



**LAND DEVELOPMENT CODE ADVISORY COMMITTEE
COMMUNITY DEVELOPMENT/PUBLIC WORKS BUILDING
1500 MONROE STREET, FORT MYERS**

First Floor Conference Room 1B

**FRIDAY, DECEMBER 14, 2012
8:00 A.M.**

AGENDA

1. Call to Order/Review of Affidavit of Publication
2. Approval of Minutes – OCTOBER 12, 2012
3. LDC AMENDMENTS (2012/2013 Regular LDC Amendments) PACKET #1
4. Nomination/Election of Officers
5. Adjournment – Next Meeting Date: JANUARY 11, 2013



**MINUTES REPORT
LAND DEVELOPMENT CODE ADVISORY COMMITTEE
(LDCAC)
Friday, October 12, 2012
8:00 a.m.**

Committee Members Present:

Theresa Artuso
Richard Ibach
Michael Ekblad
Peter Kemezys
Al Quattrone
Jerry Murphy

Debi Pendlebury
Jennifer Sapen

Excused Absences:

Patrick Vanasse
Bill Prysi
Jay Johnson

Matt Smith
Liz Donley

Lee County Government Staff Present:

Michael Jacob, Asst. County Attorney
Nettie Richardson, Principal Planner, Zoning
Pam Houck, Director, Zoning
Debbie Carpenter, DCD Admin Svcs., Recorder

Mikki Rozdolski, Senior Planner, Zoning
Anthony Palermo, Senior Planner, Zoning
Kathie Ebaugh, Principal Planner, Planning

Consultants and Public Present:

James Leese, LaRue Planning
Edd Weiner, Lehigh Acres Community Planning
Panel
Bill Brisson, LaRue Planning
Greg Stuart, Homestead Plaza LLC

Brian Smith, EnSite
Gregg Makepeace, NFM Community
Planning Panel
Matt Horton, EnSite
Joe Beck, NFM CPP

Call to Order and Affidavit:

Ms. Theresa Artuso called the meeting to order at 8:04 a.m. in the first floor conference room (1B), 1500 Monroe Street, Fort Myers, Florida.

Mr. Michael Jacob, Assistant County Attorney, reviewed the Affidavit of Posting and found it legally sufficient as to form and content.

APPROVAL OF MINUTES – JULY 13, 2012

Mr. Michael Ekblad made a motion to approve the July 13, 2012 minutes; seconded by Mr. Richard Ibach. The motion was called and carried.

AMENDMENT TO COMPACT COMMUNITIES FOR LEHIGH ACRES AND NORTH FORT MYERS PLANNING COMMUNITIES

Principal Planner, Kathie Ebaugh, introduced the amendment stating that she, along with Tony Palermo, Zoning Senior Planner, North Fort Myers and Lehigh Community consultants, EnSite Consulting and LaRue Planning, worked on the proposed plans for a period of over two years. She summarized the land use framework and said Mr. Palermo would discuss the implementing LDC language.

Ms. Ebaugh reviewed the Powerpoint entitled, "Compact Communities Code Regulating Plans for Lehigh Acres & North Fort Myers". She stated the plan is based on transects, each unique, each with a distinct feel and reviewed the relationship of each transect to specific street types, and lot and building types.

Ms. Ebaugh then explained that the plan will be implemented as an optional overlay. Existing properties have the option of maintaining their current use and if, for example, they wanted to change to a different zoning classification, they could choose to go through the normal zoning process. However, if they did choose to "opt in" and comply with the Compact Community Code, a minor change, such as changing a building from one allowed type to another allowed within the same transect, could be done administratively and would not require a public hearing. Something major, such as a change to the road network, would have to go through the public hearing process.

Ms. Ebaugh reported that, during the recent budget hearings, the Board of County Commissioners approved \$2 million for Lehigh Acres to continue to study the project. The Planning Department will be soliciting bids for a planning design study shortly, with completion expected within 12 to 18 months. The study will look at economics (what will be the return on the investment if it remains as it is today versus developed according to the mixed use concept) and infrastructure (the current availability for transportation and utilities versus what will be needed if build out happens). As a result, specific projects and priorities can be identified in order to plan for funding and capital improvements for the future. The county recognizes that going forward this will need to be a public/private partnership.

Ms. Ebaugh said a consultant is working to identify grant funding for North Fort Myers.

Ms. Ebaugh presented three different land use scenarios and talked about roadway systems and connections, boulevards versus avenues and intensity of uses. She described a downtown core with intensity at the center blending other uses outward, less intensive neighborhood centers, public and civic uses, and provided a general overview of the Lehigh Acres and North Fort Myers plans.

Mr. Palermo said the Land Development Code revisions would implement Goal 32 for Lehigh and Goal 28 for North Fort Myers. He explained that each community had met regularly to go over the regulations and to identify mixed use centers. Individual property owners and important stakeholders (fire department, sheriff's department, Department of Transportation and Water Management District) were contacted and included as well. Concepts and drafts were reviewed and discussed with various county departments including the County Attorney's office, Planning, Zoning, DOT, Office of Sustainability, Public Works and Parks and Recreation. All community meetings were well attended and got good press. The Lehigh plan was featured recently at the APA meeting in Naples.

The draft LDC amendments include conceptual regulating plans (enlarged versions were distributed) that are optional plans an applicant can opt to use. The North Fort Myers regulating plans are on pages 4 thru 6; the Lehigh plans, pages 7 thru 10. Amendments to Chapter 32 (pages 11 thru 13) include specific changes that will make Chapter 32 easier to implement. Detailed drawings on pages 14 and 15 are for two new street types, specific to the North Fort Myers activity center. Pages 16 thru 18 are Chapter 33 amendments that clarify architectural styles, use regulations and all other regulations in commercial corridors that will apply in the downtown North Fort Myers centers.

Ms. Artuso suggested reviewing each page of the amendment and asked for Committee questions and comments when appropriate.

Ms. Artuso recognized Mr. Greg Stuart, representing Lehigh's Homestead Plaza LLC. His concern was the "opt in", "opt out" provision (**Sec 32-604**). He distributed language that he said clarified the use of existing zoning and how it tied into existing development order approvals. He strongly encouraged the Committee to adopt the proposed language. Based on his experience with the Estero Planning Panel, he wanted to be sure that the "opt out" option was clear and that community panels, in this case, the Lehigh Panel, had a clear understanding that recommendations are not mandatory.

Mr. Palermo responded that the County could probably work with the proposed language; however, thought the terminology, "sole discretionary right", would need further evaluation, and Mr. Jacob agreed.

Ms. Artuso had a concern about the last sentence of Mr. Stuart's draft making specific reference to the LDC Advisory Committee. Mr. Jacob said that language would be deleted. He had no problem with making further clarification that the Compact Community regulations and use of the overlay is optional or that it is the property owner's right to follow their own plan.

