

LEE COUNTY ORDINANCE NO. ____

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE, CHAPTERS 6, 10, 12, 33, 34; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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 4 of the Lee County Comprehensive Land Use Plan (Lee Plan) states: Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources; 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 February 13, 2026 and May 8, 2026, and recommended approval of the proposed amendments as modified; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code on March 11, 2026 and May 13, 2026, and recommended their adoption; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments on February 23, 2026 and April 27, 2026, 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 6

Lee County Land Development Code Chapter 6 is amended as follows with strike through identifying deleted text and underline identifying new text.

CHAPTER 6 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. – CODES AND STANDARDS

DIVISION 3. – BUILDING CODE

Sec. 6-113. Compliance with outdoor lighting standards.

All non-residential building permits must comply with the requirements of Section 34-62510-262.

SECTION TWO: 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 I. – IN GENERAL

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

No proposed amendments to subsection (a).

(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:

No proposed amendments to the definitions from “AC” through “Herbaceous plant”.

High turnover means and applies to parking lots wherein vehicles are parked for relatively short periods of time ranging from a few minutes to several hours. Customer parking for retail establishments, offices, or similar establishments is considered high turnover.

No proposed amendments to the definitions from “Historic district” through “Lot width”.

Low turnover means and applies to parking wherein vehicles are parked for relatively long periods of time, such as employee parking during the day, or uses such as marina parking, cruise ship parking, sports arena parking, etc., wherein customers leave cars for four or more hours while attending special events, or overnight parking in residential developments.

No proposed amendments to the definitions from “Mining” through “Parking lot access”.

~~*Parking lot aisle* means the portions (lanes) of a parking lot which provide direct access to individual parking spaces.~~

Parking aisle means an accessway within a parking lot that provides direct access to individual parking spaces.

Parking lot means an area of land designed, used or intended for parking five or more vehicles.

Parking space means an area of land designed or intended for parking one vehicle. Parking spaces are designated as disabled spaces or standard spaces, depending on the purpose of the space.

No proposed amendments to the definition for "Paved shoulder".

Pedestrian accommodations for safe and convenient pedestrian movement means and may include striped crosswalks, sidewalks, shared use paths, signage and/or signals, lighting, curb cuts and ramps.

No proposed amendments to the definitions from "Pedestrian way or walkway" through "Zoning ordinance".

ARTICLE II. – ADMINISTRATION

DIVISION 2. – DEVELOPMENT ORDERS

SUBDIVISION II. - PROCEDURES

Sec. 10-104. Deviation and variances.

(a) *Provisions where deviations are authorized.* The Director is hereby authorized to grant deviations from the technical standards in the following sections of this chapter:

(1) Section 10-261 (refuse and solid waste disposal facilities);

(2) Section 10-262(c)(1), (standards and criteria); limited to illumination levels at the site access and offsite sidewalks adjacent to the site; and adjacent properties with owner consent.

~~(23)~~ Section 10-283 (access streets);

~~(34)~~ Section 10-285 (intersection separations);

~~(45)~~ Section 10-291(3) (additional means of ingress/egress);

- (~~56~~) Section 10-296(b), Table 2 (right-of-way width specifications for streets);
- (~~67~~) Section 10-296(e) (wearing surface, base, subgrade, cross section widths);
- (~~78~~) Section 10-296(d)(4) (drainage);
- (~~89~~) Section 10-296(d)(11), Table 3 (pavement design);
- (~~910~~) Section 10-296(j) (intersection designs);
- (~~4011~~) Section 10-296(k) (cul-de-sacs);
- (~~4112~~) Section 10-322 (swale sections);
- (~~4213~~) Section 10-329(d)(1)a. (setbacks for water retention/detention excavations);
- (~~4314~~) Section 10-329(d)(4) (excavation bank slopes and percent hardening), except that development in the Airport Wildlife Hazard Protection Zone is subject to compliance with Section 10-418(5);
- (~~4415~~) Section 10-352 (public water);
- (~~4516~~) Section 10-353 (public sewer);
- (~~4617~~) Section 10-384(c) (water mains);
- (~~4718~~) Section 10-415(b) (indigenous native vegetation);
- (~~4819~~) Section 10-418(3) (percent hardening and compensatory littorals);
- (~~4920~~) Section 10-441 (mass transit facilities);
- (~~2021~~) Section 10-416(c) (landscaping of parking and vehicle use areas);
- (~~2122~~) Section 10-610 (site design standards and guidelines for commercial developments);
- (~~2223~~) Section 10-620(d)(4)a. (requiring full parapet coverage for roofs utilizing less than or equal to 2V:12H pitch);
- (~~2324~~) Section 10-716 (piping materials in right-of-way);
- (~~2425~~) Sections 10-329(f) and 10-418(4) (restoration of existing bank slopes and littoral designs).

No proposed amendments to subsections (b) through (j).

SUBDIVISION III. - SUBMITTALS

Sec. 10-154. Additional required submittals.

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

No proposed amendments to subsections (1) through (7).

- (8) *Exterior lighting plan, photometrics and calculations.* An exterior lighting plan and photometric information must be submitted. The plan and photometric information must be provided in full compliance with Section ~~34-625~~10-262 of the Land Development Code and must demonstrate compliance with all standards and criteria specified therein.

No proposed amendments to subsections (9) through (28).

ARTICLE III. – DESIGN STANDARDS AND REQUIREMENTS

DIVISION 1. - GENERALLY

Sec. 10-260. Off-street parking and loading requirements.

~~(a) Developments subject to this chapter must comply with the off-street parking regulations specified in Chapter 34, Article VII, Division 26. The development order drawings must show all project parking areas.~~

~~(b) Developments subject to this chapter must comply with the off-street loading requirements specified in Chapter 34, Article VII, Division 25. The development order drawings must show all project off-street loading areas.~~

(a) *New developments.* Residential and nonresidential uses must provide off-street parking in accordance with the regulations in this section and Chapter 34, Article VII, Division 26. The development order drawings must show all project parking areas.

(1) A parking plan is required for all uses, except single-family residence, duplex, two-family attached and single-family mobile home dwelling units, and must be submitted for review and approval. Developments that are not required to be reviewed and approved in accordance with Chapter 10, must submit plans prior to issuance of a building permit.

(2) The plan must accurately designate the required parking spaces, parking aisles, parking lot entrance, parking lot interconnections, bicycle parking facilities, pedestrian accommodations, and the relation of the off-street parking facilities to the uses or structures the facilities are designed to serve.

(b) Existing developments.

- (1) Existing buildings and uses with existing off-street parking spaces may be modernized, altered or repaired without providing additional parking spaces, provided there is no increase in total floor area or capacity. Buildings which have been damaged by fire or other natural forces in excess of 50 percent and are reconstructed at (but not to exceed) the legally documented actual use, density, and intensity existing at the time of destruction must provide, no less than, the number of parking spaces existing prior to the date of destruction (if existing parking spaces are less than the amount of parking required under this Code). Any subsequent changes to the actual use or increases in density and intensity on the property will be required to provide additional parking spaces associated with the change of use or development increases. In calculating the required additional parking, the required additional spaces will be proportionate to the increase in density or intensity above the preexisting development intensities or densities.
- (2) Existing buildings or uses enlarged in terms of floor area must provide additional parking spaces for the total floor area in accordance with this division.
- (3) When the use of a building is changed to a use that is required to have more parking than exists, the additional parking must be provided.

(c) Developments on islands without vehicular access to mainland. Developments on islands where direct vehicular access to the mainland by bridge, causeway or street system is not available are exempt from this division.

(d) Access. Parking lots must be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion. The Director may administratively approve parking to back out into rights-of-way in residential developments, subject to the following limitations:

- (1) The street must be a privately owned and maintained, low-volume, local street.
- (2) All parking spaces must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses.
- (3) Parking spaces may be perpendicular or at a 30- or 45-degree angle to the roadway, and must comply with the parking space dimensions set forth in Section 10-260(h)(1). The Director may require surfacing to comply with Section 10-260(i)(1) or (2), depending on the type of amenity served.

(e) Parking lot entrance(s).

(1) Each parking lot must have a distinct parking lot entrance. The entrance must meet the requirements of Chapter 10, as well as the following:

(a) Minimum width at property line for one-way entrances is 15 feet.

(b) Minimum width at property line for two-way entrances is 24 feet.

(c) Maximum throat width at property line is 35 feet.

(2) Parking lot entrances may not exceed a six percent grade for 20 feet into any lot or parcel, nor may a parking lot entrance enter a street right-of-way or easement at an angle of less than 90 degrees unless a lesser angle is approved by the Director.

(3) The Manager may determine that high traffic volumes or other special circumstances warrant other parking lot entrance requirements. Emergency Services facilities, including fire, EMS, and sheriff's stations, are exempt from the maximum width requirements provided that the maximum throat width at the property line does not exceed 80 feet.

(f) *Design.* Parking lots must be designed in accordance with the following:

(1) Buffer, landscaping and drainage requirements required under this Chapter.

(2) If the parking lot will be used at night, adequate lighting must be provided for the driveways, ingress and egress points, and parking areas of commercial and industrial uses. Lighting must be designed in accordance Section 10-262.

(3) Individual parking spaces must be accessible from a parking aisle intended to provide access to the space. Stacking of vehicles (one behind the other) will be permitted only for single-family, duplex, two-family, and townhouses where each dwelling unit has a garage or driveway appurtenant to it and in valet parking facilities wherein parking is performed by employees of the facility.

(4) Parking lot spaces must be provided with sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion. Parking lots utilizing 90-degree parking with dead-end aisles must provide a turning bay for those spaces at the end of the aisle.

(5) In parking lots where more than one tier of parking spaces will be developed, pedestrian accommodations must be provided.

(6) Adjacent commercial uses must provide parking lot interconnections for automobile traffic.

(7) Traffic pattern. There must be adequate ingress and egress to the development. Except for streets in urban land use categories, single-family and two-family developments, and certain multifamily buildings as provided in Section 34-2020(a), Note (3), proposed parking spaces must be located so as to avoid backing of vehicles into streets, the intermingling of automotive and pedestrian traffic or the intermingling of traffic flow in opposite directions.

(g) Parking space dimension, delineation, angle and aisle width. In addition to satisfying the provisions of this section, off-street parking lots must conform to the following requirements:

(1) Parking space dimensions. Minimum individual parking space dimensions are as follows:

(a) Disabled parking (all): 12 feet by 18 feet. Parking access aisles which may be shared between two disabled spaces must be no less than five feet wide and must be part of an accessible route to the building or facility entrance. The individual parking space dimensions do not preclude compliance with the Americans with Disabilities Act (ADA) of 1990, as amended.

(b) High and low turnover parking lots:

1. 90-degree parking: Nine feet by 18 feet.

2. 30-, 45- or 60-degree parking: 8½ feet by 18 feet.

3. Parallel parking: Eight feet by 22 feet.

(c) Golf cart parking: Five feet by eight feet.

(2) Delineation of spaces.

(a) Paved parking lots.

1. Parking spaces must be delineated by all-weather painted lines, or thermoplastic striping, not less than four inches in width, centered on the dividing line between spaces.

Parking spaces for persons with disabilities must be prominently outlined with blue paint and must be repainted when necessary to be clearly distinguishable as a parking space designated for persons who have disabilities. Signs erected after October 1, 1996, must indicate the penalty for illegal use of the space.

2. Parking spaces that abut a pedestrian walkway, required landscaping, or required open space must be provided with a parking block set two feet from the end of the parking space.

(b) Unpaved parking lots.

1. Parking spaces in unpaved parking lots must be delineated by placing a parking block two feet from the end of the parking space and centered between the sides of the space.

2. If the space abuts a structure, the space may be indicated on the structure, in which case parking blocks are not required.

(c) Temporary parking lots (see Section 34-2022.) Individual spaces in temporary parking lots do not need to be delineated provided the end of each space and all aisles are clearly delineated with temporary posts and ropes.

(3) Minimum aisle widths. Minimum aisle widths are as follows:

<u>Angle of Parking</u>	<u>Aisle Width (feet)</u>	
	<u>One-Way</u>	<u>Two-Way</u>
<u>Parallel</u>	<u>12</u>	<u>20</u>
<u>30</u>	<u>12</u>	<u>22</u>
<u>45</u>	<u>12</u>	<u>22</u>
<u>60</u>	<u>18</u>	<u>24</u>
<u>90</u>	<u>22</u>	<u>24</u>

(4) Parking angle. Parking must be developed throughout the site utilizing the same degree of angle. The mixture of one-way and two-way parking aisles, or different degrees of angled parking within any parking area is prohibited except:

(a) A single bay of parking provided along the perimeter of the site may vary in design in order to maximize the number of spaces provided on-site.

(b) Parking design may vary between individual parking areas, provided that the parking areas are physically separated from one another by buildings or a continuous landscape buffer a minimum of five feet in width. The Director may approve a minimum number of vehicle access points to pass through the landscaped buffer.

(h) Parking lot surface.

(1) High turnover parking lots.

(a) Parking aisles. Except as provided in Subsection (d) of this section, all high turnover parking lot aisles must be provided with a paved, dustfree, all-weather surface.

(b) Parking spaces. All parking spaces, except those seaward of the coastal construction control line, must have a paved, dustfree, all-weather surface from the aisle to the parking block or curb. All ADA required parking spaces, including disabled parking spaces seaward of the coastal construction control must be paved with asphalt, ADA approved paving blocks or concrete to provide a smooth surface without gaps or holes that create a danger to the user. For all other parking spaces, the term "paved" will be interpreted to mean and include asphalt, concrete, paving block and other similar types of treatment. Parking spaces, excluding disabled parking spaces, located seaward of the coastal construction control line must be stabilized with treatments approved by the Director.

