibit A and delineated in Exhibit B attached to Ordinance No. 85-46, codified in this division, which are made a part of this division by reference.~~

~~Sec. 10-540. Surface water management permit required; development standards.~~

- ~~(a) In order to protect and maintain the quality of water in the Lakes Regional Park as per standards established in and applicable State rules and to ensure that waters discharged in the watershed area do not exceed those levels, all development within the watershed must obtain a surface water management permit from the South Florida Water Management District pursuant to F.S. Ch. 373 and F.A.C. Ch. 40E-4.~~
- ~~(b) In those areas within the watershed where a public sewer system is in operation, all new development within one-quarter mile of the system must connect to it.~~
- ~~(c) Underground stormwater detention/retention systems are prohibited within the watershed.~~
- ~~(d) On-site drainage detention/retention areas must meet the following additional requirements:~~
 - ~~(1) Bulkheads are limited to 40 percent of the length of the shoreline with compensating littoral zone provided.~~
 - ~~(2) A minimum of 25 percent of the detention/retention pond must have a bottom elevation no deeper than two feet below the control elevation. This area must be immediately upstream from the control elevation and planted with appropriate aquatic vegetation which will aid in the polishing or settling of runoff.~~
 - ~~(3) Special treatment systems such as storage tanks, traps or other devices meeting best management standards must be installed to prohibit any grease, emulsifiers, lubricants, cleaners, oxidizing agents, solvents, flammable gas and other contaminants from entering the storm drainage system or otherwise leaving the project.~~
- ~~(e) Except for surface water runoff from individual single family residential lots upon which residential structures are built, surface water runoff from any development must be discharged from a single point. The peak discharge for the 25-year three day storm event may be no greater than 102 cf/s/sm. Surface water runoff from developed individual single family residential lots must be by sheet flow leading to an approved common drainage system. If such lots are part of a larger development, the development as a whole must have a single discharge point.~~
- ~~(f) Water quality must be monitored for a period of one year, beginning with the first discharge from the project site, in order to ensure that pollutants will be identified and treated in a timely manner. Such monitoring must meet the following minimum standards:~~
 - ~~(1) Testing of samples must be done by the County Environmental Laboratory, the Natural Resources Division or their designee.~~
 - ~~(2) The cost of testing will be charged to the developer of the property whose surface discharge is being tested, and testing will be required for a period of one year beginning with the first discharge from the project site. Additional phases requiring a development order will require testing for the same time period.~~
 - ~~(3) Monitoring required of developers is confined to points within the development boundaries. If additional sampling is needed in order to assess off-site impacts of a project, such sampling will be conducted by the County Environmental Laboratory, the Natural Resources Division or by their designee.~~
 - ~~(4) Test samples must be taken at least monthly, and monitoring results must be expressed as a monthly average. Monitoring must consist of preliminary sampling of indicator parameters, which may be revised as necessary based on results of the preliminary sampling.~~
 - ~~(5) The rate of discharge at the time of sample collection and the total monthly discharge each month for the period being monitored may be estimated.~~

~~Sec. 10-541. Compliance with water quality requirements; monitoring of water quality.~~

- ~~(a) All development proposals within the watershed shall include a determination during the site plan review process of whether the proposed development will satisfy the minimum water quality standards established by this division. Approval of such site plans shall be conditioned upon the development actually meeting water quality minimum requirements, as measured by subsequent monitoring and testing.~~
- ~~(b) Water quality of surface discharge from developments shall be monitored as detailed in Section 10-540(f):~~
 - ~~(1) To determine if the pollution abatement practices incorporated into the design for the drainage system are functioning properly; and~~
 - ~~(2) To determine whether water quality degradation is occurring despite proper operation of the approved drainage system.~~
- ~~(c) So as to comply with the monitoring requirements set forth in this division, on-site surveys, conducted under the supervision of the County Health Department, shall be started as soon as a development order is received for the water management system and the point source is in place.~~
- ~~(d) The surveys required pursuant to Subsection (c) of this section shall be in addition to the other surveys required by this division and shall include consideration of present and possible future pollution of the recreational areas from potential sources of contamination, including, but not limited to:~~
 - ~~(1) Outfalls;~~
 - ~~(2) Industrial drainage and waste outfall;~~
 - ~~(3) Drainage;~~
 - ~~(4) Sanitary landfills;~~
 - ~~(5) Open dumps;~~
 - ~~(6) Wildlife populations;~~
 - ~~(7) High erosion areas;~~
 - ~~(8) Bottom deposits;~~
 - ~~(9) Turbidity of water;~~
 - ~~(10) Decaying vegetation;~~
 - ~~(11) Surface runoff;~~
 - ~~(12) The anticipated user load of the facility; and~~
 - ~~(13) Any and all other generally recognized forms of pollution not specifically enumerated in this section.~~

Secs. ~~10-531~~~~10-542~~—10-599. Reserved.

Chapter 14 - ENVIRONMENT AND NATURAL RESOURCES

ARTICLE I. ~~RESERVED~~IN-GENERAL

~~Sec. 14-1. Community plan area regulations.~~

Staff note: Delete reference to Chapter 33.

Activities in the following communities must also comply with the regulations set forth in Chapter 33 pertaining to the specific community:

- ~~(a) Greater Pine Island.~~
- ~~(b) Page Park.~~
- ~~(c) Caloosahatchee Shores.~~
- ~~(d) Lehigh Acres.~~
- ~~(e) North Fort Myers.~~
- ~~(f) Matlacha.~~
- ~~(g) Upper Captiva.~~
- ~~(h) North Olga.~~
- ~~(i) San Carlos Island Redevelopment Overlay District.~~

Secs. 14-12—14-40. Reserved.

ARTICLE V. - TREE PROTECTION

DIVISION 1. - GENERALLY

Sec. 14-374. Definitions.

Staff note: Definition relocated from Section 33-1002.

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

“Administrator” through “Removal” remain unchanged.

State-designated aquatic preserves and associated wetlands and natural tributaries means:

(a) The following aquatic preserves, as designated by the State:

(1) Gasparilla Sound-Charlotte Harbor Aquatic Preserve;

(2) Matlacha Pass Aquatic Preserve; and

(3) Pine Island Sound Aquatic Preserve.

(b) All wetlands, as defined in Chapter 14, Article IV, that adjoin any portion of these aquatic preserves.

(c) All natural tributaries, including bays, lagoons, and creeks that adjoin any portion of these aquatic preserves, but excluding manmade canals.

(d) For the purposes of this definition, any portion of a wetland or natural tributary lying farther than one-half mile from the nearest edge of an aquatic preserve will not be deemed to be an associated wetland or natural tributary.

Remainder of section unchanged.

Sec. 14-385 Agricultural notice of clearing on Greater Pine Island.

Staff note: Relocated LDC Section 33-1031 to new Section 14-385. Remove Lee Plan references based on companion CPA and remove nonregulatory provisions.

Notices of clearing for agricultural purposes in Greater Pine Island must comply with the following additional requirements:

(a) Agriculturally zoned land that is pursuing a new agricultural use through the Agricultural Notice of Clearing process that adjoins State-designated aquatic preserves and associated wetlands and natural tributaries (see Section 33-1002) must preserve or create a 50-foot-wide native vegetated conservation buffer area between all agricultural lands and the natural waterbody and associated wetlands.

(c) Existing native vegetation within the 50-foot buffer must be preserved. If existing native vegetation is removed, it must be replaced using the restoration standards in Section 14-384.

(d) Non-native vegetation must be removed from the 50-foot buffer utilizing hand removal methods. A specific mechanical removal method may also be approved in writing by the Department.

(e) Planting of native vegetation indigenous to Pine Island is allowed within the 50-foot buffer. If no native vegetation exists within the buffer, then bare root or containerized South Florida slash pine, longleaf pine or native oaks trees must be planted on 20-foot centers within three years of the recording of the Agricultural Notice of Clearing and with a guaranteed 80 percent survivability for a period of five years.

(f) No other grading, excavating, or filing is allowed within the 50-foot buffer.

(g) These conservation buffer regulations will not be construed in a manner that violates the Agricultural Lands and Practices Act, F.S. § 163.3162, or the Florida Right-to-Farm Act, F.S. § 823.14.

(h) The Agricultural Notice of Clearing recorded in the official records of the County must include a description of the 50-foot-wide buffer that is sufficient to allow a reasonable person to know the location, extent and boundary of the buffer area to be preserved.

Secs. 14-~~386385~~—14-410. - Reserved.

Chapter 30 - SIGNS

ARTICLE I. - IN GENERAL

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

Staff note: revise section to eliminate definition for Greater Pine Island.

- (a) In case of any difference of meaning or implication between the text of this chapter and any other law or regulation, this chapter controls.
- (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 Map 2-A and described in Chapter 33, Article III.*~~

Remainder of section unchanged.

Sec. 30-4. Applicability.

Staff note: Revise subsection (b)(2) to remove permitting requirements for copy changes on approved signs.

Subsection (a) remains unchanged.

- (b) *Exceptions.*

Subsection (1) remains unchanged.

- (2) *Signs not requiring a sign permit.* The following operations are not considered as creating a sign insofar as requiring the issuance of a sign permit, but such signs must be in conformance with all other building, sign, structural and electrical codes and regulations of the County:
 - a. *Change of copy.* Changing of the advertising copy of a message on an existing approved changeable copy sign, whether electrical, illuminated, electronic changing message center or nonilluminated message, which are specifically designed for the use of replaceable copy. ~~A change of copy for a billboard shall not require a permit.~~

Remainder of section unchanged.

Sec. 30-6. Permitted signs.

Staff note: Revise subsection to increase residential nameplate sign area to 6 square feet, which was previously permitted in Section 33-1645(a)(1).

Permitted signs are classified into three categories: signs not requiring a permit, signs requiring a sign location permit only, and signs requiring a sign construction permit.

- (1) *Signs not requiring permit.*

Subsections a. through k. remain unchanged.

- I. Residential nameplates not exceeding ~~2-25~~ 6 square feet in area.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Sec. ~~30-56.~~ Community plan area regulations.

Staff note: Delete section to reflect deletion of Chapter 33.

~~Applications and permit approvals for signs and sign structures associated with projects located in the following Community Plan Areas must also comply with the regulations set forth in Chapter 33 pertaining to the specific Community Plan Areas.~~

- ~~(a) Greater Pine Island.~~
- ~~(b) Page Park.~~
- ~~(c) Caloosahatchee Shores.~~
- ~~(d) Lehigh Acres.~~
- ~~(e) North Fort Myers.~~
- ~~(f) Matlacha.~~
- ~~(g) Upper Captiva.~~
- ~~(h) North Olga.~~
- ~~(i) San Carlos Island Redevelopment Overlay District.~~

Sec. ~~30-56~~57 - 30-90. Reserved.

ARTICLE IV. - RESTRICTIONS BASED ON LOCATION

DIVISION 2. - ON-SITE SIGNS

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

Staff note: Revise subsection (5)a to delete community plan specific requirements to reflect deletion of Chapter 33. Conduct cleanup for consistency. Renumber subsequent sections.

In order to provide fair, equal and adequate exposure to the public, and to prevent a single property owner from visually dominating neighboring properties with signs, all nonresidential uses are limited to a total permissible sign area in accordance with the provisions of this section. Signs for buildings and developments subject to a unified sign plan must be designed and constructed in accordance with the approved unified sign plan.

Subsections (1) and (4) remain unchanged.

- (5) *Electronic changing message centers.* Electronic changing message centers are permitted along I-75 and arterial streets, subject to the following limitations:
 - a. *Location.*
 1. Electronic changing message centers are permitted in any zoning district, provided the area ~~to be used is shown on~~ is designated by the Lee Plan the County Comprehensive Plan as Intensive Development, Industrial Development, Interstate Highway Interchange Areas, or Tradeport, ~~or~~
 2. ~~In Lehigh Acres, in areas designated "Lehigh commercial" on the Lehigh Acres Lee Plan Overlay Zone Map adopted May 27, 1998, and that are also shown on the County Comprehensive Plan as central urban, provided that:~~
 - i. ~~Only one electronic changing message center sign may be permitted;~~

- ii. ~~The sign is constructed on a parcel of land having a minimum of 100 feet of frontage on both Homestead Road and Alabama Road;~~
- iii. ~~The sign must be located within 30 feet of the intersection of the two road rights-of-way;~~
- iv. ~~The sign serves the tenants of a multiple occupancy complex of ten or more businesses;~~
- v. ~~The sign provides public service messages at least 12 minutes of each hour;~~
- vi. ~~The sign is part of a ground-mounted monument style sign;~~
- vii. ~~The maximum sign area of the electronic changing message center portion of a sign does not exceed 40 percent of the total sign area allowed for ground-mounted signs, or 34 square feet, whichever is less;~~
- viii. ~~Incandescent bulbs may not exceed ten watts and the sign must be equipped with an automatic day/night dimmer switch set so that nighttime brightness does not exceed 75 percent of the daytime brightness; and~~
- ix. ~~Landscaping, in accordance with a County approved landscape plan is installed prior to energizing the sign. The landscaping must contain, at a minimum, 700 square feet of landscaping area around the sign comprised of at least:~~
 - ~~(1) 100 small shrubs or ground cover plants; and~~
 - ~~(2) Ten large shrubs; and~~
 - ~~(3) Six trees or large palms at least ten feet in height.~~

3. ~~In the North Fort Myers 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. ~~The property is zoned commercial planned development;~~
- ii. ~~Only one electronic changing message center is permitted on the property;~~
- iii. ~~The message changing center sign face is integrated into the bottom of an existing sign located in the southern corner of the property and facing U.S. 41;~~
- iv. ~~The electronic changing message center face is not larger than 118.5 square feet (three feet wide by 39.5 feet long); and~~
- v. ~~Landscaping, as approved by the County, is placed around the base of the sign and continuously maintained.~~

2.4. Along U.S. 41 between the intersection of Gladiolus Drive/Ben C. Pratt Six Mile Cypress Parkway and the intersection of Alico Road.

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

3.6. Along College Parkway between the intersection of McGregor Boulevard and the intersection of U.S. 41.

b. and c. remain unchanged.

d. *Street classifications.* Arterial streets are shown on Lee Plan Map 3-B ~~the existing functional classification map, adopted on March 20, 1991.~~

e. remains unchanged.

~~CHAPTER 33 – COMMUNITY PLAN AREA REGULATIONS~~

Staff note: Chapter 33 is deleted in full. Language relocated into other Chapters is shown in double underline format.

CHAPTER 34 – ZONING

ARTICLE I. IN GENERAL

Sec. 34-2. Definitions.

Staff note: Add definitions for certain undefined terms in LDC. Add new definitions and delete definitions as needed to correspond to revised regulations.

“Abutting property” through “Administrative office” remain unchanged.

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 1-C.

“Agricultural uses” through “Automatic Teller Machine (ATM)” remain unchanged.”

~~*Authorized representative* means any person who appears with the written permission of, and on behalf of, another person.~~

“Auto parts store” through “Building height” remain unchanged.

~~*Building official* means the Director of the Division of Code Enforcement or his designee.~~

“Building, principal” through “Consultant” remain unchanged.

Continued agricultural use on existing farmland means existing farmland identified on Lee Plan Map 1-G 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.

“Continuing care facility (CCF)” through “Conversion” remain unchanged.

Cooking facilities means a room or space used to store, prepare, and cook food containing a stove.

“Corner lot” through “County coastal construction control line or zones” remain unchanged.

County facilities means property owned or leased by Lee County and all uses and improvements thereon, including but not limited to public utilities and resource recovery facilities, public recreational uses, public safety facilities, communication towers, and other public facilities. The term does not include property owned, leased, or controlled exclusively by a constitutional officer, independent authority, dependent or independent special district, municipality, school board, state agency, federal agency, or other governmental entity. See Section 34-4.

“Cumulatively illuminated” through “Duplex” remain unchanged.

~~*Deviation* means a departure from a specific regulation of this chapter, as well as from any separate land development regulation or code, when requested as part of the application for a planned development in accordance with Section 34-373(a)(9) and approved by the Board of County Commissioners based on the findings~~

~~established in Section 34-377(a)(4). Deviations to approved Master Concept Plans may be reviewed pursuant to Section 34-380.~~

Dwelling unit means a room or rooms connected together, which could constitute a separate, independent housekeeping establishment for a family, for owner occupancy, or for rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units that may be in the same structure and containing sleeping and sanitary facilities and one kitchen. The term "dwelling unit" does not include rooms in hotels, motels or institutional facilities. ~~See *Housing unit* and *Living unit*.~~

Dwelling unit, types.

- (1) *Duplex through (4) Townhouse remain unchanged.*
- (5) *Mobile home* means a building intended for occupancy as a single-family residence, manufactured off the site in conformance with the Federal Mobile Home Construction and Safety Standards (24 CFR 3280 et seq.), subsequently transported to a site complete or in Sections where it is emplaced and tied down in accordance with F.A.C. Ch. 15C-1, with the distinct possibility of being relocated at a later date.
- (6) *Multiple-family building through (8) Live-work unit remain unchanged.*

"Easement" through "Fair" remain unchanged.

~~*Family* means one or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of five or more adults who are not related by blood, marriage or adoption will not be deemed to constitute a family. The term "family" does not include a fraternity, sorority, club, monastery, convent or institutional group.~~

"Farm" through "Government agency" remain unchanged.

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

"Greenhouse" through "Hotel/motel" remain unchanged.

~~*Housing unit* means a house, apartment, mobile home or trailer, group of rooms or single room occupied or intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants do not live and eat with any other person in the structure, and which have direct access from the outside of the building or through a common hall. See *Dwelling unit* and *Living unit*.~~

"Ice cream vehicle" through "Junkyard" remain unchanged.

Kitchen. See cooking facilities.

"Lamp" through "Living area" remain unchanged.

~~*Living unit* means any temporary or permanent unit used for human habitation. See *Dwelling unit* and *Housing unit*.~~

"Loading space, off-street" through "Lot, corner" remain unchanged.

~~*Lot, double multiple-frontage*, means any lot, not a corner lot, having two or more property lines abutting to a street right-of-way or easement. See Section 10-704.~~

"Lot, through" through "Lot line, front" remain unchanged.

Lot line, rear, means that lot line which is parallel to or concentric with and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to or concentric with and at the maximum possible distance from the front lot line, shall be considered to be the rear lot line. In the case of a through lot, there shall be no rear lot line. In the case of a ~~double multiple-frontage~~ lot, the line directly opposite from the front line shall be designated as either a rear line or a side line depending upon the designation of the adjacent property. In the case of corner lots, the rear lot line shall be the line most nearly parallel to or concentric with and most distant from the front lot line most prevalent along the block.

"Lot line, side" through "Nightclub" remain unchanged.

~~Nonconforming building or structure, lot or use~~ means an existing building or structure, ~~lot or use~~, lawful when established, which fails to comply with any provisions of this chapter, or which fails to comply as the result of subsequent amendments. See Article VIII of this chapter.

~~Nonconforming use~~ means a use or activity, ~~which was lawful when established, which fails to comply with prior to the adoption of the ordinance from which this chapter is derived, or the adoption of a revision or amendment of this chapter, but which fails, by reason of such adoption, revision or amendment, to conform to the use requirements of the zoning district in which located.~~

"Nonessential lighting" through "Partially shielded" remain unchanged.

~~Participant~~ means a nonparty appearing at a Hearing Examiner proceeding, ~~in person or through authorized representative~~, and providing legal argument or testimony.

~~Party~~ to proceedings before the Hearing Examiner or Board means the applicant/Appellant and the County (and their representatives). The term "party" does not include ~~participants~~ or their representatives.

Permanent resident through "Permanent unit" remain unchanged.

Permanently preserved native habitat means native upland habitat that the landowner guarantees, through a binding Master Concept Plan and/or development order, to preserve or restore as permanent native habitat/open space 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 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 permanent native habitat preservation. Greater Pine Island TDUs may not be established or severed from native habitat that is permanently preserved in exchange for adjusted maximum density.

"Pet services" through "Recreational vehicle park, expansion" remain unchanged.

~~Recreational vehicle park resident, permanent~~, means any person who currently owns and has resided at a specific address within a recreational vehicle park for a continuous period of over 12 months prior to September 16, 1985, and who filed an affidavit with the County by October 31, 1985.

"Recycling facility" through "Religious facilities" remain unchanged.

~~Residence~~. See Dwelling unit, Living unit, and Housing unit.

~~Residential exterior cladding~~ means customary residential siding which extends from the base of a building to the roof eave, such as wood, metal, and vinyl lap siding, brick and composite materials. The term "residential exterior cladding" excludes corrugated and ribbed galvanized steel or similar finishes, generally applied in nonresidential or agricultural applications.

"Resource recovery" through "Restaurant, standard" remain unchanged.

Restored native habitat means uplands that the landowner, through a binding Master Concept Plan and/or development order construction plans, commits to restoring and permanently preserving as open space 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 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 permanent native habitat restoration. Greater Pine Island TDUs may not be established or severed from native habitat that is permanently restored in exchange for adjusted maximum density.

"Retaining wall" through "Screen enclosure" remain unchanged.

Separate living quarters are those in which the occupants do not live and eat with any other person in the structure, and which have direct access from the outside of the building or through a common hall.

Setback means the minimum horizontal distance required between a specified line and the nearest point of a building or structure.

- (1) *“Street setback” remains unchanged.*
- (2) Side setback means the setback as measured from the side lot line, ~~extending from the required street setback to the required rear lot line, or opposing street setback in the case of a double frontage lot, measured from the side lot line.~~
- (3) *“Rear setback” and (4) “Waterbody setback” remain unchanged.*
“Shield” through “Street right-of-way or street easement line” remain unchanged.

~~Street right of way, proposed, is a general term denoting land or property, usually in a strip, identified on Lee Plan Map 3A, as land to be used in the future for transportation purposes.~~

Variance, use, means an attempt to allow a use in a district not allowed by this Code, except as provided in Sections 34-620 and ~~34-933~~ 34-932.

Remainder of section unchanged.

Sec. 34-4. Applicability; deed restrictions and vested rights.

Subsection (a) through (d) remain unchanged.

- (e) *Applicability to County facilities.* County facilities approved by the Board of County Commissioners are considered permitted uses in all zoning districts, and do not require further zoning action. County facilities are exempt from all requirements of this Chapter.

~~Sec. 34-6. Compliance with specific 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.~~

- ~~(1) Greater Pine Island.~~
- ~~(2) Page Park.~~
- ~~(3) Caloosahatchee Shores.~~
- ~~(4) Lehigh Acres.~~
- ~~(5) North Fort Myers.~~
- ~~(6) Matlacha.~~
- ~~(7) Upper Captiva.~~
- ~~(8) North Olga.~~
- ~~(9) San Carlos Island Overlay District.~~

Secs. 34-76—34-50. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 2. BOARD OF COUNTY COMMISSIONERS

Sec. 34-83. Functions and authority.

Staff Note: This amendment removes references to appeals of Hearing Examiner decisions for wireless communication facilities before the Board of County Commissioners. Conforming amendments eliminating this unique appeal procedure are included in Sections 34-145 and 34-1445. The substantive basis for eliminating this separate appellate process is discussed in the staff note accompanying Section 34-1445.

- (a) *Zoning actions.*

- (1) *Function.* Unless another approval process is authorized by County ordinance, the Board of County Commissioners must hold public hearings to consider the following applications: planned development rezoning, except as excluded by Section 34-145(d)(1)e, ~~appeals from decisions of the Hearing Examiner concerning wireless communications facilities~~, developments of regional impact, and any other action in conjunction with such applications.

Subsections (2) and (3) remain unchanged.

- (4) *Decisions and authority.*

- a. In exercising its authority, the Board:

Subsections 1. through 3. remain unchanged.

- ~~4. In the case of an appeal of a Hearing Examiner decision pertaining to wireless communication facilities, the Board must consider the decision as a recommendation.~~

Remainder of section unchanged.

DIVISION 4. HEARING EXAMINER

Sec. 34-145. Functions and authority.

Staff Note: It also removes the separate Board appeal process for wireless communication facility decisions so those decisions follow the same judicial review process as other Hearing Examiner special exception decisions. The amendment further expands the Hearing Examiner's final decision-making authority for limited categories of rezoning and planned development requests where the scope and potential impacts of the request are sufficiently defined to allow final action through the existing quasi-judicial hearing process.

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

Subsection (a) remains unchanged.

- (b) *Variances.*

(1) through (5) remain unchanged.

- (6) *Judicial review.* Judicial review of Hearing Examiner's final variance decisions are to the circuit court. This review may only be obtained through filing a petition for writ of certiorari pursuant to the Florida Rules of Appellate Procedure. The petition must be filed within 30 calendar days after the decision has been rendered. ~~Exception: review of the Hearing Examiner's wireless communication facilities decisions must follow the procedures outlined in Sections 34-1453(b) and 34-1445(b)(2)b.~~

(7) remains unchanged.

- (c) *Special exceptions.*

(1) and (2) remain unchanged.

- (3) *Findings/review criteria.*

a. remains unchanged.

- b. In the case of new commercial antenna-supporting structure wireless communication facilities, the Hearing Examiner must ~~also~~ find, or conclude a finding is not applicable, that:

1. and 2. remain unchanged.

3. The proposed antenna-supporting structure will not be injurious to historical resources, obstruct scenic views, ~~diminish residential property values~~, or reduce the quality and function of natural or manmade resources; and

4. remains unchanged.

c. through e. remain unchanged.

(4) remains unchanged.

(5) *Judicial review.* Judicial review of Hearing Examiner's final decisions on special exceptions are to circuit court. This review may only be obtained through filing a petition for writ of certiorari pursuant to the Florida Rules of Appellate Procedure. The petition must be filed within 30 calendar days after the decision has been rendered. ~~Exception: review of Hearing Examiner's wireless communication facilities decision must follow the procedure outlined in Section 34-1445(b)(2)b.~~

(6) remains unchanged.

(d) *Zoning matters.*

(1) *Authority.*

Subsections a. through d. remains unchanged.

e. The Hearing Examiner has the final decision-making authority on the following matters:

1. and 2. remain unchanged.

3. Applications for planned development rezoning when the request is limited to:

i. IPD rezoning requests in the Industrial Development or Tradeport Future Land Use Categories.

ii. CPD rezoning requests in the Commercial Future Land Use Category.

34. Applications for amendments to planned developments when the request is limited to:

i. Amendments to the master concept plan, schedule of uses, or property development regulations that do not increase the maximum density or non-residential floor area in the planned development, except as provided in Subsection vi below;

ii. Requests for consumption on premises;

iii. Requests for wireless telecommunication facilities;

iv. Requests for an increase in the maximum number of fuel pumps in conjunction with a convenience food and beverage store or automobile service station provided that the use is already approved in the planned development;

v. Changes to conditions and deviations; or

vi. Requests to establish or increase density within the Mixed Use Overlay.

4 5. Notwithstanding Section 34-1038(b), amendments to planned unit developments that are not subject to separate ordinance.

5 6. An applicant or agent applying for a conventional rezoning, planned development rezoning, or an amendment to a planned development in which the Hearing Examiner has the final decision-making authority may request a public hearing before the Board of County Commissioners in accordance with Section 34-83(a)(1). Such a request must be made prior to the issuance of a final decision by the Hearing Examiner.

- (2) *Functions.* The Hearing Examiner has the duty and responsibility to make recommendations to the Board on applications for the following requests:
- a. New planned development rezoning requests, or amendments to planned developments exceeding the decision-making authority scope of amendments permitted by Subsection (d)(1)e-~~3~~ of this section.
 - b. and c. remain unchanged.*
 - d. Use of bonus density in conjunction with a rezoning to a planned development district except as permitted by Subsection (d)(1)e-~~3~~4 of this section.
 - e. remains unchanged.*
- (3) through (8) remains unchanged.*

DIVISION 5. DEPARTMENT OF COMMUNITY DEVELOPMENT

Sec. 34-174. - Authority to approve administrative actions.

Staff note: Revise section to remove references to Chapter 33, update reference to alcoholic beverage approvals

- (a) *Administrative variances.*
- (1) *Authority.* The Director is authorized to administratively approve variances of the following:
- a. Street, rear, side, or waterbody setbacks to allow:
 - 1. and 2. remain unchanged.*
 - 3. Construction Replacement of stairs or decking that provide access into an existing dwelling unit.
 - 4. and 5. remain unchanged.*
 - b. Requirements of Chapters 10, 30, ~~33~~, and 34 necessary for development of property subject to a ~~Lee County initiated an~~ eminent domain proceeding pursuant to Section 1-16 or 34-3206.
- Subsections c. through f. remains unchanged.*
- g. Requirements of this Code ~~Chapters 30, 33 and 34~~ found by the Director to be similar in nature, which are not contrary to the Lee Plan and do not diminish public health, safety, and welfare.
- (2) remains unchanged.*
- (b) *Administrative approval of on-premises consumption of alcoholic beverages.*
- (1) *Authority.* The Director is authorized to administratively approve the sale or service of alcoholic beverages for consumption on-premises pursuant to the provisions of ~~when in conjunction with the uses provided in Section 34-1264(a)(1)(a)(2).~~
- (2) *remains unchanged.*
- (c) through (g) remain unchanged.*
- ~~(h) Administrative approval of deviations from Chapters 10 and 33.~~
- ~~(1) Authority.~~ The Director is authorized to administratively approve deviations from technical standards in Chapter 10, limited to those listed Section 10-104, and from certain provisions, as specified, in Chapter ~~33.~~
- ~~(2) Findings/review criteria.~~ Before approving a deviation, the Director must find the following review criteria are satisfied:

a. ~~For Chapter 10 deviations:~~

- ~~1. The request is based on sound engineering practices (not applicable to Sections 10-352, 10-353 and Division 7, Article III, Chapter 10);~~
- ~~2. The request is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested;~~
- ~~3. The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and~~
- ~~4. For Division 7, Article III, Chapter 10, the required facility would unnecessarily duplicate existing facilities;~~
- ~~5. For Sections 10-352 and 10-353, the utility that would otherwise serve the development cannot provide the service at the adopted level of service standard due to an inadequate central facility.~~

b. ~~For Chapter 33 deviations, additional criteria, if specified within Chapter 33, must be met.~~

~~(h)(i)~~ *Administrative amendment to a planned development.*

- (1) *Authority.* The Director is authorized to administratively approve an amendment to a planned development ~~pursuant to Section 34-380~~ when the request meets the criteria for approval provided in subsection (2) below.
- (2) *remains unchanged.*

~~(i)(i)~~ *Administrative amendment to a planned development located in the Mixed-Use Overlay.*

- (1) *and (2) remains unchanged.*

~~(i)~~ *Administrative amendment to a Special Exception.*

Staff note: Current land development regulations do not include an administrative process to amend an approved special exception. Special exception approvals function similarly to planned development approvals, and planned development approvals may be amended pursuant to certain criteria established in Section 34-174. The proposed amendments are intended to establish a process for amending approved special exceptions that is like that which exists for planned developments. The criteria for approval of an administrative amendment to a special exception require consideration of the original special exception approval, including approved uses and development parameters, as well as specific conditions of approval intended to maintain compatibility with existing and planned uses and mitigate potential off-site impacts to maintain consistency with Hearing Examiner findings at the time of the original special exception approval. If an applicant cannot demonstrate consistency with the required criteria for approval, then the applicant may file an application for a new special exception to modify the original approval.

(1) *Authority.* The Director is authorized to administratively approve amendments to a Special Exception.

(2) *Findings/review criteria.* Before approving any administrative amendment to a Special Exception, the Director must find the request:

- a. Does not propose uses not approved pursuant to the original Special Exception, unless such uses are permitted by right in the underlying zoning district;
- b. Does not increase height, density or maximum permitted floor area approved pursuant to the original special exception;
- c. Does not reduce landscaping, buffers, or other screening required pursuant to the original special exception approval;
- d. Maintains compatibility with existing and planned uses;
- e. Is not injurious to the neighborhood or detrimental to public welfare; and

- f. Will remain in compliance with zoning regulations pertaining to the use and other applicable regulations.

(k) and (l) remain unchanged.

DIVISION 6. APPLICATIONS

Sec. 34-200. Complete application required.

Staff note: Section 34-200 has been added to clarify what constitutes a complete application consistent with 125.022, F.S.

Applications will not be deemed complete pursuant to Section 125.022, Florida Statutes, until all required documents have been submitted. Incomplete applications will be rejected as deficient and will not be reviewed until deemed complete.

Sec. 34-201. Application requirements for all zoning public hearing and administrative actions.

Staff note: Revise section for clarity and consistency.

- (a) *Initiation of application.* An application for a conventional rezoning, planned development rezoning, planned development amendment, mine excavation planned development under chapter 12, special exception, or variance, or administrative zoning action may be initiated by:

- (1) A landowner, or ~~his~~ authorized agent, for their~~his~~ own property. Where there is more than one owner, either legal or equitable, then all owners must jointly initiate the application or petition. Provided, however, that:

- a. This does not mean that both spouses ~~both a husband and wife~~ must initiate the application on private real property which is owned by them.

b. *through f. remains unchanged.*

- g. Where the application is applicable to property that is within an approved development, a subsequent phase or development tract located within a development, including but not limited to, a condominium, timeshare condominium, or homeowners' association as defined and regulated in F.S. chs. 718, 720, and 721, respectively, an application or petition may be initiated by the property owner(s) ~~of the subsequent phase or development tract~~.

(2) remains unchanged.

(b) through (d) remain unchanged.

Sec. 34-202. Submittal requirements for applications requiring public hearing.

Staff note: Revise section to clarify and remove antiquated language.

- (a) *Submittal requirements for all public hearing applications.* All applications for public hearing requests must include the following. Any additional expenses due to inaccurate or incomplete information will be borne by the applicant.

(1) and (2) remain unchanged.

- (3) *Applicant's statement.* Notwithstanding the requirements of Section 34-201(a)(1)a, the applicant must sign a statement, under oath, that they are~~he is~~ the owner or the authorized representative of the owner of the property and that they have~~he has~~ full authority to secure the approval requested and to impose covenants and restrictions on the referenced property as a result of the action approved by the County in accordance with this Code. This must also include a statement that the property owner will

not transfer, convey, sell or subdivide the subject parcel unencumbered by the covenants and restrictions imposed by the approved action.

(4) through (13) remain unchanged.

(b) remains unchanged.

DIVISION 7. PUBLIC HEARINGS

Sec. 34-231. Public participation.

Staff note: revise section to clarify that “Party” and “Participant” are both defined terms in LDC Section 34-2. Add new language governing evidence and testimony during quasi-judicial proceedings to add parameters intending at preserving due process while requiring participants to provide focused evidence and testimony within new time limits.

(a) remains unchanged.

- (b) *Participation before Board; zoning matters.* At public hearings on zoning matters, only the ~~parties~~ Parties, the Hearing Examiners, and ~~participants~~ Participants at the proceeding before the Hearing Examiner may address the Board. This prohibition does not apply to the Board's legal counsel, County staff whose sole purpose is to facilitate the zoning hearing, or legal counsel representing a ~~p~~Party or ~~hearing p~~Participant. The testimony presented to the Board will be limited to:

(1) through (4) remains unchanged.

(c) remains unchanged.

- (d) Record Evidence and Testimony in Quasi-judicial Proceedings. In addition to the provisions of this Code and the Lee County Administrative Code, acceptance of evidence and testimony into the record in quasi-judicial proceedings is subject to the following:

- (1) Decisions must be made based on competent substantial evidence entered into the record.
- (2) Unsworn testimony or conclusory assertions of law made by Attorneys does not constitute competent substantial evidence.
- (3) Participants may testify as to factual matters and any element of the case that would not require specialized training or special education. Unless qualified as an expert by knowledge, skill, experience, training, or education and accepted as an expert, Participants may not testify or present evidence as to matters which would require expert testimony.
- (4) Hearsay testimony or evidence presented by lay witnesses cannot be accepted into evidence or read into the record.
- (5) Irrelevant testimony or evidence cannot be accepted as part of the record.
- (6) A Party may raise an objection at the time the hearsay or irrelevant testimony or evidence is offered, at which time, the Hearing Examiner must rule on the objection. If the objection is sustained, the evidence may not be accepted into the record, in any form. The Hearing Examiner may exclude hearsay or irrelevant testimony or evidence without an objection being raised.
- (7) Unless agreed upon by the Parties, testimony of Participants before the Hearing Examiner is limited to no more than 15 minutes per Participant.

ARTICLE IV. PLANNED DEVELOPMENTS

DIVISION 1. GENERALLY

Sec. 34-341. ~~Employment of P~~planned development designation.

Staff note: Revise language to use consistent terminology. Relocate and modify language from Section 34-380.

~~(a) The Lee Plan requires Developments of County Impact to be developed as planned developments. These Developments of County Impact, defined in Subsection (b) of this section, if not already zoned for the use desired, must be rezoned only to the most applicable planned development category. Other proposed developments, regardless of size, may seek a planned development designation where the developer desires and the Division Director determines that it is in the public interest to do so.~~

~~(a)(b) The Lee Plan provides that certain owner-initiated rezonings and special exceptions meeting specified thresholds will be reviewed as Developments of County Impact. The Development of County Impact thresholds are further categorized as major or minor planned developments as follows:~~

~~(1) Major planned developments.~~

~~a. through m. remain unchanged.~~

~~n. If a proposed amendment to an approved planned development would, if taken by itself, constitute a major planned development (Development of County Impact, see Section 34-341(b)(1)), then the application to amend must proceed as a new and separate major planned development.~~

~~(2) Minor planned developments.~~

~~a. and b. remain unchanged.~~

~~c. An existing development, such as a mobile home development, that has already been developed but does not conform to the regulations for a conventional district, that requests a rezoning to a planned development classification, will be reviewed in the same manner as a minor planned development except that a Zoning Traffic Study ~~Traffic Impact Statement~~ will not be required.~~

~~d. All other requests for amendments to approved planned developments a Master Concept Plan or its auxiliary documentation will be treated procedurally as minor planned developments, but with application information and materials specified by Section 34-373(a). Amendments to an approved major or minor Master Concept Plan or its attendant documentation will be treated procedurally as minor planned developments. These applications will require only as much information, as deemed necessary by the Director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application.~~

Secs. 34-342 – 34-37072. Reserved.

DIVISION 2. APPLICATION AND PROCEDURE FOR APPROVAL

Staff note: This division has been revised to eliminate redundant and outdated language and clarify application requirements.

~~Sec. 34-371. General requirements.~~

~~All applications for planned development zoning or Master Concept Plan approval must follow the requirements detailed in Article II, Division 6 of this chapter and the requirements set out in this division.~~

~~Sec. 34-372. Preapplication conference.~~

~~The applicant may initiate the planned development process by requesting an optional pre-application conference with the Department staff. In this request, the applicant shall provide a description of the property in~~

question, the location of the property, the existing use, special features and the use proposed. Through this meeting, the applicant may avail himself of staff in order to be oriented to the planned development process, to determine what application materials are required (if a minor planned development), and to be advised of the impacts of the Lee Plan, surrounding development and zoning, and other public policy on the development proposal.

A mandatory pre-application conference is required in accordance with Section 12-108 for mine excavation planned development applications.

Sec. 34-373. Planned development application requirements. ~~Application.~~

(a) *Minimum required information for planned development zoning applications.* Rezoning applications for all planned developments, with the sole exception of Mine Excavation Planned Developments (MEPD) under Chapter 12, must include the following information, supplemented, where necessary, with written material, maps, plans, or diagrams. ~~A MEPD application must be submitted in accordance with Section 12-110 and is subject to the sufficiency timing provisions outlined in Section 34-372.~~ Wherever this section calls for the exact or specific location of anything on a map or plan, the location must be indicated by dimensions from an acceptable reference point, survey marker or monument.

(1) ~~General Application.~~ A ~~general~~ completed application form for public hearing in accordance with the requirements set forth in Sections 34-201 through 34-203. Two or more planned development categories may be combined in one application under the following circumstances:

a. and b. remain unchanged.

(2) and (3) remain unchanged.

(4) *Description of existing conditions.* The application for a planned development must be accompanied by:

a. remains unchanged.

b. Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show:

~~i. Soils, classified in accordance with the USDA/SCS System;~~

~~i.ii.~~ Vegetation and ground cover, classified in accordance with the Florida Land Use and Cover Classification system;

iii. Significant areas of rare and unique upland habitats as defined in the Lee Plan; and

~~iv. A County topographic map (required if available) or a USGS quadrangle map showing the subject property; and~~

~~iiiiv.~~ Existing and historic flow-ways.

~~c. A Florida Land Use, Cover and Classification System (FLUCCS) map at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any federal and State jurisdictional wetlands and other surface waters, including the total acreage of federal and State wetlands.~~

~~cd.~~ The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within Level 1 or Level 2 zones of archaeological sensitivity pursuant to Chapter 22. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided.

~~d.e.~~ Additional submittal requirements for PRFPD District applications are set forth in Section 34-941.

(5) remains unchanged.

- (6) *Master Concept Plan.* All applications must be accompanied by a graphic illustration (Master Concept Plan) of the proposed development. PRFPDs must comply with Section 34-941.

