

GROUP 2, ITEM 6

CLEAN-UP

(LEE PLAN CONSISTENCY, AFFORDABLE HOUSING DEFINITION, HOME OCCUPANCY REGULATIONS, AIRPORT COMPATIBILITY DISTRICT MAPS, WELLFIELD PROTECTION ZONES)

CHAPTER 2 – ADMINISTRATION

ARTICLE II. – CONCURRENCY MANAGEMENT SYSTEM

DIVISION 1. – GENERALLY

Sec. 2-43. – Intent.

Staff Note: Revises references to Lee Plan policies which have been renumbered.

This article is intended to implement the requirements imposed by objectives 37.2 and 37.3 and policies 95.2.1, 95.1.3 (regulatory standards) and ~~71.2~~ 68.2 (school concurrency) of the Lee Plan; and §§ 163.3177, 163.31777, 163.3202(1) and (2)(g), ~~163.3167~~(8), and 163.3180.

Remainder of article unchanged.

ARTICLE IV. – BONUS DENSITY

DIVISION 2. – BONUS DENSITY PROGRAM

Sec. 2-143. Definitions.

Staff note: County bonus density regulations related to affordable housing do not provide a definition of “affordable housing.” The Department of Community Development relies on standards set by the Department of Housing and Urban Development to determine what constitutes affordable housing. The proposed definition codifies this Department practice.

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

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

Remainder of section unchanged.

Sec. 2-146. – Minimum requirements.

Staff Note: Revises references to Lee Plan policies and wording which have been renumbered and updated.

(a) through (c) unchanged.

(d) The barrier and coastal islands, including, but not limited to, Gasparilla Island, Cayo Costa, North Captiva, Captiva Island, Buck Key, and Black Island are not eligible to receive bonus density, with the following exceptions:

(1) Only the portion of Greater Pine Island defined in the Lee Plan as Pine Island Center is eligible to receive Greater Pine Island TDUs subject to this article and the Lee Plan. Suburban designated lands within the Greater Pine Island ~~Planning~~ Community Plan Area are not eligible receiving lands for any TDUs.

(2) *unchanged.*

(e) TDUs may not be utilized on property located within the coastal high hazard area as defined in Section 2-483 or located within the Bayshore, Buckingham, Caloosahatchee Shores, or Northeast Lee County ~~Planning Communities~~ Community Plan Areas. Within the Southeast Lee County ~~Planning~~ Community Plan Area, TDUs may only be used as described in Section 2-154.

Remainer of Division unchanged.

DIVISION 3. – CREATION OF TRANSFERABLE DEVELOPMENT UNITS

Staff Note: Revises references to Lee Plan policies, wording, and maps which have been renumbered, updated, or deleted.

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

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

(1) *and (2) unchanged.*

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

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

(B) TDUs may not be established from:

(1) *through (6) unchanged.*

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

~~(8)(7)~~ Land that is designated on Lee Plan Map ~~17~~ 2-D as an existing acreage subdivision.

Remainder of section unchanged.

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

(a) *and (b) unchanged.*

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

(d) *unchanged.*

Sec. 2-150 *unchanged.*

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

(a) *and (b) unchanged.*

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

Remainder of section unchanged.

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

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

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

(2) *unchanged.*

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

(1) *unchanged.*

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

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

(a) In mixed-use communities in Southeast Lee County identified on Lee Plan Map ~~17-2-D~~, each TDU credit may be redeemed for a maximum of one dwelling unit, plus a maximum of 800 square feet of nonresidential floor area.

(b) In rural golf course communities in Southeast Lee County identified on Lee Plan Map ~~17-2-D~~, each TDU credit may be redeemed for a maximum of one dwelling unit or two bed and breakfast bedrooms.

Remainder of section unchanged.

ARTICLE XI. – HURRICANE PREPAREDNESS

Sec. 2-483. – Definitions.

Staff Note: Revises reference to Lee Plan map.

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

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

Remainder of section unchanged.

CHAPTER 10 – DEVELOPMENT STANDARDS

ARTICLE III. – DESIGN STANDARDS AND REQUIREMENTS

DIVISION 1. – GENERALLY

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

Staff Note: Revises references to Lee Plan map.

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

Remainder of division unchanged.

DIVISION 2. – TRANSPORTATION, ROADWAYS, STREETS AND BRIDGES

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

Staff Note: Revises references to Lee Plan map.

(a) *through (d) unchanged.*

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

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

a. through e. unchanged.

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

g. through i. unchanged.

(2) *Suburban roadways.*

a. through d. unchanged.

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

f. through h. unchanged.

(3) *Non-urban roadways.*

a. through c. unchanged.

d. *Bicycle and pedestrian facility.* A separated bicycle and pedestrian facility is required where depicted on Lee Plan Maps 3-D or ~~22~~ 4-E.

Remainder of division unchanged.

DIVISION 4. – UTILITIES

Sec. 10-352. – Potable water systems.

Staff Note: Revises references to Lee Plan map.

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

Remainder of section unchanged.

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

Staff Note: Revises references to Lee Plan map.

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

Remainder of section unchanged.

Sec. 10-354. – Reuse water systems.

Staff Note: Revises references to Lee Plan map.

(a) *unchanged.*

(b) For projects meeting the requirements of Subsection (a) of this section and delineated on Map ~~74~~ B of the Lee Plan, the irrigation of grassed or landscaped areas must occur through the use of a second water distribution system supplying treated wastewater effluent or reuse water. This reuse water system

must be constructed and operated in accordance with Florida Administrative Code 62-610 and the County Reclaimed Water Ordinance.

(c) *unchanged.*

DIVISION 6. – OPEN SPACE, BUFFERING AND LANDSCAPING

Sec. 10-416. – Landscape standards.

Staff Note: Revises references to Lee Plan policy.

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

(9) Development abutting natural waterway. Except where Chapter 33 provides a stricter standard for Greater Pine Island (as defined in Goal 124 of the Lee Plan and in Section 33-1002), there must be a 50-foot-wide vegetative buffer landward of non-seawalled natural waterways as measured from the mean high water line or top of bank, whichever is further landward.

Remainder of section unchanged.

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

Staff Note: Revises references to Lee Plan map.

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

Remainder of chapter unchanged.

CHAPTER 12 – RESOURCE EXTRACTION

ARTICLE II. – MINING AND EXCAVATION

DIVISION 1. – GENERALLY

Sec. 12-107. – Lee Plan consistency.

Staff Note: Removes reference to deleted Lee Plan map and updates language for accuracy.

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

Remainder of section unchanged.

Sec. 12-119. – Reclamation requirements.

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

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

(1) *through (6) unchanged.*

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

Remainder of chapter unchanged.

CHAPTER 14 – ENVIRONMENT AND NATURAL RESOURCES

ARTICLE I. – IN GENERAL

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

Staff Note: Revise out-of-date wording.

Remainder of article unchanged.

CHAPTER 14 – ENVIRONMENT AND NATURAL RESOURCES

ARTICLE V. – TREE PROTECTION

DIVISION 1. – GENERALLY

Sec. 14-374. – Definitions.

Staff Note: Revises references to Lee Plan map.

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

“Administrator” through “Dripline” unchanged.

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

Remainder of chapter unchanged.

CHAPTER 30 – SIGNS

ARTICLE I. – IN GENERAL

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

Staff Note: Revises references to Lee Plan map.