Mr. Jerry Murphy suggested that, if the language was revised to include some or all of Mr. Stuart's language, an amended version should be provided to the committee. Staff agreed to send amended language to the Committee for any substantive changes. To comply with sunshine law requirements, Mr. Jacob suggested that members send questions or comments to his office for dissemination rather than to other committee members.

Ms. Artuso recognized Mr. Edd Weiner, who spoke on behalf of the Lehigh Acres Community Planning Panel. Based on recent experiences, he had a concern about the plan being voluntary. After spending several years and a good deal of money to come up with this plan and, then, to say it was voluntary was an issue for him, as was the fact that the recommendations and comments of the Community Panel could be disregarded as well. He also had a problem with developers that want to come in and avoid following the rules just because they are working with national franchises. Mr. Weiner did not want to stop the process but said some of the language needed to be "massaged" so that the community, and the developer, was protected.

Mr. Kemezys asked what should be done. Mr. Weiner wanted the plan to be mandatory.

Mr. Stuart made the comment that every community has the right to shape their built environment. He suggested that, initially, perhaps the community should look at standard code reform in context with visual enhancement - things like signage, architectural and landscaping conditions, rather than urban form.

Ms. Jennifer Sopen said incentivizing might be the best solution and asked if the lack of a public hearing was the only incentive. Ms. Ebaugh agreed this needed to be an incentive-based opportunity but said administrative approval was not insignificant. The plans have taken 2 years to complete, whereas a private developer may have taken much longer. The plans are well vetted and will save developers time and money. In talking to other communities, the economics have proved to be a big incentive. The model project will be the first where the county will venture into owning parking structures and stormwater systems. The county realizes that infrastructure, roads in particular, is very expensive and is looking for county, state and federal funds that can be used to help take on that burden, which would be a major incentive. Staff will continue to work with the business community to find additional incentives but needs to remain sensitive to property owners and respectful of the rights with their land.

Jerry Murphy asked about the strike-thru section on page 1 concerning TDR receiving areas and asked if it was addressed elsewhere or if the intent was to delete the reference to Article III

in its entirety. Mr. Palermo confirmed the intent was to delete.

Mr. Kemezys asked for a clarification regarding minor changes on page 3. He understood that, for a minor change, no public hearing would be necessary but asked if there would be public notice. Mr. Palermo confirmed that, assuming the request meets the standards of subsections (b) & (c), it would be considered a minor change and could be approved administratively, but the requirements for Lehigh and North Fort Myers are that any zoning action must be taken to the community. He also confirmed that if a request meets the criteria of (b) & (c), it cannot be deemed to be a major change by the Zoning Director.

Mr. Stuart suggested looking at the TDR language especially with respect to Lehigh and lot absorption. Ms. Ebaugh said that the issue was being addressed as part of the comprehensive plan.

On page 11, Mr. Weiner had a concern about alleys and who would maintain the public thoroughfares.

Ms. Sapan referred to the first illustration on page 15. There was a discussion about the 6' planting strip and whether curbs were included. The illustration was not clear; staff agreed to revise that language to clarify.

Ms. Artuso recognized Mr. Joe Beck, a member of the North Fort Myers Planning Design Panel. Mr. Beck reported that the North Fort Myers Planning Panel supported this change.

Mr. Jerry Murphy made a motion to approve the draft as proposed without the change recommended by Mr. Stuart; however, he encouraged staff to continue to work with him. Seconded by Mr. Ekblad. The motion was called and carried unanimously.

Motion to adjourn. The meeting was adjourned at 9:05 a.m.

The next meeting was tentatively scheduled for November 9, 2012.

**2012/2013 LDC
REGULAR
AMENDMENTS**

**OVERVIEW &
PACKET #1**

Overview

Chapter 2

2-264 Revise trafficways map reference; Revise NAVD reference

Chapter 6

6-333 Add NAVD 88 definition; Delete NGVD 29 definition

Chapter 10

10-8 Revise trafficways map reference
10-103 Housekeeping – remove irrelevant administrative code reference
10-104 Housekeeping – remove section reference; Add subsection for procedural variances and deviations
10-175 Housekeeping – revise aerial scale requirement
10-215 Housekeeping
10-281 Revise trafficways map reference
10-421 Housekeeping – remove section reference

Chapter 14

14-471 Add language to include other receiving waters
14-473 Add language to include other receiving waters
14-474 Clarification
14-475 Define receiving water
14-479 Housekeeping

Chapter 22

22-102 Housekeeping – remove certified mail, return receipt requested
22-203 Housekeeping – revise language to be consistent with procedure

Chapter 30

30-8 Revise notice procedure for disposal of signs removed from public property

Chapter 32

ARTICLE V Housekeeping – revise scrivener’s error in Article title
32-803 Revise Section reference

Chapter 33

33-1231 Housekeeping - clarify applicability language
33-1250 Revise Section reference
33-1353 Revise Section reference

- 33-1481 Housekeeping – revise map reference consistent with the Lee Plan
- 33-1596 Revise Section reference

Chapter 34

- 34-2 Revise Florida Statute reference; Revise trafficways map reference; Revise NAVD reference; Revise procedural variance definition
- 34-145 Add subsection for procedural variances and deviations
- 34-201 Add subsection for procedural variances and deviations
- 34-411 Revise trafficways map reference
- 34-613 Clarify availability of and updates to official/current zoning maps
- 34-614 Describe official zoning map; remove timeframe
- 34-615 Describe current zoning map and procedure for updating
- 34-654 Housekeeping – revise language to correspond with Lee Plan
- 34-694 Housekeeping – Revise scrivener’s error in table; Remove American alligators or venomous reptiles use; Add poultry raising, noncommercial as SE to RS-4 and RS-5; Add Essential service facilities Group II as EO to RS-1 and TFC-2
- 34-714 Add Essential service facilities Group II as EO to RM-2
- 34-715 Housekeeping – revise Section number
- 34-791 Add Single-family residence as EO to RV-3
- 34-813 Add Golf Driving Range as P to CF-1; Add Essential service facilities Group II as EO to CF-2 and CF-3
- 34-842 New Section: Alternative Property Development Regulations for Duplex, Two-Family Attached, and Townhouse Units in C-1A, C-1, and C-2 Districts
- 34-843 Revise Section number; Add Wholesale establishments Group I as P to Use Table in C-1, C-2, CC, CG, CS-1, CS-2, CT, CR and CI zoning districts; Add Essential service facilities Group II as EO to C-1A and CC
- 34-844 Revise Section and Table number; Add Two-Family attached and Townhouse as P to C-1 and C-2 Use Table
- 34-845 Revise Section number
- 34-903 Add Wholesale Group I as P to IL and IG; Add Essential service facilities Group II as EO to IL
- 34-934 Add Single-family residence as EO to CPD Use Table; Add Golf Driving Range as P to CFPD and IPD; Housekeeping
- 34-935 Add reference to chapter 33
- 34-1297 Revise Florida Statute reference
- 34-1716 Housekeeping – revise references to zoning district use tables
- 34-2016 Add thermoplastic striping as permitted material to delineate parking spaces; revise delineation of parking space adjacent to sidewalks, landscaping and open space
- 34-2020 Housekeeping – revise Use Group reference; Revise Note (9); Delete Note (11) and Note (11) reference in table; Revise Theater parking requirements; Revise to specify landscaping requirements
- 34-2192 Revise trafficways map reference
- 34-3102 Revise Section reference

LDC Amendments (Packet #1)

Chapter 2. ADMINISTRATION

Sec. 2-264. Definitions and rules of construction.