(2) Low turnover parking lots.

(a) Alternative surfaces may be permitted provided the areas are adequately drained and continuously maintained in a dustfree manner. Alternative surfaces may include gravel, crushed shell or other similar materials. Parking on grass or other unimproved surfaces such as sand or dirt is prohibited.

(b) Disabled parking spaces must be paved with asphalt or concrete to provide a smooth surface without gaps or holes which would create a danger to the user.

(3) Temporary parking lots. Temporary parking lots do not need to be surfaced and may be maintained as a grass area or in a dustfree manner.

(4) Director discretion. The Director is authorized to permit high turnover parking lots (including parking lot aisles), to meet the surfacing standards for low turnover parking lots (Subsection (h)(2) of this section) under the following circumstances:

(a) The property is not located in the intensive development or central urban land use categories;

(b) The proposed parking lot will contain no more than 25 spaces;

(c) The proposed alternative surface will be adequately drained; and

(d) The proposed alternative surface is consistent with the uses, and the parking lot surfaces in the surrounding neighborhood.

This subsection may not be construed inconsistently with the Americans with Disability Act (ADA) of 1990. The Director's decision is discretionary in nature and may not be appealed pursuant to Section 10-104(f) of this chapter.

(i) Off-street loading area(s). Off-street loading requirements apply to commercial, industrial, and other non-residential uses.

(1) Street access to off-street loading areas must comply with Section 10-260(d).

(2) Service roads must be a minimum of 12 feet wide for one-way usage and 24 feet for two-way operations.

(3) Site lighting, maintenance and drainage required for off-street loading areas must comply with Sections 10-260(g)(2) and 10-262.

(4) When off-street loading areas are located adjacent to residential uses or zoning districts, and are not entirely visually screened at ground level, a continuous visual screen along the lot line abutting the residential use must be provided in accordance with Division 17 of Chapter 34 or Chapter 10, whichever is the most restrictive.

(5) A plan for off-street loading areas must be provided as part of the site plan submitted for approval under Chapter 10, or, if the development is exempt from Chapter 10, then a plan must be submitted at time of application for a building permit.

(a) Commercial, industrial and non-residential uses that receive or ship goods via large semitrailer or full trailer trucks must provide an off-street loading area. Establishments that receive or ship commodities via small panel trucks or vans will not be required to provide off-street loading areas and may utilize the parking area, provided:

1. Deliveries are received before or after the hours open to the public.

2. No delivery truck remains in the parking lot for more than four hours.

3. Deliveries do not interfere with pedestrian or vehicle movements.

(b) Off-street loading areas must comply with the following:

1. Loading areas must be located on the lot or parcel it serves.

2. The surfaced portions of loading areas, excluding driveways, must setback 20 feet from right-of-way lines and ten feet from property under separate ownership or control.

3. Loading spaces may not obstruct, hinder or endanger the movement of vehicles and pedestrians.

4. The off-street loading area must have a minimum width of ten feet and depth of 30 feet.

(c) Establishments that receive or ship goods via large semitrailer or full trailer trucks must provide a minimum of one loading space for the first 10,000 square feet of floor area, plus one space for each additional 20,000 square feet of floor area or major fraction thereof.

Sec. 10-261. Refuse and solid waste disposal facilities.

(a) *Provision of container spaces.* All new construction of multifamily residential developments, commercial businesses, and industrial uses must provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers. At a minimum, the following area requirements must be provided:

Commercial/Industrial Business Building sq. ft.	Special Notes or Regulations	Multifamily Development Units	Minimum sq. ft. for Garbage Collection	Minimum sq. ft. for Recyclable Collection
	Note (1)	5—25	120	96
		25+	120 sq. ft. for first 25 units, plus <u>86.7</u> sq. ft. for each additional dwelling unit	96 sq. ft. for first 25 units, plus <u>81.3</u> sq. ft. for each additional dwelling unit
0—5,000			60	24
5,001—10,000			80	48
10,001—25,000			120	96
25,000+			120 sq. ft. for first 25,000 sq. ft., plus <u>86.7</u> sq. ft. for each additional 1,000 sq. ft.	96 sq. ft. for first 25,000 sq. ft., plus <u>81.3</u> sq. ft. for each additional 1,000 sq. ft.

Notes:

- 1) Mini warehouse* developments must calculate the minimum enclosure size in relation to the square footage of the office and caretaker's residence.

*See Warehouse, public, Storage, dead, and Warehouse, hybrid.

No proposed amendments to subsections (b) through (e).

Sec. 10-262. Reserved. Outdoor lighting standards.

- (a) Applicability. All new luminaires within nonresidential or multifamily developments, regardless of whether a development order is required, must comply with the provisions and standards of this section.
- (b) General exemptions. The following are generally exempt from the provisions of this section:
- (1) Emergency lighting required for public safety and hazard warning luminaires required by federal or State regulatory agencies;
 - (2) Low wattage holiday decorative lighting fixtures used for holiday decoration;
and
 - (3) Lighting for roads, except as provided in Section 14-77, to safely illuminate roads, including but not limited to their driving lanes, sidewalks, shoulders, and emergency lanes. Lighting on private roads must be shielded with full cutoff luminaires with recessed bulbs and flat lenses to prevent direct illumination on nearby residences.
- (c) Standards and criteria. In addition to the standards and criteria for outdoor lighting established in this section, there are standards for sea turtle lighting in Chapter 14, Article II, Division 2.
- (1) In no case may the illumination exceed 0.5 footcandle measured at the property line. The amount of illumination projected from a property onto a residential use or residentially zoned property may not exceed 0.2 footcandle measured at ten feet from the property line onto the residential property.
 - (2) Lamp standards. Mercury vapor lamps are prohibited. The installation, sale, offering for sale, lease or purchase of any mercury vapor light fixture or lamp for use as outdoor lighting in the County is specifically prohibited.
 - (3) Luminaire standards. Fully shielded, full cutoff luminaires with recessed bulbs and flat lenses are the only permitted fixtures for outdoor lighting, with the following exceptions.
 - a. Luminaires that have a maximum output of 260 lumens per fixture may be left unshielded, provided the fixture has an opaque top to keep light from shining directly up.

- b. Luminaires that have a maximum output of 1,000 lumens per fixture may be partially shielded, provided the bulb is not visible and the fixture has an opaque top to keep light from shining directly up.
- c. Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into abutting properties under separate ownership or into a public right-of-way, the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light is not be triggered by activity off the property.
- d. Flood or spot luminaires with a lamp or lamps rated at 900 lumens or less may be used except that no spot or flood luminaire may be aimed, directed, or focused to cause direct light from the luminaire to be directed toward residential buildings on abutting or nearby property, otherwise create glare perceptible to persons operating motor vehicles on public ways, directed skyward, or directed towards shoreline areas.
- e. All externally illuminated billboards and signs must be lit by shielded fixtures mounted at the top of the sign and aimed downward. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Illumination resulting from sign lighting must be considered as contributing to the illumination levels specified herein.
- f. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art must be located, aimed and shielded so that light is directed only on those features. Such fixtures must be aimed or shielded to minimize light spill onto adjacent properties or into the night sky in conformance with illumination and luminaire standards.

(4) Luminaire mount standards. The following standards apply to luminaire mountings.

- a. Freestanding luminaires. The maximum height of light poles for parking lots and vehicular use areas may not exceed 25 feet measured from the ground level directly below the luminaire to the bottom of the lamp itself. Light poles located within 50 feet of a residential use or residentially zoned property may not exceed 15 feet. Poles used to illuminate pedestrian walkways may not exceed 15 feet. Lighting for outdoor recreational facilities (public or private) including but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, etc., are exempt from the mounting height standards, provided that all other applicable provisions are met.

b. *Building mounted luminaires.* These luminaires may only be attached to the building walls, and the top of the fixture may not exceed the height of the parapet, or the roof, or 25 feet, whichever is the lowest.

c. *Canopy lighting.* Light fixtures mounted on the underside of a canopy must be recessed or shielded full cutoff type so that the light is restrained to 85 degrees or less from the vertical. As an alternative (or supplement) to the canopy ceiling lights, indirect lighting may be used where the light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy. Exposed lights may not be mounted on the top or sides (fascia) of the canopy. The sides (fascia) of the canopy may be illuminated as long as the illumination is consistent with the County restrictions on off-site light spillage which must be analyzed in the photometry plan.

d. *Trees and landscaping.* To avoid conflicts, locations of all light poles and fixtures must be coordinated with the locations of all trees and landscaping whether existing or shown on the landscaping plan. Vegetation screens may not be employed to serve as the means for controlling glare.

e. Glare control must be achieved through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

(d) *Development order and permit criteria.* The applicant for any development order or building permit, as applicable under the provisions of this Code involving outdoor lighting fixtures, must submit as part of the application evidence that the proposed work will comply with the outdoor lighting standards of this Code. Specifically, the submission must include the following:

(1) Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.

(2) A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description must include manufacturer's catalogue cuts and drawings, including pictures, sections, and proposed wattages for each fixture.

(3) All applications for development orders or building permits, except for single-family and duplex building permits, must provide photometric data, such as that furnished by the manufacturer of the proposed illuminating devices, showing the angle of cut-off and other characteristics of the light emissions including references to the standards contained herein.

(4) All applications for development orders or building permits, except for single-family and duplex building permits, must provide photometrics in initial footcandle output for all proposed and existing fixtures on-site shown on a 20-foot by 20-foot grid on an appropriately scaled plan. On-site lighting to be included in the calculations must include, but is not limited to, lighting for parking lot, canopies, and building mounted and recessed lighting along the building facades and overhangs. The photometric plan must include a table showing the average, minimum, and maximum footcandle of illumination on the site and the calculations deriving the averages. The use of a light loss factor (LLF) is not permitted in these photometrics.

(e) Compliance.

(1) Prior to the final inspection for a Certificate of Compliance pursuant to Section 10-183, site verified footcandle readings must be provided demonstrating that the outdoor lighting, as installed, conforms with the proposed photometrics and the letter of substantial compliance provided by a registered professional engineer must include a certification that the outdoor lighting is in compliance with this Code.

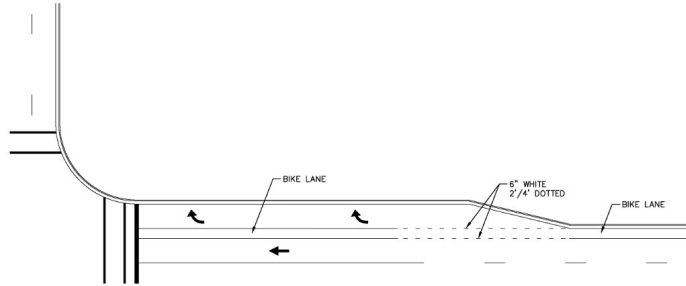
(2) Outdoor lighting must be maintained in compliance with this Code.

Secs. ~~10-262, 10-263.~~ – 10-280. – Reserved.

DIVISION 2. – TRANSPORTATION, ROADWAYS, STREETS AND BRIDGES

Sec. 10-288. Turn lanes.

Access to streets will not be permitted unless turn lanes are constructed by the applicant where turning volumes make such improvements necessary to protect the health, safety and welfare of the public or to reduce adverse traffic impacts on the adjacent street system. Turn lanes must be designed in accordance with standards set forth in the County Administrative Code. Turn lane design must accommodate bicycle and traffic in a manner similar to Illustration 10-288 and must include or replace existing widths of paved shoulders or bicycle lanes. An existing development may request a one-time exception wherein only the expansion will be used to calculate the traffic generated by the development for the purpose of determining whether turn lanes are required. Requests on County-maintained roadways are subject to approval by the Director of the Department of Transportation, or their designee. Requests on private roads are subject to approval by the Manager of Development Services, or their designee. After utilization of the one-time exception, the further expansion of a facility will be added to the existing facility for the purpose of calculating traffic generation and the entire development (existing and expansion) will be deemed a new development.



**Illustration 10-288
Driveway or Intersection
Right Turn With Bike Lane**

Wherever turn lanes are installed, the pavement and base material type and thickness of the added lane must match existing lanes. If the addition of a turn lane requires a lateral shift of the centerline or other lanes, the entire pavement area must be re-surfaced to create matching surfaces throughout. New and replacement pavement markings must be provided.

On arterial or collector streets with restrictive medians, existing parcels with insufficient road frontage to meet the minimum connection spacing required in Table 1 may be required to extend and utilize an adjacent existing right-turn lane.

Sec. 10-296. Street design and construction standards.

No proposed amendments to subsections (a) through (c).

(d) *All roads.*

No proposed amendments to subsections (1) through (5).

(6) *Signs and pavement markings, street lighting and traffic control devices.*

a. *Street name and regulatory signs.* Street name and regulatory signs will be installed by the developer at all intersections and on the streets in the development prior to the acceptance of the streets or the release of the security. Regulatory signs will not be required at parking lot entrances for parking lots containing less than 25 parking spaces.

b. *Street lighting.* Street lighting may be installed at the developer's option and expense in compliance with Section 34-62510-262. Where street lighting is to be provided, the streetlight improvements must be maintained and operated through a covenant that runs with the land in the form of deed restrictions, a property owners' or condominium association, or another legal mechanism, acceptable to the County, which assures the beneficiaries of the service that the street lighting will be continually operated and

maintained. Regardless of the method chosen to provide for the continual maintenance and operation of the streetlights, the beneficiaries of the service must be provided with a legal right to enforce the assurance that the lighting will be continually operated and maintained. The legal documents that provide for the continual maintenance and operation of the lighting may be accepted and recorded only after they are reviewed and approved by the County Attorney's office for compliance with this section. In the alternative, the Board may satisfy this requirement by establishing a street lighting municipal service taxing or benefit unit that includes operation and maintenance of the streetlights.

