

ORDINANCE NO. 14-13

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE, CHAPTERS 10, 14, 22, 30, 32, 33, 34, AND APPENDIX I TO PROVIDE A NEW MAP 17 DEPICTING THE BOUNDARIES OF NORTH CAPTIVA AND UPPER CAPTIVA. THE PROPOSED AMENDMENTS WILL: ADD PROVISIONS TO ALLOW DOGS IN OUTDOOR SEATING AREAS OF RESTAURANTS CONSISTENT WITH F.S. §509.233; ADOPT THE LEHIGH ACRES HOMESTEAD ROAD COMPACT COMMUNITY ACTIVITY CENTER REGULATING PLAN; ADOPT LAND DEVELOPMENT CODE REGULATIONS SPECIFIC TO UPPER CAPTIVA, INCLUDING PUBLIC INFORMATIONAL MEETINGS, VEHICLES ON PATHWAYS AND BEACHES, OUTDOOR LIGHTING, OPEN SPACE / LANDSCAPING / REQUIREMENTS FOR BRAZILIAN PEPPER ERADICATION BY JANUARY 1, 2021, AND OTHER STANDARDS DESIGNED SPECIFICALLY FOR UPPER CAPTIVA; CREATES AN OPTION FOR ELIGIBILITY TO PARTICIPATE IN BONUS DENSITY PROGRAM; COMBINE AND CONDENSE COMMUNITY FACILITIES ZONING DISTRICTS; AND CLARIFY AND REVISE EXISTING TEXT AND ELIMINATE REDUNDANT TEXT.

THE SPECIFIC LDC PROVISIONS THAT WILL BE AMENDED ARE: SEC. 10-329. (EXCAVATIONS); SEC. 10-540. (SURFACE WATER MANAGEMENT PERMIT REQUIRED; DEVELOPMENT STANDARDS); SEC. 10-610 (SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL DEVELOPMENTS); SEC. 14-1. (PLANNING COMMUNITY REGULATIONS); SEC. 22-103. (SPECIAL CERTIFICATE OF APPROPRIATENESS); SEC. 30-56. (PLANNING COMMUNITY REGULATIONS); SEC. 32-603 (ADOPTED COMPACT COMMUNITY PLANS); SEC. 33-1419. (PROHIBITED SIGNS); SEC. 33-1431. (MODEL HOMES); SEC. 33-1505. (PROHIBITED SIGNS); SEC. 33-1536. (COMPACT COMMUNITIES/PLANNED DEVELOPMENTS); SEC. 33-1566. (APPLICABILITY); SEC. 33-1701. (APPLICABILITY); SECTION 33-1702. (COMMUNITY REVIEW); SEC. 33-1711. (APPLICATIONS REQUIRING COMMUNITY REVIEW); SEC. 33-1721. (DEFINITIONS); SEC. 33-1722. (PROHIBITED VEHICLES ON UPPER CAPTIVA); SEC. 33-1723. (USE OF AUTHORIZED VEHICLES ON UPPER CAPTIVA); SEC. 33-1724. (RESPONSIBILITY TO DISTRIBUTE REGULATIONS); SEC. 33-1731. (PURPOSE); SEC. 33-1732. (DEFINITIONS); SEC. 33-1733. (APPLICABILITY); SEC. 33-1734. (EXEMPTIONS); SEC. 33-1735. (SUBMITTALS); SEC. 33-1736. (OUTDOOR LIGHTING STANDARDS); SEC. 33-1741. (BRAZILIAN PEPPER ERADICATION); SEC. 34-2. (DEFINITIONS); SEC. 34-6. (COMPLIANCE WITH SPECIFIC PLANNING COMMUNITY REQUIREMENTS); SEC. 34-201. (GENERAL PROCEDURE FOR APPLICATIONS REQUIRING PUBLIC HEARING); SEC. 34-203. (ADDITIONAL REQUIREMENTS FOR APPLICATIONS REQUIRING

PUBLIC HEARING); SEC. 34-341. (EMPLOYMENT OF PLANNED DEVELOPMENT DESIGNATION); SEC. 34-622. (USE ACTIVITY GROUPS); SEC. 34-761. (GENERAL PURPOSE AND INTENT); SEC. 34-762. (GENERAL REGULATIONS); SEC. 34-781. (PURPOSE AND INTENT); SEC. 34-782. (SUBDISTRICTS AND SUBTYPES); SEC. 34-783. (APPLICABILITY OF USE AND PROPERTY DEVELOPMENT REGULATIONS; PROHIBITED USES); SEC. 34-761. (APPLICABILITY); SEC. 34-762. (RECREATIONAL VEHICLES AS PERMANENT RESIDENCES); SEC. 34-763. (TIEDOWNS AND EMERGENCY SHELTERS); SEC. 34-784 (LOCATION); SEC. 34-785. (TOTAL LOT COVERAGE); SEC. 34-786. (ACCESSORY STRUCTURES AND ADDITIONS); SEC. 34-787. (UTILITY ROOMS AND ENCLOSURES); SEC. 34-764. (ADDITIONS TO RECREATIONAL VEHICLES); SEC. 34-765. (STORAGE FACILITIES FOR UNOCCUPIED RECREATIONAL VEHICLES); SEC. 34-767. (USE REGULATIONS TABLE); SEC. 34-768. (PROPERTY DEVELOPMENT REGULATIONS TABLE); SEC. 34-811. (PURPOSE AND INTENT); SEC. 34-812. (APPLICABILITY OF USE AND PROPERTY DEVELOPMENT REGULATIONS); SEC. 34-813. (USE REGULATIONS TABLE); SEC. 34-814. (PROPERTY DEVELOPMENT REGULATIONS TABLE); SEC. 34-844. (COMMERCIAL USE REGULATION TABLE); SEC. 34-903. (USE REGULATIONS TABLE); SEC. 34-934. (USE REGULATIONS TABLE); SEC. 34-939. (RECREATIONAL VEHICLE PLANNED DEVELOPMENTS PROPERTY DEVELOPMENT REGULATIONS); SEC. 34-1176. (SWIMMING POOLS, TENNIS COURTS, PORCHES, DECKS AND SIMILAR RECREATIONAL FACILITIES); SEC. 34-1179. (ACCESSORY STRUCTURES IN RECREATIONAL VEHICLE DEVELOPMENTS. RESERVED); SEC. 34-1354. (VARIANCES OR DEVIATIONS); SEC. 34-1411. (ASSISTED LIVING FACILITIES); SEC. 34-1516. (THE BONUS DENSITY PROGRAM); SEC. 34-1517. (PROCEDURE TO APPROVE DENSITY INCREASES); SEC. 34-1805. (DENSITY LIMITATION FOR CAPTIVA ISLAND); SEC. 34-2016. (PARKING SPACE DIMENSION, DELINEATION, ANGLE AND AISLE WIDTH); SEC. 34-2020. (REQUIRED PARKING SPACES); SEC. 34-2351. (USE AS PERMANENT RESIDENCE); SEC. 34-3021. (GENERALLY. SUBORDINATE USES); SEC. 34-3022. (SUBORDINATE COMMERCIAL USES FOR MOBILE HOME OR RECREATIONAL VEHICLE DEVELOPMENTS); SEC. 34-3023. (SUBORDINATE COMMERCIAL USES); SEC. 34-2024. (DOGS IN OUTDOOR SEATING AREAS OF RESTAURANTS); SEC. 34-3272. (LOT OF RECORD DEFINED; GENERAL DEVELOPMENT STANDARDS);

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 24 of the Lee County Comprehensive Land Use Plan (Lee Plan) mandates that the County maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts, yet function in a streamlined manner; and,

WHEREAS, the Board of County Commissioners has adopted a community plan for North Captiva (Upper Captiva), codified under Goal 25 of the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, Policy 25.1.3 states the community will draft and submit Land Development Code regulations for Lee County to review and consider, based upon the unique nature of the community, its status as a bridgeless barrier island, the limitations on supporting infrastructure, and the seasonal nature of the demand upon public facilities; and

WHEREAS, Policy 25.1.1 states that the owner or agent for any rezoning, variance or special exception request must conduct at least one public informational meeting where the owner or agent will provide a general overview of the project and answer questions from interested citizens; and

WHEREAS, Policy 25.2.3 states that except for emergency events, public purposes, approved community needs, and permitted heavy construction equipment, internal combustion powered vehicles are banned from all pathways; and

WHEREAS, Policy 25.1.4 states that the location of North Captiva provides a view of the night sky that is virtually unparalleled in Lee County and that the community will develop land development regulations for the County to review and consider that would be applicable to exterior residential and commercial lighting as a means to limit light pollution, light trespass, and its potential detrimental effects on wildlife to the greatest extent possible; and

WHEREAS, Objective 25.3 is to preserve, protect, and enhance natural resources, wildlife habitat, and natural beauty by maintaining diverse and healthy native vegetation, clear offshore waters, diverse and abundant native marine life, wildlife resources, and by minimizing harm resulting from human activity; and

WHEREAS, the Brazilian pepper (*Schinus terebinthifolius*, occasionally known as Florida holly) is classified by the Florida Exotic Pest Plant Council as a Category 1 invasive exotic that alters native plant communities by displacing native species and

changing ecological functions and the Brazilian pepper tree is also listed as a noxious weed by the Florida Department of Agriculture & Consumer Services and this rapidly colonizing weed, is a public nuisance; and

WHEREAS, Goal 24 of the Lee Plan mandates that the County maintain clear, concise, and enforceable development regulations that fully address on- site and off-site development impacts, yet function in a streamlined manner; and

WHEREAS, the North Captiva (Upper Captiva) community plan includes policies that should be implemented through amendments to the Lee County Land Development Code; and

WHEREAS, the Board of County Commissioners, through the creation of LDC Chapter 33, has been centralizing LDC provisions that are applicable only to certain unincorporated communities within the County; and

WHEREAS, a new Article VII of LDC Chapter 33 would provide centralized regulations designed specifically for the Upper Captiva portion of North Captiva Island that will respond to the Lee Plan policies and objectives under Goal 25, take into account the unique characteristics of the community, and be readily understood and uniformly applied; and

WHEREAS, Lee Plan Policies 14.5.3, 24.1.9, 52.1.1 and 110.6.2 require county staff and private citizen committees to review existing development regulations to determine whether the regulations can be further fine tuned and streamlined in order meet the Goals, Objectives, and Policies of the Lee Plan; and

WHEREAS, pursuant to the Board of County Commissioners' direction on multiple occasions, specific amendments were directed to be brought forward before the next round of LDC Amendments; 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 April 12, 2013, September 13, 2013, and November 8, 2013 and recommended approval of the proposed amendments as modified; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code on September 11, 2013, November 13, 2013, and January 8, 2014 recommended their adoption; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments on December 11, 2013, 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 10

Lee County Land Development Code Chapter 10 is amended as follows with strike through identifying deleted text and underline identifying new text.

**Chapter 10 DEVELOPMENT STANDARDS
ARTICLE III. DESIGN STANDARDS AND REQUIREMENTS**

DIVISION 3. SURFACE WATER MANAGEMENT

Sec. 10-329. Excavations.

- (a) *remains unchanged.*
- (b) *Excavation types and required approvals.* Excavation are generally constructed either for mining operations, for stormwater retention or as a development site amenity. Table 1 summarizes the various types of excavations and the permits and approvals required for each excavation type.

**TABLE 1
TYPES OF EXCAVATIONS, REGARDLESS OF SIZE, AND THE PERMITS AND APPROVALS REQUIRED FOR EACH EXCAVATION TYPE**

Excavation Type	Excavated Materials Destination	Permits/Approvals Required¹
Excavations for an agricultural use or as an amenity to a single-family residence.	ON-SITE OR less than 1,000 cubic yards of material to be moved off-site.	Notice of Intent to Commence Water Retention Excavation Application. Type A Limited Review Development Order.
	OFF-SITE— Between 1,000, but less than 10,000 cubic yards to be moved off-site	1. Type 42 <u>D</u> Limited Review Development Order; 2. SFWMD permit (if applicable); and 3. An approved Excess Spoil Removal Plan
	OFF-SITE - 10,000 or more cubic yards to be moved off-site.	1. Type 42 <u>D</u> Limited Review Development Order; 2. SFWMD permit (if applicable); and 3. Either a) an approved "Excess Spoil Removal Plan"; OR b) Planned Development Zoning with "excess spoil removal" as an approved use or in conventional zoning districts that permit excavation for water retention. a special exception for excess spoil removal. The decision as to whether a) or b) above will be required will be determined by the director, based on conditions specified in subsection (c)(3).
Development project -	ON-SITE	1. Development Order; and

stormwater retention, i.e. lakes and ponds, etc. where the material to be moved off-site qualifies as "Surplus material" or "excess material".		<u>2.</u> SFWMD permit (if applicable)
	OFF-SITE— Material to be moved off-site is less than 20,000 cubic yards in volume.	1. Development Order; and <u>2.</u> SFWMD permit (if applicable); <u>3.</u> An approved "Excess Spoil Removal Plan";
	OFF-SITE— Material to be moved off-site is 20,000 or more cubic yards in volume.	1. Development Order; and <u>2.</u> SFWMD permit; and <u>3.</u> Either a) an approved "Excess Spoil Removal Plan"; OR b) Planned Development Zoning with "excess spoil removal" as an approved use or, in conventional zoning districts that permit excavation for water retention, a special exception for excess spoil removal. The decision as to whether a) or b) above will be required will be determined by the Director, based on conditions specified in subsection (c)(3).