(a) *unchanged.*

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

“Abandoned sign” through “Government sign” unchanged.

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

Remainder of article unchanged.

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

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

Staff Note: Revise out-of-date wording.

Applications and permit approvals for signs and sign structures associated with projects located in the following Community Planning Areas ~~communities~~ must also comply with the regulations set forth in Chapter 33 pertaining to the specific Community Planning Areas ~~communities~~.

Remainder of article unchanged.

ARTICLE IV. – RESTRICTIONS BASED ON LOCATION

DIVISION 2. – ON-SITE SIGNS

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

Staff Note: Revise out-of-date wording.

(1) *through (4) unchanged.*

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

a. *Location.*

1. *and 2. unchanged.*

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

i. *through v. unchanged.*

4. *unchanged.*

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

Remainder of chapter unchanged.

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

ARTICLE I. – IN GENERAL

Sec. 33-1. – Purpose and intent.

Staff Note: Revise out-of-date wording.

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

Sec. 33-2. – Applicability.

Staff Note: Revise out-of-date wording.

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

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

Staff Note: Revise out-of-date wording.

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

Sec. 33-5. – Deviations/variances.

Staff Note: Revise out-of-date wording.

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

ARTICLE III. – GREATER PINE ISLAND COMMUNITY PLAN AREA

DIVISION 1. – IN GENERAL

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

Staff Note: Revise out-of-date wording and Lee Plan maps.

The provisions of this article apply to all new development or redevelopment requiring zoning, local development order approval, or an agricultural notice of clearing permit, located within the Greater Pine Island ~~Planning~~ Community Plan Area as defined in Goal 24 of the County Comprehensive Plan. The boundaries of the Greater Pine Island ~~Planning~~ Community Plan Area are depicted in the County Comprehensive Plan on ~~future land use Map 2-A-1, Page 2 of 8~~. A copy of the Greater Pine Island portion of the ~~planning communities~~ Community Plan Areas map is reproduced in Appendix I as Map 5. A legal description of the Greater Pine Island ~~Planning~~ Community Plan Area is set forth in Appendix I and includes Matlacha (the Chamber of Commerce building and all lands to the west), as well as Little Pine Island, Pine Island, and small adjacent islands.

Sec. 33-1002. – Definitions

Staff Note: Revises references to Lee Plan maps.

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

Adjusted maximum density means a maximum density of one dwelling unit per acre (one du/acre) permitted in the Coastal Rural future land use category, where the standard maximum density is exceeded, and where a minimum of 70 percent of the development is maintained or restored as native habitat, or where 70 percent of the site is maintained in agricultural use on those parcels identified as existing farmland on Lee Plan Map 2-C 21.

Continued agricultural use on existing farmland means existing farmland identified on Lee Plan Map 2-C 21 that will be committed, through a binding Master Concept Plan and/or development order, to continued agricultural activity and use in exchange for County approval allowing the adjusted maximum density. The approved density is based on the acreage attributable to the entire property under consideration and requires that all residential units must be placed on other uplands not committed for agricultural use within the boundary of the subject property. Amendments to the binding Master Concept Plan and/or development order may not modify the land area committed to continued

agricultural use. Greater Pine Island TDUs may not be established or severed from existing farmland committed to continued agricultural activity in exchange for adjusted maximum density.

Remainder of section unchanged.

Sec. 33-1003. – Community review.

Staff Note: Revise out-of-date wording.

(a) *unchanged.*

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

Remainder of division unchanged.

DIVISION 2. – TRANSPORTATION

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

Staff Note: Corrects renumbered Lee Plan Policies and removes reference to policies which have been revised.

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

(a) The minimum acceptable peak hour, peak season, peak direction roadway level of service standard for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is level of service "E" calculated in accordance with Policy ~~37.1.195.1.3~~ of the County Comprehensive Plan. This standard will be measured at the County's permanent count station #3 on Little Pine Island at the western edge of Matlacha and will apply to all of Greater Pine Island.

Remainder of division unchanged.

DIVISION 5. – COASTAL RURAL DEVELOPMENT REGULATIONS

Sec. 33-1051. – Applicability.

Staff Note: Revises reference to Lee Plan maps.

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

Sec. 33-1052. – Residential density limitations.

Staff Note: Revises references to Lee Plan maps.

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

(a) *unchanged.*

(b) The adjusted maximum density established by Policy 1.4.7 of the Lee Plan is one dwelling unit per acre where a threshold of 70 percent of the development parcels is maintained or restored as native habitat, or where 70 percent of the site is maintained for agricultural use on those parcels identified as existing farmland on Lee Plan Map 2-C 21.

Sec. 33-1054. – Coastal rural development standards.

Staff Note: Revises references to Lee Plan maps.

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

(a) *unchanged.*

(b) *Property development regulations*

(1) *unchanged.*

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

Remainder of division unchanged.

DIVISION 6. – DESIGN STANDARDS

Sec. 33-1081. – Proposed street layout.

Staff Note: Revise out-of-date wording.

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

Remainder of article unchanged.

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

DIVISION 1. – IN GENERAL

Sec. 33-1202. – Applicability.

Staff Note: Revise out-of-date wording.

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

(b) *unchanged.*

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

Remainder of section unchanged.

Sec. 33-1203. – Community review.

Staff Note: Revise out-of-date wording.

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

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

Remainder of section unchanged.

Sec. 33-1204. – Existing planned development.

Staff Note: Revise out-of-date wording.

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

Subdivision II. – Architectural

Sec. 33-1280. – Applicability.

Staff Note: Revise out-of-date wording.

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

Sec. 33-1281. – Architectural style.

Staff Note: Revise out-of-date wording.

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

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

DIVISION 1. – IN GENERAL

Sec. 33-1400. – Applicability

Staff Note: Revise out-of-date wording and corrects Lee Plan map references.

(a) *Scope.* The provisions of this article will apply to all development located in the Lehigh Acres Community Planning Community Area as depicted on Lee Plan Map ~~12-A~~, and as defined in Goal 25 of the County Comprehensive Plan.

(b) *Zoning.* The provisions of this article apply to all requests to rezone within the Lehigh Acres Community Planning Community Area. Compliance with these provisions will be required to obtain zoning approval unless approved by variance or deviation.

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

Sec. 33-1401. – Community review.

Staff Note: Revise out-of-date wording.

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

Remainder of section unchanged.

Sec. 33-1405. – Landscaping

Staff Note: Revise out-of-date wording.

(a) *and (b) unchanged.*

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

(1) *through (3) unchanged.*

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

Remainder of division unchanged.

DIVISION 1. – IN GENERAL

Sec. 33-1411. – Applicability

Staff Note: Corrects reference to Lee Plan map.

This division applies to all commercial development, except areas located within the Downtown Lehigh Acres, Community Mixed-Use Activity Centers, Neighborhood Mixed-Use Activity Centers, or the Local Mixed-Use Activity Centers, as depicted on Lee Plan Map 12-B.

Subdivision II. – Architectural.

Sec. 33-1417. – Maximum height.

Staff Note: Corrects reference to Lee Plan map.