~~If blasting is proposed to be conducted on the property in order to excavate lakes or other site elements, the location of all proposed blasting must be shown. See Section 34-202(b)(6) for other required information.~~

~~Copies of the Master Concept Plan must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 inches in size. Both sizes of the Master Concept Plan must be clearly legible, depict the correct scale for the size drawing and be drawn at a scale sufficient to adequately show and identify the following information:~~

- a. remains unchanged.
- b. The location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. ~~If a subdivision, the plan must also show the general location of all proposed internal street rights-of-way or easements and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial, or industrial use lots.~~
- c. The plan must indicate the general location, and configuration, ~~and approximate dimensions~~ of the lots or parcels (including subdivided parcels and outparcels). The proposed use of the lots or parcels must be keyed to the list of proposed uses submitted with the application.
- d. ~~Individual development areas (i.e., residential, retail, office, manufacturing, mixed-use listed, etc.) with detail showing the boundary of each development area within which buildings, parking or other uses will be located.~~
- e. ~~The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions.~~
- df. The general location of ~~proposed parks and recreation~~ amenity areas and facilities, ~~as well as indigenous areas and flow ways to be preserved, restored or created.~~
- eg. ~~Open space design~~ A plan delineating the indigenous preserves and/or native tree preservation areas as required per Section 10-415(b) and flow ways to be preserved, restored or created. ~~Adjustments and field corrections to the plan can be done administratively at the time of development order review provided the minimum commitments made as part of zoning approval are maintained. No changes to an indigenous or native tree preserve area can be made administratively that would negatively affect screening or buffering to an adjacent property.~~
- fh. The minimum percentage of open space required by Section 10-415(a), unless the proposed development consists solely of ~~conventional~~ single-family dwelling units on lots of no less than 6,500 square feet. For commercial and industrial developments, the percentage of open space within each lot or outparcel must be as set forth in Section 34-414(c).
- gi. ~~The minimum width and composition of all proposed~~ The minimum required buffers along the perimeter of the subject property, ~~as well as between the individual uses, if the types of proposed uses require buffer separations.~~ References to types of buffers as described in Chapter 10 are acceptable.
- j. ~~Proposed access and facilities for public transit in accordance with Sections 10-442 and 34-411(e).~~
- hk. The general location of excavations for on-site fill and wet retention. ~~If the applicant proposes to remove excavated material from the property a planned development for mining and a general mining permit may be required.~~

~~If the development is located within a floodplain or flow-way, it is the applicant's responsibility at the time of local development order or district permitting to compensate for impacts to flood storage capacity or flow-ways due to filling of the site.~~

- ii. The location of any requested deviations, keyed to the schedule of deviations, including drawings demonstrating the effect the requested deviations will have on the site plan.
 - (7) ~~*Zoning Traffic Study*~~*Traffic Impact Statement*. A *Zoning Traffic Study*~~Traffic Impact Statement~~ in a format and to the degree of detail required by ~~a form furnished by the County and in conformance with the adopted County Administrative Code. Upon written request, the Director may waive this requirement for minor planned developments.~~
 - (8) *Schedule of uses*. A schedule of uses keyed to the Master Concept Plan as well as a summary of proposed development parameters for the entire property including the following information:
 - a. ~~and b. remain unchanged.~~
 - c. ~~The proposed percentage of open space for the entire site.~~
 - d. ~~The maximum height, in feet, in each individual development area. If parking under buildings is proposed, it must be indicated and included in the total maximum height of the building.~~
 - (9) *Deviations*. A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings, as may be required, illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be indicated on the Master Concept Plan.
 - (10) *Property development regulations*. A property development regulations table that establishes the minimum lot area and dimensions, minimum setbacks, building separation, maximum height, maximum floor area ratio (FAR), and maximum lot coverage within the planned development. Uses that have specific setback requirements within the LDC will be subject to the requirements set forth in the LDC, unless specifically stated within the proposed property development regulations table.
- (b) *Surface Water Management Plan*.
- (1) ~~and (2) remain unchanged.~~
 - (3) If the development is to be constructed in phases or if the ~~Zoning Traffic Study~~ *Traffic Impact Statement* utilized phasing, then a description of the phasing program must be submitted.
 - (4) ~~remains unchanged.~~
- (c) *Amendments to ~~built~~ Planned Developments (PD)*. The submittal requirements of this section may be modified by the Director in accordance with Section 34-201(c). ~~Any part or all of a planned development that is built may be the subject of an application for a variance or other approval covered by this chapter wherein the subject property is the only part of the original planned development that will be affected by the requested approval. The application may include a legal description and sketch of the portion of the overall planned development that will be directly affected by the rezoning request. The application must include a legal description and sketch of the entire planned development boundary.~~

If the subject property meets the threshold for a Development of County Impact, it will be reviewed in accordance with the provisions in this chapter that apply to Developments of County Impact. If the subject property is not a Development of County Impact, it will be reviewed in accordance with the provisions in this chapter that apply to conventional zoning districts. In either case, the applicant will be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For the purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved Master Concept Plan have been constructed and acknowledged by the County as complete. In the case of residential planned developments or mixed developments that include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots.

(d) Sufficiency. Sufficiency reviews will be conducted in accordance with Chapter 125, Florida Statutes.

- (1) Upon initial submission of application information for applications for planned developments, the County will have up to 20 business days to review the application to determine if the required materials, in the required form, have been included in the application or resubmission.
- (2) If the required materials have been properly submitted, the application will be found sufficient for review.
- (3) If the required materials have not been properly submitted or resubmitted, the County must provide the applicant a letter with a brief explanation as to why the application is not complete for review and request the necessary additional information within 20 business days of the date the application is initially submitted or additional information is resubmitted.
- (4) After notice of insufficiency, the applicant has 60 days to submit supplemental or corrected documents, unless a longer time is agreed to in writing by the Director and the applicant prior to the expiration of the 60 days. If the supplement or corrections are not submitted within the 60 days (or other time period agreed to) the application will be deemed withdrawn.
- (5) If the County does not provide the applicant written notice of the insufficiencies within 20 business days of the date the application is initially submitted or additional information resubmitted, the application will be deemed sufficient and ready for substantive review.
- (6) Insufficiency issues not raised during the initial sufficiency review may not serve as the basis for a finding of insufficiency during subsequent rounds of sufficiency review. Notwithstanding, this provision is not intended to restrict new insufficiency comments generated from documents or information submitted by the applicant in response to a prior insufficiency comment.
- (7) A waiver of the time frames may be voluntarily agreed to by the applicant and the County. The County may request, but not require, a waiver of the time frames by an applicant, except that, with respect to a specific application, a waiver may be required in the case of a declared local, State or federal emergency that directly affects the administration of all permitting activities of the County.
- (8) If the applicant has made no less than two bona fide attempts to submit supplemental or corrected documents in response to the County's insufficiency notices and the applicant disputes that additional supplemental documents or information is required, the applicant may submit a written notice seeking to terminate the sufficiency review process. At that time, the County must proceed with its substantive review of the application as it exists on that date. However, if the additional information requested by County staff is needed to find the application consistent with the Code or Lee Plan, the failure to provide the additional information requested may affect the County's ability to find the application consistent with County regulations. Termination of the sufficiency review process will not terminate the need for the applicant to meet its burden to prove that the application is consistent with County regulations.
- (9) Where a proposed planned development is identified by staff as a possible Development of Regional Impact, the applicant will be notified that the application will be deemed sufficient only when accompanied by either a binding letter of interpretation from DCA or a complete and sufficient ADA. Failure by the County to notify the applicant in a timely manner (within 30 days of the application) will nullify any finding of insufficiency based on this requirement. Assuming the application is sufficient in all other respects, staff will commence its review of the planned development. However, there will be

no hearing held before the Hearing Examiner until the applicant submits a binding letter of interpretation from DCA or a complete and sufficient ADA.

Sec. 34-374 – 34-377. Reserved.

Sec. 34-375. Prehearing conference.

Prior to the public hearing by the Hearing Examiner on an application under this division, the Department may schedule and conduct a conference to facilitate a meeting of the applicant and staff persons from all relevant County, State, sub-state regional and federal agencies and special use districts. The purpose of this meeting is to identify, discuss and resolve various issues and to advise the applicant of staff concerns and potential recommendations. The product of this conference will include the staff's recommendations based upon the original or an amended application, and the applicant's written objections, if any.

Sec. 34-376. Prehearing materials.

(a) Summary report.

- (1) After an application is found sufficient and before transmittal of the staff report to the Hearing Examiner, the applicant may provide a report that includes a substantive analysis of the request with copies of documents, studies, plans, or other materials (hereinafter, "materials") for the Hearing Examiner to consider.
- (2) The applicant's report will be transmitted to the Hearing Examiner with the staff report.
- (3) The applicant must submit three complete copies of the report to the staff at least 25 calendar days prior to the scheduled hearing. Staff will include one copy of the report to the Hearing Examiner and one copy to the County Attorney's office with the staff report. The third copy will be retained in the official zoning file. If the materials are not submitted a minimum of 25 calendar days prior to the scheduled hearing, the applicant waives the right to have the materials transmitted to the Hearing Examiner prior to the hearing.
- (4) If the materials include substantive changes to the information submitted with the original application or in response to sufficiency questions asked by staff, staff may withdraw the sufficiency determination and seek a continuance to review the materials.

(b) Expert testimony information.

- (1) The Director may require an applicant to provide the following information at least 48 hours before the date an expert is expected to testify:
 - a. Expert's name, business address and current resume;
 - b. A detailed description of the expert's qualifications (or copy of current resume) and the area of expertise;
 - c. A copy of the report that serves as the basis of the expert's opinion (if not already submitted with the application or included in the staff report). The report must include:
 1. A brief description of research conducted by the expert to reach the opinion;
 2. A description of the facts, assumptions, and data forming the basis of the opinion; and
 3. The opinion;
 - d. Copies of materials relied on in formulating the expert's opinion;
 1. Summary or demonstrative materials do not need to be provided in advance, provided the underlying data or facts are provided;
 2. Citations to the Land Development Code, Lee County Administrative Codes, Florida Statutes, U.S. Code, Florida Administrative Code, or Lee Plan are sufficient to meet this requirement.
- (2) The Director's written request for information must be issued a minimum of 30 days prior to the hearing.
- (3) The expert testimony information may not be submitted to the Hearing Examiner prior to the hearing unless included in the applicant's summary report referenced in Subsection (a) of this section.

Sec. 34-377. Public hearing.

~~(a) Hearing before Board of County Commissioners.~~

~~(1) After the Hearing Examiner's hearing, an application for a planned development, together with all attendant information, staff reports and the Hearing Examiner minutes and resolution of recommendation, will be forwarded to the Board of County Commissioners. The Board will consider the application in public hearing in accordance with Article II of this chapter. After reviewing all the identified information, the Board of County Commissioners may either:~~

~~a. Continue further consideration until additional information is provided by applicant or staff or until the applicant makes changes in the application, subject to re-review by staff and the Hearing Examiner as required; or~~

~~b. Formally approve, approve with modification, or deny the application.~~

~~If the Board of County Commissioners denies the application without prejudice, it may remand the proposal to staff with directions to bring the application back to the Hearing Examiner once the application is amended. If new or additional information, not previously provided to staff or the Hearing Examiner is supplied by the applicant subsequent to the Hearing Examiner hearing the Board of County Commissioners may remand the application to the Hearing Examiner for rehearing.~~

~~(2) The decision of the Board of County Commissioners must be supported by a formal finding, that, in addition to the guidelines set forth in Article II of this chapter, the criteria set forth in Subsection (a)(2) of this section have or have not been satisfied.~~

~~(3) In addition to adopting a Master Concept Plan for the planned development, the Board of County Commissioners may adopt any special conditions necessary to address unique aspects of the subject property in the interest of protecting the public health, safety and welfare. If any recommended special condition is found to be insufficient, the Board of County Commissioners may substitute its own language for such special condition in the final resolution.~~

~~(4) If a schedule of deviations is a part of the planned development application, the Board of County Commissioners may approve, approve with modification, or reject the entire schedule or specific items based upon their finding that each item:~~

~~a. Enhances the achievement of the objectives of the planned development; and~~

~~b. Preserves and promotes the general intent of this chapter to protect the public health, safety and welfare.~~

~~(5) The Board of County Commissioners may require, as a condition of approval of the deviation, that the applicant receive administrative approval of a more specific development plan for each affected development area or parcel. Applications for administrative approval will be processed as administrative amendments in accordance with Section 34-380 of this chapter and may be granted by the Director only upon a finding that public health, safety, and welfare will not be adversely affected by the request.~~

~~(6) If the Board of County Commissioners denies or modifies the requested uses, deviations, or other information shown on the Master Concept Plan, a revised Master Concept Plan must be submitted to the Director reflecting the substance of the approved resolution prior to execution of the resolution. Legible copies of the revised Master Concept Plan must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 inches in size.~~

~~(7) No development orders may be issued until the approved resolution has been signed by the chairman.~~

~~(8) An application remanded for further consideration must be brought to hearing before the Hearing Examiner within six months of the date the remand order is rendered. If the application is not brought~~

~~forward as ordered within six months, it will be deemed withdrawn. Thereafter, the applicant will be required to file a new application for consideration by the Hearing Examiner and the Board.~~

Sec. 34-378. Effect of planned development zoning.

Staff note: This section has been revised to clarify the hierarchy of applicable regulations, clarify existing language regarding compliance with PD approval, and remove redundant and outdated requirements.

- (a) *Compliance with applicable regulations.* After the adoption of the Master Concept Plan and the conditions and auxiliary documentation that govern it, any and all development and subsequent use of land, water and structures within the planned development must be in compliance with the following, in order of precedence:
- (1) The Lee Plan.
 - (2) Divisions 1 through 3 of this article.
 - (3) The Master Concept Plan and The conditions, deviations, and development parameters approved by the Zoning Resolution attendant conditions and auxiliary documentation.
 - (4) The approved Master Concept Plan.
 - ~~(4)(5)~~ Applicable County development regulations in force at the time of submission of the application for a development order.
 - ~~(5)(6)~~ The general provisions of this chapter, unless otherwise excepted by an approved schedule of deviations.
- ~~(b) *Applicability of development regulations.* The Master Concept Plan (see Section 34-373(a)(6)) is conceptual only, and development pursuant to the Master Concept Plan is subject to all development regulations established to protect health, safety and welfare that are in force at the time of submission of the application for a development order. This section must be interpreted and applied such that no approved use will be vested as to density or intensity unless the proposed density or intensity is specifically reviewed and approved during the planned development process.~~
- ~~(c) *Recording of notice.* The Department must record a notice of Master Concept Plan approval in the official records of the County. The notice should include a statement which explains that the Master Concept Plan approval is an encumbrance on the real estate described in the plan.~~
- ~~(d) *Prohibitions.*~~
- ~~(1) The introduction of a use of land or water not provided for on the Master Concept Plan or attendant documentation thereto.~~
 - ~~(2) Creation of a development parcel or outparcel not specified on the Master Concept Plan.~~
 - ~~(3) No development parcel or outparcel may be created that is not of sufficient size and configuration to support the principal use proposed together with all accessory land and water uses, such as open space, parking, surface water management and the like, or that does not have permanent and irrevocable rights to such space or use on adjacent and abutting property.~~
- ~~(be) *Compliance with Zoning Approval to run with the land.* The terms and conditions of the zoning approval (other than the Master Concept Plan as set forth in Section 34-381) run with the land and remain effective in perpetuity or until a new zoning action is approved by the Board of County Commissioners. All developments must remain in compliance with the terms and conditions of the zoning approval. Failure to do so will be a violation of this Code and subject to enforcement action.~~
- ~~(cf) *Noncompliance.* If the County discovers a~~ Noncompliance with the applicable regulations forth in subsection (a) the regulations or the Master Concept Plan and its attachments, the County may withhold result in the rejection of any permit, certificate or license to construct, occupy or use any part of the planned

development, ~~unless necessary to abate the noncompliance. This will not be construed to injure the rights of tenants of previously completed and properly occupied phases.~~

- (dg) *Access points.* Access points (e.g., driveways) directly onto the County street system must be in substantial compliance with the approved MCP. Turning movements other than right-in, right-out at approved locations shown on the MCP, median openings and traffic control devices depicted on a MCP are not guaranteed or vested.

Approval for construction of access points, median openings, turning movements and traffic control devices (e.g., traffic lights) is reserved to the County. County approval will be based upon facts and circumstances applicable to the request at the time the application for development or permit approval is submitted.

Approved access points, median openings, turning movements and traffic control devices (e.g., traffic lights) are subject to modification by the County to protect public health, safety, and welfare.

~~Sec. 34-379. Binding nature of approval of Master Concept Plan.~~

~~All terms, conditions, safeguards and stipulations made at the time of the approval of a Master Concept Plan are binding upon the applicant or any successor in title or interest to all or part of the planned development. Departure from the approved plans or failure to comply with any requirement, condition or safeguard constitutes a violation of this chapter.~~

Staff note: Revise section to remove redundant and non-regulatory language. Retained language relocated to Section 34-341 in double underline.

~~Sec. 34-380. Amendments to approved Master Concept Plan.~~

- (a) ~~Amendments to an approved Master Concept Plan or its attendant documentation may be requested at any time during the development of or useful life of a planned development.~~
- (b) ~~The Director may administratively approve an amendment to a planned development in accordance with Section 34-174.~~
- (c) ~~Proposed amendments to an approved planned development for the use of Greater Pine Island TDUs are subject to Sections 2-147 and 2-152.~~
- (d) ~~If a proposed amendment to an approved planned development would, if taken by itself, constitute a major planned development (Development of County Impact, see Section 34-341(b)(1)), then the application to amend must proceed as a new and separate major planned development.~~
- (e) ~~All other requests for amendments to a Master Concept Plan or its auxiliary documentation will be treated procedurally as minor planned developments, but with application information and materials specified by Section 34-373(a).~~
- (f) ~~Notice of an amendment to a Master Concept Plan must be recorded in the same manner as the approved Master Concept Plan itself.~~
- (g) ~~An updated Master Concept Plan of the entire planned development boundary must be submitted for attachment to the resolution adopting the amendment. This is required whether or not the amendment will affect the entire planned development project or just one parcel.~~

~~Sec. 34-381. Duration of rights conferred by an approved planned development.~~

~~Development rights conferred by an approved planned development, including Zoning Resolution and Master Concept Plan, will remain valid until vacated by operation of State law or in accordance with Chapter XIII, (Procedures and Administration), of the Lee Plan, as amended. The duration of approved planned developments issued for mining excavation are subject to Chapter 12. Planned development approvals issued for mining excavation before September 1, 2008, are subject to Sections 12-109 and 12-121.~~

~~Secs. 34-379382—34-410. Reserved.~~

DIVISION 3. DESIGN STANDARDS

Sec. 34-411. General standards.

Staff note: Revise section to remove redundant and non-regulatory language and clarify remaining requirements.

- ~~(a)~~—All planned developments must be consistent with the provisions of the Lee Plan.
- ~~(a)(b)~~ All planned developments must be designed and constructed in accordance with the provisions of all applicable County development regulations in force at that time. ~~Deviations from the general provisions of this chapter may be permitted if requested as part of the application for a planned development in accordance with Section 34-373(a)(9) and approved by the Board of County Commissioners based on the findings established in Section 34-377(a)(4).~~ Pursuant to Section 34-373(a)(10) the establishment of property development regulations for planned developments does not require deviations from Articles VI and VII of this chapter. ~~Amendments to approved Master Concept Plans may be reviewed pursuant to Section 34-380.~~
- ~~(b)(c)~~ The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed ~~development structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.~~
- ~~(d)~~—All planned developments must have access to existing or proposed roads. Access must comply with the requirements of Chapter 10 and be located so that site-related industrial traffic does not travel through predominantly residential areas.
- ~~(e)~~—If within the LeeTran public transit service area, the development shall be designed to facilitate the use of the transit system.
- ~~(f)~~—Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.
- ~~(g)~~—Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.
- ~~(h)~~—A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.
- ~~(i)~~—Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.
- ~~(c)(j)~~ Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.
- ~~(d)(k)~~ Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.

- (l) ~~In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.~~
- (m) ~~In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.~~
- (n) ~~Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.~~
- (o) ~~Minimum parking and loading requirements are set forth in Article VII, Divisions 25 and 26 of this chapter. Where land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces, subject to the condition that the parking area is constructed and maintained so as to prevent erosion of soil. In all cases, sufficient parking must be provided to prevent the spilling over of parking demand onto adjacent properties or rights of way at times of peak demand.~~
- (p) ~~Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.~~

~~Sec. 34-412. Reserved.~~

~~Sec. 34-413. Density or intensity of use.~~

~~Density or intensity of use permitted in any planned development shall be determined on a case-by-case basis in accordance with the following:~~

- (1) ~~The range of density or the uses permitted or encouraged under the Lee Plan at that location;~~
- (2) ~~The availability of adequate capacity of all public facilities and services (in order of precedence, roads, water, sewer, surface water management, public safety, schools and other public services);~~
- (3) ~~The level of public services to be provided by the development; and~~
- (4) ~~The nature of and the density and intensity of existing development surrounding the project.~~

~~In no case, however, shall the density of a planned development be permitted to exceed six units per acre in areas designated as rural or open lands by the Lee Plan.~~

~~Sec. 34-414. 34-412. Open space.~~

Staff note: Revise section to delete redundant language and streamline remaining requirements.

- (a) ~~For the purpose of calculating requirements for planned developments, the term "open space" means:~~
 - (1) ~~Open space has the meaning given such term in Chapter 10.~~
 - (2) ~~Common open space means open space that is physically accessible to all residents of the development.~~
 - (3) ~~Private open space means open space that is physically separated from the common open space and is accessible primarily from a building or unit to which it is appurtenant.~~
- (b) ~~Open space should be reasonably accessible to all dwelling units.~~
- (c) ~~Each lot, tract or outparcel must meet or exceed the minimum open space percentage and size requirements of Chapter 10. The minimum amount of open space for the total development area may be no less than the minimum percentage required in Chapter 10 for large projects, including indigenous vegetation preservation.~~

~~A request may be made to assign minimum~~ Open space percentages may be assigned to individual lots, tracts or outparcels that are different than those required by the Chapter 10, provided that:

(1) through (3) remain unchanged.

(4) No lot, tract or outparcel may provide less than ten percent open space.

~~All such requests must be approved by the Board of County Commissioners as part of the planned development rezoning.~~

~~(d) Unimproved open space, e.g., reserved conservation or preservation areas such as wetlands (see the County Comprehensive Plan adopted in Article V of this chapter, as amended, or as further amended, renumbered or replaced), must be committed at the completion of the first phase.~~

~~(e) With respect to design standards applicable to mine excavation planned developments, the standards set forth in Chapter 12 control.~~

~~Sec. 34-415. Provision of public facilities and services.~~

~~(a) If, at the time of rezoning or final plan review, a proposed planned development is found to require the creation, enlargement or extension of any road or street, any public utility system or other public service provision:~~

~~(1) Notwithstanding concept plan approval, no permits for occupancy or use of the development, or phase thereof, shall be issued until such additional infrastructure is in place, or the service is available;~~

~~(2) The developer shall make provisions acceptable to the appropriate agency, utility or other service provider for offsetting any incremental increase in net cost of or premature and unprogrammed commitment of capital necessitated by the act or timing of the development; or~~

~~(3) The developer shall provide the necessary capital facilities and services in such a manner as to ensure their continuous operation and maintenance for the near and long term, in accordance with the standards set by the appropriate local, regional, State and federal agencies.~~

~~(b) The requirements set forth in Subsection (a) of this section shall be subject to credits or additional conditions as specified in other County ordinances.~~

~~(c) Each and every planned development approved after, December 3, 1990, and all previous planned developments with resolutions containing a condition requiring payment of road impact fees, are subject to the following standard: If Chapter 2, Article VI, Division 2, pertaining to road impact fees, is ever repealed or rescinded or otherwise becomes of no force and effect, the developer or property owner or successor of the developer or property owner must pay an amount of road impact fees equivalent to that required by Chapter 2, Article VI, Division 2, or the specific amount of mitigation required by the resolution, or provide alternative mitigation acceptable to the Director. The amount of the fee will be determined as of the date Chapter 2, Article VI, Division 2 is repealed or rescinded or otherwise becomes of no force and effect.~~

Secs. 34-4136—34-49040. Reserved.

ARTICLE VI. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 34-612. Types and general purpose of districts.

Staff note: Revise section to remove redundant language.

There are two basic types of zoning districts provided for in this article: conventional zoning districts and Planned Development Districts. The general purpose of both types of zoning districts is to implement the goals, objectives and policies of the Lee Plan, as well as to provide protection to the public health, safety and welfare through the regulation of land use.

(1) *remains unchanged.*

(2) *PD Planned Development Districts.* The purpose and intent of the various Planned Development Districts is to further implement the goals, objectives and policies of the Lee Plan while providing some degree of flexibility in planning and designing developments. ~~by:~~

- a. ~~Facilitating state of the art site planning in order to improve the quality of the built environment and to ensure the most economical use of land and public resources;~~
- b. ~~Stimulating, where appropriate, the integration of new development with surrounding land uses, providing for consistency and visual harmony through various techniques, including screening and buffering, sign control, architectural controls and landscape design;~~
- c. ~~Encouraging multiple or mixed-use development strategies, including the use of several housing types, the provision of several uses in combination such as residential and neighborhood commercial, office and light industry, and other analogous combinations;~~
- d. ~~Promoting improved and unifying design techniques that reduce dependence on vehicular movement within the development, encourage the use of joint parking and loading facilities, provide for joint access, and generally maintain adequate service and facilities while avoiding negative impacts on surrounding land use and traffic circulation;~~
- e. ~~Encouraging patterns of land use that support more economical provision of infrastructure;~~
- f. ~~Providing a mechanism by which the preservation or conservation of historic or natural resources and environmental amenities, including open space, may be ensured;~~
- g. ~~Providing a mechanism for offsetting any increased cost of the premature commitment of capital by any public utility or service provider through developer donations and dedications of capital, through private provisions and operation of services and facilities, or through a system of impact fees;~~
- h. ~~Providing a process and record on which developers, public officials, the general public and the consumers of development may rely; and~~
- i. ~~Providing for the protection and preservation of historic resources through reuse, sensitive adaptive use, compatible design and rehabilitation.~~

~~Use and development regulations for Planned Development Districts are provided in Division 9 of this article.~~

Sec. 34-613. Zoning maps.

Staff note: Revise section to remove redundant language.

- (1) Public availability. The official and current zoning maps are part of the public records. The Department of Community Development will retain a copy of the zoning maps ~~consistent with statutory recordkeeping requirements.~~
- ~~(2) Unauthorized changes to zoning maps. No one may acquire any interest or right in property or personalty from an unauthorized change in the Official Zoning Map.~~
- (23) Vested rights. There is no right to rely on either the official or current zoning maps to vest development or private rights. Staff members and members of the public must consult the pertinent zoning resolutions, Hearing Examiner decisions for special exceptions or variances, and administrative approvals or deviations to determine the parameters and conditions affecting the subject property.
- ~~(4) Both the Official Zoning Map and the current zoning map are a part of this chapter as if fully described in this chapter.~~

~~Sec. 34-614. Official Zoning Map.~~

- ~~(a) — *Description.* The boundaries of each Zoning District as they were officially adopted from 1991 through 1994 by Resolution Nos. 91-09-42, 92-03-11, 93-01-17 and 94-03-27 are designated and established on the Official Zoning Map of the County. Amendments approved by the Board of County Commissioners since the adoption of the Official Zoning Maps are shown on the current zoning map described below.~~
- ~~(b) — *Replacement pages and new Official Zoning Maps.* If a page of the Official Zoning Map becomes damaged, destroyed, lost, or it is determined an error exists in the Official Zoning Map, the current zoning map will control.~~

~~Sec. 34-615. Current zoning maps.~~

- ~~(a) — *Description.* The current zoning maps of the County consist of section maps depicting the same information on the Official Zoning Map as it may be subsequently modified by zoning amendments, special exceptions, variance or administrative deviations, etc. and mapping corrections since the adoption of the Official Zoning Maps. For the purposes of this section, the term "mapping corrections" means corrections applied to the current zoning map to provide an accurate reflection of the legal description attached to a duly adopted zoning resolution.~~
- ~~(b) — *Preparation.*~~
 - ~~(1) — Current zoning maps are scaled, computer-generated maps.~~
 - ~~(2) — Printed copies of the current zoning map that are provided as part of a public records or zoning verification letter request must contain the following statement: "This map represents the Official Zoning Map and all district boundary changes, special exceptions, zoning variances and administrative amendments approved as of (date) _____, _____."~~
 - ~~(3) — The boundaries of each district will be shown on the current zoning map, and the district symbols will be used to designate each district.~~
 - ~~(4) — For mapping purposes only, a zoning district boundary line may be drawn to the centerline of a street, stream or river, or to the shoreline of a stream, river or other body of water, and all existing streets or bodies of water within such district may be included within such district without delineation of the streets or bodies of water.~~
 - ~~(5) — Official changes to the current zoning map will be entered into the computer data base in the following manner:~~
 - ~~a. — The district boundary change will be entered into the data base and will indicate the new district designation, as well as a symbol referencing additional zoning information.~~
 - ~~b. — The additional zoning information may include the Board of County Commissioner's resolution number, what the change of districts was and any special conditions.~~
 - ~~(6) — All approved special exceptions or variances and all appropriate administrative approvals and deviations will be noted as follows:~~
 - ~~a. — The property in question will be marked with a reference symbol directing the reader to additional zoning information;~~
 - ~~b. — The additional information may include the Hearing Examiner case number, type of action taken (i.e., special exception or variance) and special conditions and the administrative approval or deviation reference number.~~

Sec. 34-~~614~~616. Rules for interpretation of district boundaries.

Secs. 34-~~615~~17, 34-618. Reserved.

Sec. 34-621. Use and development regulations for conventional districts.

(a) and (b) remain unchanged.

(c) ~~Conditions.~~ Nothing in this subsection authorizes the imposition of conditions on a conventional rezoning. Where previously adopted resolutions of approval for conventional rezonings include conditions of approval, such conditions remain valid and enforceable, unless removed through a subsequent zoning action.

(c) ~~Property development regulations.~~ Divisions 2 through 9 of this article contain property development regulations tables which set forth the minimum development regulations for development of land within the specified districts.

Sec. 34-622. Use activity groups.

(a) and (b) remain unchanged.

(c) Use activity groups. Use activity groups are as follows:

(1) through (8) remain unchanged.

(9) Contractors and builders. This group includes all general, operative and special trade contractors and builders, including:

Group II. Permits offices, indoor storage and light fabrication work. Outdoor storage of materials and equipment is permitted in accordance with 34-3001 et seq if enclosed. Specifically prohibited is any heavy construction equipment such as cement trucks, cranes, bulldozers, well-drilling trucks and other similar heavy equipment, or wrecking or demolition debris.

(10) through (12) remain unchanged.

(13) Essential service facilities. Buildings or above-ground structures, exceeding 27 cubic feet in volume, required to provide essential services (defined in Section 34-2), including electricity, communications, telephone, cable television, gas, water, sewage, solid waste and resource recovery. This does not include wireless communication facilities which are regulated by Section 34-1441 et seq.

<i>Group I (Section 34-1611 et seq.)</i>
--

(14) through (54) remain unchanged.

(55) Vehicle and equipment dealers (Section 34-1352). This group includes establishments primarily involved in the retail sale or storage of motor vehicles, trailers, boats and other similar equipment. Incidental servicing and repairs and the stocking of replacement parts is a normal ancillary function.

(56) remains unchanged.

Secs. 34-623 – 34-625. Reserved.

Sec. 34-623. Performance standards, environmental quality.

All uses and activities permitted by right, special exception or temporary permit in any zoning district, including planned development and PUD Districts, must be constructed, maintained, placed, conducted, and operated so as to:

- ~~(1) Comply with all local, State, and federal air, noise, and water pollution standards; and~~
- ~~(2) Not adversely impact water quality and water needs.~~

Sec. 34-624. Performance standards, creation of nuisance.

All uses and activities permitted by right, special exception or temporary permit in any zoning district, including planned development and PUD Districts, must be constructed, maintained, placed, conducted, and operated so as to:

- (1) ~~Not be injurious or offensive and thereby constitute a nuisance to owners or occupants of adjacent premises, nearby residents, or to the community, by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire or explosive hazard, light pollution, or glare;~~
- (2) ~~Not cause light from a point source of light to be directed, reflected, or refracted beyond the boundary of the parcel or lot, onto adjacent or nearby residentially zoned or used property or onto any public right of way, and thereby constitute a nuisance to owners or occupants of adjacent premises, nearby residents, or to the community; and~~
- (3) ~~Ensure all point sources of light and all other devices for producing artificial light are shielded, filtered, or directed in such a manner as to not cause light trespass.~~

DIVISION 2. AGRICULTURAL DISTRICTS

Sec. 34-653. Use regulation table.

Staff note: Staff note: **Asterisks (* * *)** indicate intervening table rows that are omitted from this amendment because they remain unchanged. Revise section to update cross-references, allow Helistops by special exception in AG districts (consistent with other zoning classifications), remove note (4) to allow mobile homes without requirement to meet AG-1 property development regulations, allow parks by right in AG districts, and remove note (7), which previously applied to planned developments and is now outdated. Align consumption on premises with amendments to Section 34-1264.

Use regulations for agricultural districts are as follows:

TABLE 34-653. USE REGULATIONS FOR AGRICULTURAL DISTRICTS

	Special Notes or Regulations	AG-1	AG-2	AG-3

Aircraft landing facilities, private:				
Lawfully existing:				
Expansion of aircraft landing strip or helistop or heliport landing pad	Section 34-1231 et seq.	SE	SE	SE
New accessory buildings	Section 34-1231 et seq.	P	P	P
New:				
Aircraft landing strip and ancillary hangers, sheds and equipment	Section 34-1231 et seq.	SE	SE	SE
Helistop	Section 34-1231 et seq.	SE	SE	SE

Assisted living facility	Notes (1), (21), Section 34-1411, Section 34-1491, et seq.	EO/SE	EO/SE	EO/SE
Bed and breakfast (df)	Note (16), Section 34- 1491 et seq. 1494	P	P	—

Consumption on premises	Section 34-1261 et seq.	P/AA/SE	P/AA/SE	P/AA/SE

Dwelling unit:				
Mobile home	Notes (4) & (17), Section 34-1921 et seq.	P	P	P
Single-family residence, conventional	Note (17)	P	P	P
Second conventional single-family residence on lot	Notes (5) & (17), Section 34-1180	P	P	P

Essential services	Sections 34-1611 et seq., 34-1741 et seq.	P	P	P
Essential service facilities (34-622(c)(13)):				
Group I	Sections 34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	P	P	P
Group II	Sections 34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	EO	EO	EO
Excavation:				
Oil or gas	Section 34-1651	SE	SE	SE
Water retention	Sections 34-1651, 10- 329(c)	P	P	P
Mining	Note (24)	—	—	—

Parks (34-622(c)(32))				
Group I	Note (9)	P	P	P
Group II	Note (7)	EO/SEP	EO/SE-P	EO/SE-P

Notes:

(1) through (3) remain unchanged.

(4) ~~Reserved. Mobile home permitted, provided it is the only residential unit on the property; and provided, further, that the property meets the same lot area and dimensions, setbacks, height and maximum lot coverage as set forth in Table 34-654 for the AG-1 District.~~

(5) and (6) remain unchanged.

(7) ~~Reserved. Any new facility of ten or more acres or any expansion of an existing facility to ten or more acres requires a special exception.~~

(8) through (16) remain unchanged.

(17) Not permitted in Airport Noise Zone B. See Section 34-~~11041003~~ for exceptions.

(18) remains unchanged.

(19) Not permitted in Airport Noise Zone B unless accessory to a lawful mobile home or single-family residence. See Section 34-~~11041003~~.

(20) and (21) remain unchanged.

(22) Not permitted in Airport Noise Zones B unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in Section 34-~~11041003~~ as applicable.

(23) Minimum of five acres required. Commercial ~~site location and~~ design standards apply.

(24) through 26 remain unchanged.

Sec. 34-654. Property development regulations table.

Staff note: Revise section to delete redundant special regulations listings and cross-references. Asterisks (* * *) indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Property development regulations for agricultural districts are as follows:

Table 34-654. Property Development Regulations for Agricultural Districts

	<i>Special Notes or Regulations</i>	<i>AG-1</i>	<i>AG-2</i>	<i>AG-3</i>
Minimum lot dimensions and area:	Note (1)			
* * *				
Special regulations:				
Animals, reptiles, marine life	Section 34-1291 et seq.			
Consumption on premises	Section 34-1261 et seq.			
Docks, seawalls, etc.	Section 34-1863 et seq.			
Essential services	Section 34-1611 et seq.	Refer to the sections specified for exceptions to the minimum setback requirements listed in this table.		
Essential service facilities (Section 34-622(c)(13))	Sections 34-1611 et seq., 34-2142			
Fences, walls, gatehouses, etc.	Section 34-1741 et seq.			
Nonroofed accessory structures	Section 34-2194(c)			
Railroad right-of-way	Section 34-2195			
Maximum height (feet)	Section 34-2171 et seq.	35	35	35

		Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see Section 34-2175).

DIVISION 3. RESIDENTIAL DISTRICTS

Subdivision II. One- and Two-Family Residential Districts

Sec. 34-691. Purpose and intent.

Staff note: Revise section to remove cross-reference to Chapter 33 regulations (now incorporated into Chapter 34).

- (a) *RSC-1 Residential Single-Family Conservation District.* The purpose and intent of the RSC-1 Residential Single-Family Conservation District is to recognize and protect existing single-family residential developments, lots, structures and uses, previously permitted but not conformable to the regulation for other single-family residential districts set forth in this chapter, and to accommodate residential use of lawfully existing lots nonconforming under previous zoning regulations. This district may be applied to any land use category allowing residential uses set forth under the Lee Plan. This district is not available for new developments but may be used only by property owners in existing developments that comply with the property development regulations or by the Board of County Commissioners upon its own initiative to achieve the purpose mentioned in this section. For the RSC-2 Zoning District, see Section 33-1626.

Remainder of section unchanged.

Sec. 34-694. Use regulations table.

Staff note: Revise use regulations table to allow accessory uses, buildings, and structures and accessory apartments and accessory dwelling units in RSC-2 zoning district, subject to Note (16), which has been relocated from Section 33-1626(c). Correct cross-references and align consumption on premises with amendments to section 34-1264. Asterisks (* * *) indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Use regulations for one- and two-family residential districts are as follows:

Table 34-694. Use Regulations for One- and Two-Family Residential Districts

	<i>Special Notes or Regulations</i>	<i>RSC-1</i>	<i>RSC-2</i>	<i>RSA</i>	<i>RS-1</i>	<i>RS-2</i>	<i>RS-3</i>	<i>RS-4</i>	<i>RS-5</i>	<i>TFC-1</i>	<i>TFC-2</i>	<i>TF-1</i>
Accessory uses, buildings and structures:	Sections 34-1171 et seq., 34-2441 et seq., 34-3106	P	P (16)	P	P	P	P	P	P	P	P	P

Accessory apartment and accessory dwelling unit	Notes (1) & (10), Section 34-1177	—	— <u>P (16)</u>	P	P	P	P	P	P	P	P	P	—

Consumption on premises	Section 34-1261 et seq.	<u>P/AA</u> /SE	<u>P/AA</u> /SE	<u>P/AA</u> /SE	<u>P/AA</u> /SE	<u>P/AA</u> /SE	<u>P/AA</u> /SE	<u>P/AA</u> /SE	<u>P/AA</u> /SE	<u>P/AA</u> /SE	<u>P/AA</u> /SE	<u>P/AA</u> /SE	<u>P/AA</u> /SE

Essential services	Section 34-1611 et seq. , 34-1748	P	P	P	P	P	P	P	P	P	P	P	P
Essential service facilities (Section 34-622(c)(13)):													
Group I	Section 34-1611 et seq. , 34-1741 et seq., 34-2142	P	P	P	P	P	P	P	P	P	P	P	P
Group II	Section 34-1611 et seq. , 34-1741 et seq.	—	—	—	EO	—	—	—	—	—	—	EO	—
Excavation:													
Oil or gas	Section 34-1651(c)	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Water retention	Section 34-1651(b) , 10-329(c)	P	P	P	P	P	P	P	P	P	P	P	P

Notes:

(1) through (12) remain unchanged

(13) Not permitted in Airport Noise Zone B unless accessory to a lawful mobile home or single-family residence. See Section 34-~~1104~~1003.

(14) and (15) remain unchanged

(16) For Captiva Island, two accessory dwelling units, which may include accommodations for guests, family members, or domestic employees and their families, as well as permitted accessory structures, may be permitted on each lot zoned RSC-2.

Sec. 34-695. Property development regulations table.

Staff note: Revise section to remove redundant cross-references. Asterisks (* * *) indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Property development regulations for one- and two-family residential districts are as follows:

Table 34-695. Property Development Regulations for One- and Two-Family Residential Districts

	Special Notes or Regulations	RSC-1	RSC-2	RSA	RS-1	RS-2	RS-3	RS-4	RS-5	TFC-1	TFC-2	TF-1
Minimum lot area and dimensions:	Sections 34-2221, 34-2222											

Special regulations:												
Animals, reptiles, marine life	Section 34-1291 et seq.											
Consumption on premises	Section 34-1261 et seq.											
Docks, seawalls, etc.	Section 34-1863 et seq.											
Essential services	Section 34-1611 et seq.											
Essential service facilities (Section 34-622(c)(13))	Section 34-1611 et seq.	Refer to the section specified for exceptions or additions to the minimum setback requirements listed in this table.										
Fences, walls, gatehouses	Section 34-1741 et seq.											
Nonroofed accessory structures	Section 34-2194(c)											
Railroad right-of-way	Section 34-2195											
Maximum height (feet)	Section 34-2171 et seq.	35	35	35	35	35	35	35	35	35	35	35
		Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see Section 34-2171 et seq.).										

Notes:

(1) through (4) remain unchanged.

- (5) All lots in the Coastal Rural future land use category in Greater Pine Island (as delineated by Policies ~~Policy 1.4.7 and 24.3.3 of the Lee Plan~~) that are created after May 29, 2007, must comply with the additional regulations in Section ~~33-1052-34-1494~~. Lots created before that date are not required to comply with the additional regulations in Section ~~33-1052-34-1494~~.

Subdivision III. Multiple-Family Districts

Sec. 34-713. Alternate property development regulations for duplex, two-family attached and townhouse units.

Staff note: Revise section to remove duplicative regulations.

As an alternative to developing in accordance with Section 34-715, pertaining to property development regulations for multiple-family residential districts, a parcel may be developed with duplexes, two-family attached units and townhouses on lots with a minimum area of 2,400 square feet per unit without compliance with minimum width, depth or side yard setback requirements; provided:

- (1) The overall parcel on which the lots are developed shall comply with all lot coverage, area, width and depth requirements for the RM District in which located;
- (2) All structures shall comply with setbacks for the RM District in which located, as measured from the boundary of the overall parcel; and
- ~~(3) All structures shall comply with front and rear and water body setbacks for the RM District in which located, as measured from individual lot lines;~~
- (34) All structures which exceed the maximum height requirements of the RM District in which located shall comply with the additional setbacks specified in Article VII, Division 30, Subdivision II of this chapter as measured from the overall parcel boundary; and
- ~~(5) The applicant shall provide adequate assurance that all areas of the overall parcel which are not developed with individual lots shall remain as open space. Such assurance may be in the form of an easement or other document or combination of documents satisfactory to the County Attorney.~~

Sec. 34-714. Use regulations table.