~~Class 3 road means an approved road shown on Lee Plan Map 3A of the Lee Plan transportation element that is not included for construction or improvement within the capital improvements element of the Lee Plan or any five or ten-year capital improvement plan of the County. Class 3 roads include all arterial and collector roads on Gasparilla Island, Pine Island, and Captiva, Sanibel and Estero Island or any road that Class 3 roads also include roadway expansions identified on the Official Trafficways Map. Class 3 road also means an approved road not on the five-year schedule of improvements within the Lee Plan's capital improvement element, not in any ten-year capital improvement plan of the county, and not on Map 3A of the Lee Plan transportation element, but which provides a reasonable alternative route for traffic that otherwise would travel a specific road shown on Lee Plan Map 3A of the Lee Plan transportation element.~~

Water, body of.

(1) *remains unchanged.*

(2) *Natural body of water* means a depression or concavity in the part of the surface of the earth lying landward of the line of mean sea level (NAVD-NGVD) which was created by natural geophysical forces and in which water stands or flows for more than three months of the year. Also included are the bays and estuaries lying between the county mainland and the barrier islands (Gasparilla Island, Cayo Costa, North Captiva Island, Captiva Island, Sanibel Island, Estero Island, Lovers Key, Big Hickory Island, Little Hickory Island and Bonita Beach) with the outermost boundary defined by the shortest straight line that can be drawn between these islands.

Chapter 6. BUILDING AND BUILDING REGULATIONS

ARTICLE III. COASTAL CONSTRUCTION CODE

DIVISION I. GENERALLY

Sec. 6-333. Definitions.

NAVD 88 means North American Vertical Datum of 1988, the vertical control datum of orthometric height based upon the General Adjustment of the North American Datum of 1988. NAVD 88 replaced the National Geodetic Vertical Datum of 1929 (NGVD 29).

~~NGVD means National Geodetic Vertical Datum, a geodetic datum established by the National Ocean Service and frequently referred to as the 1929 Mean Sea Level Datum.~~

Chapter 10. DEVELOPMENT STANDARDS

ARTICLE I. IN GENERAL

Sec. 10-8. Specific requirements.

Development will be approved and a development order will be issued when the development is designed so as to reasonably achieve the following:

(1) – (3) remain unchanged.

(4) ~~Official trafficways map.~~ Pursuant to the County Comprehensive Plan, there is hereby adopted as part of this chapter the official trafficways map for the County, which map is dated October 3, 1991, as it may be modified by the Board of County Commissioners. The map is a planning tool that identifies a network of trafficways and right-of-way widths necessary to meet present and anticipated roadway needs of the County. The official trafficways map will be signed by the chairman of the Board of County Commissioners and placed on file with the County Department of Transportation. Reproductions of the map will be made available to the public. The purpose of the official trafficways map is to: Lee Plan Map 3A. Lee Plan Map 3A is a planning tool that identifies the anticipated number of lanes and the approximate locations for existing and future arterial and collector streets in Lee County.

- a. ~~Identify the rights of way needed for the trafficways network necessary to ensure Countywide continuity of the transportation system;~~
- b. ~~Encourage municipalities within the County to adopt similar right-of-way maps that are basically in agreement with the County's official trafficways map;~~
- c. ~~Utilize as many existing rights of way as possible, and to anticipate future needs in areas where rights of way do not exist;~~
- d. ~~Establish right-of-way widths for future trafficways, including those for roads shown on the County traffic circulation plan map;~~
- e. ~~Constitute the official trafficways map described in the County Comprehensive Plan;~~
- f. ~~Establish harmonious, orderly and progressive development in the County that would ensure safer and more efficient traffic circulation; and~~
- g. ~~Adequately plan for the future transportation needs of the County and its citizens.~~

(5) – (15) remain unchanged.

ARTICLE II. ADMINISTRATION

DIVISION 2. DEVELOPMENT ORDERS

Subdivision II. Procedures.

Sec. 10-103. Prerequisite zoning approvals for development order submittals.

- (a) ~~In accordance with administrative code policy 13-4, as it may be amended,~~ Any applicant who intends to submit an application for development order approval on a project that was zoned RPD, MHPD, RVPD, CPD, CFPD, IPD or AOPD prior to December 2, 1991, must submit four complete sets of plans and documents to the zoning review staff, who will review the submittals for full compliance with the adopted master concept plan and any conditions of approval. Plans may be reviewed concurrently for compliance with this chapter and with the terms of the zoning approval. No development orders may be issued for the project in question until the plans have been determined to be in compliance with the terms of the zoning approval. Specific reference to the districts listed in this section and the required review does not obviate the need to have plans reviewed for zoning compliance for conditions placed on other types of zonings, PUD's, special exceptions, variances and special permits.
- (b) - (c) *remain unchanged.*

Sec. 10-104. Deviation and variances.

- (a) *Provisions where deviations are authorized.* The Development Services Director is hereby authorized to grant deviations from the technical standards in the following sections of this chapter.
- (1) – (10) *remain unchanged.*
- (11) Section 10-329(d)(1)a. (Setbacks for water retention/detention excavations); ~~subject to section 10-329(e)(5);~~
- (12) – (21) *remain unchanged.*
- (b) – (i) *remain unchanged.*
- (j) Deviations or variances from procedures, definitions, or permitted or prohibited uses are prohibited.

DIVISION 3. LIMITED REVIEW PROCESS

Sec. 10-175. Required submittals.

The following submittals are required to apply for a development order in accordance with this division:

(1) - (3) *Remain unchanged.*

(4) An aerial photograph (most current available from the County) ~~at a scale of one inch equals 300 feet.~~

(5) - (7) *Remain unchanged.*

DIVISION 5. PLATS

Sec. 10-215. Waiver of requirements.

The following subdivisions of land are not subject to the requirements of this Chapter ~~division~~:

Remain unchanged.