(a) Maximum building heights are determined based on location in the Specialized Mixed-Use Nodes of the Community Plan Overlay as depicted on Lee Plan Map 12-B. Buildings outside of the Specialized Mixed-Use Nodes are limited to a maximum of three stories or 45 feet, whichever is less, unless approved by variance or deviation in accordance with Chapter 34.

Remainder of article unchanged.

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

DIVISION 1. – IN GENERAL

Sec. 33-1480. – Applicability.

Staff Note: Revise out-of-date wording and corrects reference to Lee Plan map.

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

(a) *Scope*. The provisions of this article apply to all development located in the Caloosahatchee Shores ~~Planning~~ Community Plan Area, as defined in Section 33-1481(a) and depicted in the County Comprehensive Plan on Lee Plan Map 12-A and apply to all commercial, religious, institutional, multiple-family, and mixed-use developments, including live-work units, except where the authority of a separate political jurisdiction supersedes County authority.

(b) *Zoning*. The provisions of this article apply to all requests to rezone property located within the Caloosahatchee Shores Community Plan Area. Compliance with these provisions will be required to obtain zoning approval unless approved by variance or deviation.

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

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

Staff Note Revise out-of-date wording and corrects reference to Lee Plan maps.

(a) *Caloosahatchee Shores-~~Planning~~ Community Plan Area.* The boundaries of the Caloosahatchee Shores ~~Planning~~ Community Plan Area are as depicted in the County Comprehensive Plan on Lee Plan Map ~~12-A~~ and in Appendix I on Map 14. The following overlays are located within the Caloosahatchee Shores ~~Planning~~ Community Plan Area:

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

(2) *unchanged.*

Sec. 33-1482. – Community review.

Staff Note: Revise out-of-date wording.

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

Remainder of section unchanged.

Sec. 33-1483. – Existing planned development.

Staff Note: Revise out-of-date wording.

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

Sec. 33-1485. – Definitions.

Staff Note: Revise out-of-date wording.

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

contained in this article, these definitions conflict with definitions found elsewhere in this Code, then the definitions set forth below will control. Otherwise, the definitions contained elsewhere in this Code will control. If a term is not defined the term must be given its commonly understood meaning unless there is a clear indication of an intent to construe the term differently from its commonly understood meaning:

“Articulation” through “Façade” unchanged.

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

Remainder of division unchanged.

DIVISION 2. – DESIGN STANDARDS

Subdivision II. - Architectural

Sec. 33-1495. – Applicability.

Staff Note: Revise out-of-date wording.

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

Sec. 33-1496. – Architectural style.

Staff Note: Revise out-of-date wording.

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

Remainder of subdivision unchanged.

Subdivision III. - Signs

Sec. 33-1505. – Prohibited signs.

Staff Note: Revise out-of-date wording.

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

Remainder of division unchanged.

DIVISION 3. – OVERLAY DISTRICTS

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

Sec. 33-1512. – Commercial development.

Staff Note: Revise out-of-date wording.

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

Subdivision II. – State Route 80 Corridor

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

Staff Note: 6.1.2 has changed and does not reflect the purpose of this policy.

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

ARTICLE VII. – NORTH FORT MYERS ~~PLANNING~~ COMMUNITY PLAN AREA

DIVISION 1. – IN GENERAL

Sec. 33-1531. - Applicability and scope.

Staff Note: Revise out-of-date wording.

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

Sec. 33-1532. - Community review.

Staff Note: Revise out-of-date wording.

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

Remainder of section unchanged.

Sec. 33-1533. - Conflicting provisions.

Staff Note: Corrects reference to Lee Plan map.

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

Sec. 33-1534. - Existing planned development.

Staff Note

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

Sec. 33-1537. - Definitions.

Staff Note: Revise out-of-date wording.

The following definitions are in addition to those set forth in other chapters of this LDC and are applicable to the provisions set forth in this article only. If, when construing the specific provisions contained in this article, these definitions conflict with definitions found elsewhere in this LDC, then the definitions set forth below will take precedence. Otherwise, the definitions contained elsewhere in this LDC will control:

“Alley” through “Civic lands” unchanged.

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

Remainder of division unchanged.

DIVISION 2. – NORTH FORT MYERS COMMUNITYWIDE LAND DEVELOPMENT PROVISIONS

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

Staff Note: Revise out-of-date wording.

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

33-1547. – Special exception uses.

Staff Note: Revise out-of-date wording.

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

Remainder of division unchanged.

DIVISION 3. – COMMERCIAL CORRIDOR LAND DEVELOPMENT PROVISIONS

Subdivision I. - Generally

Sec. 33-1566. – Applicability and scope.

Staff Note: Revise out-of-date wording.

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

Remainder of subdivision unchanged.

Subdivision II. – Design Standards for Commercial Corridors

Sec. 33-1571. – Property development regulations.

Staff Note: Corrects Lee Plan map reference.

(a) *unchanged.*

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

Remainder of subdivision unchanged.

Subdivision III. – Urban Design Guidelines

Sec. 33-1581. – Landscaping buffers.

Staff Note: Corrects Lee Plan map reference and revises out-of-date wording.

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

(b) Properties located outside the Mixed-Use Overlay must use the following buffer tables instead of Section 10-416(d)(3) and (4):

Table 1. *Unchanged*

Table 2. Buffer Types

Notes:

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

Remainder of subdivision unchanged.

Subdivision V. – Signs

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

Staff Note: Revises out-of-date wording.

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

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

Staff Note: Revises out-of-date wording.

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

(1) *and (2) unchanged.*

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

Remainder of article unchanged.

ARTICLE IX. – CAPTIVA COMMUNITY PLAN AREA

DIVISION 1. – IN GENERAL

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

Staff Note: Revises out-of-date wording.

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

Remainder of article unchanged.

ARTICLE X. – NORTH OLGA COMMUNITY PLAN AREA

DIVISION 1. – IN GENERAL

Sec. 33-1661. – Applicability

Staff Note: Revises out-of-date wording.

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

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

Staff Note: Corrects Lee Plan map reference.

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

Sec. 33-1663. – Community review.

Staff Note: Revises out-of-date wording and revises to be consistent with requirements of Lee Plan Goal 17.

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

Remainder of section unchanged.

Sec. 33-1664. - Existing development.

Staff Note: Revises out-of-date wording.

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

Remainder of division unchanged.

DIVISION 2. – DESIGN STANDARDS

Subdivision II. - Architecture

Sec. 33-1669. - Applicability.

Staff Note: Revises out-of-date wording.

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

Remainder of division unchanged.

DIVISION 3. – ADDITIONAL USE

Sec. 33-1678. – Applicability.

Staff Note: Revises out-of-date wording.

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

Remainder of article unchanged.

ARTICLE XI. – UPPER CAPTIVA COMMUNITY PLAN AREA

DIVISION 1. – IN GENERAL

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

Staff Note: Revises out-of-date wording.

The applicant is responsible for providing the meeting space, notice of the meeting, and security measures as needed. The meeting must be held within the Upper Captiva Community Plan Area ~~planning area~~. The specific meeting location will be determined by the applicant. Meetings may, but are not required to, be conducted before non-County-formed boards, committees, associations, or planning panels. During the meeting, the agent will provide a general overview of the project for any interested citizens. Subsequent to this meeting, the applicant must provide County staff with a meeting summary

document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. The applicant is not required to receive an affirmative vote or approval of citizens present at the meeting. This meeting must be held after the application has been filed. The applicant will provide notice to the Upper Captiva Community no less than ten days before the meeting by placing signs or posters in public places, by circulating a notice to the broadest e-mail list available, and by submitting a notice for posting on the community website. The applicant must also provide the meeting summary to the Upper Captiva Community for the purpose of posting on the community website and on any appropriate Lee County government document clearinghouse.