Staff note: Revise section to correct cross-references and remove redundant cross-references. Asterisks (* * *) indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Use regulations for Multiple-Family Districts are as follows:

Table 34-714. Use Regulations for Multiple-Family Residential Districts

	<i>Special Notes or Regulations</i>	<i>RM-2 (Note 5)</i>	<i>RM-3, RM-6, RM-8, RM-10 (Note 5)</i>
Accessory uses, buildings, and structures:	Sections 34-1171 et seq., 34-3106	P	P
* * *			
Consumption on premises	Section 34-1261 et seq.	<u>P/AA/SE</u>	<u>P/AA/SE</u>
* * *			
Essential services	Sections 34-1611 et seq. , 34-1748	P	P

Essential service facilities:		Sections 34-622(c)(13)		
	Group I	Sections 34-1611 et seq. , 34-1741 et seq.	P	P
	Group II	Sections 34-1611 et seq. , 34-1741 et seq. <u>and</u> 34-2141 et seq.	EO	—
Excavation:				
	Oil or gas	Section 34-1651(b) (c)	SE	SE
	Water retention	Section 34-1651(b) , 10-329(c)	P	P

Notes:

(1) through (10) remain unchanged.

(11) Not permitted in Airport Noise Zone B. See Section 34-~~1104-1003~~ for exceptions.

(12) Reserved.

(13) Not permitted in Airport Noise Zone B unless accessory to a lawful mobile home or single-family residence. See Section 34-~~1104-1003~~.

(14) through (16) remain unchanged.

Sec. 34-715. Property development regulations table.

Staff note: Revise section to remove redundant cross-references and correct remaining cross-references. Asterisks (* * *) indicate intervening table rows that are omitted from this amendment because they remain unchanged.

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 of the Lee Plan and described in Objective 11.2 may apply the alternative property development regulations under the "MUO" category.

Property development regulations for Multiple-Family Districts are as follows:

Table 34-715. Property Development Regulations for Multiple-Family Residential Districts

	<i>Special Notes or Regulations</i>	<i>RM-2</i>	<i>RM-3</i>	<i>RM-6</i>	<i>RM-8</i>	<i>RM-10</i>	<i>MUO</i>
Minimum lot area and dimensions:	Sections 34-1493, 34-1494, 34-2221, 34-2222						
* * *							
Special regulations:							
Animals, reptiles, marine life	Section 34-1291 et seq.						
Consumption on premises	Section 34-1261 et seq.						
Docks, seawalls, etc.	Section 34-1863						
Essential services	Section 34-1611 et seq.						

Essential service facilities (Section 34-622(c)(13))	Section 34-1611 et seq.	Refer to the sections specified for exceptions or additions to the minimum setback requirements listed in this table.					
Fences, walls, gatehouses, etc.	Section 34-1741 et seq.						
Hotel/motel	Section 34-1801 et seq.						
Nonroofed accessory structures	Section 34-2194(c)						
Railroad right-of-way	Section 34-2195						
Maximum height (feet)	Section 34-2171 et seq.	35	35	35	35	35	As req. by Section 34-2175
		Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see Section 34-2171 et seq.).					

Subdivision IV. Mobile Home Residential Districts

Sec. 34-731. Purpose and intent.

Staff note: Eliminate outdated cross reference.

(a) *MHC Mobile Home Conservation Residential District.*

(1) *remains unchanged*

(2) Mobile home developments constructed prior to the 1962 zoning regulations are required to apply for and be approved as a Mobile Home Planned Development (MHPD) district designation if owners do not want to be designated as nonconforming uses. ~~Procedures for the MHPD designation for existing developments are set forth in Section 34-373(b)(3).~~

(b) and (c) remain unchanged

Sec. 34-735. Use regulations table.

Staff note: Revise section to update and remove cross-references as needed. Delete redundant cross-references.

Asterisks (* * *) indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Use regulations for mobile home districts are as follows:

Table 34-735. Use Regulations for Mobile Home Districts

	Special Notes or Regulations	MHC-1, MHC-2	MH-1	MH-2	MH-3	MH-4
Accessory uses, buildings, and structures:	Sections 34-1171 et seq., 34-2441 et seq., 34-3106	P	P	P	P	P

Amateur radio antennas and satellite earth stations	Section 34-1175	Refer to Section 34-1175 for regulations.					
Consumption on Premises	Section 34-1261 et seq.	P/AA/SE	P/AA/SE	P/AA/SE	P/AA/SE	P/AA/SE	

Dwelling unit:							
Mobile home	Note (10), Section 34-1921 et seq.	P	P	P	P	P	
Single-family residence, conventional	Note (10)	P	P	P	P	P	
Essential services	Section 34-1611 et seq.	P	P	P	P	P	
Essential service facilities (Section 34-622(c)(13)):							
Group I	Section 34-1611 et seq., Section 34-1741 et seq.	P	P	P	P	P	
Excavation:							
Oil or gas	Section 34-1651(c)	SE	SE	SE	SE	SE	
Water retention	Section 34-1651(b), 10-329(c)	P	P	P	P	P	

Notes:

(1) through (9) remain unchanged.

(10) Not permitted in Airport Noise Zone B. See Section 34-1104-1003 for exceptions.

(11) Reserved.

(12) Not permitted in Airport Noise Zone unless accessory to a lawful mobile home or single-family residence. See Section 34-1104-1003

(13) remains unchanged.

Sec. 34-736. Property development regulations table.

Staff note: Revise section to remove redundant cross-references and update remaining cross-references as necessary. Asterisks (* * *) indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Property development regulations for mobile home districts are as follows:

Table 34-736. Property Development Regulations for Mobile Home Residential Districts

	Special Notes or Regulations	MHC-1	MHC-2	MH-1 (2)	MH-2 (1), (2)	MH-3 (2)	MH-4 (2)

	Maximum height (feet)	Section 34-2171 et seq.	25	25	35	35	35	35
			-Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special height limitations (see Section 34-2175).					

Special regulations:								
	Animals, reptiles, marine life	Section 34-1291 et seq.						
	Consumption on premises	Section 34-1261 et seq.						
	Docks, seawalls, etc.	Section 34-1863 et seq.						
	Essential services	Section 34-1611 et seq.	Refer to the sections specified for exceptions to the minimum setback requirements listed in this table.					
	Essential service facilities (Section 34-622(c)(13))	Section 34-1611 et seq.						
	Fences, walls, gatehouses, etc.	Section 34-1741 et seq.						
	Nonroofed accessory structures	Section 34-2194(c)						
	Railroad right-of-way	Section 34-2195						

DIVISION 4. RECREATIONAL VEHICLE PARK DISTRICTS

Secs. 34-762 - 34-763. Reserved.

Sec. 34-762. Recreational vehicles as permanent residences.

Staff note: Delete section, which is antiquated and unnecessary.

The use of a recreational vehicle type unit by a "permanent resident" as a "permanent residence," as those terms are defined in F.S. Ch. 196, is expressly prohibited. Persons who have established permanent residency within a recreational vehicle park as of September 16, 1985, are exempt from the residency provisions of this section, provided that the proof of residency was established by an affidavit filed with the County prior to October 31, 1985.

Sec. 34-763. Tiedowns.

(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.~~

- b. ~~All travel trailers, motor homes or camping trailers left unattended for more than two weeks during the months of June through December. For the purposes of this section only, the term "unattended" will be interpreted to mean that the owner of the unit has not provided for a person to be responsible for the unit in the event of a hurricane watch alert as set forth in Subsection (a)(2) of this section.~~
- (2) ~~All travel trailers, motor homes or camping trailers must be tied down within 48 hours of the issuance of a hurricane watch for the County by the National Hurricane Center. Travel trailers, motor homes or camping trailers not tied down will be removed from the County within 48 hours of such a hurricane watch or placed within an approved off-lot storage area.~~

Sec. 34-767. Use regulations table.

Staff note: Revise section to allow single-family residences and mobile homes in RV districts to assure compliance with HB 803 (2026). **Asterisks (* * *)** indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Use regulations for recreational vehicle districts are as follows:

Table 34-767. Use Regulations for Recreational Vehicle Districts

	<i>Special Notes or Regulations</i>	<i>RV-2</i>	<i>RV-3</i>

Consumption on premises	Section 34-1261 et seq.	<u>P/AA/SE</u>	<u>P/AA/SE</u>
Dwelling Unit:			
Single-family residence, conventional		<u>P</u>	<u>PEO</u>
Mobile home		<u>P</u>	<u>P</u>
Essential services	Section 34-1611 et seq.	<u>P</u>	<u>P</u>
Essential service facilities (Section 34-622(c)(13)):			
Group I	Sections 34-1611 et seq., 34-1741 et seq.	<u>P</u>	<u>P</u>
Excavation:			
Oil or gas	Section 34-1651(e)	<u>SE</u>	<u>SE</u>
Water retention	Section 34-1651(b), 10-329(c)	<u>P</u>	<u>P</u>

Sec. 34-768. Property development regulations table.

Staff note: Delete note (12), which is redundant. **Asterisks (* * *)** indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Property development regulations for recreational vehicle districts are as follows:

Table 34-768. Property Development Regulations for Recreational Vehicle Districts

	<i>Special Notes or Regulations</i>	<i>RV-2</i>	<i>RV-3</i>
Minimum lot area and dimensions:	Sections 34-2221, 34-2222, 34-1611 et seq.		

Maximum height (feet)	Note (12), Section 34-2171 et seq.	35	35
-----------------------	--	----	----

Notes:

(1) through (11) remain unchanged.

(12) ~~Reserved. Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special height limitations (see Section 34-2175).~~

(13) remains unchanged.

DIVISION 5. COMMUNITY FACILITIES DISTRICTS

Sec. 34-813. Use regulations table.

Staff note: Delete cross-references to sections proposed for deletion. Asterisks (* * *) indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Use regulations for the community facilities districts are as follows:

Table 34-813. Use Regulations for Community Facilities Districts

	<i>Special Notes or Regulations</i>	<i>CF</i>
* * *		
Accessory uses, buildings and structures	Sections 34-1171 et seq., 34-2441 et seq., 34-2141 et seq., 34-1611 et seq.	P
Boat ramps, noncommercial		EO/SE
Bus station/depot	Section 34-1381 et seq.	P
* * *		
Consumption on premises	Section 34-1261 et seq.	P/AA/SE
* * *		
Essential service facilities:	Section 34-622(c)(13)	
Group I	Sections 34-1611 et seq. , 34-1741 et seq., 34-2141 et seq.	P
Group II	Sections 34-1611 et seq. , 34-1741 et seq., 34-2141 et seq.	EO
Excavation:		
Oil or gas		SE
Water retention	Section 34-1651 et seq.	P

Notes:

(1) remains unchanged.

(2) Except for ~~government owned and operated~~ parks (Section 34-622(c)(32)), facilities proposed for ten or more acres or the expansion of an existing facility that will bring the number of acres to ten or more acres or that changes the use, must request a special exception.

(3) through (8) remain unchanged.

(9) Not permitted in Airport Noise Zones B unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in Section 34-~~11041003 (b)(2)~~ as applicable.

(10) through (12) remain unchanged.

Sec. 34-814. Property development regulations table.

Staff note: Revise section to eliminate outdated or duplicative cross-references. Asterisks (* * *) indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Property development regulations for the community facilities districts are as follows:

Table 34-814. Property Development Regulations for Community Facilities Districts

	Special Notes or Regulations	CF

Place of worship		
Religious facility		
All other		

Maximum height (feet)	Note (3), Section 34-2171 et seq.	35

Notes (1) and (2) remain unchanged.

(3) — Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see Section 34-2175).

DIVISION 6. COMMERCIAL DISTRICTS

Sec. 34-844. Use regulations table.

Staff note: Revise section to remove redundant or no longer applicable cross-references. Delete note (19), which currently limits the maximum number of by-right fuel pumps to eight. Asterisks (* * *) indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Use regulations for conventional commercial districts are as follows:

Table 34-844. Use Regulations for Conventional Commercial Districts

	Special Note s or Reg ulati ons	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21), (23)	CC	CG	CS-1	CS-2	CH	CT	CR	C I	C P

Auto parts store	Note (19) Secti on 34-1351 ; Secti on 34-1353	P	P	P	P	—	P	P	P	P	—	—	—	—	—	—	—

Automobile repair and service (Section 34-622(c)(2)):																		
	Group I	Note (19) Section 34-1351, Section 34-1353	—	P	P	P	—	—	—	P	P	—	—	—	—	—	P	—
	Group II	Note (19) Section 34-1351, Section 34-1353	—	—	P	P	—	—	—	—	P	—	—	—	—	—	P	—
	Automobile service station	Note s (19) & (34), Section 34-1351, Section 34-1353	—	P	P	P	—	P	—	P	P	—	—	P	SE	P	P	—

Boats:																		
	Boat parts store		P	P	P	P	—	P	P(2, 4)	P	P	—	—	—	—	—	—	—
	Boat ramp		EO /SE	EO /SE	P	P	—	—	—	P	P	—	—	—	P	P	—	—
	Boat rental		P	P	P	P	—	P	—	P	EO	—	—	P	P (7)	—	—	—
	Boat repair and	Sections 34-1352	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

service	34-3001 et seq.																	

Business services (Section 34-622(c)(5)):																		
Group I		P	P	P	P	P	P	P	P	P	P	P	P (8)	—	P	P	P	—
Group II	Note (34), Section 34-1352	—	P	P	P	—	—	SE	—	P	—	—	—	—	—	—	P	—
Bus station/depot	Section 34-1381 et seq.	—	—	P	P	—	—	—	SE	P	—	—	P	—	—	—	P	—

Car wash	Section 34-1353	—	P	P	P	—	—	—	P	P	—	—	P	—	—	—	—	—

Clubs:																		
Commercial		—	—	P	P	—	—	—	P	EO	—	SE	—	—	—	—	—	—
Fraternity	Section 34-2111	—	P	P	P	—	—	—	P	EO	—	SE	—	P	—	—	—	—
Membership organization	Section 34-2111	—	P	P	P	—	—	—	P	EO	—	—	—	—	—	—	—	—
Private		—	—	—	—	P	P	—	P	—	—	SE	—	P	P	—	—	—

Consumption on premises	Section 34-1261 et seq.	P/AA /SE	P/AA /SE	P/AA /SE	P/AA /SE	P/AA /SE	P/AA /SE	P/AA /SE(2)	P/AA /SE	P/AA /SE	P/AA /SE	P/AA /SE	P/AA /SE	P/AA /SE	P/AA /SE	P/AA /SE	—	—

Convenience food and beverage store	Section 34-1353	P(19)	P(19)	P(19)	P(19)	—	SE(19)	—	P	P	—	—	P	SE(19)	P	P	—

Essential services	Section 34-1611 et seq.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Essential service facilities:	Section 34-622(c)(13)																
Group I	Sections 34-1611 et seq., 34-1741 et seq.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Group II	Sections 34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	EO	—	—	—	—	—	—	EO	—	—	—	—	—	—	—	—
Excavation:																	
Water retention	Section 34-1651 et seq.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Mobile home dealers	Section 34-1352	—	—	P	—	—	—	—	—	SE	—	—	—	—	—	—	—	—

Parking lot:																		
Accessory		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Commercial		—	SE	SE	SE	—	—	—	SE	SE	—	—	—	—	—	—	—	—
Gara ge, publi c parki ng		—	SE	SE	P	—	—	—	SE	SE	—	—	—	—	—	—	—	—
Park-and-ride	Section 34-1388	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Tem pora ry	Note (14), Section 34-3049	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	P	P

Rental or leasing establishments (Section 34-622(c)(39)):																		
Group I	Sections 34-1352 , 34-3001 et seq.	P	P	P	P	—	P	P	P	P	—	—	P	P	—	—	—	—
Group II	Sections 34-1352 , 34-3001 et seq.	P	P	P	P	—	P	P	P	P	—	—	P	P	P	—	—	—
Group III	Sections 34-1352	—	P	P	P	—	—	—	P	P	—	—	P	P(17)	—	—	—	—

		Section 34-3001 et seq.																
	Group IV	Section 34-1352 et seq.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Restaurant, fast food		Section 34-1353	—	P	P	P	—	—	—	P	P	—	—	P	P	SE	—	—

Storage:																		
	Indoor only	Section 34-3001 et seq.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—
	Storage, open	Section 34-3001 et seq., 34-1352	—	P	P	P	—	—	—	P	P	—	—	—	—	—	P	—

Variety store			P	P	P	P	—	P	P	P	P	—	—	—	—	—	—	—
Vehicle and equipment dealers (Section 34-622(c)(55)):																		
	Group I	Section 34-1352	—	P	P	P	—	—	—	—	P	—	—	—	—	—	—	—
	Group II	Section 34-1352	—	P	P	P	—	—	—	P	P	—	—	—	—	—	—	—
	Group III	Section 34-1352	—	P	P	P	—	—	—	—	P	—	—	—	—	—	—	—

Group IV	Section 34-1352	—	P	P	P	—	—	—	—	P	—	—	—	—	—	—	—
Group V	Section 34-1352	—	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—

Notes:

(1) through (18) remain unchanged.

(19) All services performed by an automotive repair and service establishment, including repair, painting and body work activities, must be performed within a completely enclosed building. Providing estimates for work to be completed or performing minor repair services, such as replacement of windshield wiper blades, automobile batteries, and light bulbs are excluded from this provision. Limited to eight pumps unless a greater number is approved as part of a special exception or as specifically approved in the Master Concept Plan. An existing business with more than eight lawfully permitted pumps as of January 31, 1998, will not be considered nonconforming. Existing pumps may be modernized, replaced, or relocated on the same premises but additional new pumps will not be permitted.

(20) through (25) remain unchanged.

(26) Not permitted in Airport Noise Zone B. See Section 34-~~11041003~~ for exceptions.

(27) Not permitted in Airport Noise Zone B unless accessory to a lawful mobile home or single-family residence. See Section 34-~~11041003~~.

(28) and (29) remain unchanged.

(30) Not permitted in Airport Noise Zones B unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in Section 34-~~11041003~~ as applicable.

(31) through (33) remain unchanged.

(34) Automobile auctions, on-site or internet, are permitted only when all vehicles are stored inside. ~~Projects with outdoor storage will be considered vehicle and equipment dealers, Group I, and must comply with Section 34-1352.~~

(35) and (36) remain unchanged.

Sec. 34-845. Property development regulations table.

Staff note: Revise table to remove redundant and outdated cross-references. Asterisks (* * *) indicate intervening table rows that are omitted from this amendment because they remain unchanged.

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 of the Lee Plan and described in Objective 11.2, may apply the alternative property development regulations under the MUO category.

Property development regulations for conventional commercial districts are as follows:

Table 34-845. Property Development Regulations for Commercial Districts

	Special Notes or Regulations	C-1A	C-1	C-2, C-2A	CN-1	CN-2	CN-3	CC, CG	CS-1	CS-2	CH	CT	CR	CI	CP	MUO

Minimum lot area and dimensions:	Sections 34-1611 et seq. , 34-2221, 34-2222															0
Special regulations:		Refer to the sections specified for exceptions or additions to the minimum setback requirements listed in this table.														
Animals, reptiles, marine life	Section 34-1291 et seq.															
Consumption on premises	Section 34-1261 et seq.															
Dairy products (sic 202)	Section 34-2443															
Docks, seawalls, etc.	Section 34-1863															
Essential services	Section 34-1611 et seq.															
Essential service facilities (Section 34-622(c)(13))	Section 34-1611 et seq.															
Fences, walls, gatehouses, etc.	Section 34-1741 et seq.															
Fertilizer mixing	Section 34-2443															
Hotel/motel	Section 34-1801 et seq.															
Nonroofed accessory structures	Section 34-2194(e)															
Railroad right-of-way	Section 34-2195															
Outdoor storage or display of merchandise	Section 34-3001 et seq. , Note (8)															
Maximum height (feet)	Section 34-2171 et seq.	35	35	35	35	35	35	35	35	35	35	35	35	35	35	As reqd. by Sec. 34-2175
		Note: Bonita Beach, Captiva, San Carlos Islands, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special														

		height limitations (see Section 34-2175)	
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DIVISION 7. MARINE-ORIENTED DISTRICTS

Sec. 34-873. Use regulations table.

Staff note: Revise section to remove redundant or outdated cross-references and correct remaining cross-references. **Asterisks (* * *)** indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Use regulations for marine-oriented districts are as follows:

Table 34-873. Use Regulations for Marine-Oriented Districts

	<i>Special Notes or Regulations</i>	<i>CM</i>	<i>IM</i>	<i>PORT</i>

Boat repair and service	Sections 34-1352, 34-3001 et seq.	P (1)	P	—

Consumption on premises	Section 34-1261 et seq.	<u>P/AA/SE</u>	<u>P/AA/SE</u>	<u>P/AA/SE</u>

Essential services	Section 34-1611 et seq.	P	P	P
Essential service facilities (Section 34-622(c)(13)):				
Group I	Section 34-1611 et seq.	P	P	P
Excavation:				
Water retention	Section 34-1651	P	P	—
Oil or gas		SE	SE	—

Storage:				
Indoor only	Section 34-3001 et seq.	P	P	P
Open	Sections 34-3001 et seq., 34-1352	P	P	P

Vehicle and equipment dealers (Section 34-622(c)(55)), Group III	Section 34-1352	P	P	—

Notes:

(1) through (8) remain unchanged.

(9) Not permitted in Airport Noise Zone B. See Section 34-~~11041003~~ for exceptions.

(10) Permitted in Airport Noise Zone B only when ancillary to lawful mobile home or single-family residence. See Section 34-~~11041003~~.

(11) and (12) remain unchanged.

Sec. 34-874. Property development regulations table.

Staff note: Revise section to remove redundant or outdated cross-references and correct remaining cross-references. Asterisks (* * *) indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Property development regulations for marine-oriented districts are as follows:

Table 34-874. Property Development Regulations for Marine-Oriented Districts

	<i>Special Notes or Regulations</i>	<i>CM</i>	<i>IM</i>	<i>PORT</i>
Minimum lot area and dimensions:	Sections 34-1611 et seq. , 34-2221, 34-2222			

Special regulations:		Refer to the section specified for exceptions to the minimum setback requirements listed in this table.		
Animals, reptiles, marine life	Section 34-1291 et seq.			
Consumption on premises	Section 34-1261 et seq.			
Docks, seawalls, etc.	Section 34-1863			
Essential services	Section 34-1611 et seq.			
Essential service facilities (Section 34-622(c)(13))	Section 34-1611 et seq.			
Fences, walls, gatehouses, etc.	Section 34-1741 et seq.			
Hotel/motel	Section 34-1801 et seq.			
Nonroofed accessory structures	Section 34-2194(c)			
Railroad right-of-way	Section 34-2195			

DIVISION 8. INDUSTRIAL DISTRICTS

Sec. 34-903. Use regulations table.

Staff note: Revise section to remove redundant or outdated cross-references and correct remaining cross-references. Asterisks (* * *) indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Use regulations for industrial districts are as follows:

Table 34-903. Use Regulations for Industrial Districts

	<i>Special Notes or Regulations</i>	<i>IL Note (14)</i>	<i>IG Note (14)</i>	<i>IR Note (14)</i>

Automobile repair and service (Section 34-622(c)(2)):				
Group I	Note (19) Section 34-1351	P	P	—
Group II	Note (19) Section 34-1351	P	P	—

Bus station/depot	Section 34-1381 et seq.	P	P	—

Consumption on premises	Sections 34-1261 et seq., 34-2352	P/AA/SE	P/AA/SE	—
Contractors and builders (Section 34-622(c)(9)):				
Group I		P (1)	P	—

	Group II		P (1)	P	—
	Group III	Sections 34-1352 , 34-2443, 34-3001 et seq.	P (1)	P(12)	—

	Essential services	Section 34-1611 et seq.	P	P	P
	Essential service facilities:	Section 34-622(c)(13)			
	Group I	Sections 34-1611 et seq., 34-1741 et seq.	P	P	P
	Group II	Sections 34-1611 et seq., 34-1741 et seq.	EO	—	—
	Group III	Section 34-1611 et seq., CFPD, IPD, or MPD only	EO	—	—
Excavation:					
	Water retention	Section 34-1651	P	P	P
	Oil or gas		SE	SE	SE
	Farm equipment, sales, storage, rental or service	Sections 34-1352 , 34-3001 et seq.	—	—	P

	Mobile home dealers	Section 34-1352	P	P	—

Rental or leasing establishments (Section 34-622(c)(39)):					
	Group II	Sections 34-1201 et seq., 34-1352 , 34-3001 et seq.	P	P	—
	Group III	Sections 34-1352 , 34-3001 et seq.	P	P	—
	Group IV	Sections 34-1352 , 34-3001 et seq., Note (9)	P	P	—

Storage:					
	Indoor	Section 34-3001 et seq.	P	P	P (3)
	Open	Sections 34-3001 et seq., 34-1352	P	P	P (3)

	Trucking terminal	Section 34-1352	SE	P	P (3)

Notes:

(1) through (16) remain unchanged.

(17) Not permitted in Airport Noise Zones B unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in Section 34-~~1104~~~~1003~~ as applicable.

(18) remains unchanged.

(19) All services performed by an automotive repair and service establishment, including repair, painting and body work activities, must be performed within a completely enclosed building. Providing estimates for work to be completed or performing minor repair services, such as replacement of windshield wiper blades, automobile batteries, and light bulbs are excluded from this provision.

Sec. 34-904. Property development regulations table.

Staff note: Revise section to remove redundant or outdated cross-references and correct remaining cross-references. Asterisks (* * *) indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Property development regulations for industrial districts are as follows:

Table 34-904. Property Development Regulations for Industrial Districts

	<i>Special Notes or Regulations</i>	<i>IL</i>	<i>IG</i>	<i>IR</i>
Minimum lot area and dimensions:	Sections 34-1611 et seq. , 34-2221, 34-2222			

Special regulations:				
Animals, reptiles, marine life	Section 34-1291 et seq.			
Consumption on premises	Section 34-1261 et seq.			
Docks, seawalls, etc.	Section 34-1863			
Essential services	Section 34-1611 et seq.	Refer to the sections specified for exceptions to the minimum setback requirements listed in this table.		
Essential service facilities (Section 34-622(c)(13))	Section 34-1611 et seq.			
Fences, walls, gatehouses, etc.	Section 34-1741 et seq.			
Nonroofed accessory structures	Section 34-2194(c)			
Railroad right-of-way	Section 34-2195			
Maximum height (feet)	Section 34-2171 et seq.	35	35	35
		Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see Section 34-2175).		

DIVISION 9. PLANNED DEVELOPMENT DISTRICTS

Sec. 34-931. Purpose and intent.

Staff note: Revise section to remove cross-references to sections proposed for deletion.

- (a) *Generally.* The general purpose and intent of the various Planned Development Districts is set forth in Section 34-612(2). ~~The purpose and intent of specific Planned Development Districts is set forth in Subsections (b) through (k) of this section.~~

Remainder of section unchanged.

Sec. 34-932. - Regulation of land use in planned developments.

Staff note: Revise section to delete language addressed elsewhere in LDC. Relocate language from Section 34-933, which is proposed for deletion, which is noted in double underline format.

(a) remains unchanged.

- (b) Except in the AOPD, MEPD and PRFPD Districts, or where otherwise specifically indicated to the contrary, the uses listed in Section 34-934, pertaining to use regulations for Planned Development Districts, may be permitted in the indicated districts when consistent with the goals, objectives and policies of the Lee Plan for the land use category in which the property is located, and when approved on the enumerated documentation of the Master Concept Plan. Uses that are not specifically listed in Section 34-934 may also be permitted if, in the opinion of the Director, they are substantially similar to a listed permitted use.

In the MEPD and PRFPD Districts, only those uses specifically listed in Section 34-941 may be approved on the Master Concept Plan. For uses allowed in the AOPD District, refer to Section 34-942.

- (b) ~~Special conditions may be formulated and applied to address unique aspects of the parcel in the protection of a bona fide public interest. The source of such restrictions may include good planning practice as well as those specifications set forth in the application documents, policy and standards set forth in the Lee Plan.~~
- (c) ~~All special conditions must be reasonably related to the proposed development and to any reasonably expected impacts on public services and facilities and the public safety, health and general welfare. Such special conditions should be pertinent to the mitigation of these impacts. All conditions must be adopted as part of the zoning resolution and as an appendix to the approved Master Concept Plan or engineered mine site plan set that governs the planned development.~~
- (d) ~~The standards for use and development of a planned development will be set forth in the zoning or MEPD resolution and its attachments, and, unless modified through the schedule of deviations, where applicable (see Section 34-412), such standards may not be less restrictive than the minimum standards set forth elsewhere in this chapter, Chapter 12, or other applicable development regulations.~~
- (e) ~~Areas devoted to various uses must be designated on the concept plan or mine site plan set. The application for a planned development must include a schedule detailing the uses desired, identifying such uses by citing the enumerated uses of one or more conventional zoning districts, use activity groups (Section 34-622), and defined uses (Section 34-2).~~

Sec. 34-933. Reserved.Permitted uses.

Staff note: Delete section and relocate language as necessary.

~~Except in the AOPD, MEPD and PRFPD Districts, or where otherwise specifically indicated to the contrary, the uses listed in Section 34-934, pertaining to use regulations for Planned Development Districts, may be permitted in the indicated districts when consistent with the goals, objectives and policies of the Lee Plan for the land use category in which the property is located, and when approved on the enumerated documentation of the Master Concept Plan. Uses that are not specifically listed in Section 34-934 may also be permitted if, in the opinion of the Director, they are substantially similar to a listed permitted use.~~

~~In the MEPD and PRFPD Districts, only those uses specifically listed in Section 34-941 may be approved on the Master Concept Plan. For uses allowed in the AOPD District, refer to Section 34-942.~~

Sec. 34-934. Use regulations table.

Staff note: Revise section to allow commercial recreation facilities, group IV in IPDs consistent with conventional industrial districts. Remove note (27), which limits fuel pumps to a maximum of eight by right. Revise section to remove redundant/outdated cross-references and delete cross-references to sections that are proposed for deletion. **Asterisks (* * *)** indicate intervening table rows that are omitted from this amendment because they remain unchanged.

Use regulations for Planned Development Districts are as follows:

Table 34-934. Use Regulations for Planned Development Districts

	<i>Special Notes or Regulations</i>	<i>RPD</i>	<i>MHPD</i>	<i>RVPD</i>	<i>CFPD</i>	<i>CPD</i>	<i>IPD Note (37)</i>	<i>MPD</i>	<i>MEPD</i>
Accessory uses and structures	Note (1), Sections 34-1171 et seq., 34-1611 et seq.,	P	P	P	P	P	P	P	—

	34-2441 et seq., 34-1863, 34-2141 et seq., 34-3106								

Auto parts store	<u>Note (16)</u> Section 34-1353	P(4)	P(4)	—	—	P	—	P	—
Automobile repair and service (Section 34-622(c)(2)), all Groups	Sections 34-1351, 34-1353, Notes (16) & (41)	—	—	—	—	P	P	P	—
Automobile service station	<u>Note (16)</u> Note (41), Sections 34-1351, 34-1353	P(4)	P(4)	—	—	P	P	P	—

Boat repair and service	Sections 34-1352, 34-3001 et seq.	—	—	—	—	P	P	P	—

Business services (Section 34-622(c)(5)):									
Group I		P(4)	P(4)	—	—	P	P	P	—
Group II	Note (12), Section 34-1352	—	—	—	—	P	P	P	—
Bus station/depot	Section 34-1381 et seq.	—	—	—	P	P	P	P	—

Car wash	Section 34-1353	—	—	—	—	P	—	P	—

Clubs:									
Country		P	P	P	—	P	—	P	—
Commercial		—	—	—	—	P	—	P	—
Fraternal, membership organization	Section 34-2111	—	—	—	—	P	—	P	—
Private	Section 34-2111	P	P	P	—	P	—	P	—

Contractors and builders (Section 34-622(c)(9)), all Groups	Sections 34-1352, 34-3001 et seq.	—	—	—	—	P	P	P	—
Convenience food and beverage store	Section 34-1353	P(4), (27)	P(4), (27)	—	—	P	P	P(27)	—

Essential services	Note (1) <u>and</u> Sections 34-1611 et seq., 34-1741 et seq.	P	P	P	P	P	P	P	—

Essential service facilities (Section 34-622(c)(13)):										
Group I	Note (1) and Sections 34-1611 et seq. , 34-1741 et seq. and 34-2141 et seq.	P	P	P	P	P	P	P	P	—
Group II	Notes (1) & (45), Sections 34-1611 et seq. , 34-1741 et seq. and 34-2141 et seq.	P	P	P	P	P	P	P	P	—
Group III	Note (1) and Sections 34-1611 et seq. , 34-1741 et seq., 34-2141 et seq.	—	—	—	P	—	P	P	P	—
Excavation:										
Mining	Note (44), Section 12-101 et seq.	—	—	—	—	—	—	—	—	P
Water retention	Section 34-1651	P	P	P	P	P	P	P	P	P
Oil or gas	Section 34-1651	P(4)	P(4)	P	P	P	P	P	P	P

Mobile home dealers	Section 34-1352	—	—	—	—	P	P	P	P	—

Recreation facilities:										
Commercial (Section 34-622(c)(38)) Groups I, III		—	—	—	—	P	—	P	—	—
Commercial (Section 34-622(c)(38)) Group IV		—	—	—	—	P	<u>P</u> —	P	—	—

Rental or leasing establishment (Section 34-622(c)(39)):										
Group I	Sections 34-1352 , 34-3001 et seq.	P(4)	P(4)	P(8)	—	P	—	P	—	—
Group II	Sections 34-1201 et seq., 34-1352 , 34-3001 et seq.	P(4)	P(4)	—	—	P	P	P	P	—
Group III	Sections 34-1352 , 34-3001 et seq.	—	—	—	—	P	P	P	P	—
Group IV	Sections 34-1201 et seq., 34-1352 , 34-3001 et seq.	—	—	—	—	P	P	P	P	—

Restaurant, fast food	Section 34-1353	—	—	—	—	P	—	P	—	
Restaurants (Section 34-622(c)(43)):										
Storage:										
Indoor only	Note (1), Section 34-3001 et seq.	P(4)	P(4)	P	P	P	P	P	P	—
Storage, open	Note (5), Sections 34-3001 et seq., 34-1352	—	—	P(15)	—	P	P	P	P	—

Vehicle and equipment dealers (Section 34-622(c)(55)):										
Groups I, II, and III	Section 34-1352	—	—	—	—	P	P	P	P	—
Group IV	Section 34-1352	—	—	P(17)	—	P	P	P	P	—
Group V	Section 34-1352	—	—	—	—	P	P	P	P	—

Notes:

(1) through (4) remain unchanged.

(5) If the use or activity does not conform to the criteria set-forth in Section 34-938, then it is subject to the setback requirements set forth in Sections 34-935(b)(4)(a)(4) and 34-2441 et seq.

(6) through (11) remain unchanged.

(12) Automobile auctions, on-site or internet, are permitted only when all vehicles are stored inside. ~~Projects with outdoor storage will be considered vehicle and equipment dealers, Group I, and must comply with Section 34-1352.~~

(13) through (15) remain unchanged.

(16) All services performed by an automotive repair and service establishment, including repair, painting and body work activities, must be performed within a completely enclosed building. Providing estimates for work to be completed or performing minor repair services, such as replacement of windshield wiper blades, automobile batteries, and light bulbs are excluded from this provision. ~~Reserved.~~

(17) through (19) remain unchanged

(20) Recreational vehicle sites in mobile home planned developments (MHPD) must be designated on the approved Master Concept Plan. All recreational vehicles approved as part of a MHPD are subject to the regulations in Sections ~~34-762~~ 34-764 through 34-766 and 34-1179.

(21) through (26) remain unchanged.

(27) ~~Reserved. Limited to eight self-service fuel pumps (df) unless a greater number is specifically approved as part of the planned development and depicted on the Master Concept Plan. An existing business with more than eight lawfully permitted pumps as of January 31, 1998 will not be considered nonconforming. Existing pumps may be modernized, replaced, or relocated on the same premises but additional new pumps will not be permitted.~~

(28) Not permitted in Airport Noise Zone B.

(29) Not permitted in Airport Noise Zone B. See Section 34-~~1104~~1003 for exceptions.

- (30) Reserved.
- (31) Not permitted in Airport Noise Zone B unless accessory to a lawful mobile home or single-family residence. See Section 34-~~1104~~~~1003~~.
- (32) through (49) remain unchanged.

Sec. 34-935. Property development regulations.

Staff note: Revise section to remove relocated language. Delete redundant language, clarify applicability of minimum setbacks from development perimeter.

The provisions of this section do not apply to PRFPDs; property development regulations for PRFPDs are set forth in Section 34-941.

~~(a) Minimum area for planned developments.~~

- ~~(1) Recreational vehicle planned developments.~~ The minimum area required for a new recreational vehicle planned development is 20 acres. A minimum of five acres is required to expand an existing recreational vehicle park, a phased recreational vehicle park or an approved recreational vehicle planned development in order to provide additional recreation vehicle units to the park. However, a recreational vehicle park, a phased recreational vehicle park or an approved recreational vehicle planned development can be expanded by less than five acres, if the expansion is solely for the purpose of providing amenities to the park and will not result in creating additional recreational vehicle units.
- ~~(2) Other planned developments.~~ Minimum area and dimensions are not specified for other planned developments. However, the net developable land remaining, after deleting any environmentally sensitive lands and waters, must be of such size, configuration and dimension as to adequately accommodate the proposed structures, parking, access, on-site utilities, including wet or dry runoff retention, all required open space, including buffers, and similar spatial requirements.

~~(a)-(b) Minimum setbacks of structures and buildings from development perimeter boundaries.~~

- (1) The following development perimeter setbacks apply unless alternate setbacks are approved as part of the planned development. ~~All~~ Buildings and structures must be set back from the development perimeter a distance equal to the greater of:
 - a. *through h. remains unchanged.*
- (2) Parking or internal roads or drives may not be closer to the development perimeter than the width of any buffer area or landscape strip, required by Chapter 10, ~~Chapter 33~~, or five feet, whichever is greater.
- (3) and (4) remain unchanged.
- ~~(5) The provisions of this subsection notwithstanding, the Board of County Commissioners may require greater setbacks and buffers when, in its opinion, they are necessary for the protection of public health, welfare or safety.~~

Re-letter (c) and (d) to (b) and (c).

~~(d)-(e) Minimum lot size, dimensions and setbacks.~~ Minimum lot size, dimensions and setbacks are established through the planned development approval process. Applicant's must demonstrate the planned development proposed minimum standards are compatible with the surrounding area.

~~(1) Lot size and dimensions.~~

- a. ~~In the RPD and MHPD Districts, if the development contains or consists of a conventional subdivision for single-family residences, two-family or duplex structures or mobile homes, the lot dimensions and areas specified in Section 34-695 for the RSA, RS-1, RS-2, RS-3, RS-4, RS-5 and TF-~~

~~1 Single Family and Two Family Districts or in Section 34-736 for the MH-1, MH-2, MH-3 or MH-4 Mobile Home Districts shall apply as appropriate, unless other lot areas and dimensions are approved by the Board of County Commissioners.~~

- ~~b. Where the Master Concept Plan calls for dwelling units on individual lots in clusters or townhouse configurations, the specific lot areas and dimensions shall be determined by the space requirements of the unit itself, the provision of private open space and the voluntary reservation of additional common open space, if any.~~

~~(2) Setbacks for residential buildings and mobile homes. Setbacks from lot lines and separation of buildings for residential buildings and mobile homes in residential planned developments and mobile home planned developments shall be determined as follows:~~

- ~~a. If the development contains or consists of a subdivision for single family detached or duplex structures or mobile homes, the front, side and rear setbacks specified in Section 34-695 for the RSA, RS-1, RS-2, RS-3, RS-4, RS-5 and TF-1 Single Family and Two Family Districts or in Section 34-736 for the MH-1, MH-2, MH-3 or MH-4 Mobile Home District shall apply as appropriate, unless other lot areas and dimensions are approved by the Board of County Commissioners.~~
- ~~b. Where the Master Concept Plan calls for single family detached or attached zero lot line housing, each dwelling unit structure may have one wall without windows or doors on a side lot line, may encroach with eaves or cornice no more than 36 inches into the adjacent yard, and shall maintain at least a minimum separation from the building or mobile home on the side opposite the zero-setback line consistent with the standard set forth in Subsection (e)(2)c of this section.~~
- ~~c. Where the Master Concept Plan calls for clustering of single-family detached structures or mobile homes, and so long as sufficient separation is maintained to prevent the spread of fire, and so long as adequate access is provided for emergency services as certified by the County Fire Official, the separation of buildings may be reduced to no less than ten feet.~~

~~(3) Setbacks for buildings in commercial planned developments, industrial planned developments and mixed-use planned development.~~

- ~~a. If the development contains or consists of a subdivision for development parcels to be sold or leased as improved land for further development for commercial, industrial or multifamily residential purposes, where permitted, side and rear setbacks for all lots shall be scheduled on the Master Concept Plan, except that, where a lot line is congruent with the development perimeter, the setback defined in Subsection (b) of this section shall have priority.~~
- ~~b. The setbacks from internal streets shall be determined by the functional classification of the streets as set forth in Section 34-2192.~~

(e) (4) *Minimum separation of buildings.* Unless otherwise specified, where there are two or more principal buildings on a development tract, the minimum separation of buildings shall be one-half of the sum of their heights, or 20 feet, whichever is greater.

(f)(g) *Height of buildings.* Maximum heights are established in Section 34-2175. Notwithstanding, applicants must demonstrate the planned development proposed heights are compatible with the surrounding area.

~~(1) Except as restricted by Section 34-2175, height of buildings in all other planned developments will vary in accordance with the land use classification of the subject property according to the Lee Plan Land Use Plan Map as follows:~~

- ~~a. In the intensive development and central urban land use categories, buildings may be as tall as 135 feet above minimum flood elevation with no more than 12 habitable stories.~~
- ~~b. In the urban community land use category, buildings may be as tall as 95 feet above minimum flood elevation with no more than eight habitable stories.~~

- c. ~~In the airport and tradeport commerce land use categories, buildings may be as tall as 45 feet above minimum flood elevation with no more than three habitable stories. With the consent of the port authority, the Board of County Commissioners may approve building heights up to 95 feet above minimum flood elevation with no more than eight habitable stories.~~
- d. ~~In the industrial interchange, industrial-commercial interchange, general interchange and general commercial interchange land use categories, buildings may be as tall as 75 feet above minimum flood elevation with not more than six habitable stories.~~
- e. ~~In the suburban, outlying suburban and rural land use categories and in any other land use category in which a planned development is appropriate, buildings may be as tall as 45 feet above minimum flood elevation with no more than three habitable stories, except that such buildings may be as tall as 75 feet above minimum flood elevation with no more than six habitable stories when the applicant demonstrates that the additional height is required to increase common open space for the purposes of preserving environmentally sensitive land, securing areas of native vegetation and wildlife habitat, or preserving historical, archaeological or scenic resources.~~

~~(g)(h)~~ *Open space.* See Section ~~34-4124(a)~~ 10-413 for definitions pertaining to open space.

