

LEE COUNTY ORDINANCE NO. 26-XX

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

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

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

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

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

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

WHEREAS, the LDCAC has reviewed the proposed amendments to the LDC on November 14, 2025, and recommended approval of the proposed amendments as modified; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code on November 12, 2025, recommended their adoption; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments on December 8, 2025, and found them consistent with the Lee Plan, as indicated.

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

**SECTION ONE: AMENDMENT TO LDC CHAPTER 2**

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

## CHAPTER 2 – ADMINISTRATION

### ARTICLE VI. – IMPACT FEES

#### DIVISION 1. – GENERALLY

##### **Sec. 2-231. - Compliance with Florida Impact Fee Act.**

- (a) In accordance with the Florida Impact Fee Act (F.S. § 163.31801) adopted as part of F.S. Ch. 163, the County will provide for accounting and reporting of impact fee collections and expenditures. The County will account for the revenues and expenditures of impact fees that address infrastructure needs in a separate accounting fund.
- (b) Audits of County financial statements that are performed by a certified public accountant in accordance with F.S. § 218.39, and submitted to the auditor general, must include an affidavit signed by the Chief Financial Officer of the County confirming that the County has complied with the annual financial audit reporting requirements of the Uniform Local Government Financial Management and Reporting Act (F.S. § 218.30 et seq.) and the Florida Impact Fee Act (F.S. § 163.31801).
- (c) The calculation of impact fees must be based on the most recent and localized data available.
- (d) The administrative charges for the collection of impact fees must be limited to actual costs.
- (e) Pursuant to Section 163.31801, Florida Statutes, any increase to an adopted impact fee shall be implemented in compliance with the statutory requirements, including maximum allowable fee increases and phased fee increase schedule.

#### DIVISION 5. – FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES IMPACT FEE

##### **Sec. 2-386. - Computation of amount.**

- (a) At the option of the feepayer, the amount of the fire and EMS impact fees may be determined by the schedules shown in this subsection. The reference in the schedules to square feet refers to the gross square footage of each floor of a building measured to the exterior walls, and not to usable, interior, rentable, noncommon or other forms of net square footage. The reference in the schedules to recreational vehicles refers to the number of recreational vehicle sites permitted by the applicable final development order. If a building permit is requested for a building with mixed uses, as defined in Section 2-384, then the fee will be determined according to the schedule by apportioning the total space within the

building according to the space devoted to each principal use. If a permit application involves a type of development not specified on the schedule, then the County Manager will use the fee applicable to the most nearly comparable type of land use on the schedule.

