APPLICATION FOR SPECIAL EXCEPTION PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: _____

Special Exception for:

- ☐ Use (LCLDC section number and description): _____
- ☐ Solar or Wind energy modifications [34-202(b)(5)(d)1.]
- ☐ On-premise consumption of alcoholic beverages [34-202(b)(5)(d)2.]
- ☐ Private aircraft landing facilities [34-202(b)(5)(d)3.]
- ☐ Wireless Communication Facilities [34-1441]
- ☐ Model Homes [34-1954]
- ☐ Permitted Uses for Model Home on arterial street in RS-1 zoning district in Lehigh Acres [33-1431]

PART 1
APPLICANT/AGENT INFORMATION

A. Name of Applicant: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ E-mail: _____

B. Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:

- ☐ Applicant is the sole owner of the property. **[34-201(a)(1)a.1.]**
- ☐ Applicant has been authorized by the owner(s) to represent them for this action. **[34-202(a)(3)]**
- ☐ Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]

1. Company Name: _____
Contact Person: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ Email: _____

2. Additional Agent(s): Provide the names of other agents that the County may contact concerning this application. **[34-202(a)(4)]**

PART 2
PROPERTY OWNERSHIP

A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]
Name: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ Email: _____

B. Disclosure of Interest [34-202(a)(2)]

- ☐ Attach Disclosure of Interest Form.

C. Multiple parcels:

☐ Property owners list. **[34-202(a)(8)]**
☐ Property owners map. **[34-202(a)(8)]**

D. Certification of Title and Encumbrances [34-202(a)(7)]

1. Title certification document, no greater than 90 days old.
2. Date property was acquired by present owner(s): _____

PART 3
PROPERTY INFORMATION

A. STRAP Number(s): [Attach extra sheets if additional space is needed.] **[34-203(a)(5)]**

_____ _____

B. Street Address of Property: _____

C. Legal Description (must submit) [34-202(a)(5)]:

☐ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.
OR
☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
AND

Boundary Survey [34-202(a)(6)]:

☐ A Boundary survey, tied to the state plane coordinate system.
OR
☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. Surrounding property owners (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request)**:**

1. ☐ List of surrounding property owners. **[34-202(a)(9)]**
2. ☐ Map of surrounding property owners. **[34-202(a)(9)]**
3. ☐ One set of mailing labels. **[34-202(a)(9)]**

Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

E. Current Zoning of Property: _____

☐ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

F. Use(s) of Property:

1. Current uses of property are: _____
2. Intended uses of property are: _____

G. Future Land Use Classification (Lee Plan):

_____	_____	Acres	_____	% of Total
_____	_____	Acres	_____	% of Total
_____	_____	Acres	_____	% of Total

H. Property Dimensions:

1. Width (average if irregular parcel): _____ Feet
2. Depth (average if irregular parcel): _____ Feet
3. Total area: _____ Acres or square feet
4. Frontage on road or street: _____ Feet on _____ Street
2nd Frontage on road or street: _____ Feet on _____ Street

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

- ☐ Not Applicable
- ☐ Estero Planning Community. **[33-54(a)&(b); Lee Plan Policy 19.5.3]**
- ☐ Captiva Planning Community (Captiva Island). **[33-1612(a)&(b); Lee Plan Policy 13.1.7]**
- ☐ North (Upper) Captiva Community Plan area. **[33-1711; Lee Plan Policy 25.1.1]**
- ☐ Boca Grande Planning Community. **[Lee Plan Policy 22.1.5]**
- ☐ Caloosahatchee Shores Community Plan area. **[33-1482(a)&(b); Lee Plan Policy 21.6.3]**
- ☐ Page Park Community Plan area. **[33-1203(a) & (b); Lee Plan Policy 27.10.1]**
- ☐ Palm Beach Boulevard Community Plan area. **[Lee Plan Policy 23.5.2]**
- ☐ Buckingham Planning Community. **[Lee Plan Policy 17.7.2]**
- ☐ Pine Island Planning Community. **[33-1004(a) & (b); Lee Plan Policy 14.7.1]**
- ☐ Lehigh Acres Planning Community. **[33-1401(a)&(b); Lee Plan Policy 32.12.2]**
- ☐ North Fort Myers Planning Community. **[33-1532(a)&(b)]**
- ☐ North Olga Community Plan area. **[33-1663(a)&(b)]**

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. **[34-201(c)]**

PART 4
ACTION REQUESTED

A. Request Statement: Explain the nature of the request and how the property qualifies for the special exception based on the findings/review criteria set forth in 34-145(c)(3) and listed below. **[34-202(b)(5)(a)]**

1. The request is consistent with the goals, objectives, policies, and intent of the Lee Plan.
2. The request will protect, conserve, or preserve environmentally critical and sensitive areas and natural resources, where applicable.
3. The request will be compatible with existing and planned uses.
4. The request will not be injurious to the neighborhood or detrimental to the public welfare.
5. The request will be in compliance with zoning regulations pertaining to the use and other applicable regulations..
6. In the case of new antenna supporting structure wireless communication facilities, meets the additional criteria of 34-145(c)(3)b.