Remainder of Section remains unchanged.

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

Sec. 10-600. Purpose and intent.

~~The purpose of these standards and guidelines is to supplement existing development criteria with specific criteria that apply to the design of commercial buildings and developments. Commercial development depends on high visibility from public streets. In turn, their design of buildings and site determines much of the image and attractiveness of the streetscapes and character of a community. Massive and/or generic developments that do not contribute to, or integrate with, the community in a positive manner can be detrimental to a community's image, and sense of place. The goal is to create and maintain a positive ambiance and strong community image and identity by providing for architectural and site design treatments that will enhance the visual appearance of commercial development in the County, while still providing for design flexibility. These standards are intended to enhance the quality of life in the County.~~

Sec. 10-601. Definitions.

The following words, terms or phrases, when used in this article only, will have the following meanings ascribed to them:

Arcade means a roof, similar to an overhang or canopy but where the outer edge is supported by a line of pillars or columns a minimum of eight feet clear in width.

Awning means a cover of lightweight material such as canvas, plastic, or aluminum, extending over a single doorway or window, providing protection from the elements.

Canopy, attached, means a permanent structural cover affixed to and extending from the wall of a building, protecting a doorway or walkway from the elements.

Canopy, detached, means a freestanding structure which covers a walkway or service area.

Design treatments are building features meant to visually enhance the structure. Examples include, but are not limited to: Awnings or Canopies; Overhangs; Porticos; Arcades; Peaked roof forms; Display windows along a minimum of 50 percent of front walls and any other wall alongside a pedestrian walkway; Clock or bell towers; Vertical fins; Tile roofs; Arched windows and doorways; Sunshades and breezeways; or Any other treatment which the Development Services Manager finds meets the intent of this section.

Remainder of Section remains unchanged.

Sec. 10-602. Applicability; renovations and redevelopment; discontinuance.

- (a) *Applicability.* Provisions of this article are applicable to all new development and for renovations and redevelopments (as provided below) in all commercial zoning districts as well as in commercial components of planned development districts and DRIs. However, places of worship (df) are specifically excluded.

~~Where a proposed parking garage is located on a parcel adjacent to or abutting an existing taller residential use, all exposed parking spaces on the top level of the garage must provide additional design treatments, at the Director's discretion, to obscure view of the spaces from residential use. Design treatments may include, but are not limited to, a combination of landscaped trellises, opaque covers and permanent landscaping. In addition, surfaces of exposed parking aisles and drives must be comprised of specialty pavers or colored stamped concrete having nonreflective matte surface.~~

- (b) *Renovations and redevelopment.* In the case of additions or renovations to, or redevelopment of, an existing building, where the cumulative increase in total floor building area exceeds 50 percent of the square footage of the existing building being enlarged or renovated, the provisions of this article will apply. Where there are inherent problems retrofitting existing buildings, the Director or designee may waive some or all requirements if other equivalent enhancements are provided.

- (c) *Discontinuance.*

- (1) Where the use of a structure or building is discontinued or abandoned for one year (except when government action impedes access to the land), the provisions of this article will apply. Where there are inherent problems retrofitting existing buildings, the Director may waive some or all requirements if other equivalent enhancements are provided.
- (2) The intent of the owner, lessee or other user is not relevant in determining whether the use has been discontinued or abandoned.

Sec. 10-603. Illustrations. Reserved.

~~Illustrations provided portray a specific provision or provisions set forth herein. Variations from these illustrations which nonetheless adhere to the provisions of this article, are encouraged.~~

Sec. 10-604. Required site development or improvement plan.

~~Compliance with the standards set forth in this article must be demonstrated on the drawings or site development plan to be submitted when applying for a development order, (or building permit application, if a development order is not applicable). At the discretion of the development services Director, a development order can be issued with the condition that the standards will be reviewed and approved prior to submitting a building permit application. This will not prevent simultaneous applications for a development order and a building permit on the same parcel.~~

Secs. 10-605 – 10-609. Reserved.

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

(a) ~~*Purpose and intent.* The purpose and intent of these provisions is to supplement and enhance existing regulations and to require the design of developments that will provide safe, convenient, and efficient access for vehicles and pedestrians into and within the development, while also providing safe, convenient, and efficient passage for pedestrians from the public right-of-way to the commercial building or development, and between buildings within the commercial development. It is further the purpose and intent of these provisions to require parking, lighting, and lighting fixtures to be designed, installed, and maintained in a consistent and coordinated manner for the entire site (including their out parcels) and integrated and designed so as to enhance the visual appearance and impact on the community. The Development Services Director is hereby authorized to grant deviations from the technical standards in this subsection, subject to the criteria set forth in Section 10-104.~~

~~(b) *Lighting standards.* All outdoor lighting must comply with Section 34-625.~~

~~(c) *Buffering and shielding (df).*~~

~~(1) *Purpose and intent.* The purpose and intent of this section is to diminish, the visual impacts outdoor storage and service functions that may detract or have a negative impact on the street scape, landscape and/or the overall community image.~~

(21) Loading areas and docks (including delivery truck parking), outdoor storage, trash collection, heating/air conditioning and other similar mechanical equipment, solid waste disposal facilities, trash compaction, recycling, and other similar service function areas must be fully shielded from adjacent properties and street rights-of-way when viewed from ground level. The shielding must

extend vertically a distance equal to or greater than the items, delivery trucks, or facilities being shielded.

Shielding material and design must be consistent with design treatment of the primary facades of the commercial building or development and the landscape plan.

(32) Roof top mechanical equipment must be shielded from view at ground level by parapet or similar architectural features.

(43) Garden centers located in shopping centers or associated building materials sales establishments or department stores etc., must shield all materials (except plants) from adjacent properties and street rights-of-way from view at ground level.

(dc) *Pedestrian walkways and bicycle parking.*

(1) Pedestrian access standards.

a. Pedestrian ways, linkages or paths internal to the project must provide access between parking areas, building entries, surrounding streets, and external sidewalks, ~~transit stops, other uses, and out parcels.~~ The pedestrian facilities must provide safe access through the project from external sidewalk facilities or bus stops to the building entry.

~~b. If external sidewalk facilities are not in existence at the time of development, then the project must construct the internal pedestrian facilities up to the property line, and external sidewalks consistent with Section 10-256. Use of the internal pedestrian facilities as open space is subject to the limitations set forth in Section 10-415(d)(2)d.~~

~~c. Pedestrian and/or bicycle connections to adjacent development must be provided.~~

~~(2) Pedestrian ways may be incorporated within a required landscape perimeter buffer in compliance with Section 10-416(d)(4) Note (11). Shared pedestrian walkways are encouraged between adjacent commercial projects.~~

(32) Bicycle parking requirements.

a. Number of spaces. Safe and secure bicycle parking spaces must be provided as follows: spaces totaling five percent of required motor vehicle spaces in accordance with Section 34-2020 up to 1,000 vehicle spaces. For each 500 spaces above 1,000 vehicle spaces, four additional bicycle parking spaces are required. A minimum of two bicycle parking spaces must be provided.

b. Design.

1. Bicycle parking areas must include a bicycle rack with appropriate access to accommodate adequate space for the required number of bicycles, measuring a minimum of 36 inches high and mounted securely to the ground.
2. Bicycle parking spaces must be surfaced with stabilized, all-weather materials and located no greater than 100 feet from a building entrance.
3. Extraordinary bicycle parking designs and surfaces that depart from the bike rack standard but are consistent with the development's design theme may be considered at time of development order in accordance with Section 10-104(b).

~~(e) *Parking lot interconnections.* Adjacent commercial uses must provide parking lot interconnections for automobile, bicycle and pedestrian traffic.~~

(fd) *Project entrance.*

- (1) The entrance to a commercial development generating more than 300 trip ends total, or at an entrance with more than 100 entering vehicles during the peak hour of the generator, must include two entrance lanes.
- (2) The driveway length must provide adequate throat depth consistent with the FDOT Driveway Information Guide Design Manual, Chapter 214 (current edition).
- (3) Projects must include sidewalk access independent of vehicular entrance.

Secs. 10-611 – 10-619. Reserved.

Sec. 10-620. Design standards and guidelines for commercial buildings.

(a) *Purpose and intent.* The purpose and intent of these provisions is to maintain and complement the street scape by requiring that buildings be designed with architectural features and patterns that provide visual interest, ~~consistent with the community's identity and local character while reducing the mass/scale and uniform monolithic appearance of large unadorned walls. (See Illustration 4 below.)~~

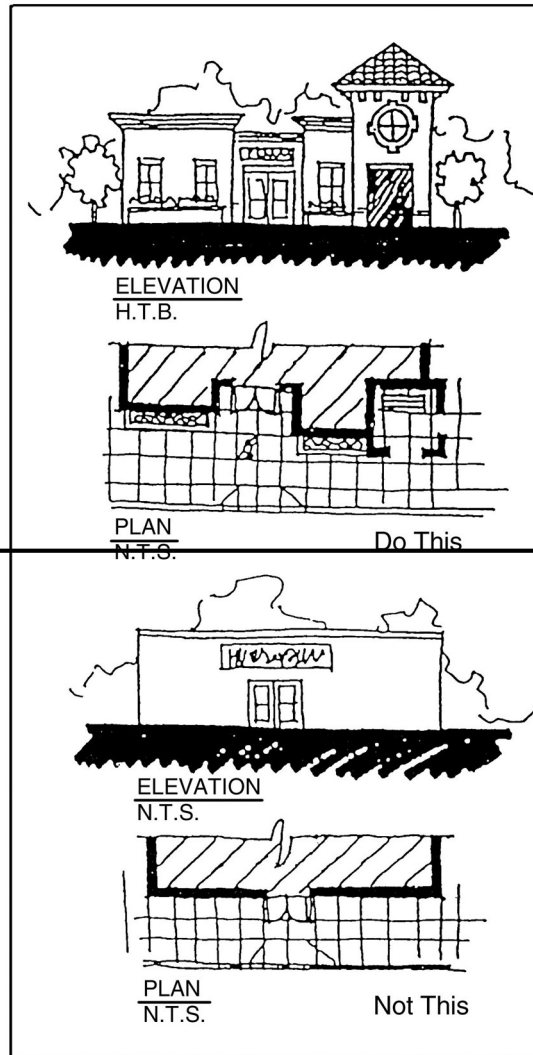


Illustration 4

~~(b) *Building/view orientation standards.* Buildings must be oriented to maximize pedestrian access, use and view of any adjacent navigable water bodies.~~

(e) *Facades.*

- (1) *Wall height transition.* New buildings that are more than twice the height of any existing building within 300 feet must be designed to provide a transition between buildings of lower height. (See Illustration 5 below.)

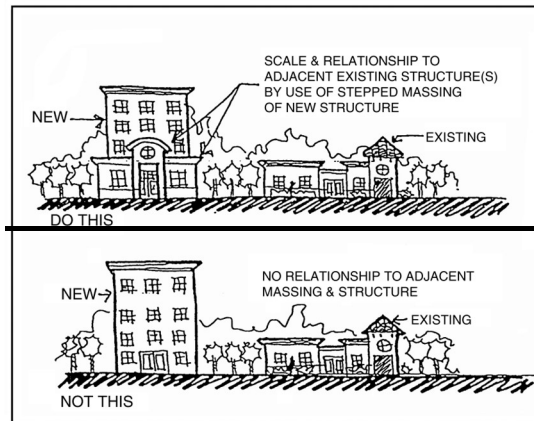


Illustration 5

(2) *Architectural design.*

- a. All primary facades of a building must be designed with consistent architectural style, detail and trim features.
- b. Buildings must provide a minimum of three of the following building design treatments integrated with the massing and style of the buildings. ~~(See Illustrations 6 and 7 below.)~~ If awnings, canopies and overhangs are used they must conform to a unified plan of compatible colors, shapes and materials. For new development, redevelopment, or renovations of structures with less than 30,000 square feet of gross floor area, a minimum of two design treatments must be provided. These treatments must be demonstrated and called out on the architectural elevation drawings.