Remainder of chapter unchanged.

CHAPTER 34 – ZONING

ARTICLE I. – IN GENERAL

Sec. 34-2. – Definitions.

Staff Note: Corrects Lee Plan map references.

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

“Abutting property” through “Government agency” unchanged.

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

“Greenhouse” through “Skyglow” unchanged.

Southeast Lee County means the land designated as Planning-Community District #18 on Lee Plan Map 161-B.

Remainder of section unchanged.

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

Staff Note: Revises out-of-date wording.

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

Remainder of article unchanged.

ARTICLE II. – ADMINISTRATION

DIVISION 4. – HEARING EXAMINER

Sec. 34-145. – Functions and authority.

Staff Note: Revises out-of-date wording.

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

(a) *through (c) unchanged.*

(d) *Zoning matters.*

(1) *through (3) unchanged.*

(4) *Findings/review criteria.*

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

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

a) *through f) unchanged.*

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

Remainder of article unchanged.

ARTICLE V. – COMPREHENSIVE PLANNING; THE LEE PLAN

Sec. 34-491. – The Lee Plan

Staff Note: Revises wording to match current future land use map.

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

ARTICLE VI. – DISTRICT REGULATIONS

DIVISION 2. – AGRICULTURAL DISTRICTS

34-653. – Use regulation table.

Staff Note: Corrects Lee Plan map reference.

Table remains unchanged.

Notes:

(1) *unchanged.*

(2) Any lot created in the rural community preserve land use category (as delineated by Policy ~~17-1.320.1.3~~ 20.1.3 of the Lee Plan) after July 9, 1991, must have a minimum area of 43,560 square feet excluding all street rights-of-way or easement areas, water management areas, and natural water bodies. Public utility easement areas may be included in the lot size calculation.

Remainder of section unchanged.

34-654. – Property development regulations table.

Staff Note: Corrects Lee Plan map reference.

Table remains unchanged.

Notes:

(1) *unchanged.*

(2) Any lot created in the rural community preserve land use category (as delineated by Policy ~~17-1.320.1.3~~ 20.1.3 of the Lee Plan) after July 9, 1991, must have a minimum area of 43,560 square feet excluding all street rights-of-way.

Remainder of section unchanged.

DIVISION 3. – RESIDENTIAL DISTRICTS

34-671. – General purpose and intent.

Staff Note: Revises out-of-date wording.

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

Subdivision III. – Multiple-Family Districts

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

Staff Note: Corrects Lee Plan map reference.

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

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

Remainder of division unchanged.

DIVISION 6. – COMMERCIAL DISTRICTS

Sec. 34-841. – Purpose and intent.

Staff Note: Corrects Lee Plan map reference.

(a) *unchanged.*

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

Remainder of section unchanged.

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

Staff Note: Corrects Lee Plan map reference.

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

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

Remainder of division unchanged.

DIVISION 7. – MARINE-ORIENTED DISTRICTS

Sec. 34-871. – Purpose and intent.

Staff Note: Corrects Lee Plan policy references.

(a) CM Marine Commercial District. The purpose and intent of the CM District is to permit the designation of suitable locations for, and to ensure the proper development and use of, land and

adjacent waters for commercial marinas and other uses incidental to those facilities. The principal uses of land are limited to waterfront-dependent uses required for the support of recreational boating and fishing. The marina siting and design criteria are set forth under Objectives 128.4 and 128.5 and ~~128.6~~ of the Lee Plan and in the Manatee Protection Plan.

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

Remainder of division unchanged.

DIVISION 9. – PLANNED DEVELOPMENT DISTRICTS

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

Staff Note: Corrects Lee Plan map references.

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

(b) *through (d) unchanged.*

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

(1) *through (4) unchanged.*

(5) Golf course site requirements.

a. *through f. unchanged.*

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

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

issuance of a local development order. Management techniques addressed in the plan must include, but are not limited to, the following:

Remainder of article unchanged.

ARTICLE VII. – SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 12. – DENSITY

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

Staff Note: Corrects Lee Plan table reference.

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

(1) Proposed developments.

a. unchanged.

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

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

i. unchanged.

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

Remainder of division unchanged.

DIVISION 18. HOME OCCUPATIONS; LIVE-WORK UNITS

Sec. 34-1772. Permitted uses; operation.

Staff note: Update section 34-1772 to be consistent with House Bill 403 (2021 Legislature) , which amended Chapter 559.955, F.S. to pre-empt local government regulation of home-based businesses.

(a) Any use of a residence for a home occupation must be clearly incidental and subordinate to its use for residential purposes by the occupants.

- (b) ~~All retail transactions~~ The use must be conducted entirely within the dwelling unit, though incidental business uses may be conducted elsewhere at the residential property or customary accessory building.
- (c) ~~No e-~~No more than two employees or independent contractors ~~employees must reside in the residential dwelling unit, except up to two employees or independent contractors who do not reside at the residential dwelling unit may other than members of the immediate family residing in the dwelling will~~ may be permitted to work at the residence, but may be employed to work elsewhere provided that the employees do not come to the residence for equipment, vehicles, or supplies. Under special conditions, such as a disabled person or retiree needing clerical assistance, the Director may allow one employee who is not a resident of the home to work at the residence.
- (d) ~~There may be no exterior indication that the dwelling is used for any purpose other than a residence, except that one~~ Signage is limited to one non-illuminated nameplate, not exceeding one square foot (144 square inches) in area, may be attached to the building on or next to the entrance.
- (e) No commodities, stores or display of products on the premises may be visible from the street or surrounding residential area. ~~No outdoor display or storage of materials, goods, supplies or equipment used in the home occupation may be permitted on the premises, unless approved by special exception. Vehicles and trailers for use in connection with a home occupation may not be parked or stored on the premises unless completely enclosed within a building.~~ Parking or storage of trucks and commercial vehicles used in the operation of the home occupation must be in compliance with the requirements of section 34-1181.
- (f) No equipment may be used which creates noise, vibration, glare, fumes, odors or electrical interference ~~objectionable to the normal senses~~ beyond that associated with a residential use. No equipment or process may be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises beyond that associated with a residential use.
- ~~(g) No use permitted by this division may generate greater volumes of traffic than would otherwise be expected by normal residential uses.~~
- ~~(h) No use that attracts customers to the dwelling unit may be permitted under this section.~~

