



**LAND DEVELOPMENT CODE ADVISORY COMMITTEE  
COMMUNITY DEVELOPMENT/PUBLIC WORKS BUILDING  
1500 MONROE STREET, FORT MYERS**

**First Floor Conference Room 1B**

**FRIDAY, FEBRUARY 8, 2013  
8:00 A.M.**

**AGENDA**

1. Call to Order/Review of Affidavit of Publication
2. Approval of Minutes – DECEMBER 14, 2012
- 3.. LDC AMENDMENTS (2012/2013 Regular LDC Amendments)    PACKET #2
4. Nomination/Election of Officers
5. Adjournment – Next Meeting Date: MARCH 8, 2013



**MINUTES REPORT  
LAND DEVELOPMENT CODE ADVISORY COMMITTEE  
(LDCAC)  
Friday, December 14, 2012  
8:00 a.m.**

**Committee Members Present:**

Liz Donley  
Richard Ibach  
Michael Ekblad  
Peter Kemezys  
Al Quattrone

Debi Pendlebury  
Jennifer Sapien  
Matt Smith

**Excused Absences:**

Patrick Vanasse  
Bill Prysi  
Jay Johnson

Jerry Murphy

**Lee County Government Staff Present:**

Michael Jacob, Asst. County Attorney  
Nettie Richardson, Principal Planner, Zoning  
Pam Houck, Director, Zoning  
Debbie Carpenter, DCD Admin Svcs., Recorder

Anthony Palermo, Senior Planner, Zoning  
Mike Pavese, Principal Planner, Public Works  
Tony Pellicer, Operations Mgr., Natural Res.  
Leigh Simmons, Sr. Env. Specialist, Nat.Res.  
Rob Price, Sr. Engr., Development Services

**Consultants and Public Present:**

Richard and Betty Larkin

**Call to Order and Affidavit:**

Ms. Liz Donley, Vice Chairperson, announced that Ms. Theresa Artuso had resigned from the Committee. Ms. Donley called the meeting to order at 8:04 a.m. in the first floor conference room (1B), 1500 Monroe Street, Fort Myers, Florida.

Mr. Michael Jacob, Assistant County Attorney, reviewed the Affidavit of Posting and found it legally sufficient as to form and content.

**APPROVAL OF MINUTES – OCTOBER 12, 2012**

**Mr. Matt Smith made a motion to approve the October 12, 2012 minutes; seconded by Mr. Michael Ekblad. The motion was called and carried.**

**LDC AMENDMENTS (REGULAR 2012-2013 CYCLE) PACKET #1**

Ms. Nettie Richardson stated that this packet of Land Development Code (LDC) amendments will be part of an amendment round to be presented to the Board in May or June of 2013. There were some minor changes, but many of the changes were cleanup.

Ms. Donley suggested reviewing each page of the packet and asked that committee members pose questions and comments as needed.

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Mr. Smith had a concern about the reference to “illicit discharges” in **Sec 14-471**. He said the DEP and EPA have proposed new numerical standards and that the permit should state, if not

the new numerical standards, the current standards, or at least a reference to what the regulations will be. He thought the terminology was too vague and needed to be tightened up.

Mr. Tony Pellicer, the National Pollution Discharge Elimination System (NPDES) coordinator for Lee County said the Chapter 14 Clean Water Provision had been inserted into the LDC in order to enforce the requirements of the NPDES permit. The proposed amendments relate to conditions encountered in the field that need to be addressed in the Permit. "Illicit" is a "quasi-technical" term that refers to an unacceptable discharge that has triggered the violation. Ms. Leigh Simmons, Natural Resources, Environmental Specialist stated the permit had to be broad enough to cover any pollutant entering our waterways, regardless of whether it is defined or not. Mr. Smith said it would be useful to define the DEP and EPA standards for Florida. More discussion followed.

Ms. Donley suggested that if the term illicit was defined in the permit, then the word has a specific definition.

**Sec 14-475:** Mr. Peter Kemezys had a question about the wording in the underlined text. The word "may" was too ambiguous. Staff agreed to change the word "may" to "such as".

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**Sec 34-654:** Ms. Jennifer Sapen asked about the intent of the change proposed in the Property development regulations table, Note (2). She had a concern about the underlined text and the reference to easement areas; she thought this could hinder the minimum square footage requirement.

Pam Houck, Zoning Director said the requirement affects only lots in the Rural Community Preserve, specifically, Buckingham, and relates to density control. She said the intent was for a lot's area to be calculated without easement area. Mr. Ibach asked about public utility easements (PUE). Ms. Houck said PUE's would be included in a road right-of-way easement, however, committee members disagreed, stating typically they are over the front of the lots. If that is the case, and in the event that a public utility company required an easement over the property, Ms. Houck said the lot would become nonconforming. Discussion followed. Ms. Houck agreed that staff would amend the section so that the intent is clear.

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Ms. Donley noted this was a new section. Ms. Richardson introduced Richard and Betty Larkin who supported the proposed amendment to **Sec 34-842 concerning Duplex, Two-Family Attached, and Townhouse Units** within the C-1A, C-1 and C-2 Zoning Districts. Ms. Houck explained that commercial lot splits currently allow lots to be subdivided, citing as an example a store that can be split off and permitted as a stand alone unit. This amendment is basically allowing a multifamily building to be done the same way, allowing ownership of one unit, the land behind it, and perhaps a dock on a canal (as in the case of the Larkins) and then the other parts would be held under common ownership such as through a homeowners association. This would be used in lieu of doing a condominium. Multi-family and townhouses are not currently allowed in commercial districts. Ms. Donley asked if this would be county-wide and Ms. Houck said yes, however, only for these zoning districts.

Mr. Larkin reviewed historical data stating this type of development has been on the books since 1993 and is not new for residential development.

Ms. Donley asked if this was consistent with the work coming out of the Sustainability Committee because it seemed to be leaning toward multi-use. Ms. Houck responded that this was only a mechanism to subdivide property. The applicant will still be required to get a plat through a development order. This will give an applicant more flexibility in how they sell their

property.

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Ms. Sopen was happy with the new parking code. She noticed there was change to the movie parking requirements. Mr. Rob Price, Development Services representative, said that upon review, parking for the theater appeared to be excessive. He summarized the basis for the change which reduced the required parking for movie theaters.