ARTICLE III. DESIGN STANDARDS AND REQUIREMENTS

DIVISION 2. TRANSPORTATION, ROADWAYS, STREETS AND BRIDGES

Sec. 10-281. ~~Official trafficways map~~ Lee Plan Map 3A.

~~The official trafficways map Lee Plan Map 3A~~ is a planning tool that identifies ~~shows~~ the anticipated number of lanes and the approximate locations for existing and future arterial and collector streets in Lee County, ~~addition to the roads identified on Lee Plan Map 3A~~. ~~The official trafficways map is a supplement to Map 3A representing transportation needs beyond the planning horizon.~~ Development is encouraged to be set back from the rights-of-way shown on the trafficways map Lee Plan Map 3A to accommodate future road construction plans. Developers are encouraged to voluntarily dedicate these ~~rights-of-way~~, ~~shown on the trafficways map~~. Credits for such dedications may be authorized in accordance with chapter 2, article VI, division 2.

DIVISION 6. OPEN SPACE, BUFFERING AND LANDSCAPING

Sec. 10-421. Plant installation and maintenance standards.

(a) *Installation.* Plant materials must be installed in soil conditions that are conducive to the proper growth of the plant material. Limerock located within planting areas must be removed and replaced with native or growing quality soil before planting.

A plant's growth habit must be considered in advance of conflicts that might be created (e.g. views, signage, overhead power lines, lighting, buildings, and circulation). Trees may not be placed where they interfere with site drainage, subsurface utilities, or overhead utility lines, or where they will require frequent pruning in order to avoid interference with overhead power lines. Light poles must be located outside of all parking islands containing required trees. See Illustration 10-421(a).

All landscape materials must be installed in a recognized horticultural correct manner. At a minimum, the following installation requirements must be met:

- (1) - (6) *Remains unchanged.*
- (7) Signage located within or adjacent to landscape buffer area. All trees and shrubs located within landscape buffer must be located so as not to block the view of signage ~~as shown in Illustration 10-421(a).~~
- (8) *Remains unchanged.*
- (b) - (c) *Remains unchanged.*

Chapter 14. ENVIRONMENT AND NATURAL RESOURCES

ARTICLE VII. CLEAN WATER PROVISIONS

Sec. 14-471. Purpose and intent.

The purpose of this article is to provide ~~clear guidance and~~ regulation with respect to discharges into the Lee County Municipal Separate Storm Sewer System (MS4) and other receiving waters. In order to comply with the requirements of the National Pollution Discharge Elimination System (NPDES) Permit, the county must establish regulations that will prohibit illicit discharges into the MS4 and other receiving waters and provide sufficient means to monitor and enforce local discharge regulations.

It is the intent of this article to prohibit any illicit, inappropriate or harmful discharges into the MS4 or waters of Lee County.

Sec. 14-473. Prohibition.

Illicit stormwater and non-stormwater discharges into the MS4 or other receiving waters are prohibited. Unless otherwise permitted, there are no discharges allowed to Lee County MS4 except uncontaminated stormwater runoff or one of the exemptions as listed in section 14-474.

Sec. 14-474. Exemptions.

The following discharges into the Lee County MS4 are specifically exempt from compliance with this article, unless identified as a source of pollutants:

- (a) – (s) *remain unchanged.*

Sec. 14-475. Definitions.

Receiving Waters means stormwater conveyances (which may include swales, ditches, canals or stormwater treatment devices/areas, designed, constructed and operated specifically for stormwater management or conveyance), sloughs, ponds, lakes, streams, creeks, rivers, estuaries, bays and gulf, these may be either natural or manmade.

Sec. 14-479. Enforcement.

(a) *Responsibility.* Lee County Natural Resources Division and Lee County Code Enforcement ~~are responsible to~~ may coordinate the enforcement of this article with the South Florida Water Management District (SFWMD), Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP). In order to facilitate enforcement, Natural Resources' staff has full authority to act as a code enforcement officer or inspector, as those terms are defined in LDC sections 2-423 and 2-430.

(b) – (c) *remain unchanged.*

Chapter 22. HISTORIC PRESERVATION

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 3. CERTIFICATE OF APPROPRIATENESS

Sec. 22-102. Regular certificate of appropriateness.

Subsection (a) remains unchanged.

(b) The historic preservation board staff will, shall, within five working days from the date a complete application has been filed, approve, deny or approve with conditions an application for a regular certificate of appropriateness presented by the owner of a designated historic resource or a property within a designated historic district. The findings of the staff ~~shall will~~ be mailed ~~by certified mail, return receipt requested,~~ to the applicant within two working days of the staff decision, accompanied by a statement explaining the decision. The applicant ~~shall will~~ have an opportunity to appeal the staff decision by applying for a special certificate of appropriateness within 30 calendar days of the date the decision is issued.

ARTICLE III. DESIGNATION OF HISTORIC DISTRICTS AND RESOURCES

DIVISION 3. PROCEDURE

Sec. 22-203. Required notices; action by historic preservation board.

The historic preservation board will hold timely public hearings on every petition for designation made pursuant to this chapter. References in this chapter to calendar days will include Saturdays, Sundays and legal holidays. References in this chapter to working days exclude Saturdays, Sundays and legal holidays.

(1) *remains unchanged.*

(2) *Notification of public hearing.* For each proposed designation pursuant to this chapter, the historic preservation board ~~shall will~~ hold a public hearing no sooner than 20 calendar days and no later than 70 calendar days from the date a designation report has been filed with the historic preservation board and notice

of the intent to designate sent to the owners. Notice of the public hearing ~~shall~~ will be published in a newspaper of general circulation at least five calendar days but no more sooner than 20 calendar days prior to the date of the public hearing.

(3) – (5) *remain unchanged.*

Chapter 30. SIGNS

ARTICLE I. IN GENERAL

Sec. 30-8. Removal of unlawful or dangerous signs.

All signs and sign structures which are or have been erected or maintained unlawfully ~~shall~~ will be considered illegal and subject to the following removal procedures:

(1) *Banners, promotional signs, sidewalk or sandwich signs, snipe signs and special event signs.*

a. *remains unchanged.*

b. After summary removal of a sign pursuant to this section, the building official ~~shall~~ will notify, either in person or by first class postage, prepaid, the occupant of the property from which the sign was removed, and, if the sign identified a party other than the occupant of the property, the party so identified. The notice ~~shall~~ will advise that the sign has been removed, and ~~shall~~ will state that the sign may be retrieved within 30 days of the date of the notice and that if the sign is not retrieved within 30 days it will be disposed of by the county. If the sign is removed from public property, ~~the party, if any, identified on the sign shall be notified; if no party is identified on the sign, then no notice prior to disposition is required.~~ The county ~~shall~~ will dispose of all unclaimed signs after the expiration of the 30-day period.