B. Traffic Impact Statement (TIS): Attach a traffic impact analysis of projected trip generation for the use. A TIS is not required for special exceptions for consumption on premises or for solar or wind modifications. **[34-202(b)(5)(b)]**

C. Site Plan: Attach a site plan showing: **[34-202(b)(5)(c)]**

1. The location and current use of all existing structures on the site.
2. All proposed structures and uses to be developed on the site.
3. Any existing public streets, easements or land reservations within the site, and the proposed means of vehicular access to and from the site.
4. Other information specific to the type of application or which may be required by the Director.

D. Additional Information: Any other reasonable information which may be required by the Director which is commensurate with the intent and purpose of the Land Development Code **[34-202(b)(5)(d)]**

PART 5
ADDITIONAL REQUIREMENTS

A. Potable Water: Will the project be connected to potable water and central sewer as part of any development of the property?

- ☐ **YES** (Provide letter from the appropriate utility to which the connection(s) are proposed confirming availability of service.) **[34-202(a)(10)]**
- ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(a)(10)]**

B. Flood Hazard:

- ☐ Not applicable
- ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)

C. Excavations/Blasting:

- ☐ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).

D. Existing Agricultural Use: If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application". **[34-202(a)(12)]**

E. Airport Zones & Lee County Port Authority (LCPA) Requirements:

- ☐ Not Applicable
- ☐ Property is located within _____ Airport Noise Zone: **[34-1004]**
- ☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
- ☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
- ☐ A Tall Structures Permit is required. **[34-1108]**

F. Solar Or Wind Energy Modifications: [34-202(b)(5)(d)1.]

1. Evidence that the proposed modifications are the minimum necessary to provide for the solar or wind energy proposal.
2. Evidence that the proposed modifications will not adversely affect adjacent properties. (See LCLDC Section 34-2196.)
3. Evidence that the modifications do not decrease total lot area.
4. Evidence that the principal use, absent the solar or wind aspects, is a permitted use in the zoning district for which it is located.

G. On-Premises Consumption Of Alcoholic Beverages: [34-202(b)(5)(d)2.]

1. A written statement describing the type of state liquor license to be acquired, e.g., 2 COP, SRX, 11C, etc., and the anticipated hours of operation for the business.
2. The site plan must include a detailed parking plan.

H. Private Aircraft Landing Facilities: [34-202(b)(5)(d)3.]

1. Indicate the type of facility, as set forth in Florida Administrative Code chapter 14-60.
2. A certified list of all airports and municipalities within 15 miles of the proposed site and all property owners within 1,000 feet of the property or within the minimum required approach zone, whichever is greater.
3. The site plan must indicate the proposed location and length of the effective landing facility, as well as the area included in the approach zone.