**Mr. Peter Kemezys made a motion to move Packet #1 forward, with a recommendation to address the three areas of concern – Pg. 7 “illicit discharge”, the word “may”, and Pg. 15 “Notes: (2)” specifically regarding easements. Ms. Sopen seconded. The motion was called and carried unanimously.**

#### **North Fort Myers Neighborhood Centers**

Mr. Tony Palermo reviewed the Proposed Regulations Amending the North Fort Myers Neighborhood Centers Regulations. There are 7 identified neighborhood centers in NFM. Under current regulations, a rezoning within those identified neighborhood centers can only be done as a Compact Community Planned Development (PD). This amendment provides more flexibility so a rezoning can be done through a Compact Community PD, a CPD or RPD development process.

Mr. Palermo said the Community found this change acceptable.

**Mr. Matt Smith made the motion to approve and move the amendment forward. Mr. Michael Ekblad seconded. The motion was called and carried unanimously.**

#### **Nomination and Election of Officers**

Ms. Donley announced that Ms. Artuso had resigned from the committee and her position as chairman due to a change in her employment status. Therefore, it was necessary to elect a new chairman and vice chairman.

She asked if there was anyone present that wanted to assume the role of chairman. There was no response. Ms. Donley said she would prefer having a discussion and nominations when more committee members were present. She said that, if needed, she would not be available to chair a March meeting since she has another commitment.

**Mr. Smith made a motion to table the nomination and election item until the next meeting. Mr. Ekblad seconded. Called and carried.**

**Motion to adjourn. The meeting was adjourned at 8:35 a.m.**

The next meeting was tentatively scheduled for January 11, 2013.

# 2012/2013 LDC REGULAR AMENDMENTS

## OVERVIEW & PACKET #2

## Overview

### Chapter 10

- 10-1 Add definition of Deviation
- 10-104 Add authority to revoke administrative decisions
- 10-154 Revise to make consistent with Ch 34

### Chapter 33

- 33-1261 Clarify permitted uses
- 33-1357 Clarify permitted uses

### Chapter 34

- 34-2 Add definitions for live-work unit and park-and-ride parking lot; revise definitions of deviation and variance
- 34-145 Relocate regulatory language previously in variance definition
- 34-202 Remove requirement for area location map and deed restriction submittal as part of public hearing applications
- 34-204 Remove requirement for deed restriction submittal as part of administrative action applications
- 34-268 Add authority to revoke administrative variances
- 34-373 Add clarification to submittal requirements for deviations
- 34-377 Housekeeping – revise section references
- 34-380 Add authority to revoke administrative amendments
- 34-411 Incorporate language previously located in 34-412 regarding deviations
- 34-412 Delete section – relocate language to other relevant sections
- 34-622 Add biotechnology to research and development laboratories use groups
- 34-625 Revise compliance requirements for existing outdoor lighting
- 34-813 Add bus station/depot to CF-3; add public garage and park-and-ride parking lot to CF-2 and CF-3
- 34-843 Add research and development laboratories group II as P in C-2; Add caretaker's residence as P in C-1, C-2, CN-1, CN-2, CN-3, CC, CG, and CR; Add park-and-ride lot to as P in all conventional commercial districts; Add live-work units as P in C-1, C-2, and C-2A and as SE in CN-1, CN-2, CS-1 and CS-2
- 34-903 Add park-and-ride lot to as P in all conventional industrial districts
- 34-932 Housekeeping – revise section reference
- 34-934 Amend AOPD Use Regulations Table; Add park-and ride lot as P in RPD, CFPD, CPD, IPD, AOPD and MPD; Add live-work unit as P in CPD and MPD
- 34-1381 Delete non-regulatory language
- 34-1388 Add regulations for park-and-ride parking lots
- 34-1772 Housekeeping – delete reference to employee vehicles

- 34-1773 Add regulations for live-work units
- 34-2012 Add definition for park-and-ride space
- 34-2015 Add park-and ride lots and spaces
- 34-2020 Allow multiple-use parking requirements administratively in conjunction with park-and-ride spaces
- 34-3206 Add voluntary donation of land for public purpose (Russell Schropp)
- Appendix I** Revise appendix title to include Planning Communities

# **LDC Amendments**

## **Chapter 10 DEVELOPMENT STANDARDS**

### **ARTICLE I. IN GENERAL**

#### **Sec. 10-1. Definitions and rules of construction.**

- (a) remains unchanged.
- (b) *Definitions.* Except where specific definitions are used within a specific section of this chapter for the purpose of such sections, the following terms, phrases, words and their derivations will have the meaning given in this subsection when not inconsistent with the context:

*Deviation* means a departure from a regulation specifically listed in section 10-104(a) and approved based on the criteria established in section 10-104(b). Deviations to approved master concept plans may be reviewed pursuant to section 34-380.

### **ARTICLE II. ADMINISTRATION**

#### **DIVISION 2. DEVELOPMENT ORDERS**

##### *Subdivision II. Procedures.*

#### **Sec. 10-104. Deviation and variances.**

- (a) – (i) remain unchanged.
- (h) *Revocation of Director's decision.* If the County determines that the Director's decision was based on inaccurate or misleading information or if the decision did not comply with this Code when the decision was rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34. Decisions by the Director pursuant to this section are discretionary and may not be appealed in accordance with section 34-145(a) of this chapter.

##### *Subdivision III. Submittals*

#### **Sec. 10-154. Additional required submittals.**

The following must be submitted with an application for development order approval:

- (1) ~~*Legal description.* A legal description for the property must be submitted.~~ *Legal description and sketch to accompany legal description.* A metes and bounds legal description along with a sketch of the legal description, prepared by a



Florida Licensed Surveyor and Mapper, must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Ch. 177. If the subject property is one contiguous parcel, the legal description must specifically describe the entire continuous perimeter boundary of the property subject to the development order application with accurate bearings and distances for every line. If the subject property consists of undivided, platted lots, then a complete legal description (i.e. lot, block, subdivision name, public records recording information) of the platted subject property is required. A sketch of the undivided, platted lots is not required. The Director has the right to reject any legal description that is not sufficiently detailed so as to locate the property on County maps.

(2) – (28) remain unchanged.

## **Chapter 33 PLANNING COMMUNITY REGULATIONS**

### **ARTICLE IV. PAGE PARK PLANNING COMMUNITY**

#### **DIVISION 2. DEVELOPMENT STANDARDS AND SPECIFICATIONS**

##### *Subdivision I. Basic Elements*

#### **Sec. 33-1261. Permitted uses.**

The following are a list of uses from the use activity groups listed in section 34-622 that are permitted in the stand alone commercial areas of the Page Park Community Overlay District as depicted on the Page Park Community Overlay Map in Appendix I, Map 6. These uses may be approved administratively pursuant to section 33-1202(b) in conjunction with an approved Site Plan. The following uses may be approved through the administrative process set forth in section 33-1202(b) in the stand alone commercial areas of the Page Park Community Overlay District (as depicted in Appendix I, Map 6). These uses are in addition to uses permitted in the underlying zoning district.