¹ ~~The requirements for planned developments with excess spoil removal as an approved use~~ General requirements for all excavation activities are specified in Chapter 34, Article VII, Division 15., ~~Subdivision H.~~ Where the primary use of the site is related to mine activity, an MEPS approval must be obtained under chapter 12 prior to removal of materials from the site.

(c) *Procedures:*

(1) *Projects where spoil materials to be kept on-site or where less than 1,000 cubic yards of excess spoil will be moved off-site.*

a. ~~Notice~~ Approval required. A property owner must submit a notice of intent to commence excavation to the Director of Development Services obtain a Type A Limited Review Development Order when proposing any excavation that:

1. Is accessory to a single-family residence or is for an agricultural purpose and is located in an AG Agricultural zoning district; AND
2. Will keep the excavated materials on the same site or proposes to move less than 1,000 cubic yards of excess material off-site; AND
3. Does not include blasting. (See section 34-341.)

b. ~~Notice~~ Application content. The notice Limited Review Development Order application must contain the following information:

1. The STRAP number and location of the property;
2. The name of the owner and signature of the owner authorizing the excavation;
3. A site plan showing the proposed location of the excavation relative to all property lines, easements, rights-of-way, and

existing and proposed structures; the proposed slopes, maximum depth and the controlled water depth of the excavation; and the location, distribution and method of stabilization of the excavated spoil;

- ~~4. The proposed date of commencement, which may not be less than ten days from the date of the submittal; and~~
- ~~5. An affidavit that the excavation will be in compliance with the setback, depth, and bank slope requirements set forth in subsection (d).~~

DIVISION 10. LAKES REGIONAL PARK WATERSHED

Sec. 10-540. Surface water management permit required; development standards.

(a) through (c) remain unchanged.

(d) On-site ~~aboveground~~ drainage detention/retention areas must meet the following additional requirements:

- (1) ~~Side slopes are required to be no steeper than four to one (horizontal to vertical) from one foot above the control elevation out to a depth of two feet below the control elevation, or an equivalent substitute. Side slopes must be topsoiled, nurtured or planted from two feet below to one foot above the control elevations to promote vegetative growth. Bulkheads are limited to 40 percent of the length of the shoreline with compensating littoral zone provided.~~

(2) through (3) remain unchanged.

ARTICLE IV. DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND DEVELOPMENTS

Sec. 10-610. Site design standards and guidelines for commercial developments.

(a) through (d) remain unchanged.

~~{(e)}~~**{(f)}** *Parking lot interconnections.* Adjacent commercial uses must provide parking lot interconnections for automobile traffic. Interconnections are not intended to satisfy the criteria for site location standards as outlined in Lee Plan Policy 6.1.2(5).

~~{(f)}~~**{(g)}** *Project entrance.*

(1) through (4) remain unchanged.

SECTION TWO: AMENDMENT TO LDC CHAPTER 14

Lee County Land Development Code Chapter 14 is amended as follows, with strike through identifying deleted text and underlining identifying new text.

Chapter 14 Environment and Natural Resources

ARTICLE I. IN GENERAL

Sec. 14-1. Planning community regulations.

Activities in the following communities must also comply with the regulations set forth in chapter 33 pertaining to the specific community.

- (a) Estero Planning Community.
- (b) Greater Pine Island.
- (c) Page Park.
- (d) Caloosahatchee Shores.
- (e) Lehigh Acres.
- (f) North Fort Myers.
- (g) Matlacha.
- (h) Upper Captiva.

Balance of provisions remains unchanged.

SECTION THREE: AMENDMENT TO LDC CHAPTER 22

Lee County Land Development Code Chapter 22 is amended as follows with strike through identifying deleted text and underline identifying new text.

Chapter 22. HISTORIC PRESERVATION

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 3. CERTIFICATE OF APPROPRIATENESS

Sec. 22-103. Special certificate of appropriateness.

(a) through (c) remain unchanged.

(d) *Action of historic preservation board.* The historic preservation board ~~shall~~will meet and act upon an application for a special certificate of appropriateness on or within 70 calendar days from the date the application and materials adequately describing the proposed action are received. The historic preservation board ~~shall~~will approve, deny or approve the special certificate of appropriateness with conditions, subject to the acceptance of the conditions by the applicant, or suspend action on the application for a period not to exceed 35 calendar days in order to seek technical advice from outside sources or to meet further with the applicant to revise or modify the application. Failure of the historic preservation board to act upon an application on or within 70 calendar days (if no additional information is required) or 105 calendar days (if additional information is required by the historic preservation board) from the date the application was received ~~shall~~will result in the immediate issuance of the special certificate of appropriateness applied for, without further action by the historic preservation board. This section does not preclude an applicant from requesting, and the historic preservation board from approving, continuances beyond the time frames contained in this section. However, if an applicant obtains continuances from the historic preservation board beyond the time frames specified in this section, then the applicant will be precluded from seeking an automatic approval by the historic preservation board on the grounds that the historic preservation board did not act within the specified time frames.

(e) *remains unchanged.*

SECTION FOUR: AMENDMENT TO LDC CHAPTER 30

Lee County Land Development Code Chapter 30 is amended as follows with strike through identifying deleted text and underline identifying new text.

Chapter 30. SIGNS

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 30-56. Planning community regulations.

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

- (a) Estero Planning Community.
- (b) Greater Pine Island.
- (c) Page Park.
- (d) Caloosahatchee Shores.
- (e) Lehigh Acres.

- (f) North Fort Myers.
- (g) Matlacha.
- (h) Upper Captiva.

Balance of provisions remains unchanged.

SECTION FIVE: AMENDMENT TO LDC CHAPTER 32

Lee County Land Development Code Chapter 32 is amended as follows with strike through identifying deleted text and underline identifying new text.

**Chapter 32. COMPACT COMMUNITIES
ARTICLE VI. COMPACT COMMUNITIES THROUGH OPTIONAL REGULATING PLANS.**

Sec. 32-603 Adopted Compact Community Plans.

The following plans ~~identified in Figures 1 through 7~~ have been adopted and may be utilized in accordance with this Article. Minor changes may be approved per LDC Sec. 32-604(b). Additional plans may be adopted by amendments to this Article and adoption of Compact Community Regulating Plans by the Lee County Board of County Commissioners.

- Figure 1 – North Fort Myers Town Center Conceptual Regulating Plan
- Figure 2 – North Fort Myers Town Center Detailed Regulating Plan
- Figure 3 – North Fort Myers Town Center Illustrative Site Plan (non-binding)
- Figure 4 – Lehigh Acres Downtown Activity Center Conceptual Regulating Plan
- Figure 5 – Lehigh Acres Downtown Activity Center Detailed Regulating Plan
- Figure 6 - Lehigh Acres Admiral Lehigh Neighborhood Activity Center Conceptual Regulating Plan
- Figure 7 – Lehigh Acres Admiral Lehigh Neighborhood Activity Center Detailed Regulating Plan
- Figure 8 – Lehigh Acres Community Activity Center Conceptual Regulating Plan
- Figure 9 – Lehigh Acres Community Activity Center Detailed Regulating Plan

SECTION SIX: AMENDMENT TO LDC CHAPTER 33

Lee County Land Development Code Chapter 33 is amended as follows with strike through identifying deleted text and underline identifying new text.

Chapter 33 PLANNING COMMUNITY REGULATIONS

ARTICLE V. LEHIGH ACRES PLANNING COMMUNITY

DIVISION 2. COMMERCIAL DESIGN STANDARDS AND SPECIFICATIONS

Subdivision III. Signs

Sec. 33-1419. Prohibited signs.

Unless a deviation or variance is granted, the The following types of signs are prohibited. ~~No variances or deviations are permitted from this section.~~

(1) through (8) remain unchanged.

DIVISION 3. SPECIFIC USE STANDARDS

Subdivision I. Model Homes

Sec. 33-1431. Model homes.

(a) through (b) remain unchanged.

- (c) The following regulations will apply to redevelopment of model homes:
- (1) *Permitted uses.* The following uses may be approved for a model home through the special exception process. These uses are in addition to the uses permitted by right or ~~permitted~~ by special exception in the RS-1 zoning district. Other uses are subject to approval through a planned development in accordance with chapter 34, article IV.

Remainder of Section is unchanged.

ARTICLE VII. CALOOSA HATCHEE SHORES PLANNING COMMUNITY

DIVISION 2. DESIGN STANDARDS

Subdivision III. Signs

Sec. 33-1505. Prohibited signs.

- (a) ~~Unless a deviation or variance is granted, the~~ The following signs are prohibited within the Caloosahatchee Shores Planning Community. ~~No variances or deviations are permitted from this section.~~
(1) through (10) remain unchanged.

ARTICLE VIII. NORTH FORT MYERS PLANNING COMMUNITY

DIVISION 1. GENERALLY

Sec. 33-1536. Reserved. Compact communities/planned developments.

~~Rezoning 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. Special exceptions, deviations, and variances may be pursued utilizing the process per Chapter 10 or Chapter 34.~~

DIVISION 3. COMMERCIAL CORRIDOR LAND DEVELOPMENT PROVISIONS

Subdivision I. Generally

Sec. 33-1566. Applicability.

Scope. The provisions of division 3 apply to all commercially zoned properties with frontage on, or contiguous to and developed in conjunction with properties with frontage on, the following roadways within the North Fort Myers Planning Community:

(a) through (e) remain unchanged.

~~Except that areas located within neighborhood centers, or the town center, or within commercial corridors that are designated mixed use overlay on the Special Treatment Areas Map, Lee Plan Map 1, Page 6 of 6.~~

ARTICLE X. UPPER CAPTIVA

DIVISION 1. IN GENERAL

Sec. 33-1701. Applicability.

The provisions of this article apply to all land located within Upper Captiva, which lies north and west of the state park on the island of North Captiva, as depicted on Map 17 in Appendix I.

In the event of a conflict with any other section of this Land Development Code, such as those related to sea turtle nesting habitat (sections 14-78 and 14-79), the more stringent requirement shall apply.

Section 33-1702. Community Review

Meeting requirements. The applicant is responsible for providing the meeting space, notice of the meeting, and security measures as needed. The meeting must be held within the Upper Captiva planning area. The specific meeting location will be determined by the applicant. Meetings may, but are not required to, be conducted before non-County formed boards, committees, associations, or planning panels. During the meeting, the agent will provide a general overview of the project for any interested citizens. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. The applicant is not required to receive an affirmative vote or approval of citizens present at the meeting. This meeting must be held after the application has been filed. The applicant will provide notice to the Upper Captiva community no less than 10 days before the meeting by placing signs or posters in public places, by circulating a notice to the broadest e-mail list available, and by submitting a notice for posting on the community website. The applicant must also provide the meeting summary to the Upper Captiva community for the purpose of posting on the community website and on any appropriate Lee County government document clearinghouse.

Sec. 33-1703 through 33-1710. Reserved.

Sec. 33-1711. Applications requiring community review.

The owner or agent applying for the following types of county approvals must have a community review prior to obtaining a finding of sufficiency.

- (1) Planned development zoning actions. This includes administrative deviations amending the approved master concept plan or other provisions of the applicable zoning resolution.
- (2) Special exception and variance requests. These requests will be decided by the hearing examiner.
- (3) Conventional rezoning actions.

Sec. 33-1712 through 33-1720. Reserved.

Sec. 33-1725 through 33-1730. Reserved.

DIVISION 4. OUTDOOR LIGHTING

Sec. 33-1731. Purpose.

The purpose of this division is to regulate outdoor lighting in public and private places in order to reduce or prevent light pollution or light trespass and to preserve the vision enjoyment of the night sky on Upper Captiva.

Sec. 33-1732. Definitions.

The following definitions are in addition to those set forth in other portions of this Code and are applicable to the provisions contained in this division only. If, when construing the specific provisions contained in this division, these definitions conflict with definitions found elsewhere in this Code, then the definitions set forth below will control. Otherwise the definitions contained elsewhere in this Code will control. If a term is not defined, the term must be given its commonly understood meaning unless there is a clear indication of an intent to construe the term differently from its commonly understood meaning.

Accent lighting means any directional lighting which emphasizes a particular object or draws attention to a particular area.