I. Wireless Communication Facilities: [34-1441 et. seq.]

1. Documentation of authority/acceptance of responsibility for compliance with these regulations, executed by property owner, applicant, and provider who will be placing antennas on the proposed or existing wireless communications facility. [**34-1446 (a) (1)]**
2. Name, address, and telephone contact information for the owners(s) of all proposed or existing antenna-supporting structures and wireless communication facilities with an affidavit that such contact information will be updated annually or upon a change of ownership after the application is approved. **[34-1446(a)(2)]**
3. A copy of license issued by FCC. A broadcast structure must submit a construction permit. **[34-1446(a)(3)]**
4. New antenna-supporting structures must demonstrate there are no existing suitable structures available or higher priority zoning districts in the geographic search area. As part of that demonstration, the application must include a graphical representation of the geographic search area. **[34-1446(a)(4)]**
5. A statement confirming the overall height of the facility and all other facilities on the subject property, in terms of grad and sea-level. **[34-1446(a)(5)]**
6. A letter demonstrating consent from the Executive Director of Lee County Port Authority if the wireless communications facility is to be located within the County airspace notification limits of LCLDC Section 34-1008. **[34-1446(a)(6)a.]**
7. For any wireless communications facility exceeding 35 feet, a letter confirming review and recommendation from the Lee County Mosquito Control District, Sheriff's Department, and Director of Public Safety. **[34-1446(a)(6)b.]**
8. A letter demonstrating evidence of compliance with applicable Federal Aviation Administration requirements under 14 C.F.R. s. 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use. **[34-1446(a)(6)c.]**
9. The Boundary Survey, completed by a registered land surveyor, must show all existing conditions. **[34-1446(a)(7)]**
10. Photo-simulated post-construction renderings of the proposed wireless communications facility, equipment enclosures, and ancillary appurtenances as they would look after construction from areas where the proposed wireless communications facility will be visible according to the balloon test and sight lines. **[34-1446(a)(8)]**
11 Shared use plan or copy of an executed shared use plan must be provided for the existing facility (see Supplement A). **[34-1446(a)(9)]**
12. For all new antenna support structures, a list and map identifying all existing wireless communications facilities to which the proposed facility will be a handoff candidate, including latitude, longitude, and power levels of each. **[34-1446(a)(10)]**
13. Floor plans, elevations, and cross sections on 24" X 36" size paper at a scale no smaller than ¼" = 1' (1:48) of any proposed accessory structures. **[34-1446(a)(11)]**
14. To scale elevation drawings, indicating the roof, facades, doors, and other exterior appearance and materials of the proposed wireless communication facility (signed and sealed by Professional Engineer). **[34-1446(a)(12)]**
15. If the property owner is not a provider, a copy of an executed lease agreement or memorandum of lease between the application or property owner and provider. If no lease agreement has been executed, an affidavit signed by provider attesting to provider's intent to make an application for development order approval to place antennas on the wireless communications facility if the zoning application is approved. **[34-1446(b)(1)]**
16. For antenna supporting structures, the graphic results of the balloon test conducted by the applicant pursuant to the requirements of LCLDC Section 34-1446(d). **[34-1446(b)(2)]**

J. Model Homes: Narrative and plans that demonstrate compliance with provisions of LCLDC Chapter 34, Division 24. **[34-1954(a)(2)]**

PART 6 SUBMITTAL REQUIREMENT CHECKLIST		
Two copies required for submittal ***Clearly label your attachments as noted in bold below***		
☐		Completed application for Public Hearing [34-202(a)(1)]
☐		Filing Fee - [34-201(d)]
☐		Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
☐		**Affidavit of Authorization** (notarized) Form [34-202(a)(3)]
☐		**Additional Agents** [34-202(a)(4)]
☐		**Multiple Owners List** (if applicable) [34-202(a)(2)]
☐		**Disclosure of Interest** Form (multiple owners) [34-202(a)(2)]
☐		**Legal description (must submit one) [34-202(a)(1)]**
	☐	Legal description (metes and bounds) and sealed sketch of legal description
		OR
	☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
☐		**Boundary Survey** (not required if platted lot) [34-202(a)(2); [34-373(a)(4)a.]
☐		**Property Owners list** (if applicable) [34-202(a)(5)]
☐		**Property Owners map** (if applicable) [34-202(a)(5)]
☐		Confirmation of **Ownership/Title Certification** [34-202(a)(3)]
☐		**STRAP Numbers** (if additional sheet is required) [34-202(a)(1)]
☐		**List of Surrounding Property Owners** [34-202(a)(6)]
☐		**Map of Surrounding Property Owners** [34-202(a)(7)]
☐		**Mailing labels** [34-202(a)(9)]
☐		List of **Zoning Resolutions** and Approvals
☐		Summary of **Public Informational Session** (if applicable)
☐		**Waivers** from Application Submission Requirements [34-201(c)]
☐		**Request Statement** [34-202(b)(5)(a)]
☐		Traffic Impact Statement (**TIS**) [34-202(b)(5)(b)]
☐		**Site Plan** [34-202(b)(5)(c)]
☐		**Additional Information** (if applicable) [34-202(b)(5)(d)]
☐		**Potable Water & Sanitary Sewer**. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
☐		Existing Agricultural **Use Affidavit** (if applicable) [34-202(a)(12)]
☐		**Excavations/Blasting** (if applicable)
☐		**Tall Structures Permit** (if applicable) [34-1108]
☐		**Solar or Wind Energy** Modifications (if applicable) [34-202(b)(5)(d)1.]
☐		Consumption on Premises (**COP**) (if applicable) [34-202(b)(5)(d)2.]
☐		**Private Aircraft Landing** Facilities (if applicable) [34-202(b)(5)(d)3.]
☐		**Wireless Communication** Facilities (if applicable) [34-1441 et. seq.]
☐		**Model Homes** (if applicable) [34-1954(a)(2) & (b)]