#### **DIVISION 3. SPECIFIC USE STANDARDS**

##### *Subdivision I. Mixed-Use Standards*

The following are a list of uses from the use activity groups listed in section 34-622 permitted in the mixed-use areas of the Page Park Community Overlay District as depicted on the Page Park Community Overlay Map in Appendix I, Map 6. These uses may be approved administratively as provided in section 33-1202(b) in conjunction with an approved Site Plan. The following uses may be approved through the administrative process set forth in section 33-1202(b) in the mixed use areas of the Page Park Community Overlay District (as depicted in Appendix I, Map 6). These uses are in addition to uses permitted in the underlying zoning district.

## **Chapter 34. ZONING**

## ARTICLE I. IN GENERAL

### Sec. 34-2. Definitions.

*Deviation* means a departure from a specific regulation of this chapter, as well as from any separate land development regulation or code, when requested as part of the application for a planned development in accordance with section 34-373(a)(9) and approved by the Board of County Commissioners as part of the application for a planned development based on the findings established in section 34-377(b)(4). ~~Deviations to approved master concept plans may be reviewed pursuant to section 34-380. A deviation is not the same as a variance in that the criteria for granting a variance need not be met.~~

*Dwelling unit, types.*

(1) – (7) *remain unchanged.*

(8) *Live-work unit* means a dwelling unit comprised of a living unit and work unit. The work unit is an area that is designed or equipped exclusively or principally for the conduct of commercial activities and is to be regularly used for such commercial activities by one or more occupants of the living unit. See *Living unit*.

*Parking lot, park-and-ride* means a parking lot that constitutes the principal use of the property and serves as a bus station/depot or a bus stop on a transit route whereby a user leaves their vehicle and travels via bus, carpool, vanpool or bike. Park-and-ride lots must obtain designation by Lee County Transit (LeeTran).

*Variance* means a departure from the provisions of this chapter or from any County ordinance (excluding building codes) relating to building and other structural setbacks, lot dimensions such as width, depth or area, structure or building height, open space, buffers, parking or loading requirements, lot coverage, impervious areas, landscaping and similar type regulations. Variances must be approved by the Hearing Examiner based on the findings established in section 34-145(b)(3). If authorized by section 34-268, the Director may administratively approve variances based on the findings of fact established in section 34-268(b). ~~A variance may not involve the actual use of the property, building or structures, procedural requirements, or definitions. This definition excludes modifications for solar or wind energy or other provisions specifically indicated as requiring a special exception, and variances from impact fees. A variance may be granted in accordance with the procedures set forth in section 34-145(b). See Variance, use and Variance, procedural.~~

## ARTICLE II. ADMINISTRATION

### DIVISION 4. HEARING EXAMINER

#### Sec. 34-145. Functions and authority.

(a) *remains unchanged.*

(b) *Variances.*

(1) – (7) remain the same.

(8) Variances may not involve the actual use of the property, building or structures, procedural requirements, or definitions. This excludes modifications for solar or wind energy or other provisions specifically indicated as requiring a special exception, and variances from impact fees.

(c) – (f) remain unchanged.

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

##### **Sec. 34-202. General submittal requirements for applications requiring public hearing.**

- (a) *All applications.* Every request for actions requiring a public hearing under this chapter must include the following. However, upon written request, on a form prepared by the County, the Director may modify the submittal requirements contained in this section where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request for a waiver or modification must be submitted to the Director prior to submitting the application. A copy of the request and the Director's written response must accompany the application and will become a part of the permanent file.

(1) – (3) remains unchanged.

(4) ~~Area location map. A map, at a suitable scale, drawn on an eight and one-half inch by 11 inch size sheet of paper, that depicts the property described in the legal description in relation to the surrounding neighborhood. The map must be sufficiently referenced to known major streets or other physical boundaries in the surrounding area so as to be clearly identifiable to the general public.~~ Reserved.

(5) – (9) remain unchanged.

- (10) *Compliance with specific planning community requirements.* If the subject property is located in ~~one of the following~~ a planning community, the owner/applicant will be required to demonstrate compliance with the requirements applicable to the specific community as outlined in Chapter 33.

a. ~~Estero Planning Community.~~

b. ~~Greater Pine Island Planning Community.~~

c. ~~Page Park.~~

d. ~~Caloosahatchee Shores.~~

e. ~~Lehigh Acres.~~

f. ~~North Fort Myers.~~

g. ~~Matlacha.~~

- (b) *Additional submittal requirements for owner-initiated applications.* In addition to the submittal requirements set forth in (a), every application initiated by a property owner involving a change in the zoning district boundaries, or a request for special exception, deviation or variance, applicable to the property owner's land must include the following:

(1) *remains unchanged.*

(2) ~~*Property restrictions.* The application must include a copy of the deed restrictions or other types of covenants and restrictions on the parcel, along with a statement as to how the restrictions may affect the requested action. If there are no restrictions on the property, the applicant must indicate so on the application form.~~ *Reserved.*

(3) – (8) *remain unchanged.*

#### **Sec. 34-204. Submittal requirements for Administrative Action applications.**

- (a) *All applications.* Every request for Administrative actions not requiring a public hearing under this chapter must include the following. Upon written request, on a form prepared by the County, the Director may modify the submittal requirements as set forth in section 34-203(h).

(1) – (2) *remain unchanged.*

~~(3) *Property restrictions.* The application must include a copy of the deed restrictions or other types of covenants and restrictions on the parcel, along with a statement as to how the restrictions may affect the requested action. If there are no restrictions on the property, the applicant must indicate so on the application form.~~

(4) - (9) *remain unchanged.*

### **DIVISION 8. ENFORCEMENT**

#### **Sec. 34-268. Administrative variances.**

(a) – (b) *remain unchanged.*

- (c) If the County determines that an approved administrative variance was based on inaccurate or misleading information or if the approval did not comply with this Code when the decision was rendered, then, at any time, the Director may issue a modified approval that complies with the Code or revoke the approved administrative variance. If the approval is revoked, the applicant may acquire the necessary approvals by filing an

~~application for public hearing in accordance with article II, division 6 of this chapter. No refunds will be provided. Decisions by the Director pursuant to this section are discretionary and may not be appealed in accordance with section 34-145(a) of this chapter.~~

- ~~(d) Decisions by the Director pursuant to this section are discretionary and may not be appealed in accordance with section 34-145(a) of this chapter.~~

## ARTICLE IV. PLANNED DEVELOPMENTS

### DIVISION 2. APPLICATION AND PROCEDURE FOR APPROVAL

#### Sec. 34-373. Application.

- (a) Minimum required information for planned development zoning applications. Rezoning applications for all planned developments, with the sole exception of mine excavation planned developments (MEPD) under chapter 12, must include the following information, supplemented, where necessary, with written material, maps, plans, or diagrams. A MEPD application must be submitted in accord with section 12-110 and is subject to the sufficiency timing provisions outlined in section 34-372(d).