(2) – (4) *remain unchanged.*

Chapter 32. COMPACT COMMUNITIES

ARTICLE V. COMPACT COMMUNITIES THROUGH PLANNED DEVELOPMENT REZONING~~REZOING~~

ARTICLE VIII. COMPACT COMMUNITY REGULATIONS FOR PLANNING COMMUNITIES

DIVISION 1. NORTH FORT MYERS

Sec. 32-803. Permitted uses.

TABLE 32-803B LIST OF ALLOWABLE RESIDENTIAL TYPE USES

Table remains unchanged.

Note: Uses allowed by special exception may also be requested through PD zoning.
All references to notes are to those notes found in section 34-844-3.

TABLE 32-803C
LIST OF ALLOWABLE COMMERCIAL TYPE USES

Table remains unchanged.

All references to notes are to those notes found in section 34-844-3.

Chapter 33 PLANNING COMMUNITY REGULATIONS

ARTICLE IV. PAGE PARK PLANNING COMMUNITY

DIVISION 2. DEVELOPMENT STANDARDS AND SPECIFICATIONS

Sec. 33-1231. Applicability.

The development standards and specifications herein do not apply to existing development as of September 14, 2010. ~~apply to all new developments, as specified in section 33-1202 constructed after the effective date of this article.~~ Additionally, a Any existing structure, building, or portion thereof, that is substantially improved (reconstructed, rehabilitated, altered or demolished), to the extent the cost of such improvement equals or exceeds a cumulative total of 50 percent of the current assessment of value of the structure or building before the start of construction of the improvement, must be reconstructed by utilizing the requirements of this article.

Additional requirements for mixed-use development are found in Division 3 of this article.

Subdivision I. Basic Elements

Sec. 33-1250. Property development regulations table.

Except as provided in the Table below, the property development regulations contained in sections 34-695 and 34-845-4 will apply.

Remainder of section remains unchanged.

DIVISION 3. SPECIFIC USE STANDARDS

Subdivision I. Mixed-Use Standards

Sec. 33-1353. Mixed-use property development regulations table.

Setbacks for mixed-use property development are shown in the table below. With the exception of the setbacks set forth in the below, the property development regulations in sections 34-695 and 34-845-4 will otherwise apply.

ARTICLE VII. CALOOSAHATCHEE SHORES PLANNING COMMUNITY

DIVISION 1. GENERALLY

Sec. 33-1481. Planning community boundaries.

- (a) Caloosahatchee Shores Planning Community. The boundaries of the Caloosahatchee Shores Planning Community are as depicted in the Lee County Comprehensive Plan on Lee Plan Map 1 Special Treatment Areas (Page 2 of 68) and in Appendix I on Map 14. The following overlays are located within the Caloosahatchee Shores Planning Community:
- (1) Olga Planning Community Overlay. The boundaries of the Olga Community overlay district are as depicted in the Lee County Comprehensive Plan on Lee Plan Map 1 Special Treatment Areas (Page 2 of 68) and in Appendix I on Map 14.
 - (2) *remains unchanged.*

ARTICLE VIII. NORTH FORT MYERS PLANNING COMMUNITY

DIVISION 3. COMMERCIAL CORRIDOR USE REGULATIONS

Subdivision VI. Commercial Corridor Use Regulations

Sec. 33-1596. Use regulations.

Table remains unchanged.

All references to notes are to those notes found in section 34-844-3.

Chapter 34. ZONING

ARTICLE I. IN GENERAL

Sec. 34-2. Definitions.

Animals, Class I means all animals described in F.S. § ~~379 372~~ and listed in Florida Administrative Rule 68A-6.002(1)(a).

Animals, Class II means all animals described in F.S. § ~~379 372~~ and listed in Florida Administrative Rule 68A-6.002(1)(b).

Street right-of-way, proposed is a general term denoting land or property, usually in a strip, indicated on the adopted County Official Trafficways Map identified on Lee Plan Map 3A, as land to be used in the future for transportation purposes.

Variance, procedural means any departure from the procedural requirements of this chapter, chapter 10 or any other Code or ordinance. ~~Procedural variances are never permitted.~~

Water, body of.

(1) *remains unchanged.*

(2) *Natural body of water* means a depression or concavity in the part of the surface of the earth lying landward of the line of mean sea level (~~NAVD-NGVD~~) which was created by natural geophysical forces and in which water stands or flows for more than three months of the year; also, the bays and estuaries lying between the County mainland and the barrier islands (Gasparilla Island, Cayo Costa, North Captiva Island, Captiva Island, Sanibel Island, Estero Island, Lovers Key, Big Hickory Island and Little Hickory Island and Bonita Beach) with the outermost boundary defined by a series of short straight lines that can be drawn connecting these islands.

ARTICLE II. ADMINISTRATION

DIVISION 4. HEARING EXAMINER

Sec. 34-145. Functions and authority.

(a) - (f) *remain unchanged.*

(g) Deviations or variances from procedures, definitions, or permitted or prohibited uses are prohibited.

DIVISION 6. APPLICATIONS AND PROCEDURES FOR CHANGES, PERMITS, INTERPRETATIONS AND APPROVALS

Sec. 34-201. General procedure for applications requiring public hearing.

(a) – (b) *remain unchanged.*

(c) Requests for deviations or variances from procedures, definitions, or permitted or prohibited uses will not be processed.

ARTICLE IV. PLANNED DEVELOPMENTS

DIVISION 3. DESIGN STANDARDS

Sec. 34-411. General Standards.

(a) – (c) *remain unchanged.*

(d) The tract or parcel shall have access to existing or proposed roads:

- (1) In accordance with chapter 10 and as specified in the Lee Plan transportation element ~~traffic circulation element~~ or the ~~official trafficways map~~ of the County;

Remainder of Section remains unchanged.

ARTICLE VI. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 34-613. Zoning maps; ~~designation of district boundaries; vested rights.~~

- (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 these zoning maps consistent with statutory record-keeping 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.
- (3) 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.

~~The boundaries of each zoning district as they were officially adopted from 1991 thru 1994 are designated and established as shown on the "official zoning map" of the County. Amendments officially approved by the Board of County Commissioners since the adoption of the most recent official zoning maps are shown on the "current zoning map" described below. Both the official zoning map and the current zoning map are a part of this chapter as if fully described in this chapter.~~

~~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.~~

Sec. 34-614. Official zoning map.

- (a) *Generally. Description.* The boundaries of each zoning district as they were officially adopted from 1991 thru 1994 by Resolutions 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.