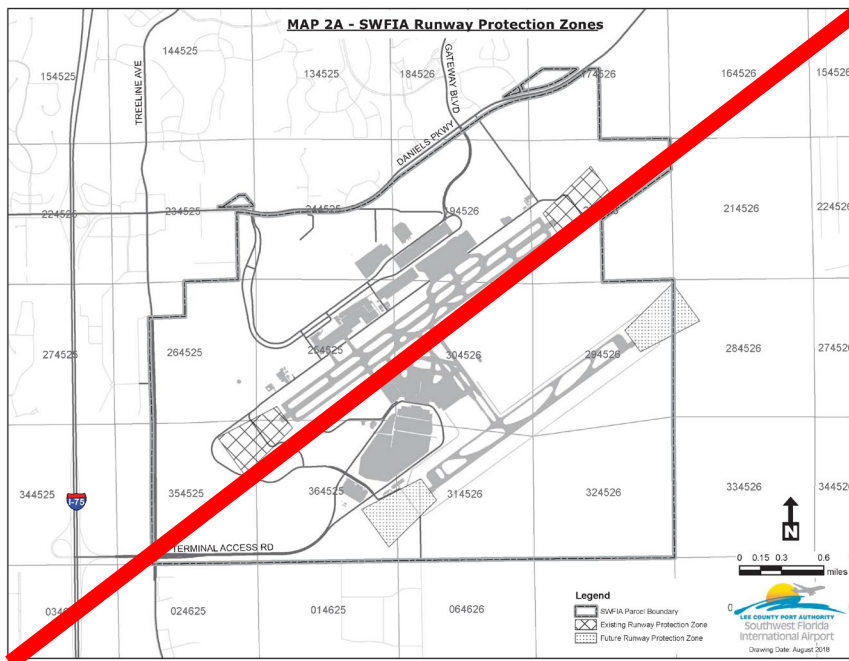
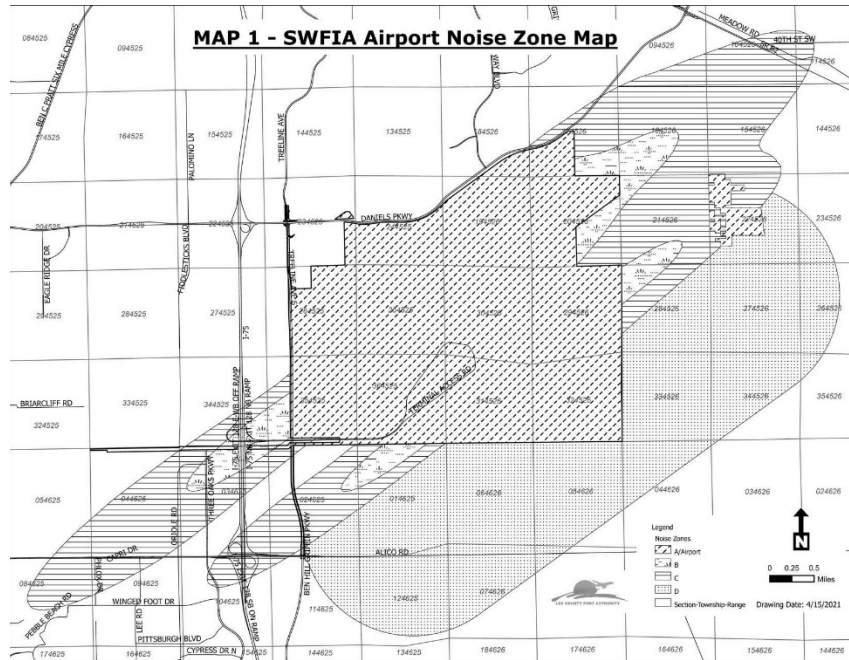
DIVISION 21. – MARINE FACILITIES, STRUCTURES AND EQUIPMENT

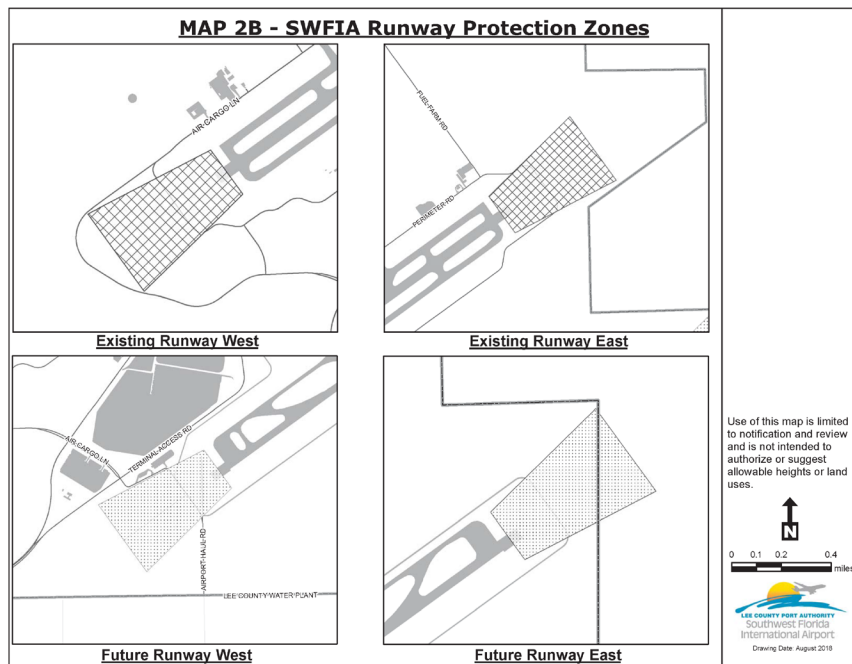
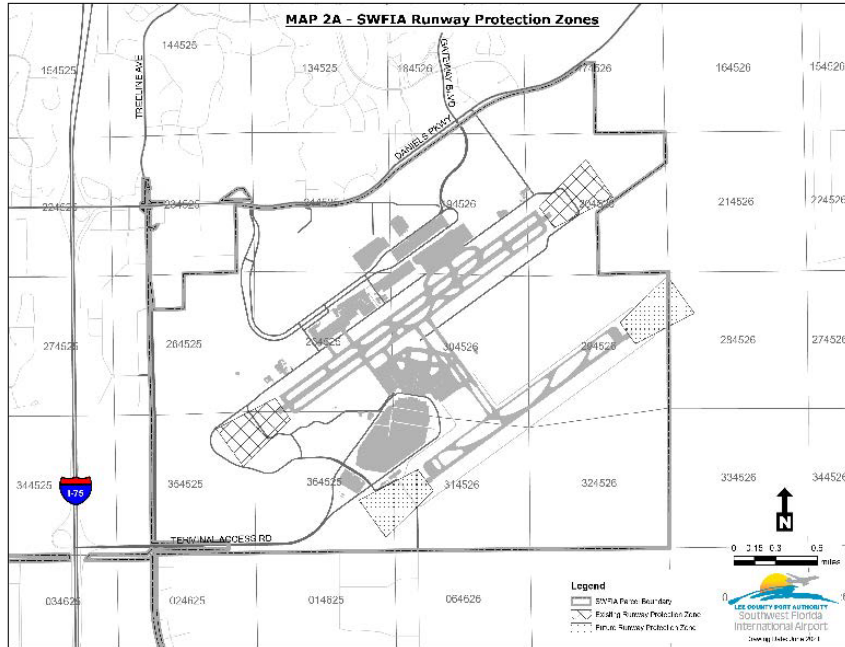
Sec. 34-1862. – Marinas, fish houses and docking facilities.

Staff Note: Corrects Lee Plan policy and map references.