(1) through (6) remain unchanged.

Sec. 34-936. Reserved.General conditions for all land uses.

Staff note: Delete section in its entirety. Requirements addressed elsewhere in LDC.

- ~~(a) *Compliance with use restrictions.* Only those land uses enumerated in the documentation to the Master Concept Plan are permitted in a planned development. The conditions of approval in the applicable zoning resolution shall be incorporated into covenants, restrictions and rules of operation binding on the developer, his successors and heirs, tenants in fee or leasehold.~~
- ~~(b) *Parking.* Unless governed by alternative standards established by special conditions, parking for any use in this planned development will be governed by Article VII, Division 26 of this chapter in accordance with the actual use.~~
- ~~(c) *Signs.* Signage for any use in a planned development, not otherwise governed by special conditions, shall be controlled by general sign regulations currently in force.~~
- ~~(d) *Sale of alcoholic beverages.* Package sales and sales of alcoholic beverages for on-premises consumption shall be governed by the provisions of Article VII, Division 5 of this chapter, and other special conditions set forth at the time of planned development approval.~~
- ~~(e) *Outdoor display of goods.* Except in RPD and MHPD developments, all open display of goods for sale shall be set back from public rights of way no less than 25 feet. In the RPD and MHPD Districts, the outdoor display or storage of goods for retail sale is prohibited.~~
- ~~(f) *Outdoor storage of goods.* Any and all storage of retail or wholesale goods shall be enclosed by a wall or opaque fence or solid hedge, not less than six feet in height, or otherwise completely visually buffered.~~
- ~~(g) *Lighting.* Lighting of the exterior and parking areas of the planned development uses shall be of the lowest intensity and energy use adequate for its purpose and shall not create conditions of glare outside the area designated for commercial uses.~~
- ~~(h) *Bikeways and pedestrian ways.* Unless governed by alternative standards established by special conditions, bicycle paths and pedestrian ways must be located and constructed in accordance with the requirements set forth in Chapter 10.~~

Sec. 34-939. Recreational Vehicle Planned Development property development regulations.

Staff note: Add subsection (b) to include relocated language from Section 34-935. Re-letter subsequent sections.

(a) *remains unchanged.*

(b) Minimum area. The minimum area required for a new recreational vehicle planned development is 20 acres. A minimum of five acres is required to expand an existing recreational vehicle park, a phased recreational vehicle park or an approved recreational vehicle planned development in order to provide additional recreation vehicle units to the park. However, a recreational vehicle park, a phased recreational vehicle park or an approved recreational vehicle planned development can be expanded by less than five acres, if the expansion is solely for the purpose of providing amenities to the park and will not result in creating additional recreational vehicle units.

~~(c)(b)~~ *Design criteria.*

(1) through (8) *remain unchanged.*

~~(d)(c)~~ *Accessory structures and additions.* Individual accessory structures, additions or freestanding storage sheds may be permitted only in nontransient parks, and only when in compliance with the regulations set forth in Sections 34-764 through 34-766 and 34-1179.

~~(e)(d)~~ *Recreational vehicles as permanent residences.* The use of a recreational vehicle type unit by a "permanent resident" as a "permanent residence," as those terms are defined in F.S. Ch. 196, is expressly prohibited as of September 16, 1985.

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

Staff note: Revise applicability section to update Lee Plan cross-references. Remove reference to Lee Plan Map 1-F, which is proposed to be deleted. Incorporate language exempting golf courses within the Kingston development from PRFPD requirements consistent with applicable policies of Lee Plan Goal 13, which is proposed to be deleted. Revise subsection (c)(3) to delete cross-references to sections proposed for deletion.

(a) *Applicability.* The PRFPD Private Recreational Facilities Planned Development District option may only be requested and approved in those areas designated as Density Reduction/Groundwater Resource on the Future Land Use Map (Map 1-A). Golf courses and ancillary uses in the Mixed-Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001, F.S. are exempt from this Section. ~~(depicted on the Lee Plan Private Recreation Facilities Overlay Map (Map 1-F).~~

Subsection (b) remains unchanged.

(c) *Uses.*

Subsection (1) remains unchanged.

(2) *Permissible uses.*

a. *remains unchanged.*

b. The following uses are permitted only if approved in the adopted zoning resolutions and their general location is shown on an adopted Master Concept Plan:

Aquifer storage and recovery facilities.

Boarding horse stables and riding areas (see Note 1).

Campgrounds—Tent camping only, including:

Camping area offices (see Note 1).

Camping restrooms (see Note 1).

Excavations for water retention (~~Section 34-1651~~).

Forestry towers.

Golf courses, including:

Country clubs (see Note 1).

Golf course restrooms (see Note 1).

Golf course maintenance areas (see Note 1).

Helistops—If required by emergency services.

Recreational and educational facilities (see Note 4).

Wireless communication facilities (see Note 1).

- c. The following commercial uses may be permitted within a private recreation facility planned development only if specifically included in the adopted zoning resolution and the general location of commercial uses are shown on an adopted Master Concept Plan. Commercial intensity is limited as described in Note 1 of this section:

Bait and tackle shops.

Banks and financial establishments, Group I (Section 34-622(c)).

Business services, Group I.

Clothing stores.

Consumption on premises (Section 34-1261 et seq.).

Day care centers, child, adult.

Drive through facilities for any permitted use.

Drugstores, pharmacies.

EMS, fire, sheriff's station.

Food stores, Group I (Section 34-622(c)).

Hardware stores.

Health care facilities, Group III (Section 34-622(c)).

Insurance companies (Section 34-622(c)).

Laundries or dry cleaning, Group I (pick-up and drop-off only) (Section 34-622(c)).

Medical offices.

Parking lots, accessory (Article VII, Division 26 of this chapter.).

Personal services, Groups I and II (not including laundromats, massage parlors, dating services, tattoo parlors and escort services) (Section 34-622(c)).

Pet shops.

Places of worship (Section 34-2051 et seq.).

Recreation facilities, Groups I and IV (Section 34-622(c)).

Religious facilities (Section 34-2051 et seq.).

Repair shops, Groups I and II (Section 34-622(c)).

Restaurants, fast food (~~Section 34-1353~~).

Restaurants, all groups (Section 34-622(c)).

Social services, Groups I through II (Section 34-622(c)).

Temporary contractors' offices and equipment storage sheds (Section 34-3044).

Used merchandise stores, Group I (Section 34-622(c)).

Variety stores.

- (3) *Accessory uses and structures.* The following uses and structures may be permitted as accessory uses and structures when specifically included in the adopted zoning resolution:

Administrative offices (see Note 1).

Bed and breakfast establishments (Section 34-~~1493~~1494).

Boat ramps and docks.

Boat rentals—Motorized boats limited to trolling motors.

Dwelling units: One caretaker's residence.

Entrance gates and gatehouses (Section 34-1748).

Essential services (~~Section 34-1611 et seq.~~).

Essential service facilities, Group I (~~Sections 34-1611 et seq. and 34-1741 et seq.~~).

Fishing piers.

Fences, walls (see Note 5).

Food and beverage services, limited (see Note 2).

Fractional ownership, dwelling units.

Golf course driving ranges and practice areas.

Parking lots—Accessory to a permitted use.

Play areas—Elementary school age and teenage and young adults, as discussed in Park Planning Guidelines, Third Edition.

Service/maintenance areas ancillary to approved permissible uses (see Note 1).

Signs.

Timeshare, dwelling units.

Remainder of Section is unchanged.

DIVISION 10. SPECIAL PURPOSE DISTRICTS

Subdivision IV. Planned Unit Development District

Sec. 34-1036. Procedure for approval; effect of PUD zoning.

Staff note: Revise subsection (3)(f) to remove cross-reference to section deleted by Ordinance 26-07.

Unless otherwise specified, applications for final PUD zoning must be submitted and processed in the same manner as zoning changes generally (see Article II of this chapter) and in accordance with the following procedures. However, subsequent to September 30, 1985, no application for the approval of a preliminary PUD development plan under this section will be accepted. Thereafter, all new Planned Unit Developments will be approved and administered under Article IV of this chapter and Division 9 of this article.

(1) and (2) remain unchanged.

(3) *Final approval.*

a. through e. remain unchanged.

- f. Subsequent to September 30, 1985, any applicant holding a preliminary PUD plan approved in accordance with this subdivision, that also meets the standards of detail and sufficiency of information set forth in Article IV, Division 2 of this chapter, may elect to seek approval of the final PUD development plan by submitting an application for a development permit in accordance with Chapter 10 and ~~AC-13-4~~. In all other aspects, the final plans must be consistent with this subdivision and all other applicable development regulations in force. The PUD zoning will become final when the initial development permit is issued in conformance with Chapter 10.

(4) remains unchanged.

Sec. 34-1040. Area, density and setback requirements; permitted uses.

Staff note: Revise subsection (h) to correct cross-reference.

(a) through (g) remain unchanged.

- (h) *Off-street parking and loading.* Off-street parking and loading requirements for a PUD shall be as for comparable uses set forth in Chapter 10, Article III and Article VII, Divisions 25 and Division 26 of this chapter.

(i) through (m) remain unchanged.

DIVISION 11. REDEVELOPMENT OVERLAY DISTRICTS

~~Subdivision I. Reserved. General Requirements~~

Staff note: Delete entirety of Subdivision I (Redevelopment Overlay Districts), which are antiquated and no longer applicable within unincorporated Lee County.

~~Sec. 34-1080. Purpose and intent.~~

- ~~(a) The Redevelopment Overlay District is a special zoning classification established to recognize and provide for the unique requirements of redevelopment that cannot be adequately addressed through existing regulations. The purpose of the district is to create favorable conditions for the revitalization of redevelopment areas, or portions thereof, by establishing a procedure through which such areas can be master planned. The master planning may include development guidelines and standards that, to the extent covered, are intended to provide an incentive driven alternative to the standard zoning and other land development regulations.~~
- ~~(b) It is the express policy of the Board of County Commissioners that development consistent with an approved Redevelopment Overlay District and Master Site Plan be voluntary. Without limiting the generality of the foregoing principle, no application for development approval or rezoning may be denied on the basis that the proposed plan of development is inconsistent with an established Redevelopment Overlay District and Master Site Plan for the area, unless the applicant has voluntarily chosen to seek approval pursuant to them.~~

~~Sec. 34-1081. Definitions.~~

~~In order to effectuate the purpose and intent of the Redevelopment Overlay District, the following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Community Redevelopment Advisory Committee (CRAC)* means an advisory committee appointed pursuant to Resolution No. 90-07-22, by the Board of County Commissioners.~~

~~*Community Redevelopment Agency (CRA)* means an agency established by the County pursuant to Florida Statutes, to undertake and implement improvements, as well as to promote and create favorable conditions for the development, redevelopment and revitalization of the community redevelopment areas.~~

Community Redevelopment Agency Board (CRA Board) means the Board of County Commissioners sitting as the governing Board of the Community Redevelopment Agency, pursuant to Resolution No. 90-07-22, adopted by the Board of County Commissioners on July 7, 1990.

Community redevelopment areas means those unincorporated portions of the County established as community redevelopment areas, pursuant to Resolution Nos. 90-07-21 and 91-06-13 adopted by the Board of County Commissioners, and any other resolutions that may be adopted to establish additional community redevelopment areas.

Community redevelopment plan means a community-wide plan, pursuant to F.S. §§ 163.360 and 163.362, which consists of policies, methods and strategies applicable to all community redevelopment areas.

Component plan means a redevelopment plan that examines the conditions and needs and provides redevelopment recommendations for a specific area, i.e., North Fort Myers, etc., hereinafter referred to as component areas. The plans are a component of the community redevelopment plan, hence the term component plan. The Board of County Commissioners has adopted component plans for, North Fort Myers, San Carlos Island, State Road 80, and Lehigh Acres.

Local Redevelopment Planning Committee (LRPC) means a committee of citizens appointed by the Community Redevelopment Agency Board to represent a component area.

Master Site Plan (MSP or Plan) means a plan for a specific area within a component area. The Plan may include zoning and development regulations that are customized to fit the needs of the area subject to the Master Site Plan.

Sec. 34-1082. Overview of Redevelopment Overlay District regulations.

- (a) *Optional nature of Redevelopment Overlay Districts.* Landowners in an approved Redevelopment Overlay District are encouraged to develop or redevelop their property in conformance with the applicable Redevelopment Overlay District Master Site Plan and design guidelines. Should a landowner choose to avail himself of the modified land development regulations of the Redevelopment Overlay District, then compliance with all applicable portions of the Redevelopment Overlay District will be mandatory for that property. Landowners within a Redevelopment Overlay District are not subject to or required to participate in any of its provisions unless that landowner elects to do so. A landowner's decision to use Redevelopment Overlay District regulations must be made in writing. This document must be recorded by the applicant in Lee County's official records and must acknowledge that the decision to develop under the Redevelopment Overlay District runs with the land. So long as the property utilizes the Redevelopment Overlay District's regulations to legitimize its existing plan of development, compliance with those regulations will continue to be required. If a property owner subsequently chooses to redevelop in complete conformance with the then existing regulations applicable to the underlying zoning district, compliance with the Redevelopment Overlay District's regulations is not required. In that event a form approved by the Department of Community Development reflecting the landowner's election to opt out of the Redevelopment Overlay District must be executed and recorded in the same manner as the election to participate.
- (b) *Design guidelines.* Design guidelines may be developed for each Redevelopment Overlay District. These guidelines will provide technical and design assistance for exterior commercial building renovations and new construction. They are intended to encourage owners and tenants to improve, in a consistent manner, the overall ambiance of the Redevelopment Overlay District in an effort to give it a sense of place and relatedness between the establishments included within the district. Design guidelines address such things as preferred landscape materials and exterior colors. The design guidelines are offered simply to encourage the proper maintenance and improvement of the visual character of the districts. These guidelines are adopted through the County Administrative Code process.
- (c) *Types of Redevelopment Overlay Districts and Subdistricts.* Each Redevelopment Overlay District may be comprised wholly or in part of a district or subdistrict that:
- (1) Does not change the uses, or the method of County approval required to allow a use in the underlying zoning districts, i.e., only changes the property development regulations, open space/buffering/landscaping, parking, or signage requirements, or requires some form of integrated infrastructure;
 - (2) Changes the uses or method of County approval required to allow a use, from that required in the underlying zoning districts; and

- (3) — Allows expansion so long as the subdistrict area is geographically defined and approved in the same manner as either of the nonexpansion areas set forth above, and any planning criteria or conditions established for the expansion subdistrict are first met.
- (d) — *Development approvals.* Once a landowner has elected to develop under Redevelopment Overlay District regulations, the Community Development Director, or designee, is authorized and required to determine whether each development request complies with the Redevelopment Overlay District's land development regulations. When a property owner submits a development request relying on the Redevelopment Overlay District regulations, a copy of the recorded document reflecting the property owner's election to participate in the Redevelopment Overlay District must be provided.
 - (1) — Redevelopment Overlay District regulations may authorize the Community Development Director, or designee, to administratively approve the proposed plan of development under the Redevelopment Overlay District's regulations, so long as the following criteria are met:
 - a. — The applicant has provided a copy of an acceptable executed and recorded overlay participation agreement to the County;
 - b. — The proposed development is consistent with the Lee Plan and the applicable adopted Redevelopment Overlay District's Master Site Plan and land development regulations; and
 - c. — The proposed development would not have any apparent negative effects on adjoining property, and would not have an adverse impact on the public health, safety, or welfare.
 - (2) — The Director may approve, approve with conditions, or deny a development request within a Redevelopment Overlay District.
 - (3) — Development proposals that seek to include uses that require approval of a special exception under Redevelopment Overlay District use regulations, may only be approved by the Director if the Lee County Hearing Examiner has approved the requested special exception and the development proposal meets the contention of Subsection (d)(1)a of this section.
 - (4) — Notwithstanding the foregoing, property previously zoned to any of the Planned Development Districts are not eligible to participate in a Redevelopment Overlay District through the administrative approval process. Instead, amendments to an existing planned development must follow the planned development amendment process specified in Section 34-380. Developers of new planned developments may voluntarily elect to participate in a Redevelopment Overlay District, provided the uses proposed for the planned development are also allowed in the Redevelopment Overlay District or subdistrict, except that the planned development request must provide site-specific location of their proposed uses and footprints of structures to be developed. Development requests submitted pursuant to Section 34-373(a)(6) are not legally sufficient.
 - (5) — Development requests seeking administrative approval must file an application for same on forms substantially similar to those provided by the County and must detail the specific type of approval or relief being sought.
- (e) — *Elements of a Redevelopment Overlay District.* Each Redevelopment Overlay District includes two distinct elements: the Master Site Plan and the design guidelines. A Master Site Plan is a required element, while design guidelines, although encouraged, are an optional element unless stated otherwise in a particular Redevelopment Overlay District. Together these elements are intended to encourage redevelopment in a manner consistent with the applicable component plan. Both the Master Site Plan and design guidelines may have textual and graphic aspects.

Sec. 34-1083. Criteria for Master Site Plans.

The following minimum criteria must be satisfied prior to the adoption of a Master Site Plan:

- (a) — Property must be located within a community redevelopment component area.
- (b) — Properties within the proposed Master Site Plan area must either:
 - (1) — Possess unifying distinctive elements that create an identifiable setting, character, or association which share common development or redevelopment problems of such a nature that it would be more practical or desirable to address them concurrently as a Redevelopment Overlay District rather than to have each individual property owner seek relief from specific development regulations; or

- (2) — Share a common problem that the Board of County Commissioners, acting as the Community Redevelopment Agency Board, determines should or could be addressed through the Redevelopment Overlay District process.
- (c) — A component plan must be completed and adopted prior to the preparation and adoption of a Master Site Plan.
- (d) — A Master Site Plan must be prepared and adopted in accordance with the procedures set forth in Section 34-1087. The Master Site Plan must be consistent with the component plan.

~~Sec. 34-1084. Contents of Master Site Plan.~~

- (a) — The complexity of a Master Site Plan may range from a simple document addressing one or two issues to a full-scale land development master plan that provides for modifications to the current use regulations, property development regulations, and other land development regulations, for the existing underlying zoning districts. The type of Master Site Plan that will be adopted largely depends on the number and scope of problems being addressed.
- (b) — All Master Site Plans must contain, at a minimum, the following:
 - (1) — A clearly specified purpose and intent;
 - (2) — A clearly described perimeter of the district or subdistrict to which it will apply, including a legal description and boundary sketch; and
 - (3) — An identification name for notation on official documents.

~~Sec. 34-1085. Limitation to new land development regulations.~~

- (a) — A Redevelopment Overlay District and Master Site Plan may address those specific land development regulations that need to be modified to further the district's stated purpose and intent. For example, if the Master Site Plan would alter the current parking or open-space requirements, it must state which regulation (for example, by section number) is being modified, how, and to what extent, the regulation is being altered. If a Master Site Plan does not modify existing regulations, the then-current regulations of the underlying zoning districts will apply along with all other land development regulations applicable to a particular development request.
- (b) — The Master Site Plan is not required to address all aspects of zoning and development but may address and modify the zoning and development standards provisions of this Code, and any other development regulations necessary to accomplish the stated purpose and intent of the Redevelopment Overlay District.

~~Sec. 34-1086. Infrastructure.~~

Where the Master Site Plan provides for shared infrastructure, such as common parking, surface water management, water and sewer facilities, and the like, a mechanism for its implementation must be provided within the plan. The plan must provide adequate assurances that the proportionate part of the shared infrastructure needed for development of each parcel will be provided prior to, or concurrent with, development of that parcel pursuant to the plan.

~~Sec. 34-1087. Master Site Plan initiation and adoption.~~

- (a) — *Consideration of proposed Master Site Plan.* A proposed Master Site Plan must first be considered by the Local Redevelopment Planning Committee and the community redevelopment agency staff. The Local Redevelopment Planning Committee will make a recommendation to the Community Redevelopment Advisory Committee, as to whether a Master Site Plan should be prepared.
- (b) — *Approval or denial.* After the Local Redevelopment Planning Committee has made its recommendation to the Community Redevelopment Advisory Committee, the Community Redevelopment Advisory Committee must consider and determine whether or not to approve the request to prepare the Master Site Plan. If the Community Redevelopment Advisory Committee does not approve the request to prepare a Master Site Plan, the matter will be decided by the Community Redevelopment Agency Board.
- (c) — *Submittal documents.* Once the proposed scope of the Master Site Plan has been decided and approved by the corresponding geographic local redevelopment planning committee, and the Community Redevelopment Advisory Committee, the Director of the Community Redevelopment Agency will consult with the Director of Community Development and determine what submittal documents will be required, given the scope of the Master Site Plan. In the event they cannot agree, the matter will be resolved by the County Manager.

- (1) ~~Master Site Plans that do not modify use regulations. If the Master Site Plan does not propose to modify the uses permitted in the underlying zoning districts or the approval required to allow the use, submittal documents may be as simple as the proposed language for modifying specific land development regulations consistent with Subsection (a) of this section. Other submittal documents will be provided as set forth above.~~
 - (2) ~~Master Site Plans that modify existing use regulations. If the Master Site Plan proposes to modify the use regulations of the underlying zoning districts, or the type of approval required to allow a use, then the Master Site Plan must include the following, unless specifically exempted by the Director of Community Development or the County Manager:~~
 - a. ~~Existing property lines, current zoning and land uses.~~
 - b. ~~The general location of all principal buildings and their current use.~~
 - c. ~~Proposed uses of land.~~
 - d. ~~A statement as to the kind and number of additional public facilities or utilities that will be required in the area, if applicable.~~
 - e. ~~Existing and/or proposed density or intensity of land such as lot sizes, setbacks, building heights, number of dwelling units per acre, etc.~~
 - f. ~~General location and pattern of vehicular and pedestrian circulation.~~
 - g. ~~Open space and recreation.~~
 - h. ~~Other general information such as:~~
 1. ~~Access control.~~
 2. ~~Architecture and sign guidelines.~~
 3. ~~Parking.~~
 4. ~~Pedestrian ways and bikeways.~~
 5. ~~Open space design.~~
 6. ~~Other similar attributes.~~
 - i. ~~Proposed modifications to the existing land development regulations.~~
 - (d) ~~Submission to Department of Community Development. Upon completion of the Master Site Plan, including review and approval by the Local Redevelopment Planning Committee and the approval of the Community Redevelopment Advisory Committee, the plan will be submitted to the Department of Community Development for review and comment.~~
 - (e) ~~Presentation to Local Planning Agency and Board of County Commissioners.~~
 - (1) ~~Community redevelopment staff will present the proposed Redevelopment Overlay District regulations to the Local Planning Agency and the Board of County Commissioners. The Department of Community Development staff will prepare a report which addresses consistency of the Master Site Plan with the Lee Plan and other issues of concern. This report will include a recommendation and will be presented at the Local Planning Agency and the Board of County Commissioners hearings.~~
 - (2) ~~The Community Redevelopment Agency staff must provide written notice that:~~
 - a. ~~States whether the subject property is located within the boundaries of the proposed Redevelopment Overlay District;~~
 - b. ~~Explains development consistent with the Redevelopment Overlay District and Master Site Plan will be optional;~~
 - c. ~~Advises if uses other than those allowed in the underlying zoning district will be allowed in the Redevelopment Overlay District; and~~
 - d. ~~Identifies who the property owner may contact to obtain additional information and participate in the planning process.~~
- No defect in, or failure to receive, notice will affect the validity of an approved Redevelopment Overlay District or its Master Site Plan, so long as the Community Redevelopment Agency staff has made a good faith effort to provide the notice required herein.
- (f) ~~Public hearings; notice required.~~
 - (1) ~~The proposed Redevelopment Overlay District and Master Site Plan will be reviewed by the Local Planning Agency at a public hearing for determination of consistency with the Lee Plan. Notice of the Local Planning Agency hearing will be as provided generally for consistency determinations by the Local Planning Agency through publication of the agenda.~~

(2) After the Local Planning Agency hearing, the Redevelopment Overlay District and Master Site Plan must be reviewed at public hearings before the Board of County Commissioners. Notice of the hearings will be provided to all property owners within the proposed Redevelopment Overlay District and within 500 feet of the boundaries of the proposed Redevelopment Overlay District, consistent with current regulations for zoning use changes. Notice will be consistent with F.S. § 125.66. At the public hearings all interested parties will be afforded an opportunity to express their views respecting the proposed Redevelopment Overlay District and Master Site Plan.

(g) *Effective date.* The Redevelopment Overlay District and Master Site Plan will be effective when approved by a resolution or ordinance of the Board of County Commissioners adopted at the final public hearing.

~~Sec. 34-1088. Amendment to adopted Redevelopment Overlay District and Master Site Plan.~~

If at any time it becomes necessary or desirable to amend or modify an adopted Redevelopment Overlay District or Master Site Plan, the following procedures will apply:

- (1) *Minor changes.* Minor changes that do not modify approved land uses, or adversely affect adjacent properties may be administratively approved by the Director of Community Development.
- (2) *Other changes.* Other amendments that are not treated as minor changes will require an amendment to the Master Site Plan with public hearings in accordance with the procedures for adopting the original plan.

~~Sec. 34-1089. Review of development requests.~~

Once a Redevelopment Overlay District has been adopted, property owners within the Master Site Plan boundaries have the option of developing consistent with that plan. If a property owner desires to develop under that plan, the owner or developer must comply with Section 34-1082(d), and any additional requirements set forth for a specific Redevelopment Overlay District.

~~Sec. 34-1090. Placement of boundaries of adopted Master Site Plan and Redevelopment Overlay District for community redevelopment areas on Official Zoning Maps.~~

Upon adoption of a Redevelopment Overlay District and Master Site Plan by the Board of County Commissioners, the following will be shown on the official County zoning maps:

- (1) The boundaries of the Master Site Planned areas;
- (2) To the extent of any differences, the boundaries of the Redevelopment Overlay District, so as to depict all portions of the community redevelopment areas that are eligible to use the provisions of that Redevelopment Overlay District; and
- (3) Those specific properties that have elected to participate in the Redevelopment Overlay District.

Secs. 34-1080 - 34-1090. Reserved.

Subdivision I. San Carlos Island Redevelopment Overlay District.

Staff note: San Carlos Island Redevelopment Overlay District Regulations have been relocated in their entirety from Chapter 33 (Sections 33-1742 through 33-1744) to Subdivision II. Revise cross sections and remove cross sections as required and revise language for clarity as needed. Sections have been renumbered accordingly. Subdivisions III and IV remain reserved.

Sec. 34-1091. Purpose and intent.

(a) *Purpose and affected area.* The San Carlos Island Redevelopment Overlay District (District) is designed to stimulate the revitalization of San Carlos Island. A legal description of the District's boundary is set forth in Figure 34-1091-A ~~Appendix I~~. The district is comprised of the following four subdistricts as depicted in Figure 34-1091-B:

- (1) San Carlos Island Commercial Corridor (SCC) Subdistrict;
- (2) San Carlos Island Commercial Corridor Expansion (SCCE) Subdistrict;

- (3) San Carlos Island Fisherman's Wharf (SCF) Subdistrict; and
- (4) San Carlos Island Waterfront (SCW) Subdistrict.

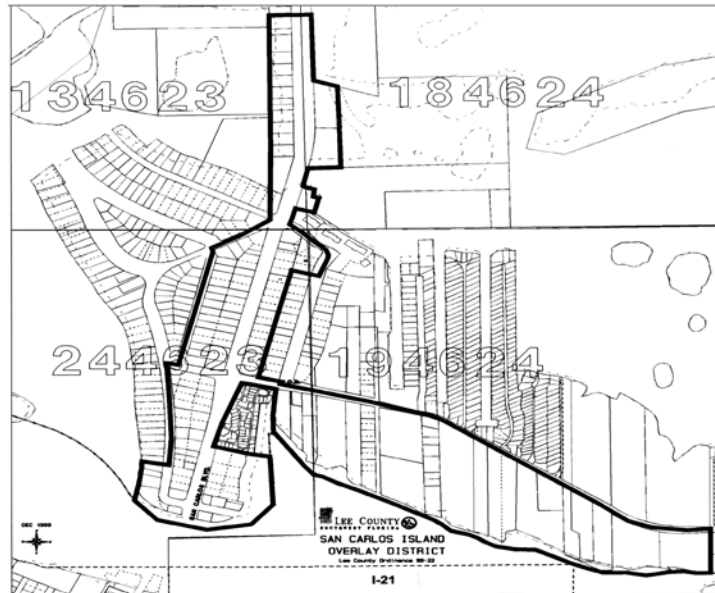


Figure 34-1091-A. San Carlos Island Redevelopment Overlay District

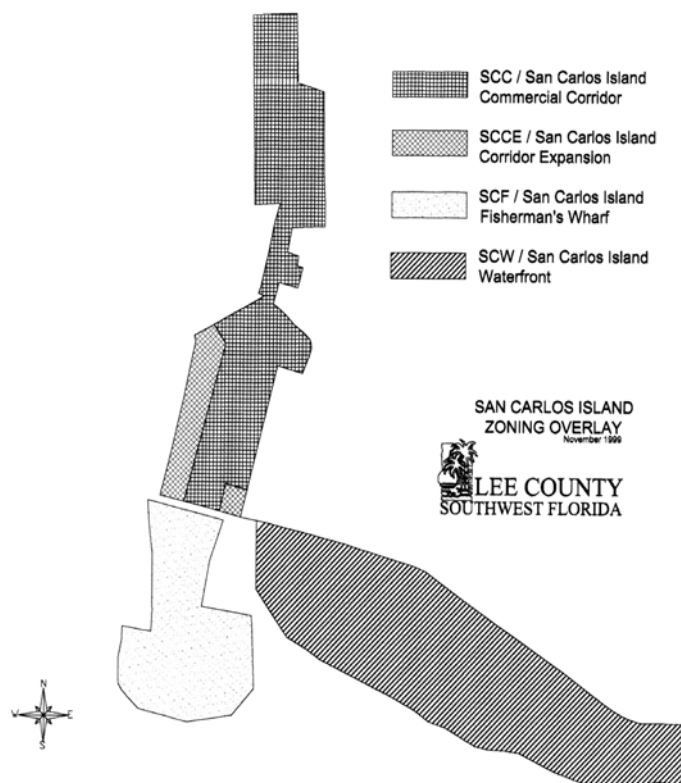


Figure 34-1091-B. San Carlos Island Zoning Overlay

(b) *Optional nature of these regulations.* Individual landowners may choose to follow all existing County regulations when they build or rebuild, or at solely their option, they may elect to develop or redevelop under the applicable provisions of this District. However, once a landowner elects to use any of the modified development regulations of this District on a particular parcel, then the landowner must comply with all of the applicable requirements of the district for that property. A landowner's election to redevelop or develop under the applicable district provisions must follow the procedure set forth in Section 34-1082(a) to become effective.

(c) *Planned Development Zoning.*

- (1) Property previously zoned to a planned development district will not be eligible to participate in the district through the administrative approval process for redevelopment overlay districts. Instead, amendments to their existing approvals must follow the existing planned development amendment process specified in Section 34-371.
- (2) Notwithstanding the above, new planned developments electing to participate in the redevelopment overlay district may be approved as part of the district, so long as the uses requested as part of the planned development are included in Table 1, in Section 34-1093, and requisite approvals are obtained.

Sec. 34-1092. Modified land development regulations, the Master Plan.

The District Master Site Plan (plan or MSP) contains graphic and textual aspects which modify the following specified land development regulations. A reduced copy of the San Carlos Island MSP is adopted by reference and included in reduced form as Figure 34-1091-B in Appendix I. In general, the SCC and SCF Subdistricts retain the uses allowed in the underlying zoning districts. The SCW and SCCE Subdistricts alter the uses from those of the underlying zoning district to allow those uses set forth in Table 1 of this section. In addition, the type of approval required for certain uses has been modified, as also set forth in Table 1 of this section. All other County land development regulations remain in full effect.

- (a) *Planning criteria and conditions for the SCCE Subdistrict.* No use set forth in Table 1 of this section for the SCCE Subdistrict can be approved unless the following planning criteria and conditions are found to exist by the Director or the Hearing Examiner, as applicable:
 - (1) The property to be developed is under unified control, and is abutting land within either the SCC Subdistrict or abutting lands previously approved for development in the SCCE Subdistrict under these provisions;
 - (2) There must be a unified plan of development shown on a Master Development Plan submitted with the development request;
 - (3) Vehicular access to the proposed development request area:
 - a. Is not allowed through a less intense or residential area; and
 - b. Must be either from San Carlos Boulevard or through joint access with adjacent properties;
 - (4) Landscaping and buffering is provided consistent with existing regulations in Section 10-416, except that:
 - a. Any reduced landscaping or buffering provisions of the district may not be utilized; and
 - b. If the property to be developed abuts South Street, a buffer that conforms to Section 10-416(d) must be provided along South Street; and
 - (5) The property to be developed or redeveloped must comply with all of the requirements of Chapter 10, without variances thereto.

(b) Land development regulations, land uses. Development requests. Applications for Development Permits electing to apply the land development regulations of the district are processed as administrative approvals pursuant to Section 34-1082(d), subject to the following:

- (1) The uses permitted within the SCC and SCF Subdistricts are those in effect for the underlying zoning districts at the time a complete application/legally sufficient development request is submitted.
- (2) Regardless of the uses allowed in an existing underlying zoning district, the only uses allowed in the SCW and SCCE Subdistricts are those set forth in Table 1 of this section at the time an application for Development Permit is deemed complete. development request is deemed legally sufficient. Land uses that are not expressly included in Table 1 of this section may be permitted by the Director only if they are no more intense than the most similar listed use, considering impacts such as noise, hours of operation, traffic generation, compatibility with the purposes of this overlay district and similar factors, and any required approvals are obtained.

(c) Use of Table 1. The following abbreviated terms have the meaning stated and apply to Table 1 and its explanatory notes: The letters "SE" mean a use only permitted by a special exception approved pursuant to Section 34-145(c), approval under Section 34-1082(d)(1)a is required as well; "—" means that the use is not allowed; and the letter "P" means a use is permitted subject to approval by the Director pursuant to Section 34-1082.

Table 1. Land Uses in the SCCE and SCW Subdistricts

<u>Land Uses</u>	<u>Special Notes or Regulations</u>	<u>SCCE</u>	<u>SCW</u>
<u>Accessory apartment</u>	<u>Section 34-1177, Note A</u>	<u>P</u>	<u>P</u>
<u>Administrative offices</u>		<u>P</u>	<u>P</u>
<u>ATM (automatic teller machine)</u>		<u>SE, Note I</u>	<u>P, Note B</u>
<u>Bait and tackle shop</u>		<u>SE, Note I</u>	<u>P, Note B</u>
<u>Banks and financial establishment, Group I (Section 34-622(c)(3))</u>		<u>SE, Note I</u>	
<u>Bar or cocktail lounge</u>	<u>Section 34-1261 et seq.</u>	<u>SE, Note I</u>	<u>SE, Note B</u>
<u>Bed and breakfast establishments</u>		<u>SE, Note I</u>	<u>—</u>
<u>Boats:</u>	<u>Section 34-1352</u>	<u>SE*</u>	
<u>Boat parts store</u>		<u>SE*</u>	<u>—</u>
<u>Boat rental</u>		<u>SE*</u>	<u>P</u>
<u>Boat repair and service</u>		<u>SE*</u>	<u>P</u>
<u>Boat sales</u>		<u>—</u>	<u>—</u>
<u>Boat storage (all heights)</u>		<u>*Note I</u>	<u>P</u>
<u>Boatyard</u>	<u>Note H</u>	<u>—</u>	<u>P</u>
<u>Clubs, private</u>	<u>Note A</u>	<u>SE</u>	<u>P</u>
<u>Commercial fishery including land support</u>		<u>SE, Note I</u>	<u>P</u>
<u>Commercial use of beachfront sea—ward of the waterbody setback line</u>		<u>—</u>	<u>P</u>
<u>Consumption on premises</u>	<u>Section 34-1261 et seq.</u>	<u>SE, Note I</u>	<u>SE, Note B</u>
<u>Cultural facilities, excluding animal or reptile exhibits and zoos</u>		<u>SE, Note I</u>	<u>—</u>
<u>Docking or mooring facilities</u>		<u>—</u>	<u>P</u>
<u>Drive-through facility for any permitted use</u>		<u>SE, Note I</u>	<u>—</u>

Dwelling unit, multiple-family units	Note A	SE, Note I	—
Entrance gates and gatehouses		SE, Note I	P
Essential services	Section 34-1611 et seq.	P	P
Essential service facilities (Section 34-622(c)(13)):			
• Group I	Section 34-1611 et seq.	P	P
• Group II		SE	SE
Excavation, water retention	Section 34-1651(b)	P	P
Fish house, wholesale, retail		SE, Note I	P
Food and beverage service, limited		SE	P, Note B
Freight and cargo handling establishments (Section 34-622(c)(17))	Note A	—	P
Gift and souvenir shop		SE, Note I	—
Home occupation		P	—
Hobby, toy, game shops (Section 34-622(c)(21))		SE, Note I	—
Hotel/motel		SE, Note I	—
Laundromat, laundry or dry cleaning, Group I (Section 34-622(c)(24))	Note B	SE, Note I	
Marina	Section 34-1862, Notes G & H	—	P
Offices, marine-oriented government	Note C	SE, Note I	P
Package store	Section 34-1261 et seq.	SE, Note I	—
Parks (Section 34-622(c)(32)), public or private:			
• Group I		P	P
• Group II (limited to boat ramps and nature trails)		SE	P
Parking lot:			
Accessory		P	P
Commercial		SE	—
Temporary		SE	P
Personal services (Section 34-622(c)(33)), Groups I and II		SE, Note I	—
Recreation, personal (Section 34-622(c)(38))		P	P
Rental or leasing establishments, Group I (Section 34-622(c)(39))	Sections 34-1352, 34-3001 et seq.	SE, Note I	—
Residential accessory uses (Section 34-622(c)(42))		P	—
Restaurants (Section 34-622(c)(43)):		SE*	
• Groups I, II		SE*	P
• With outdoor seating		*Note I	P
Schools, commercial (Section 34-622(c)(45))	Note D	SE, Note I	P
Signs in accordance with Chapter 30	Note F	P	P

<u>Specialty retail shop, Groups I, II, III (Section 34-622(c)(47))</u>		<u>SE, Note J</u>	<u>—</u>
<u>Temporary uses</u>	<u>Section 34-3041 et seq.</u>	<u>SE</u>	<u>P</u>
<u>Transportation services, Group I (Section 34-622(c)(53))</u>		<u>—</u>	<u>P Note J</u>
<u>Vehicle and equipment dealers, Group III (Section 34-622(c)(55))</u>	<u>Section 34-1352</u>	<u>SE, Note I</u>	<u>—</u>

Notes:

- A. Limited to marine-oriented operations.
- B. Limited to establishments which are clearly accessory and subordinate to a marina or commercial fishing land support facility.
- C. Mainly the U.S. Coast Guard, Army Corps of Engineers, State Department of Environmental Protection, Marine Patrol and other marine-oriented County facilities.
- D. Limited to marine-oriented schools such as sailing schools.
- E. Limited to seafood markets.
- F. As modified by Section 34-1092(e)(6).
- G. In addition to the marina accessory uses listed in Section 34-2, the following uses are included if clearly accessory and subordinate to a marina: food stores, laundry facilities, rental or leasing facilities, Group I, and specialty retail shop, Group I.
- H. Boat sales and boat part sales which are clearly accessory and subordinate to this use are allowed.
- I. This use is only allowed east of San Carlos Boulevard.
- J. This use is allowed only where the underlying zoning is CM or IM, and the land use category is Urban Community.

(d) Property development regulations, all subdistricts.

- (1) Required off-street parking. Off-street parking is generally required in accordance with Section 34-2011 et seq. Those requirements assume that patrons of each land use will arrive in a private automobile that will be parked in a private lot on the same premises. With the existing public parking lots in the district that may be used by the local merchants for customer parking, the number of off-street parking spaces required for any given land use must conform to Section 34-2020, except that marinas and other water-related uses will provide at least the following minimum number of parking spaces:

Boat slips: Two spaces per five slips.

Dry storage: One space per six slips.

Charter or party fishing boats, including passenger carrying vessels such as sunset trips, eco-trips, etc., but excluding local or international cruise ships: One space per four passengers, based on the maximum capacity of the boats using the docks or loading facilities.

- (2) Alternative parking surfaces for parking lots may be permitted within the District, except for parking lots abutting San Carlos Boulevard, provided that:

- a. The areas are adequately drained and continuously maintained in a dust-free manner. Acceptable alternative surfaces include gravel, crushed shell, or other similar materials. Parking on grass or other unimproved surfaces such as sand or dirt is prohibited; and

- b. Parking spaces for disabled persons must be paved with asphalt or concrete to provide a smooth surface without gaps or holes that would create a danger to the user.
- (e) Property development regulations, SCC and SCF Subdistricts only. The Director may administratively approve modifications to the property development regulations, ground-mounted sign regulations, off-street parking requirements, open space and buffering requirements set forth for the underlying zoning district for those properties in the SCC and SCF Subdistricts that physically abut or front upon San Carlos Boulevard, so long as the requirements below are met. All other properties within the SCC and SCF Subdistricts are subject to the land development regulations applicable to the underlying zoning in effect at the time a legally sufficient development request is submitted.
- (1) Property development regulations.
 - a. Lot requirements. Minimum lot dimension or area requirements set forth for the zoning districts in which an eligible property is located may be administratively reduced by the Director as follows:
 - 1. For an existing lot where the need for the reduction resulted from a government road right-of-way acquisition program and was not otherwise self-created; or
 - 2. To create a new lot with a reduced lot depth, if the lot would comply with all lot width and area requirements and the lot is otherwise created in accordance with all other applicable regulations.
 - b. Setbacks. The minimum street, side or rear setback requirements set forth in the property development regulations for the underlying zoning districts in which the property is located may be reduced by the Director as follows:
 - 1. Existing buildings and structures. Buildings and structures within the overlay district that are not in compliance with the street setback requirements of Section 34-2192 will be considered legally nonconforming, subject to the provisions of Section 34-3203(a) and (b), so long as the noncompliance resulted from a governmental road right-of-way acquisition program.
 - 2. New buildings and structures. Any building or structure erected after January 1, 1999, must comply with all applicable setback development regulations for the underlying zoning districts then in effect, except that:
 - i. Where existing buildings on the abutting properties on both sides of the property in question are located closer to the street right-of-way than allowed by Section 34-2192, the Director may approve a minimum street setback equal to the average setback of the existing buildings on the abutting property; or
 - ii. Where only one of the abutting lots has an existing building, the Director may approve a setback equal to one-half of the sum of the minimum setback for the existing building on the abutting lot and the required setback.
 - 3. Street setbacks for flag poles may be reduced by the Director so long as no part of the structure encroaches into the public right-of-way.
 - c. Maximum lot coverage. If a portion of a site's parking or other development was reduced by a governmental road right-of-way acquisition program, then the site area lost thereby may be calculated as part of the overall lot area when determining maximum permitted lot coverage.