~~(1) Description. The official zoning map of the County consists of a series of computer-generated and printed section maps depicting zoning information adopted by the Board of County Commissioners between 1991 and 1994 as follows:~~

~~Resolution 91-09-42 (adopted September 18, 1991) -- All areas of the County lying within Range 27E.~~

~~Resolution 92-03-11 (adopted March 18, 1992) -- All areas of the County lying within Range 26E.~~

~~Resolution 93-01-17 (adopted January 20, 1993) -- All areas of the County lying within Range 25E.~~

~~Resolution 94-03-27 (adopted March 16, 1994) -- All unincorporated areas of the County lying within Ranges 20E, 21E, 22E, 23E, and 24E.~~

~~(2) Public availability. The official zoning map is part of the public records.~~

~~(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. 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 Board of County Commissioners may adopt by resolution at an advertised public hearing a replacement page printed from the corrected current zoning map which will supersede the prior official zoning map page.~~

~~(c) *New official zoning maps.* The Board of County Commissioners may, periodically, but not less than once every ten years, adopt new official zoning maps in accordance with this chapter.~~

~~(d) *Records management for official zoning maps.* The Department of Community Development must retain a copy of the official zoning maps adopted under section 34-614 consistent with statutory record-keeping requirements.~~

~~(e) *Unauthorized changes to the official zoning maps.* Changes to the official zoning map may only be made as provided for in section 34-614(b). No one may acquire any interest or right in property or personalty from an unauthorized change in the official zoning map.~~

Sec. 34-615. Current zoning maps.

~~(a) *Generally.*~~

~~(1) *Description.* The current zoning maps of the County consist of computer-generated 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 that have been entered into the computer data base since the most recent adoption of the official zoning maps. For 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.

~~(2) — Public availability. The current zoning maps are part of the public records.~~

(b) Preparation. ~~The Board of County Commissioners hereby authorizes the preparation of current zoning maps in conformance with the procedures set forth in this section.~~

(1) – (6) remains unchanged.

DIVISION 2. AGRICULTURAL DISTRICTS

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

Property development regulations for agricultural districts are as follows:

TABLE 34-654. PROPERTY DEVELOPMENT REGULATIONS FOR AGRICULTURAL DISTRICTS

Table remains unchanged.

Notes:

- (1) *Remains unchanged.*
- (2) Any lot created in the rural community preserve land use category (as delineated by policy 17.1.3 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.
- (3) – (6) *Remains unchanged.*

DIVISION 3. RESIDENTIAL DISTRICTS

Subdivision II. One- and Two-Family Residential Districts

Sec. 34-694. Use regulations table.

Use regulations for one- and two-family residential districts are as follows:

TABLE 34-694. USE 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
Accessory uses, buildings and structures:	34-1171 et seq., 34-2441 et seq., 34-3106	P	P	P	P	P	P	P	P	P	P	P
Amateur radio antennas and satellite earth stations	34-1175	Refer to 34-1175 for regulations.										

Amateur radio antennas and satellite earth stations	34-1175	Refer to 34-1175 for regulations.										
Animals (equines)	34-1291 et seq.	--	--	--	--	--	--	SE	SE	--	--	--
Docks, seawalls	34-1863	P	P	P	P	P	P	P	P	P	P	P
Fences, walls	34-1741 et seq.	P	P	P	P	P	P	P	P	P	P	P
Entrance gate, gatehouses	34-1741 et seq.	P	P	P	P	P	P	P	P	P	P	P
Nonroofed structures	34-2194(c)	P	P	P	P	P	P	P	P	P	P	P
Signs in compliance with chapter 30		P	P	P	P	P	P	P	P	P	P	P
Animals; and reptiles												
Keeping, raising or breeding of American alligators or venomous reptiles	34-1291 et seq.	--	--	--	SE	SE	SE	SE	SE	--	--	--
Poultry raising, noncommercial	34-1291 et seq.	--	--	--	--	--	--	SE	SE	--	--	--
Essential service facilities (34-622(c)(13)):												
Group I	34-1611 et seq., 34-1741 et seq., 34-2142	P	P	P	P	P	P	P	P	P	P	P
Group II	34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	--	--	--	EO	--	--	--	--	--	EO	--

Subdivision III. Multiple-Family Districts

Sec. 34-714. Use regulations table.

Use regulations for multiple-family districts are as follows:

TABLE 34-714. USE REGULATIONS FOR MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

		Special Notes or Regulations	RM-2 (Note 5)	RM-3, RM-6, RM-8, RM-10 (Note 5)
Essential service facilities (34-622(c)(13)):				
	Group I	34-1611 et seq., 34-1741 et seq., 34-2142	P	P
	<u>Group II</u>	<u>34-1611 et seq.</u> , <u>34-1741 et seq.</u> , <u>34-2141 et seq.</u>	<u>EO</u>	--

Sec. 34-715. Property development regulations table.

Property development regulations for multiple-family districts are as follows:

TABLE 34-715. PROPERTY DEVELOPMENT REGULATIONS FOR MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

		Special Notes or Regulations	RM-2	RM-3	RM-6	RM-8	RM-10
Special regulations:							
	Essential service facilities (34- <u>622</u> 445(c)(13))	34-1611 et seq., 34-2142	Refer to the sections specified for exceptions or additions to the minimum setback requirements listed in this table.				

DIVISION 4. RECREATIONAL VEHICLE PARK DISTRICTS

Subdivision II. Conventional Recreational Vehicle Districts

Sec. 34-791. Use regulations table.

Use regulations for recreational vehicle districts are as follows:

TABLE 34-791. USE REGULATIONS FOR RECREATIONAL VEHICLE DISTRICTS

		Special Notes or Regulations	RV-1	RV-2	RV-3	RV-4
Dwelling Unit:						
	<u>Single-family residence, conventional</u>		--	--	<u>EO</u>	--

DIVISION 5. COMMUNITY FACILITIES DISTRICTS

Sec. 34-813. Use regulations table.

Use regulations for the community facilities districts are as follows:

TABLE 34-813. USE REGULATIONS FOR COMMUNITY FACILITIES DISTRICTS

		Special Notes or Regulations	CF-1	CF-2	CF-3	CF-4
Essential service facilities (34-622(c)(13)):						
	Group I	34-1611 et seq., 34-1741 et seq., 34-2142	P	P	P	P
	Group II	34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	--	EO	EO	--
Golf Driving Range			P	--	--	--

DIVISION 6. COMMERCIAL DISTRICTS

Sec. 34-842. Alternative Property Development Regulations for Duplex, Two-Family Attached, and Townhouse Units in C-1A, C-1, and C-2 Districts.

