



Captiva Community Panel

Land use terminology

Definitions

The Captiva Plan: Chapter 13 of the Lee Plan (a.k.a. the Lee County Comprehensive Land Use Plan).

The Captiva Code: Now in the process of being finalized for submittal to the county, it will eventually be part of Chapter 33 in the Lee County Land Development Code.

Plan vs. code

As of 1984, all units of local government in Florida are required to adopt comprehensive plans pursuant to Chapter 163 of the Florida Statutes. These plans essentially serve three broad purposes.

- First of all, certain day-to-day public and private activities within each jurisdiction must be consistent with the goals, objectives, and policies in the adopted plan
- Second, the plan is a source of authority for the local government's land development regulations and for a wide range of official discretionary actions, including, but not limited to, the capital improvement program.
- Finally, the plan represents the community's vision of what it will or should look like by the end of the planning horizon. This last function was emphasized in the 1993 ELMS III Bill, which encouraged local governments to use their plans to develop and implement a vision for the future.

All development in the unincorporated portion of the county must be consistent with the Lee Plan. Where there are apparent conflicts between the Lee Plan and any adopted rule, regulation or ordinance, the Lee Plan shall prevail.

In 1986, the Legislature passed the Growth Management Act requiring that the counties also draft a practical application guide (or land development code) for this plan.

Enforcement of the Land Development Code is the responsibility of the county department or division most closely associated and familiar with the particular provision in question unless otherwise provided by this Land Development Code. The division of codes and building services (code enforcement) shall assist in the enforcement of these provisions and in the presentation of unabated violations before the Lee County Hearing Examiner for determination.

Variations are possible to code requirements (as long as they met certain criteria which is spelled out in the code), but no variations are allowed to plan requirements. Code language must conform to the Lee Plan; if there is any conflict in requirements or restrictions between the two, an amendment must be filed to ensure language in both is in agreement before the code language is enforceable.

The plan amendment process

The Lee Plan can be amended annually (submittal deadline is Sept. 30), and the approval process typically takes a year to navigate the system (depending on complexity). Plan amendments are submitted to the Department of Community Development and reviewed by key county departments and the County Attorney's Office. The review process:

- County staff reviews the submitted amendment and provides comments to the submitter. Changes in the amendment can be made at this point.
- The amendment and a staff report are submitted to the Local Planning Agency (LPA) for consideration at a public hearing. The LPA will vote on a recommendation to the Board of County Commissioners (BoCC). Changes in the amendment can be made at this point.
- The amendment and its associated reports and recommendations are submitted to the BoCC for consideration at a public hearing. Commissioners will vote on whether to transmit the amendment to the state Department of Community Affairs (DCA) for review and approval. Changes in the amendment can be made at this point.
- If approval for transmittal, the amendment is sent to DCA for review. They will issue a report detailing their findings, and may recommend changes in the amendment to comply with state law.
- Once DCA issues its final report, the amendment comes back to the BoCC for final adoption. The amendment becomes effective on approval.

The code amendment process

The Lee County Land Development Code can be amended at any time (no hard submittal deadline), and the approval process typically takes 6-9 months to navigate the system (depending on complexity). Code amendments are submitted to the Department of Community Development and reviewed by key county departments and the County Attorney's Office. The review process:

- County staff reviews the submitted amendment and provides comments to the submitter. Changes in the amendment can be made at this point.
- The amendment and a staff report are submitted to the Land Development Code Advisory Committee (LDCAC) for consideration at a public hearing. The LDCAC will vote on a recommendation to the Board of County Commissioners (BoCC). Changes in the amendment can

be made at this point. (The language is also reviewed by the county Executive Regulatory Oversight Committee, which may generate suggestions.)

- The amendment and a staff report are submitted to the Local Planning Agency (LPA) for consideration at a public hearing. The LPA will vote on a recommendation to the Board of County Commissioners (BoCC). Changes in the amendment can be made at this point.
- The amendment and its associated reports and recommendations are submitted to the BoCC for consideration at a public hearing. Commissioners will vote on whether to adopt the amendment. Changes in the amendment can be made at this point, and the amendment becomes effective on approval.

Development orders, building permits, and other land use and zoning permissions issued by the county are based on the requirements of the code at the time the applications are submitted and accepted. If the code changes between the time of acceptance and actual construction, the original code requirements are enforced. However, existing buildings which are damaged or renovated beyond a certain trigger point (typically 50% of their value) must be built/rebuilt to the current code standards.