Table 1. Fire Impact Fee Schedule

Fire District	Single-Family Residence or Mobile Home on Individual Lot Per Dwelling	Multi-Family Per Dwelling	Mobile Home or Recreational Vehicle in Mobile Home/RV Park Per Space	Hotel/Motel Per Room	Use and Development Unit							
					Retail Per 1,000 sq. ft.	Retail less than 40,000 sf Per 1,000 sq. ft.	Retail 40,000 to 150,000 sf Per 1,000 sq. ft.	Retail greater than 150,000 sf Per 1,000 sq. ft.	Office Per 1,000 sq. ft.	Public or Institutional Use Per 1,000 sq. ft.	General Industrial Per 1,000 sq. ft.	Public or Private Warehouse Per 1,000 sq. ft.
Alva <sup>2</sup>	\$766.00 \$1,149.00	\$582.00 \$873.00	\$559.00 \$838.00	\$368.00 \$552.00	\$820.00	\$1,230.00	\$1,230.00	\$1,230.00	\$398.00 \$597.00	\$237.00 \$355.00	\$146.00 \$219.00	\$84.00 \$126.00
Bayshore <sup>2</sup>	\$766.00 \$1,149.00	\$582.00 \$873.00	\$559.00 \$838.00	\$368.00 \$552.00	\$820.00	\$1,230.00	\$1,230.00	\$1,230.00	\$398.00 \$597.00	\$237.00 \$355.00	\$146.00 \$219.00	\$84.00 \$125.00
Boca Grande	\$766.00	\$582.00	\$559.00	\$368.00	\$820.00	\$820.00	\$820.00	\$820.00	\$398.00	\$237.00	\$146.00	\$84.00
Bonita Springs <sup>6</sup>	\$766.00 \$1,149.00	\$582.00 \$832.00	\$559.00 \$838.00	\$368.00 \$552.00	\$820.00	\$1,230.00	\$1,230.00	\$1,230.00	\$398.00 \$597.00	\$237.00 \$355.00	\$146.00 \$219.00	\$84.00 \$96.00
Captiva Island <sup>3</sup>	\$766.00 \$1,149.00	\$582.00 \$873.00	\$559.00 \$838.00	\$368.00 \$552.00	\$820.00	\$1,230.00	\$1,230.00	\$1,230.00	\$398.00 \$597.00	\$237.00 \$355.00	\$146.00 \$219.00	\$84.00 \$126.00
Estero <sup>2</sup>	\$766.00 \$1,149.00	\$582.00 \$825.00	\$559.00 \$838.00	\$368.00 \$552.00	\$820.00	\$1,230.00	\$1,230.00	\$1,230.00	\$398.00 \$597.00	\$237.00 \$355.00	\$146.00 \$211.00	\$84.00 \$91.00
Fort Myers <sup>4</sup>	\$338.00 \$507.00	\$257.00 \$385.00	\$247.00 \$370.00	\$162.00 \$243.00	\$362.00	\$543.00	\$543.00	\$543.00	\$176.00 \$264.00	\$105.00 \$157.00	\$64.00 \$96.00	\$37.00 \$55.00
Fort Myers Beach <sup>3</sup>	\$766.00 \$1,149.00	\$582.00 \$873.00	\$559.00 \$838.00	\$368.00 \$552.00	\$820.00	\$1,230.00	\$1,230.00	\$1,230.00	\$398.00 \$597.00	\$237.00 \$355.00	\$146.00 \$219.00	\$84.00 \$126.00
Fort Myers Shores <sup>3</sup>	\$766.00 \$1,149.00	\$582.00 \$849.00	\$559.00 \$838.00	\$368.00 \$552.00	\$820.00	\$1,230.00	\$1,230.00	\$1,230.00	\$398.00 \$597.00	\$237.00 \$355.00	\$146.00 \$219.00	\$84.00 \$102.00
Iona-McGregor <sup>2</sup>	\$626.00 \$939.00	\$476.00 \$489.00	\$457.00 \$501.00	\$300.00 \$450.00	\$670.00	\$1,005.00	\$1,005.00	\$1,005.00	\$326.00 \$400.00	\$194.00 \$291.00	\$119.00 \$125.00	\$69.00 \$54.00
Lee County Airports <sup>5</sup>	\$766.00 \$1,149.00	\$582.00 \$873.00	\$559.00 \$838.00	\$368.00 \$552.00	\$820.00	\$1,230.00	\$1,230.00	\$1,230.00	\$398.00 \$597.00	\$237.00 \$355.00	\$146.00 \$219.00	\$84.00 \$126.00
Lehigh Acres <sup>1</sup>	\$663.00 \$966.00	\$504.00 \$480.00	\$484.00 \$492.00	\$318.00 \$477.00	\$709.00	\$1,063.00	\$1,063.00	\$1,063.00	\$345.00 \$392.00	\$206.00 \$309.00	\$126.00 \$123.00	\$73.00 \$53.00
Matachacha-Pine Island <sup>3</sup>	\$766.00 \$1,149.00	\$582.00 \$873.00	\$559.00 \$838.00	\$368.00 \$552.00	\$820.00	\$1,230.00	\$1,230.00	\$1,230.00	\$398.00 \$597.00	\$237.00 \$355.00	\$146.00 \$219.00	\$84.00 \$126.00
North Fort Myers <sup>3</sup>	\$276.00 \$414.00	\$210.00 \$208.00	\$201.00 \$213.00	\$132.00 \$198.00	\$295.00	\$442.00	\$442.00	\$442.00	\$144.00 \$212.00	\$86.00 \$129.00	\$52.00 \$66.00	\$30.00 \$28.00
San Carlos Park <sup>2</sup>	\$766.00 \$1,149.00	\$582.00 \$873.00	\$559.00 \$838.00	\$368.00 \$552.00	\$820.00	\$1,230.00	\$1,230.00	\$1,230.00	\$398.00 \$597.00	\$237.00 \$355.00	\$146.00 \$219.00	\$84.00 \$117.00
Sanibel <sup>3</sup>	\$766.00	\$582.00	\$559.00	\$368.00	\$820.00	\$820.00	\$820.00	\$820.00	\$398.00	\$237.00	\$146.00	\$84.00
South Trail <sup>2</sup>	\$534.00 \$464.00	\$406.00 \$476.00	\$390.00 \$384.00	\$256.00 \$384.00	\$571.00	\$856.00	\$856.00	\$856.00	\$278.00 \$379.00	\$166.00 \$249.00	\$101.00 \$119.00	\$59.00 \$51.00
Tice <sup>2</sup>	\$766.00 \$1,149.00	\$582.00 \$675.00	\$559.00 \$692.00	\$368.00 \$552.00	\$820.00	\$1,230.00	\$1,230.00	\$1,230.00	\$398.00 \$590.00	\$237.00 \$355.00	\$146.00 \$185.00	\$84.00 \$79.00
Upper Captiva <sup>2</sup>	\$766.00	\$582.00	\$559.00	\$368.00	\$820.00	\$820.00	\$820.00	\$820.00	\$398.00	\$237.00	\$146.00	\$84.00