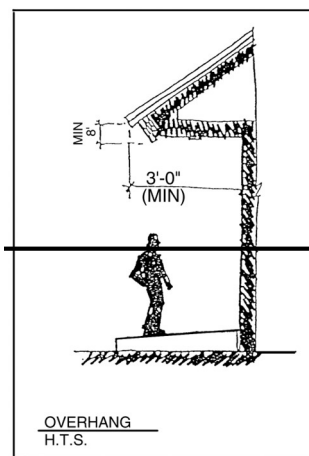


Illustration 6

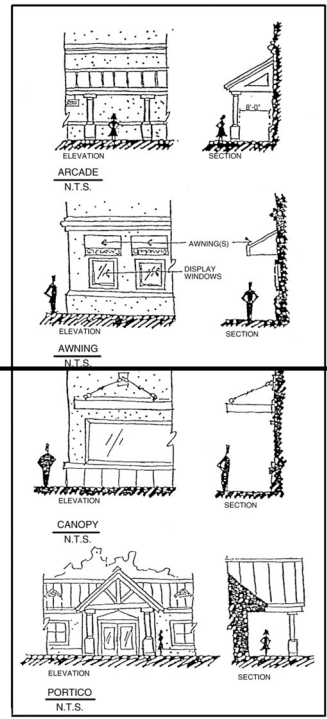


Illustration 7

1. ~~Awnings or attached canopies;~~
 2. ~~Overhangs;~~
 3. ~~Porticos;~~
 4. ~~Arcades, minimum of eight feet clear in width;~~
 5. ~~Peaked roof forms;~~
 6. ~~Display windows along a minimum of 50 percent of front walls and any other wall alongside a pedestrian walkway;~~
 7. ~~Clock or bell towers; or~~
 8. ~~Any other treatment which the Development Services Director finds meets the intent of this section. deems acceptable.~~
- e. ~~On large projects one of the following site design elements:~~
1. ~~Integration of specialty pavers, or stamped concrete along the building's walkway. Said treatment must constitute a minimum of 60 percent of walkway area; or~~

- ~~2. Fountains, reflection ponds or other water elements, a minimum of 150 square feet in area for every 300 linear feet of primary facade length; or~~
- ~~3. Surface and stormwater management facilities designed as physical or visual amenities that provide open space or an aesthetic feature; or~~
- ~~4. Any alternative treatment or combination of the above elements that the Development Services Director finds meets the intent of this section.~~

~~(3) *Corner lots.* In addition to the above, corner lots at an intersection of two or more arterial or collector roads must be designed with additional architectural embellishments, such as corner towers, or other such design features, to emphasize their location as gateways and transition points within the community.~~

(dc) *Roof treatments.*

- ~~(1) *Purpose and intent.* Variations in rooflines must be used to add interest to and reduce the massing of buildings. Roof features and materials must be in scale with the building's mass and complement the character of adjoining and/or adjacent buildings and neighborhoods. The following standards identify appropriate roof treatments and features.~~
- ~~(2) *Roof edge and parapet treatment.* The roof edge and/or parapet must have a vertical change from the dominant roof condition elevation, in two locations. At least one such change must be located on a primary facade. (See Illustration 8 below.) New development, redevelopment, or renovations of structures with less than 30,000 square feet of gross floor area, must provide at least one vertical change on the primary facade(s).~~

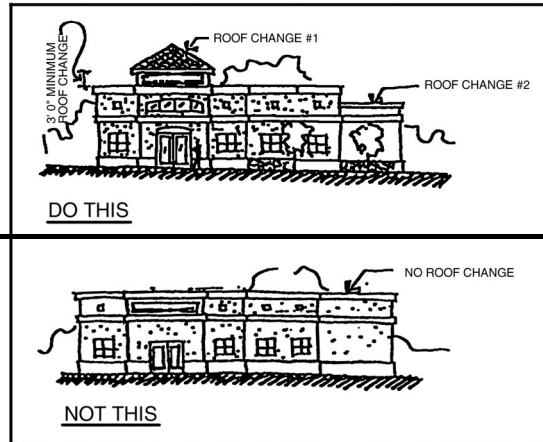


Illustration 8

(3) *Further requirements.* Roofs must be designed to also meet at least two of the following requirements, except that developments with less than 30,000 square feet of gross floor area, must provide one of the following requirements:

- a. Three or more roof slope planes per primary facade ~~(see Illustration 9 below);~~

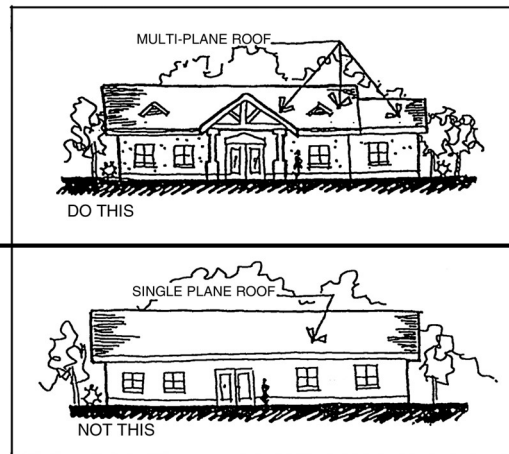


Illustration 9

- b. Sloping roofs, which do not exceed the average height of the supporting walls, must have an average slope equal to or greater than 4V:12H but not greater than 12V:12H;

- c. Additional vertical roof changes with a minimum change in elevation of two feet (flat roofs must have a minimum of two changes); or
- d. Three-dimensional cornice treatment which must be a minimum of ten inches in height with a minimum of three reliefs.

(4) *Prohibited roof types and materials.* The following roof types are prohibited:

- a. Roofs utilizing less than or equal to a 2V:12H pitch unless utilizing full parapet coverage or mansard; and
- b. Mansard roofs except roofs with a minimum vertical distance of eight feet and an angle between 45 and 70 degrees from horizontal.

(ed) *Detail features.* The design elements in the following standards must be integral parts of the building's exterior facade and must be integrated into the overall architectural style. These elements may not consist solely of applied graphics, or paint.

(1) *Blank wall areas.* Building walls and facades, must ~~avoid large blank wall areas by including~~ include at least three of the design elements listed below, in a repeating pattern; ~~with~~ At at least one of the design elements ~~must~~ repeating horizontally. New development, redevelopment, or renovations of structures with less than 30,000 square feet of gross floor area, must provide at least two design elements with at least one repeating horizontally. Examples include but are not limited to:

- a. Texture change;
- b. Material change;
- c. Architectural features such as bandings, bays, reveals, offsets, or projecting ribs. (See Illustration 10 below);

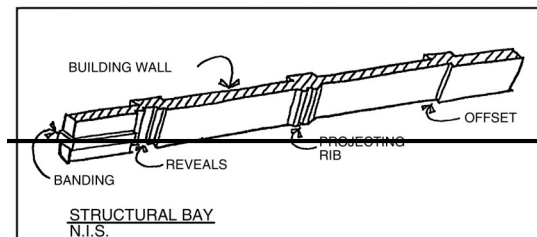


Illustration 10

- d. Building setbacks or projections; or
 - e. Pattern change.
 - f. Any alternative treatment or combination of the above elements that the Development Services Director finds meets the intent of this section.
- (2) ~~Materials. Exterior building materials contribute significantly to the visual impact of a building on the community. They must be well-designed and integrated into a comprehensive design style for the project.~~
- a.—The following exterior building materials cannot be used on more than 50 percent of the building facade area:
 - 1. Plastic or vinyl siding except to establish the “old Florida” look;
 - 2. Corrugated or reflective metal panels;
 - 3. Tile (prohibition does not apply to roofs);
 - 4. Smooth, scored or rib faced concrete block;
 - 5. Any translucent material, other than glass; or
 - 6. Any combination of the above.
 - b.—~~Building trim and accent areas, consistent with the overall building, are limited to ten percent of the affected wall area, with a maximum trim width of 24 inches.~~

Secs. 10-621 – 10-629. Reserved.

Sec. 10-630. Signs. Reserved.

- (a) ~~Purpose and intent. Signs are intended to be designed to complement rather than detract from the visual impact of a commercial development by utilizing design elements consistent with those employed in the structure's architecture and by minimizing conflicts with on-site landscaping areas and vehicular use areas.~~
- (b) ~~Development standards. In addition to the provisions set forth in Chapter 30 of this Code, the following requirements apply.~~
 - (1) ~~Unified sign plan. Where multiple on-premises signs are proposed for a single site or development, or in the case of a shopping center or other multiple-occupancy complex including out parcels under unified control with the main development, a unified sign plan must be employed. An application for a~~

~~development order (or a building permit if a development order is not required) must be accompanied by a graphic and narrative representation of the unified sign plan to be utilized on the site. The unified sign plan may be amended and resubmitted for approval to reflect style changes or changing tenant needs. Design elements which must be addressed (in both graphic and narrative form) include:~~

- ~~a. Colors;~~
- ~~b. Construction materials and method;~~
- ~~c. Architectural design;~~
- ~~d. Illumination method;~~
- ~~e. Copy style;~~
- ~~f. Sign types and locations; and~~
- ~~g. In the case of a shopping center or multiple-occupancy complex and developments with multiple structures on-site, including outparcels, the unified sign plan must indicate conformance with the following:~~
 - ~~1. All wall signs for multi-use buildings must be located at a consistent location on the building facade, except that anchor tenants may vary from this locational requirement in scale with the anchor's larger primary facade dimensions. All signs must adhere to the dimensions provided for in the unified signage plan; and~~
 - ~~2. Pole signs must include colors and/or materials common to those used in the design of the building to which the sign is accessory. A minimum 100 square foot planting area must be provided around the base of any ground or pole sign. These landscape areas must include shrubs and ground cover plants with a minimum of 50 percent coverage of the landscape area at the time of planting. Turfgrass is discouraged and is limited to ten percent of the landscape area.~~

~~(2) *Building permit requests.* Requests for building permits for permanent on-premises signs must adhere to the unified signage plan, which will be kept on file in the Community Development Department. Requests to permit a new sign, or to relocate, replace or structurally alter an existing sign must be accompanied by a unified sign plan for the building or project the sign is accessory to. Existing permitted signs may remain in place; however, all future requests for permits, whether for a new sign, or relocation, alteration, or replacement of an existing sign, must adhere to the unified sign plan for the property.~~

Secs. 10-631—10-639. Reserved.

Sec. 10-640. Out parcels.

- (a) *Purpose and intent.* The purpose and intent of these provisions is to ensure unified architectural design and site planning between out-parcel buildings and the main buildings on the site, ~~to enhance the visual impact of the buildings, and to provide for safe and convenient vehicular and pedestrian access and movement within the site.~~
- (1) All exterior facades of an out-parcel building must be considered primary facades and must employ architectural, site, and landscaping design elements which are integrated with and common to those used on the main development on-site including colors and materials, associated with the main building.
 - (2) When the use of common wall, side-by-side development occurs, continuity of facades and consolidated parking for several businesses on one parking lot may be used.
 - ~~(3) Out-parcel structures that are adjacent to each other must provide for vehicular connection between their respective parking lots and provide for interconnection of pedestrian walkways.~~

Secs. 10-641—10-649700. Reserved.

Sec. 10-650. Exceptions and interpretations.

- ~~(a) *Exceptions.* Unless specifically indicated to the contrary, deviations and variances to the provisions of this article may not be granted due to the flexibility and choice of design incorporated into the provisions.~~
- ~~(b) *Interpretations.* Should an applicant and staff be unable to concur on the application of a specific provision or provisions of this article, the Community Development Director is authorized to make a final determination. The Director must render a finding in writing within 15 days of receipt of a written request from the applicant. The determination of the Community Development Director may not be appealed.~~

SECTION THREE: AMENDMENT TO LDC CHAPTER 12

Lee County Land Development Code Chapter 12 is amended as follows with strike through identifying deleted text and underline identifying new text.

CHAPTER 12 – RESOURCE EXTRACTION

ARTICLE II. – MINING AND EXCAVATION

Sec. 12-105. - Definitions.

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

No proposed amendments to the definitions from “Asphalt batch plant” through “Rock crushing and screening plant”.

Substantial change means a significant alteration to a mine excavation planned development approval that will require consideration and approval through the public hearing process. Requests related to expansion/contraction of the project boundary, expansion of the mine excavation (mine footprint) area, increase in the depth of the mine, reduction of conservation, preserve or wildlife habitat areas, decrease in the reclamation standards, ~~extension of the mine duration, addition/expansion of uses permitted on the site, elimination or amendment of a zoning condition,~~ requests for dewatering, or a variance from the provisions of this article will be deemed a substantial change.

No proposed amendments to the definition of “Water budget”.

Sec. 12-111. Mine site plan; site map and engineering plan set.

A series of maps and engineering plans, including drawings prepared and sealed by an appropriate registered professional in the State (e.g., engineer, architect, surveyor) must be provided to obtain MDO approval in accordance with the provisions of this section. This map and plan series, known as the Mine Site Plan, must meet and include the following minimum criteria:

No proposed amendments to subsections (1) through (11).

- (12) Exterior lighting plan, photometrics and calculations. An exterior lighting plan and photometric information must be submitted. The plan and photometric information must be provided in full compliance with Section ~~34-625~~10-262 and demonstrate compliance with all standards and criteria specified therein.
- (13) Calculations and other pertinent materials. The Development Services Director may also require submission of calculations in support of all proposed drawings, plans and specifications. Calculations, data and reports to substantiate engineering designs, soil condition, flood hazards, compensation of floodplain storage (see Section 10-253), wet season water table, etc., may be required.

Sec. 12-121. Existing mine operations.

No proposed amendments to subsections (a) through (e).

- (f) Site map and engineer plan set for existing mine MDO or MOP renewal/approval. A series of maps and engineering plans, including drawings prepared and sealed by an appropriate registered professional in the State (e.g., engineer, architect, surveyor) must be provided to obtain MDO or MOP approval in accordance with the provisions of this section. This map and plan series must meet and include the following minimum criteria:

No proposed amendments from subsections (1) through (13).

- (14) Exterior lighting plan, photometrics and calculations. An exterior lighting plan and photometric information must be submitted. The plan and photometric information must be provided in full compliance with Section ~~34-625~~10-262 and demonstrate compliance with all standards and criteria specified therein.

No proposed amendments to subsection (15).

No proposed amendments to subsections (g) through (i).