- (2) Open space, landscaping, and buffering. The minimum open space, landscaping, and buffering required for developments may be modified as follows:
- a. Lots that meet or exceed required standards. Lots that meet or exceed the minimum area requirements for the underlying zoning districts in which the property is located must comply with all open space, landscaping, and buffering requirements in effect at the time the Application for Development Permit is deemed completed ~~development request is deemed legally sufficient.~~
 - b. Lots that cannot meet standards. The Director may administratively approve modifications to the buffering, open space, and landscaping requirements for lots that cannot meet the area or dimensional requirements of the underlying zoning districts in which the property is located where the noncompliance resulted from a governmental right-of-way acquisition program and was not otherwise self-created, as follows:
 1. Buffering. Buffer areas between parking lots and the street right-of-way line may be waived, provided that a fence, wall or other acceptable method (e.g., bollards) is used to prevent vehicles from entering the parking lot or parking spaces at other than the site's designated access point. If waiving the buffering requirements would still not allow the property to be developed in compliance with all other applicable regulations, then the Director may administratively approve modifications to the open space requirements, as set forth below.
 2. Open space. The percentage of open space required by the underlying zoning districts may be reduced by up to 50 percent. If reducing the open space requirements by 50 percent would still not allow the property to be developed in compliance with all other applicable regulations, then the Director may administratively approve modifications to the landscaping requirements, as set forth below.
 3. Landscaping. Landscaping requirements may be reduced in proportion to approved modifications to the open space requirements.
- (3) Access. The Director, subject to approval of the State Department of Transportation, where required, may reduce the access point distance separation requirements to accommodate driveway or parking lot accesses, but only if they provide the sole vehicle access to two or more abutting properties.
- (4) Off-street parking. Alternative parking patterns such as off-site or shared parking lots are encouraged in the SCC and SCF Subdistricts. To allow flexibility in meeting a site's parking requirements, the Director may make modifications as follows:
- a. Properties meeting certain minimum lot requirements. No parking modifications may be administratively approved for any use located on a lot or parcel that meets the minimum lot depth, width, and area requirements for the underlying zoning districts in which located notwithstanding the effect of a governmental right-of-way acquisition program.
 - b. Properties reduced below minimum depth requirements.
 1. The Director may administratively reduce the number of required parking spaces otherwise required in proportion to any reduction in a parcel's area resulting from a governmental right-of-way acquisition program. For example, if a lot lost 1,000 square feet of area for road right-of-way (ROW) purposes (100-foot frontage by ten-foot depth for new ROW) and the resulting lot depth was reduced below the minimum for the underlying zoning districts, then the parking requirements may be reduced by the Director up to six spaces (1,000 square feet divided by 162 square feet, the area of the standard parking space, i.e., nine feet by 18 feet, which equals 6.17, reduced to the next lower whole

number, six) in order to meet the parking requirement. If the parking requirements still cannot be met, the Director may administratively approve the minimum number of off-site parking spaces necessary to meet the site's parking requirements, so long as:

- i. The site's property owner has entered into a written agreement with the property owner of the off-site parking lot that has been approved by the County Attorney's office and recorded in the County's public records;
- ii. The furthest parking space in the off-site parking lot is located no more than 300 feet from the property in question; and
- iii. No road or other restrictive barrier exists between the use and the parking lot that would prohibit safe pedestrian travel.

2. To allow flexibility in meeting a site's parking requirements, the Director may administratively approve a request to allow up to 50 percent of the required number of parking spaces for land uses in the SCC and SCF Subdistricts to be located off-site, so long as the requirements of Sections 34-1089 and 34-2020(e) are met.

(5) Off-street loading. Businesses within these subdistricts are exempt from providing designated off-street loading zones as required by Section 10-260 et seq.

(6) Signs.

- a. All signs within the SCC and SCF Subdistricts must comply with Chapter 30 except that where an existing building on the property is closer to the right-of-way than the minimum setback required by Section 34-2192 as a result of a governmental right-of-way acquisition program such that a ground-mounted sign could not be located between the existing building and the right-of-way and still comply with Chapter 30, then the Director may administratively approve either of the following alternatives:

1. Reduce the required sign setback to accommodate a permitted ground-mounted sign, provided that no part of the sign may encroach into or over the public right-of-way or otherwise create an unsafe condition for passing motorists (see Section 30-1(b)); or
2. Approve a ground-mounted sign to be located in the side yard next to the building but at a higher height than normally permitted, provided that the sign is the minimum height necessary to sufficiently convey a message about the owner or occupants of the property, the commodities, products or services available on the property, or the business activities conducted on such property (see Section 30-1(e)(4)); and does not exceed 30 feet in height.

- b. New billboards are not permitted within the SCC or SCF Subdistricts. Existing billboards destroyed by fire or other natural forces beyond 50 percent may be rebuilt in their current locations, at their current size.

(f) Property development regulations, SCW and SCCE Subdistricts and certain properties in the SCC and SCF Subdistricts. Modified land development regulations for the SCW and SCCE Subdistricts and those properties in the SCC and SCF Subdistricts which do not abut or front upon San Carlos Boulevard are set forth in Table 2 of this section. Off-street parking for these areas is addressed in Subsection (g) of this section. Except where specifically noted, the terminology and special regulations found in Table 2 have the same meaning and effect as they do throughout this chapter. All other land development regulations applicable to the underlying zoning districts and development request will continue to have their same force and effect.

Table 2. Property Development Regulations for SCW, SCCE, and
Portions of SCC and SCF Subdistricts*

	<u>Special Notes or Regulations</u>	<u>*As limited in Subsection (f) of this section</u>
<u>Minimum lot area and dimensions</u>		
<u>Minimum lot size:</u>	<u>Section 34-2221</u>	<u>10,000 sq. ft.</u>
<u>Lot width</u>	<u>Section 34-2222</u>	<u>50 ft.</u>
<u>Lot depth</u>		<u>100 ft.</u>
<u>Minimum building setbacks</u>		
<u>Street (from edge of right-of-way)</u>	<u>Section 34-2191</u>	<u>25 ft.</u>
<u>Side yard</u>	<u>Section 34-2192</u>	<u>20 ft.</u>
<u>Rear yard</u>	<u>Section 34-1174</u>	<u>20 ft.</u>
<u>Waterbody</u>	<u>Notes B & C</u>	<u>25 ft.</u>
<u>Minimum building separation</u>		<u>20 ft.</u>
<u>Minimum accessory use setbacks</u>		<u>25 ft.</u>
• <u>Street</u>		<u>25 ft.</u>
• <u>Side and rear lot lines</u>	<u>Note A</u>	<u>0 ft. or 20 ft.</u>
• <u>Waterbody</u>	<u>Notes B & C</u>	<u>25 ft.</u>
<u>Maximum height</u>	<u>Section 34-2171 et seq., Note D</u>	<u>35 ft. or 3 habitable stories, whichever is less</u>
<u>Maximum lot coverage</u>		<u>60%</u>

Notes: All notes referencing LDC sections must be complied with and met, plus the following, as applicable:

- A. The zero feet setback applies only to attached commercial buildings.
- B. Limited to docks, nonroofed boardwalks, and decks with public access.
- C. Boat service buildings or boat service structures, whether principal or accessory structures, may be built up to the mean high water line, as applicable.
- D. For boat storage facilities, dry, located within an existing IM, IL and CM Zoning Districts located in the SCW Subdistrict, the setback requirements of Section 34-2174 are modified to only require the setbacks for heights greater than 55 feet above mean sea level.

(g) Off-street parking for the SCW and SCCE Subdistricts and certain properties in the SCC and SCF Subdistricts. It is an important element of this District to allow alternative parking patterns such as shared parking lots for the SCW and SCCE Subdistricts and those properties in the SCC and SCF Subdistricts that do not abut or front upon San Carlos Boulevard. To allow flexibility in meeting a site's parking requirements in these areas, the Director may administratively approve a development request to allow up to 50 percent of the required number of parking spaces for any land use in the SCW and SCCE Subdistricts and those properties in the SCC and SCF Subdistricts that do not abut or front upon San Carlos Boulevard to be located off-site, so long as:

- (1) The site's property owner has entered into a written agreement with the property owner of the off-site parking lot which has been approved by the County Attorney's office and recorded in the County's public records;
- (2) No road or other restrictive barrier would exist between the site and the proposed off-site parking that would prohibit safe pedestrian travel; and
- (3) The furthest parking space in the off-site parking lot is located no more than 300 feet from the property in question, except that:

- a. The Director may approve the use of parking spaces greater than 300 feet off-site up to 1,000 feet off-site, so long as the applicant demonstrates that no other spaces for parking are available closer than those being proposed; or
- b. If there are still not a sufficient number of spaces available within 1,000 feet, then so long as a shuttle service acceptable to the Director is provided and maintained between the parking spaces and the uses they serve, such parking may be used to meet up to 50 percent of the overall parking requirement.

Secs. 34-1904 – 34-1100. Reserved.

DIVISION 12. AIRPORT COMPATIBILITY DISTRICT

Secs. 34-1113—34-~~1124~~1168. Reserved.

DIVISION 13. DISTRICT-SPECIFIC DEVELOPMENT REGULATIONS

Staff note: New Division 13 is proposed to incorporate the Matlacha Residential Overlay, North Fort Myers Commercial Corridor and Lehigh Acres Commercial Overlay, and Northeast Lee County New Community.

Subdivision I. - Commercial Overlay Districts

Sec. 34-1125. Applicability.

The provisions of this subdivision apply to all commercially-zoned properties within the Lehigh Acres Commercial Overlay Zones designated by the Lee Plan or commercially-zoned properties with frontage on, or contiguous to and developed in conjunction with properties with frontage on, the following roadways within North Fort Myers Community Plan Area:

- (a) U.S. 41/Cleveland Avenue.
- (b) Old 41/Tamiami Trail.
- (c) Pine Island/Bayshore Road (West of I-75).
- (d) Hancock Bridge Parkway.
- (e) Pondella Road.

For the purposes of this subdivision, “developed in conjunction with” means development approved by the same Development Permit.

Sec. 34-1126. Property development regulations.

Staff note: Section 34-1126 replaces the North Fort Myers-specific Commercial Corridor Property Development Regulations in favor of the development standards within the Mixed-Use Overlay.

Properties located in a Commercial Overlay District may apply the alternative property development regulations under the MUO category in Table 34-845.

Sec. 34-1127. Use regulations.

Staff note: Relocate the use regulations from LDC Section 33-1596, which is proposed for deletion in its entirety. Revise applicability to govern Commercial Overlay Districts consistent with Section 34-1125, and update cross-references and notes for consistency and clarity. Unlike the current Commercial Corridor regulations, which

supersede the underlying zoning district, the revised overlay regulations apply in addition to the underlying zoning. Marinas are identified as permitted uses only on property within the Water Dependent Overlay to consolidate applicable use regulations from the Town Center provisions proposed for deletion from Section 33-1604.

The following use regulations apply to Commercial Overlay Districts in addition to the use regulations of the underlying zoning district. Where the underlying zoning district and these use regulations provide different approval classifications for the same use, the less restrictive approval classification shall apply***:

<u>Use Description</u>	<u>Special Notes or Regulations</u>	<u>Commercial Corridor</u>
<u>Accessory apartment</u>	<u>Notes (1) & (25), Section 34-1177</u>	<u>P</u>
<u>Administrative offices</u>	<u>==</u>	<u>P</u>
<u>Aircraft landing facilities, private: Lawfully existing:</u>	<u>==</u>	<u>==</u>
<u>Expansion of aircraft landing strip, helistop or heliport landing pad</u>	<u>Section 34-1231 et seq.</u>	<u>SE*</u>
<u>New accessory buildings</u>	<u>Section 34-1231 et seq.</u>	<u>P</u>
<u>Aircraft landing facilities, private; new:</u>	<u>==</u>	<u>==</u>
<u>Aircraft landing strip and ancillary hangars, sheds and equipment</u>	<u>==</u>	<u>==</u>
<u>Heliport</u>	<u>==</u>	<u>==</u>
<u>Helistop</u>	<u>Section 34-1231 et seq.</u>	<u>SE*</u>
<u>Animals, Keeping and breeding of Class I or Class II (df)</u>	<u>==</u>	<u>==</u>
<u>Amateur radio antennas and satellite earth stations when accessory to an existing principal use</u>	<u>==</u>	<u>Refer to Section 34-1175 for regulations</u>
<u>Amusement park, less than ten acres</u>	<u>==</u>	<u>==</u>
<u>Animals:</u>	<u>==</u>	<u>==</u>
<u>Clinic</u>	<u>Section 34-1321 et seq.</u>	<u>P</u>
<u>Kennel</u>	<u>Section 34-1321 et seq.</u>	<u>P</u>
<u>Control center (including Humane Society)</u>	<u>==</u>	<u>SE*</u>
<u>Assisted living facility</u>	<u>Notes (9), (29), Section 34-1411 et seq.</u>	<u>P</u>
<u>ATM (automatic teller machine)</u>	<u>==</u>	<u>P</u>
<u>Auto parts store +A41:</u>	<u>==</u>	<u>==</u>
<u>No installation service</u>	<u>Note (19) Section 34-1351</u>	<u>P</u>
<u>With installation service</u>	<u>Note (19) Sections 34- 1351, 34-1353</u>	<u>P</u>
<u>Automobile repair and service (Section 34- 622(c)(2)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>Note (19) Sections 34- 1351, 34-1353</u>	<u>P</u>
<u>Group II</u>	<u>Note (19) Sections 34- 1351, 34-1353</u>	<u>P</u>
<u>Automobile service station</u>	<u>Notes (19) & (3334), Sections 34-1351, 34-1353</u>	<u>P</u>
<u>Bait and tackle shop</u>	<u>Note (33)</u>	<u>P</u>

<u>Banks and financial establishments (Section 34-622(c)(3)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>==</u>	<u>P</u>
<u>Group II</u>	<u>==</u>	<u>P</u>
<u>Bar, cocktail lounge or nightclub as an accessory use to a hotel or restaurant</u>	<u>Sections 34-1201 et seq., 34-1261 et seq.</u>	<u>AA/SE*</u>
<u>Bar, cocktail lounge or nightclub (freestanding)</u>	<u>Sections 34-1201 et seq., 34-1261 et seq.</u>	<u>SE**</u>
<u>Bed and breakfast (df)</u>	<u>Note (25), Section 34-1494</u>	<u>P</u>
<u>Boardinghouse</u>	<u>Note (25), Section 34-1493</u>	<u>P</u>
<u>Boats:</u>	<u>==</u>	<u>==</u>
<u>Boat parts store</u>	<u>==</u>	<u>P</u>
<u>Boat ramp</u>	<u>==</u>	<u>P</u>
<u>Boat rental</u>	<u>==</u>	<u>P</u>
<u>Boat repair and service</u>	<u>==</u>	<u>==</u>
<u>Boat sales</u>	<u>==</u>	<u>P</u>
<u>Boat storage, dry, not exceeding 18 feet above grade</u>	<u>Note (32)</u>	<u>SE*</u>
<u>Boat storage, dry, exceeding 18 feet above grade</u>	<u>Note (32)</u>	<u>SE*</u>
<u>Brewpub</u>	<u>Section 34-1261 et seq.</u>	<u>AA/SE*</u>
<u>Broadcast studio, commercial radio and television</u>	<u>Section 34-1441 et seq.</u>	<u>P</u>
<u>Building materials sales (Section 34-622(c)(4))</u>	<u>==</u>	<u>P</u>
<u>Business services (Section 34-622(c)(5)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>==</u>	<u>P</u>
<u>Group II</u>	<u>==</u>	<u>P</u>
<u>Bus station/depot</u>	<u>Section 34-1381 et seq.</u>	<u>P</u>
<u>Caretaker's residence</u>	<u>Note (30)</u>	<u>SE*</u>
<u>Car wash</u>	<u>Section 34-1353</u>	<u>P</u>
<u>Cleaning and maintenance services (Section 34-622(c)(7))</u>	<u>==</u>	<u>P</u>
<u>Clothing stores, general (Section 34-622(c))</u>	<u>==</u>	<u>P</u>
<u>Clubs:</u>	<u>==</u>	<u>==</u>
<u>Country</u>	<u>==</u>	<u>P</u>
<u>Commercial</u>	<u>==</u>	<u>P</u>
<u>Fraternal</u>	<u>Section 34-2111</u>	<u>P</u>
<u>Membership organization</u>	<u>Section 34-2111</u>	<u>P</u>
<u>Private</u>	<u>==</u>	<u>P</u>
<u>Cold storage warehouse and processing plant (including pre-cooling)</u>	<u>==</u>	<u>==</u>
<u>Commercial fishery</u>	<u>==</u>	<u>==</u>
<u>Communication facility, wireless</u>	<u>Refer to Section 34-1441 et seq. for regulations</u>	<u>P</u>

<u>Community residential home</u>	<u>Note (29)</u>	<u>P</u>
<u>Consumption on premises</u>	<u>Section 34-1261 et seq.,</u> <u>Note (33)</u>	<u>P/AA/SE Refer to bars,</u> <u>cocktail lounges, and</u> <u>nightclubs</u>
<u>Contractors and builders (Section 34-622(c)(9)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>==</u>	<u>P</u>
<u>Group II</u>	<u>==</u>	<u>P</u>
<u>Group III</u>	<u>==</u>	<u>SE*</u>
<u>Convenience food and beverage store</u>	<u>Section 34-1353</u>	<u>P</u>
<u>Cultural facilities (Section 34-622(c)(10))</u>	<u>==</u>	<u>P</u>
<u>Day care center, adult, child</u>	<u>Note (25)</u>	<u>P</u>
<u>Department store</u>	<u>==</u>	<u>P</u>
<u>Dormitory</u>	<u>Note (25)</u>	<u>P</u>
<u>Drive-through facility for any permitted use</u>	<u>==</u>	<u>P</u>
<u>Drugstore, pharmacy</u>	<u>==</u>	<u>P</u>
<u>Dwelling unit:</u>	<u>==</u>	<u>==</u>
<u>Duplex</u>	<u>Notes (25) & (35)</u>	<u>EO</u>
<u>Single-family</u>	<u>Note (26)</u>	<u>EO</u>
<u>Two-family attached</u>	<u>Notes (25) & (35)</u>	<u>EO</u>
<u>Townhouse</u>	<u>Note (25)</u>	<u>P</u>
<u>Mobile home</u>	<u>==</u>	<u>==</u>
<u>Multiple-family building</u>	<u>Note (25)</u>	<u>P</u>
<u>Entrance gates and gatehouse</u>	<u>Section 34-1748</u>	<u>P</u>
<u>Emergency operations center</u>	<u>==</u>	<u>P</u>
<u>EMS, fire or sheriff's station</u>	<u>Note (33)</u>	<u>P</u>
<u>Essential services</u>	<u>Section 34-1611 et seq.</u>	<u>P</u>
<u>Essential service facilities (Section 34-622(c)(13)),</u> <u>Group I</u>	<u>Section 34-1611 et seq.</u>	<u>P</u>
<u>Excavation:</u>	<u>==</u>	<u>==</u>
<u>Mining</u>	<u>==</u>	<u>==</u>
<u>Water retention</u>	<u>Section 34-1651 et seq.</u>	<u>P</u>
<u>Oil or gas</u>	<u>==</u>	<u>==</u>
<u>Farm equipment, sales, storage, rental or service</u>	<u>==</u>	<u>P</u>
<u>Feed or fertilizer, mixing and sales</u>	<u>==</u>	<u>P</u>
<u>Fish house, wholesale</u>	<u>==</u>	<u>==</u>
<u>Flea market:</u>	<u>==</u>	<u>==</u>
<u>Open</u>	<u>==</u>	<u>EO</u>
<u>Indoor</u>	<u>==</u>	<u>P</u>
<u>Food and beverage service, limited</u>	<u>==</u>	<u>SE*</u>
<u>Food stores (Section 34-622(c)(16)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>Note (33)</u>	<u>P</u>

<u>Group II</u>	<u>==</u>	<u>P</u>
<u>Food Truck Park</u>	<u>Section 34-2352</u>	<u>P/SE</u>
<u>Fraternity house</u>	<u>== Section 34-1493</u>	<u>==</u>
<u>Freight and cargo handling establishments (Section 34-622(c)(17))</u>	<u>==</u>	<u>==</u>
<u>Funeral home or mortuary:</u>	<u>==</u>	<u>==</u>
<u> No cremation</u>	<u>==</u>	<u>P</u>
<u> With cremation</u>	<u>==</u>	<u>P</u>
<u>Gambling establishments and casino style gaming</u>	<u>==</u>	<u>SE**</u>
<u>Gasoline dispensing system, special</u>	<u>==</u>	<u>==</u>
<u>Hardware store</u>	<u>==</u>	<u>P</u>
<u>Health care facility (Section 34-622(c)(20)):</u>	<u>==</u>	<u>==</u>
<u> Group I (less than 50 beds)</u>	<u>==</u>	<u>==</u>
<u> Group II (less than 50 beds)</u>	<u>==</u>	<u>==</u>
<u> Group III</u>	<u>==</u>	<u>P</u>
<u> Group IV</u>	<u>==</u>	<u>==</u>
<u>Heliport or helistop</u>	<u>==</u>	<u>See aircraft landing facilities, private</u>
<u>Hobby, toy and game shops (Section 34-622(c)(21))</u>	<u>==</u>	<u>P</u>
<u>Home care facility</u>	<u>Note (25)</u>	<u>P</u>
<u>Home occupation:</u>	<u>==</u>	<u>==</u>
<u> No outside help</u>	<u>Note (27), Section 34-1771 et seq.</u>	<u>P</u>
<u> With outside help</u>	<u>Note (27), Section 34-1771 et seq.</u>	<u>AA</u>
<u>Hotel/motel</u>	<u>Note (31), Section 34-1801 et seq.</u>	<u>P</u>
<u>Household and office furnishings (Section 34-622(c)(22)):</u>	<u>==</u>	<u>==</u>
<u> Group I</u>	<u>==</u>	<u>P</u>
<u> Group II</u>	<u>==</u>	<u>P</u>
<u> Group III</u>	<u>==</u>	<u>P</u>
<u>Impound yard</u>	<u>==</u>	<u>==</u>
<u>Insurance companies (Section 34-622(c)(23))</u>	<u>==</u>	<u>P</u>
<u>Laundromat</u>	<u>==</u>	<u>P</u>
<u>Laundry or dry cleaning (Section 34-622(c)(24)):</u>	<u>==</u>	<u>==</u>
<u> Group I</u>	<u>==</u>	<u>P</u>
<u> Group II</u>	<u>==</u>	<u>P</u>
<u>Lawn and garden supply store</u>		<u>P</u>
<u>Library</u>	<u>Note (25)</u>	<u>P</u>
<u>Maintenance facility (government)</u>	<u>==</u>	<u>P</u>
<u>Manufacturing of:</u>	<u>==</u>	<u>==</u>

<u>Apparel products (Section 34-622(c)(1))</u>	<u>==</u>	<u>EO</u>
<u>Dairy products (SIC 202 only)</u>	<u>==</u>	<u>EO</u>
<u>Electrical machinery and equipment (Section 34-622(c)(11))</u>	<u>==</u>	<u>EO</u>
<u>Fabricated metal products</u>	<u>==</u>	<u>EO</u>
<u>(Section 34-622(c)(14)), Group III</u>	<u>==</u>	<u>EO</u>
<u>Food and kindred products</u>	<u>==</u>	<u>EO</u>
<u>(Section 34-622(c)(15)), Group III</u>	<u>==</u>	<u>EO</u>
<u>Leather products</u>	<u>==</u>	<u>EO</u>
<u>(Section 34-622(c)(25)), Group II</u>	<u>==</u>	<u>EO</u>
<u>Lumber and wood products</u>	<u>==</u>	<u>EO</u>
<u>(Section 34-622(c)(26)), Group II</u>	<u>==</u>	<u>EO</u>
<u>Measuring, analyzing and controlling instruments (Section 34-622(c)(28))</u>	<u>==</u>	<u>EO</u>
<u>Novelties, jewelry, toys and signs (Section 34-622(c)(29)), all groups</u>	<u>==</u>	<u>EO</u>
<u>Rubber and plastic products (Section 34-622(c)(44)), Group II</u>	<u>==</u>	<u>EO</u>
<u>Marina</u>	<u>Section 34-1862</u>	<u>P/EO ***</u>
<u>Marina, ancillary uses</u>	<u>==</u>	<u>P/EO ***</u>
<u>Mass transit depot or maintenance facility (government-operated)</u>	<u>==</u>	<u>SE*</u>
<u>Medical office</u>	<u>==</u>	<u>P</u>
<u>Micro-brewery, -distillery, -winery</u>	<u>Section 34-1261 et seq.</u>	<u>AA/SE*</u>
<u>Mobile home dealers</u>	<u>Section 34-1352</u>	<u>SE*</u>
<u>Model:</u>	<u>==</u>	<u>==</u>
<u>Home</u>	<u>Section 34-1951 et seq.</u>	<u>P</u>
<u>Unit</u>	<u>Section 34-1951 et seq.</u>	<u>P</u>
<u>Display center</u>	<u>Section 34-1951 et seq.</u>	<u>P</u>
<u>Multi-slip docking facility</u>	<u>==</u>	<u>P</u>
<u>Nightclubs</u>	<u>Sections 34-1201 et seq., 34-1261 et seq.</u>	<u>Refer to bars, cocktail lounges, and nightclubs</u>
<u>Nonstore retailers (Section 34-622(c)(30)), all groups</u>	<u>==</u>	<u>P</u>
<u>Package store</u>	<u>Section 34-1261 et seq.</u>	<u>P</u>
<u>Paint, glass and wallpaper</u>	<u>==</u>	<u>P</u>
<u>Parks (Section 34-622(c)(32)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>==</u>	<u>P</u>
<u>Group II</u>	<u>==</u>	<u>SE*</u>
<u>Parking lot:</u>	<u>==</u>	<u>==</u>
<u>Accessory</u>	<u>==</u>	<u>P</u>
<u>Commercial</u>	<u>==</u>	<u>SE*</u>
<u>Garage, public parking</u>	<u>==</u>	<u>SE*</u>

<u>Temporary</u>	<u>Note (14), Section 34-3049</u>	<u>P</u>
<u>Pawnshop</u>	<u>==</u>	<u>SE**</u>
<u>Personal services**** (Section 34-622(c)(33)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>==</u>	<u>P</u>
<u>Group II</u>	<u>==</u>	<u>P</u>
<u>Group III</u>	<u>==</u>	<u>P</u>
<u>Group IV</u>	<u>==</u>	<u>P</u>
<u>Pet services</u>	<u>==</u>	<u>P</u>
<u>Pet shop</u>	<u>==</u>	<u>P</u>
<u>Pharmacy</u>	<u>==</u>	<u>P</u>
<u>Place of worship</u>	<u>Note (25), Section 34-2051 et seq.</u>	<u>P</u>
<u>Plant nursery</u>		<u>P</u>
<u>Post office</u>	<u>==</u>	<u>P</u>
<u>Printing and publishing (Section 34-622(c)(36))</u>	<u>==</u>	<u>SE*</u>
<u>Processing and warehousing</u>	<u>==</u>	<u>EO</u>
<u>Produce stand</u>	<u>==</u>	<u>==</u>
<u>Racetracks (Section 34-622(c)(37)): Groups I and II</u>	<u>==</u>	<u>==</u>
<u>Recreation facilities: Commercial (Section 34-622(c)(38)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>==</u>	<u>P</u>
<u>Group III</u>	<u>Note (20)</u>	<u>P/SE*</u>
<u>Group IV</u>	<u>Note (20)</u>	<u>P/SE*</u>
<u>Recreation facilities: Personal</u>	<u>==</u>	<u>P</u>
<u>Recreation facilities: Private on-site</u>	<u>==</u>	<u>P</u>
<u>Recreation facilities: Private off-site</u>	<u>==</u>	<u>P</u>
<u>Recycling facility</u>	<u>==</u>	<u>SE*</u>
<u>Religious facilities</u>	<u>Note (25), Section 34-2051 et seq.</u>	<u>P</u>
<u>Rental or leasing establishments (Section 34-622(c)(39)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>Sections 34-1352, 34-3001 et seq., Note (33)</u>	<u>P</u>
<u>Group II</u>	<u>Sections 34-1352, 34-3001 et seq.</u>	<u>P</u>
<u>Group III</u>	<u>Sections 34-1352, 34-3001 et seq.</u>	<u>P</u>
<u>Group IV, except for truck tractors, semitrailers, dump trucks similar large transportation and hauling equipment.</u>	<u>Sections 34-1352, 34-3001 et seq.</u>	<u>P</u>
<u>Repair shops (Section 34-622(c)(40)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>==</u>	<u>P</u>
<u>Group II</u>	<u>==</u>	<u>P</u>

<u>Group III</u>	<u>==</u>	<u>P</u>
<u>Group IV</u>	<u>==</u>	<u>P</u>
<u>Group V</u>	<u>==</u>	<u>==</u>
<u>Research and development laboratories (Section 34-622(c)(41)):</u>	<u>==</u>	<u>==</u>
<u>Group II</u>	<u>==</u>	<u>P</u>
<u>Group IV</u>	<u>==</u>	<u>P</u>
<u>Residential accessory uses (Section 34-622(c)(42))</u>	<u>Note (27)</u>	<u>P</u>
<u>Restaurant, fast food</u>	<u>Section 34-1353</u>	<u>P</u>
<u>Restaurants (Section 34-622(c)(43)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>Note (33)</u>	<u>P</u>
<u>Group II</u>	<u>Note (33)</u>	<u>P</u>
<u>Group III</u>	<u>Note (33)</u>	<u>P</u>
<u>Group IV</u>	<u>==</u>	<u>P</u>
<u>Roominghouse</u>	<u>— Section 34-1493</u>	<u>==</u>
<u>Schools:</u>	<u>==</u>	<u>==</u>
<u>Commercial (Section 34-622(c)(45))</u>	<u>Section 34-2381</u>	<u>P</u>
<u>Noncommercial</u>	<u>Note (25),</u> <u>Section 34-2381</u>	<u>P</u>
<u>Self-service fuel pumps</u>	<u>Note(18)</u>	<u>P</u>
<u>Signs in accordance with Chapter 30</u>	<u>==</u>	<u>P</u>
<u>Social services (Section 34-622(c)(46)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>==</u>	<u>P</u>
<u>Group II</u>	<u>==</u>	<u>P</u>
<u>Group III</u>	<u>==</u>	<u>Planned Development</u>
<u>Group IV</u>	<u>==</u>	<u>Planned Development</u>
<u>Specialty retail shop (Section 34-622(c)(47)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>==</u>	<u>P</u>
<u>Group II</u>	<u>==</u>	<u>P</u>
<u>Group III</u>	<u>==</u>	<u>P</u>
<u>Group IV</u>	<u>==</u>	<u>P</u>
<u>Stable, commercial</u>	<u>==</u>	<u>==</u>
<u>Storage:</u>	<u>==</u>	<u>==</u>
<u>Indoor only</u>	<u>Section 34-3001 et seq.</u>	<u>P</u>
<u>Storage, open</u>	<u>Sections 34-3001 et seq.,</u> <u>34-1352</u>	<u>SE*</u>
<u>Studios (Section 34-622(c)(49))</u>	<u>==</u>	<u>P</u>
<u>Supermarket</u>	<u>==</u>	<u>P</u>
<u>Temporary uses</u>	<u>Section 34-3041 et seq.</u>	<u>P</u>
<u>Theater:</u>	<u>==</u>	<u>==</u>
<u>Indoor</u>	<u>Section 34-2471 et seq.</u>	<u>P</u>

<u>Drive-in</u>	<u>Note (25), CPD or MPD only</u> <u>Section 34-2471 et seq.</u>	<u>EO</u>
<u>Timeshare units</u>	<u>Note (25), Section 34-1493</u>	<u>SE*</u>
<u>Transportation services (Section 34-622(c)(53)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>==</u>	<u>P/EO***</u>
<u>Group II</u>	<u>==</u>	<u>P</u>
<u>Group III</u>	<u>==</u>	<u>P</u>
<u>Group IV</u>	<u>==</u>	<u>P</u>
<u>Truck stop</u>	<u>==</u>	<u>==</u>
<u>Trucking terminal, motor, rail, air, including warehousing of goods awaiting shipment, parking, and storage of rolling stock</u>	<u>==</u>	<u>==</u>
<u>Used merchandise stores (Section 34-622(c)(54)):</u>	<u>==</u>	<u>==</u>
<u>Group I, except pawn shops</u>	<u>==</u>	<u>P</u>
<u>Group I, limited to indoor display only</u>	<u>==</u>	<u>P</u>
<u>Group II</u>	<u>==</u>	<u>P</u>
<u>Group III</u>	<u>==</u>	<u>P</u>
<u>Group IV</u>	<u>==</u>	<u>EO</u>
<u>Variety store</u>	<u>==</u>	<u>P</u>
<u>Vehicle and equipment dealers (Section 34-622(c)(55)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>Section 34-1352</u>	<u>P</u>
<u>Group II</u>	<u>Section 34-1352</u>	<u>P</u>
<u>Group III</u>	<u>Section 34-1352</u>	<u>P</u>
<u>Group IV</u>	<u>Section 34-1352</u>	<u>P</u>
<u>Group V</u>	<u>==</u>	<u>==</u>
<u>Warehouse:</u>	<u>==</u>	<u>==</u>
<u>Hybrid</u>	<u>Section 34-3006</u>	<u>SE*</u>
<u>Mini-warehouse</u>	<u>==</u>	<u>SE*</u>
<u>Private</u>	<u>==</u>	<u>SE*</u>
<u>Public</u>	<u>==</u>	<u>SE*</u>
<u>Wholesale establishment (Section 34-622(c)(56)):</u>	<u>==</u>	<u>==</u>
<u>Group I</u>	<u>==</u>	<u>==</u>
<u>Group II</u>	<u>==</u>	<u>==</u>
<u>Group III</u>	<u>Note 15</u>	<u>P</u>
<u>Group IV</u>	<u>Note 15</u>	<u>SE*</u>

All references to numbered notes are to those notes found in Section 34-844.

*Uses allowed by special exception may also be requested through PD zoning.

**Use must not be located closer than 500 feet, measured in a straight line, from any public school or charter school; childcare center; park, playground, or public recreation facility; place of worship or religious facility; cultural center; or hospital.

***Marinas and marina accessory uses, including Transportation Services, are permitted by right on property located within the Water-Dependent Overlay depicted on Lee Plan Map 1-H. Outside the Water-Dependent Overlay, these uses are limited to existing only, unless the underlying zoning district permits the use, in which case the less restrictive provision applies. All planned developments approved prior to adoption of this provision will retain the uses approved.

****Bail bonding, escort services, fortunetellers, palm readers, card readers, or massage parlors are not permitted.

Secs. 34-1128—34-1134 Reserved.

Subdivision II. - Matlacha Residential Overlay

Sec. 34-1135. Applicability.

Staff note: Matlacha Residential Overlay Map has been relocated from Appendix I, which is proposed to be deleted in its entirety. Applicability section has been relocated from Section 33-1450 and modified accordingly.

The provisions of this article apply to all residential development located within Matlacha's Island Harbor, and the southern portion of the Crows Subdivisions, with the exception of residential properties located within the Matlacha Historic District, as depicted in Figure 34-1125.

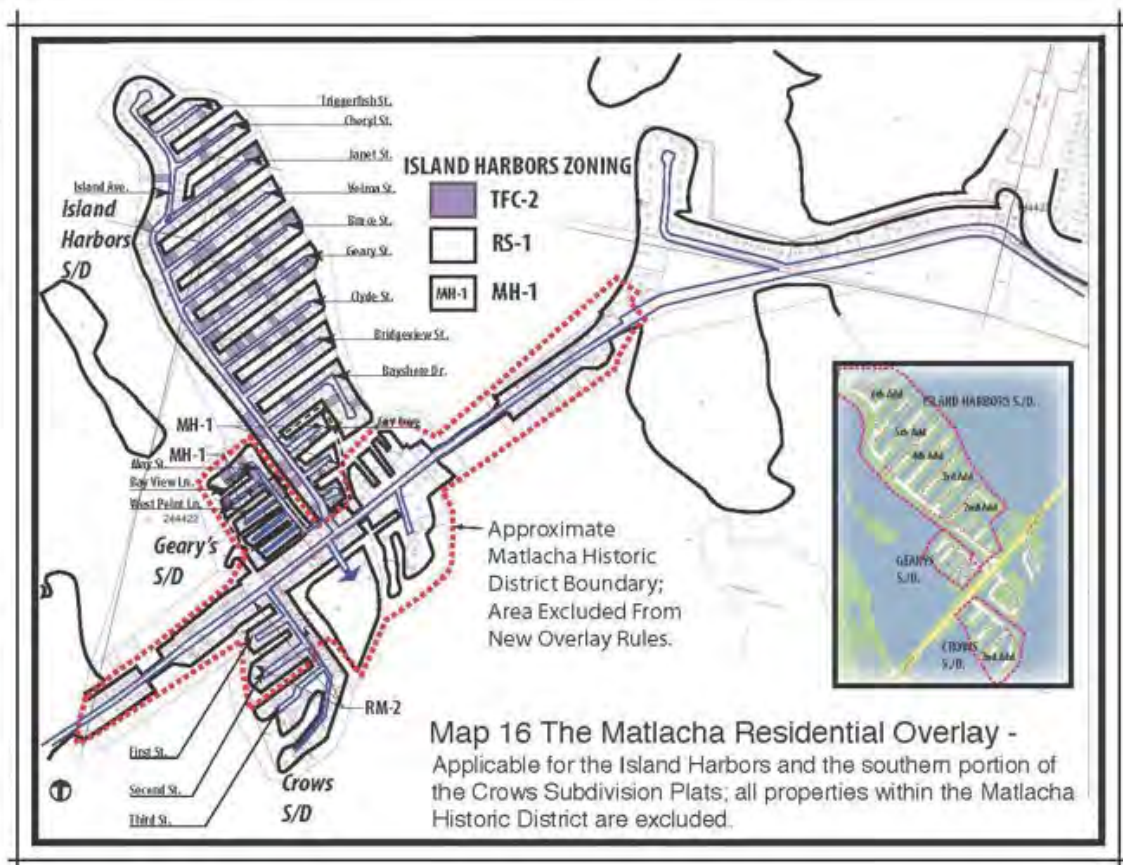


Figure 34-1135: Matlacha Residential Overlay

Sec. 34-1136. Corner lot setbacks.

Staff note: relocated from Section 33-1462 in its entirety.

The front, side, and rear yard setbacks will be located in accordance with Figure 34-XXXX for the following corner lots:

Second Addition to Island Harbors PB 9 PG 107:

- Bayshore and Island - Lot 105.
- Bayshore and Island - Lot 133.
- Cay Cove and Island - Lot 104.
- Cay Cove and Island - Lot 88.
- Broadwater and Island - Lot 87.
- Broadwater and Island - Lot 76.
- Harborview and Island - Lot 75.
- Harborview and Island - Lot 68.

Third Addition to Island Harbors PB 10 PG 97:

- Bayshore and Island - Lot 149.
- Bridgeview and Island - Lot 150.
- Bridgeview and Island - Lot 184.
- Clyde and Island - Lot 191.

Fourth Addition to Island Harbors PB 10 PG 98:

- Clyde and Island - Lot 228.
- Geary and Island - Lot 229.
- Geary and Island - Lot 273.
- Bruce and Island - Lot 289.

Fifth Addition to Island Harbors PB 10 PG 99:

- Bruce and Island - Lot 335.
- Velma and Island - Lot 336.
- Velma and Island - Lot 379.
- Janet and Island - Lot 386.

Sixth Addition to Island Harbors Unit One PB 10 PG 119:

- Janet and Island - Lot 416.

Sixth Addition to Island Harbors Unit Two PB 12 PG 93:

- Cheryl and Island - Lot 454.
- Triggerfish and Island - Lot 455.
- Triggerfish and Island - Lot 466.
- Island - Lot 467.

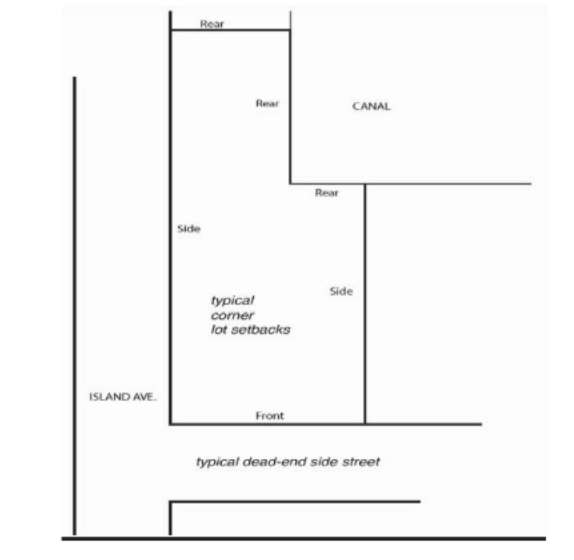


Figure 34-1136

Sec. 34-1137. Property development regulations.

Staff note: Property development regulations table has been relocated from Section 33-1463, which is proposed to be removed in its entirety. Property development regulations table has been modified to remove second floor lot coverage requirement and vertical plane requirement. Table notes have also been deleted and modified for clarity, resulting in a simpler set of property development regulations that keep or increase existing allowances.