Notes:

<sup>1</sup> Fire Control and Rescue Service District

<sup>2</sup> Fire Protection and Rescue Service District

<sup>3</sup> Fire Control District

<sup>4</sup> Municipality of Fort Myers

<sup>5</sup> Fire Department

<sup>6</sup> Fire Control and Rescue District

Table 2. EMS Impact Fee Schedule for County EMS Service Area

<i>Land Use</i>	<i>Development Unit</i>	<i>EMS Impact Fee per Unit</i>
Single-family residence or mobile home on individual lot	Dwelling	<del>\$55.00</del> <ins>\$65.00</ins>
Multifamily (includes timeshare)	Dwelling	<del>\$42.00</del> <ins>\$38.00</ins>
Mobile home or recreational vehicle in mobile home/RV park	Space	<del>\$40.00</del> <ins>\$35.00</ins>
Hotel/motel	Room	<del>\$26.00</del> <ins>\$39.00</ins>
Retail	1,000 sq. ft.	<del>\$59.00</del> <ins>\$88.00</ins>
Office	1,000 sq. ft.	<del>\$29.00</del> <ins>\$33.00</ins>
Public or institutional use	1,000 sq. ft.	<del>\$17.00</del> <ins>\$25.00</ins>
General industrial	1,000 sq. ft.	\$10.00
Public or private warehouse	1,000 sq. ft.	<del>\$6.00</del> <ins>\$4.00</ins>

*Remainder of section remains unchanged.*

**Sec. 2-390. - Use of funds.**

(a) Funds collected from fire and EMS impact fees must be used for the purpose of capital improvements to and expansion of fire protection and emergency medical services. Fire and EMS impact fee collections, including any interest earned thereon, less administrative costs retained pursuant to Subsection (e) of this section, will be used exclusively for capital improvements or expansion within or for the benefit of the fire and EMS impact fee benefit district from which the funds were collected. These impact fee funds must be segregated from other kinds and expended in the order in which they are collected. Funds may be used or pledged in the course of bonding or other lawful financing techniques, so long as the proceeds raised thereby are used for the purpose of land acquisition and capital improvements to and expansion within or for the benefit of the fire and EMS impact fee benefit district from which the funds were used or pledged. Funds may be used as allowed by FS 163.31801(4)(i). If these funds or pledges of funds are combined with other revenue sources in a dual or multipurpose bond issue or other revenue-raising device, then the proceeds raised thereby must be divided and segregated in a manner that will cause the amount of the proceeds reserved for the benefit of the participating fire and EMS impact fee benefit district to bear the same ratio to the total funds collected as the amount of the participating fire and EMS impact fee benefit district funds used or pledged bears to the total funds used or pledged.