As an alternative to developing in accordance with section 34-845, property zoned C-1A, C-1, and C-2, may be developed with duplexes, two-family attached units (where permitted by section 34-844), and townhouses on lots with a minimum lot area of 2,400 square feet per lot without compliance with minimum lot width, lot depth, side setback requirements or the requirement that lots must abut streets in section 10-291(2); provided the following conditions are met:

- (1) The overall parcel on which the lots are developed must comply with all lot coverage, area, width, and depth requirements for the district in which located;
- (2) The overall parcel on which the lots are developed complies with section 10-291;
- (3) All structures must comply with setbacks for the district in which located, as measured from the boundary of the overall parcel;
- (4) All structures must comply with street, rear, and water body setbacks for the district in which located, with the rear setback measured from individual lot lines;
- (5) All structures which exceed the maximum height requirements of the district in which located must comply with the additional setbacks specified in article VII, division 30, subdivision II, of this chapter as measured from the overall parcel boundary;
- (6) The applicant must provide adequate assurance that all areas of the overall parcel which are not developed as individual lots will remain and be maintained as common areas by an appropriate property owners' association. Such assurance may be provided in the form of maintenance and access easements or other documents or combination of documents satisfactory to the county attorney to ensure the common areas are perpetually maintained and the common infrastructure is available for the property owners within the development; and
- (7) This section may not be utilized to authorize the subdivision of a parent parcel. Subdivision of a parent parcel must meet the requirements of Chapter 10 (either through an approved lot split, plat, or replat).

Sec. ~~34-843~~ 34-842. Applicability of use and property development regulations.

No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in any conventional commercial district for any purpose other than as provided in section 34-844-3, pertaining to use regulations for conventional commercial districts, and section 34-845-4, pertaining to property development regulations for conventional commercial districts, except as may be specifically provided for in article VIII (nonconformities) of this chapter, or in section 34-620.

Sec. ~~34-844~~ 34-843. Use regulations table.

Use regulations for conventional commercial districts are as follows:

TABLE ~~34-844~~ 34-843. USE REGULATIONS FOR CONVENTIONAL COMMERCIAL DISTRICTS

		Special Notes or Regulations	C-1A	C-1	C-2	C-2A	C-N-1	C-N-2	CN-3 (21, 23)	CC	CG	CS-1	CS-2	CH	CT	CR	C-I	C-P
Dwelling unit:																		
	Two-family attached	Note (25) & (35)	P	<u>P</u>	<u>P</u>	P	--	--	--	--	--	--	--	--	--	--	--	--
	Townhouse	Note (25)	EO	<u>P</u>	<u>P</u>	EO	--	--	--	--	--	--	--	--	--	--	--	--
Essential service facilities (34-622(c)(13)):																		
	Group I	34-1611 et seq., 34-1741 et seq., 34-2142	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Group II	34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	<u>EO</u>	--	--	--	--	--	--	<u>EO</u>	--	--	--	--	--	--	--	--
Wholesale establishment (34-622(c)(56)):																		
	Group I		--	P(15)	<u>P</u>	<u>P</u>	--	--	--	P(15)	P(15)	P(15)	P(15)	--	P(15)	P(15)	<u>P</u>	--

Sec. ~~34-845~~ 34-844. Property development regulations table.

Property development regulations for conventional commercial districts are as follows:

TABLE ~~34-845~~ 34-844. PROPERTY DEVELOPMENT REGULATIONS FOR COMMERCIAL DISTRICTS

Table remains unchanged.

DIVISION 8. INDUSTRIAL DISTRICTS

Sec. 34-903. Use regulations table.

Use regulations for industrial districts are as follows:

TABLE 34-903. USE REGULATIONS FOR INDUSTRIAL DISTRICTS

		Special Notes or Regulations	IL Note (14)	IG Note (14)	IR Note (14)
Essential service facilities (34-622(c)(13)):					
	Group I	34-1611 et seq., <u>34-1741 et seq., 34-2142</u>	P	P	P
	<u>Group II</u>	<u>34-1611 et seq., 34-1741 et seq., 34-2141 et seq.</u>	<u>EO</u>	=	=
	Group III	34-1611 et seq., CFPD, IPD or MPD only	EO	--	--
Wholesale establishment (34-622(c)(56)):					
	Group I	34-3001 et seq., Note (9)	<u>P</u>	<u>P</u>	P

DIVISION 9. PLANNED DEVELOPMENT DISTRICTS

Sec. 34-934. Use regulations table.

Use regulations for planned development districts are as follows:

TABLE 34-934. USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS

	Special Notes or Regulations	RPD	MHPD	RVPD	Compact PD	CFPD	CPD	IPD Note (37)	AOPD	MPD	MEPD
Amateur radio antennas and satellite earth stations	34-1175	Refer to 34-1 <u>34-1175</u> for regulations.									

Dwelling unit:											<u>P</u>	
Single-family	Note (29)	P	P	—	—	—	<u>EO</u>	—	—	—	P	—
Golf driving range		P	P	--	--	<u>P</u> —	P	<u>P</u> —	--	--	P	--

Sec. 34-935. Property development regulations.

Subsection (a) remains unchanged.

- (b) Minimum setbacks of structures and buildings from development perimeter boundaries.
- (1) All buildings and structures must be set back from the development perimeter a distance equal to the greater of:
 - a. The width of any buffer area or landscape strip, required by chapter 10 or chapter 33; or
 - b. – h. *Remain 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) – (5) *Remain unchanged.*

ARTICLE VII. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 6. ANIMALS

Sec. 34-1297. Activities requiring special approval.

Subsections (a) – (b) remain unchanged.

- (c) Class I animals maintained on a lot in accordance with state permits issued pursuant to F.S. ch. ~~379~~ 372 prior to September 9, 1994, but which were not permitted by right or by special exception in the zoning district in which the lot is located, are considered nonconforming uses.

No new, additional, or replacement Class I animals will be permitted on such lots so long as the possession of these animals is not otherwise permitted by the operation of these zoning regulations.

- (d) *Remains unchanged.*

DIVISION 16. FARM PRODUCE STANDS, U-PICK OPERATIONS, AND COMMUNITY GARDENS

Sec. 34-1716. Standards for community gardens.

Community gardens may be permitted by right in ~~certain~~ zoning districts as specified in the district use regulations. ~~subject to the following regulations.~~ Community gardens are not subject to review under Chapter 10-, but are subject to the following regulations:

- (1) *Size limitation.* A community garden may not be greater than two acres in size.
 - (2) *Noise.* The use or operation of power tools or portable mechanical equipment ~~used~~ outdoors in zoning districts that allow residential uses ~~areas zoned RS, TFC, RM, MHC, MH, RV, CFPD, CPD, RPD, MHPD, RVPD, and MPD~~ is prohibited before 8:00 a.m. and after 7:00 p.m. so as to avoid noise disturbance in the community. ~~The use of hand tools and domestic gardening tools is encouraged.~~
 - (3) *Chemical application.* ~~Organic gardening is strongly encouraged.~~ The use of fertilizer, pesticide, insecticide, herbicide or agricultural use chemicals must be consistent with label instructions and must be in compliance with Lee County Fertilizer Ordinance 08-08.
 - (4) *Sale of produce and plants in residential zoning districts.* The sale of flowers, vegetables or other crops grown on the property may be sold only as approved by a temporary use permit issued prior to the sale ~~within residential zoning districts RS, TFC, RM, MHC, MH, RV, CFPD, CPD, RPD, MHPD, RVPD, and MPD.~~
- (5) – (9) remain unchanged.