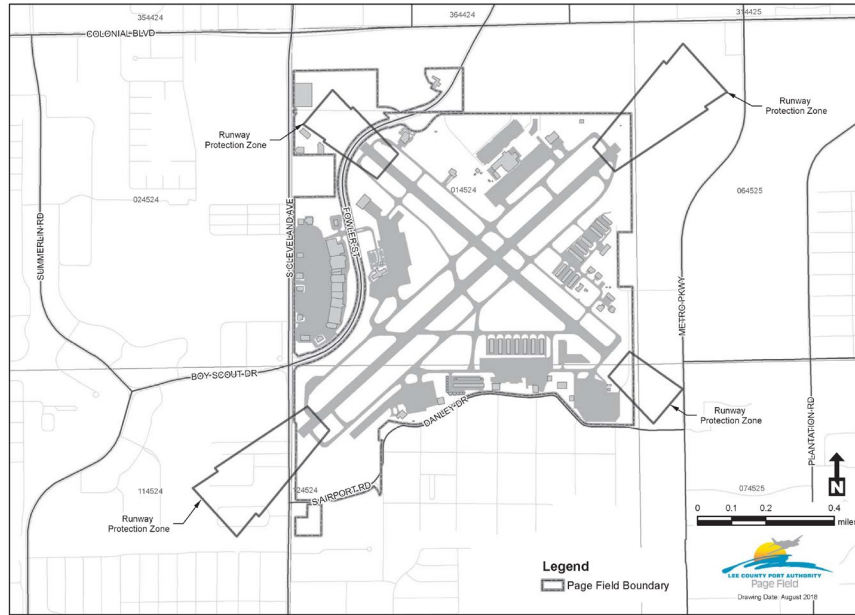
- (a) *Water-dependent overlay zones.* Water-dependent overlay zones have been designated for shoreline areas where priority will be granted to water-dependent land uses (Goal 8). Goal 12 of the Lee Plan details specific requirements for the water-dependent overlay zones on San Carlos Island (see Map ~~21-H~~ of the Lee Plan). Policies regulating water-dependent uses in other areas of the County are found under Objectives 128.1 and 128.2 and are mapped in the appendix of the Lee Plan, as Map ~~121-H~~.
- (b) *Marina siting criteria.* The marina siting criteria set forth in the Manatee Protection Plan and Objective 128.~~54~~ and Policies 128.~~54~~.1 through 128.~~54~~.12 of the Lee Plan must be considered in evaluating new or substantially expanded marinas, other wet slip facilities and boat ramps.
- (c) *Marina design criteria.* The marina design criteria set forth in the Manatee Protection Plan and Objective 128.~~65~~ and Policies 128.~~65~~.1 through 128.~~65~~.16 of the Lee Plan must be utilized in evaluating the design of new marinas, or expansion of wet slip facilities at existing marinas.

Remainder of chapter unchanged.



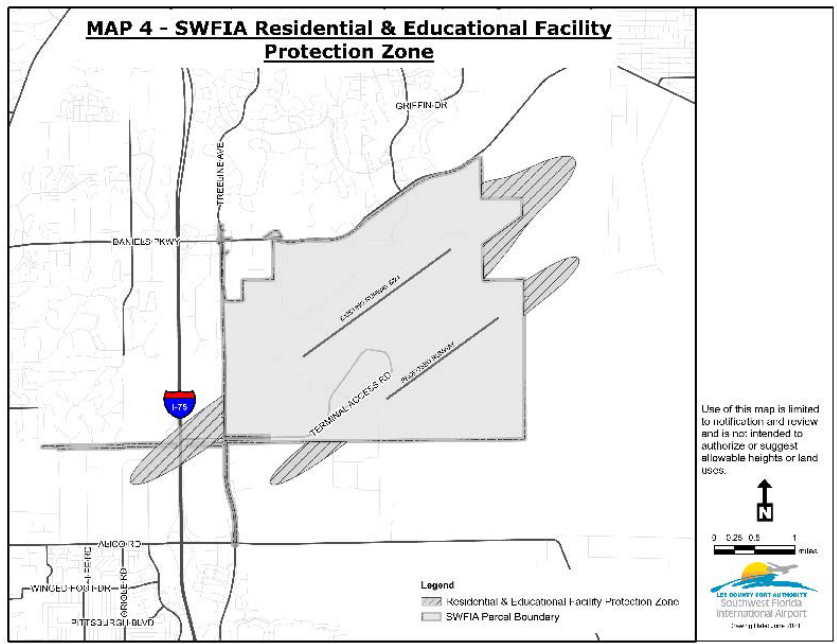
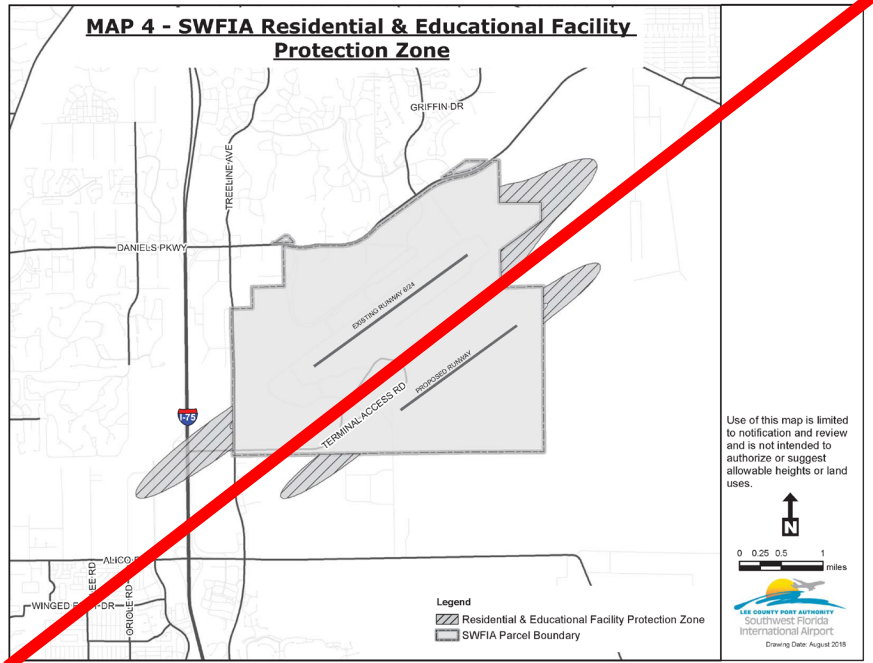