*Remainder of section remains unchanged.*

## **SECTION TWO: AMENDMENT TO LDC CHAPTER 6**

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

### **CHAPTER 6 – BUILDINGS AND BUILDING REGULATIONS**

#### **ARTICLE II. – CODES AND STANDARDS**

##### **DIVISION 1. - GENERALLY**

###### **Sec. 6-45. - Permit fees.**

The Board of County Commissioners has the power to determine and set reasonable permit fees. A schedule of these fees ~~shall be~~is published as a part of the Lee County Administrative Code and copies of such schedule may be ~~obtained at the County Department of Public Resources~~ found on the County website.

##### **DIVISION 2. – BOARD OF ADJUSTMENT AND APPEALS**

###### **Sec. 6-73. - Board established; jurisdiction.**

There is hereby established a Board of Adjustment and Appeals, which will be known as the Lee County Board of Adjustment and Appeals. The purpose of this Board is to hear and decide appeals from the decision of the Building Official, Fire Official, ~~County Flood Insurance Coordinator (Coordinator)~~Floodplain Administrator, or their designees, on any of the various standard codes regulated and enforced by the County. Appointment of members and rules of procedure for the Lee County Board of Adjustment and Appeals are provided in Lee County Administrative Code.

###### **~~Sec. 6-74. - Membership; appointment of members.~~**

~~The Board of Adjustment and Appeals will consist of 13 members as follows: one architect or engineer, one general contractor, one residential or building contractor, one plumbing contractor, one electrical contractor, one mechanical contractor, one aluminum contractor, one solar contractor, one representative from the fire service, one roofing contractor, one sign or outdoor advertising contractor, one mobile home installer and one representative of disabled persons. Members of the County Board of Adjustment and Appeals will be appointed by the Board of County Commissioners.~~

###### **~~Sec. 6-75. - Term of office.~~**

~~Members shall be appointed to the Board of Adjustment and Appeals for a term of four years. Vacancies shall be filled for an unexpired term in the same manner in which original appointments are required to be made; providing, however, that any appointment to fill a vacancy for an unexpired term shall be made only to fill the completion of the~~

~~original term. Continued unexcused absence of any member from three consecutive regular meetings of the Board shall be construed as a voluntary resignation, and the Board of County Commissioners shall appoint a new member to fulfill the unexpired term of the resigned member.~~

**Sec. 6-76. Quorum.**

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

**Sec. 6-77. Meetings; rules of procedure.**

~~The Board of Adjustment and Appeals shall establish rules and regulations for its own procedure not inconsistent with this Land Development Code or the County Administrative Code. Such procedure shall be approved and designated by resolution of the Board of County Commissioners or become a part of the County Administrative Code. The Board of Adjustment and Appeals shall meet at regular intervals, to be determined by its Chairman, or, in any event, the Board shall meet within 15 days after an appeal has been filed unless good cause for delay can be shown.~~

**Sec. 6-78. Records.**

~~The Building Official or his designee shall act as ex officio secretary of the Board of Adjustment and Appeals, and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.~~

**Sec. 6-79. Funding; staff.**

~~The Board of County Commissioners is hereby authorized to annually expend such County funds and do all things and employ such clerical and other help as may be necessary to effectuate the purposes of this division. Such purposes are hereby determined and declared to be County purposes.~~

**Sec. 6-80. Right of appeal; notice of appeal.**

~~(a) When it is claimed that the true intent and meaning of a code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the Building Official, Fire Official, Floodplain Coordinator or their designees to the Board of Adjustment and Appeals. Notice of appeal must be in writing and filed within 30 days after the decision is rendered by the Building~~