Light trespass means all visible light emitted by a luminaire that shines beyond the property on which the luminaire is installed where the point source of the light is visible at the ground level as measured 10 feet from property line.

Sec. 33-1733. Applicability.

(a) All new outdoor luminaires and lighting fixtures installed on private and public property on Upper Captiva, including on docks and bulkheads, must comply with this division at time of development permit or no later than 5 years after the adoption of this code, whichever occurs first.

(b) All new outdoor luminaires and lighting fixtures installed on private and public property on Upper Captiva, including on docks and bulkheads, must comply with this division at time of Certificate of Occupancy (CO) for a development permit.

(c) All existing outdoor luminaires and lighting fixtures installed on private and public property on Upper Captiva, including on docks and bulkheads, must comply with this division no later than January 1, 2021.

(d) This division supplements the sea turtle lighting requirements found in article II of chapter 14 of this code.

(e) This division does not apply to interior lighting. However, interior light from any structure that is visible outdoors will be subject to control by this division if it causes light trespass section 33-1732.

(f) When an existing outdoor luminaire or fixture is replaced, the replacement must meet the requirements of this division.

Sec. 33-1734. Exemptions.

The following sources of light are exempt from this division:

- (1) Temporary emergency lighting needed by firefighters, police officers, emergency work crews, etc.
- (2) Lights on approved vehicles.
- (3) Lights required by government agencies near airstrips or on communication towers.
- (4) Seasonal and special event decorations with individual lights in place up to 60 days per year.

Sec. 33-1735. Submittals.

(a) Where a sea turtle lighting plan must be submitted to the county in accordance with section 14-76, the lighting requirements of this division must be shown on the same lighting plan, which must be submitted prior to the earlier of building permit or development order issuance.

(b) Where a sea turtle lighting plan is not required by section 14-76, the lighting requirements of this division must be shown on a separate lighting plan, also submitted prior to the earlier of building permit or development order issuance.

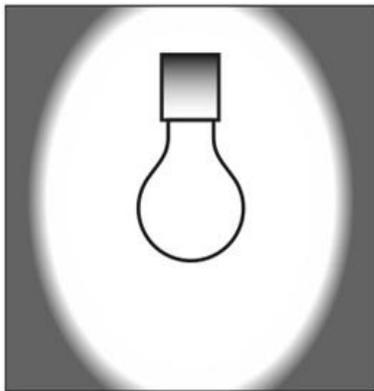
(c) The lighting plan required by this division must show the location, number, type, height, wattage, orientation, and shielding devices of all proposed exterior artificial light sources, including landscape lighting and all pole- and ground-mounted fixtures. Fixture cut sheets, catalog illustrations, and/or photometric data furnished by the manufacturer that shows the angle of light emission must also be provided. Additional information may be required to assess compliance with this division. Site lighting only will be shown and reviewed on the development order and inspected at time of certificate of compliance. Building lighting will be shown and reviewed on the building permit plans and inspected at time of certificate of occupancy.

(d) A county-approved lighting plan is required before a development order and building permit will be issued. All lighting installed must be inspected and be in compliance with the approved lighting plans before a certificate of occupancy and certificate of compliance will be issued by the county.

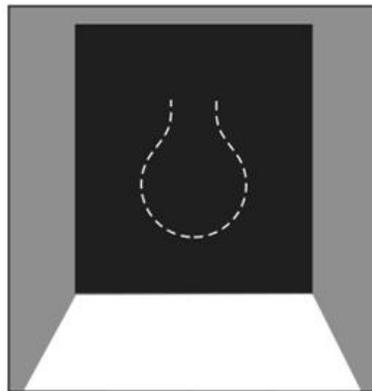
Sec. 33-1736. Outdoor lighting standards.

The following standards apply to outdoor lighting on Upper Captiva in addition to the sea turtle lighting standards found in article II of chapter 14 of this code and the outdoor lighting standards found in chapter 34-625 of this code.

- (1) All outdoor lighting, including lighting on docks and bulkheads, must be designed, installed, located, and maintained to be hooded, shielded, and/or aimed downward.
 - a. Examples of acceptable and unacceptable shielding and hooding are shown in Figures 1 through 3.
 - b. The hood or shield must mask the direct horizontal surface of the light source, or the light must be aimed to insure that the illumination is only pointing downward onto the ground surface, with no escaping light permitted to contribute to sky glow by shining upward into the sky.
- (2) Bright light shining onto adjacent property or pathways is not permitted. Light trespass beyond property boundaries or above the horizontal plane is a violation of this division.
- (3) Accent lighting, when approved pursuant to 33-1735 (c), must be directed downward onto the building or object and not toward the sky or onto adjacent properties. Direct light emissions may not be visible above the roof line or beyond the building edge.
- (4) Spotlighting on landscaping and foliage must be shielded and must not spill onto adjacent property.
- (5) When this division would otherwise require the replacement of an existing outdoor luminaire or fixture, the existing fixture may instead be adapted to comply by adding a properly designed hood or shield or by pointing any upward-mounted, shielded fixture downward onto the ground.
- (6) Fixtures affixed to poles, trees, and other structures must be no more than 15 feet above grade, shielded, and directed downward. The resulting emitted light must not spill onto adjacent property.

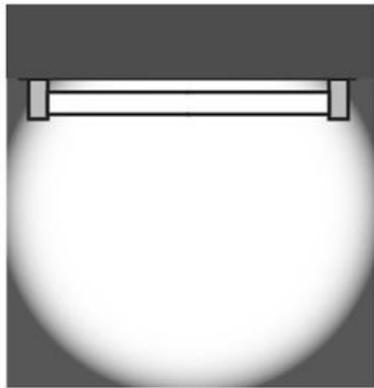


INCORRECT

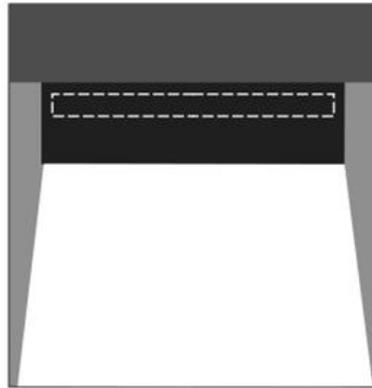


CORRECT

Outdoor lighting fixtures must be shielded above and on all sides to block light emission. Light should be directed down to avoid glare.

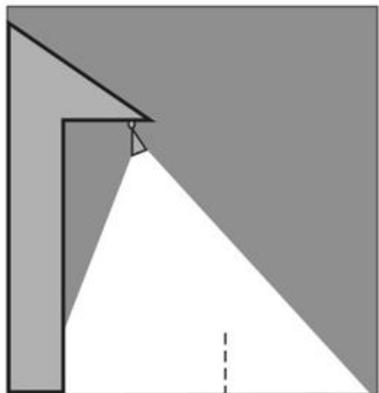


INCORRECT



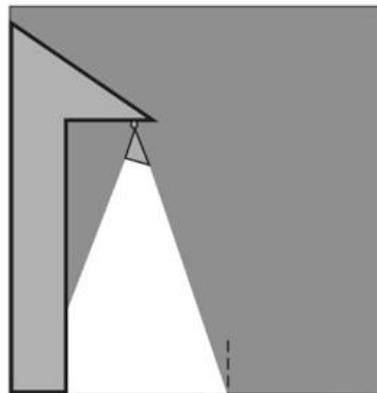
CORRECT

Fluorescent lighting fixtures must be shielded on all sides to block light emission. Light should be directed down to avoid glare.



property line

INCORRECT



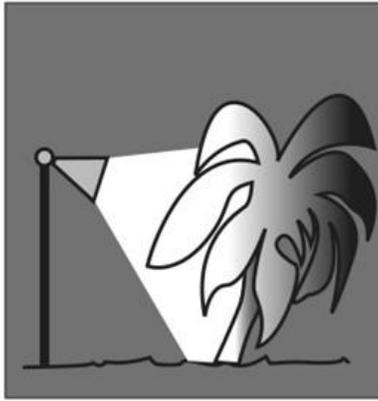
CORRECT

Light shining on adjacent property is not permitted. Fixtures must be hooded and aimed down to keep direct illumination within the owner's property.

Figure 1



INCORRECT

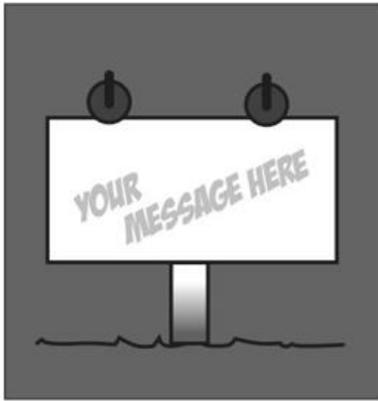


CORRECT

Landscape lighting must be aimed down with no escaping light contributing to sky glow by shining upward

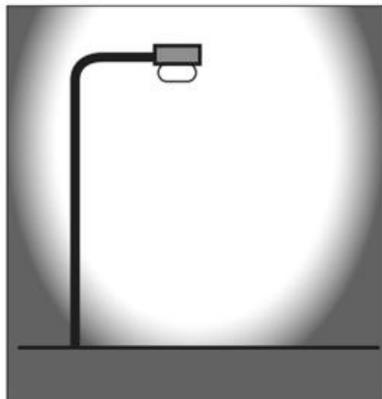


INCORRECT

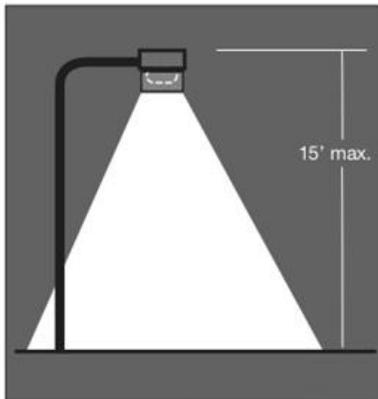


CORRECT

Signs, displays and structures must be illuminated from above, with lights aimed down.



INCORRECT



CORRECT

Street, parking lot, dock and other pole lights must be shrouded to direct light down. The height may be no more than 15'.

Figure 2

Acceptable
shielded fixtures that minimize glare and light trespass

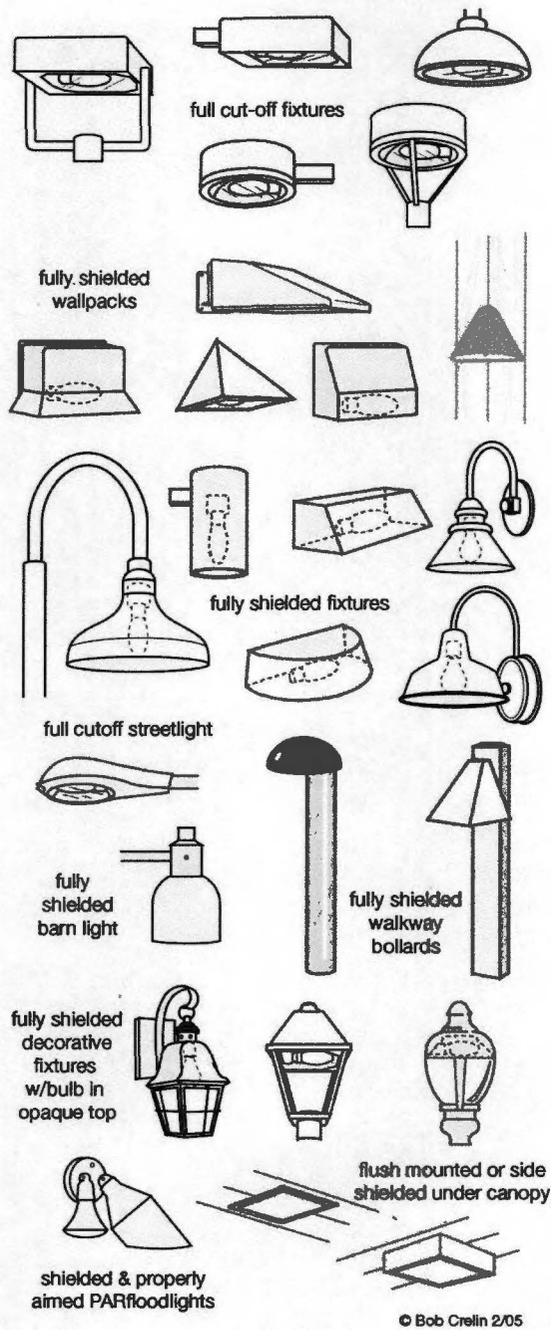


Figure 3: Examples of acceptable fixtures

**DIVISION 5. OPEN SPACE, LANDSCAPING,
AND INVASIVE EXOTIC VEGETATION**

Sec. 33-1741. Brazilian Pepper Eradication

The Brazilian pepper (*Schinus terebinthifolius*) must be entirely eradicated from all real property, including easements, rights-of-way, and common area tracts. The eradication of the Brazilian pepper must be completed prior to issuance of Certificate of Compliance (CC), issuance of a Certificate of Occupancy (CO) or by January 1, 2021, whichever comes sooner. All property must be maintained free of Brazilian pepper in perpetuity once it has been eradicated.