Wherever this section calls for the exact or specific location of anything on a map or plan, the location must be indicated by dimensions from an acceptable reference point, survey marker or monument.

*(1) – (8) remain unchanged.*

- (9) *Deviations.* A schedule of deviations and a written justification for each deviation requested as part of the master concept plan accompanied by documentation including sample detail drawings illustrating how each deviation would operate to the benefit, or at least not to the detriment, of the public interest. The location of each requested deviation must be indicated on the master concept plan, or, for Compact PDs, on the regulating plan.

#### Sec. 34-377. Public hearing.

- (a) *Hearing before Hearing Examiner.* After the staff prehearing conference required by this division, the application will be scheduled for a public hearing before the Hearing Examiner.

*(1) – (3) remains the same.*

- (4) If the application includes a schedule of deviations pursuant to section 34-373(a)(9), 34-412, the Hearing Examiner's recommendation must approve, approve with modification or reject each requested deviation based upon a finding that each item:

- a. Enhances the achievement of the objectives of the planned development; and
- b. Preserves and promotes the general intent of this chapter to protect the public health, safety and welfare.

If the Hearing Examiner concludes that the application omits necessary deviations, ~~he may include~~ those omitted deviations in his ~~may be included in the~~ recommendation without an additional hearing.

*(5) – (6) remain unchanged.*

- (b) *Hearing before Board of County Commissioners.*

*(1) – (3) remain unchanged.*

- (4) If a schedule of deviations ~~from other provisions of this chapter (see section 34-412) be~~ are a part of the planned development application, the Board of County Commissioners may approve, approve with modification, or reject the entire schedule or specific items based upon their finding that each item:

- a. Enhances the achievement of the objectives of the planned development; and
- b. Preserves and promotes the general intent of this chapter to protect the public health, safety and welfare.

*(5) – (8) remain unchanged.*

#### **Sec. 34-380. Amendments to approved master concept plan.**

- (a) *remains unchanged.*

- (b) The ~~Division~~ Director may approve any change to the interior of the development that does not increase height, density or intensity (i.e., number of dwelling units or quantity of commercial or industrial floor area). The Director may not approve a change that will result in the substantial underutilization of public resources and public infrastructure committed to the support of the development. In addition, the Director may not approve changes that will result in a reduction of total open space, buffering, landscaping and preservation areas or that will adversely impacts on surrounding land uses.

If the County determines that an approved administrative amendment was based on inaccurate or misleading information or if the approval did not comply with this Code when the decision was rendered, then, at any time, the Director may issue a modified approval that complies with the Code or revoke the approved administrative amendment.

If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with section 34-373 of this chapter.

Decisions by the Director pursuant to this section are discretionary and may not be appealed in accordance with section 34-145(a) of this chapter.

(c) – (g) remain unchanged.

### DIVISION 3. DESIGN STANDARDS

#### **Sec. 34-411. General standards.**

- (a) All planned developments ~~shall~~ must be consistent with the provisions of the Lee Plan.
- (b) Except where specifically suspended or preempted by alternative regulations in this article, or by special conditions adopted to the master concept plan, all general provisions of this chapter apply to all planned developments. ~~All planned developments, unless otherwise excepted, shall~~ All planned developments must be designed and constructed in accordance with the provisions of all applicable County development regulations in force at that time. Deviations from the general provisions of this chapter, as well as from any separate land development regulation or code, may be permitted if requested as part of the application for a planned development in accordance with section 34-373(a)(9) and approved by the Board of County Commissioners based on the findings established in section 34-377(b)(4). Deviations to approved master concept plans may be reviewed pursuant to section 34-380.

(c) – (p) remain unchanged.

#### **Sec. 34-412. Deviations from general zoning regulations. Reserved.**

- ~~(a) Except where specifically suspended or preempted by alternative regulations in this article, or by special conditions adopted to the master concept plan, all general provisions of this chapter shall apply to any planned development. However, to provide design flexibility in developing land through this article, deviations from the general provisions of this chapter, as well as from any separate land development regulation or code, may be permitted where it can be demonstrated in the process of reviewing the concept plan that the planned development will be enhanced and that the intent of such regulations to protect health, safety and welfare will be served. Such deviations shall be set forth in a separate schedule in the application and be accompanied by documentation including sample detail drawings illustrating how each deviation would operate to the benefit, or at least not to the detriment, of the public interest. Approved deviations shall be set forth as part of the documentation attached to the master concept plan.~~
- ~~(b) Deviations may be permitted by this procedure to general or specific standards set forth in this chapter, chapter 10 when specifically requested and approved on the master concept plan, and other development ordinances.~~

## ARTICLE VI. DISTRICT REGULATIONS

### DIVISION 1. GENERALLY

**Sec. 34-622. Use activity groups.**

*(a) – (b) remain unchanged.*

(c) Use activity groups are as follows:

*(1) – (40) remain unchanged.*

(41) *Research and development laboratories.* This group includes establishments or other facilities primarily engaged in laboratory or field research and development in the natural, physical or social sciences, or engineering and development as an extension of investigation.

GROUP I. Agricultural research. Establishments primarily concerned with improving soil, crops, livestock or other agricultural products.

GROUP II. Medical and dental laboratories. Establishments primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient on prescription of a physician, or in making dentures and artificial teeth to order for the dental profession.

Bacteriological laboratories (not manufacturing)  
Biological laboratories (not manufacturing)  
Biotechnological laboratories (not manufacturing)  
Chemists, biological laboratories of (not manufacturing)  
Dental laboratories  
Dentures, made in dental laboratories to order for the dental profession  
Medical laboratories (clinical)  
Pathological laboratories  
Teeth, artificial, made in dental laboratories to order for the profession  
X-ray laboratories (not manufacturing)

GROUP III. Chemical. Establishments primarily concerned with research and development of chemicals or other hazardous materials.