~~Official, Fire Official, Floodplain Coordinator or their designees. Requests for appeal must be on forms provided by the Department of Community Development. The fee required by the administrative code must accompany the notice of appeal.~~

(b) ~~In the case of a building or structure which in the opinion of the Building Official is unsafe or dangerous, the Building Official may, in his order, limit the time for such appeal to a shorter period.~~

**Sec. 6-81. Variations; modification of orders.**

(a) ~~The Board of Adjustment and Appeals, pursuant to an appeal from a decision of the Fire Official, Floodplain Coordinator or their designees, may vary the application of a code to any particular case when, in its opinion and based upon sufficient evidence, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of a code or public interest, or when, in its opinion and based upon sufficient evidence to the contrary, the interpretation of the Fire Official, Floodplain Coordinator or their designees should be modified or reversed.~~

(b) ~~Decisions of the Board of Adjustment and Appeals to vary the application of a provision of a code or to modify an order of the Fire Official, Floodplain Coordinator or their designee must specify the variation or modification made, the conditions upon which it is made, and the reasons therefor.~~

(c) ~~Pursuant to F.S. § 553.73(5), the variance procedures adopted in Article IV of this chapter, Flood Hazard Reduction, will apply to requests submitted for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of Section R322 of the Florida Building Code, Residential. This section does not apply to Section 3109 of the Florida Building Code, Building.~~

**Sec. 6-82. Decisions.**

(a) ~~Decisions of the Board of Adjustment and Appeals will be final; subject, however, to any remedy an aggrieved party might have at law or in equity. Decisions must be in writing and must indicate the vote upon the decision. Decisions of the Board of Adjustment and Appeals must be signed and attested to by the Chairperson of the Board.~~

(b) ~~The Board of Adjustment and Appeals must, in every case, reach a decision without unreasonable or unnecessary delay.~~

(c) ~~If a decision of the Board of Adjustment and Appeals reverses or modifies a refusal, order or disallowance of the Fire Official, Coordinator or their designees, or varies the application of a provision of a code, the appropriate official will immediately take action in accordance with that decision.~~

(d) Any aggrieved person may obtain judicial review of the decision of the Board of Adjustment and Appeals by filing a petition for writ of certiorari in the circuit court. Such petition must be filed within 30 calendar days after the Board of Adjustment and Appeals' decision, but not thereafter, pursuant to the Florida Rules of Civil Procedure. The original petition for writ of certiorari must be filed with the Clerk of the Circuit Court. Copies of the petition must be filed with the Department of Community Development for forwarding to the County Attorney's Office.

**Secs. 6-~~8374~~—6-110. Reserved.**

**DIVISION 3. – BUILDING CODE**

**Sec. 6-118. - ~~Building permits issued on the basis of an affidavit.~~ Reserved.**

Amend the FBC, Building Section, by adding Section 107.6.1, as follows:

*107.6.1 Building permits issued on the basis of an affidavit.* Pursuant to the requirements of federal regulations for participation in the National Flood Insurance Program (44 CFR 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

**Sec. 6-119. - ~~Reserved.~~ Mandatory structural repairs for condominium and cooperative buildings.**

Condominium or cooperative associations or any other owners that are subject to Section 553.899, Florida Statutes, must commence repairs for substantial structural deterioration within the timeframe mandated by Section 553.899, Florida Statutes.

**Sec. 6-120. - Critical facilities.**

Amend FBC, Building Section 1612.4, pertaining to elevation of buildings, as follows: 1612.4.1 Elevation of ~~Category III and IV Flood Design Class 3 and 4~~ buildings (critical facilities).