Property development regulations for the Matlacha Residential Overlay are as follows:

Table 34-1127. Matlacha Residential Overlay Development Standards

	<i>Lot Area (in square feet)</i>		
	<i>Less than 2,499</i>	<i>From 2,500 to 6,499</i>	<i>More than 6,500</i>
<u>Maximum Lot Coverage</u>	<u>40%</u>	<u>40%</u>	<u>40%</u>
<u>Maximum Height (feet)</u>	<u>32</u>	<u>32</u>	<u>32</u>
<u>Minimum Setbacks:</u>			
<u>Front yard (feet)</u>	<u>18</u>	<u>18</u> ⁽¹⁾	<u>20</u> ⁽¹⁾
<u>Rear yard (feet)</u>	<u>15</u> ⁽²⁾	<u>15</u> ⁽²⁾	<u>20</u> ⁽²⁾
<u>Rear yard (waterbody) (feet)</u>	<u>12</u> ⁽²⁾	<u>12</u> ⁽²⁾	<u>20</u> ⁽²⁾
<u>Side yard (feet)</u>	<u>5</u>	<u>7.5</u>	<u>7.5</u>

Notes:

(1) For lot depth 100 feet or greater, the front yard setback is 25 feet.

(2) For lot depth of 50 feet or less, the rear yard and rear yard waterbody setbacks are ten feet.

Secs. 34-1138 - 34-1144. Reserved.

Subdivision III. Northeast Lee County New Community

Staff note: The Northeast Lee County New Community section has been relocated from Lee Plan Objective 29.9 into the LDC. The requirements established by these amendments incorporate regulatory requirements from this Lee Plan objective that are not addressed elsewhere in the Lee Plan or LDC. While the language has been edited

and organized for clarity, the regulatory intent of Lee Plan Objective 29.9 and its attendant policies is contained herein.

Sec. 34-1145. Applicability and scope.

- (a) The provisions of this subdivision apply to all property within the New Community future land use category within the Northeast Lee County Planning District.
- (b) Variances or deviations may not be granted from the open space, wetland preservation, conservation easement, or additional water quality treatment requirements of Sections 34-1147, 34-1148(a) through (c), and 34-1150(a)(1).

Sec. 34-1146. Planned development required.

Property within the Northeast Lee County New Community may only be developed as a unified planned development.

Sec. 34-1147. Open space and conservation.

- (a) Open space. A minimum of 60 percent of the planned development, inclusive of on-site preservation areas, must be provided as open space, as defined in this Code.
- (b) Wetland preservation. A minimum of 90 percent of the wetlands within the planned development must be preserved.
- (c) Conservation easements.
 - (1) Establishment and maintenance. Conservation easements benefitting a public agency acceptable to Lee County, or to Lee County itself, and dedicated to an appropriate maintenance entity must be recorded over a minimum of 50 percent of the planned development.
 - (2) Use for on-site mitigation. Conservation easements required by this section may be used for on-site mitigation required by this Code.
 - (3) Phasing permitted. Conservation easements may be recorded in phases concurrent with development order approvals. Phased conservation easements must meet the minimum requirements of subsections (c)(1) and (c)(4).
 - (4) Phasing requirements. The cumulative area subject to recorded conservation easements concurrent with development order approvals must be equal to or greater than the cumulative area approved for development.
- (d) Ownership and maintenance. Required open space must be located in separate tracts outside of privately owned lots and dedicated to a community development district, independent special district, master property owners' association, or other entity approved by the Lee County for perpetual maintenance.

Sec. 34-1148. Environmental protection.

Development within the Northeast Lee County New Community must:

- (a) Establish or maintain wildlife connections between on-site preserve areas and adjacent conservation areas;
- (b) Provide wildlife crossings necessary to maintain connections between habitat areas; and
- (c) Concentrate development primarily within areas previously impacted by agricultural uses or other development activities.
- (d) Incorporate Florida Friendly Landscaping with the low irrigation requirements in common open space areas.

- (e) Include a binding commitment to implement an environmental education program for homeowners, businesses and visitors to describe the local ecology, including but not limited to wildlife, plant communities, and native habitats, in addition to the design standards, restoration projects, and management programs/plans, incorporated into the development to address environmental protection.

Sec. 34-1149. Surface water management and water quality.

(a) System requirements. The surface water management system must:

- (1) Provide at least 50 percent more water quality treatment than required by the South Florida Water Management District for on-site stormwater management basins;
- (2) Protect or restore existing regional flowways;
- (3) Protect groundwater levels and wetland hydroperiods within preserve areas, as required by applicable permits; and
- (4) Include site-specific measures to reduce discharge rates.

(b) Required plans. The applicant must submit the following for County review and approval as part of the planned development or development order process, as applicable:

- (1) A water quality monitoring plan that demonstrates that water leaving the development meets current state and federal water quality standards. Monitoring will be required on a quarterly basis for a minimum of 5 years from the date of acceptance of construction of the water management system by the SFWMD. Monitoring may be eliminated after 5 years if the water quality standards are met.
- (2) A lake management plan addressing fertilizer and pesticide use, erosion control, bank stabilization, lake maintenance, and management of lakes exceeding 12 feet below lake surface (BLS).
- (3) A site-specific ecological and hydrological plan addressing excavation, grading, exotic vegetation removal, supplemental planting, and success criteria.
- (4) Site-specific mitigation and enhancements to reduce discharge rates and demonstrate that the proposed planned development will not result in significant detrimental impacts on present or future water resources.

(c) Irrigation. Available reclaimed water and surface water generated by the development must be used to meet irrigation demands to the extent practicable.

Sec. 34-1150. Public facilities and centralized services.

Development must connect to centralized potable water and sanitary sewer service, except for temporary facilities used during construction and unmanned essential services until centralized service is extended.

Sec. 34-1151. Roadway buffers, access, and pathways.

(a) External roadway buffers. Development adjacent to an external roadway must provide a roadway setback or perimeter buffer at least 50 percent wider than the minimum width otherwise required by this Code.

(b) Multipurpose pathways. Where the planned development abuts State Road 31 or County Road 78, sufficient right-of-way or easement area must be provided to accommodate an eight-foot-wide multipurpose pathway.

Secs. 34-1152 - 34-1169. Reserved.

ARTICLE VII. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1. GENERALLY

~~Sec. 34-1169. Purpose and applicability.~~

Staff note: Delete redundant language.

~~The purpose of this article is to provide rules and regulations which supplement, modify or further explain rules and regulations found elsewhere in this chapter, and, unless specifically noted to the contrary, the provisions of this article apply to all zoning districts.~~

Sec. 34-1170. Purpose of supplemental regulations.

Staff note: Delete redundant language and relocate language from other deleted sections to more appropriate location.

- (a) ~~Regulations over and above those imposed by other sections of this chapter are necessary for certain uses which, because of their uniqueness or potential for substantial impact on surrounding land uses, warrant minimum standards which cannot properly be addressed in general provisions or property development regulations set for in specific districts. The purpose of the supplemental regulations set forth in this article is to set forth the detailed regulations, including, but not limited to, the bulk, layout, yard size and lot area, that apply to these uses. The Board of County Commissioners may modify any of the requirements of this article in accordance with the procedures for a planned development application approval.~~
- ~~(b) Some of the uses provided for in this article exceed the minimum thresholds for Developments of County Impact (see Section 34-203) and will be required to apply for approval through the planned development procedure. The Board of County Commissioners may modify any of the requirements of this article in accordance with the procedures for a planned development application approval.~~
- (e) The supplemental regulations set out in this article apply to the specified use regardless of whether it is a use permitted by right, special exception, Development of County Impact or temporary use permit, as specified in the district use regulation.

DIVISION 2. ACCESSORY USES, BUILDINGS AND STRUCTURES

Sec. 34-1173. Development regulations.

Staff note: Revise section to delete redundant language and renumber. Add provision intended to allow accessory building/structures to be located on separate contiguous property under common ownership.

- (a) *Permitted structures and uses.* Unless specifically indicated to the contrary, accessory uses, buildings and structures that are customarily recognized as clearly incidental and subordinate to the principal use of the property, are permitted by right when located on the same lot or parcel and in the same zoning category as the principal use, provided that:
 - ~~(1) All uses, buildings and structures must comply with all applicable development regulations and Building Codes.~~
 - (2) Accessory buildings or structures may be built concurrently with a principal building or structure but, except as provided herein, no accessory use, building or structure may be commenced, erected, placed or moved onto a lot or parcel prior to the principal use, building or structure.Exceptions are as follows:
 - a. through (d) remain unchanged.
 - e. Accessory buildings or structures on separate property that is contiguous and under common ownership with a parcel on which the principal use, building or structure exists.
- (b) *remains unchanged.*

Sec. 34-1174. Location and setbacks generally.

Staff note: Revise subsection (b) to refine definition of "secondary street", incorporate the term multiple-frontage lot (as defined in Section 34-2), and provide clarification that garages located in accordance with this section may include accessory dwelling units.

(a) remains unchanged.

(b) *Setback from streets.* No accessory use, building or structure may be located closer to a street right-of-way line or street easement than the principal building, except as provided for in Division 30, Subdivision III of this article, or as set forth in this subsection.

(1) remains unchanged.

(2) Accessory uses, buildings and structures may be located on ~~through lots~~ multiple-frontage lots as follows. For the purposes of this subsection only, the term "secondary street" means ~~the~~ any street ~~opposite other than~~ the street which provides principal vehicular access as determined by the prior development pattern of that block.

a. On ~~through~~ multiple-frontage lots with no dedicated buffer easement or residential project fence or wall, accessory uses, buildings and structures may be placed closer to ~~the~~ secondary streets than the principal building as long as the minimum setbacks for streets as set forth in Division 30, Subdivision III of this article are maintained.

b. On ~~through~~ multiple-frontage lots with a dedicated buffer easement of ten feet or more (located on the property) and immediately adjacent to any ~~the~~ secondary street, accessory uses, buildings and structures may not encroach into the easement.

c. On ~~through~~ multiple-frontage lots with an abutting residential project fence or wall accessory use, buildings and structures must be set back a minimum of five feet from the property line.

(3) In the following cases, accessory uses, buildings and structures may be closer to the street than the principal building but may not be closer than the minimum setbacks for streets as set forth in Division 30, Subdivision III of this article.

a. *through c. remains unchanged.*

d. Garages, including garages containing accessory dwelling units, or carports for residential, commercial or industrial uses.

e. *remains unchanged.*

(c) through (f) remain unchanged.

Sec. 34-1177. Accessory apartments and accessory dwelling units.

Staff note: Add reference to RSC-2 zoning district permissions provided by 33-1626(c), which is proposed to be deleted. Corresponding change to use regulations table in Section 34-694.

(a) *Density.*

(1) and (2) remain unchanged.

(3) A maximum of one accessory apartment or one accessory dwelling unit is permitted per principal, single-family residence. In the RSC-2 District, up to two accessory dwelling units are permitted. except as excluded by This limitation does not apply as provided in Section 34-1180(b).

(b) remains unchanged.

Sec. 34-1180. Additional dwelling unit on a lot in Agricultural Districts.

Staff note: revise section to remove reference to “conventional.” AG districts allow mobile homes by right, subject to compliance with AG-1 dimensional requirements, which is proposed to be deleted.

- (a) *Applicability.* This section provides the minimum regulations to permit development of an additional ~~conventional~~ single-family residence on the same parcel if the parcel has been zoned in an AG District and the parcel is developed in accordance with the density requirements of the applicable land use classification. Development of accessory apartments and accessory dwelling units, as defined, are subject to Section 34-1177.
- (b) *Standards.*
 - (1) through (3) remain unchanged.
 - (4) No more than two dwelling units constructed as two freestanding ~~conventional~~ single-family residences are permitted on the same parcel. Accessory apartments constructed in accordance with Section 34-1177 are permitted in conjunction with each single-family residence developed in accordance with this provision.
 - (5) through (7) remain unchanged.

DIVISION 5. ALCOHOLIC BEVERAGES

Sec. 34-1263. Sale for off-premises consumption.

- (a) through (c) remain unchanged.
- (d) In addition to the requirements of Subsections (a) through (c) of this section, any establishment primarily engaged in the sale of alcoholic beverages for consumption off-site shall also be required to comply with all applicable State liquor laws and Lee County Code of Ordinances ~~Section 3-2~~.
- (e) remains remain unchanged.

Sec. 34-1264. Sale or service for on-premises consumption.

Staff note: This section is proposed to be revised to allow consumption on premises by right (without an administrative approval) in conjunction with certain uses provided that (1) the use is lawfully permitted; and (2) the COP area is limited to indoor only except as otherwise noted. Reference to bowling alleys and movie theaters has been removed in favor of the more general Commercial Recreation Facility, Group IV designation, and pickleball and other racquet sports are also addressed. Administrative approvals are still required in certain circumstances where compatibility concerns may arise, including for businesses with outdoor consumption on premises. COP requirements for planned developments are also revised and clarified. The special exception process for COP approvals remains in place for unique uses not otherwise addressed or where the Director finds that an application for administrative approval cannot be approved in accordance with the findings of Section 34-174.

- (a) *Approval required.* The sale or service of alcoholic beverages for consumption on-premises is not permitted until the location has been approved by the County as follows:
 - (1) Permitted by right. The sale or service of alcoholic beverages for consumption on premises is permitted by right when conducted in conjunction with a use listed below, provided the principal use is lawfully permitted at the location and all applicable standards of this section are met. Except as provided in subsection (a)(1)a., consumption on premises permitted by this subsection must occur indoors. No separate administrative approval or special exception for consumption on premises is required:
 - a. County-owned airports, arenas, and stadiums, including liquor, beer, malt liquor, and wine in restaurants, bars, lounges, concessions, concession stands, and package stores at County-owned airports;

- b. Recreation facilities, commercial Group IV, excluding gun ranges and health clubs, provided the standards set forth in (b)(2)a of this section are met;
 - c. Clubs and fraternal or membership organizations located in commercial and industrial zoning districts, where permitted, provided the standards set forth in Subsections (b)(2)f of this section are met;
 - d. Cocktail lounges in golf courses, tennis clubs, or indoor racquet and court recreation facilities, including racquetball, pickleball, and similar uses, provided the applicable standards set forth in subsections (b)(2)d and (b)(2)e of this section are met;
 - e. Hotels/motels, provided the standards set forth in Subsections (b)(2)c of this section are met;
 - f. Restaurants Groups II, III, and IV, and Brewpubs, provided the standards set forth in Subsections (b)(2)b of this section are met. Outdoor seating in conjunction with a Group II, III, or IV restaurant, or Brewpub may be approved administratively as provided in subsection (a)(2);
 - g. Beer and wine taste testing in conjunction with package sales (consumption off the premises).
- (12) Administrative approval. The sale or service of alcoholic beverages for consumption on premises may be approved through the An administrative approval process for consumption on premises is required in accordance with Section 34-174 when in conjunction with the following uses:
- a. County owned airports, arenas, and stadiums, including liquor, beer, malt liquor, and wine in restaurants, bars, lounges, concessions, concession stands, and package stores at County owned airports;
 - ab. Bars, cocktail lounges, night clubs, micro-breweries, micro-distilleries, or micro-wineries located in commercial and industrial zoning districts that permit bars, cocktail lounges, night clubs, micro-breweries, micro-distilleries, or micro-wineries, provided the standards set forth in Subsections (b)(1) and (b)(3) of this section are met;
 - c. Bowling alleys and movie theaters provided the standards set forth in Subsections (b)(2)a and (b)(3) of this section are met;
 - d. Clubs and fraternal or membership organizations located in commercial and industrial zoning districts, where permitted, provided the standards set forth in Subsections (b)(2)f and (b)(3) of this section are met;
 - e. Cocktail lounges in golf courses, tennis clubs, or indoor racquetball clubs, provided the standards set forth in Subsections (b)(2)d, (b)(2)e, and (b)(3) of this section are met;
 - f. Hotels/motels, provided the standards set forth in Subsections (b)(2)c and (b)(3) of this section are met;
 - g. Restaurants Groups II, III, and IV, and Brewpubs, provided the standards set forth in Subsections (b)(2)b and (b)(3) of this section are met. Outdoor seating in conjunction with a Group II, III, or IV restaurant, or Brewpub may be approved administratively provided:
 - 1. The outdoor seating area is not within 500 feet of a religious facility, school (noncommercial), daycare center (child), park, or dwelling unit under separate ownership;
 - 2. The outdoor seating area is within 500 feet of a religious facility, school (noncommercial), daycare center (child), park, or dwelling unit under separate ownership but is a tenant of a multi-occupancy complex that is adjacent to an arterial or collector road;
 - hb. Charter, party fishing boat or cruise ship, provided the standards of Subsection (b)(3) of this section are met. The COP approval is specific to the charter, party fishing boat, or cruise ship operating from a specific location and does not run with the land, nor is it transferrable;
 - i. Beer and wine taste testing in conjunction with package sales (consumption off the premises);

~~j~~c. Limited food and beverage services when:

- ~~1.~~ ~~a~~ Accessory to an agritourism activity permitted in accordance with Section 34-1711, provided that the consumption on premises in conjunction with the activity is not within 500 feet of a religious facility, school (noncommercial), daycare center (child), park, or dwelling unit under separate ownership; or
2. Accessory to a private residential amenity area.

~~k~~d. Food truck parks, provided the standards set forth in Subsection (b)(1) of this section and Section 34-2352 are met.

f. Any establishment covered by subsections (a)(1) or (a)(2) of this section that provides an outdoor area for the consumption of alcoholic beverages, provided the outdoor area meets the location standards set forth in subsection (b)(1);

(23) *Special exception.*

a. A special exception for consumption on the premises is required for:

1. Any establishment not covered by Subsections (a)(1) and (a)(2) of this section; or
2. Any proposed establishment that does not meet the decision-making criteria set forth in Section 34-174, as determined by the Director. The Director's decision is discretionary and may not be appealed. ~~except those covered by Subsection (a)(1)g of this section, which provides outdoor seating areas for its patrons consuming alcoholic beverages;~~

b. The burden of proof that the grant of the special exception consumption on premises will not have an adverse effect on surrounding properties lies with the applicant.

~~c. A single special exception for consumption on the premises for a shopping center in a conventional zoning district is sufficient to permit consumption on the premises in every restaurant that exists or may be established within the center.~~

(34) *Planned developments and Planned Unit Developments.*

a. In addition to uses for which consumption on premises is otherwise permitted without administrative approval under this section, No administrative approval is necessary where consumption on premises for an individual establishment or other facility proposing consumption on the premises is explicitly designated on the Master Concept Plan, identified and is included in conjunction with the applicable use or uses on the schedule of uses, and approved as part of the planned development through the public hearing process.

b. ~~If~~ Where consumption on the premises is shown authorized as a permitted use on the approved schedule of uses but is not expressly designated pursuant to subsection (a), approval for a shopping center, no administrative approval for consumption on the premises is required for restaurants within the center must be obtained in accordance with this division and any applicable conditions or approval requirements established by Section 34-1264.

~~c. Consumption on the premises for other uses within planned developments and Planned Unit Developments require administrative approval or a special exception.~~

(b) *Location; parking.*

(1) *Prohibited locations.*

a. Except as may be exempted in Subsections (b)(2)b. (a)(1) or (2) of this section, or where an alternative separation is approved through the applicable consumption on premises public hearing process, no establishment for the sale or service of alcoholic beverages for consumption on the premises may be located within 500 feet of:

1. A religious facility, school (noncommercial), day care center (child) or park;

2. A dwelling unit under separate ownership, except when approved as part of a planned development; or
3. Another establishment primarily engaged in the sale of alcoholic beverages for consumption on the premises, excluding those uses listed under Subsection (b)(2) of this section.

Distance must be measured from any public entrance or exit of the establishment in a straight line to the nearest property line of the religious facility, school (noncommercial), day care center (child), dwelling unit or park, or to the closest public entrance or exit of any other establishment primarily engaged in the sale of alcoholic beverages.

- b. Where an establishment for the sale of alcoholic beverages is located in conformity with the provisions of this subsection, and a religious facility, school (noncommercial), day care center (child), park or dwelling unit is subsequently established in the proximity of the existing establishment, then the separation requirements will not apply. Approval of an alternative separation through the applicable consumption on premises public hearing process does not require a separate variance or deviation from the requirements of this subsection.

(2) *Exceptions to location standards.* Exceptions to location standards are as follows:

- a. ~~Bowling alleys~~ Recreation facilities commercial, Group IV, provided that:

1. There are no signs, or other indication visible from the outside of the structure concerned, that beer or wine or other malt and vinous beverages are served;
2. The ~~bowling alley establishment~~ is in a fully air-conditioned building with at least 10,000 square feet of floor ~~space under one roof area~~ and where both uses are owned by the same entity;
3. ~~The building contains at least 12 alleys available for bowling.~~ The facilities for the service of food and beverages must be in an area separate from the ~~alleys~~ recreational activity. The facility for the service of food and beverages must contain at least 2,000 square feet of usable floor space and must accommodate at least 60 patrons at tables; and
4. The building is at least 500 feet, ~~measured as provided in this subsection,~~ from the uses in described in Subsections (b)(1)a.1 and (b)(1)a.2 of this section, as measured in accordance with Subsection (b)(1)a.

- b. Restaurants Groups II, III and IV, provided:

1. The restaurant is in full compliance with State requirements;
2. The restaurant serves cooked, full-course meals, prepared daily on the premises; and
3. Only a service bar is used, and the sale or service of alcoholic beverages is only to patrons ordering meals, or, if the restaurant contains a cocktail lounge for patrons waiting to be seated at dining tables, the lounge must be located so that there is no indication from the outside of the structure that the cocktail lounge is within the building.
- ~~4.1.~~ The outdoor seating area is not within 500 feet of a religious facility, school (noncommercial), daycare center (child), park, or dwelling unit under separate ownership unless excepted by Subsection (b)(2)b.5;
- ~~5.2.~~ The outdoor seating area is within 500 feet of a religious facility, school (noncommercial), daycare center (child), park, or dwelling unit under separate ownership but and is a tenant of a multi-occupancy complex that is adjacent to an arterial or collector road;

- c. Hotels/motels, provided that:

1. The hotel/motel contains at least 100 guest rooms under the same roof, and those nightclubs, cocktail lounges or bars are located within the hotel or motel and under the same roof; and
2. The exterior of the building must not have storefronts or give the appearance of commercial or mercantile activity visible from the highways.

If the use contains windows visible from the highway, the windows must be of fixed, obscure glass. Access to the nightclub, cabaret, cocktail lounge, or bar must be through the lobby. Additional entrances are not permitted unless the additional entrance or door opens into an enclosed courtyard or patio. The additional entrance may not be visible from the street. A fire door or exit is permitted so long as the door or exit is equipped with panic type hardware and is maintained in a locked position except in an emergency.

d. Golf course clubhouses, provided that:

1. The golf course consists of at least nine holes, a clubhouse, locker rooms and attendant golf facilities, and comprises in all at least 35 acres of land.
2. Failure of the club to maintain the golf course, clubhouse and golf facilities will automatically terminate the privilege of the cocktail lounge and sale of beer from the refreshment stands.

e. Tennis clubs and indoor racquetball clubs and court recreation facilities, including racquetball, pickleball, and similar uses, provided that the club is chartered or incorporated or owns or leases and maintains a bona fide tennis club or four-wall indoor racquetball club court recreation facility consisting of not less than:

1. Ten regulation-size tennis courts;
2. Ten regulation-size ~~four-wall indoor racquetball courts~~ or court recreation courts;
3. A combination of tennis courts and ~~four-wall indoor racquetball courts~~ or court recreation courts numbering ten;
4. Clubhouse facilities, pro shop, locker rooms and attendant tennis, ~~or racquetball, or court recreation facilities,~~ all located on an abutting tract of land owned or leased by the club.

There may be no signs or other indications visible from the exterior of the clubhouse, building or structure that alcoholic beverages are served.

f. Clubs and fraternal or membership organizations, provided that:

1. The club or organization conforms to all the requirements of F.S. Ch. 561 and other applicable State laws; and
2. There are no signs or other indications visible from the exterior of the clubhouse, building or structure that alcoholic beverages are served.

- (3) ~~Parking. Establishments providing alcoholic beverages for consumption on the premises must comply with the parking requirements for the principal use set forth in Section 34-2020(b) must be demonstrated only where expressly required by this section or where demonstration of compliance is otherwise required as part of a separate development approval process.~~

Subsections (c) through (h) remain unchanged

Sec. 34-1265. Revocation of alcoholic beverage permit or approval.

Staff note: Revise section to reflect COP approval changes in Section 34-1264.

- (a) The Board has the authority to revoke an alcoholic beverage ~~special exception, administrative approval, or other alcohol-related approval~~ on the following grounds:

(1) through (10) remain unchanged.

(b) through (d) remain unchanged.

DIVISION 7. ANIMAL CLINICS AND FACILITIES

Sec. 34-1322. Enclosure of facilities.

Staff note: revise required setback in subsection (2)b from 200 feet to 100 feet in recognition of minimum lot size reduction from 5 acres to 2 acres approved by Ordinance 09-23.

Except as specifically provided in this division, all animal clinics, animal kennels and boarding facilities shall be completely enclosed within an air conditioned, soundproof building and shall have no outdoor cages, pens, runs or exercise facilities.

- (1) *Completely enclosed facilities.* Any animal clinic, kennel or boarding facility permitted by right or by special exception, as specified in the zoning district regulations, shall be required to meet the minimum lot size and setback requirements for the zoning district in which located.
- (2) *Facilities not completely enclosed.* Any animal clinic, kennel or boarding facility which contains outdoor pens, cages, runs or exercise facilities shall be required to meet the following minimum requirements in addition to the regulations in the applicable zoning district:
 - a. *Lot size.* Minimum lot size is two acres.
 - b. *Setbacks.* No portion of any pen, cage, run or other outdoor exercise facility shall be located closer than ~~200~~ 100 feet to any abutting lot or parcel under separate ownership, or from any street right-of-way line or easement.

DIVISION 8. ~~RESERVED. AUTOMOTIVE BUSINESSES; CONVENIENCE FOOD AND BEVERAGE STORES; FAST FOOD RESTAURANTS~~

Staff note: this Division is proposed to be deleted in its entirety. Section 34-1351 has been relocated to the applicable use regulations tables for automotive repair and service establishments. Delete Sections 34-1352 through 34-1354 in their entirety. The sections establish use-specific setback, buffering, landscaping, display, and design requirements that are duplicative of standards addressed elsewhere in the LDC, including Chapter 10 and other generally applicable development regulations. They also create a separate variance/deviation framework, including broad administrative relief for properties under three acres, that has resulted in frequent requests for relief and deviations through the planned development process. Eliminating these provisions removes an unnecessary additional layer of review while allowing the generally applicable zoning, buffering, landscaping, parking, lighting, and design standards to govern these uses.

~~Subdivision I. Display, Rental, Repair or Storage of Vehicles or Equipment~~

~~Sec. 34-1351. Automotive repair and service.~~

- ~~(a) All services performed by an automotive repair and service establishment, including repair, painting and body work activities, must be performed within a completely enclosed building. Providing estimates for work to be completed or performing minor repair services, such as replacement of windshield wiper blades, automobile batteries, and light bulbs are excluded from this provision.~~
- ~~(b) Whenever an automotive repair and service establishment is within 75 feet of a residential use, all refuse and vehicle parts must be stored within a completely enclosed area.~~

~~Sec. 34-1352. Display, sale, rental or storage for motor vehicles, boats, recreational vehicles, trailers, mobile homes or equipment.~~

~~*Purpose and intent.* The purpose of this section is to ensure that all establishments engaged in the outdoor display, sale, rental or storage of motor vehicles, boats, recreational vehicles, trailers, mobile homes, construction or farm equipment, or other similar items do not adversely impact adjacent land uses, especially residential land uses. The high levels of traffic, glare, and intensity of use associated with these uses may be incompatible with surrounding~~

uses, especially residential uses. Therefore, in the interest of protecting the health, safety and general welfare of the public, the following regulations will apply to the location, layout, drainage, operation, landscaping, and permitted sales and service activities:

- (a) *Applicability.* This section applies to all commercially zoned establishments engaged in the outdoor display, sale, rental or storage of motor vehicles, boats, recreational vehicles, trailers, mobile homes, construction or farm equipment, or other similar items; except water oriented rental establishments outdoors, that are regulated by Section 34-3151.
- (b) *Prohibited uses.*
 - (1) Except as provided in this section, no units may be used as sales offices or storage space. Any sales office or storage space, other than for the units, must be in a conventional building.
 - (2) A mobile home may be used as an office for sales of mobile home lots or units which are located within the mobile home development only.
- (c) *Minimum setbacks.*
 - (1) All buildings and structures must comply with the following setback:
 - a. Street setback: 50 feet.
 - b. Side yard setback: 40 feet.
 - c. Rear yard setback: 40 feet.
 - (2) All items covered by this section which are displayed or offered for sale or rent must be set back a minimum of 20 feet from any property line, unless Chapter 10 sets forth a different setback, in which case the greater setback will apply.
 - (3) All buildings and items covered by this section that are displayed or offered for sale or rent must be set back a minimum of 100 feet from any existing residence or any residentially zoned property. For the purposes of this section, the term "residentially zoned property" does not include property zoned AG.
- (d) *Display and parking areas.*
 - (1) No parking space or loading zone required by the parking regulations set forth in this chapter may be used for the display of merchandise or parking of rental vehicles.
 - (2) Areas used for display may be grass or other surface, provided it is maintained in a sightly, dust free manner.
- (e) *Storage facilities.* Areas used only for the commercial storage of motor vehicles, boats, trailers, recreational vehicles, mobile homes and construction or farm equipment which is not being displayed for sale or rent must be enclosed and buffered (see Sections 34-3005(b) and 10-416(d)).
- (f) *Lighting.* Site lighting must be designed in accordance with Section 34-625.
- (g) *Landscaping.* The following landscape requirements are in addition to the requirements of Section 10-416. Required landscaping adjacent to property boundaries:
 - (1) *Right of way buffer landscaping.*
 - a. Landscaping adjacent to rights of way external to the development project must be located within a landscape buffer easement that is a minimum of 25 feet in width.
 - b. An undulating berm with a maximum slope of 3:1 must be constructed along the entire length of the landscape buffer. The berm must be constructed and maintained at a minimum average height of two feet. The berm must be planted with ground cover (other than grass), shrubs, hedges, trees and palms.
 - c. The required number of trees is five canopy trees per 100 linear feet. Three sabal palm trees may be clustered to meet one canopy tree requirement. Palms are limited to a maximum of 50 percent of the right of way tree requirement. Palms must be clustered and planted in staggered heights, a minimum of three palms per cluster, spaced at a maximum of four feet on center, with a minimum of a four foot difference in height between each tree.
 - d. All of the trees must be a minimum of 14 feet in height at the time of installation. Trees must have a minimum of a 3½-inch caliper at 12 inches above the ground and a six-foot spread. At installation, shrubs must be a minimum of three gallon, 24 inches in height at time of planting and maintained at a minimum of 36 inches in height within one year of planting. The shrubs must be planted three feet on center.

- (2) *Landscaping adjacent to all other property lines.*
 - a. Side property boundaries (other than those adjacent to rights-of-way) must be planted with a single hedge row consistent with the minimum requirements of Section 10-416. The hedge must be a minimum of 24 inches in height at planting, planted at three feet on center and must be maintained at a height of 36 inches within 12 months of planting.
 - b. Rear property boundaries (other than those adjacent to road rights-of-way) must be planted with a single hedge row. The hedge must be a minimum of 24 inches in height at planting, planted at three feet on center and must be maintained at a height of 36 inches within 12 months of planting.
- (h) *Perimeter walls.* These sites must be separated from adjacent residentially-zoned or residentially developed properties by an architecturally designed eight foot high solid wall utilizing materials similar in color, module and texture to those utilized for the building. Landscaping must be planted on the residential side of the fence or wall. The wall must be setback 25 feet from the property line and include five trees per 100 linear feet and a double hedge row. The trees and shrubs must meet the minimum planting standards per Section 10-420(c) and (d).
- (i) *Outdoor speakers.* The use of public address or loudspeaker systems that broadcast outdoors is prohibited.

Subdivision II. Convenience Food and Beverage Stores, Automotive Service Stations, Fast Food Restaurants, and Car Washes

Sec. 34-1353. General provisions.

- (a) *Purpose and intent.* The purpose and intent of this section is to ensure that establishments such as convenience food and beverage stores with or without gas pumps, automobile service stations with or without gas pumps, fast food restaurants, and car washes, accessory or stand alone, do not adversely impact adjacent land uses. The hours of operation, high levels of traffic, noise, glare and intensity associated with these uses may be incompatible with surrounding uses, specifically residential uses. In the interest of protecting the health, safety and welfare of the public, the following regulations apply to the location, design, operation, landscaping and related activities.
- (b) *Applicability.* This section applies to all stand alone or accessory convenience food and beverage stores, automobile service stations, fast food restaurants and car washes. In the event of conflict between the provisions of this section and the requirements of F.S. § 553.79, the requirements of F.S. § 553.79 shall prevail.
- (c) *Minimum lot area.* All buildings and structures must comply with the following minimum lot dimensions and area:
 - (1) Minimum frontage: 150 feet of frontage on a vehicular right-of-way.
 - (2) Minimum depth: 150 feet.
 - (3) Minimum lot or parcel area: 25,000 square feet.
- (d) *Minimum setbacks.* All buildings and structures must comply with the following setbacks:
 - (1) Street setback: 50 feet for arterials and collectors.
 - (2) Side yard setback: 15 feet.
 - (3) Rear yard setback: 20 feet.
- (e) *Street right-of-way buffer landscaping.* The following landscape requirements are in addition to the requirements set forth in Section 10-416.
 - (1) Landscaping adjacent to rights-of-way external to the development project must be located within a landscape buffer that is a minimum of 25 feet in width or 15 feet in width if abutting an internal accessway to a commercial development.
 - (2) For projects with an open drainage system, an undulating berm with a maximum slope of 3:1 must be constructed along the entire length of the landscape buffer. The berm must be constructed and maintained at a minimum height of two feet as measured from the grade of the parking lot. For projects with a closed drainage system a berm is not required.
 - (3) The required number of trees is five canopy trees per 100 linear feet. Three sabal palm trees may be clustered to meet one canopy tree requirement. Palms are limited to a maximum of 50 percent of the

right-of-way tree requirement. Palms must be clustered and planted in staggered heights, a minimum of three palms per cluster, spaced at a maximum of four feet on center, with a minimum of a four-foot difference in height between each tree.

- (4) All of the trees must be a minimum of 14 feet in height at the time of installation. Trees must have a minimum of a 3½-inch caliper at 12 inches above the ground and a six-foot spread. At installation, shrubs must be a minimum of three gallon, 24 inches in height at time of planting and maintained at a minimum of 36 inches in height within one year of planting. The shrubs must be planted three feet on center.
- (5) Landscaping adjacent to the rear and side property lines must comply with the minimum requirements established in Section 10-416 dependent on adjacent land uses.
- (f) *Separation.* Uses must be separated from adjacent residentially zoned or developed properties by:
 - (1) An architecturally designed eight-foot-high masonry wall or fence a minimum of 25 feet from the property line and landscaped with a minimum of five trees and 18 shrubs per 100 linear feet; or
 - (2) A 30-foot-wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property.The wall or fence must be constructed of materials similar in color and texture to those utilized for the principal structure. Landscaping must be planted between the wall or fence and the abutting property.
- (g) *Canopies.*
 - (1) Flat-roof canopies are allowed unless prohibited by conditions in a Planned Development. Canopies must be consistent with the architectural design, predominant color and features of the principal structure.
 - (2) Canopy lighting must comply with Section 34-625(d)(4)c.
 - (3) Canopies must be consistent with the predominant color of the principal structure.
- (h) *Accent banding.* Color accent banding and raised architectural features are permitted unless prohibited by conditions in a Planned Development.
- (i) *Primary facades.* All sides of a building facing adjacent rights-of-way external to the development project must be designed with primary facade features in compliance with Section 10-600.

~~Sec. 34-1354. Variances or deviations.~~

The provisions of this section apply to all new development, including redevelopment.

- (1) A deviation or variance from the requirements stated in Sections 34-1352 and 34-1353 must be obtained through the public hearing process unless the project qualifies for administrative relief under Subsection (3) of this section.
- (2) The applicant must demonstrate that the granting of the deviation or variance will not have an adverse impact on adjacent land uses in addition to the requirements set forth in Section 34-145.
- (3) Commercial or industrial zoned properties less than three acres in size may obtain administrative relief from Sections 34-1352 and/or 34-1353 to facilitate new development or redevelopment. Development of these sites will be limited to development that will bring the site into greater compliance with Sections 34-1352 and 34-1353 given existing site constraints such as location and configuration of existing buildings, parking areas, drainage, easements and/or other conditions. Commercial or industrial zoned properties three acres or greater in size may utilize the public hearing process for deviations or variances from Sections 34-1352 and/or 34-1353.

~~Secs. 34-13515—34-13870. Reserved.~~

~~DIVISION 9. BUS DEPOTS, STATIONS AND TERMINALS; PARK-AND-RIDE PARKING LOTS~~

Staff note: Delete all regulations related to bus terminals. Sections 34-1384 and 34-1385 have been relocated to new Section 34-2023.

~~Sec. 34-1381. Reserved.~~

~~Sec. 34-1382. Site plan.~~

All applications for a special exception or change of use for a bus station/depot or bus terminal shall include a site plan, drawn to scale, indicating but not limited to, following:

- (1) ~~The location of the bus stalls.~~
- (2) ~~Commuter parking.~~
- (3) ~~Taxi waiting stalls.~~
- (4) ~~Circulation pattern of the buses within and through the parking lot.~~
- (5) ~~Bus ingress and egress points to or from the parking lot.~~
- (6) ~~The location of the building housing the bus station/depot or bus terminal and the area designated for a waiting area, to include the storage and handling of luggage and parcels.~~

~~Sec. 34 1383. Access.~~

- (a) ~~The site plan shall be designed so that the location of ingress and egress points are adequate and the turning radii for buses are in accordance with the design standards as depicted in the latest edition of the publication of the American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, in order to provide safe and efficient maneuverability.~~
- (b) ~~All buses exiting a parking lot must enter the street right-of-way in a forward motion.~~
- (c) ~~The site plan shall ensure safe and adequate access to collector or arterial streets.~~

~~Sec. 34 1384. Parking generally.~~

- (a) ~~Off-street parking.~~ The parking for a bus station/depot or bus terminal where the loading and unloading of passengers, luggage or parcels may occur shall meet the following minimum requirements:
 - (1) ~~One parking space, excluding parking space for buses, shall be required per 100 square feet of total floor area dedicated to passenger waiting area, and one space shall be required per 1,000 square feet of total floor area dedicated to ticket sales or baggage or parcel handling areas.~~
 - (2) ~~Parking spaces shall be required for all buses using the site. A minimum of one bus parking space shall be required for each bus carrier using the facility. If arrival and departure times run concurrently, then additional parking must be provided to ensure that each bus has a separate parking space.~~
 - (3) ~~The parking spaces for each bus stall shall be designated by signage and pavement markings.~~
 - (4) ~~Each bus parking stall shall be a minimum of 12 feet by 50 feet in size for parallel or diagonal parking.~~
 - (5) ~~All required parking shall have a paved, dust free, all-weather surface.~~
 - (6) ~~For every 12 daily scheduled bus arrivals and departures, or a portion thereof, at locations where passengers may disembark, one parking space for taxicabs and one parking space for commuters shall be required.~~
- (b) ~~On-street parking.~~ In some instances, it may be appropriate for a bus station/depot to have the buses parked within an adjacent road right-of-way. In all such instances, the location of the bus turnout, proximity to the bus station/depot and how the bus will enter and exit the turnout must be shown on the site plan.

~~Sec. 34 1385. Parking for bus terminals.~~

- (a) ~~In addition to the requirements of Section 34 1384(a), where bus terminals are permitted by right or special exception, the following parking requirements shall apply:~~
 - (1) ~~One space for each 2,000 square feet of total floor area, with a minimum of five parking spaces, shall be required for buildings or structures dedicated to the housing of buses;~~
 - (2) ~~Adequate parking shall be provided for the outdoor storage of buses, if such storage is required; and~~
 - (3) ~~Where a bus terminal is used solely for the transient housing or parking of buses, the parking requirements of Section 34 1384(a) shall not apply.~~
- (b) ~~On-street parking as described in Section 34 1384(b) shall not be approved in conjunction with bus terminals.~~

~~Sec. 34 1386. Modification of parking requirements.~~

~~The Hearing Examiner has the authority, where a bus station/depot is permitted by special exception, to alter the requirements of Sections 34 1384(a)(1) and (6) where the size of the station/depot, frequency of use and destination of passengers may warrant a lesser or greater number of parking spaces.~~

~~Sec. 34 1387. Expansion of existing bus station/depot.~~

~~Where a bus station/depot has been approved by special exception, any additions, renovations or other expansions or increase in intensity, beyond that which was originally approved, will require a special exception.~~

DIVISION 10. CARE FACILITIES AND CENTERS

Sec. 34-1411. Assisted living facilities.

Staff note: Delete subsection (f) and incorporate similar language subsection (a) to streamline section.

- (a) *Generally.* Assisted living facilities (ALFs) are permitted by right or special exception as specified in the district use regulations or as approved as part of a Master Concept Plan in the RPD, CFPD, CPD or MPD Districts. Density, including density equivalents, must be calculated in accordance with Division 12 of this article based on the density ranges for the land use category in which the subject property is located.

(b) through (e) remain unchanged.

- ~~(f) *Density.* Density equivalents for assisted living facilities (ALFs) will be calculated based on the ratios set forth in Section 34-1494.~~

Sec. 34-1414. Continuing care facilities.

Staff note: Revise Subsection (c) to correct cross-reference.

(a) and (b) remain unchanged.

- (c) *Density.* Density equivalents for continuing care facilities (CCF) will be calculated based on the ratios set forth in Section 34-~~1493~~1494.

(d) through (f) remain unchanged.

DIVISION 11. WIRELESS COMMUNICATION FACILITIES

Sec. 34-1442. Definitions.

Staff note: Only defined terms proposed for amendment or addition are shown below. All other existing defined terms are omitted and remain unchanged.

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

Staff Note: The definition of *Balloon test* is revised to remove procedural requirements that are more appropriately regulated in Section 34-1446(d). The duration, scheduling, notice, and operational requirements for conducting a balloon test are substantive review standards and are better located within the permitting provisions rather than the definitions section. This amendment improves code organization without changing the intent or applicability of the balloon test requirements.

Balloon test means an event in which the applicant arranges to fly, or raise upon a temporary mast, ~~for four consecutive days,~~ a brightly colored balloon not less than three feet in diameter, at the maximum height and at the location of the proposed antenna-supporting structure.