GROUP IV. General. Establishments primarily concerned with research and development of computer, engineering, food, general industry, biotechnological and other type projects, excluding those listed in group III.

**Sec. 34-625. Outdoor lighting standards.**

*(a) – (c) remain unchanged.*

(d) *Standards and Criteria.* In addition to the standards and criteria for outdoor lighting established in this subsection, there are standards for sea turtle lighting in chapter 14, Article I, division 2 of this Code and further technical standards are specified in a related County Administrative Code. When specific standards are not addressed in these



sources, the standards contained in of the Illuminating Engineering Society of North America (IESNA) Handbook, (latest edition) will apply.

- (1) *Illuminance.* Table 1 is provided as a general synopsis of the illumination level requirements. These levels are based upon general use or task categories and are measured in footcandles on the task surface (for example the parking lot or area surface) with a light meter held parallel to the ground or other surface, facing up, unless otherwise specifically stated. Illuminance levels specified in this Code apply to all outdoor lighting.

(e) – (f) remain unchanged.

- (g) *Existing outdoor lighting.* ~~Light pole height requirements do not apply to existing light poles. Existing light fixtures must be brought into compliance with this Code within ten years of the adoption of this Code (June 24, 2003). Any fixtures replaced after the date of the adoption of this Code (June 24, 2003) must be replaced with fixtures that comply with the standards established herein. Illuminance levels specified in this Code apply to all outdoor lighting. All applications for development orders or building permits, except for single-family and duplex building permits, for properties with existing outdoor light fixtures must demonstrate compliance with the outdoor lighting standards of this Code. Compliance with light pole height requirements is not required for light poles existing on June 24, 2003. Replacement of fixtures not in conjunction with a development order or building permit, as applicable, requires a letter of transmittal approval issued by Development Services that demonstrates compliance with the outdoor lighting standards for fixtures established herein.~~

## DIVISION 5. COMMUNITY FACILITIES DISTRICTS

### 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-1	CF-2	CF-3	CF-4
Bus station/depot		34-1381 et seq.	--	--	P	--
Parking lot:						
	Garage, public		--	P	P	--
	Park-and-ride	34-1388	--	P	P	--

## DIVISION 6. COMMERCIAL DISTRICTS

### Sec. 34-843. Use regulations table.

Use regulations for conventional commercial districts are as follows:

TABLE 34-843. 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
	Caretaker's residence	Note (30)	--	<u>PSE</u>	<u>PSE</u>	SE	<u>P</u>	<u>P</u>	<u>PSE</u>	<u>PSE</u>	<u>PSE</u>	--	--	--	--	<u>P</u> --	--	--
	Dwelling Unit:																	
	<u>Live-work</u>	<u>34-1773</u>	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u> <u>E</u>	<u>S</u> <u>E</u>	--	--	--	<u>SE</u>	<u>SE</u>	--	--	--	--	--
	Parking lot:																	
	<u>Park-and-ride</u>	<u>34-1388</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	Research and development laboratories (34-622(c)(41)):																	
	Group II		P	P	<u>P</u>	--	--	--	--	P	P	P	SE	--	--	--	--	--

## 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)
	Parking lot:				
	Park-and-ride	34-1388	<u>P</u>	<u>P</u>	<u>P</u>

## DIVISION 9. PLANNED DEVELOPMENT DISTRICTS

### Sec. 34-932. Regulation of land use in planned developments.

(a) – (c) remain unchanged.

- (d) The standards for use and development of a planned development will be set forth in the zoning or MEPD resolution and its attachments, and, unless modified through the schedule of deviations, where applicable (~~see section 34-412~~) or as provided in chapter 32, such standards may not be less restrictive than the minimum standards set forth elsewhere in this chapter, chapter 12, or other applicable development regulations.

(e) remains unchanged.

### Sec. 34-934. Use regulations table.

Use regulations for planned development districts are as follows:

TABLE 34-934. USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS

		Special Notes or Regulations	RPD	MHPD	RVPD	Compact PD	CFPD	CPD	IPD Note (37)	AOPD	MPD	MEPD
Agricultural services: office/base operations			--	--	--	--	--	--	P	<u>P</u>	P	--
Agricultural uses and agricultural accessory uses			--	--	--	--	--	--	P	<u>P</u>	P	--
Animals:												
Control center (including Humane Society)			--	--	--	--	P	P	--	<u>P</u>	P	--
Amateur radio antennas and satellite earth stations		34-1175	Refer to <del>34-1</del> <u>34-1175</u> for regulations.									
Auto parts store		34-1353	P(4)	P(4)	--	--	--	P	--	<del>P(46)</del>	P	--
Automobile repair and service (34- 622(c)(2)), all groups		34-1351, 34-1353 Note (41)	--	--	--	--	--	P	P	<del>P(46)</del>	P	--
Bait and tackle shop		Note (49)	P(4)	P(4)	--	--	--	P	P	<del>P(46)</del>	P	--
Bar or cocktail lounge		34-1261 et seq.	--	--	--	--	--	P	P	<del>P(18)</del>	P	--
Boats:												
Boat parts store			P(4)	P(4)	--	--	--	P	P	<del>P(46)</del>	P	--
Boat sales			--	--	--	--	--	P	--	<del>P(46)</del>	P	--
Boat storage, dry			--	--	--	--	--	P	--	<u>P</u> --	P	--
Bus station/depot		34-1381 et seq.	--	--	--	--	<u>P</u>	P	P	P	P	--
Clothing stores, general (34- 622(c)(8))			--	--	--	--	--	P	--	<del>P(46)</del>	P	--
Clubs:												
Comme rcial			--	--	--	--	--	P	--	<del>P(46)</del>	P	--
Fratern		34-2111	--	--	--	--	--	P	--	<del>P(46)</del>	P	--