SECTION SEVEN: 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 I. IN GENERAL

Sec. 34-2. Definitions.

Gasoline dispensing system, special means a gasoline dispensing system which is card-operated for governmental or commercial entities only in accordance with the provisions of ~~chapter 4A-16, part VI, "Service Stations,"~~ of the Florida Administrative Code.

Non-transient park means a recreational vehicle development designed, intended or used for long term ~~longterm~~ (six months or longer) emplacement of a recreational vehicle on recreational vehicle sites that are lawfully subdivided, platted, recorded or otherwise approved by the Board of County Commissioners. Individual sites may be rented or leased, owned by individuals, or part of a condominium, cooperative or other similar arrangement.

Permanent unit means any recreational vehicle (df), ~~and any park trailer, which that~~ is intended to be left emplaced on a recreational vehicle site for six months or longer.

Recreational vehicle means a recreational vehicle type unit defined in F.S. § 320.01(1)(b). It is primarily designed as temporary living unit quarters ~~for recreational, camping or travel use, and has its own motive power or is mounted on or drawn by another vehicle. This definition will change to be consistent with changes to state law without amendment to this chapter. Types of recreational vehicles are: The definition of the term "recreational vehicle," as used in this chapter, is intended to change with statutory changes so as to be consistent with them. This definition also includes examples of the types of vehicles identified as recreational vehicles. If the state law is amended to delete or modify the basic entities defined in this subsection, the definitions~~

~~contained in this subsection will be deleted or modified accordingly. If the state law is amended to provide a new basic entity, then the definition of the new entity will automatically become a permitted recreational vehicle unit without having to amend this chapter. The basic entities are defined as follows:~~

~~(1) *Travel trailer*, including fifth-wheel travel trailers, means a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living unit quarters for recreational, camping or travel use. It has a body width of no more than 8 1/2 feet and an overall body length of no more than 40 feet when factory-equipped for the road.~~

~~(2) through (6) remain unchanged.~~

~~(7) Private motor coach means a vehicular unit which does not exceed the length, width, and height limitations provided in F.S. § 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living unit for recreational, camping, or travel use.~~

~~(8) Fifth-wheel trailer means a vehicular unit mounted on wheels, designed to provide a temporary living unit for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.~~

~~*Recreational vehicle park, existing developed* means a parcel (or portion thereof) or abutting parcels of land, with conventional recreational vehicle district zoning, designed, used or intended to be used to accommodate two or more occupied recreational vehicles, and in which necessary utilities and streets and the final site grading or paving of concrete pads or vehicle stands was completed prior to September 16, 1985.~~

~~*Recreational vehicle park, new* means parks granted County preliminary development orders subsequent to September 16, 1985.~~

~~*Recreational vehicle park, phased* means a park, or portion of a park, which received site plan approvals preceding September 16, 1985, or was vested under the Lee Plan but has not committed to the construction of the facilities needed to be considered a developed recreational vehicle park as defined in this section.~~

~~*Recreational vehicle park resident, permanent* means any person who currently owns and has resided at a specific address within a recreational vehicle park for a continuous period of over 12 months prior to September 16, 1985. Proof of residency will be established by and who filed an affidavit filed with the County by October 31, 1985.~~

~~*Transient park* means a recreational vehicle development designed, intended for or used for short term (less than 6 months) emplacement of a recreational vehicle on recreational vehicle sites that are lawfully subdivided, platted, recorded or otherwise approved by the Board of County Commissioners. Individual sites may be rented or leased, owned by individuals, or part of a condominium, cooperative or other similar arrangement. by relatively short stay visitors (transient guests) who bring their recreational vehicle with them and remove it at the end of their visit. The individual recreational vehicle site is then ready for another visitor.~~

~~*Transient unit* means a recreational vehicle camping trailer, truck camper, motor home or travel trailer which is brought to the recreational vehicle park by the user, and is removed from the park at the end of the user's visit.~~

Sec. 34-6. Compliance with specific planning community requirements.

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

- (1) Estero Planning Community.
- (2) Greater Pine Island.
- (3) Page Park.
- (4) Caloosahatchee Shores.
- (5) Lehigh Acres.
- (6) North Fort Myers.
- (7) Matlacha.
- (8) Upper Captiva.

Balance of provision remains unchanged.

ARTICLE II. ADMINISTRATION

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

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

(a) remains unchanged.

(b) *Application submittal and official receipt procedure.* The application procedure and requirements in this section apply to all applications for rezoning, special exceptions, and variances, except mine excavation planned developments under chapter 12.

(1) *remains unchanged.*

(2) No application may be accepted unless it is presented on the official forms provided by the Department, or on County approved computer-generated forms containing the same information.

~~a. Forms must include but not be limited to disclosure forms for corporations, trusts and partnerships, and disclosure of information regarding contract purchases and their percentages of interest.~~

~~b. Disclosure will not be required of any entity whose interests are solely equity interests which are regularly traded on an established securities market in the United States or another country.~~

~~c. Disclosure forms, established by administrative code, must be included in the materials distributed to the Hearing Examiner and the Board of County Commissioners for all cases in which the Board of County Commissioners has the final decision.~~

~~d. Subsections (b)(2)a. through c. of this section do not apply to County-initiated rezonings.~~

(3) through (5) *remain unchanged.*

Sec. 34-203. Additional requirements for applications requiring public hearing.

(a) through (d) *remain unchanged.*

(e) *Special exceptions.* Except for special exceptions that are Developments of County Impact (see section 34-341), all applications for a special exception must, in addition to the requirements of sections 34-202(a) and (b), include the following:

(1) through (3) *remain unchanged.*

(4) Reserved. ~~Temporary parking lot.~~ If the request is for a temporary parking lot:

~~a. The site plan must show all existing and proposed parking spaces and drives, both paved and unpaved, vehicle access points, and lighting, if any.~~

~~b. An analysis indicating the need for the temporary parking lot, as well as the anticipated frequency of use must be submitted.~~

~~c. If the temporary parking lot is off the premises of the principal use, plans for providing for traffic control and pedestrian safety must be submitted.~~

(5) through (9) *remain unchanged.*

ARTICLE IV. PLANNED DEVELOPMENTS

DIVISION 1. GENERALLY

Sec. 34-341. Employment of planned development designation.

(a) remains unchanged.

(b) The Lee Plan provides that certain owner-initiated rezonings and special exceptions meeting specified thresholds will be reviewed as Developments of County Impact. The Development of County Impact thresholds are further categorized as major or minor planned developments as follows:

(1) Major planned developments.

a. through f. remain unchanged.

g. Any cultural facility (section 34-622(c)(10)), recreational facility, commercial (section 34-622(c)(~~3848~~)), or park, group II (34-622(c)(32)) on ten or more acres of land;

h. through n. remain unchanged.

ARTICLE VI. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 34-622. Use activity groups.

(a) through (b) remain unchanged.

(c) Use activity groups are as follows:

(1) through (12) remain unchanged.

(13) *Essential service facilities.* Buildings or above-ground structures, exceeding 27 cubic feet in volume, required to provide essential services (defined in section 34-2), including electricity, communications, telephone, cable television, gas, water, sewage, solid waste and resource recovery. This does not include wireless communication facilities which are regulated by section 34-1441 et seq.

GROUP I (section 34-1611 et seq.)

Communications, telephone and electrical distribution facilities (up to 425 square feet in area and 10 feet in height)

Electric substations

Natural gas or water regulation stations

Pumping stations (excluding above-ground water storage facilities)

Solar panels

Transmission or metering stations

GROUP II through GROUP III remains unchanged.

(14) through (55) remain unchanged.

- (56) *Wholesale establishments.* This group includes establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

GROUP III. Indoor storage. Establishments primarily engaged in buying or selling, on a wholesale basis, durable or nondurable goods and petroleum and petroleum products (SIC 5172), excluding hazardous chemicals, petroleum products not specified herein, or explosives which are stored totally within a building.

DIVISION 4. RECREATIONAL VEHICLE PARK DISTRICTS

Subdivision I. In General

Sec. 34-761. General purpose and intent.

- ~~(a) The purpose and intent of the recreational vehicle park districts is to provide areas within the future urban areas to accommodate new developments for recreational vehicles, and to provide regulations for existing recreational parks which were lawfully established under state or County regulations prior to September 16, 1985.~~
- ~~(b) It is the intent of this chapter that:~~
- ~~(1) Except as provided for in sections 34-762(1) and 34-783, no recreational vehicle shall be used as a year round residence;~~
 - ~~(2) All new recreational vehicle development and all expansions to existing recreational vehicle developments shall be permitted only as recreational vehicle planned developments (see division 9 of this article); and~~
 - ~~(3) Any lawfully existing recreational vehicle development that cannot conform to any of the conventional recreational vehicle districts set forth in this division may apply for a recreational vehicle planned development so as to resolve issues of nonconformity on a development wide rather than on an individual basis.~~

Sec. 34-762. General regulations.

~~The following regulations are applicable to all existing and new recreational vehicle parks:~~

- ~~(1) *Permanent residency prohibited.* The use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, is expressly prohibited as of September 16, 1985. Persons who have established permanent residency within a recreational vehicle park as of September 16, 1985, are exempt from the residency provisions of this section, provided that the proof of residency was established by an affidavit filed with the County prior to October 31, 1985.~~
- ~~(2) *Tiedowns.*~~

- a. ~~All of the following recreational vehicles shall be properly tied down in accordance with the standards set forth in appendix H of the Standard Building Code, F.S. § 320.8325, or Ordinance No. 90-23, as may be amended from time to time, whichever is applicable, as follows:

 - 1. ~~All permanent units.~~
 - 2. ~~All travel trailers, motor homes or camping trailers left unattended for more than two weeks during the months of June through December. For purposes of this section only, the term "unattended" shall be interpreted to mean that the owner of the unit has not provided for a person to be responsible for the unit in the event of a hurricane watch alert as set forth in subsection (2)b of this section.~~~~
- b. ~~All travel trailers, motor homes or camping trailers shall be tied down within 48 hours of the issuance of a hurricane watch for the County by the National Hurricane Center. Travel trailers, motor homes or camping trailers not tied down shall be removed from the County within 48 hours of such a hurricane watch, or placed within an approved off-lot storage area.~~
- (3) ~~*Emergency shelters.* New or phased recreational vehicle developments will be required to provide an emergency shelter in accordance with the provisions of section 10-258.~~
- (4) ~~*Recreational vehicle storage facilities.* Off lot storage of recreational vehicles shall be allowed for periods of nonoccupancy in recreational vehicle parks; provided, however, all such storage shall comply with the following:

 - a. ~~Off lot storage areas shall provide a continuous visual screen of at least eight feet in height along any lot line abutting a residential use under separate ownership, and along any street right-of-way.~~
 - b. ~~Off lot storage areas shall comply with all other applicable regulations contained in this chapter.~~
 - c. ~~All storage areas presently in existence and use which are in noncompliance with any provision set forth in this section shall be brought into compliance within one year from the effective date of the ordinance from which this section is derived.~~
 - d. ~~The area of the off-lot storage shall be limited to ten percent of the total area of the recreational park.~~~~

Secs. 34-763 – 34-780. Reserved.

Subdivision II. Conventional Recreational Vehicle Districts

Sec. 34-781. Purpose and intent.

- (a) ~~The purpose and intent of the conventional recreational vehicle districts is to accommodate existing developed or phased recreational vehicle parks which were lawfully constructed in compliance with state and County laws prevailing at the time of development.~~

- (b) ~~The conventional recreational vehicle districts include, and are limited to, four subdistricts based upon the minimum required lot size (recreational vehicle site) at the time of development. Each of the four subdistricts are further categorized as transient or nontransient, or a combination of both.~~
- (c) ~~It is the intent of this division that all existing developed and phased parks will be rezoned into one or more of the four subdistricts where possible. Any park which does not fall within one or more of the four subdistricts shall be required to apply for an RVPD zoning or remain as a nonconforming park subject to the provisions for nonconformities.~~

Sec. 34-782. Subdistricts and subtypes.

- (a) ~~Subdistricts. All existing recreational vehicle parks which meet the definition of a developed or phased vehicle park shall be classified into one or more of the recreational vehicle subdistricts based upon the period of time in which they were developed. (See section 34-792, pertaining to property development regulations.)~~
- (b) ~~Subtypes. The subtype of a park indicates the predominant use (transient or nontransient) of the park, or portion of the park, as of the effective date of the ordinance from which this section is derived, and establishes regulations for accessory uses which may or may not be permitted within the park. The subtype shall be noted on the official zoning map at the time of rezoning. Park subtypes are as follows:
 - (1) ~~Type A (transient). Parks which are predominately operated as transient parks and in which individual sites are rented or leased for relatively short periods of time (six months or less).~~
 - (2) ~~Type B (nontransient). Parks which are predominately operated as nontransient parks and in which individual sites were lawfully subdivided, platted, recorded or otherwise approved by the Board of County Commissioners. Individual sites may be rented or leased, owned by individuals, or part of a condominium, cooperative or other similar arrangement.~~~~

Sec. 34-783. Applicability of use and property development regulations; prohibited uses.