- (j) Limited amendments to existing mine zoning approvals. An existing mine, meeting the criteria set forth in Subsection (a) of this section, may obtain a limited amendment to the underlying zoning approval for dewatering, ~~an extension of the mine duration,~~ and/or a depth increase within the previously approved mining footprint, as follows:

- (1) The mine operator must file an application on the form prescribed by the County along with the appropriate fee. Review of the application will be limited to the contents of the application which must include:
- a. For dewatering: those items set forth in Subsection (g) of this section and submittals addressing the issues set forth in Section 12-117(c).
 - ~~b. For an extension of mine duration: those items set forth in Subsection (g) of this section; and~~
 - ~~1. A narrative substantiating the need for the extension and its proposed duration.~~
 - ~~2. Submittal substantiating compliance with the following additional criteria:~~
 - ~~i. Continued consistency with the Lee Plan.~~
 - ~~ii. Compatibility with existing and approved development in the surrounding area.~~

~~iii. Whether the extension will place an unreasonable burden on essential public facilities and infrastructure.~~

~~3. Documents establishing that the extension request was filed at least six months prior, but not more than one year before, the expiration date set forth in the underlying zoning approval; and that the mine was in active physical operation at the time of the request.~~

eb. For a depth increase within the approved mine footprint only:

1. An updated Traffic Impact Statement that addresses traffic associated with the increased production of mining that is projected to result from the proposed depth increase. The updated Traffic Impact Statement will include an updated level of service analysis and evaluation of site-related improvements, if any, necessitated by the increased production.
2. Integrated surface water and groundwater modeling must be, provided that analyzes the impacts of the additional depth of the mine on groundwater and surface water resources and natural systems. The analysis must also include the following:
 - i. Delineation of all lithologies underlying the site down to and including the first regional confining beds;
 - ii. Documentation establishing that the proposed depth of excavation will not breach an aquaclude or confining layer;
 - iii. Evaluation of historic water level data for the mine including identification of any trends or impacts from mining operations; and
 - iv. Description of the monitoring system for surface water and groundwater levels and quality to assess any degradation of surface water and groundwater resources resulting from the depth increase. The monitoring system must address the travel times to wellfields and residential wells. The application for a depth increase must include all available monitoring data for three years prior to the date of application, and will assess the change in flow, timing of travel, and direction of surface water and groundwater on-site and in the impacted area resulting from the increased depth.
3. Soil boring analysis that demonstrates the depth of limerock materials and the depth of the confining layer.
4. A list of surrounding property owners and map in accordance with Section 34-202(a)(8) and (9).

5. A narrative describing any impacts the proposed depth increase will have on:
 - i. Mine operations and equipment used at the mine, to include updated quantity of material to be excavated, changes in approved hours of operation (if any), and an updated hazardous materials emergency plan;
 - ii. Existing neighboring uses;
 - iii. Hydrogeologic conditions on-site and within the impact area, as reflected in the modeling required by Subsection (j)(1)c.2 of this section;
 - iv. Wetlands and watershed protection;
 - v. Wildlife conservation; and
 - vi. Transportation routes including anticipated traffic to and from the mine, based upon the updated Traffic Impact Statement required by Subsection (j)(1)c.1 of this section.
 6. A complete copy of existing permits, pending permit applications, and correspondence with federal and State permitting agencies in accordance with Section 12-114.
- (2) The request for a limited amendment under this section may only be filed if the underlying zoning is valid at the time the request is filed.
 - (3) The request for a limited amendment must be processed in accordance with the procedure set forth in Sections 34-83 and 34-145, including the review criteria, regarding Hearing Examiner and Board review and action on the request.
 - (4) Amendments to bring the existing mine into greater compliance with current mining regulations, including this article, may be requested by the applicant in conjunction with one or more of the amendments authorized above.
 - (5) A mine development order amendment must be approved prior to commencing activities authorized by the zoning amendment. Review of the mine development order amendment will be limited to incorporating the specific changes approved by the zoning amendment.
- (k) *Elimination or modification of ~~duration limitations conditions~~ on certain existing mines. Due to their existing permitting and location in the established Alice Road mining corridor, existing mines that have a valid development order and are located in the established Alice Road mining corridor may request the ~~The~~ elimination or modification of ~~duration limitations conditions~~ contained in applicable zoning*

resolutions and subsequent mining approvals may be requested for existing mines with a valid development order and not permitted through the MEPD rezoning process, provided the right to pursue mining activity has not expired under the terms and conditions of previous zoning approvals and the modification does not include amendments required to be considered under 12-121(j). ~~A request must include a reasonable estimate of the life of the mine.~~ The Director is authorized to approve the modification or elimination of such ~~duration limitations conditions~~ as an administrative amendment pursuant to Sections 34-174 and 34-380, so long as the mining operation is deemed to be consistent with the Lee Plan. If the request is not approved administratively, the applicant must file an application for public hearing.

SECTION FOUR: 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 – COMMUNITY PLAN AREA REGULATIONS

ARTICLE IV. – PAGE PARK COMMUNITY PLAN AREA

DIVISION 2. – DEVELOPMENT STANDARDS AND SPECIFICATIONS

SUBDIVISION I. – BASIC ELEMENTS

Sec. 33-1256. Lighting.

In addition to the requirements of Section ~~34-625~~10-262, development design must include the following:

Remainder of Section remains unchanged.

ARTICLE V. – LEHIGH ACRES COMMUNITY PLAN AREA

DIVISION 2. – COMMERCIAL DESIGN STANDARDS AND SPECIFICATIONS

SUBDIVISION I. – BASIC ELEMENTS

Sec. 33-1413. Lighting.

In addition to the requirements in Section ~~34-625~~10-262:

Remainder of Section remains unchanged.

SUBDIVISION III. – SIGNS

Sec. 33-1420. Permanent signs in commercial and industrial areas.

No proposed amendments in subsections (1) through (3).

(4) Lighting.

(a) Ground-mounted identification signs:

(1) Illumination must comply with Section ~~34-625~~10-262.

Remainder of Section remains unchanged.

ARTICLE VII. – CALOOSAHATCHEE SHORES COMMUNITY PLAN AREA

DIVISION 2. – DESIGN STANDARDS

SUBDIVISION I. – BASIC ELEMENTS

Sec. 33-1491. Lighting.

In addition to the requirements of Section ~~34-625~~10-262, the following standards must be incorporated into development design:

Remainder of Section remains unchanged.

ARTICLE IX. – CAPTIVA COMMUNITY PLAN AREA

DIVISION 2. – ENVIRONMENTAL STANDARDS

Sec. 33-1623. Outdoor lighting.

(a) *Outdoor lighting standards.* The following standards to prevent light trespass apply to outdoor lighting on Captiva in addition to the sea turtle lighting standards found in Sections 14-71 through 14-79, and the outdoor lighting standards found in Section ~~34-625~~10-262. Enforcement shall be pursuant to Section 14-73(b).

Remainder of Section remains unchanged.

DIVISION 4. – DESIGN STANDARDS; SIGNS

Sec. 33-1645. Signs not requiring a permit.

(a) Residential identification sign. Identification signs not exceeding six square feet. The height of identification signs may not exceed four feet above grade and may be placed in rights-of-way and subject to the following standards and restrictions:

(1) Identification signs must comply with Sections 14-76 and ~~34-625~~10-262 and may be illuminated only in accordance with the following standards:

Remainder of Section remains unchanged.

Sec. 33-1648. Permanent signs in commercial areas.

Ground-mounted or wall-mounted signs located in the C-1, CS-1, CT or RM-2 zoning categories must comply with Sections 14-76 and ~~34-625~~10-262.

No proposed amendments to subsections (a) and (b).

(c) Illuminated, ground-mounted, and wall signs must comply with lighting requirements set forth in Sections 14-76 and ~~34-625~~10-262.

ARTICLE XI. – UPPER CAPTIVA COMMUNITY PLAN AREA

DIVISION 4. – OUTDOOR LIGHTING

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 Chapter 14, Article II, and the outdoor lighting standards found in Section ~~34-625~~10-262:

Remainder of Section remains unchanged.

SECTION FIVE: 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 VI. – DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. ~~34-625. Outdoor lighting standards.~~Reserved.

(a) ~~Purpose. The purpose of this provision is to curtail and reverse the degradation of the nighttime visual environment by minimizing light pollution, glare, and light~~

~~trespass through regulation of the form and use of outdoor lighting; and to conserve energy and resources while maintaining nighttime safety, utility, security and productivity.~~

~~(b) *Applicability.* All new luminaires, regardless of whether a development order is required, must comply with the provisions and standards of this section.~~

~~(c) *General exemptions.* The following are generally exempt from the provisions of this section:~~

~~(1) Emergency lighting required for public safety and hazard warning luminaires required by federal or State regulatory agencies;~~

~~(2) Outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene and gasoline;~~

~~(3) Low wattage holiday decorative lighting fixtures (comprised by incandescent bulbs of less than eight watts each or other lamps of output less than 100 lumens each) used for holiday decoration; and~~

~~(4) Lighting for public roads, except as provided in Section 14-77.~~

~~(d) *Standards and criteria.* In addition to the standards and criteria for outdoor lighting established in this section, there are standards for sea turtle lighting in Chapter 14, Article 1, Division 2 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 the Illuminating Engineering Society of North America (IESNA) Handbook (latest edition) will apply.~~

~~(1) *Illuminance.* Table 1 of this section 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.~~

Table 1. Illumination Level Requirements⁽¹⁾

Use/Task	Initial Actual Footcandles ^{(2),(4)}	Initial Uniformity Avg. ⁽³⁾
Parking, multifamily		
Low vehicular/pedestrian activity	0.3 min.	4:1
Medium vehicular/pedestrian activity	0.8 min.	4:1
Parking, industrial/commercial/ institutional, municipal		

High activity, e.g., shopping centers, fast food facilities, major athletic/civic, cultural events.	1.2 min.	4:1
Medium activity, e.g., office parks, hospitals, commuter lots, cultural/civic/recreational events	0.8 min.	4:1
Low activity, e.g., neighborhood shopping, industrial-employee parking, school, church parking	0.3 min.	4:1
Nonresidential walkways and bikeways	0.3 min.	5:1
Canopy, drive-through, fuel pumps, overhang	6.0 min	5:1

Notes:

- ~~(1) These specified illumination level criteria are the initial actual levels to be measured at the time of final inspection for a Certificate of Compliance. The outdoor lighting must be maintained so the average illumination levels do not increase above the specified values. The minimum illumination levels may decrease over time consistent with the Light Loss Factor (LLF) associated with the installed fixtures.~~
- ~~(2) In no case may the illumination exceed 0.5 footcandle measured at the property line. The amount of illumination projected onto a residentially zoned property or use from another property, may not exceed 0.2 footcandle measured at ten feet from the property line onto the adjacent residential property.~~
- ~~(3) Uniformity ratios dictate that the average illumination values may not exceed initial values by more than the product of the initial value and the specific ratio. For example, in the case of commercial parking and high activity, the initial average illuminance may not be in excess of 4.8 footcandles (1.2 x 4).~~
- ~~(4) Where all night safety or security lighting is to be provided, the lighting intensity levels should provide the lowest possible illumination to discourage crime and undesirable activity and to effectively allow surveillance but may not exceed 50 percent of the levels normally permitted for the use as specified in this Code.~~
- ~~(2) *Lamp standards.* Lamp types and colors must be in harmony with the adjacent community, any special circumstances existing on the site, and with surrounding installations. Lamp types must be consistent with the task and setting and should not create a mix of colors unless otherwise specifically approved by the Director for a cause shown. Specifically, mercury vapor lamps are prohibited. The~~

~~installation, sale, offering for sale, lease or purchase of any mercury vapor light fixture or lamp for use as outdoor lighting in the County is specifically prohibited. Lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, etc., are exempt from the lamp type standards, provided that all other applicable provisions are met.~~

~~(3) *Luminaire standards.* Fully shielded, full cutoff luminaires with recessed bulbs and flat lenses are the only permitted fixtures for outdoor lighting, with the following exceptions.~~

~~a. Luminaires that have a maximum output of 260 lumens per fixture (the approximate output of one 20-watt incandescent bulb), regardless of number of bulbs, may be left unshielded, provided the fixture has an opaque top to keep light from shining directly up.~~

~~b. Luminaires that have a maximum output of 1,000 lumens per fixture (the approximate output of one 60-watt incandescent bulb), regardless of number of bulbs, may be partially shielded, provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.~~

~~c. Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light must not be triggered by activity off the property.~~

~~d. Flood or spot luminaires with a lamp or lamps rated at 900 lumens or less may be used except that no spot or flood luminaire may be aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, or directed skyward, or directed towards the shoreline areas. The luminaire must be redirected or aimed so that illumination is directed to the designated areas and its light output controlled as necessary to eliminate such conditions. Illumination resulting from such lighting must be considered as contributing to the illumination levels specified herein.~~

~~e. All externally illuminated billboards and signs must be lighted by shielded fixtures mounted at the top of the sign and aimed downward. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols is preferred to minimize detrimental effects. Illumination resulting from sign lighting must be considered as contributing to the illumination levels specified herein.~~