	al, membe rship organiz ation											
Consumption on premises		34-1261 et seq., Note (49)	P(4)	P(4)	P(8)	--	--	P	P(9)	<del>P(18)</del>	P	--
Convenience food and beverage store		34-1353	P(4), (27)	P(4), (27)	--	--	--	P	P	<del>P(40)</del>	P(27)	--
Cultural facilities (34-622(c)(10))			--	--	--	--	P	P	--	<del>P(46)</del>	P	--
Day care center, child, adult		Note (28)	P(4)	P(4)	P(8)	--	P	P	P	<del>P(46)</del>	P	--
Department store			--	--	--	--	--	P	--	<del>P(46)</del>	P	--
Dwelling unit:											<del>P</del>	
	<u>Live-work</u>	<u>34-1773</u>	--	--	--	--	--	<u>P</u>	--	--	<u>P</u>	--
Essential service facilities (34-622(c)(13)):												
	Group I	Note (1), 34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	P	P	P	--	P	P	P	<del>P(13)</del>	P	--
	Group II	Note (1) & (45) 34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	P	P	P	--	P	P	P	<del>P(13)</del>	P	--
Farm equipment, sales, storage, rental or service			--	--	--	--	--	P	P	<u>--</u>	P	--
Food and beverage service, limited		Note (1)	P(4)	P(4)	--	--	--	P	--	<del>P(18)</del>	P	--
Food stores (34-622(c)(16)):												
	Group I	Note (49)	P(4)	P(4)	P	--	--	P	P(9)	<del>P(46)</del>	P	--
	Group II	Note (49)	P(4)	P(4)	--	--	--	P	P(9)	<del>P(46)</del>	P	--
Freight and cargo handling establishments (34-622(c)(17))			--	--	--	--	--	P	P	<del>P(12)</del>	P	--
Gift and souvenir shop		Note (49)	--	--	--	--	--	P	--	<del>P(18)</del>	P	--
Hardware store			P(4)	P(4)	--	--	--	P	--	<del>P(46)</del>	P	--
Hobby, toy and game shops (34-622(c)(21))			P(4)	P(4)	--	--	--	P	--	<del>P(18)</del>	P	--

Household and office furnishings (34-622(c)(22)), all groups		--	--	--	--	--	P	--	<del>P(46)</del>	P	--
Lawn and garden supply stores	34-2081	--	--	--	--	--	P	--	<del>P(46)</del>	P	--
Manufacturing of:											
Boats	Note (5)	--	--	--	--	--	--	P	<del>P--</del>	P	--
Fabricated metal products (34-622(c)(14)):											
Group III	Note (5)	--	--	--	--	--	P	P	<del>P--</del>	P	--
Lumber and wood products (34-622(c)(26)):											
Groups I, III, IV, V and VI	Note (5)	--	--	--	--	--	--	P	<del>P--</del>	--	--
Rubber and plastic products (34-622(c)(44)):											
Group I	Note (5)	--	--	--	--	--	--	P	<del>P--</del>	--	--
Stone, clay, glass and concrete products (34-622(c)(48)):		--	--	--	--	--	--	--	--	--	--
Group III	Note (5)	--	--	--	--	--	--	P	<del>P--</del>	--	--
Textile mill products (34-622(c)(50)), all groups	Note (5)	--	--	--	--	--	--	P	<del>P--</del>	--	--
Nightclubs	34-1261 et seq.	--	--	--	--	--	P	P	<del>P(48)</del>	P	--
Package store	34-1261 et seq.	<del>P(4)</del>	<del>P(4)</del>	--	--	--	P	--	<del>P(46)</del>	P	--
Paint, glass and wallpaper		--	--	--	--	--	P	--	<del>P(46)</del>	P	--
Parking lot:											
Garage, public parking		--	--	--	--	<del>P</del>	P	P	P	P	--
Park-and-ride	34-1388	<del>P</del>	--	--	--	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	--

Parks (34-622(c)(32)):													
	Group II			--	--	--	--	P	--	--	P(46)	P	--
Personal services (34-622(c)(33)):													
	Group I		34-3021	P(4)	P(4)	P(8)	--	--	P	P	P(18)	P	--
	Group II			--	--	--	--	--	P	--	P(18)	P	--
	Group III			--	--	--	--	--	P	P	P(46)	P	--
	Group IV			P(4)	P(4)	--	--	--	P	--	P(46)	P	--
Pet services				--	--	--	--	--	P	--	P(46)	P	--
Pet shop				P(4)	P(4)	--	--	--	P	--	P(46)	P	--
Photofinishing laboratory			Note (5)	--	--	--	--	--	--	P	P(46)	P	--
Printing and publishing (34-622(c)(36))			Note (5)	--	--	--	--	--	P	P	P(46)	P	--
Recreation facilities:													
	<u>Commercial (34-622(c)(38)):</u>												
		<u>Commercial (34-622(c)(38)) Groups I, III</u>		--	--	--	--	--	P	--	P(18)	P	--
		<u>Commercial (34-622(c)(38)) Group IV</u>		--	--	--	--	--	P	--	P(46)	P	--
		Group V		--	--	--	--	P	P	--	P	P	--
	Personal		Note (1)	P	P	P	--	P	P	P	--	P	--
	Private--On-site		Note (1)	P	P	P	--	P	P	P	--	P	--
	Private--Off-site		Note (3)	P	P	P	--	P	P	P	--	P	--
Rental or leasing establishment (34-622(c)(39)):													
	Group I		34-1352, 34-3001 et seq., Note (49)	P(4)	P(4)	P(8)	--	--	P	--	P(46)	P	--
	Group II		34-1201 et seq., 34-1352, 34-3001 et seq.	P(4)	P(4)	--	--	--	P	P	P(46)	P	--

Repair shops (34-622(c)(40)):												
Group I		P(4)	P(4)	--	--	--	P	P	P(46)	P	--	
Groups II, III, IV		--	--	--	--	--	P	P	P(46)	P	--	
Group V		--	--	--	--	--	P	P	P(46)	P	--	
Restaurant, fast food	34-1353	--	--	--	--	--	P	--	P(18)	P	--	
Restaurants (34-622(c)(43)):	Note (49)											
Group IV		--	--	--	--	--	P	P	P(46)	P	--	
Schools:												
Commercial (34-622(c)(45))	34-2381	--	--	--	--	--	P	P	P(38)	P	--	
Social services (34-622(c)(46)):												
Group I		--	--	--	--	--	P	--	P(46)	P	--	
Group II		--	--	--	--	P	P	P	P(46)	P	--	
Specialty retail shops (34-622(c)(47)):												
Group I		P(4)	P(4)	--	--	P(1)	P	--	P(18)	P	--	
Group II		P(4)	P(4)	--	--	--	P	--	P(18)	P	--	
Group III		--	--	--	--	--	P	--	P(46)	P	--	
Group IV		P(4)	P(4)	--	--	--	P	--	P(46)	P	--	
Studios (34-622(c)(49))		--	--	--	--	--	P	--	P(46)	P	--	
Tactical training (df)	34-2471	--	--	--	--	P	--	--	P(46)	--	--	
Theater, indoor or outdoor (drive-in)	Note (32), 34-2471 et seq.	--	--	--	--	--	P	--	P(46)	P	--	
Transportation services (34-622(c)(53)):												
Group III		--	--	--	--	P	P	P	P	P	--	
Used merchandise stores (34-622(c)(54)):												
Group I		P(4)	P(4)	--	--	P(46)	P	--	P(46)	P	--	
Groups II, III and IV		--	--	--	--	--	P	--	P(46)	P	--	
Variety store		P(4)	P(4)	--	--	--	P	--	P(46)	P	--	