- (a) ~~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 the RV-1, RV-2, RV-3 or RV-4 district for any purpose other than as provided in section 34-791, pertaining to use regulations for recreational vehicle districts, and section 34-792, pertaining to property development regulations for recreational vehicle districts, except as may be specifically provided for in article VIII (nonconformities) of this chapter, or in section 34-620. No recreational vehicle shall be used for other than temporary living quarters except as provided in subsection (b) of this section.~~
- (b) ~~Any use not specifically enumerated in section 34-791 is hereby prohibited in an RV district. Additionally, in the RV district, there is expressly prohibited the use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, as of September 16, 1985.~~

~~Persons who have established permanent residency within a recreational vehicle park as of September 16, 1985, are exempt from the residency provisions of this subsection, provided that the proof of residency was established by an affidavit filed with the County within 45 days of September 16, 1985.~~

Sec. 34-761. Applicability.

- ~~(a) The recreational vehicle park districts apply to all existing recreational vehicle parks (df).~~
- ~~(b) All new recreational vehicle development and all expansions to existing (df) recreational vehicle developments will be permitted only as a planned development (see division 9 of this article).~~
- ~~(c) Any lawfully existing recreational vehicle development that cannot conform to any of the conventional recreational vehicle districts set forth in this division may apply for a recreational vehicle planned development so as to resolve issues of nonconformity on a development-wide rather than on an individual basis.~~

Sec. 34-762. Recreational vehicles as permanent residences.

~~The use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, is expressly prohibited. Persons who have established permanent residency within a recreational vehicle park as of September 16, 1985, are exempt from the residency provisions of this section, provided that the proof of residency was established by an affidavit filed with the County prior to October 31, 1985.~~

Sec. 34-763. Tiedowns and Emergency Shelters.

- ~~(a) Tiedowns.~~
 - ~~(1) The following recreational vehicles must be properly tied down in accordance with the standards set forth in Florida Administrative Code 15C-1, as amended, or Chapter 6, Article IV, whichever is applicable, as follows:
 - ~~a. All permanent units (df).~~
 - ~~b. All travel trailers, motor homes or camping trailers left unattended for more than two weeks during the months of June through December. For purposes of this section only, the term "unattended" will be interpreted to mean that the owner of the unit has not provided for a person to be responsible for the unit in the event of a hurricane watch alert as set forth in subsection (a)(2) of this section.~~~~
 - ~~(2) All travel trailers, motor homes or camping trailers must be tied down within 48 hours of the issuance of a hurricane watch for the County by the National Hurricane Center. Travel trailers, motor homes or camping trailers not tied down will be removed from the County within 48 hours of such a hurricane watch, or placed within an approved off-lot storage area.~~

- (b) Emergency shelters. New or phased recreational vehicle developments will be required to provide an emergency shelter in accordance with the provisions of section 10-258.

~~Sec. 34-784. Location.~~

~~No new recreational vehicle park shall be developed, and no existing recreational vehicle park shall be expanded, if on barrier islands or in coastal high hazard areas (V zones) as designated on the adopted flood insurance rate maps (FIRM) for the County.~~

~~Sec. 34-785. Total lot coverage.~~

~~Maximum lot coverage for a recreation vehicle and appurtenances thereto, including any carport and/or storage shed, may not exceed the maximum coverage permitted in the district in which the site is located (see section 34-792).~~

~~Sec. 34-786. Accessory structures and additions.~~

- ~~(a) Storage sheds and carports on individual recreational vehicle sites are prohibited in type A (transient) parks.~~
- ~~(b) One freestanding storage shed, not exceeding 120 feet in floor area and ten feet in height, may be permitted in any type B (nontransient) park provided:~~
- ~~(1) No storage shed may be located closer than five feet to the side or rear lot line or closer than ten feet to a recreational vehicle under separate ownership; and~~
 - ~~(2) The shed is properly tied down and complies with all building code requirements.~~
- ~~(c) Carports may be permitted in any type B (nontransient) park located within a conventional RV District provided the carport:~~
- ~~(1) Is located on a lot with a minimum of 2,000 square feet in size;~~
 - ~~(2) Does not exceed 12 feet in width, 20 feet in length, and ten feet in height;~~
 - ~~(3) Is not located closer than five feet to any side or rear lot line or closer than ten feet (measured overhang to overhang) to any recreational vehicle or carport under separate ownership;~~
 - ~~(4) Remains open from grade up to the eave except the back end of the carport may be attached to a permitted storage shed; and~~
 - ~~(5) Is in compliance with all building code requirements.~~
- ~~(d) Carports, to cover both the RV and one vehicle, may be permitted in any type B (non-transient) park located within an RVPD with an overall gross density of less than six units per acre provided the carport:~~
- ~~(1) Is located on a lot a minimum of 3,000 square feet in size;~~
 - ~~(2) Does not exceed 25 feet in width, 42 feet in length, and 15 feet in height with a clear span of 13 feet six inches;~~
 - ~~(3) Is not located closer than five feet to the side or rear lot line or closer than ten feet (measured overhang to overhang) to a recreational vehicle or carport under separate ownership;~~
 - ~~(4) Remains open from grade up to the eave except that the back end of the carport may be attached to a permitted storage shed and a screened~~

- porch may be located along one side provided the length does not exceed 50 percent of the length of the carport; and
- (5) ~~In compliance with all building code requirements.~~

Sec. 34-787. Utility rooms and enclosures.

~~Utility rooms and additions will be permitted only in type B (non-transient) parks, provided they are in compliance with the regulations set forth in sections 34-785 and 34-788 and no closer than ten feet to another recreational vehicle, utility room or enclosure.~~

Sec. 34-764. 88. Additions to recreational vehicles.

Additions to recreational vehicles, including utility rooms and enclosures, may be permitted in non-transient parks on permanent units ~~recreational vehicles~~ provided:

- (1) The individual recreational vehicle site meets or exceeds the minimum required lot size set forth in this division;
- (2) The total floor area of additions, excluding open decks and stair landings, does not exceed the total floor area of the recreational vehicle; ~~and~~
- (3) The maximum height of additions does not exceed one story or the height of the recreational vehicle, whichever is less.
- (4) Open decks, up to 120 square feet in area, may be permitted provided all setback requirements are met. Stair landings incorporated into a deck must be included in the square footage of the deck. The deck may be enclosed with screen (no other material) and covered with a metal pan roof.
- ~~(5) The 120 square foot deck may be enclosed in screen and covered with a metal pan roof. (May not be enclosed with any material other than screen.)~~
- ~~(5)(6)~~ Stair or stair landings attached to an addition and not incorporated into an open deck, may be permitted to encroach three feet into the side and rear setbacks. Stair landings may not exceed 18 square feet in area.
- ~~(6) Utility rooms and enclosures must be in compliance with the regulations set forth in section 34-768 and be no closer than ten feet to another recreational vehicle, utility room or enclosure.~~

Sec. 34-765. 89. Storage facilities for unoccupied recreational vehicles.

~~Off-lot storage of recreational vehicles shall be allowed for periods of nonoccupancy in all recreational vehicle parks, subject to the provisions of section 34-762(4).~~

Off-lot storage facilities for recreational vehicles from within the development will be allowed for periods of non-occupancy in recreational vehicle developments. All off-lot storage facilities must comply with the following:

- a. A continuous visual screen of at least eight feet in height along any lot line abutting a residential use under separate ownership, and along any street right-of-way must be provided.
- b. The area of the off-lot storage is limited to ten percent of the total area of the recreational vehicle park.
- c. All other applicable regulations contained in this chapter.

Sec. 34-766. 90. Camping cabins.

provisions remain unchanged.

Sec. 34-767. 91. Use regulations table.

Use regulations for recreational vehicle districts are as follows:

TABLE 34-767. 91. USE REGULATIONS FOR RECREATIONAL VEHICLE DISTRICTS

	Special Notes or Regulations	RV-1	RV-2	RV-3	RV-4
Accessory uses, buildings, and structures:	34-1171 et seq., 34-2441 et seq.	P	P	P	P
Amateur radio antennas and satellite earth stations	34-1175	Refer to 34-1175 for regulations.			
Carports	34-784 et seq. 34-1179	P	P	P	P
Docks, seawalls	34-1863	P	P	P	P
Enclosures, utility rooms	34-787 34-764	P	P	P	P
Entrance gates, gatehouses	34-1741 et seq.	P	P	P	P
Fences, walls	34-1741 et seq.	P	P	P	P
Nonroofed accessory structures	34-2194(c)	P	P	P	P
Signs in accordance with chapter 30		P	P	P	P
Storage facility for unoccupied RV's	34-789 34-765	P	P	P	P
Storage sheds, unattached	34-786 34-1179	P	P	P	P
Administrative office or caretaker residence	Note (58)	P	P	P	P
Boat ramps, non-commercial	Note (5)	EO/SE	EO/SE	EO/SE	EO/SE
Camping cabins, transient parks only	Note (59), 34-766 34-790	P	P	P	P
Consumption on premises	34-1261 et seq.	AA/SE	AA/SE	AA/SE	AA/SE
Commercial uses:	Note (1)				
Sale or rental of recreational vehicle units		P	P	P	P
Laundromat	Note (2)	P	P	P	P
Store for the sale of convenience items for park residents, including groceries, tobacco products, novelties, sundries, and parts and supplies for recreational vehicles	Note (2)	P	P	P	P
Communication facility, wireless	34-1441 et seq.	Refer to 34-1441 et seq. for regulations.			
Community gardens	34-1716	AA	AA	AA	AA

Day care center, adult or child:						
Adult	Note (59)	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Child	34-206, Note (46) & (59)	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Dwelling Unit:						
Single-family residence, conventional		—	—	EO	—	
Essential services	34-1611 et seq.		P	P		
Essential service facilities (34-622(c)(13)):						
Group I	34-1611 et seq., 34-1741 et seq., 34-2142	P	P	P	P	
Excavation:						
Oil or gas	34-1651(c)	SE	SE	SE	SE	
Water retention	34-1651(b), 10-329(c)	P	P	P	P	
Models:						
Display center	34-1951 et seq.	SE	SE	SE	SE	
Model home	34-1951 et seq.	AA/SE	AA/SE	AA/SE	AA/SE	
Parks, group I	34-622(c)(32)	P	P	P	P	
Real estate sale office	Note (3-4), 34-1951 et seq., 34-3021	EO/SE	EO/SE	EO/SE	EO/SE	
Recreation facilities:						
Personal		P	P	P	P	
Private—On-site		P	P	P	P	
Private—Off-site		EO	EO	EO	EO	
Recreational vehicle, transient	Note (59)	P	P	P	P	
Recreational vehicle, permanent	Note (59)	P	P	P	P	
Service building		P	P	P	P	
Tents, transient parks only	Note (59)	P	P	P	P	

Notes:

(1) through (2) remain unchanged.

(3) — Reserved.

(3)(4) — Real estate sales are limited to sales of lots or units within the development, except as may be permitted in section 34-1951 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding three years from the date the certificate of occupancy for the sales office is issued. The Director may grant one two-year extension. Additional time will require a new special exception approval.

(5) — Non-commercial only.

~~(4)(6)~~—A day care center, owned by the entity with title to the place of worship, that is operated within the building housing the place of worship, is not required to obtain special exception approval.

~~(7)~~—Not permitted in Airport Noise Zone B. See section 34-1004 for exceptions.

~~(8)~~—In Airport Noise Zone B, a caretaker's residence is not permitted

~~(5)(9)~~—Not permitted in Airport Noise Zone B.

Sec. 34-768. 92. Property development regulations table.