- ~~f. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art must be located, aimed and shielded so that light is directed only on those features. Such fixtures must be aimed or shielded to minimize light spill onto adjacent properties or into the night sky in conformance with illumination and luminaire standards.~~
 - ~~g. All nonessential exterior commercial lighting must be turned off after business hours.~~
- ~~(4) Luminaire mount standards. the following standards apply to luminaire mountings.~~
- ~~a. *Freestanding luminaires.* Light poles must be placed on the interior of the site. When light poles are proposed to be placed on the perimeter of the site, specific consideration should be addressed to compliance with the illumination standards at the property line and off the property onto adjacent residential property. The maximum height of light poles for parking lots and vehicular use areas may not exceed 25 feet measured from the ground level directly below the luminaire to the bottom of the lamp itself. Light poles located within 50 feet of a residentially zoned property or use may not exceed 15 feet. Poles used to illuminate pedestrian walkways may not exceed 15 feet. Lighting for outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, etc., are exempt from the mounting height standards, provided that all other applicable provisions are met.~~
 - ~~b. *Building mounted luminaires.* These luminaires may only be attached to the building walls and the top of the fixture may not exceed the height of the parapet, or the roof, or 25 feet, whichever is the lowest.~~
 - ~~c. *Canopy lighting.* Light fixtures mounted on the underside of a canopy must be recessed or shielded full cutoff type so that the light is restrained to 85 degrees or less from the vertical. As an alternative (or supplement) to the canopy ceiling lights, indirect lighting may be used where the light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy. Exposed lights may not be mounted on the top or sides (fascia) of the canopy. The sides (fascia) of the canopy may be illuminated as long as the illumination is consistent with the County restrictions on off-site light spillage which must be analyzed in the photometry plan.~~
 - ~~d. *Trees and landscaping.* To avoid conflicts, locations of all light poles and fixtures must be coordinated with the locations of all trees and landscaping whether existing or shown on the landscaping plan. Vegetation screens may not be employed to serve as the means for controlling glare. Glare control~~

must be achieved through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

~~(e) *Development order and permit criteria.* The applicant for any development order or building permit, as applicable under the provisions of this Code involving outdoor lighting fixtures, must submit as part of the application evidence that the proposed work will comply with the outdoor lighting standards of this Code. Specifically, the submission must include the following:~~

- ~~1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.~~
- ~~2. A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description must include manufacturer's catalogue cuts and drawings, including pictures, sections, and proposed wattages for each fixture.~~
- ~~3. All applications for development orders or building permits, except for single-family and duplex building permits, must provide photometric data, such as that furnished by the manufacturer of the proposed illuminating devices, showing the angle of cut-off and other characteristics of the light emissions including references to the standards contained herein.~~
- ~~4. All applications for development orders or building permits, except for single-family and duplex building permits, must provide photometrics in initial footcandles output for all proposed and existing fixtures on-site shown on a 20-foot by 20-foot grid on an appropriately scaled plan. On-site lighting to be included in the calculations must include, but is not limited to, lighting for parking lot, canopies, and building mounted and recessed lighting along the building facades and overhangs. The photometric plan must include a table showing the average, minimum, and maximum footcandles of illumination on the site and within 50 feet of the site and the calculations deriving the averages. Evidence must be provided demonstrating that the proposed lighting plan will comply with the requirements of this Code. The use of a light loss factor (LLF) is not permitted in these photometrics. This photometric plan must be coordinated with the landscape plan to identify the location of trees and other landscaping features with respect to the lighting devices. Rejection or acceptance of the photometric plan will be based on this Code.~~

~~(f) *Compliance.*~~

- ~~1. Prior to the final inspection for a Certificate of Compliance pursuant to Section 10-183, site verified footcandle readings must be provided demonstrating that the outdoor lighting, as installed, conforms with the proposed photometrics and the letter of substantial compliance provided by a registered professional~~

~~engineer must include a certification that the outdoor lighting is in compliance with this Code.~~

- ~~2. If any outdoor light fixture or the type of light source therein, is changed after the permit or development order has been issued, a change request or development order amendment must be submitted for approval together with adequate information to ensure compliance with this Code. This request or amendment must be approved prior to the installation of the proposed change.~~
- ~~3. Outdoor lighting must be maintained in compliance with this Code.~~

ARTICLE VII. – SUPPLEMENTARY DISTRICT REGULATIONS

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

SUBDIVISION I. – DISPLAY, RENTAL, REPAIR OR STORAGE OF VEHICLES OR EQUIPMENT

Sec. 34-1352. Display, sale, rental or storage for motor vehicles, boats, recreational vehicles, trailers, mobile homes or equipment.

Purpose and intent. The purpose of this section is to ensure that all establishments engaged in the outdoor display, sale, rental or storage of motor vehicles, boats, recreational vehicles, trailers, mobile homes, construction or farm equipment, or other similar items do not adversely impact adjacent land uses, especially residential land uses. The high levels of traffic, glare, and intensity of use associated with these uses may be incompatible with surrounding uses, especially residential uses. Therefore, in the interest of protecting the health, safety and general welfare of the public, the following regulations will apply to the location, layout, drainage, operation, landscaping, and permitted sales and service activities:

No proposed amendments to subsections (a) through (e).

- (f) *Lighting.* Site lighting must be designed in accordance with Section 34-62510-262.

Remainder of Section remains unchanged.

SUBDIVISION II. – CONVENIENCE FOOD AND BEVERAGE STORES; AUTOMOTIVE SERVICE STATIONS, FAST FOOD RESTAURANTS, AND CAR WASHES

Sec. 34-1353. General provisions.

No proposed amendments to subsections (a) through (f).

(g) *Canopies.*

- (1) Flat-roof canopies are allowed unless prohibited by conditions in a Planned Development. Canopies must be consistent with the architectural design, predominant color and features of the principal structure.
- (2) Canopy lighting must comply with Section ~~34-625(d)(4)~~10-262.
- (3) Canopies must be consistent with the predominant color of the principal structure.

Remainder of Section remains unchanged.

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

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

No proposed amendments to subsections (a) through (c).

(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 through 34-2017~~ Section 10-260.

(e) *Pedestrian accommodations.* Pedestrian accommodations, as defined in Section ~~34-2012~~10-1, must connect the park-and-ride lot to the abutting bus station/depot or bus stop. A parking plan consistent with Section ~~34-2014~~10-260 must be provided.

Remainder of Section remains unchanged.

DIVISION 25. – OFF-STREET LOADING RESERVED

~~Sec. 34-1981. Applicability.~~

~~The off-street loading requirements of this division shall apply to commercial, industrial and other nonresidential uses.~~

~~Sec. 34-1982. Access.~~

~~(a) Street access to off-street loading areas must comply with the provisions set forth for off-street parking in Section 34-2013.~~

~~(b) Except as provided in Section 34-1986, off-street loading areas must be spatially or physically separated from off-street parking areas and pedestrian walkways.~~

~~(c) Service roads must be a minimum of 12 feet wide for one-way usage and 24 feet for two-way operations.~~

~~**Sec. 34-1983. Lighting, maintenance and drainage.**~~

~~Site lighting, maintenance and drainage required for off-street loading areas must comply with Sections 34-2015 and 34-2017.~~

~~**Sec. 34-1984. Other use of loading areas.**~~

~~Off-street loading areas for the sale, repair, dismantling or servicing of any vehicles or equipment is prohibited, except on an emergency or temporary basis or as provided in Section 34-2019.~~

~~**Sec. 34-1985. Screening.**~~

~~When off-street loading areas are located adjacent to residential uses or zoning districts, and are not entirely visually screened at ground level, a continuous visual screen along the lot line abutting the residential use must be provided in accordance with Division 17 of this article or Chapter 10, whichever is the most restrictive.~~

~~**Sec. 34-1986. Off-street loading area requirements.**~~

~~(a) Commercial, industrial and nonresidential uses that receive or ship goods via large semitrailer or full trailer trucks must provide an off-street loading area. Establishments that receive or ship commodities via small panel trucks or vans will not be required to provide off-street loading areas and may utilize the parking area, provided:~~

~~(1) Deliveries are received before or after the hours open to the public.~~

~~(2) No delivery truck remains in the parking lot for more than four hours.~~

~~(3) Deliveries do not interfere with pedestrian or vehicle movements.~~

~~(b) A plan for off-street loading areas must be provided as part of the site plan submitted for approval under Chapter 10, or, if the development is exempt from Chapter 10, then a plan must be submitted at time of application for a building permit and be reviewed by the Zoning and Development Review Division for consistency with this division and this chapter.~~

~~(c) Off-street loading areas must comply with the following:~~

~~(1) Loading areas must be located on the lot or parcel it serves.~~

~~(2) The surfaced portions of loading areas, excluding driveways, must setback 20 feet from right-of-way lines and ten feet from property under separate ownership or control.~~

~~(3) Loading spaces may not obstruct, hinder or endanger the movement of vehicles and pedestrians.~~

~~(d) The off-street loading area must have a minimum width of ten feet and depth of 30 feet.~~

~~Sec. 34-1987. Number of spaces.~~

~~Establishments that receive or ship goods via large semitrailer or full-trailer trucks must provide a minimum of one loading space for the first 10,000 square feet of floor area, plus one space for each additional 20,000 square feet of floor area or major fraction thereof.~~

~~Secs. 34-1988-34-1981—34-2010. Reserved.~~

DIVISION 26. - PARKING

Sec. 34-2012. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Drive-up means and is synonymous with the term “drive-through.”

Employees means the regular working staff, paid, volunteer or otherwise, at maximum strength and in full-time equivalent numbers, necessary to operate, maintain or service a given facility or use under normal levels of service.

~~*High turnover* means and applies to parking lots wherein vehicles are parked for relatively short periods of time ranging from a few minutes to several hours. Customer parking for retail establishments, offices, or similar establishments is considered high turnover.~~

International cruise ships means ships that usually leave port for 24 hours or more and that provide meals, sleeping accommodations, gambling or other entertainment for customers.

Light industrial means industrial uses permitted by right in the IL Light Industrial Conventional Zoning District.

Local cruise ships means ships that usually leave port and return in less than 24 hours and that usually provide at least one meal, gambling or other entertainment.

~~*Low turnover* means and applies to parking wherein vehicles are parked for relatively long periods of time, such as employee parking during the day, or uses such as marina parking, cruise ship parking, sports arena parking, etc., wherein customers leave cars for four or more hours while attending special events, or overnight parking in residential developments.~~

Multiple-use development means a building or buildings containing two or more different uses. Multiple-use development includes occupants of multiple-occupancy complexes (df) and development on abutting properties not necessarily under unified or singular control. For the purposes of this definition only, the term “abutting property” means properties having a boundary line, or point or portion thereof in common, with no intervening street right-of-way or easement, or other easement over 50 feet in width.

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.

~~*Parking aisle* means an accessway within a parking lot that provides direct access to individual parking spaces.~~

~~*Parking lot* means an area of land designed, used or intended for parking five or more vehicles.~~

~~*Parking lot entrance* means the accessway that provides ingress or egress from a street right-of-way or easement to a parking lot.~~

~~*Parking space* means an area of land designed or intended for parking one vehicle. Parking spaces are designated as disabled spaces or standard spaces, depending on the purpose of the space.~~

~~*Pedestrian accommodations for safe and convenient pedestrian movement* means and may include striped crosswalks, sidewalks, shared use paths, signage and/or signals, lighting, curb cuts and ramps.~~

Single-use development means buildings with a single occupant or multiple occupants with the same use. Single-use development includes occupants of multiple-occupancy complexes (df) and development on abutting properties not necessarily under unified or singular control.

~~Sec. 34-2013. Access.~~

- ~~(a) Parking lots must be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion. The Director may administratively approve parking to back out into rights-of-way in residential developments, subject to the following limitations:
 - ~~(1) The street must be a privately owned and maintained, low-volume, local street.~~
 - ~~(2) All parking spaces must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses.~~
 - ~~(3) Parking spaces may be perpendicular or at a 30- or 45-degree angle to the roadway, and must comply with the parking space dimensions set forth in Section 34-2016(1). The Director may require surfacing to comply with Section 34-2017(a) or (b), depending on the type of amenity served.~~~~
- ~~(b) Each parking lot must have a distinct parking lot entrance. The entrance must meet the requirements of Chapter 10, as well as the following:
 - ~~(1) Minimum width at property line for one-way entrances is 15 feet.~~
 - ~~(2) Minimum width at property line for two-way entrances is 24 feet.~~
 - ~~(3) Maximum throat width at property line is 35 feet.~~~~

~~The Manager may determine that high traffic volumes or other special circumstances warrant other requirements. Emergency Services facilities, including fire, EMS, and sheriff's stations, are exempt from the maximum width requirements provided that the maximum throat width at the property line does not exceed 80 feet.~~

- ~~(c) Parking lot entrances may not exceed a six percent grade for 20 feet into any lot or parcel, nor may a parking lot entrance enter a street right-of-way or easement at an angle of less than 90 degrees unless a lesser angle is approved by the Director.~~

~~Sec. 34-2014. Parking plan.~~

~~A parking plan is required for all uses, except single-family residence, duplex, two-family attached and single-family mobile home dwelling units, and must be submitted for review and approval in accordance with Chapter 10. Developments that are not required to be reviewed and approved in accordance with Chapter 10, must submit plans to the Division of Zoning and Development Services prior to issuance of a building permit. The plan must accurately designate the required parking spaces, parking aisles, parking lot entrance, parking lot interconnections, bicycle parking facilities, pedestrian~~

~~accommodations, and the relation of the off-street parking facilities to the uses or structures the facilities are designed to serve.~~

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

Sec. 34-2013. Parking space location.