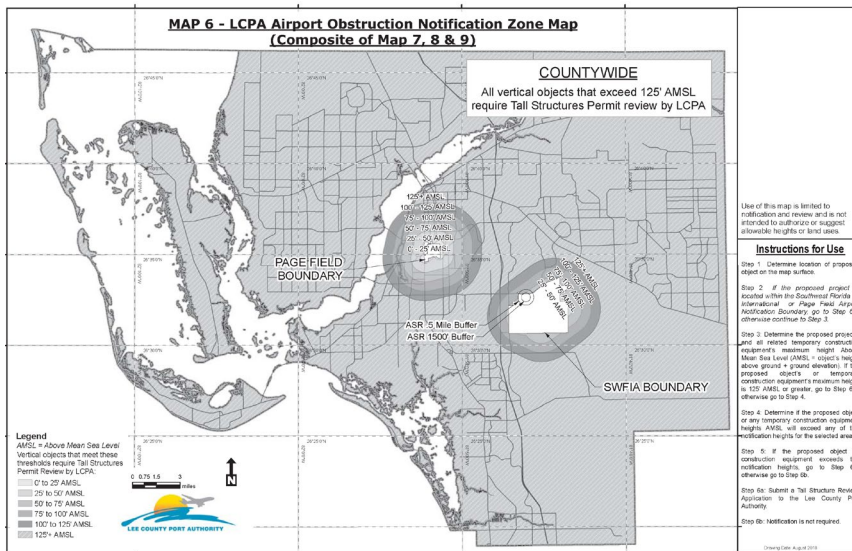
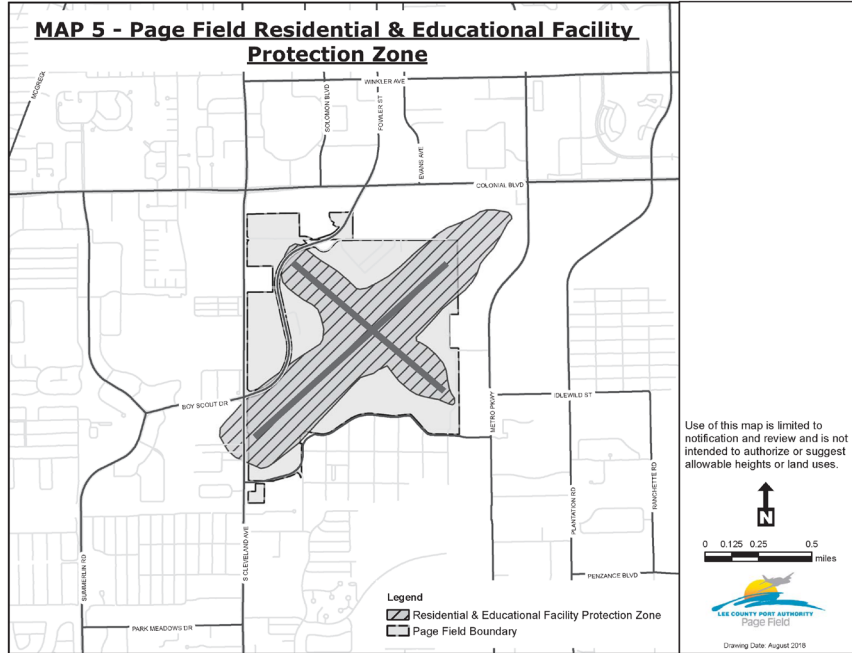
MAP 3A - Page Field Runway Protection Zones

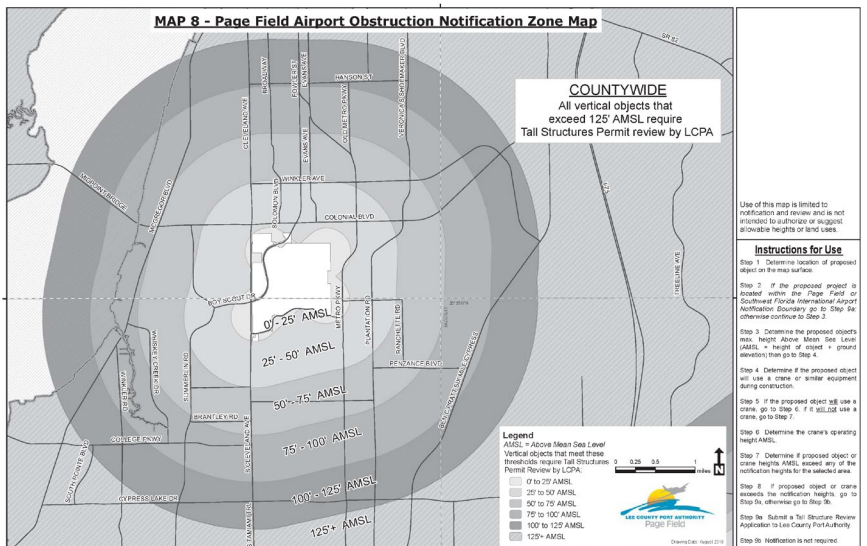
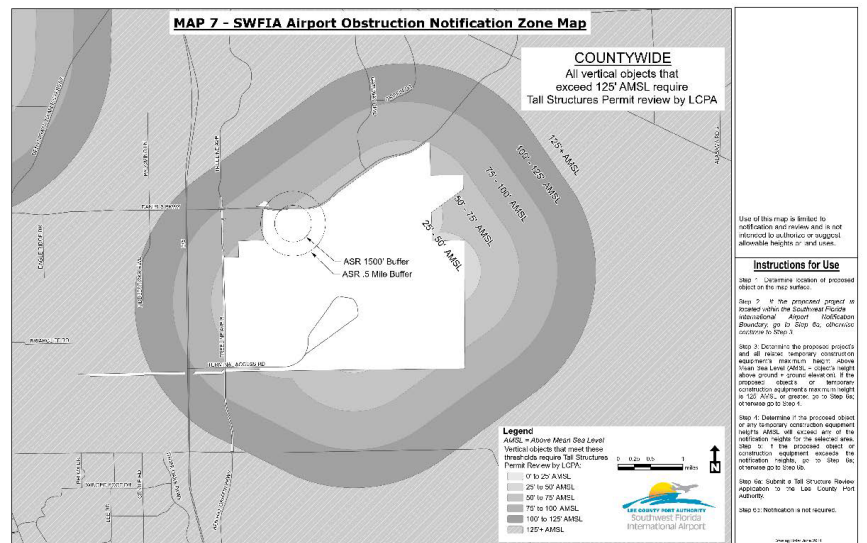
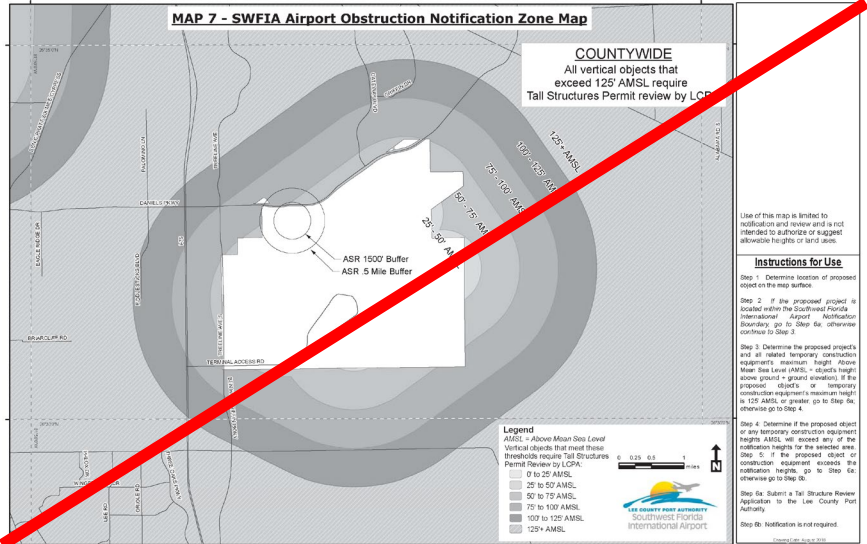