~~The term “critical~~ Critical facilities,” as defined in the Flood Hazard Reduction Ordinance, shall be located outside the limits of the special flood hazard area where feasible. Construction of new critical facilities shall be permissible within the special flood hazard area if no feasible alternative site is available. If permitted, critical facilities shall be elevated or protected to or above the base flood elevation, plus two feet or the 500-year (0.2 percent chance) flood elevation, whichever is higher. Floodproofing and sealing measures must be implemented to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation

shall be provided to all critical facilities to the maximum extent possible. Critical facilities shall be designed to remain operable during such an event.

## ARTICLE III. – COASTAL CONSTRUCTION CODE

### DIVISION 1. – GENERALLY

#### Sec. 6-333. - Definitions.

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

*“Beach or shore” through “State minimum building code” remains unchanged.*

~~Substantial improvement means any repair, reconstruction, rehabilitation or improvement of a structure, the cost of which equals or exceeds, over a five year period, a cumulative total of 50 percent of the market value of the structure either:~~

- ~~(1) Before the repair or improvement is started; or~~
- ~~(2) If the structure has been damaged and is being restored before the damage occurred.~~

~~For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not include any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications that are necessary solely to ensure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places, or designated as a historic resource, individually, or as a contributing property in a historic district, under Chapter 22.~~

*Remainder of section remains unchanged.*

## ARTICLE IV. – FLOOD HAZARD REDUCTION

### DIVISION 1. – ADMINISTRATION

#### SUBDIVISION III. – DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

### **Sec. 6-421. - Designation.**

The Floodplain Administrator is a designated ~~by the County Manager~~ position in the Department of Community Development. The Floodplain Administrator may delegate performance of certain duties to other employees.

### **Sec. 6-424. - Substantial improvement and substantial damage determinations.**

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator will:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure ~~will~~ must be the market value before the damage occurred and before any repairs are made;

*Remainder of section remains unchanged.*

### **Sec. 6-428. - Other duties of the Floodplain Administrator.**

The Floodplain Administrator will have other duties, including, but not limited to:

- (1) and (2) *remain unchanged.*
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions ~~will~~ must be made within six months of such data becoming available;

*Remainder of section remains unchanged.*

### **Sec. 6-429. - Floodplain management records.**

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator will maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood-resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial

of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood-resistant construction requirements of the Florida Building Code. These records are available for public inspection at the County Department of Community Development.

## **SUBDIVISION VI. - INSPECTIONS**

### **Sec. 6-456. - Manufactured homes.**

~~The Building Official must~~ The Floodplain Administrator will inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor must be submitted to the ~~Building Official~~ Floodplain Administrator.

## **SUBDIVISION VII. – VARIANCES AND APPEALS**

### **Sec. 6-461. - General authorization to hear and decide requests.**

The Board of Adjustment and Appeals ~~must~~ will hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to F.S. § 553.73(5), the Board of Adjustment and Appeals will hear and decide on requests for appeals and requests for variances from the strict application of the flood-resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

### **Sec. 6-465. - Historic buildings.**

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood-resistant construction requirements of the Florida Building Code, Existing Building, Chapter ~~44~~ 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance will not be granted and the building and any repair, improvement, and rehabilitation will be subject to the requirements of the Florida Building Code.

## DIVISION 2. - DEFINITIONS

### Sec. 6-479. - Definitions in general.

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

*Alteration of a watercourse* means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

*Appeal* means a request for a review of the Floodplain Administrator's interpretation of any provision of this article ~~or a request for a variance~~.

*"ASCE 24" through "Coastal construction control line" remain unchanged.*

*Coastal high hazard area* means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. ~~[Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."~~

*"Conditional Letter of Map Revision (CLOMR)" through "Highest adjacent grade" remain unchanged.*

*Historic structure* means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 4112, Historic Buildings.

