
For general zoning information, call 239-533-8329 or [email us](#).

Public Hearing Cases

Rezoning

There are two basic types of zoning districts: conventional and planned development. The general purpose of both types of zoning districts is to implement the goals, objectives, and policies of the [Lee Plan](#), as well as to provide protection to the public health, safety and welfare through the regulation of land use.

Conventional Zoning

- Conventional zoning are districts within which land use is controlled through the regulation of the height and bulk of buildings and structures, the minimum area and dimensions of lots, the percentage of lot coverage, minimum open space and yard areas, through the use of setback requirements, the density of population, and the type and intensity of use of the land and buildings.
- Use and development regulations for the conventional districts are provided in [Chapter 34 of the Land Development Code](#).
- The average time to complete the conventional rezoning process is approximately 6 months depending on completeness of the application when submitted.

[View the conventional rezoning process along with approximate time frames](#)

Planned Development Districts

There are two basic types of zoning districts: conventional zoning districts and planned development districts. The general purpose of both types of zoning districts is to implement the goals, objectives, and policies of the [Lee Plan](#), as well as to provide protection to the public health, safety and welfare through the regulation of land use.

Planned Development zoning is required for larger projects, known as Developments of County Impact. Other proposed developments, regardless of size, may seek a planned development designation where the developer desires and the Division Director determines that it is in public interest to do so. The Lee Plan provides that certain owner-initiated rezoning and special exceptions meeting specific thresholds will be reviewed as Developments of County Impact. The Development of County Impact thresholds are further categorized as major and minor planned developments.

Planned development zoning districts allow greater flexibility in design but may have conditions attached during the approval process. Use and development regulations for planned development districts are provided in Chapters 12, 32 and 34 of the [Land Development Code](#).

Planned Development Zoning

- The applicant is required to submit a completed [application](#) fee pursuant to the county [fee schedule](#).
- Planned development zoning districts allow greater flexibility in design but may have conditions attached during the approval process.
- Use and development regulations for planned development districts are provided in Chapters 12 and 34 of the Land Development Code.

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- Applicants are required to submit more information than for conventional rezoning, including: a conceptual site plan which establishes use, access, buffers and open space, and other features of the actual development; traffic studies; and, in some cases, an environmental determination.
- The average time to complete a planned development rezoning is 9 months, depending on completeness of the application when submitted

[View the planned development rezoning process along with approximate time frames](#)

Special Exception

- A Special Exception allows uses that are not normally permitted in a particular zoning district upon a demonstration that the use will comply with special conditions and standards for location and operation.
- The average time to complete the Special Exception process is generally 4-5 months. The decision of the Hearing Examiner is final.

[View the Special Exception process along with approximate time frames](#)

Variance

- A variance is a departure from the provisions of the Land Development Code, excluding building codes, related to:
 - Building or structural setbacks
 - Lot dimensions, such as width, depth or area, structure, or building height
 - Off-street parking or loading requirements
 - Open space, buffers, lot coverage, impervious areas and similar technical development regulations
- A variance does not change the allowable use of the property, building, or structures, or change procedural requirements or definitions.
- A zoning variance ([LDC, Chapter 34](#)) may be granted upon finding that there are exceptional or extraordinary circumstances inherent in the property in question that are not a result of actions taken by the applicant. Only the minimum variance that will relieve the applicant of an unreasonable burden may be granted, and the variance cannot be detrimental to the neighborhood.
- A variance from technical development standards ([LDC, Chapter 10](#)) may be granted when compliance would be duly burdensome. However, the proposed variance cannot threaten the safety and welfare of the adjacent property owners or general public.
- The average time to complete the variance is generally four to five months because of advertising requirements. The decision of the Hearing Examiner is final.

[View the Variance process along with approximate time frames](#)

Administrative Variances & Approvals:

Administrative Variances:

Under limited circumstances, the Director is authorized to modify street, rear, side, and water body setbacks, including residential fences. Administrative variances are limited to resolving minor (one foot) encroachment errors that occur during construction and are granted at the discretion of the Director. In addition, the Director is authorized to grant administrative deviation from a select group of technical standards (i.e. road specifications, water main sizing, etc.)

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provided that the alternative proposal is found to be based upon sound engineering and practice and is not detrimental to the safety and welfare of the public.

Administrative Amendments:

Changes may be made to Planned Development zoned properties. Certain changes or amendments do not require public hearings. Amendments to the interior of a development may be approved administratively if they do not increase density or intensity, reduce open space, buffering, landscaping or preservation areas, or adversely impact surrounding land. The applicant will need to provide a complete record of previous zoning actions, a statement of purpose, and revised plans.

Amendments which do not meet the criteria for administrative approval require public hearings and are processed in the same manner as a Planned Development rezoning.

Petitions for Relief:

Filed Under the Florida Land Use and Environmental Dispute Resolution Act

[View Administrative Code 2-16](#)

Note: Click on the "File Documents" link to view associated documents to date, or click on the case number if you'd like to view this case in eConnect. Please note that some files are very large and may take a few minutes to open. You may also send an email to one of the contacts by clicking on their name.