

## Chapter 33 – ~~PLANNING COMMUNITY PLAN AREA REGULATIONS~~

### ARTICLE I. - IN GENERAL

#### Sec. 33-1. - Purpose and intent.

The purpose of this chapter is to implement the Community Plans ~~adopt the guidelines and provisions a planning community believes is necessary to achieve the goals, objectives and policies set forth established in the Lee County Comprehensive Plan applicable to each recognized individual planning community located within unincorporated Lee County.~~ Development within each Community Plan area affected by this chapter must comply with all Lee County regulations, including the provisions of this Code. These provisions are intended to enhance, ~~not replace,~~ the regulations contained in the balance of this Code, unless a particular provision of this chapter ~~planning community~~ specifically provides otherwise.

#### Sec. 33-2. - Applicability.

The provisions of this chapter following articles ~~apply to the specific Community Plan areas the planning communities in unincorporated Lee County that are specifically identified in the Lee Plan. Each article covers an individual planning community, or specifically identified portion of a planning community, 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. - Public information meeting ~~Effect of LDC provisions.~~

(a) Applications requiring review. Prior to obtaining approval or finding of sufficiency, the owner or agent applying for the following types of county approvals must conduct one publicly-advertised information meeting within the applicable Community Plan area(s):

- (1) Planned development zoning actions, including requests for administrative amendments to approved planned developments.
- (2) Special exception, variance, and administrative deviation requests.
- (3) Conventional rezoning actions.

Applications within the Northeast Lee County Community Plan area boundary must conduct a public information meeting within the applicable sub-area (i.e., Alva, Bayshore, or North Olga) of the Northeast Lee County Community Plan area boundary.

(b) Public information meeting requirements. The public information meeting must be held in accordance with the following requirements:

- (1) The owner or agent must provide a meeting space and any security measures adequate to accommodate the projected attendance.
- (2) Advance notice of the meeting must be published in a publication of local distribution at least ten (10) calendar days prior to the meeting, with proof of publication provided to the Department of Community Development. Public information meetings within the Captiva Community Plan area must be noticed in accordance with Lee Plan Policy 23.4.1.

(3) At the meeting, the owner or agent must present a general overview of the request and provide the opportunity for public input.

(4) After the meeting, the owner or agent must submit a meeting summary document to the county that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the issues or concerns raised during the meeting; and the applicant's response to issues and concerns raised.

(c) The owner or agent applying for more than one type of county approval may conduct a single public information meeting to satisfy the requirements of this section subject to the following:

(1) The published meeting notice must identify the types of county approvals sought by the request; and

(2) The overview of the proposed development provided at the public information meeting must describe the approvals sought by the request.

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

#### **Sec. 33-4. - Conflict.**

A conflict between the provisions of this chapter and the balance of this Code will be resolved in accordance with the following. The provisions of the Lee Plan in effect at the time the conflict is discovered will ~~take precedence~~ control. If the Lee Plan is silent with respect to the issue, then the standards articulated in this chapter will ~~take precedence~~ control. If the Lee Plan and this chapter are silent with respect to an issue, then the provisions within the balance of this Code will ~~take precedence~~ control.

#### **Sec. 33-5. - Deviations/variances.**

Variances or deviations from this article may be requested in accordance with chapters 10 and 34 except where expressly prohibited by this chapter or the Lee Plan.

~~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. 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.~~

#### **Sec. 33-6. - Existing planned developments Appeal.**

Existing planned developments may be voluntarily brought into compliance with applicable provisions of this chapter through the administrative amendment process. No public hearing will be required if the sole intention is for the existing planned development to comply with this chapter. Notwithstanding, any request to change the zoning designation of a parcel must comply with the notice and hearing requirements under F.S. § 125.66.

~~Appeal of the application or interpretation of this chapter must be filed and processed in accord with section 34-145(a).~~