Property development regulations for recreational vehicle districts are as follows:

TABLE 34-768. 92. PROPERTY DEVELOPMENT REGULATIONS FOR RECREATIONAL VEHICLE DISTRICTS

	Special Notes or Regulations	RV-1 (Pre-1962)	RV-2 (1968-1978)	RV-3 (1978-7/31/86)	RV-4 (1962-1968)
Minimum lot area and dimensions:	34-2221, 34-2222 34-2142				
Lot area (square feet)		1,200 (1)	1,200 (1)	2,000	2,800
Lot width (feet)		30	30	30	40
Lot depth (feet)		—	—	55	—
Minimum setbacks:	Notes (2) and (3)				
Between recreational vehicles (feet)		10 (5), (6)	10 (6), (11)	10 (5), (4)	—
From park perimeter boundary (feet)		10 (5), (6)	15 (7)	40 (8), (13)	25 (12)
Street (feet):					
Internal park street		—	10 (9)	—	5
Off-site street	Note (10)	Variable according to the functional classification of the street or road (section 34-2192)			30
Water body (feet):	34-2191 et seq.				
Gulf of Mexico		50	50	50	50
Other		25	25	25	25
Side yard (feet)		(5), (6)	5 (6), (11)	5	5
Rear yard (feet)	34-2191 et seq.	(5), (6)	10	(4), (5), (6)	5
Maximum height	Note (12), 34-	35	35	35	35

(feet)	2171 et seq.				
		Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special height limitations (see section 34-2175).			
Maximum lot coverage (percent of total lot area)	Note (10)	50%	50%	40%	40%
Special regulations:					
Animals, reptiles, marine life	34-1291 et seq.				
Consumption on premises	34-1261 et seq.				
Docks, seawalls, etc.	34-1865				
Essential services	34-1611 et seq.	Refer to the section specified for exceptions or additions to the minimum setback requirements listed in this table.			
Essential service facilities (34-622(c)(13))	34-1611 et seq., 34-2142				
Fences, walls, gatehouses, etc.	34-1741 et seq.				
Nonroofed accessory structures	34-2194(c)				
Railroad right-of-way	34-2195				

Notes:

- (1) *through (2) remain unchanged.*
- (3) Modifications to setbacks for solar or wind energy purposes are permitted only by special exception. See section 34-2196. 1 et seq.
- (4) *through (6) remain unchanged.*
- (7) Minimum setback is 15 feet unless adjacent to another park, in which case the setbacks for side, rear or street setback shall will apply as applicable.
- (8) All parks shall must provide an open space not less than 40 feet wide adjacent to and completely around the boundary of the site except for portions abutting land zoned RV, RVPD or MH. No roads shall be placed within the 40-foot open space.
- (9) *remains unchanged.*
- (10) Maximum lot coverage for a recreation vehicle and appurtenances thereto, including any carport and/or storage shed, may not exceed the maximum coverage permitted in the district in which the site is located. Special street setbacks apply to portions of Colonial Boulevard and Daniels Road. See section 34-2192(b).
- (11) *remains unchanged.*
- (12) Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special height

~~limitations (see section 34-2175). 15 feet if adjacent to another RV, RVPD or MH park or commercial or industrial zone.~~

- (13) All parks shall must provide a vegetative visual screen within a minimum height of eight feet within the 40-foot open space completely around the site of a park or any addition thereto developed after 1978.

Secs. 34-769-93 - 34-8120. Reserved.

DIVISION 5. COMMUNITY FACILITIES DISTRICTS

Sec. 34-811. Purpose and intent.

~~(a) The purpose and intent of the community facilities districts is to accommodate and provide opportunities for the suitable location of community services and facilities which are not approved as part of a planned development.~~

~~(b) There are four CF districts provided for in this division:~~

~~(1) CF 1, which is primarily to accommodate cultural facilities.~~

~~(2) CF 2, which is primarily to accommodate social and limited health related services.~~

~~(3) CF 3, which is primarily government service facilities.~~

~~(4) CF 4, which is temporarily retained pending rezonings.~~

Sec. 34-812. 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 community facility district for any purpose other than as provided in section 34-813, pertaining to use regulations for community facility districts, and section 34-814, pertaining to property development regulations for community facility districts, except as may be specifically provided for in article VIII (nonconformities) of this chapter, or in section 34-620.~~

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	CF-1	CF-2	CF-3	CF-4
Administrative offices		<u>P</u>	P	P	P	P
<u>Accessory uses, buildings and structures</u>	34-1171 et seq., 34-2441 et seq., 34-2141 et seq.	<u>P</u>				
Animal control facility (Humane Society)	Note (2)		—	—	EO/SE	—
Animal or reptile exhibits			SE	—	—	—
Aquariums			SE	—	—	—
Art galleries, noncommercial			P	—	—	—
Assisted living facility	Notes (1), (11), & (1043) 34-1411	<u>P/SE</u>	—	P	—	—
Boat ramps, noncommercial	Note(5)	<u>EO/SE</u>	EO/SE	EO/SE	EO/SE	—
Botanical gardens			P	P	—	—
Bus station/depot	34-1381 et seq.	<u>P</u>	—	—	P	—
Caretaker's residence	Note (9)	<u>P</u>	SE	SE	SE	SE
Cemetery, columbarium, mausoleum		<u>P</u>	P	P	—	—
Clubs:						
Country		<u>P</u>	P	P	—	—
Fraternal		<u>P</u>	—	SE	SE	—
Private		<u>P</u>	P	P	P	—
Communication facility, wireless	34-1441 et seq.	<u>Refer to 34-1441 et seq. for regulations.</u>	<u>Refer to 34-1441 et seq. for regulations.</u>			
Consumption on premises	34-1261 et seq.	<u>AA/SE</u>	—	AA/SE	AA/SE	—
<u>Cultural facilities</u>	Note (5), 34-622(c)(10), 34-1297	<u>P/SE</u>				
Day care center:						
Adult	Note (7)	<u>P</u>	—	P	P	—
Child	34-206, Notes (6) & (7)	<u>SE</u>	—	SE	P	—
Emergency operations center	Note (2)	<u>P</u>	—	—	P	—
EMS, fire or sheriff's station		<u>P</u>	—	—	P	
Entrance gates and gatehouse	34-1741 et seq.	<u>P</u>	P	P	P	P
Essential services		<u>P</u>	P	P	P	P
Essential service facilities:	34-622(c)(13)					

Group I	34-1611 et seq., 34-1741 et seq., 34-2142 et seq.	<u>P</u>	P	P	P	P
Group II	34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	<u>EO</u>	—	EO	EO	—
Excavation:						
Oil or gas		<u>SE</u>	SE	SE	SE	SE
Water retention	34-1651 et seq.	<u>P</u>	P	P	P	P
Forestry tower		—	—	—	P	—
Golf driving range		<u>P</u>	P	—	—	—
Government agencies, offices only		<u>P</u>	—	P	P	—
Gun range	Note (12)	<u>SE/EO</u>	—	—	P	—
Health care facilities (34-622(c)(20)):						
Group I (less than 50 beds)	34-1411 et seq., Notes (1), (7) & (10)(3)	<u>P/SE</u>	—	P	—	—
Group II (less than 50 beds)	34-1411 et seq., Notes (1), (7) & (10)(3)	<u>P/SE</u>	—	P	—	—
Group III (less than 50 beds)	Note (1)		—	—	EO	P
Group IV	Note (1), (7) & (13)		—	—	EO	P
Helistop	34-1231 et seq.	<u>SE</u>	SE	SE	SE	—
Historical sites			P	P	P	—
Hospice	Note (1) & (7), 34-1411		—	P	—	P
Library	Note (7)	<u>P</u>	P	P	—	—
Maintenance facility (government)	Note (2)		—	—	EO/SE	—
Mass transit depot or maintenance facility			—	—	EO/SE	—
Museums			P	—	P	—
Parking lot:						
Accessory		<u>P</u>	P	P	P	P
Garage, public		<u>P</u>	—	P	P	—
Park-and-ride	34-1388	<u>P</u>	—	P	P	—
Temporary		<u>P</u>	P	P	P	—
Parks (34-622(c)(32)):						
Group I	Note (2)	<u>P</u>	P	P	P	P
Group II	Note (2)	<u>P</u>	P	P	P	—
Place of worship	Note (7), 34-2051 et seq.	<u>P</u>	—	P	—	—
Planetarium			SE	—	—	—

Post office	Note (2)	<u>P</u>	—	—	P	—
Recreation facilities:						
Personal		<u>P</u>	P	P	P	—
Private—On-site		<u>EO/SE</u>	<u>EO/SE</u>	<u>EO/SE</u>	<u>EO/SE</u>	—
Private—Off-site		<u>EO/SE</u>	<u>EO/SE</u>	<u>EO/SE</u>	<u>EO/SE</u>	—
Religious facility	Note (2) & (7), 34-2051 et seq.	<u>P</u>	—	SE	—	—
Restaurants (34-622(c)(43)), group II	Note (3), <u>34-622(c)(43)</u>	<u>P</u>	P	P	P	—
Sanitary landfill	IPD only, 34-1831 et seq.	<u>EO</u>	—	—	<u>EO</u>	—
Schools, noncommercial:						
Lee County School District	Note (7), 34-2381	<u>P</u>	P	P	P	P
Other	Note (2) & (7), 34-2381	<u>P</u>	—	P	—	—
Signs in accordance with chapter 30		<u>P</u>	P	P	P	P
Social services (34- 622(c)(46)):						
Group III	Note (1), (7) & <u>(1043)</u>	<u>P</u>	—	P	—	P
Group IV	Note (1), (7) & <u>(1043)</u>	<u>P</u>	<u>EO</u>	P	—	—
Specialty retail shops (34- 622(c)(47)), group I	Note (3), <u>34-622(c)(47)</u>	<u>P</u>	P	P	P	—
Storage, indoor only		<u>P</u>	P	P	P	—
Tactical training (df)		<u>SE/EO</u>	—	—	SE	—
Temporary uses	Note <u>(814)</u>	<u>TP</u>	TP	TP	TP	TP
Zoos			SE	—	—	—

Notes:

(1) through (4) remain unchanged.

(5) Art galleries are permitted as noncommercial only. Animal or reptile exhibits, aquariums, planetaria, and zoos require approval by special exception. Non-commercial only.

(6) through (7) remain unchanged.

(8) Temporary use permits are not required when the temporary use is accessory to the principal use of the structure or premises. See Use, accessory definition (section 34-2). Limited to active recreation only (ball fields and tennis courts, for example) in Airport Noise Zone B.

(9) remains unchanged.

(10) Not permitted in Coastal High Hazard areas unless in compliance with section 2-485(b)(5)a. Not permitted in Airport Noise Zone B. See section 34-1004 for exceptions.

(11) through (12) remain unchanged.

~~(13) Not permitted in Coastal High Hazard areas unless in compliance with section 2-485(b)(5)a.~~

~~(14) Temporary use permits are not required when the temporary use is accessory to the principal use of the structure or premises. See Use, accessory definition (section 34-2).~~

Sec. 34-814. Property development regulations table.

Property development regulations for the community facilities districts are as follows:

TABLE 34-814. PROPERTY DEVELOPMENT REGULATIONS FOR COMMUNITY FACILITIES DISTRICTS

	Special Notes or Regulations	CF	CF-1	CF-2	CF-3, CF-4
Minimum lot dimensions and area:					
Minimum lot area: Place of worship Religious facility All other Minimum lot width (feet) Minimum lot depth (feet)	34-2051 et seq. 34-2051 et seq.	<u>Except as may be set forth in the referenced sections for specific uses, there are no minimum lot area or dimensions required, provided that the area is of sufficient size to accommodate the proposed use as well as all setbacks, parking, open space, drainage and buffering requirements of this chapter and any other applicable County development regulations.</u>	<u>Except as may be set forth in the referenced sections for specific uses, there are no minimum lot area or dimensions required, provided that the area is of sufficient size to accommodate the proposed use as well as all setbacks, parking, open space, drainage and buffering requirements of this chapter and any other applicable County development regulations.</u>		
Minimum setbacks:					
Street (feet)	Notes (1) and (2), 34-2191 et seq., 34-1261 et seq.	<u>Variable according to the functional classification of the street or road (see section 34-2192).</u>	<u>Variable according to the functional classification of the street or road (see section 34-2192).</u>		
Side yard		<u>15</u>	15	15	15

(feet)					
Rear yard (feet)	34-2191 et seq.	<u>25</u>	25	25	25
Water body (feet):	34-2191 et seq.				
Gulf of Mexico		<u>50</u>	50	50	50
Other		<u>25</u>	25	25	25
Special regulations:					
Animals, reptiles, marine life	34-1291 et seq.				
Consumption on premises	34-1261 et seq.				
Docks, seawalls, etc.	34-1865				
Essential services	34-1611 et seq.				Refer to the sections specified for exceptions to the minimum setback requirements listed in this table.
Essential service facilities (34-622(c)(13))	34-1611 et seq., 34-2142				
Fences, walls, gatehouses, etc.	34-1741 et seq.				
Nonroofed accessory structures	34-2194(c)				
Railroad right-of-way	34-2195				
Maximum height (feet)	Note 3, 34-2171 et seq.	<u>35</u>	35	35	35
					Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see section 34-2175).
Maximum lot coverage (percent of total lot area)		<u>35%</u>	35%	35%	35%

Notes:

- (1) Modifications to required setbacks for collector or arterial streets is permitted only by variance. Modifications for solar or wind energy purposes, are permitted only by special exception. See section 34-2196. 1-et seq.
- (2) Special street setback provisions apply to portions of Colonial Boulevard and Daniels Parkway. ~~Road~~. Refer to section 34-2192(b)(3) and (4).
- (3) Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see section 34-2175).