Staff Note: This amendment clarifies the County's longstanding interpretation that lightning rods are excluded from the measurement of overall height. Similar to the general height measurement provisions of Section 34-2173, lightning rods are considered incidental safety equipment rather than part of the functional height of the wireless communications facility. This clarification codifies existing staff practice and provides consistent application of the height limitations established by this article.

Overall height means the height of a wireless communications facility measured as set forth in Section 34-2171, ~~but~~ without any adjustment for minimum required flood elevation. Overall height includes all antennas and other ancillary appurtenances that contribute to the functional height of the wireless communication facility, but excludes lightning rods and other incidental lightning protection devices.

Sec. 34-1444. Permissible wireless facility locations.

(a) remains unchanged.

(b) Exceptions.

(1) and (2) remain unchanged.

(3) On the barrier islands, ~~Greater Pine Island (see Section 33-1084)~~, and within the outer island future land use areas, the overall height of wireless communications facilities must not exceed 35 feet or the height limitation set forth in Section 34-2175.

(4) remains unchanged.

Sec. 34-1445. Development review process.

(a) remains unchanged.

(b) Zoning.

(1) remain unchanged.

(2) Special exception.

a. remains unchanged.

b. Appeal. ~~The Director or a~~Any aggrieved party may appeal decisions of the Hearing Examiner to the circuit court. This review may only be obtained through filing a petition for writ of certiorari pursuant to the Florida Rules of Appellate Procedure. The petition must be filed within 30 calendar days after the decision has been rendered.~~to the Board of County Commissioners following the procedures set forth in Section 34-83(b), Zoning Actions. The Board of County Commissioners will treat the decision of the Hearing Examiner as a recommendation and not as a final decision. Appeals must be filed with the Director within 30 calendar days after the decision has been rendered.~~

Staff Note: This amendment eliminates the unique appeal process applicable only to wireless communication facility special exceptions and variances. Under the current regulations, Hearing Examiner decisions for wireless communication facilities may be appealed to the Board of County Commissioners, while all other Hearing Examiner special exception and variance decisions are subject to judicial review in circuit court by petition for writ of certiorari. Staff has identified no continuing policy rationale for treating wireless communication facilities differently from other quasi-judicial zoning actions. This amendment promotes consistency within Chapter 34, streamlines the development review process, and aligns wireless communication facility approvals with the County's standard Hearing Examiner review procedures.

(c) remains unchanged.

Sec. 34-1446. Application submittal requirements.

Staff Note: A surety is not required for the removal of an abandoned wireless communications facility. The County retains independent authority under the Land Development Code and other applicable laws to address abandoned, unsafe, or noncompliant structures through code enforcement and unsafe structure provisions. Removal of this requirement simplifies administration while preserving the County's existing enforcement authority.

(a) through (b) remains unchanged.

(c) *Additional information for wireless communication facilities required at time of application for a development order or building permit.* In addition to the submittals required by Subsection (a) of this section, the following information must be provided along with the application for a development order or building permit:

(1) through (5) remains unchanged.

- (6) ~~Surety for removal. A financial surety or other form of financial guarantee, payable to the County, to ensure timely removal of the facility in the event of abandonment, non-use or cessation of use. The surety must conform with the following requirements:~~
- a. ~~Approval required. The surety must be posted prior to issuance of a building permit or development order to guarantee the removal of the antenna-supporting structure. The amount of the surety must be acceptable to the Director. Additionally, before any surety instrument is accepted by the Director as in compliance with this section, the surety instrument must be reviewed and approved by the County Attorney's Office. Once approved and funded, the surety instrument must be filed with the clerk of the Board of County Commissioners.~~
 - b. ~~Types of surety.~~
 - 1. ~~Cash performance bond.~~
 - 2. ~~Other types of security. The Board may accept letters of credit or escrow account agreements or other forms of security provided the reasons for not obtaining the bond are stated and the County Attorney approves the document.~~
 - c. ~~Certified cost estimate required. The amount of the surety will be based upon a professional engineer's certified cost estimate of the cost of removing the antenna-supporting structure from the site and properly disposing of the dismantled antenna-supporting structure.~~
 - d. ~~Initial amount of surety. The required surety must be posted with the Board and made payable to the County in an amount equal to 110 percent of the full cost of removal of the wireless communication facility as set forth in the professional engineer's certified cost estimate.~~
 - e. ~~Annual increase required. The amount of the surety must be kept in full force and effect and must be increased by ten percent compounded for each year the antenna-supporting structure remains on the site.~~
 - f. ~~Surety to remain in effect. The approved surety must remain funded until the wireless communication facility is removed from the site and properly disposed of.~~
 - g. ~~County's use of surety funds. The County may use the posted surety funds to remove or secure a wireless communication facility upon a determination of abandonment, non-use or cessation of use as set forth in Section 34-1451. In the event the posted amount of surety funds is insufficient to cover the full cost of removal, the County may file a lien on the site property for the amount of unpaid costs, including legal fees.~~
 - h. ~~Exemption from surety requirement. The Director may, with approval from the County Attorney's Office, exempt a municipality or governmental entity from the surety requirement.~~

(d) remains unchanged.

Sec. 34-1447. Development regulations.

The development regulations set forth herein apply to all wireless communications facilities as indicated.

(a) remains unchanged.

Staff Note: Standard antenna-supporting structures are typically manufactured in 10-foot modular sections. Revising the maximum height from 149 feet to 150 feet eliminates unnecessary engineering modifications associated with achieving a one-foot reduction in height. The additional one foot represents only a 0.67 percent increase in overall height and is not expected to result in any material increase in visual or land use impacts.

(b) *Where permissible, antenna-supporting structures.*

Table 34-1447. Permissible Antenna-Supporting Structure Heights, Locations and Applicable Review Process

<i>Zoning Classification</i>	<i>Maximum Overall Height Allowed by the Administrative Approval Process</i>	<i>Overall Height Requiring Approval by Special Exception</i>
Agricultural ⁵	75 feet ¹	75.1— 149 <u>150</u> feet

Residential ^{2, 4}	35 feet	35.1—75 feet
PRFPD ³	35 feet	Not Allowed
All other zoning districts ⁵	90 feet	90.1— 149 150 feet

Notes:

1 through 4 remain unchanged.

5 A variance is required, in addition to the special exception, for an antenna-supporting structure which exceeds the ~~149~~150-foot height limit.

(c) remains unchanged.

(d) Visual impacts minimized.

(1) through (3) remain unchanged.

(4) Camouflage, screening, taping, and placement.

a. and b. remain unchanged.

Staff Note: Revise landscaping requirements to focus buffering on portions of the fenced compound visible from streets, residential uses or zoning districts, and public recreational uses, rather than requiring landscaping around the entire perimeter regardless of visibility. Recognize existing buildings, topography, and mature vegetation that provide effective screening, while excluding fences, walls, and other improvements associated with the wireless communication facility from being used to avoid otherwise applicable landscaping requirements.

c. Landscaping.

1. ~~A landscaped buffer of at least ten feet in width must be planted along the entire exterior perimeter of the fence or wall required by Subsection (d)(4)b of this section. Where the proposed antenna-supporting structure will be located adjacent to a residential or public recreational use, or a lot within a Residential Zoning District, the landscaped buffer must be at least 15 feet in width. A landscaped buffer must be provided along those portions of the exterior perimeter of the fence or wall required by Subsection (d)(4)b that are visible from a street right-of-way or street easement, an existing residential use, a lot within a residential zoning district, or a public recreational use. The landscaped buffer must be at least ten feet in width where visible from a street right-of-way or street easement and at least 15 feet in width where visible from an existing residential use, residential zoning district, or public recreational use.~~

2. and 3. remain unchanged.

4. Where landscaping would otherwise be required under Subsection (d)(4)c.1, landscaping is not required along a portion of the fenced compound that is adequately screened from the applicable use or area by an existing building, topography, or mature vegetation that will remain after development. The fence or wall required by Subsection (d)(4)b, and improvements installed in connection with the wireless communication facility, may not be considered when determining whether adequate screening exists. If a site feature relied upon to provide adequate screening is removed, altered, or no longer provides such screening, the applicable landscaped buffer in Subsection (d)(4)c.1 must be installed and maintained.

d. and e. remain unchanged.

(e) General property development regulations.

Staff Note: This amendment modernizes the setback standards for new antenna-supporting structures by replacing the existing one-size-fits-all setback requirement with receiving use separation standards based on the sensitivity of the surrounding land uses. The full tower-height setback has resulted in the majority of new antenna-supporting structures requiring setback variances, despite many proposals demonstrating compatibility through the Special Exception process. The amendment retains a minimum 25 percent property line setback for every new antenna-supporting structure while preserving a full-height separation from residential receiving uses. Reduced separation standards for commercial, agricultural, industrial, and utility receiving uses better align setback requirements with land use compatibility, encourage placement within the County's established siting hierarchy, and reduce unnecessary reliance on the variance process. The amendment does not alter the Hearing Examiner's/or Director's responsibility to evaluate compatibility through the applicable Administrative Approval/Special Exception findings, which continue to govern the appropriateness of each proposed facility based on its individual context.

(1) *Setbacks.*

a. ~~New facilities. All new antenna-supporting structures must meet the setback requirements for the zoning district in which they are proposed or a distance equal to their overall height from all lot lines of the fee property on which they are proposed, whichever is greater; unless a greater distance is required as a condition of the approval. A monopole with internal antennas must be setback a distance equal to one-half of its overall height from all lot lines of the fee property on which it is proposed, unless a greater distance is required as a condition of the approval, or a variance is granted.~~

a. Table 34-1447(a) establishes the minimum receiving use separation requirements applicable to antenna-supporting structures. The following provisions govern the interpretation and application of Table 34-1447(a).

1. Regardless of the receiving use separation required by Table 34-1447(a), every antenna-supporting structure must maintain a minimum setback from every property line of the subject property equal to 25 percent of the overall height of the antenna-supporting structure. Where the minimum property line setback and the applicable receiving use separation differ, the more restrictive standard governs.
2. The receiving use separation must be measured horizontally from the nearest point of the antenna-supporting structure at ground level to the nearest property line of the receiving use identified in Table 34-1447(a).
3. Except for a caretaker's residence, property containing an existing residential use must be classified as RES regardless of the underlying zoning district.
4. Agricultural property not containing an existing residential use must be classified as AG.

Table 34-1447(a). Receiving Use Separation Requirements

<u>Receiving Use Classification</u>	<u>Receiving Use</u>	<u>Minimum Receiving Use Separation</u>
<u>RES – Residential</u>	<u>Residential zoning districts, existing residential uses regardless of zoning district, non-transient recreational vehicle parks, and the residential component of mixed-use developments.</u>	<u>100% of the overall height of the antenna-supporting structure</u>
<u>COM – Commercial/Institutional</u>	<u>Commercial uses, public facilities, schools, places of worship, transient recreational vehicle parks, public active recreational facilities, and similar non-residential institutional uses.</u>	<u>50% of the overall height of the antenna-supporting structure</u>

<u>AG – Agricultural</u>	<u>Agricultural property not containing an existing residential use.</u>	<u>50% of the overall height of the antenna-supporting structure</u>
<u>IND – Industrial / Utility</u>	<u>Industrial uses, sewer treatment plants, water treatment plants, electrical substations, utility compounds, transmission corridor tracts, and similar utility or infrastructure uses.</u>	<u>25% of the overall height of the antenna-supporting structure</u>

b. through c. remain unchanged.

(2) *Height.*

a. through f. remains unchanged.

Staff Note: Staff propose that height measurement standards specific to wireless communication facility ground equipment account for facilities located within Coastal Building Zone and other flood prone areas to consider base flood elevation standards.

g. The overall height of ground-mounted equipment or equipment enclosure may not exceed 12 feet, as measured in accordance with Section 34-2171.

h. remains unchanged.

(f) *Construction.*

(1) and (2) remain unchanged.

(3) *Lighting.*

a. and b. remain unchanged.

c. Required lighting.

1. All antenna-supporting structures 150 feet or greater in height above ground level must be artificially lighted when required by the Federal Aviation Administration and maintained pursuant to the technical requirements of the Federal Aviation Administration's current Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, as amended, or other appropriate aviation authority. Unless pre-empted by FAA or FCC regulations, all lighting must be approved in conjunction with the development order for the facility.
2. If the height of a structure under construction equals or exceeds the height at which permanent obstruction lights are required by the FAA, FCC or ~~the Division of Development Services~~ other applicable aviation authority, temporary high or medium intensity flashing lights must be installed at that level in accordance with Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, as amended.

Remainder of Section unchanged.

Sec. 34-1450. Fees and insurance.

(a) Antenna-supporting structures and wireless communications facilities must be insured by the owner against damage to persons and against damage to property. ~~Owner must provide a Certificate of Insurance to the Director annually.~~

(b) remains unchanged.

Staff Note: Amended language removes surety reference for consistency with elimination of §34-1446(c)(6) proposed herein.

Sec. 34-1451. Discontinued use.

(a) and (b) remain unchanged.

(c) *Removal of facility.* Within 120 days of a declaration of discontinued use, the property owner must either:

(1) remains unchanged.

(2) Dismantle and remove the facility. If transfer of ownership occurs, the new owner must supply the Director with an affidavit attesting that the antennas or antenna-supporting structure will be in use within 120 days of the transfer in accordance with Subsection (c)(1) of this section.

If the facility remains discontinued upon the expiration of 120 days, the County may enter upon the property and remove the facility, with all costs to be borne by the property owner. The County may recover all costs of removal through code enforcement liens, civil remedies, or any other lawful enforcement mechanism ~~use the funds posted in the surety for this purpose.~~

Sec. 34-1453. Variance criteria.

(a) remains unchanged.

(b) Appeal of decisions of the Hearing Examiner pursuant to this section will be to the circuit court. This review may only be obtained through filing a petition for writ of certiorari pursuant to the Florida Rules of Appellate Procedure. The petition must be filed within 30 calendar days after the decision has been rendered. ~~to the Board of County Commissioners in accordance with the provisions of Section 34-1445(b)(2).~~

DIVISION 12. DENSITY

Sec. 34-1493. Density equivalents.

Staff note: Relocated adjusted maximum density for Coastal Rural from Section 33-1052. Cross-references updated to reflect relocation of existing regulations elsewhere within LDC.

(a) remains unchanged.

(b) *Equivalency factors.*

(1) Bed and breakfast. Notwithstanding Section 34-1414(c), no density equivalency calculation is required for a bed and breakfast when the lodging includes four or less rentable spaces without kitchens and exterior entrances that are rentable for a limited time and at least one meal included for each guest each day of the stay. Bed and breakfasts exceeding four rentable spaces without kitchens will be calculated as four rentable spaces equals one dwelling unit.

(2) ~~Where dwelling or living units have lock-off accommodations, density will be calculated as follows:~~

~~a.~~—Timeshare units. Lock-off units will be counted as separate dwelling units whether or not they contain cooking facilities, as follows:

- i. Studio units will be counted as 0.1 dwelling units;
- ii. One-bedroom units will be counted as 0.25 dwelling units;
- iii. Two-bedroom units will be counted as 0.5 dwelling units;
- iv. Three-bedroom (or more) units will be counted as a full dwelling unit.

(3) ~~Density.~~ Density equivalents for health care, social service, adult living facilities (ALF), continuing care facilities, or other group quarters not meeting the Community Residential Homes allowances in F.S. ch. 419 are provided in dwelling unit equivalents:

a. and b. unchanged.

- c. Except as may be specifically set forth elsewhere in this chapter, where health care, social service, adult living facilities (ALF), continuing care facilities (CCF), or other group quarters are provided in dwelling units or other facilities wherein each unit does not have individual cooking facilities and where meals are served at a central dining facility or are brought to the occupants from a central kitchen, density equivalents will be calculated at the ratio of six people equals one dwelling unit.

A planned development, for which the Master Concept Plan states the number of persons that may occupy an approved adult living facility (ALF) or continuing care facility (CCF), may request an amendment to the approved Master Concept Plan to reflect the increased number of occupants based upon the equivalency factor set forth in this section (if applicable). Such amendment will be considered an administrative amendment that will be deemed to not increase density and may be approved pursuant to Section ~~34-380(b)~~ 34-174 as long as existing floor space is not increased to accommodate the increased number of occupants. If increased floor space is required, then a public hearing will be required.

(c) 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 Section and Lee Plan Policy 1.4.7 as follows:

- (1) The standard maximum density established by Policy 1.4.7 of the Lee Plan is one dwelling unit per 2.7 acres.
- (2) 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 1-G.

Sec. 34-1494. Residential density limitations in Coastal Rural FLU Future Land Use Category.

Staff note: Relocated from LDC Sec. 33-1052 and 33-1058.

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 Section and Lee Plan Policy 1.4.7 as follows:

- (a) The standard maximum density established by Policy 1.4.7 of the Lee Plan is one dwelling unit per 2.7 acres.
 - (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, classified as agriculture under Chapter 193, Florida Statute. on Lee Plan Map 2-C.
- (1) Lots within small residential developments, as defined in Section 34-2081, subject to the adjusted maximum density provisions set forth in Sections 34-2083 through 34-2085, may be developed in accordance with the property development regulations for the RS-1 Zoning District, including lot width and depth, setbacks, special regulations, and lot coverage, without further rezoning approval. The maximum building height shall be governed by Section 34-2175.

Sec. 34-1495. Residential density limitations on Captiva Island.

Staff note: relocate from Section 34-1805 and revise to apply only to residential uses.

Residential density on Captiva Island is limited to the density permitted in its Future Land Use and may not exceed a maximum residential density of three (3) dwelling units per acre. Consistent with the definition of dwelling unit, residential density is not determined based on the number of bedrooms, floor area, or any other measure of intensity.

Secs. 34-1494 34-1495—34-1570. Reserved.

DIVISION 14. RESERVED ~~ESSENTIAL SERVICES AND FACILITIES~~

Staff note: This section is proposed to be removed in its entirety. Regulating essential services are often pre-empted by State law or result in complicated regulation of necessary infrastructure. Larger scale essential service facilities are governed by existing regulations.

~~Sec. 34-1611. Purpose.~~

~~The purpose of this division is to set forth the development regulations for uses defined as essential services or classified as essential service facilities Group I (Section 34-622(c)(13)).~~

~~Sec. 34-1612. Permitted uses.~~

~~All buildings or structures defined as essential services or classified as essential service facilities Group I (Section 34-622(c)(13)) are permitted by right in all zoning districts when necessary for the day-to-day operation of the service, subject to the requirements set forth in this division.~~

~~Sec. 34-1613. Setbacks.~~

- ~~(a) Structures regulated by this division that are three feet or less in height and which individually or collectively on the same parcel are 80 cubic feet or less in volume are exempt from all setback requirements.~~
- ~~(b) Buildings or structures that are over three feet but less than six feet in height, and which individually or collectively on the same parcel are 300 cubic feet or less in volume, must be set back a minimum of five feet from any street right-of-way or street easement and must comply with the visibility requirements set forth in Section 34-1614.~~
- ~~(c) Buildings or structures that exceed six feet in height or which individually or collectively on the same parcel exceed 300 cubic feet in volume but are less than 600 cubic feet in volume must comply with the minimum right-of-way or street easement setback for the district in which located and may not be located closer than 25 feet to any body of water.~~
- ~~(d) Buildings or structures that individually or collectively on the same parcel exceed 600 cubic feet in volume must comply with all setback requirements for the district in which located.~~

~~Sec. 34-1614. Height of structures in visibility triangle.~~

~~No building or structure regulated by this division that exceeds three feet in height may be permitted within the visibility triangle set forth in Section 34-3131, pertaining to vehicle visibility.~~

~~Sec. 34-1615. Maximum number of structures per residential block.~~

~~Not more than one structure or group of structures which collectively exceed 150 cubic feet in volume may be permitted on the same side of a street within any residential block, unless a minimum separation of four lot widths is observed between the structures.~~

~~Sec. 34-1616. Screening and buffering.~~

- ~~(a) Structures or equipment (excluding transmission poles) exceeding three feet in height or which individually or collectively on the same parcel exceed 27 cubic feet in volume must be of neutral, non-glare color or finish so as to make them as visually unobtrusive as possible.~~
- ~~(b) Structures or equipment (excluding transmission poles) exceeding three feet in height, or which individually or collectively on the same parcel exceed 80 cubic feet in volume, must be of neutral, non-glare color or finish, and shielded on all sides by shrubs at least 36 inches high at time of planting, consistent with the requirements of Section 10-420.~~

~~Sec. 34-1617. Exemptions from property development regulations.~~

~~Facilities defined as essential services or classified as essential service facilities, Group I, are exempt from the property development regulations that set forth minimum lot size, area and dimensions.~~

Secs. 34-1611~~34-1618~~—34-1650. Reserved.

DIVISION 15. RESERVED ~~EXCAVATION ACTIVITIES~~

Staff note: Division to be deleted. Excavation activities governed elsewhere in the LDC as indicated in the current language of this section.

Sec. 34-1651. General requirements for all excavation activities.

- ~~(a) Certificate to Dig. A certificate to dig must be obtained prior to receiving approval to excavate properties located within Level 1 or Level 2 zones of archaeological sensitivity pursuant to Chapter 22.~~
- ~~(b) Mining. Mining (def) activities may be permitted in accordance with Chapter 12.~~
- ~~(c) Driving or sinking of wells for the purpose of oil or gas exploration or extraction.~~
 - ~~(1) No oil or gas exploration wells or test wells may be commenced prior to obtaining a special exception for gas and oil exploration in accordance with the procedures set forth in Article II of this chapter.~~
 - ~~(2) No oil or gas exploration wells may be used for or converted to production wells prior to obtaining a special exception for gas and oil extraction in accordance with the procedures set forth in Article II of this chapter.~~
- ~~(d) Excavations for the purpose of water retention or other land development. No excavation activities, including removal of surplus material may be commenced prior to receiving approval in accordance with the provisions of Section 10-329 or Chapter 12, as applicable.~~

DIVISION 16. AGRITOURISM ACTIVITIES, PRODUCE STANDS, AND U-PICK OPERATIONS

Sec. 34-1711. Agritourism activities.

- (a) remains unchanged.*
- (b) Agritourism activities are those activities defined in Section 34-2 that are directly related to agriculture and that promote the intent of F.S. §§ 570.85—570.89. Activities permitted by right include:
 - (1) through (4) remains unchanged.*
 - (5) Other activities determined by the ~~Zoning~~ Director to be substantially similar to the above activities.
- (c) and (d) remains unchanged.*

DIVISION 17. FENCES, WALLS, GATES, AND GATEHOUSES

Sec. 34-1748. Entrance gates and gatehouses.

The following regulations apply to entrance gates or gatehouses that control access to three or more dwelling units or recreational vehicles, or any commercial, industrial or recreational facility:

Subsections (a) through (d) remain unchanged.

Staff note: Restore subsection (e), *Turn-arounds*, which was omitted during prior codification. No substantive change to the restored language is proposed.

- (e) Turn-arounds. A paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book, current edition, must be provided on the ingress side of the gate or gatehouse.

DIVISION 18. HOME OCCUPATIONS; LIVE-WORK UNITS

Sec. 34-1773. Live-work units.

Staff note: Revise section to correct cross-reference.

(a) through (d) remain unchanged.

- (e) *Parking.* The multiple-use development parking standard (see Section 34-2020(b)) will be used to determine the minimum number of spaces required for each live-work unit. The minimum number of required parking spaces may be reduced up to 50 percent if a parking demand study is, provided that supports the reduction pursuant to Section 34-2020(c)(6) and administrative approval is obtained pursuant to Section ~~34-17434-2020(e)~~.

(f) *remains unchanged.*

DIVISION 19. HOTELS AND MOTELS

Sec. 34-1803. Existing hotels/motels.

- (a) A nonconforming hotel/motel destroyed by fire or natural forces may be rebuilt in accordance with the provisions set forth in Section 34-3241(b)(2)b.

(b) through (e) *remain unchanged.*

~~Sec. 34-1805. Density limitation for Captiva Island.~~

Staff note: Delete section. Hotels are considered non-residential development and as such are not subject to density requirements except as specified in Section 34-1802.

~~The permitted density for hotels and motels as set forth in this division will not apply to any hotel or motel units on Captiva Island. With the exception of the South Seas Island Resort, the maximum permitted density for hotels or motels on Captiva Island may not exceed three units per gross acre. The redevelopment of nonconforming hotels and motels on Captiva Island will be governed by the provisions of Section 33-1628(b). That section will be interpreted to prohibit an increase in the number of rental units and to establish a maximum average unit size of 550 square feet.~~

Secs. ~~34-1806~~34-1805—34-1830. Reserved.

DIVISION 23. RESERVED.~~MOBILE HOMES~~

Staff note: Delete division, which is redundant and is regulated by Florida Building Code and applicable permitting procedures.

~~Sec. 34-1921. Move-on permit.~~

~~No mobile home shall be relocated or moved onto any property without first obtaining a move-on permit from the Division of Codes and Building Services.~~

~~Sec. 34-1922. Tiedowns.~~

~~All mobile homes shall be tied down in accordance with State and insurance regulations.~~

Secs. 34-1921~~23~~—34-1950. Reserved.

DIVISION 24. MODEL HOMES, UNITS AND DISPLAY CENTERS

Staff note: Delete section. Speculative homes are permitted and regulated as the dwelling unit type proposed at time of permitting.

Sec. 34-1953. Speculative homes~~Reserved~~.

~~Speculative homes may be permitted in any zoning district which permits construction, erection or emplacement of that type of unit, provided the unit is constructed, erected or emplaced in compliance with the~~

property development regulations for the zoning district in which located. No advertising signs or model, open house or open for inspection signs, as defined in Chapter 30, will be permitted, except a for sale sign.

Sec. 34-1954. Model homes and model units.

Staff note: Relocate certain development regulations from Lehigh Acres Model Home regulations to model home supplementary regulations to apply County-wide. revise to relocate subsection (a)(3) from LDC Sec. 33-1431. Revise subsection (b) to eliminate central water/sewer connection for model homes. Add subsection (b)(5) to allow models to be located within 300 feet of an arterial or collector road while prohibiting direct access to such road. Add subsection (g) to allow redevelopment of model homes by right.

- (a) *Generally.* Model homes and model units may be permitted by right, by special exception, or by administrative approval as specified in zoning district use regulations and as follows:

(1) and (2) remain unchanged.

(3) *Development order.* Local development order approval is required prior to commencing operation of a model home. The existing building, all building additions and site-related improvements, except landscaping as specified below, are required to meet the applicable commercial land development and building code regulations prior to development order approval. When required landscaping cannot be provided due to site constraints, landscaping improvements may be addressed through an alternative landscape betterment plan, per Section 10-419.

- (b) *Location; connection of utilities and Certificate of Occupancy.*

(1) remains unchanged.

- (2) Model homes must ~~be connected to~~ have adequate water, sewer and electricity service and must receive a Certificate of Occupancy as a model home only, prior to use as a model.

(3) and (4) remain unchanged.

- (5) New standalone single-family model homes are prohibited direct access to arterial and collector roads.

(c) through (f) remains unchanged.

~~(e)(g)~~ *Redevelopment of former standalone model homes with direct access to arterial and collector roads.* The following regulations will apply to redevelopment of former model homes:

- (1) *Permitted uses.* The following uses are permitted by right. ~~may be approved for a model home through the special exception process.~~ These uses are in addition to the uses permitted by right or by special exception in the RS-1 Zoning District. Other uses are subject to approval through a rezoning, ~~planned development in accordance with Chapter 34, Article IV.~~

Banks and financial establishments (Section 34-622(c)(3)), Groups I and II.

Business services (Section 34-622(c)(5)), Group I.

Cleaning and maintenance services (Section 34-622(c)(7)).

Contractors and builders (Section 34-622(c)(9)), Group I.

Cultural facilities, limited to art galleries, aquariums, historical sites.

Day care centers, child and adult.

Hobby, toy and game shops (Section 34-622(c)(21)).

Laundromat.

Laundry or dry cleaning (Section 34-622(c)(24)), Group I.

Library.

Live-work unit (Subsection (h) of this section).

Medical office.

Nonstore retailers (Section 34-622(c)(30)), Group I.

Personal services (Section 34-622(c)(33)), Groups I, II, III and IV.

Place of worship.

Real estate sales office.

Religious facilities.

Repair shops (Section 34-622(c)(40)), Groups I and II.

Schools, commercial.

Signs per Chapter 30 and this chapter.

Studios (Section 34-622(c)(49)).

DIVISION 26. PARKING

Sec. 34-2011. Reserved. Applicability.

Staff note: Delete section in its entirety. Deleted requirements were relocated to Section 10-260(a) through 10-260(c) by Ordinance 26-07, but corresponding removal of language was not completed.

- (a) ~~New developments.~~ Residential and nonresidential uses must provide off-street parking spaces in accordance with the regulations in this division.
- (b) ~~Existing developments.~~
 - (1) ~~Existing buildings and uses with existing off-street parking spaces may be modernized, altered or repaired without providing additional parking spaces, provided there is no increase in total floor area or capacity. Buildings which have been damaged by fire or other natural forces in excess of 50 percent and are reconstructed at (but not to exceed) the legally documented actual use, density, and intensity existing at the time of destruction must provide, no less than, the number of parking spaces existing prior to the date of destruction (if existing parking spaces are less than the amount of parking required under this Code). Any subsequent changes to the actual use or increases in density and intensity on the property will be required to provide additional parking spaces associated with the change of use or development increases. In calculating the required additional parking, the required additional spaces will be proportionate to the increase in density or intensity above the preexisting development intensities or densities.~~
 - (2) ~~Existing buildings or uses enlarged in terms of floor area must provide additional parking spaces for the total floor area in accordance with this division.~~
 - (3) ~~When the use of a building is changed to a use that is required to have more parking than exists, the additional parking must be provided.~~
- (c) ~~Developments on islands without vehicular access to mainland.~~ Developments on islands where direct vehicular access to the mainland by bridge, causeway or street system is not available are exempt from this division.

Sec. 34-2012. Definitions.

Staff note: Revise section to add definition of “order point” and “point of service” as a companion to proposed amendments to Section 34-2021. Only defined terms proposed for amendment or addition are shown below. All other existing defined terms are omitted and remain unchanged.

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

Order point means an on-site location within a drive-through facility, located before a point of service, where a patron places an order for fulfillment at a point of service.

Point of service means an on-site location within a drive-through facility where a patron receives and may pay for food, merchandise, or other goods and services.

Sec. 34-2021. Drive-through stacking requirements.

Staff note: Revise section to codify existing Department interpretation regarding drive-through stacking for restaurant uses with multiple ordering points. Change “menu board” terminology to “order point” since many restaurants with drive-throughs have menu boards that are located before the actual order point (location where a customer places an order). Add provisions for drive-throughs without order points where a customer orders in advance rather than on-site (e.g., mobile ordering and telephone ordering).

Commercial establishments ~~with drive-through facilities providing drive-up service windows or stalls~~ must provide dedicated space to accommodate separate vehicle stacking for those uses in accordance with the following requirements. For the purpose of this section, a vehicle stacking space ~~stacking unit~~ is defined as 18 feet in length and nine feet in width. ~~The total number of stacking units required will be based on the type of business, as follows:~~

- (a) *Banks and financial establishments.* Stacking lanes to accommodate five vehicle stacking spaces ~~cars~~ per ~~window or point of service, including automatic teller machines, if located in a drive through lane.~~
- (b) *Car wash.* Stacking lanes to accommodate one vehicle stacking space ~~car~~ per service stall or five vehicle stacking spaces ~~cars~~, whichever is greater.
- (c) *Drive-in automotive oil change establishments.* Stacking lanes to accommodate two vehicle stacking spaces ~~cars~~ per service bay or five vehicle stacking spaces per site, whichever is greater. Each service bay may count as one vehicle stacking space.
- (d) *Restaurants.*
 - (1) Drive-throughs with order points. Stacking lanes to accommodate ten vehicle stacking spaces ~~cars~~ per point of service ~~service lane~~, with a minimum of five vehicle stacking spaces preceding the order point(s) ~~menu board~~. Establishments with multiple order points merging into one point of service must provide a total of five spaces preceding the order points.
 - (2) Drive-throughs without order points. Stacking lanes to accommodate three vehicle stacking spaces per point of service.
- (e) *Other.* Stacking to accommodate five vehicle stacking spaces ~~cars~~ per service lane.

Sec. 34-2023. Parking for bus terminals.

Staff note: Section Relocated from Secs. 34-1484 and 34-1485 and modified for clarity.

(a) Off-street parking. The parking for a bus station/depot or bus terminal where the loading and unloading of passengers, luggage or parcels may occur shall meet the following minimum requirements:

- (1) One parking space, excluding parking space for buses, shall be required per 100 square feet of total floor area dedicated to passenger waiting area, and one space shall be required per 1,000 square feet of total floor area dedicated to ticket sales or baggage or parcel handling areas.
- (2) Parking spaces shall be required for all buses using the site. A minimum of one bus parking space shall be required for each bus carrier using the facility. If arrival and departure times run concurrently, then additional parking must be provided to ensure that each bus has a separate parking space.
- (3) The parking spaces for each bus stall shall be designated by signage and pavement markings.
- (4) Each bus parking stall shall be a minimum of 12 feet by 50 feet in size for parallel or diagonal parking.

- (5) All required parking shall have a paved, dust free, all-weather surface.
- (6) For every 12 daily scheduled bus arrivals and departures, or a portion thereof, at locations where passengers may disembark, one parking space for taxicabs and one parking space for commuters shall be required.
- (b) On-street parking. In some instances, it may be appropriate for a bus station/depot to have the buses parked within an adjacent road right-of-way. In all such instances, the location of the bus turnout, proximity to the bus station/depot and how the bus will enter and exit the turnout must be shown on the site plan.
- (c) In addition to the requirements of Section 34-2023~~1384~~(a), where bus terminals are permitted by right or special exception, the following parking requirements shall apply:
 - (1) One space for each 2,000 square feet of total floor area, with a minimum of five parking spaces, shall be required for buildings or structures dedicated to the housing of buses;
 - (2) Adequate parking shall be provided for the outdoor storage of buses, if such storage is required; and
 - (3) Where a bus terminal is used solely for the transient housing or parking of buses, the parking requirements of Section 34-2023~~1384~~(a) shall not apply.
- (d) On-street parking as described in Section 34-2023~~1384~~(b) shall not be approved in conjunction with bus terminals.

DIVISION 28. COASTAL RURAL DEVELOPMENT STANDARDS~~RESERVED~~

Sec. 34-2081. - Coastal Rural approval procedures.

Staff note: Section relocated from Sec. 33-1053. Update existing cross-references.

- (a) Approval procedures for commercial developments. All commercial development or redevelopment within the Coastal Rural land use designation must be approved in the form of a planned development, except where permitted by right or special exception in accordance with Section 2-148(d).
- (b) Approval procedures for large residential developments. Large residential developments, defined as those developments containing ten or more dwelling units, must be approved in the form of a planned development and meet the design standards set forth in Section 10-502. This requirement applies to projects developed pursuant to the standard maximum density and/or the adjusted maximum density. Where a project is developed pursuant to the adjusted maximum density, the development must provide a 30-foot-wide Type F buffer along the side and rear project boundaries.
- (c) Approval procedures for small residential developments. Small residential developments, defined as those developments containing less than ten dwelling units, may be developed in accordance with the regulations for the underlying zoning district and development order procedures set forth in Chapter 10, and where all other provisions of this Land Development Code are met. Refer to Section 10-506 for alternative property development regulations for small residential developments subject to the adjusted maximum density provisions.
- (d) Aggregation. Two or more developments, represented by their owners or developers to be separate developments, may be aggregated and be subject to the planned development approval procedures outlined in Subsection (b) of this section where the large residential development threshold is exceeded, and where the Director determines the developments are part of a unified plan of development. For the purposes of determining whether the developments are part of a unified plan of development, the Director will utilize the following criteria:
 - (1) Common control, ownership or a significant legal or equitable interest, or management of the developments;

- (2) Physical proximity of the developments, i.e., abutting property boundaries or boundaries separated solely by rights-of-way;
- (3) Reasonable closeness in time between the completion of up to 80 percent of one development and the submission of development order plans for the other development;
- (4) A master plan or series of plans or drawings covering the developments sought to be aggregated, which have been submitted to the County for authorization to commence development;
- (5) The voluntary sharing of infrastructure; and
- (6) A common advertising scheme or promotional plan.

Sec. 34-2082. - Coastal Rural development standards.

Staff note: Section relocated from LDC Sec. 33-1054. Update existing cross-references. Delete subsection (a), which is duplicative.

The following development standards apply to development or redevelopment within the Coastal Rural land use category that meet the thresholds for large residential developments:

~~(a) General standards. All requirements of this Code remain in effect except as modified through the planned development rezoning process or as otherwise provided in this article.~~

(a) Property development regulations.

- (1) Development must be clustered in a manner that provides for the protection of existing, on-site native vegetation, including wetlands and uplands, natural flow ways, and endangered, threatened or species of special concern.
- (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 and 4-B in the Lee Plan, and where a connection point is within one-quarter mile of the parcel boundary.
- (3) The minimum lot size along the planned development boundary must be one acre unless the development is adjacent to a residential lot or lots that are smaller than one acre, or where compatibility is addressed through an alternative design approved as part of the planned development rezoning process.
- (4) Open space must be consistent with one of the following:
 - a. 50 percent of the development area must be maintained as open space (exclusive of pervious areas within privately-owned lots).
 - b. The maximum lot coverage of residential lots is limited to 25 percent, including principal and accessory structures. All structures must comply with the following minimum setbacks from residential lot lines:
 - 1. Street: 50 feet, except where a minimum setback of 100 feet is required by Section 34-1174(b)(1).
 - 2. Side: 25 feet, except where a greater setback is required by Chapter 34.
 - c. Where a project is developed pursuant to the adjusted maximum density, the 70 percent habitat or agricultural requirement may be utilized to meet the minimum open space requirement set forth in Sections 34-2083 through 34-2085.
- (5) All buildings and structures must be set back a minimum of 50 feet from the planned development boundaries.

- (6) A 25-foot-wide modified Type D buffer must be provided along all abutting external rights-of-way. The buffer must contain five native canopy trees and 66 shrubs per 100 linear feet installed according to Section 10-420. Canopy trees and shrubs must be clustered to mimic the natural environment.
- (7) A 30-foot-wide Type F buffer installed according to Section 10-420 is required where proposed residential lots are smaller than one acre and abut external active agricultural uses, excluding pasturelands, or abut residential lots equal to or greater than one acre.
- (8) Developments must provide one tree per 2,500 square feet of development area.
- (9) Developments must minimize site disturbance by stemwall construction, low impact clearing, grading, and construction measures to reduce amount of fill placed on the lots.
- (10) Native habitat that is being preserved or restored in order to qualify for adjusted maximum density will be governed by Sections 34-2083 and 34-2084 instead of the AG-2 regulations in Chapter 34.
- (11) Existing farmland that is being committed to continued agricultural uses in order to qualify for adjusted maximum density will be governed by Section 34-2085, in addition to the AG-2 regulations in Chapter 34.

Sec. 34-2083. - Permanently preserved native habitat.

Staff note: Section relocated from LDC Sec. 33-1055. Update existing cross-references.

A development proposal that requests the adjusted maximum residential density for committing to "permanently preserved native habitat," as that term is defined in Section 34-2, must address the following requirements at the time of planned development rezoning and/or local development order application:

- (a) *Land uses in preserved habitat.* Native habitat that is counted as preserved or restored for the purposes of achieving adjusted maximum densities pursuant to Section 34-1494 cannot be part of any individual lots or parcels on which development is permitted.
 - (1) Portions of these native habitats may be used as buffer strips and wooded portions of golf courses, provided those areas have a minimum dimension of 40 feet and are shown on the ~~binding~~ Master Concept Plan or development order plans as native habitat.
 - (2) Land area that has an impervious surface cannot qualify as permanently preserved native habitat, unless replanted in accordance with Section 34-2084; however, the following maximum percentages of other land uses may be permitted within preserved native habitat areas:
 - a. Facilities for passive recreation such as hiking trails, bridle paths, boardwalks, or fishing piers, up to two percent of the preserved area.
 - b. Buffers, lakes, and utilities, up to ten percent of the preserved area.
 - c. Commercial or noncommercial agriculture, up to ten percent of the preserved area.
- (b) *Removal of invasive exotic plants.* Invasive exotic plants must be removed from the area being preserved. Methods to remove and control invasive exotic plants must be included on the development order plans. For the purposes of this subsection, the term "invasive exotic plant" means and includes the same plants as described in Section 10-420.
- (c) *Management plan.* The guarantee of preservation must also include a long-term management plan that will accomplish the following goals for the area being preserved:
 - (1) The preserved habitat must be kept free of refuse, debris, and pests and must be maintained in perpetuity against the reestablishment of invasive exotic plants. The management plan must describe how invasive exotic plants will be prevented from being reestablished within the preserved habitat.
 - (2) The preserved habitat must be managed to maintain a mosaic of plant and habitat diversity typical of the ecological community being preserved. A reference source describing the native habitats found in

Greater Pine Island is available in Chapter 3 of the Multi-Species Recovery Plan for South Florida, published by the U.S. Fish and Wildlife Service.

- (3) The management plan must describe acceptable forest management practices such as prescribed burning, selective thinning, and replanting. If the management plan does not include prescribed burning to mimic the historic fire regime, the plan must propose an alternative method for selectively thinning flammable understory plants.
- (4) The management plan must specify how the preserved habitat will be demarcated through fencing or other means to clearly identify preserved habitat without unnecessary blockage of recreational usage or wildlife movement.
- (5) The management plan must also comply with the standards set forth in Section 10-415(b)(4).
- (d) *Ownership of preserved habitat.* The underlying ownership of these permanently preserved native habitats may be retained by the original landowner, transferred to a homeowners or condominium association or transferred to another entity acceptable to the County.

Sec. 34-2084. - Restored native habitat.

Staff note: Section relocated from LDC Sec. 33-1056. Update existing cross-references.

A development proposal that requests the adjusted maximum residential density for committing to "restored native habitat," as that term is defined in Section 34-2, must address the following requirements at the time of planned development rezoning and/or local development order application. This requirement does not include landscaping, as required in Section 34-2082.