~~(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 off-site parking provided by the following parking facilities:~~

- ~~a. Parking lots zoned CP;~~
- ~~b. Parking lots part of a multiple-use development; or~~
- ~~c. Commercial parking lots within the C1, C-2, and C-2A zoning districts.~~
- ~~d. Parking lots within the Mixed-Use Overlay, when developed consistent with 34-2020(e).~~

~~(2) *Design.* Parking lots must be designed in accordance with the following:~~

- ~~a. Setback, buffer, landscaping and drainage requirements required under Chapter 10.~~
- ~~b. If the parking lot will be used at night, adequate lighting must be provided for the driveways, ingress and egress points, and parking areas of commercial and industrial uses. Lighting must be designed in accordance Section 34-625.~~
- ~~c. Individual parking spaces must be accessible from a parking aisle intended to provide access to the space. Stacking of vehicles (one behind the other) will be permitted only for single-family, duplex, two-family, and townhouses where each dwelling unit has a garage or driveway appurtenant to it and in valet parking facilities wherein parking is performed by employees of the facility.~~
- ~~d. Parking lot spaces must be provided with sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion. Parking lots utilizing 90-degree parking with dead-end aisles must provide a turning bay for those spaces at the end of the aisle.~~
- ~~e. In parking lots where more than one tier of parking spaces will be developed, pedestrian accommodations must be provided.~~
- ~~f. Adjacent commercial uses must provide parking lot interconnections for automobile traffic.~~

- ~~g. Traffic pattern. There must be adequate ingress and egress to the development. Except for streets in urban land use categories, single-family and two-family developments, and certain multifamily buildings as provided in Section 34-2020(a), Note (3), proposed parking spaces must be located so as to avoid backing of vehicles into streets, the intermingling of automotive and pedestrian traffic or the intermingling of traffic flow in opposite directions.~~

~~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. Disabled parking (all): 12 feet by 18 feet. Parking access aisles which may be shared between two disabled spaces must be no less than five feet wide and must be part of an accessible route to the building or facility entrance. The individual parking space dimensions do not preclude compliance with the Americans with Disabilities Act (ADA) of 1990, as amended.~~

~~b. High and low turnover parking lots:~~

~~1. 90-degree parking: Nine feet by 18 feet.~~

~~2. 30, 45 or 60-degree parking: 8½ feet by 18 feet.~~

~~3. Parallel parking: Eight feet by 22 feet.~~

~~c. Golf cart parking: Five feet by eight feet.~~

- ~~(2) *Delineation of spaces.*~~

~~a. *Paved parking lots.*~~

~~1. Parking spaces must be delineated by all-weather painted lines, or thermoplastic striping, not less than four inches in width, centered on the dividing line between spaces.~~

~~Parking spaces for persons with disabilities must be prominently outlined with blue paint and must be repainted when necessary to be clearly distinguishable as a parking space designated for persons who have disabilities. Signs erected after October 1, 1996, must indicate the penalty for illegal use of the space.~~

2. ~~Parking spaces that abut a pedestrian walkway, required landscaping, or required open space must be provided with a parking block set two feet from the end of the parking space.~~

b. ~~Unpaved parking lots.~~

1. ~~Parking spaces in unpaved parking lots must be delineated by placing a parking block two feet from the end of the parking space and centered between the sides of the space.~~

2. ~~If the space abuts a structure, the space may be indicated on the structure, in which case parking blocks are not required.~~

c. ~~Temporary parking lots. (See Section 34-2022.) Individual spaces in temporary parking lots do not need to be delineated provided the end of each space and all aisles are clearly delineated with temporary posts and ropes.~~

(3) ~~Minimum aisle widths.~~ Minimum aisle widths are as follows:

<i>Angle of Parking</i>	<i>Aisle Width (feet)</i>	
	<i>One-Way</i>	<i>Two-Way</i>
Parallel	12	20
30	12	22
45	12	22
60	18	24
90	22	24

(4) ~~Parking angle.~~ Parking must be developed throughout the site utilizing the same degree of angle. The mixture of one-way and two-way parking aisles, or different degrees of angled parking within any parking area is prohibited except:

a. ~~A single bay of parking provided along the perimeter of the site may vary in design in order to maximize the number of spaces provided on-site.~~

b. ~~Parking design may vary between individual parking areas, provided that the parking areas are physically separated from one another by buildings or a continuous landscape buffer a minimum of five feet in width. The Director may approve a minimum number of vehicle access points to pass through the landscaped buffer.~~

Sec. 34-2017. Parking lot surface.

(a) ~~High turnover parking lots.~~

~~(1) *Parking aisles.* Except as provided in Subsection (d) of this section, all high turnover parking lot aisles must be provided with a paved, dustfree, all-weather surface.~~

~~(2) *Parking spaces.* All parking spaces, except those seaward of the coastal construction control line, must have a paved, dustfree, all-weather surface from the aisle to the parking block or curb. All disabled parking spaces, including disabled parking spaces seaward of the coastal construction control must be paved with asphalt or concrete to provide a smooth surface without gaps or holes that create a danger to the user. For all other parking spaces, the term "paved" will be interpreted to mean and include asphalt, concrete, paving block and other similar types of treatment. Parking spaces, excluding disabled parking spaces, located seaward of the coastal construction control line must be stabilized with treatments approved by the Director.~~

~~(b) *Low turnover parking lots.*~~

~~(1) Alternative surfaces may be permitted provided the areas are adequately drained and continuously maintained in a dustfree manner. Alternative surfaces may include gravel, crushed shell or other similar materials. Parking on grass or other unimproved surfaces such as sand or dirt is prohibited.~~

~~(2) Disabled parking spaces must be paved with asphalt or concrete to provide a smooth surface without gaps or holes which would create a danger to the user.~~

~~(c) *Temporary parking lots.* Temporary parking lots do not need to be surfaced and may be maintained as a grass area or in a dustfree manner.~~

~~(d) *Reservation of spaces for future use.* When a use or activity is required by this chapter to provide more than ten high turnover parking spaces, the Director may approve leaving up to 25 percent of the required spaces as landscaped areas reserved for future use, provided:~~

~~(1) The applicant clearly shows the reserved parking spaces on the site plan;~~

~~(2) The reserved parking areas are not counted towards the minimum open space or landscaping or buffering requirements of this chapter or Chapter 10;~~

~~(3) All drainage facilities must be calculated and built as though the reserved parking areas were impervious surfaces; and~~

~~(4) The reserved parking areas may not be used for any purpose other than landscaped open space or temporary overflow parking during special holiday seasons or sales.~~

~~If the property owner decides to pave the reserved area for parking, he must submit the original site plan or development order approval to the Director, who is authorized to approve the paving provided paving does not include new entrances onto a public street. If the parking areas does involve new entrances, then a limited review development order is required.~~

~~(e) Director discretion.~~

- ~~(1) The Director is authorized to permit high turnover parking lots (including parking lot aisles), to meet the surfacing standards for low turnover parking lots (Subsection (b) of this section) under the following circumstances:

 - ~~a. The property is not located in the intensive development or central urban land use categories;~~
 - ~~b. The proposed parking lot will contain no more than 25 spaces;~~
 - ~~c. The proposed alternative surface will be adequately drained; and~~
 - ~~d. The proposed alternative surface is consistent with the uses and the parking lot surfaces in the surrounding neighborhood.~~~~
- ~~(2) This subsection may not be construed inconsistently with the Americans with Disability Act (ADA) of 1990.~~
- ~~(3) The Director's decision is discretionary in nature and may not be appealed pursuant to Section 34-145(a) of this chapter.~~

Sec. 34-2014 to 34-2018. Reserved.

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	Minimum Required Spaces
-----	------------------------------	-------------------------	-------------------------

			<i>for Single-Use Development</i>	<i>for Multiple-Use Development</i>
1.	Single-family, duplex, two-family attached and mobile home units		2 spaces per unit	—
2.	Townhouses	Note (1)	2 spaces per unit	—
3.	Multiple-family and timeshare units	Notes (1) & (3)	2 spaces per unit	—
4.	Assisted living facilities	Note (2), Sections 34-1414(c) et seq. (e) & 34-1494-1493 et seq.	0.54 spaces per unit	0.41 spaces per unit
5.	Continuing care facilities	Note (2), Sections 34-1414(c) et seq. (e) & 34-1494-1493 et seq.	1.12 spaces per unit	1 space per unit
6.	Independent (self-care) living facilities, including group quarters, health care (Groups I & II), social services (Groups III & IV) and other similar uses	Note (2), Sections 34-1414(c) et seq. (e) & 34-1494-1493 et seq.	1 space per unit	0.59 spaces per unit
7.	Clubhouse and ancillary uses within a residential community	Notes (4) & (5)	4 spaces per 1,000 square feet of total floor area	3.5 spaces per 1,000 square feet of total floor area

Notes:

- (1) In addition to the spaces required, additional parking spaces equal to ten percent of the total required must be provided to accommodate guest parking in a common parking lot.
- (2) Where the living units are maintained under single management and the residents are not capable or permitted to own or operate private vehicles on the same premises, the Director may authorize up to a 75

percent reduction in required parking spaces if sufficient parking is provided for employees and visitors.

- (3) If vehicles back directly onto an internal roadway or accessway, the driveway must be designed so that:
 - 1. The driveway connects to a private internal local road or accessway with a design and posted speed limit of 25 miles per hour, or less;
 - 2. The visual clear zone sight distance (considering vehicles that may be parked nearby) is a minimum of 200 feet and in conformance with the visibility triangle criteria of Section 34-3131;
 - 3. Traffic calming devices are provided per Lee County AC-11-14; and
 - 4. The length of the driveway, as measured from the garage structure or the end of the stacked parking space farthest from the street or accessway must be a minimum of 22 feet to the edge of a private street right-of-way or easement line or 27 feet to the edge of pavement of an accessway. However, this section is not to be interpreted to allow buildings or structures closer to a street right-of-way or easement than permitted by Section 34-2192.
- (4) May include administrative offices or other ancillary uses to the clubhouse such as a gym and/or meeting room.
- (5) Where a residential community includes a golf course, parking for a clubhouse with food and beverage service, limited or a restaurant will be six spaces per hole or 12.5 spaces per 1,000 square feet of restaurant whichever is greater.

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

Table 34-2020(b). Required Parking Spaces for Nonresidential Uses

<i>Use</i>	<i>Special Notes or Regulations</i>	<i>Minimum Required Spaces for Single-Use Development</i>	<i>Minimum Required Spaces for Multiple-Use Development</i>
Airports, landing strips and heliports		Determined by the Director	—

Animal clinics		5 spaces per veterinarian, plus 1 space per employee	—
Animal kennels		5 spaces	—
Automotive drive-in oil change establishments	Section 34-2021(c)	1.5 spaces per service bay	—
Automotive repair and service (excluding drive-in oil change establishments); automotive service stations		4 spaces per service bay, plus 1 space per employee	—
Banks and financial establishments	Section 34-2021(a)	3 spaces per 1,000 square feet of total floor area	2.5 spaces per 1000 square feet of total floor area
Bars and cocktail lounges, nightclubs, micro-breweries, -distilleries, -wineries, tasting rooms	Notes (1) and (17)	21 spaces per 1,000 square feet of total floor area	14 spaces per 1,000 square feet of total floor area
Barbershops, beauty shops, massage parlors, etc. (personal services Group II)		3 spaces per operator (chair) or 1 space per 100 square feet, whichever is greater, with a minimum of 5 spaces	—
Bed and breakfast	Section 34-44941493 (b)(1)	1.2 spaces per rental unit	—
Bowling alleys	Note (1)	4 spaces for each lane	—
Carnivals, fairs and amusement attractions and devices	Section 34-3042(b)	10 spaces per amusement device	—
Car washes	Section 34-2021(b)	1.5 spaces per car stall	—
Convenience food and beverage stores	Notes (1) & (15)	1 space per 200 square feet of total floor area (one parking space per four fuel pumps will be credited against the required parking), with a	—

		minimum of 5 spaces	
Day care centers	Note (2)	2 spaces per employee	—
Educational institutions:			
a. Public schools		Parking must be provided In compliance with State law	—
b. Private or parochial schools:		—	—
1. Elementary or middle schools		1 space per employee, plus 1 space per 40 students	—
2. High schools		1 space per employee, plus 1 space per 10 students	—
3. Colleges, universities and trade and vocational institutions	Note (3)	1 space per employee, plus student parking as the Director deems necessary	—
Essential service facilities		1 space per employee on the largest shift	—
Flea market, indoor		1 space per 100 square feet of total floor area	—
Flea market, open		5 spaces per rental space or booth	—
Food truck parks	Note (16)	10 spaces per conveyance pad	5 spaces per conveyance pad
Funeral homes	Note (14)	1 space per 4 seats or 4 spaces per 250 square feet of chapel area, whichever is greater	—
Golf courses	Note (4)	6 spaces per hole	—
Health and fitness clubs		7 spaces per 1,000 square feet of total floor area	5 spaces per 1,000 square feet of total floor area

Hospitals (health care facilities, Group IV)		1 space per bed, excluding bassinets and gurneys, plus 1 space per employee on the largest shift	—
Hotels and motels	Note (1), Section 34-1801 et seq.	1.2 spaces per rental unit	—
Marinas and other water-oriented uses	Note (1)	—	—
a. Boat slips		1 space for every 2 slips	—
b. Boat ramps	Note (5)	10 spaces per boat ramp	—
c. Multi-slip docking facility		Determined by Director	—
d. Dry storage		1 space per 5-unit stalls	—
e. Charter or party fishing boat	Note (6)	1 space per 3 people	—
f. Local cruise ships	Note (6)	1 space per 2 people	—
g. International cruise ships	Note (6)	1 space per 3 people	—
h. Live-aboards		2 spaces per 3 live-aboards	—
Manufacturing and light industrial	Note (1)	1.75 spaces per 1,500 square feet of total floor area	1.5 spaces per 1,500 square feet of total floor area
Meeting halls, clubs (fraternal and membership) and other places for group assembly not otherwise listed	Notes (7) & (14)	1 space per 100 square feet of total floor area	—
Miniature golf	Note (1)	1.5 spaces per hole	—
Multiple-occupancy complex with total floor area of 350,000 square feet or more		—	4.5 spaces per 1,000 square feet of total floor area
Museums, art galleries, libraries, studios and other similar uses not covered elsewhere		3 spaces per 1,000 square feet of total floor area	—