Vehicle and equipment dealers (34-622(c)(55)):												
	Groups I, II, and III	34-1352	--	--	--	--	--	P	P	P(46)	P	--
	Group V	34-1352	--	--	--	--	--	P	P	P(25)	P	--
Warehouse:												
	High cube		--	--	--	--	--	--	P	P--	P	--

Notes:

- (1) If use or structure is customarily accessory to an approved permitted use it does not need to be shown on the master concept plan.
- (2) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (3) If not shown on the master concept plan, but included in the approved list of enumerated uses, this use may be approved administratively, at the Director's discretion, or as a planned development amendment after approval of the master concept plan.
- (4) Subject to limitations for commercial uses set forth in section 34-937.
- (5) If the use or activity does not conform to the criteria set forth in section 34-938, then it is subject to the setback requirements set forth in sections 34-935(b)(4) and 34-2441 et seq.
- (6) Limited to nontransient parks only.
- (7) Uses anticipated include boat rentals (inflatables, sailboats, jet skis, windsurfers and the like) food stands, rental of cabanas and beach furniture, outdoor amusements including balloonist, seaplane rides, ski tows and similar activities, fishing and sightseeing piers and towers.
- (8) Permitted as an accessory use when designed and intended primarily for use by people staying at the recreational vehicle development.
- (9) Permitted only when accessory to an airport or other transportation facility, hotel or motel, or an office complex of 50,000 or more square feet.
- (10) Permitted only in conjunction with at least 50,000 square feet or more of commercial or industrial uses.
- (11) Not permitted within 500 feet of nearest residence.
- (12) ~~Serving air transportation or improving intermodal capabilities. Reserved.~~
- (13) ~~Permitted only where clearly related to highway interchange, airports, sea or river ports, or wholesale marts. Reserved.~~
- (14) Park-trailers permitted in nontransient parks only.
- (15) Limited to recreational vehicles, trailers, boats, and other vehicles and goods belonging to park residents.
- (16) Limited to airplane fuels or other approved fuel storage terminals.
- (17) Limited to recreational vehicles only.
- (18) ~~Permitted in accord with AOPD approval for Southwest Florida International Airport within the airport terminal facility or in conjunction with a hotel/motel. Permitted in accord with AOPD approval for Page Field General Aviation Airport within an airport terminal facility or non-aviation development area as depicted on Lee Plan Map 3G. Reserved.~~
- (19) Only when clearly subordinate to a cemetery located on the same premises.
- (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 and sections 34-786 through 34-790.
- (21) In RPDs, MHPDs, and residential areas of MPDs, a special exception is required.
- (22) Wireless communication facilities must be listed on the approved schedule of uses for the planned development; however, approval of a specific facility must be in accordance with section 34-1441, et seq.



- (23) Real estate sales offices in residential areas are limited to sales of lots, homes 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 five years from the date the certificate of occupancy for the sales office is issued. The Director may grant one two-year extension at the same location.
- (24) Two pumps are permissible as an accessory use to businesses to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.
- (25) ~~For aircraft sales only.~~ Reserved.
- (26) In the MPD district, use is limited to industrial areas only.
- (27) Limited to eight self service fuel pumps (df) unless a greater number is specifically approved as part of the planned development and depicted on the master concept plan. An existing business with more than eight lawfully permitted pumps as of January 31, 1998 will not be considered non-conforming. Existing pumps may be modernized, replaced, or relocated on the same premises but additional new pumps will not be permitted.
- (28) Not permitted in Airport Noise Zone B.
- (29) Not permitted in Airport Noise Zone B. See section 34-1004 for exceptions.
- (30) Reserved.
- (31) Not permitted in Airport Noise Zone B unless accessory to a lawful mobile home or single-family residence. See section 34-1004.
- (32) Indoor theater only in Airport Noise Zone B.
- (33) Not permitted in Airport Noise Zone B.
- (34) Not permitted in Airport Noise Zones unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in section 34-1006(b)(2) as applicable.
- (35) Not permitted in Airport Noise Zone B unless pre-empted by state law.
- (36) Sound attenuating insulation should be considered for hotels and motels in Airport Noise Zone B.
- (37) In the Industrial Development land use category, offices and office complexes are only permitted when specifically related to adjoining industrial use(s). Prior to issuance of any local development order, the developer must record covenants and restrictions for the property that limit any office uses to those that are specifically related to adjoining industrial uses consistent with Policy 1.1.7 of the Lee County Comprehensive Plan.
- (38) ~~A school permitted within the Southwest Florida International Airport AOPD must be aviation related. Schools permitted within the Page Field General Aviation Airport AOPD are limited to those set forth in section 34-622(c)(45) provided they are located in the non-aviation area as depicted on Map 3G.~~ Reserved.
- (39) Wireless communication facilities required by the Federal Aviation Administration and Florida Department of Transportation may be administratively approved, if it is a necessary safety component related to the physical aviation activity.
- (40) ~~Only one convenience food and beverage store, as identified in Lee Plan Table 5(a), is permitted at Southwest Florida International Airport. This store must be located within the Airport Lands boundary, adjacent to the airport entrance road and near or adjacent to the terminal parking and rental car facilities. Only one convenience food and beverage store use is permitted at Page Field General Aviation Airport. This store must be located within the non-aviation development area as depicted on Lee Plan Map 3G and identified in Lee Plan Table 5(b).~~ Reserved.
- (41) Limited to four pumps, unless a greater number is approved as part of a planned development.
- (42) In an existing planned development, the Director has the discretion to require removal of excess spoil to be reviewed through the public hearing process.
- (43) See sections 34-3107 and 34-3108.
- (44) The rights applicable to mining excavations approved prior to September 1, 2008, are set forth in section 12-121.
- (45) All new or expanded essential services group II uses must be approved as a planned development.

- (46) Permitted only as part of an AOPD approval for Page Field General Aviation Airport. Use must be included in Lee Plan Table 5(b) and be located within the non-aviation development area as depicted on Lee Plan Map 3G.
- (47) Not permitted in Coastal High Hazard areas unless in compliance with section 2-485(b)(5)a.
- (48) Land uses in the Compact PD district are governed by chapter 32.
- (49) See section 34-3152.