- (a) *Reintroduction of native trees.* Native trees must be planted and must be of species typical of the native habitat being restored, as set forth in the Multi-Species Recovery Plan. For example, the dominant tree species in mesic pine flatwoods, the most common native upland habitat on Pine Island, will be longleaf and South Florida slash pines; the dominant tree species in mesic temperate hammocks will be live oaks and cabbage palms.
 - (1) Site preparation must include removal of non-native vegetation that will compete with newly planted trees.
 - (2) A minimum of 100 trees per acre must be planted. Trees must be planted in clusters or random patterns rather than rows. Bare-root or containerized seedlings (seedling cone container size) may be planted using standard forestry techniques.
 - (3) Fertilization and appropriate watering are required at time of planting to ensure survival of seedlings, with spot irrigation beyond planting. Trees may be planted during the wet season to mitigate the use of water trucks or other forms of irrigation. Exotic and problematic plant monitoring and control is required for at least five years after planting.
- (b) *Reintroduction of native midstory shrubs and understory plants.* In addition to the introduction of native pine trees as mentioned in Subsection (a) of this section, midstory and understory species must be planted.
 - (1) These species must include at least five of the following:
 - a. Wiregrass (*Aristida stricta* var. *beyrichiana*);
 - b. Tarflower (*Bejaria racemosa*);
 - c. Wax myrtle (*Myrica cerifera*);
 - d. Fetterbush (*Lyonia lucida*);
 - e. Rusty lyonia (*Lyonia ferruginea*);
 - f. Gallberry (*Ilex glabra*);

- g. Saw palmetto (*Serenoa repens*); or
- h. Cabbage palm (*Sabal palmetto*).
- (2) Additional native species may be substituted for the species listed above with the consent of the County.
- (3) No single species may comprise more than 50 percent of the total number of plants installed.
- (4) All of the acreage being restored must be planted with acceptable midstory and understory plants.
 - a. A minimum of 250 native mid- and understory plants must be planted per acre. Plants must be placed in groupings or clusters throughout the area to be restored.
 - b. Plants to be used must consist of containerized plants or tubelings. Direct seeding may also be a viable alternative to planting with the approval of the County.
- (5) Site preparation may be necessary to adequately prepare the site for planting. Site preparation may include such activities as re-contouring, disking, roller chopping, bush hogging, prescribed burning, herbiciding, or other recognized vegetation management activities.
- (c) Criteria for success of restoration. Plantings of native trees and midstory and understory plants must be monitored annually to ensure a minimum survival rate of 80 percent.
 - (1) Monitoring must be performed for a minimum of five years after initial planting. Monitoring must be done by a qualified biologist, ecologist, forester, or natural areas manager subject to approval by the County.
 - (2) Annual monitoring reports must be submitted to the Director. After reviewing a monitoring report for the fifth or later year for methodology and accuracy, the Director is authorized to issue a finding that the restoration has been successfully completed and that no further monitoring reports are required, or that restoration has been partially completed and that monitoring reports are required only for the incomplete portion of the restoration.
- (d) Financial guarantees. If a landowner wishes to begin development prior to successful completion of the restoration, completion must be assured in the same manner that off-site improvements or on-site subdivision improvements may be guaranteed pursuant to Section 10-154.
- (e) Flatwoods restoration bank. As an additional alternative to restoring native habitat on-site or on contiguous or noncontiguous parcels combined into a single development application, the County may adopt an Administrative Code that sets forth the requirements for a third party to preserve or restore degraded upland habitats on large parcels on Pine Island. Credits for this restoration work could be sold to other landowners in Greater Pine Island who wish to increase their allowable density in accordance with Section 34-1494.
 - (1) The restored land must meet all of the conditions for restored native habitat in this section in addition to the requirements of the Administrative Code.
 - (2) The Administrative Code will determine the assignment of restoration credits in a manner that is proportional to the ecological value of the restoration using a functional assessment method acceptable to the County. Credits can be sold once the restoration has proven successful according to criteria set forth in the Administrative Code.
 - (3) The County will not be involved in any way in establishing the financial value of restoration credits.

Sec. 34-2085. - Continued agricultural use on existing farmland.

Staff note: section relocated from LDC Sec. 33-1057. Update existing cross-references.

A development proposal that requests the adjusted maximum residential density for committing to "continued agricultural use on existing farmland," as that term is defined in Section 34-2, must address the

following requirements at the time of planned development rezoning and/or local development order application.

(a) *Land uses.* Existing farmland that is committed to continued agricultural uses under this section is limited to those uses allowable under the applicable agricultural zoning category assigned to the land, plus the following additional restrictions:

- (1) Residential and commercial development is not permitted because those development rights have already been transferred by the landowner to other property.
- (2) The conditions for approval stipulated in the planned development zoning resolution or local development order approval applicable to the property may contain further restrictions on land uses.

(b) *Removal of invasive exotic plants.* Invasive exotic plants must be removed. Methods to remove and control invasive exotic plants must be included on the development order plans. The farmland must be maintained in perpetuity against the reestablishment of invasive exotic plants and must be kept free of refuse, debris, and pests. For the purposes of this subsection, the term "invasive exotic plant" means the same plants as described in Section 10-420.

Sec. 34-2086. - Lots developed to adjusted maximum densities.

Staff note: Section relocated from LDC Sec. 33-1058. Update existing cross-references.

Lots within small residential developments subject to the adjusted maximum density provisions set forth in Sections 34-2083 through 34-2085 may be developed in accordance with the property development regulations for the RS-1 Zoning District, including lot width and depth, setbacks, special regulations, and lot coverage, without further rezoning approval. The maximum building height shall be governed by Section 34-2175.

Secs. 34- ~~2087-2081~~—34-2110. Reserved.

DIVISION 29. RESERVED. PRIVATE CLUBS, FRATERNAL CLUBS AND MEMBERSHIP ORGANIZATION CLUBS

Staff note: Delete section.

Sec. 34-2111. Applicability of district use regulations.

~~The limited enumeration of a private, fraternal or membership organization club use is not meant to limit or abridge the rights of assembly in any way. Such organizations are not prohibited from meeting in various traditional and appropriate places. For example, a service club's weekly meeting at a restaurant in a district not otherwise allowing fraternal, membership organization or private clubs shall not constitute a zoning violation. However, where such an organization is the principal user of real property for meetings, entertainment, and food and beverage service, such a meeting place, hall or clubhouse shall be permitted only where this use is explicitly enumerated.~~

Secs. 34-2111~~2~~—34-2140. - Reserved

DIVISION 30. PROPERTY DEVELOPMENT REGULATIONS

Subdivision II. Height

Sec. 34-2175. Height limitations for special areas and Lee Plan land use categories.

Staff note: Append subsection (a)(2) to relocate provisions of Section 33-1627 to vest existing wireless communication facility in South Seas Island Resort. Update cross-references as required due to relocation/renumbering.

The following areas have special maximum height limitations applicable to all conventional and planned development districts:

(a) *Special areas.*

(1) *remain unchanged.*

- (2) ~~Captiva Island, except South Seas Island Resort.~~ The height of a building or structure may not exceed 35 feet. The provisions of Section 34-2174(a) do not apply to Captiva Island. Unless approved as part of a planned development, No no variance or deviation from this height restriction may be granted; provided however, one communication tower, not to exceed 170 feet in height, may be constructed or replaced in accord with Section 33-1627. The communication tower must provide space for the County to provide emergency communications service as well as co-location capability for wireless carriers.

Notwithstanding the above height limitations, purely ornamental structural appurtenances and appurtenances necessary for mechanical or structural functions may extend above the roof peak provided that the total area dedicated to the exceedance of these elements, as measured by drawing a rectangle around the perimeter of the area(s) of the exceedances, equals 20 percent or less of the total roof area.

(3) *and (4) remain unchanged.*

- (5) ~~Greater Pine Island.~~ The height of a building or structure may not exceed 33 feet.

a. and b. remain unchanged.

c. No deviations from these height restrictions may be granted through the planned development process unless the variance criteria of Section 34-145 are met.

d. Any variances from these height restrictions must meet the requirements of ~~require all of the findings in Section 34-145(b)(3), except with the sole exception being where the relief~~ is required to maintain or improve the health, safety, or welfare of the general public (not just the health, safety, or welfare of the owners, customers, occupants, or residents of the property in question).

- (6) *Matlacha Residential Overlay.* See Section 34-1137. ~~Chapter 33, Article VI.~~

(7) *and (8) remain unchanged.*

- (b) *Lee Plan land use categories.* Except as otherwise provided herein, maximum building height is established by future land use category as follows:

Staff note: Add maximum heights for Conservation Community and Preservation and Innovation future land use categories. **Asterisks (* * *)** indicate intervening table rows that are omitted from this amendment because they remain unchanged.

TABLE 34-2175(b) MAXIMUM BUILDING HEIGHT BY FUTURE LAND USE CATEGORY		
Future Land Use Category	Notes	Maximum Building Height

<u>Conservation Community</u>	<u>Note (1)</u>	45 feet

<u>Preservation and Innovation</u>	<u>Note (2)</u>	

Table notes remain unchanged.		

Subdivision III. Setbacks

Sec. 34-2192. Street setbacks.

(a) *remains unchanged.*

(b) *Exceptions.*

(1) *remains unchanged.*

(2) *Exception for certain existing lots and structures.*

- a. The setbacks set forth in Subsection (a) of this section will not apply to residential structures or public schools erected prior to August 1, 1986, or which received a development order or building permit which is still valid on August 1, 1986. This exception does not authorize an addition, enlargement, or alteration that increases an existing encroachment into a required street setback.

b. *remains unchanged.*

(3) through (5) *remain unchanged.*

DIVISION 33. RESERVED. SIGNS

Staff note: Delete redundant section.

~~Sec. 34-2411. Location and construction.~~

~~All on-site and off-site signs shall be located, erected and constructed in accordance with Chapter 30.~~

~~Secs. 34-2411 2412—34-2440. Reserved.~~

DIVISION 36. STORAGE FACILITIES AND OUTDOOR DISPLAY OF MERCHANDISE

Sec. 34-3001. Applicability.

Staff note: Delete cross-reference.

(a) *remains unchanged.*

- (b) The provisions of the division do not apply to the display, sale or rental of motor vehicles, boats, recreational vehicles, trailers, mobile homes, construction or farm equipment (~~see Section 34-1352~~); or to junk, impound yards, scrap or salvage yards (see Division 20 of this article); or to refuse, trash dumps and sanitary landfills (see Division 20 of this article); or to garage or yard sales by residents of dwelling units on their own property (see Section 34-622(c)(42)); or to the mooring or docking of aircraft or watercraft.

Sec. 34-3005. Storage facilities.

Staff note: Delete subsection (c), which is outdated due to state and federal requirements.

(a) and (b) *remain unchanged.*

~~(c) Bulk storage of flammable liquids.~~

- ~~(1) Firewalls or dikes required. Whenever aboveground tanks for storage of gasoline, gas, oil or other flammable liquids are located on any land where such use is permitted, such tanks shall be surrounded by an unpierced firewall or dike of such height and dimensions as to contain the maximum capacity of~~

- the tanks. All storage tanks and adjacent structures shall meet the requirements of the Board of Fire Underwriters.
- (2) ~~Exceptions. Storage tanks containing liquified petroleum, commonly known as bottled gas, are specifically excluded from the provisions of this Subsection (c).~~

DIVISION 37. SUBORDINATE AND TEMPORARY USES

Subdivision II. Temporary Uses

Sec. 34-3041. Temporary use permits, generally.

- (a) *remains unchanged.*
- (b) *Location.* Temporary uses are subject to the following regulations:
- (1) *through (3) remain unchanged.*
- (4) Off-street parking with a surface type specified in Section ~~34-2017(b)~~10-260(h)(2) must be provided. If the temporary use will be on premises with existing parking facilities, no additional parking facilities will be required.
- (5) *remains unchanged.*
- (c) *remains unchanged.*
- (d) *Time limit.*
- (1) The maximum duration of a temporary use permit is 30 continuous days, except as provided for in Sections 34-3043 through ~~34-3048~~ 34-3049.
- (2) *remains unchanged.*
- (e) *through (h) remains unchanged.*

Sec. 34-3042. Carnivals, fairs, circuses and amusement devices.

Staff note: Revise subsection (d) to incorporate language from LDC Sec. 33-1629, which is proposed to be deleted.

- (a) *through (c) remain unchanged.*
- (d) *Excluded areas.* No temporary use permits under this section may be issued for Captiva Island or within the Gasparilla Island Conservation District. This section will not be construed to prohibit civic events or not-for-profit fundraising events, sponsored by 501(c) corporations designated by the U.S. Internal Revenue Service, or registered as a not-for-profit entity with the State. Such events include bazaars, fundraising events, seasonal or holiday observances, or activities (e.g., bounce houses) for which the public may have access.
- (e) *remains unchanged.*

Sec. 34-3047. Reserved. Temporary telephone distribution equipment.

~~Telephone distribution equipment may be granted a temporary permit during planning and construction of permanent facilities, provided that:~~

- ~~(1) The equipment is less than six feet in height and 300 cubic feet in volume; and~~
- ~~(2) The maximum length of the use shall be six months, but the Director may extend the permit once for a period not to exceed six additional months in the event of circumstances beyond the control of the telephone company. Application for an extension shall be made at least 15 days prior to expiration of the original permit.~~

Sec. 34-3049. Reserved. Temporary mail distribution location.

- (a) ~~A shipping container or other structure approved by the building official through issuance of a temporary use permit, may be used for the temporary storage of mailed packages to be delivered to third parties off site within a designated area for a limited duration.~~
- (b) ~~Time.~~
 - (1) ~~Temporary mail distribution is allowed from November 1 through December 31. Any shipping container, storage pod, or other structure approved by the building official must be removed from the site no later than January 14.~~
 - (2) ~~The hours of operation are Monday through Saturday from 8:00 a.m. to 6:00 p.m.~~
- (c) ~~Location.~~
 - (1) ~~Temporary mail distribution structures may be located in commercial, residential and industrial zoning districts.~~
 - (2) ~~Temporary mail distribution structures may be located on a vacant lot or in parking lots or on grassed areas within developed properties. They may not be located in open space or preserve areas as designated on an approved local development order.~~
 - (3) ~~Structures used for temporary mail distribution must comply with all setback requirements for accessory structures. No more than one temporary mail distribution structure is allowed on a vacant lot.~~
 - (4) ~~Prior to the issuance of a temporary permit for the use in a single family residence, the applicant must provide a notarized statement of no objection from the abutting property owners with the application for a temporary permit.~~
 - (5) ~~Temporary mail distribution may only occur with the prior approval of the property owner. If located within a subdivision controlled by a Property Owners' Association, the applicant must provide written documentation from the property owner and association identifying the site and approving the proposed activity.~~
 - (6) ~~No temporary mail distribution structure may be located in a public right-of-way.~~
- (d) ~~Size. A temporary mail distribution structure may not exceed 20 feet in length and must be securely placed on the ground and anchored as required by the Building Department.~~
- (e) ~~Activities.~~
 - (1) ~~The temporary mail distribution areas may only be used for the staging of mail packages to be delivered to third parties within the community. The intended mail recipients may not make trips to the temporary mail distribution areas to receive their packages.~~
 - (2) ~~Once mail is delivered to the distribution area, delivery of mail from the distribution area to its intended recipients may only be accomplished through the use of golf carts.~~
 - (3) ~~No new, permanent structure or improvement may be constructed.~~
 - (4) ~~No signage or advertisement may be located on the structure or property where the structure is located.~~
 - (5) ~~Storage of fuel for the delivery vehicle is prohibited in or near the storage area.~~
- (f) ~~Unless otherwise stated in this section, the following provisions do not apply to temporary mail distribution structures: Sections 34-210(d) and (e), 34-3041(e)(1), (3), (4), (g) through (i), and 34-3050.~~
- (g) ~~If a property owner is found in violation of these provisions, future temporary use permit for temporary mail distribution may not be issued for the property subject to the violation.~~

Editor's note(s) — Prior to the reenactment of Section 34-3049 by Ordinance No. 13-10, adopted May 28, 2013, Ordinance No. 11-08, § 10, adopted August 9, 2011, repealed Section 34-3049, which pertained to temporary parking lots. See also the Land Development Code Comparative Table.

Sec. 34-3050. Temporary storage facilities.

Staff note: Correct cross-reference in Subsection (b). Allow shipping containers for storage in conjunction with properties with a charitable service ad valorem tax exemption (not-for-profit).

The following regulations do not apply in commercial, industrial or mixed-use zoning districts where open storage is a permitted use, on property with a bona fide agricultural use or a bona fide charitable service located in an AG Zoning District, or to contractor's office and equipment storage sheds (see Section 34-3044).

(a) remains unchanged.

- (b) The use of vehicles, truck trailers, or shipping containers for storage of merchandise, produce, or commodities for periods of 48 hours or more may be permitted as a temporary use in a nonresidential district upon application and issuance of a temporary use permit (see Section 34-~~3041~~~~210~~) so long as:

(1) through (3) remain unchanged.

DIVISION 39. USE, OCCUPANCY AND CONSTRUCTION REGULATIONS

Staff note: Allow shipping containers for storage in conjunction with properties with a charitable service ad valorem tax exemption (not-for-profit).

Sec. 34-3105. Use of vehicles, truck trailers, or shipping containers for storage.

Except for a bona fide agricultural use or a bona fide charitable service located in an AG Zoning District, or where open storage is a permitted use in a Commercial, Industrial or Mixed-Use Zoning District, vehicles, truck trailers, shipping containers, and other similar structures may not be stored or used to store goods, produce or other commodities in any zoning district unless approved on a temporary basis in accordance with Sections 34-3044 and 34-3050.

Where allowed as open storage per this section, vehicles, truck trailers, shipping containers and other similar structures may not be stacked on top of one another and must be in compliance with Chapter 34, Division 36, including Section 34-3005.

Staff note: Delete Section 34-3106 in its entirety to reflect state preemption of local regulation of building design elements for single-family and two-family dwellings. Section 163.3202(5), Florida Statutes, identifies exterior cladding material as a building design element subject to the preemption. Because the principal dwelling may no longer be subject to local exterior cladding requirements in circumstances governed by the statute, retaining a separate residential-cladding requirement for accessory metal buildings creates an unnecessary and potentially inconsistent design standard.

Sec. 34-3106. Reserved.~~Use of metal buildings in Residential Districts.~~

~~The construction of enclosed or partially enclosed metal buildings, exceeding 240 square feet in total floor area or 12 feet in height above finished floor, must provide residential exterior cladding, as defined in Section 34-2, unless approved as a special exception, in the following Residential Districts: RS, RSA, RSC, TFC, TF, RM, RPD and the residential portions of an MPD. Single-family, duplex, two-family attached, and zero lot line dwelling units are exempt from this section.~~

Staff note: Relocate the commercial fishing equipment storage provisions from LDC Section 33-1089, within the Greater Pine Island regulations, to Chapter 34 as a generally applicable supplementary use regulation for Pine Island. The substantive use standards are retained, with revisions to terminology and cross-references for consistency with the reorganized Code.

Sec. 34-3108. Commercial fishing equipment storage as accessory use to residence.

(a) Permitted use. The storage and repair of commercial fishing equipment, specifically fishing nets and crab traps, shall be permitted as an accessory use to a single-family or mobile home residence in Greater on Pine Island in the AG, RSC, RS, TFC and MH Zoning Districts when in compliance with the conditions set forth in Subsection (b) of this section.

(b) Conditions.

- (1) The storage and repair of commercial fishing equipment such as nets and traps must be clearly subordinate to the use of the property for residential purposes.
- (2) Storage and repair of equipment is limited to equipment owned or leased by the occupant of the residence only.
- (3) Storage of equipment must comply with the setback requirements for accessory buildings and structures as set forth in Section 10-329(d) and Chapter 34, Article VII, Division 21, provided that, with the exception of boats, no storage will be permitted between the street right-of-way and the principal building.
- (4) Fishing nets, when not being repaired, must be stored neatly and covered by canvas or other suitable material.
- (5) Crab traps, when not being repaired, built or rebuilt, must be stacked neatly. Stacking of traps must not exceed six feet in height.
- (6) The open storage of discarded or derelict nets, traps, boats or other fishing equipment is prohibited.
- (7) The occupant of the property is responsible for maintaining the property free of rats and vermin.

Secs. 34-31089—34-3130. Reserved.

ARTICLE VIII. NONCONFORMITIES

DIVISION 1. GENERALLY

Sec. 34-3202. Reserved. ~~Definitions.~~

Staff note: Definition relocated to Section 34-2.

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:

~~*Nonconforming use* means a use or activity which was lawful prior to the adoption of the ordinance from which this chapter is derived, or the adoption of a revision or amendment of this chapter, but which fails, by reason of such adoption, revision or amendment, to conform to the use requirements of the zoning district in which located.~~

Sec. 34-3203. Enlargement or expansion of nonconforming structure.

Staff note: delete subsection (b) which pertains to lots and not buildings. Renumber and remove obsolete or unregulated terms.

(a) remains unchanged.

~~(b) *Structures nonconforming due to area.* A structure which is lawful in all respects, with the exception of lot area requirements, may be enlarged, provided that:~~

~~(1) The enlargement is otherwise permitted;~~

~~(2) All other property development requirements such as setbacks, height, bulk, lot coverage, parking and open space are met; and~~

~~(3) The enlargement does not increase the density or intensity of use.~~

~~(b)(c) *Structures nonconforming due to height.* A structure which is lawful in all respects with the exception of height restrictions may be enlarged, provided that:~~

~~(1) The enlargement is otherwise permitted; and~~

(2) The enlargement complies with height and setback requirements.

(c)(d) ~~Structures nonconforming due to bulk or lot coverage.~~ A structure which is lawful in all respects with the exception of ~~bulk or lot coverage~~ shall not be enlarged.

Sec. 34-3204. Reserved. ~~Mobile home and recreational vehicle unit replacements and roof repairs.~~

Staff note: Delete redundant section.

~~Any mobile home or recreational vehicle unit which has been lawfully placed on any rental lot within any rental park, regardless of whether the park has been converted to either cooperative or condominium ownership prior to June 25, 1986, may be replaced by a unit of equal or smaller size, upon proof that the placement of the unit was lawful. Such proof may consist of copies of official tax records, tag registrations or County permits, or may be by affidavit or any other competent evidence. Permits shall also be issued for reroofing and roof repairs for any existing mobile home or recreational vehicle located within a mobile home or recreational vehicle park, regardless of lot size.~~

Sec. 34-3205. Uses approved by special exception or permit.

Staff note: Delete unnecessary cross-reference.

(a) *remains unchanged.*

(b) ~~For existing mining excavations approved by special exception, the provisions of Section 12-121 control.~~

DIVISION 2. NONCONFORMING USE OF LAND

Sec. 34-3223. Discontinuance.

Staff note: Revise section to clarify what happens to a nonconforming use on property subject to a zoning action.

Land used in whole or in part for a nonconforming use, which use is subsequently discontinued for a continuous period of six calendar months, may not again be used except in conformity with the regulations then in effect. The intent of the owner, lessee or other user is not relevant in determining whether the use has been discontinued.

A nonconforming use, that exists on property voluntarily made the subject of a zoning action may be continued subject to the provisions of Section 34-3222. ~~If a nonconforming use which is not specifically permitted under the zoning approval requested, then and ultimately granted becomes illegal as a result of the zoning approval. A the use is deemed illegal under this section and must be ceased and discontinued immediately upon approval of the zoning request.~~

Sec. 34-3224. Reserved. ~~Erection of additional structures.~~

Staff note: Delete redundant language.

~~No additional structure that does not conform to the requirements of this chapter may be erected in connection with a nonconforming use of land.~~

DIVISION 3. NONCONFORMING BUILDINGS AND USE OF BUILDINGS

Sec. 34-3241. Nonconforming buildings and structures.

Staff note: Relocate definition to Section 34-2. Delete outdated language and redundant language.

(a) ~~For the purposes of this division, the term "nonconforming building or structure" means a building or structure which was lawful prior to the adoption of the ordinance from which this chapter is derived, or the~~

~~adoption of a revision or amendment of this chapter, but which fails, by reason of such adoption, revision or amendment, to conform to the proper development requirements of the zoning district in which the building or structure is located due to its size, dimension or location on the lot.~~

- (b) A nonconforming building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) Except as provided in Section 34-3203, no such building or structure may be enlarged, altered or repaired in a way which, in the opinion of the Department Director or ~~their~~^{his} designee, increases its nonconformity, but any structure or building or portion thereof may be altered to decrease its nonconformity. ~~If there is more than one structure on a property with a legally nonconforming use, a limited expansion may be allowed subject to there being a determination that there will be an improvement to neighborhood compatibility. The limited expansion shall be to allow a structure or portion of a structure to be destroyed and the equivalent square footage replaced by expansion of another existing structure if the Department Director makes a determination that such expansion would not be detrimental to the neighborhood and such expansion is less than 50 percent of the current assessed value of the structure which will be expanded. Any expansion must also conform to setback requirements and all other requirements for the zoning district in which the property is located.~~
- (2) Except as provided in this section:
 - a. Any nonconforming structure or building, or portion thereof, that is substantially improved (reconstructed, rehabilitated, altered or demolished) to the extent that the cost of such improvement equals or exceeds a cumulative total of 50 percent of the current assessed value of the structure before the start of construction of the improvement may only be reconstructed at, but not to exceed, the lawful density or intensity existing at the time of destruction; provided, however, that the reconstruction of the structure is consistent with federal, State and local regulations and all the other provisions of this chapter. ~~Any such alteration, demolition, reconstruction or rebuilding must be recorded with the Division of Development Services for the purpose of establishing the value upon which subsequent alterations, demolition, reconstructions or rehabilitations will be based.~~

b. remains unchanged.

- ~~(3) A lawfully existing single family residence or mobile home damaged by fire or other natural forces may be repaired or replaced, provided the new unit is no larger in area, width and depth than the size of unit being replaced.~~
- ~~(4) Repairs, reconstruction or renewal of an existing structure, building or portion thereof for the purpose of its maintenance may be permitted. However, repairs, reconstruction or renewal of structural elements will be reviewed by the Director of the Division of Development Services to determine applicability under this section, or whether such repairs will be considered under Subsection (b)(2)a of this section. For the purposes of this section, a change in the roofline from a flat roof to a peaked roof constitutes an alteration as indicated in Subsection (b)(2)a of this section, provided that there is no increase in floor area.~~
- ~~(5) Should a nonconforming structure be moved on site for any reason, for any distance whatever, it may not be moved unless the relocation decreases the nonconformity.~~
- ~~(6) Any portion of a nonconforming structure that becomes physically unsafe or unlawful due to lack of repairs and maintenance, and which is declared unsafe or unlawful by a duly authorized County official, but which the owner wishes to repair, restore or rebuild, must be repaired, restored or rebuilt in conformance with the provisions of this chapter. Excluded from this provision are buildings that have been designated as historic by Chapter 22.~~
- ~~(7) Zoning applications that include property upon which a nonconforming structure exists at the time of the zoning application, must include a sworn statement from the property owner regarding the~~

~~owner's intent with respect to bringing the nonconforming structure into compliance in the event the zoning request is granted. A finding regarding the nonconforming structure must be included in the zoning resolution or decision.~~

DIVISION 4. NONCONFORMING LOTS

Sec. 34-3271. Definitions.

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

~~Nonconforming or substandard lot~~ means a lot of which the area, dimension or location was lawful prior to the adoption of the ordinance from which this chapter is derived, or the adoption of a revision or amendment of this chapter, and which fails by reason of such adoption, revision or amendment to conform to the requirements for the zoning district in which the lot is located.

Sec. 34-3274. Development of mobile home and recreational vehicle lots of record.

Staff note: Revise section to apply section development regulations to all MH/RV lots, regardless of whether located in a park, consistent with department interpretation.

A single-family dwelling unit, mobile home or recreational vehicle may be constructed or placed on a lot of record ~~within a mobile home or recreational vehicle park~~ provided that:

- (a) The ~~park~~lot was properly zoned or approved by special permit for mobile home or recreational vehicle use, or, in the case of single-family dwelling units, the property's zoning district lists single-family dwelling units as a permitted use; and
- (b) *remains unchanged.*
- (c) For mobile home or recreational vehicle lots of record, the following will also apply:
 - (1) *through (3) remain unchanged.*
 - (4) Any mobile home or recreational vehicle unit which has been lawfully placed on any rental lot of record within any rental park, regardless of whether the lotpark has been converted to either cooperative or condominium ownership prior to June 25, 1986, may be replaced in accordance with the requirements of this section by a unit of equal or smaller size.

Appendix I. ~~RESERVED. PLANNING COMMUNITY AND REDEVELOPMENT~~ ~~OVERLAY DISTRICT BOUNDARIES AND LEGAL DESCRIPTIONS~~

Staff note: Appendix I is deleted in full.

Southeast Lee County Land Development Code Amendments

Staff Note: These amendments are proposed concurrently with CPA2026-00004 to implement the Southeast Lee County policy framework by relocating regulatory and development standards to the Land Development Code and establishing the procedures, design standards, mitigation measures, and technical requirements necessary to implement the amended Lee Plan.

Sec 34-XXXX Applicability

The provisions of this subdivision apply to all development within Southeast Lee County to ensure that development creates, preserves, or restores surface and groundwater resources and other natural systems, consistent with Lee Plan Goal 33.

Sec 34-XXXX Community Meetings

1. *Applications requiring review.* The owner(s), applicant(s), or other registered agent(s) applying for the following application types must hold one (1) public information session in Southeast Lee County. The information sessions may be offered virtually or in person. In-person meetings may be held within a five-mile radius of the subject property or at any location within the Southeast Lee County Planning District, but must be within Lee County. Virtual meetings must be available to the public, allow public participation, and include a video feed so the public can see the proposed plans. Audio-only virtual meetings are not permitted. This session must be publicly advertised and held before the application is deemed sufficient. Public meetings are required for zoning actions requiring a public hearing.
2. *Meeting requirements.* The applicant is responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. The applicant will determine the meeting location. 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, including, but not limited to, a proposed site plan, for any interested citizens. After 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 34-XXXX Deviations and Variances

- a. Deviations and Variances for any of the requirements in this article must meet the County approval criteria for variances set forth in Section 34-145(b).
- b. No deviations or variances may be granted to Sec 34X-XXXXX, Sec 34-XXXXX, or Sec 34-XXXXX.

Sec 34-XXXX-- Residential Development.

Residential development exceeding 1 unit per 10 acres in the Conservation Communities future land use category may only be approved when the proposed development meets the requirements of this section and the Lee Plan. The County may require a Development Agreement or other legally binding agreement, approved by the County Attorney's Office, to ensure the long-term maintenance, timing, or other factors related to the construction or function of these developments.

1. **Density Incentives.** Density is determined based on the incentives provided in the planned development. No deviations or variances may be granted to any development requirement that results in a density increase.
 - a. One (1) dwelling unit per one (1) acre will be approved through the planned development when the proposed development includes seven (7) of the strategies in LDC Sec 34-XXXXX, with at least one (1) strategy from each category.
 - b. One (1) unit per two (2) acres shall be approved when the proposed development includes five (5) of the strategies in LDC Sec 34-XXXXX, with no more than two (2) strategies from any one (1) category.
 - c. One (1) unit per three (3) acres shall be approved when the proposed development includes three (3) of the strategies in LDC Sec 34-XXXXX, with strategies from at least two (2) categories.
 - d. Additional dwelling units may be approved in the planned development by using any combination of the following:
 - i. Utilize the Southeast Lee County TDR program to transfer dwelling units from Southeast Lee County lands located outside of the planned development pursuant to Policy 16.3.2.
 - ii. Provide all of the following as part of the planned development for a density increase of 5% per strategy, except when noted otherwise, for a maximum increase of up to 15%:
 1. A minimum of 65% open space, not including previously mined lakes or existing conservation easements; and
 2. Additional strategies from subsection 2, below.
 3. Two (2) dwelling units for every acre of offsite property identified in Lee Plan Map 1-D, acquired for Lee County Natural Resources water quality or flood mitigation projects.
2. **Improvement Categories and Mitigation Strategies:** The following section includes improvement categories and mitigation strategies based on each category. The County may approve alternative mitigation strategies, supported by appropriate data and analysis, that demonstrate an equal or greater benefit to the protection, restoration, or enhancement of Southeast Lee's water resources, wildlife habitat, or natural systems, consistent with the intent of this section.
 - a. Flooding Mitigation and Aquifer Recharge:
 - i. Create, preserve, or restore flowways to reduce flooding and increase water recharge in the area. Such flowway projects that offer regional benefits may be completed off-site with approval from Lee County's

Department of Natural Resources. A flowway is a broad, shallow, and slow-moving sheet flow of water. The flowway must distribute water across a broad front, allowing water to move naturally across the landscape while filtering nutrients and supporting native ecosystems.

- ii. A stormwater management system designed to accommodate a 100-year, 72-hour storm event.

b. Minimize the Need for Irrigation:

- i. Landscaping utilizes drip irrigation and 100% drought-tolerant native plantings throughout the development and limits the use of turfgrass within all common areas to no more than 30%. Drip irrigation must have a minimum application efficiency of 95%, a distribution uniformity of 90%, and utilize sustainable management practices.
- ii. Centralized irrigation system that meets the Water Conservation Ordinance and prohibits the construction of individual irrigation wells on residential lots. The development's irrigation must utilize stormwater ponds and, if necessary, be resupplied from an alternative aquifer or a blend of multiple aquifers to reduce demand on aquifers used by adjacent County or private wells.
- iii. Extend, connect to, and utilize reuse water for 100% of the development's irrigation needs.

c. Wildlife:

- i. Create, preserve, or restore wildlife connections to adjacent conservation areas.
- ii. Provided wildlife connection(s) must be a minimum of 300 feet wide and designed to allow mammals to traverse the project property and connect to adjacent conservation areas.
- iii. Create designated mammal crossings for roadways to promote the movement of wildlife within and through the development. Crossing designs should include exclusion and wing/funnel fencing designed for the target species, including below-ground apron fencing for burrowing species, and long enough to prevent wildlife from bypassing the crossing.
- iv. Create, preserve, or restore habitat with plant species that support foraging within primary and secondary panther habitat.

d. Wetlands and Native Habitat:

- i. All wetlands are preserved and restored.
- ii. Create, preserve, or restore upland habitat. Upland habitat must comprise a minimum of 40% of the required open space and have an average minimum width of 40 feet.

e. Wildfire Prevention:

- i. Create a wildfire prevention plan per the Public Safety requirements, including but not limited to access points for wildfire response, prescribed burn schedule, or separation measures for spread mitigation.
- ii. Bury all utilities to prevent potential arcing or sparking

3. **Planned Development Requirements.** Properties within the Conservation Communities Future Land Use Category must be rezoned to a planned development that includes the following, in addition to any requirements set forth in LDC Chapter 34, Article IV.

a. Design Requirements:

- i. Connections to public water and sewer services. Development must also connect to public reuse infrastructure if available at the time of the development order.
- ii. A minimum of 60% open space, not including previously mined lakes, which will be used to accommodate the following, when applicable:
 1. Restore and accommodate existing and historic regional flowways where they currently or previously existed;
 2. Restore and accommodate existing and historic groundwater levels;
 3. Restore and preserve wetlands;
 4. Restore and preserve indigenous upland habitats;
 5. Provide critical wildlife connections to adjacent conservation areas;
and
 6. Provide a 100-foot buffer along Corkscrew Road.
- iii. Preservation areas must be platted in separate tracts and dedicated to an appropriate maintenance entity.
- iv. Record a Conservation Easement for a minimum of 55% of the planned development, not including previously mined lakes or existing conservation easements to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third-party enforcement rights. All Conservation Easements required as part of the planned development must be recorded within 5 years from the first development order approval. For sites with previously approved mines, the existing recorded conservation easements may not contribute more than 25% of the required minimum.
- v. Uses Florida-Friendly Landscaping with low irrigation requirements in common elements. The Development Order must demonstrate that all landscaping uses drip irrigation, features drought-tolerant native plants, and limits turfgrass in all common areas to no more than 30%. Drip irrigation must have a minimum application efficiency of 95%, a distribution uniformity of 90%, and utilize sustainable management practices.
- vi. Internal circulation and a proportionate fair share of the required transportation network improvements in accordance with Administrative Code (AC) 13-16.
- vii. Obtain written confirmation from the Lee County Sheriff's Office, Public Safety (EMS), the applicable fire district, and Lee County Schools regarding the availability of sufficient public services for the proposed development.

b. Technical Analyses and Plans:

- i. Includes an enhanced lake management plan that:
 1. Applies best management practices for fertilizers and pesticides;

2. Provides erosion control and bank stabilization; and
3. Establishes lake maintenance requirements.
- ii. A site-specific **ecological and hydrological restoration plan** which includes, at a minimum, the following: preliminary excavation and grading plans, analysis of hydrological improvements and water budget narrative, replanting plan, habitat restoration plan, success criteria, long-term monitoring and maintenance.
- iii. **Indigenous management plans** must address human-wildlife coexistence.
- iv. Provide a **hydrological analysis** demonstrating through data and analysis that the planned development will not result in significant detrimental impacts on present or future water resources.

Sec 34-XXXX-- **Nonresidential Development**

Nonresidential development in the **Preservation and Innovation** and **Conservation Community** land use categories may only be approved when the proposed development meets the requirements of this section and Lee Plan Goal 16. The County may require a Development Agreement or other legally binding agreement, approved by the County Attorney's Office, to ensure the long-term maintenance, timing, or other factors related to the construction or function of these developments.

1. **Planned Development Requirements.** Non-residential uses may be permitted in Southeast Lee County through a planned development that includes the following, in addition to any requirements set forth in LDC Chapter 34, Article IV.

a. **Design Requirements:**

- i. Connections to public water and sewer services. Development must also connect to public reuse infrastructure if available at the time of the development order.
- ii. Nonresidential development within the 6-month, 1-year, 5-year, or 10-year travel zones as defined in the Wellfield Protection Ordinance must:
 1. Meet or exceed SFWMD's nutrient removal standards for Outstanding Florida Waters (OFW).
 2. Conform to the most restrictive wellfield protection zone found on-site.
 3. Provide monitoring well(s) located between Lee County's nearest production well(s) and the nonresidential development.
- iii. Provide a minimum of 40% open space, which may consist of buffers, wetlands, indigenous uplands, and wildlife crossings. Stormwater systems may contribute up to 25% of the open space requirement. A project may provide off-site mitigation by acquiring and transferring to Lee County Natural Resources property acceptable to the county, specifically properties depicted on Map 1-D, for an open space credit of up to 25%.
- iv. Properties along Corkscrew Road must provide a 100-foot-wide buffer along the Corkscrew Road right-of-way.

- v. All connected wetlands and regional historic flowways must be restored or preserved. The flowway must distribute water across a broad front, allowing water to move naturally across the landscape while filtering nutrients and supporting native ecosystems.
- vi. Internal landscaping and buffers must create or restore indigenous upland habitat as part of the required open space.
- vii. Landscaping must utilize drip irrigation, use drought-tolerant native plants, and limit the use of turfgrass within all common areas to no more than 30%. Drip irrigation must have a minimum application efficiency of 95%, a distribution uniformity of 90%, and utilize sustainable management practices.
- viii. Stormwater management system must be designed for a 100-year, 72-hour storm event and include an enhanced lake management plan that establishes surface and groundwater monitoring and maintenance plans, applies best management practices for fertilizers and pesticides, and provides erosion control and bank stabilization.
- ix. All electrical utilities within the site must be buried within dedicated public utility easements.
- x. Development along SR 82 and the Alico Extension must demonstrate safe pedestrian connectivity across the right-of-way within the extended pedestrian shed from the site.
- xi. Internal circulation and a proportionate fair share of the required transportation network improvements in accordance with Administrative Code (AC) 13-16.
- xii. Obtain written confirmation from the Lee County Sheriff's Office, Public Safety (EMS), and the applicable fire district regarding the availability of sufficient public services for the proposed development.

b. Technical Analyses and Plans:

- i. Provide a **hydrological analysis** demonstrating through data and analysis that the planned development will not result in significant detrimental impacts on present or future water resources. Proposed uses may not pollute, degrade, or overconsume surface and groundwater resources, or engage in any other activity that Lee County's Department of Natural Resources determines to be incompatible with protecting Southeast Lee County's environment. Overconsumption is defined as water use exceeding 1.2 million gallons per acre per year, based on the developable area.
- ii. Develop a site-specific **ecological and hydrological restoration plan** which includes, at a minimum, the following: preliminary excavation and grading plans, analysis of hydrological improvements and water narrative, replanting plan, habitat restoration plan, success criteria, and a mechanism for long-term monitoring and maintenance.
- iii. Develop an **indigenous management plan** addressing human-wildlife coexistence, including, but not limited to, wildlife-resistant refuse containers, wildlife corridor management, and native habitat restoration.

- iv. Create a **wildfire prevention plan** per the Public Safety requirements, including but not limited to access points for wildfire response, prescribed burn schedule, or separation measures for spread mitigation.

Sec. 34-2175. Height limitations for special areas and Lee Plan land use categories.

The following areas have special maximum height limitations applicable to all conventional and planned development districts:

- (a) *no proposed changes*
- (b) *Lee Plan land use categories.* Except as otherwise provided herein, maximum building height is established by future land use category as follows:

Staff note: Add maximum heights for Conservation Community and Preservation and Innovation future land use categories. **Asterisks (* * *)** indicate intervening table rows that are omitted from this amendment because they remain unchanged.

TABLE 34-2175(b) MAXIMUM BUILDING HEIGHT BY FUTURE LAND USE CATEGORY		
Future Land Use Category	Notes	Maximum Building Height
Destination Resort Mixed Use Water Dependent		Per Lee Plan
Intensive Development		135 feet
Central Urban		
Urban Community		95 feet
Airport Lands	Note (1)	45 feet
Tradeport	Note (1)	
University Community	Note (1)	
University Village Interchange	Note (1)	
Commercial		75 feet
General Commercial Interchange		
General Interchange		
Industrial Commercial Interchange		
Industrial Development		
Industrial Interchange		
Conservation Community	Note (1)	45 feet
Density Reduction/Groundwater Resource		
Open Lands		
Outer Islands		
Outlying Suburban	Note (2)	
Preservation and Innovation	Note (2)	
Public Facilities		
Rural	Note (2)	
Rural Community Preserve		
Sub-outlying Suburban	Note (2)	
Suburban	Note (2)	
Notes: (1) With the consent of the Lee County Port Authority, the Board of County Commissioners may approve building heights up to 95 feet. (2) Buildings may be as tall as 75 feet when the applicant demonstrates through a zoning action that		

the additional height is required to preserve environmentally sensitive land, secure areas of native vegetation and wildlife habitat, or preserve historical, archaeological or scenic resources.