DIVISION 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)
Vehicle and equipment dealers (34-622(c)(55)):					
	Group III	34-1352	P	—	—
	Group IV	34-1352	P	P	—
	Group V	34-1352	P	P	—

DIVISION 6. COMMERCIAL DISTRICTS

Sec. 34-844. Use regulations table.

Use regulations for conventional commercial districts are as follows:

TABLE 34-844. USE REGULATIONS FOR CONVENTIONAL COMMERCIAL DISTRICTS

	Special Notes or Regulations	C- 1A	C- 1	C- 2	C- 2A	CN- 1	CN- 2	CN-3 (21, 23)	CC	CG	CS- 1	CS- 2	CH	CT	CR	CI	CP
Social services, group I	34622(c)(46)	P	P	P	P	—	—	—	P	P	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
Notes:

(20) Recreational vehicle sites in mobile home planned developments (MHPD) must be designated on the approved master concept plan. All recreational vehicles approved as part of a MHPD are subject to the regulations in sections ~~34-762(1), 34-762(2), 34-782, 34-784~~ 34-762 through 34-766 and 34-1179. and sections ~~34-786 through 34-790.~~

All other notes remain the same.

Sec. 34-939. Recreational vehicle planned developments property development regulations.

- (a) *remains unchanged.*
- (b) *Design criteria.*

(1) through (2) remain unchanged.

(3) *Buffers.* All recreational vehicle parks are required to have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, except along that portion of a boundary abutting a parcel of land zoned RV or RVPD. All recreational vehicle parks created or additions added to the existing parks after September 19, 1985, must provide ~~an eight foot high vegetative visual screen within the a 40-foot wide perimeter buffer area with a vegetative visual screen.~~ No roads or streets may be placed within the buffer area. However, roads and streets may cross over the perimeter buffer. ~~The Existing native natural~~ vegetation in the buffer area must be retained to meet the visual screen requirement and may not be removed except as follows:

- a. ~~Exotic species such as Melaleuca, Brazilian pepper and Australian pine shall as defined in section 10-420(h) must be removed.~~
- b. ~~Natural Existing native~~ vegetation may be removed to provide adequately sized grass swales adjacent to the points of access to the recreational vehicle park.
- c. ~~Natural Existing native~~ vegetation may be removed to provide a bike and/or pedestrian path in the buffer area.
- d. ~~A minimum of 50-75 percent of all trees and shrubs used in buffers and landscaping shall must be native varieties.~~

If the 40 foot buffer area does not have enough existing native vegetation to provide a vegetated visual screen, then buffer vegetation must be installed to provide at minimum 10 trees and 66 shrubs per 100 linear feet. Trees must be 14 feet in height and shrubs 36 inches in height at time of planting. Shrubs must be maintained at a minimum of 60 inches in height. Palms are counted at a 3:1 ratio clustered in staggered heights

ranging from 14 feet to 18 feet in height. Palms are limited to 50% of the tree requirement.

(4) through (5) remain unchanged.

(6) ~~Maximum number of living units density. All new recreational vehicle parks shall be limited to maximum densities as follows:~~

a. ~~Transient parks. Transient parks may not exceed a maximum of 8 living units per non-wetland acres. shall have a minimum recreational vehicle site size of 5,000 square feet per unit, excluding all internal roads or access drives, and shall have a maximum of eight recreational vehicle sites per acre.~~

b. ~~Nontransient parks. Nontransient parks may not exceed the standard residential density as permitted in the Lee County Comprehensive Plan. shall have a minimum lot size of 5,000 square feet per unit, excluding street rights-of-way or easements and buffers. Maximum density shall not exceed the standard density permitted by the Lee Plan for the land use category in which located.~~

(7) through (8) remain unchanged.

(c) ~~Accessory structures and additions. Individual accessory structures, additions or freestanding storage sheds may shall be permitted only in non-transient parks, and only when in compliance with the regulations set forth in sections 34-784 through 34-790 34-764 through 34-766 and 34-1179.~~

(d) ~~Recreational vehicles as permanent residences. The use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, is expressly prohibited as of September 16, 1985.~~

ARTICLE VII. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 2. ACCESSORY USES, BUILDINGS AND STRUCTURES

Sec. 34-1176. Swimming pools, tennis courts, porches, decks and similar recreational facilities.

(a) *remains unchanged.*

(b) *Location and setbacks.*

(1) Personal, private and limited facilities.

a. *remains unchanged.*

b. Open-mesh screen enclosures. Swimming pools, patios, decks and other similar recreational facilities may not exceed 3 ½ feet above grade unless it complies with minimum required principal structure

setbacks. Decks or patios that comply with accessory structure setbacks may be enclosed with open-mesh screen. Enclosures with an opaque material above 3 ½ feet from grade must meet principal structure setbacks. ~~be enclosed with an open-mesh screen enclosure provided that the enclosure complies with the setback requirements set forth in section 34-1174, and provided further that:~~

- ~~1. At least three sides of the enclosure are open-mesh screening from a height of 3 1/2 feet above grade to the top of the enclosure.~~
- ~~2. Enclosures with any two or more sides enclosed by opaque material shall be required to comply with all setbacks required for a principal building.~~

~~It shall be~~ is the responsibility of the applicant to increase all required setbacks sufficient to provide maintenance access around the pool whenever the pool is proposed to be enclosed with open-mesh screening or fencing. A minimum increase in setbacks of three feet is recommended.

c. *remains unchanged.*

Sec. 34-1179. Accessory structures in recreational vehicle developments. Reserved.

(a) Storage sheds and carports on individual recreational vehicle sites are prohibited in transient parks.

(b) One freestanding storage shed, not exceeding 120 feet in floor area and ten feet in height, may be permitted in any nontransient park provided:

(1) No storage shed may be located closer than five feet to the side or rear lot line or closer than ten feet to a recreational vehicle under separate ownership; and

(2) The shed is properly tied down and complies with all building code requirements.

(c) Carports may be permitted in any nontransient park located within a conventional RV District provided the carport:

(1) Is located on a lot with a minimum of 2,000 square feet in size;

(2) Does not exceed 12 feet in width, 20 feet in length, and ten feet in height;

(3) Is not located closer than five feet to any side or rear lot line or closer than ten feet (measured overhang to overhang) to any recreational vehicle or carport under separate ownership;

(4) Remains open from grade up to the eave except the back end of the carport may be attached to a permitted storage shed; and

(5) Is in compliance with all building code requirements.

(d) Carports, to cover both the RV and one vehicle, may be permitted in any non-transient-park located within an RVPD with an overall gross density of less than six units per acre provided the carport:

(1) Is located on a lot a minimum of 3,000 square feet in size;

- (2) Does not exceed 25 feet in width, 42 feet in length, and 15 feet in height with a clear span of 13 feet six inches;
- (3) Is not located closer than five feet to the side or rear lot line or closer than ten feet (measured overhang to overhang) to a recreational vehicle or carport under separate ownership;
- (4) Remains open from grade up to the eave except that the back end of the carport may be attached to a permitted storage shed and a screened porch may be located along one side provided the length does not exceed 50 percent of the length of the carport; and
- (5) In compliance with all building code requirements.

DIVISION 8. AUTOMOTIVE BUSINESSES; CONVENIENCE FOOD AND BEVERAGE STORES; FAST FOOD RESTAURANTS

Subdivision II. Convenience Food and Beverage Stores, Automotive Service Stations, Fast Food Restaurants, and Car Washes.

Sec. 34-1354. Variances or deviations.

The provisions of this section apply to all new development, including redevelopment.

- (1) A deviation or variance from the requirements stated in sections 34-1352 and 34-1353 must be obtained through the public hearing process unless the project qualifies for administrative relief under section 34-1354(23).
- (2) *through (3) remain unchanged.*

DIVISION 10. CARE FACILITIES AND CENTERS

Sec. 34-1411. Assisted living facilities.

- (a) *Generally.* ~~Assisted Living Facilities (ALFs) having 40 beds or less, may be located in zoning districts by right or by special exception, as are permitted by right or special exception as specified in the district use regulations or as approved as part of a master concept plan in the RPD, CFPD, CPD or MPD districts, but they are subject to the density ranges for the land use category applicable to the subject property. Density must be calculated in accordance with sections 34-1491 through 1495 based on the density ranges for the land use category in which the subject property is located. Facilities with 50 or more beds are permissible in RPD, CFPD, CPD and MPD districts when approved as part of the master concept plan.~~
- (b) *through (e) remain unchanged.*

DIVISION 12. DENSITY

Sec. 34-1516. The bonus density program.

The bonus density program allows the Board of County Commissioners the discretion to grant bonus density to development in accordance with the Lee Plan and the following criteria. Although approval of the use of bonus density credits is solely within the discretion of the Board, applicants must comply with the minimum requirements set forth herein to be eligible for consideration of the program.

- (a) *Alternative methods:* A developer may be eligible to exceed the standard density range for a particular land use category if:
- (1) through (2) remain unchanged.
 - (3) The property is located in the Mixed Use Overlay in the Intensive, Urban Community or Central Urban future land use category and is zoned mixed use planned development or compact planned development. The property must be developed in accordance with Chapter 32 Compact Communities if the bonus density was approved after February 26, 2013 or if the bonus density was approved in a mixed use planned development approved prior to February 26, 2013 that has compact community components or is consistent with elements of the Mixed Use Overlay.
- (b) – (h) *remain unchanged.*

Sec. 34-1517. Procedure to approve density increases.

- (a) *Application.*
- (1) – (3) *remain unchanged.*
 - (4) If the bonus density was approved by the Board of County Commissioners as part of a mixed use planned development and the applicant is using Option 34-1516(a)(3) an administrative amendment pursuant to section 34-380 is required.
- (b) through (d) *remain unchanged.*

DIVISION 19. HOTELS AND MOTELS

Sec. 34-1805. Density limitation for Captiva Island.

The permitted density for hotels and motels as set forth in this division will not apply to any hotel or motel units on Captiva Island. The maximum permitted density for hotels or motels on Captiva Island may not exceed three units per gross acre. The redevelopment of nonconforming hotels and motels on Captiva Island will be governed by the provisions of section 33-1628(b). 34-1545. That section will be interpreted to

prohibit an increase in the number of rental units and to establish a maximum average unit size of 550 square feet.

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) *Parking space dimensions.* Minimum individual parking space dimensions are as follows:
 - a. *through b. remain unchanged.*
 - c. Golf cart parking: 5 feet by 8 feet.

Remaining provisions are unchanged.

Sec. 34-2020. Required parking spaces.

All uses are required to provide off-street parking based on the single-use development requirement unless the use is located in a development that qualifies as a multiple-use development, in which case, the minimum required spaces for multiple-use developments may be used. Use of the multiple-use development minimum parking regulations is optional.

Parking for uses not specifically mentioned in this section must meet the minimum parking requirement for the use most similar to that being requested.

(a) *Residential uses.* Residential uses permitted under this chapter are subject to the following minimum requirements:

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

Use	Special Notes or Regulations	Minimum Required Spaces for Single-Use Development	Minimum Required Spaces for Multiple-Use Development
6. Independent (self-care) living facilities, including group quarters, health care (grps I & II), social services (grps III & IV) and other similar uses.	Notes (1)&(2), <u>34-1494</u> et seq.	0.66 spaces <u>1 space</u> per unit	0.59 spaces per unit

(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
<u>Multiple-occupancy complex with total floor area of 350,000 square feet or more.</u>	<u>Note (16)</u>	--	<u>4.5 spaces per 1,000 square feet of total floor area</u>

Notes:

- (4) Parking for a clubhouse with a restaurant will be 6 spaces per hole or 12.5 spaces per 1,000 square feet of restaurant whichever is greater. Additional parking for restaurants is required if the parking requirement for the restaurant exceeds the parking requirement for the golf course.
- (16) Limited to multiple-occupancy complexes that lawfully existed on September 17, 2012. If the complex is enlarged in terms of floor area or if the value of renovation exceeds 50% of the value of the property, additional parking spaces must be provided based on the requirements in 34-2020(b). Parking for the additional floor area will be calculated at the multiple-use development rate required for the specific use.

Remaining notes unchanged.

(c) through (e) remain unchanged.

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

(1) *remains unchanged.*

(2) Development orders stamped received by the Lee County Department of Development Services prior to ~~DATE OF~~ ADOPTION September 17, 2012 rendered nonconforming by the adoption of section 34-2020(f) will not be required to obtain additional approvals for parking in excess of 20 percent of the minimum requirements.

DIVISION 31. RESERVED RECREATIONAL VEHICLES AS PERMANENT RESIDENCES

Sec. 34-2351. Use as permanent residence.

~~The use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, is expressly prohibited as of September 16, 1985. Persons who have established permanent residency within a recreational vehicle park as of September 16, 1985, are exempt from the residency provisions of this section, provided that the proof of residency was established by an affidavit filed with the County prior to October 31, 1985.~~

Secs. 34-23512--34-2380. Reserved.