*"Letter of Map Amendment (LOMA)" through "New construction" remain unchanged.*

~~*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 19, 1984.~~

*"Park trailer" through "Special flood hazard area" remain unchanged.*

*Start of construction* means the date of issuance of permits for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

*Remainder of section remains unchanged.*

## **DIVISION 3. – FLOOD-RESISTANT DEVELOPMENT**

### **SUBDIVISION III. – SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS**

#### **Sec. 6-487. - Limitations on sites in regulatory floodways.**

No development, including, but not limited to, site improvements, and land disturbing activity involving fill or regrading, ~~may~~will be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 6-446(1) demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

## **SUBDIVISION IV. – MANUFACTURED HOMES**

#### **Sec. 6-490. - General compliance and placement and development requirements.**

All manufactured homes installed in flood hazard areas must be installed by an installer that is licensed pursuant to F.S. § 320.8249 and must comply with the requirements of F.A.C. Chapter 15C-1 and the requirements of this article. If located seaward of the coastal construction control line, all manufactured homes must comply with the more restrictive of the applicable requirements.

The placement of manufactured homes or recreational vehicles is prohibited in coastal high hazard areas (Zone V), except in an existing manufactured home or recreational vehicle park or subdivision. A replacement manufactured home or recreational vehicle may be placed on a lot in an existing manufactured home or recreational vehicle park or subdivision, provided the anchoring standards of Section 6-492 and the elevation standards of ~~Sections 6-494 and 6-495, as applicable, Section 6-493~~ are met. New or expanded manufactured home or recreational vehicle parks or subdivisions are prohibited until such time, if ever, that the Lee Plan is amended so as to allow such new or expanded manufactured home or recreational vehicle development.

#### **Sec. 6-493. - Elevation.**

All manufactured homes that are placed, replaced or substantially improved in flood hazard areas ~~shall~~must be elevated such that:

- (1) The lowest floor is at or above the base flood elevation plus one foot in flood hazard areas other than coastal high hazard areas, as defined by FEMA.
- (2) The bottom of the frame is at or above the base flood elevation plus one foot in coastal high hazard areas, as defined by FEMA.

## **SECTION THREE: AMENDMENT TO LDC CHAPTER 34**

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

### **CHAPTER 34 – ZONING**

#### **ARTICLE VI. – DISTRICT REGULATIONS**

##### **DIVISION 9. – PLANNED DEVELOPMENT DISTRICTS**

###### **Sec. 34-940. - Mixed-Use Planned Developments.**

- (a) ~~All Mixed-Use Planned Developments must meet or exceed at least two of the following thresholds~~ may contain multiple uses, such as but not limited to:
  - (1) ~~A residential or, including mobile homes~~ development of 50 or more dwelling units.
  - (2) ~~A commercial development or activity that is located on a parcel of two or more acres and includes 30,000 square feet or more of floor area.~~
  - (3) ~~An industrial development or activity that is located on a parcel of two or more acres and includes 30,000 square feet or more of floor area.~~
  - (4) ~~A community facility~~ facilities ~~development of two or more acres.~~
- (b) Mixed-use developments containing residential uses should be designed to capture within the development a substantial percentage of the vehicular trips that are projected to be generated by those uses at the project's buildout.
- (c) The Master Concept Plan for a mixed-use planned development must clearly ~~indicate the land area to be used for each of the qualifying thresholds, as well as the uses proposed within each of the designated areas~~ identify the uses proposed.

## **SECTION FOUR: CONFLICTS OF LAW**

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

## **SECTION FIVE: SEVERABILITY**

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

## **SECTION SIX: CODIFICATION AND SCRIVENER'S ERRORS**

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

## **SECTION SEVEN: MODIFICATION**

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

## **SECTION EIGHT: EFFECTIVE DATE**

Except as provided below, this ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State and will apply to all projects or applications subject to the LDC unless the development order application for such project is complete or the zoning request is found sufficient before the effective date. All increases in impact fee rates will become effective 90 days after adoption of this Ordinance. Reductions in impact fee rates will become effective on the effective date of this Ordinance.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

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

Kevin Ruane	_____
Cecil L. Pendergrass	_____
David Mulicka	_____
Brian Hamman	_____
Trish Petrosky	_____

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST:  
KEVIN C. KARNES  
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Cecil L. Pendergrass, Chair

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

By: \_\_\_\_\_  
Office of the County Attorney

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