DIVISION 26. PARKING

Sec. 34-2016. Parking space dimension, delineation, angle and aisle width.

In addition to satisfying the provisions of this division, off-street parking lots must conform to the following requirements:

- (1) *remains unchanged.*
- (2) *Delineation of spaces.*
 - a. *Paved parking lots.*
 1. Parking spaces must be delineated by all-weather painted lines, or thermoplastic striping, not less than four inches in width, centered on the dividing line between spaces.

Parking spaces for persons with disabilities must be prominently outlined with blue paint, and must be repainted when necessary to be clearly distinguishable as a parking space designated for persons who have disabilities. Signs erected after October 1, 1996 must indicate the penalty for illegal use of the space.

2. Parking spaces ~~without a curb~~ that abut a pedestrian walkway, required landscaping, or required open space must be provided with a parking block set two feet from the end of the parking space.

Sec. 34-2020. Required parking spaces.

- (a) *remains unchanged.*
- (b) *Non-residential uses.* Non-residential uses permitted under this chapter are subject to the following minimum requirements:

TABLE 34-2020(b). REQUIRED PARKING SPACES FOR NON-RESIDENTIAL USES

Use	Special Notes or Regulations	Minimum Required Spaces for Single-Use Development	Minimum Required Spaces for Multiple-Use Development
Retail or business establishments.			
c. <i>Very large products or commodities:</i> Household/office furnishings groups II, I & III ; mobile home dealers; specialty retail stores group IV; used merchandise stores group IV; vehicle and equipment dealers groups I, III, IV and V; and other similar type establishments.		1 space per 700 square feet, with a minimum of 5 spaces; dead storage is calculated at 1 space per 1,500 square feet	1 space per 700 square feet of total floor area; no parking is required for areas of the building used only as dead storage and not available to the public
Theaters, auditoriums, stadiums, arenas and other similar places of public assembly.	Notes (1)&(14)	1 space per 34 seats plus one space per employee	1 space per 34 seats
Warehouse, high-cube.	Note (1)		
a. Passenger car parking	Note (11)	1 space per 1,000 square feet of total floor area for the first 20,000 square feet, plus 1 space per 2,000 square feet for the second 20,000 square feet to 99,999 square feet, plus 1 space per 5,000 square feet for that portion over 100,000 square feet.	--

Notes:

- (1) – (8) *remain unchanged.*
- (9) The minimum required parking requirement for Groups I, II and fast food restaurants with no drive-up facilities located in a multiple-use development is 1 space per 350 square feet of total floor area.
- (10) *remains unchanged.*
- ~~(11) Passenger car parking for office area comprising less than ten percent of the total sq. ft. of the building will be included in this calculation. Office area over ten percent will be calculated at the office (excluding medical) rate. Reserved.~~

(12) – (15) remain unchanged.

(c) – (d) remain unchanged.

(f) *Parking in excess of 120 percent of minimum requirements.*

(1) In commercial, industrial and mixed-use developments that require 80 parking spaces or more, each additional parking space provided at time of local development order approval in excess of 120 percent of the minimum requirements of this section, must provide:

a. *remains unchanged.*

b. All internal parking island landscape areas must be planted with trees, shrubs, and ground covers. The landscape areas must include shrubs and ground cover plants with a minimum of 50 percent coverage of the landscape area at the time of planting. Trees and shrubs must meet the size requirements of Section 10-420(d). Groundcover plants must be a minimum one-gallon container size.

(2) *remains unchanged.*

DIVISION 30. PROPERTY DEVELOPMENT REGULATIONS

Subdivision III. Setbacks

Sec. 34-2192. Street setbacks.

(a) *Required setback.* Except as provided for in subsection (b) of this section, or unless a modification is granted as a variance or deviation, all buildings and structures must be set back from the adjacent street easement or right-of-way according to the functional classification of the adjoining street as set forth ~~on the official trafficways map in the~~ Functional Classification of Roadways Administrative Code, AC-11-1. Any street not shown ~~on the trafficways map in AC-11-1~~ as a collector or arterial street will be presumed to be a local street or a private street for the purposes of this section.

DIVISION 39. USE, OCCUPANCY AND CONSTRUCTION REGULATIONS

Sec. 34-3102. Number of principal buildings on lot.

(a) – (c) *remains unchanged.*

(d) In the CS-2 district, two principal structures may be permitted in accordance with note (5) in section 34-844-~~3~~.

**PROPOSED REGULATIONS AMENDING THE
NORTH FORT MYERS NEIGHBORHOOD
CENTERS REGULATIONS**

**MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT**

**TO: Land Development Code Advisory
Committee**

DATE: November 16, 2012

**FROM: Tony Palermo, AICP
Senior Planner, Zoning Division**

RE: North Fort Myers Neighborhood Centers.

Attached is a one-page draft proposal to amend the existing North Fort Myers Neighborhood Centers Regulations. Ordinance 12-01 approved January 10, 2012 included requirements that seven identified "Neighborhood Centers" and other areas located on commercial corridors within the Mixed Use Special Treatment Area in North Fort Myers are required to utilize Chapter 32 Compact Communities for rezoning. Staff recommends the language be changed to make clear this is a voluntary option for property owners. The proposed language would permit planned developments and other zoning actions be permitted in these areas, while conventional zoning would not be permitted.

Thank you for your attention to this matter.

CHAPTER 33 PLANNING COMMUNITY REGULATIONS

ARTICLE VIII. COMPACT COMMUNITY REGULATIONS FOR PLANNING COMMUNITIES

DIVISION 1 NORTH FORT MYERS

Sec. 32-802. Property Development Regulations.

- (a) *Dimensions for each lot type.* Table 32-802 provides property development regulations that apply to each designated lot type utilizing Chapter 32 “Compact Communities”. ~~These requirements supersede contradictory requirements in this code including the property development regulations for individual zoning districts in chapter 34. Use of Chapter 32 “Compact Communities” is voluntary, not mandatory in the properties identified under LDC Sec. 32-801.~~

Sec. 33-1536. Compact Communities/Planned Developments.

~~Rezoning zoning amendments, and planned development amendments within the centers and corridors listed in Chapter 32, Article VII, Section 32-801, are limited to Compact Communities per Chapter 32 or Planned Developments or amendments to existing Planned Developments per Chapter 34. All development activities and zoning actions, with the exception of variances and special exceptions, must utilize the process and requirements of Chapter 32. Special exceptions, deviations, and variances may be pursued utilizing the process per Chapter 10 or Chapter 34 of the Land Development Code.~~