DIVISION 37. SUBORDINATE AND TEMPORARY USES

Subdivision I. Subordinate Uses In-General

Sec. 34-3021. Generally. Subordinate uses.

(a) ~~Purpose.~~ The purpose of this section is to provide for certain commercial uses provided such uses are clearly subordinate to a permitted principal use and are in compliance with the regulations set forth in this section.

Sec. 34-3022. Subordinate commercial uses for mobile home or recreational vehicle developments.

(b) ~~Subordinate commercial uses for mobile home or recreational vehicle developments.~~ The following uses, lawfully existing, are permitted uses provided they are in compliance with the regulations set forth in this section. Uses established subsequent to August 1, 1986, may be permitted only by special exception except when approved as part of an MHPD or RVPD.

- (1) Food store group I (section 34-622(c)(16)).
- (2) Laundromat.
- (3) Personal services group I (section 34-622(c)(33)).
- (4) Specialty retail store groups I and II (section 34-622(c)(47)).
- (5) Real estate office for sale or rental of units within the development only.
- (6) Parts and supplies for mobile homes or recreational vehicles.

All uses, except the real estate office, must be located within a permanent building which complies with the Standard Building Code. The total land area for the uses listed in this subsection may not exceed ten percent of the total land area of the development.

(c) ~~Other subordinate commercial uses.~~

1) ~~The subsection applies to subordinate commercial uses for hotels/motels, multiple family buildings, social services groups III and IV (section 34-622(c)(46)), health care facilities groups I, II and IV (section 34-622(c)(20)), cultural facilities (section 34-622(c)(10)), and office complexes containing 50,000 square feet or more of floor area on the same premises.~~

Sec. 34-3023. Subordinate commercial uses for hotels/motels, multiple-family buildings, social services groups III and IV (section 34-622(c)(46)), health care facilities groups I, II and IV (section 34-622(c)(20)), cultural facilities (section 34-622(c)(10)), and office complexes containing 50,000 square feet or more of floor area on the same premises.

- (1) The uses listed in subsection (c)(2) of this section will be permitted when clearly subordinate to the principal use, subject to the following requirements:
 - a. The retail use must be totally within the building housing the principal use;

- b. The retail use may not occupy more than ten percent of the total floor area of the principal use; and
 - c. Public access to the commercial uses must not be evident from any abutting street.
- (2) Uses permitted are:
- a. Personal services groups I and II (section 34-622(c)(33)).
 - b. Pharmacy.
 - c. Specialty retail store groups I and II (section 34-6229(c)(47)).
 - d. Restaurant group II (section 34-622(c)(43)).
 - e. Rental or leasing establishment group I (section 34-622(c)(39)).

Sec. 34-2024. Dogs in outdoor seating areas of restaurants.

(a) Generally. Pursuant to F.S. §509.233, patrons' dogs (canis lupus familiaris) may be permitted within outdoor seating areas of restaurants subject to the approval of an outdoor dog dining permit. Service animals, as defined under Chapter 413, Florida Statutes, are exempt from the provisions of this Section.

(b) Permit Required. A permit must be obtained from the Department prior to allowing patrons' dogs in outdoor seating areas:

(1) Application. An applicant for an outdoor dog dining permit must submit the following information on the form provided by the County:

- a. The name, location, and mailing address of the restaurant.
- b. The name, mailing address, and telephone contact information of the permit applicant.
- c. The Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation issued license number of the restaurant.
- d. A copy of a site plan, to scale, that will be designated as available to patrons' dogs, including: dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the permitting authority.

e. A description of the days of the week and hours of operation that dogs will be permitted in the designated outdoor area.

(2) Review and Approval.

a. Prior to permit approval, the Director must find that all required materials have been received and that the requested permit will not hinder the general health, safety and welfare of the public.

b. The County may impose additional conditions as necessary in order to protect the health, safety and welfare of the community.

c. The County will provide the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation with a copy of all approved applications and permits issued.

(3) Transfer. A permit issued under this section is not transferable to a subsequent owner or tenant upon the sale of a public food service establishment, but will automatically expire upon the sale of the establishment. The subsequent owner or tenant is required to reapply for a new permit pursuant to this section if the subsequent owner or tenant wishes to continue to accommodate patrons' dogs. A change in occupancy will also require the issuance of a new permit under this section.

(4) Revocation.

a. A permit may be revoked by the County if, after notice and reasonable time in which the grounds for revocation may be corrected, the restaurant fails to comply the conditions of approval, including the standards set forth in section 34-2024(c).

b. If revoked, a permit for dogs in outdoor seating areas will not be issued to the same owner or tenant for a period of 12 months from the date of revocation.

(c) Standards. Each approved establishment is subject to the following conditions:

(1) All food service employees must wash their hands promptly after touching, petting, or otherwise handling dogs.

(2) Employees cannot touch, pet, or otherwise handle dogs while serving food or beverages or handling tableware or before entering other parts of the establishment.

- (3) Patrons must be advised to wash their hands before eating. The establishment must provide waterless hand sanitizer at each outdoor table.
- (4) Dogs must not come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved in food service operations.
- (5) Dogs must be kept on a leash at all times and under reasonable control.
- (6) Dogs must not be allowed on chairs, tables, or other furnishings.
- (7) Table and chair surfaces and any spillage must be cleaned and sanitized with an approved product between seating of patrons.
- (8) Accidents involving dog waste must be cleaned immediately and the area sanitized with an approved product. Establishments are required to keep a kit containing cleaning materials in the designated outdoor area.
- (9) Signage reminding employees and patrons of adopted rules must be posted.
- (10) Signage that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs must be posted.
- (11) Dogs are not permitted to travel through any indoor or non-designated outdoor portions of the establishment. Ingress and egress to the designated, permitted, area cannot require entrance into or passage through any indoor area of the establishment.

Secs. 34-30225 – 34-3040. Reserved.

ARTICLE VIII. NONCONFORMITIES

DIVISION 4. NONCONFORMING LOTS

Sec. 34-3272. Lot of record defined; general development standards.

For the purposes of this division only, a lot of record is a lot which conformed to the minimum lot size for the use permitted for that lot in its zoning district at such time that the lot was created, but which lot fails to conform to the minimum lot size requirements which are established by this chapter.

- (1) For the purpose of this division, a lot is created on such date that one of the following conditions occur:
 - a. through c. remain unchanged.*

- d. In the case of mobile home or recreational vehicle parks, the date when the park was approved by resolution for rezoning or a special permit for such use; provided, however, that the park subsequently obtained, on or before June 3, 1987, approval by the Board of County Commissioners of a site plan which identifies individual sites within the park and the sites meet the minimum lot size and setbacks consistent with the zoning regulations as set forth in section 34-3274 and its applicable subsection based on the date of the resolution. Any park which was lawfully established prior to the effective date of the County's 1962 zoning regulations will ~~shall~~ be governed by the requirements of section 34-3274(1) as long as the park satisfies the remaining minimum documentary requirements and Board of County Commissioners approval set forth in this provision. Any park approved by the Board of Commissioners under Ordinance 86-36 may request to amend the approved site plan by the combination of lots creating larger lots provided the approved density is not increased. The park must obtain an administrative approval by the requirements set forth in Section 34-145. For purposes of this subsection, the term "site plan" means any one or more of the following, whichever is applicable:

1. through 7. remain unchanged.

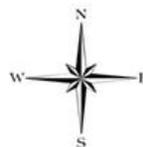
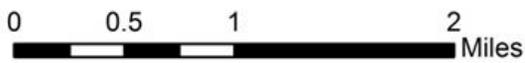
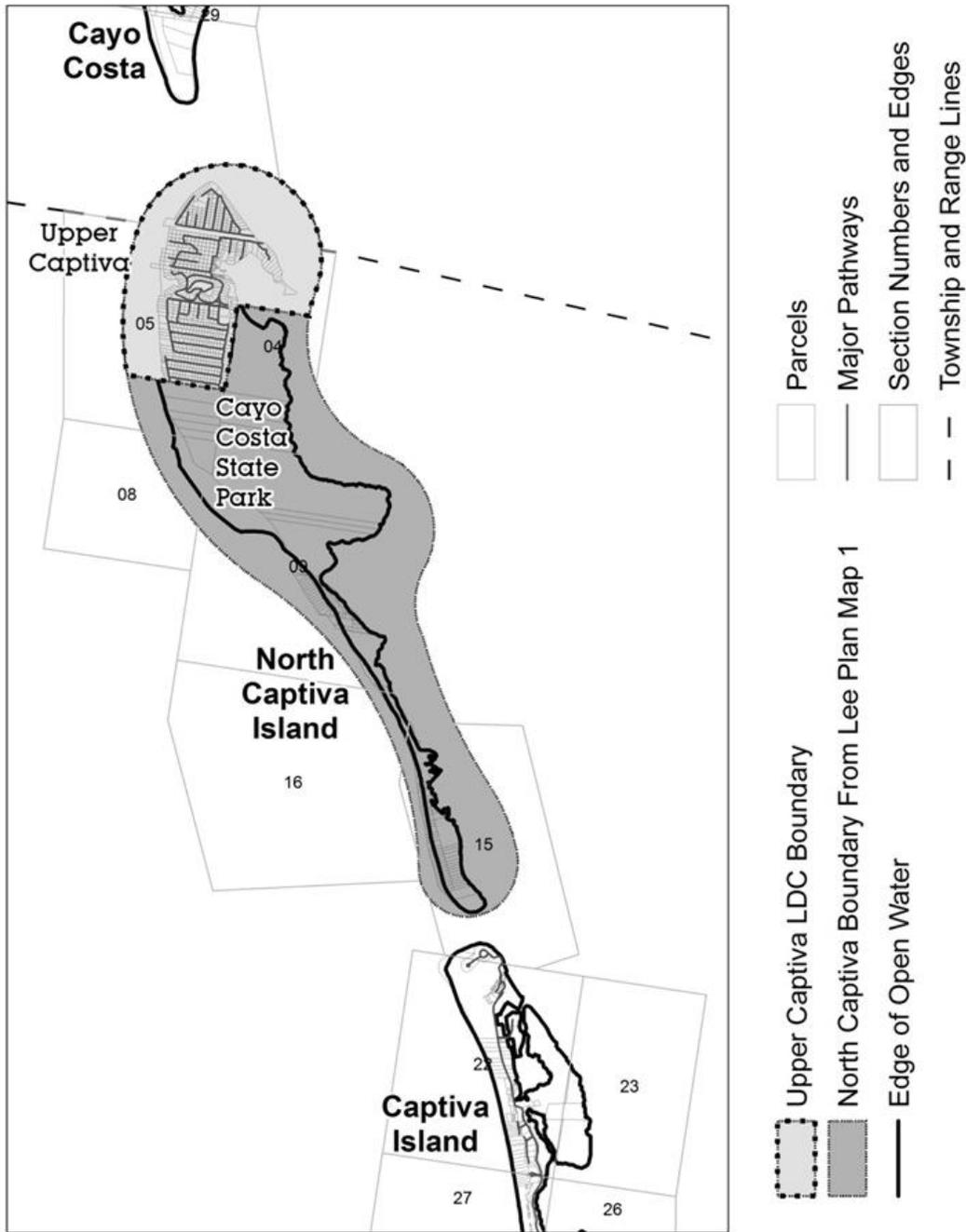
8. Any other document which shows lot lines with enough specificity to enable the Director to apply the provisions of this chapter with respect to minimum lot size, lot widths and setback requirements. ~~Any of such documents which has not been or is not formally approved by the Board of County Commissioners shall not be sufficient to satisfy the provisions of this subsection. The burden of proof that any of such documents have received Board of County Commissioners approval shall be that of the owner.~~

Any of the above documents that have not been formally approved by the Board of County Commissioners will not be sufficient to satisfy the provisions of this subsection. The burden of proof that a document has received Board of County Commissioners approval is that of the owner.

(2) through (4) remain unchanged.

SECTION EIGHT: AMENDMENT TO LDC APPENDIX I

Lee County Land Development Code Appendix I is amended to include the following Map 17.



Map 17 - Upper Captiva LDC Boundary

SECTION NINE: 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 TEN: 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 ELEVEN: 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 his designee, without the need for a public hearing.

SECTION TWELVE: 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 THIRTEEN: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State. The provisions of this ordinance 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.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

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

John Manning	Aye
Cecil L Pendergrass	Absent
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 17th day of June, 2014.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Marcia Wilson*
Deputy Clerk

BY: *Larry Kiker*
Larry Kiker, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

By: *[Signature]*
Office of the County Attorney



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 24, 2014

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Lisa Pierce, Deputy Clerk

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 14-13, which was filed in this office on June 24, 2014.

Sincerely,

Liz Cloud
Program Administrator

LC/mrh

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