MAP 3B - Page Field Runway Protection Zones

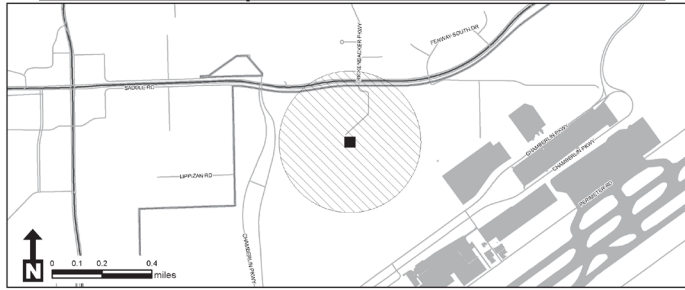




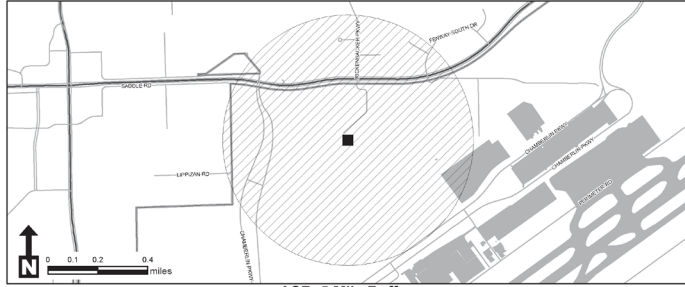




MAP 9 - SWFIA Airport Surveillance Radar Review Zones



ASR 1500' Buffer



ASR .5 Mile Buffer

Use of this map is limited to notification and review and is not intended to authorize or suggest allowable heights or land uses.

Instructions for Use

Step 1 Determine location of proposed object on the map surface.

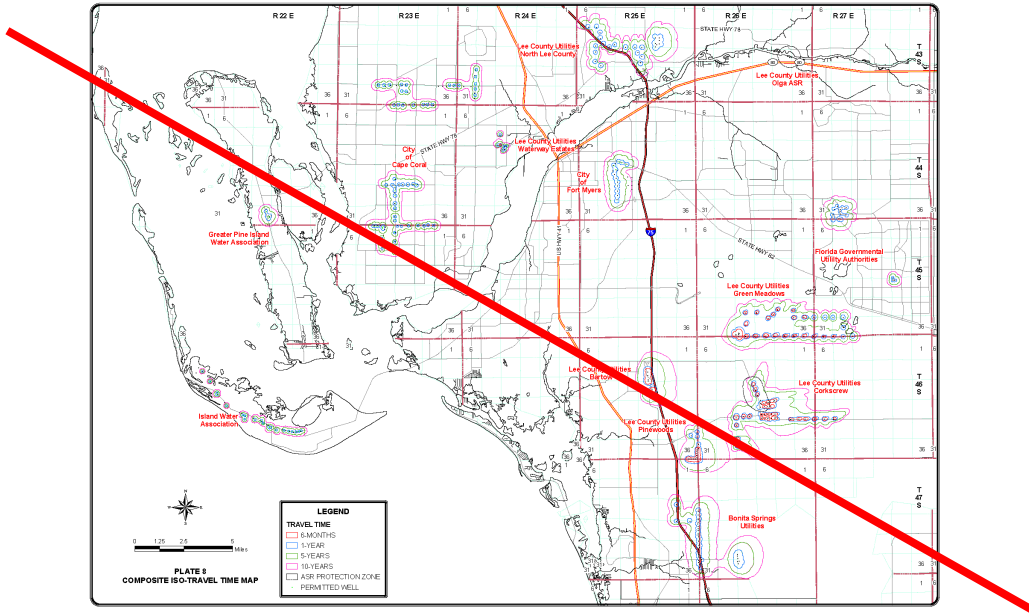
Step 2 If the proposed project is located within the Southwest Florida International Airport Surveillance Radar Notification Boundary, regardless of the proposed height, submit a Tall Structure Review Application to the Lee County Port Authority.

Step 3: If the proposed project is not located within the Southwest Florida International Airport Surveillance Radar Notification Boundary, no notification is required unless otherwise dictated by the Southwest Florida International Airport Obstruction Notification Zone Map.

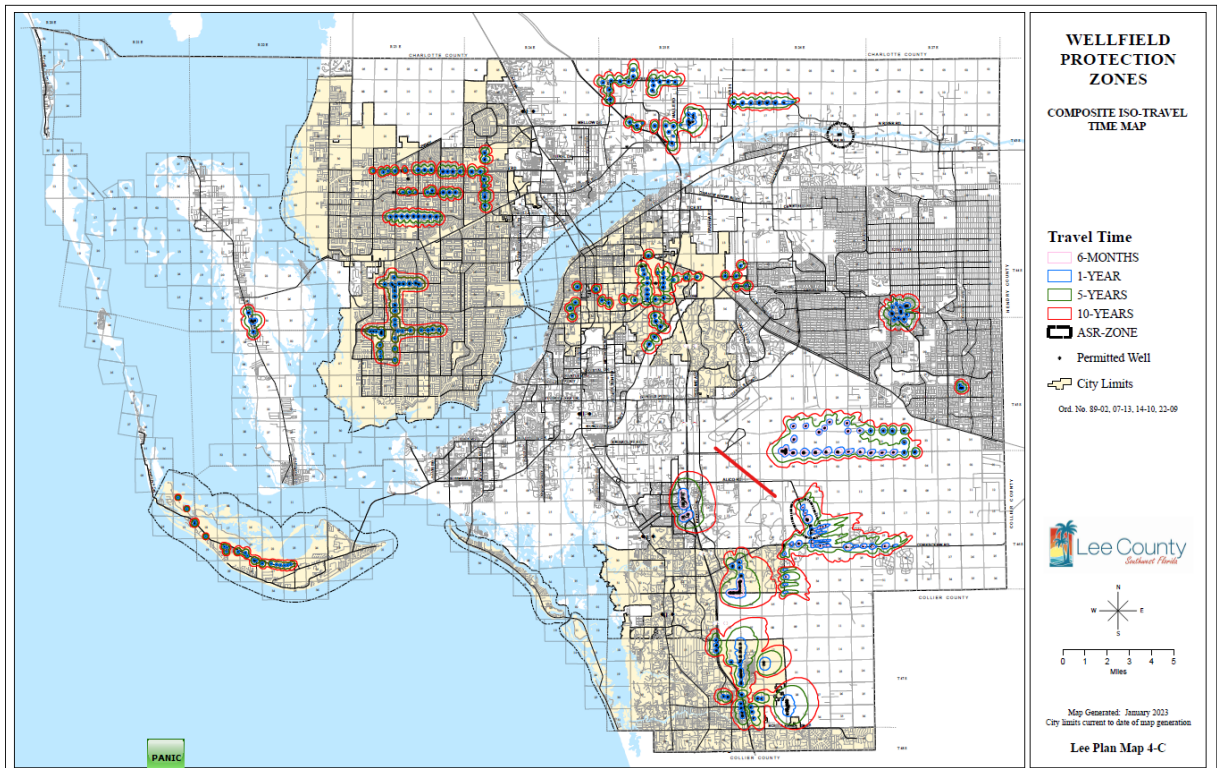


Appendix N WELLFIELD PROTECTION ZONES

Staff note: update wellfield protection zone map to reflect adoption of Ordinance 22-09.



(Ord. No. Ord. No. 14-07, § 3, 3-18-2014)



(Ordinance No. 22-0907-35, § 2, adopted December 4, 2007 April 20, 2022.