## **ARTICLE VII. SUPPLEMENTARY DISTRICT REGULATIONS**

### **DIVISION 9. BUS DEPOTS, STATIONS AND TERMINALS; PARK-AND-RIDE PARKING LOTS**

**Sec. 34-1381. ~~Purpose of division.~~ Reserved.**

~~The purpose of this division is to set forth standards and criteria for the safe and efficient development of bus stations/depots and bus terminals whereby they may be permitted by right or special exception.~~

**Sec. 34-1388. Park-and-ride parking lots.**

- (a) *Applicability.* This section applies to all park-and-ride parking lots as defined by section 34-2 that constitute the principal use of the property.
- (b) *Property Development Regulations.* The minimum lot area, lot dimensions and setbacks must comply with the minimum requirements for the zoning district in which the use is located unless otherwise authorized by the Director.
- (c) *Landscaping.* Landscaping must be provided in compliance with section 10-416.
- (d) *Access and Design.* Park-and-ride lots must have access in compliance with section 34-2013 and be designed in compliance with sections 34-2015 thru 34-2017.
- (e) *Pedestrian accommodations.* Pedestrian accommodations, as defined in section 34-2012, must connect the park-and-ride lot to the abutting bus station/depot or bus stop. A parking plan consistent with 34-2014 must be provided.
- (f) *Prohibited uses.* Park-and-ride lots must not be used for storage of vehicles.

### **DIVISION 18. HOME OCCUPATIONS; LIVE-WORK UNITS**

**Sec. 34-1772. Permitted uses; operation.**

- (a) – (d) remain unchanged.*
- (e) No commodities, stores or display of products on the premises may be visible from the street or surrounding residential area. No outdoor display or storage of materials, goods, supplies or equipment used in the home occupation may be permitted on the premises, unless approved by Special Exception. ~~Vehicles and trailers for use by the employees may not be parked or stored on the premises unless completely enclosed within a building.~~

*Subsections (f) – (h) remain unchanged.*

**Sec. 34-1773. Live-work units.**

- (a) Uses. Uses are limited to those uses permitted in the underlying zoning district or as approved in a schedule of uses for a planned development district. Uses requiring a special exception may be approved as a live-work unit use through the public hearing process. The work unit must not exceed 50 percent of the total floor area of the live-work unit. The commercial use must be conducted entirely within the work unit.
- (b) Minimum lot area, dimensions and setbacks. The minimum lot area, lot dimensions and setbacks must comply with the minimum requirements for the zoning district in which the unit is located.
- (c) Landscaping. Landscaping must be provided in compliance with section 10-416.
- (d) Occupancy. The owner/occupant of a live-work unit must maintain a valid County local business tax receipt (f/k/a occupational license) for the business on the premises. Proof of payment of the annual local business tax will be required to be submitted to the Lee County Department of Community Development prior to occupancy and annually thereafter.
- (e) Parking. Off-street parking for a live-work unit is determined by the number of spaces required for the nonresidential use based on the square footage of the work unit. The multiple-use development parking standard (see section 34-2020(b)) will be used to determine the minimum number of spaces required for each live-work unit. The minimum number of required parking spaces may be reduced up to 50 percent if a parking demand study is provided that supports the reduction pursuant to 34-2020(c)(6) and administrative approval is obtained pursuant to 34-2020(e).
- (f) Prohibited uses. Outdoor storage or display of materials, goods, supplies, equipment, or products associated with the commercial use is prohibited. No equipment may be utilized which create noise, vibration, glare, fumes, odors, or electrical interference objectionable to the normal senses.

**Secs. 34-17743 - 34-1800. Reserved.**

DIVISION 26. PARKING

**Sec. 34-2012. Definitions.**

Park-and-ride space means a parking space within 500 feet of a bus stop whereby a user leaves their vehicle and travels via bus, carpool, vanpool or bike. No part of a parking lot used to satisfy required parking for any existing use on the same premises may be used for park-and-ride spaces. Park-and-ride spaces may be located in accessory, park-and-ride or commercial parking lots or parking garages, but must obtain designation by Lee County Transit (LeeTran) and approval by the Director.

### **Sec. 34-2015. Location and design generally.**

- (1) *Location.* All required parking spaces must be provided on the same premises and within the same zoning district as the use they serve or within a zoning district that permits the same use, except for:
- a. Parking lots zoned CP; or
  - b. Parking lots part of a multiple-use development; or;
  - c. Park-and-ride lots and park-and-ride spaces.
- (2) *remains 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) – (b) *remains unchanged.*
- (c) *Parking reduction for non-residential uses.* The Director may administratively approve a reduction to the minimum required number of parking spaces for non-residential uses by a maximum of 10 percent if one or more of the following conditions are satisfied and approval is obtained in accordance with section 34-2020(e):
- (1) – (5) *remain unchanged.*
- (6) *Park-and-ride spaces.* Parking spaces in excess of the minimum requirement for the principal use(s) may be used as park-and-ride spaces if designated by Lee County Transit (LeeTran) and approved by the Director. No part of a parking lot used to satisfy required parking for any use on the same premises may be used for park-and-ride. However, the minimum parking requirements for multiple-use development may be used to determine the required parking for the use(s) located on the same premises. Continuous pedestrian accommodations must be provided from the park-and-ride spaces to the transit stop.
- (d) – (f) *remains unchanged.*

## **ARTICLE VIII. NONCONFORMITIES**

### **DIVISION 1. GENERALLY**

**Sec. 34-3206. Nonconformities created by eminent domain proceedings or voluntary donation of land for public purpose.**

- (1) A structure, lot, tract, or parcel of land that has been or will be rendered non conforming as to area, width, depth, setbacks, lot coverage or parking because of a taking through eminent domain proceedings, ~~or~~ by the voluntary sale of a parcel of land under the threat of eminent domain proceedings by a governmental authority after October 15, 1992, or by the voluntary donation of land to a governmental authority will be deemed conforming under the terms of this chapter.
- (2) An administrative variance procedure is available to address improved parcels or parcels with approved development orders that have been rendered nonconforming or are rendered unable to comply with current regulations as to signs, required landscape buffers, and open space because of a taking through eminent domain proceedings, ~~or~~ by the voluntary sale/~~donation~~ of a parcel of land under the threat of eminent domain proceedings by a governmental authority, or by the voluntary donation of land to a governmental authority. The procedures to address the nonconformities referenced in this subsection are set forth in section 34-268.

**APPENDIX I**

**PLANNING COMMUNITY AND REDEVELOPMENT OVERLAY DISTRICT BOUNDARIES  
AND LEGAL DESCRIPTIONS**