Offices, excluding medical (including, but not limited to, business services, Group I, contractors and builders, insurance companies, nonstore retailers, personal services, Group IV, social services, Group I, and other similar offices.)		1 space per 300 square feet of total floor area	1 space per 350 square feet of total floor area
Offices, medical and health care facilities, Group III		4.5 spaces per 1,000 square feet of total floor area	4 spaces per 1000 square feet of total floor area
Places of worship	Note (14); Section 34-2051 <u>2052</u> et seq.	1 space per 3 seats	1 space per 5 seats
Recreation facilities, indoor	Note (1)	4 spaces per 1,000 square feet of total floor area	3.5 spaces per 1000 square feet of total floor area
Recreation facilities, outdoor, commercial		Determined by the Director.	—
Religious facility	Notes (1) & (14); Section 34-2051 <u>2052</u> et seq.	1 space per 3 seats	—
Restaurants and brewpubs	Notes (8), (9) & (10)	14 spaces per 1,000 square feet of total floor area; outdoor seating area is calculated at same rate	12.5 spaces per 1,000 square feet of total floor area; outdoor seating area is calculated at same rate
Restaurants, fast food	Note (9)	13 spaces per 1,000 square feet of total floor area; outdoor seating area is calculated at same rate	—
Retail or business establishments			
a. Small products or commodities: Auto and boat parts; clothing stores; department	Section 34-2021 et seq.	1 space per 250 square feet of total floor area, with a minimum of 5 spaces; dead	1 space per 350 square feet of total floor area; dead storage is

<p>stores; drugstores; food stores; hardware stores; hobby, toy and game shops; package stores; household/office furnishings Group II; personal services Group I (excluding barbershops, beauty shops & massage establishments); specialty retail shops Groups I, II and III; used merchandise stores Group I; variety stores; and other similar type establishments</p>		<p>storage is calculated at same rate</p>	<p>calculated at same rate</p>
<p>b. Large products or commodities: Used merchandise stores Groups II and III; vehicle and equipment dealers Group II; and other similar type establishments</p>	<p>Note (1); Section 34-2021 et seq.</p>	<p>2.5 spaces per 1,000 square feet of total floor area, with a minimum of 5 spaces; dead storage is calculated at 1 space per 1,000 square feet</p>	<p>2.5 spaces per 1,000 square feet of total floor area; no parking is required for areas of the building used only as dead storage and not available to the public</p>
<p>c. Very large products or commodities: Household/office furnishings Groups I & III; mobile home dealers; specialty retail stores Group IV; used merchandise stores Group IV; vehicle and equipment dealers Groups I,</p>	<p>Note (1); Section 34-2021 et seq.</p>	<p>1 space per 700 square feet of total floor area, with a minimum of 5 spaces; dead storage is calculated at 1 space per 1,500 square feet</p>	<p>1 space per 700 square feet of total floor area; no parking is required for areas of the building used only as dead storage and not available to the public</p>

	III, IV and V; and other similar type establishments			
	Schools, commercial		2 spaces per 100 square feet of total classroom floor area	1 space per 100 square feet of total classroom floor area
	Tennis courts, commercial	Note (14)	3 spaces per court, plus one space per 3 spectator seats	—
	Theaters, auditoriums, stadiums, arenas and other similar places of public assembly	Notes (1) & (14)	1 space per 4 seats	1 space per 4 seats
	Warehouse, high-cube	Note (1)		
	a. Passenger car parking		1 space per 1,000 square feet of total floor area for the first 20,000 square feet, plus 1 space per 2,000 square feet for the second 20,000 square feet to 99,999 square feet, plus 1 space per 5,000 square feet for that portion over 100,000 square feet	—
	b. Truck and trailer parking	Notes (12) & (13)	1 space for every 5,000 square feet of total floor area	—
	Warehouse, mini-warehouse		1 space per 25 storage units, with a minimum of 5 spaces	—
	Wholesale, processing and warehousing establishments	Note (1)	1.25 spaces per 1,500 square feet of total floor area	0.75 spaces per 1,500 square feet of total floor area

Notes:

- (1) Accessory or ancillary uses must be calculated separately and in compliance with this division.

- (2) In addition to the minimum parking requirement for day care centers, adequate and safe provisions for loading and unloading clients must be provided.
- (3) An additional one space for every six seats must be provided when public use of an auditorium or other place of assembly within a school is likely.
- (4) Parking for a clubhouse with a restaurant will be six spaces per hole or 12.5 spaces per 1,000 square feet of restaurant whichever is greater.
- (5) Parking space dimensions for boat ramps must be a minimum of 12 feet wide by 40 feet long to accommodate a vehicle and boat trailer.
- (6) Minimum parking requirement is based on the boat manufacturer's specifications related to the maximum passenger capacity and crew capacity of the boat or ship using the dock or loading facility.
- (7) For meeting facilities with fixed seats, refer to recreational facilities, indoor.
- (8) If over 50 percent of the total floor area of a restaurant is used as a bar or cocktail lounge, then the minimum parking requirement will be 14 spaces per 1,000 square feet for the floor area used as the restaurant and 21 spaces per 1,000 square feet for the floor area used as the bar or cocktail lounge.
- (9) The minimum required parking requirement for Groups I, II and fast-food restaurants with no drive-up facilities located in a multiple-use development is one space per 350 square feet of total floor area.
- (10) No additional parking spaces are required when a restaurant is located within the same building as the principal use and is provided primarily for the employees and customers of the principal use.
- (11) Reserved.
- (12) Truck dock/loading bay spaces may be used to satisfy the truck and trailer parking requirement. Truck dock/loading spaces do not have to be striped.
- (13) Parking space dimensions of 15 feet wide by 60 feet long are required to accommodate truck and trailer parking. However, truck and trailer parking spaces located in truck dock/loading bays do not have to meet the parking space dimension requirements.

- (14) Where occupants utilize benches, pews or other similar seating arrangements, each 24 linear inches of seating facilities will be counted as one seat for the purpose of computing off-street parking requirements.
- (15) If more than 20 percent of the total floor area or 600 square feet, whichever is less, is used for the preparation and/or sale of food or beverages in a ready-to-consume state, parking will be calculated the same as a fast-food restaurant.
- (16) For the purposes of determining parking requirements, parking shall be determined based on a standard conveyance pad size of ten feet by 30 feet or 300 square feet of conveyance pad area. Food truck parks located in a future urban area that are connected to central utilities (water and sewer) and located within one quarter mile of at least 100 residential units with pedestrian or bicycle connections, or food truck parks located in the Mixed Use Overlay have a reduced parking requirement of four parking spaces per conveyance pad in lieu of the Mixed Use Overlay parking reduction in Table 34-2020(c).
- (17) Floor area dedicated to the production and packaging of beers, meads, wines, liquor, or similar beverages and not accessible to the general public may utilize the minimum parking requirement for "Manufacturing and Light Industrial."

Remainder of Section remains unchanged.

DIVISION 27. – PLACES OF WORSHIP AND RELIGIOUS FACILITIES

Sec. 34-2052. Parking.

No proposed amendments to subsections (a) and (b).

(c) Parking on grass. Up to 50 percent of the parking spaces required for the sanctuary or main assembly hall of a place of worship may be provided as parking on grass, provided the regulations set forth in the following sections, pertaining to off-street parking requirements, are met:

- | (1) Section ~~34-2013~~10-260(d), parking lot access.
- | (2) Section ~~34-2014~~10-260(a), parking plans.
- | (3) Section ~~34-2015(1)~~34-2013, location.
- | (4) Section ~~34-2015(2)a, c and d,~~10-260(f), design.

(5) Section 34-2016(1)~~b~~-10-260(g), dimensional requirements.

~~(6) Section 34-2016(3), aisle widths.~~

DIVISION 34. – SPECIAL SETBACK REGULATIONS FOR SPECIFIC USES

Sec. 34-2443. Minimum required setbacks.

No proposed amendments to subsections (a) through (c).

(d) The following uses must be set back a minimum of 100 feet from any residentially zoned property under separate ownership. The setback applies to all buildings and structures, and all areas used for parking of trucks or equipment, shipping, receiving, or storage.

(1) Blacksmith shop.

(2) Freight and cargo handling establishments (Section 34-622(c)(17)).

(3) Impound yard.

(4) Manufacturing of:

a. Boats.

b. Chemicals and allied products, Group II (Section 34-622(c)(6))—Limited to cosmetics, perfumes, etc.

c. Fabricated metal products, Group II (Section 34-622(c)(14)).

d. Food and kindred products, Group II (Section 34-622(c)(15)).

e. Furniture and fixtures (Section 34-622(c)(18)).

f. Leather products, Group II (Section 34-622(c)(25)).

g. Lumber and wood products, Group IV (Section 34-622(c)(26)).

h. Machinery, Groups I and II (Section 34-622(c)(27)).

i. Paper and allied products, Groups II and III (Section 34-622(c)(31)).

j. Stone, clay, glass and concrete products, Groups I and III (Section 34-622(c)(48)).

k. Textile mill products, Groups I and II (Section 34-622(c)(50)).

- I. Transportation equipment, Group II (Section 34-622(c)(52)).
- (5) Motion picture studio.
- (6) Photofinishing laboratory ~~(df)~~.
- (7) Rental or leasing establishment, Group IV (Section 34-622(c)(39)).
- (8) Repair shops, Group V (Section 34-622(c)(40)).
- (9) Social services, Group II (Section 34-622(c)(46)).
- (10) Stacking of shipping containers, truck trailers, and other similar structures (Section 34-3105).

Remainder of Section remains unchanged.

DIVISION 37. – SUBORDINATE AND TEMPORARY USES

SUBDIVISION II. – TEMPORARY USES

Sec. 34-3050. Temporary storage facilities.

The following regulations do not apply in commercial, industrial or mixed-use zoning districts where open storage is a permitted use, on property with a bona fide agricultural use located in an AG Zoning District, or to contractor's office and equipment storage sheds (see Section 34-3044).

No proposed amendments to subsection (a).

- (b) The use of vehicles, truck trailers, or shipping containers for storage of merchandise, produce, or commodities for periods of 48 hours or more may be permitted as a temporary use in a nonresidential district upon application and issuance of a temporary use permit (see Section ~~34-210~~34-3041) so long as:
 - (1) The vehicles, truck trailers, or shipping containers used for storage comply with all setback requirements for accessory structures.
 - (2) No more than two vehicles, truck trailers, or shipping containers are permitted at one time, and they cannot be stacked on top of one another.
 - (3) The maximum length of time for use of a vehicle, truck trailer or shipping container for storage of merchandise, produce, or commodities is 60 days. One extension, not to exceed 60 days, may be approved at the Director's discretion.

DIVISION 39. – USE, OCCUPANCY AND CONSTRUCTION REGULATIONS

Sec. 34-3105. Use of vehicles, truck trailers, or shipping containers for storage.

~~Except for a bona fide agricultural use located in an AG Zoning District, or where open storage is a permitted use in a Commercial, Industrial or Mixed Use Zoning District, vehicles, truck trailers, shipping containers, and other similar structures may not be stored or used to store goods, produce or other commodities in any zoning district unless approved on a temporary basis in accordance with Sections 34-3044 and 34-3050.~~

~~Where allowed as open storage per this section, vehicles, truck trailers, shipping containers and other similar structures may not be stacked on top of one another and must be in compliance with Chapter 34, Division 36, including Section 34-3005.~~

(a) *Where permitted.* Vehicles, truck trailers, shipping containers, and other similar structures may not be stored or used to store goods, produce, or other commodities in any zoning district unless:

(1) Occurring in conjunction with a bona fide agricultural use located in an AG zoning district;

(2) Open storage is listed as a permitted use in the zoning district; or

(3) The use is approved on a temporary basis in accordance with Sections 34-3044 and 34-3050.

(b) *Screening required.* Where allowed as open storage by this section, open storage areas must be in compliance with Division 36 of this Article.

(c) *Stacking.* Truck trailers, shipping containers, and other similar structures may not be stacked on top of one another unless in compliance with subsection (a)(2) and the following additional requirements:

(1) *Location.* The property must be located in the Industrial Development, Tradeport, or Industrial Interchange future land use category and must be zoned Light Industrial (IL), General Industrial (IG), or Industrial Planned Development (IPD);

(2) *Maximum stacking height.* A maximum of three truck trailers, shipping containers, or other structures may be stacked on top of one another.

(3) *Required setbacks.* Areas utilized for stacking must comply with the principal structure setbacks of the applicable zoning district and the setbacks established in Section 34-2443.

SECTION SIX: 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 SEVEN: 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 EIGHT: 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 NINE: 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 TEN: 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 ____ made a motion to adopt the foregoing ordinance, seconded by Commissioner _____. The vote was as follows:

Kevin Ruane	_____
Cecil L. Pendergrass	_____
David Mulicka	_____
Brian Hamman	_____
Trish Petrosky	_____

DULY PASSED AND ADOPTED this 16th day of June, 2026.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Cecil L. Pendergrass, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

By: _____
Office of the County Attorney

CAO DRAFT June 4, 2026