

LEE COUNTY ORDINANCE NO. 25-12

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE, CHAPTERS 33 AND 34; 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.

THE SPECIFIC LDC PROVISIONS THAT WILL BE AMENDED ARE: SEC. 33-1596 (USE REGULATIONS); SEC. 33-1604 (USE REGULATIONS); SEC. 34-2 (DEFINITIONS); SEC. 34-622 (USE ACTIVITY GROUPS); SEC. 34-653 (USE REGULATIONS TABLE); SEC. 34-694 (USE REGULATIONS TABLE); SEC. 34-714 (USE REGULATIONS TABLE); SEC. 34-844 (USE REGULATIONS TABLE); SEC. 34-873 (USE REGULATIONS TABLE); SEC. 34-903 (USE REGULATIONS TABLE); SEC. 34-934 (USE REGULATIONS TABLE); SEC. 34-941 (PRIVATE RECREATIONAL FACILITIES PLANNED DEVELOPMENTS); SEC. 34-1263 (SALE FOR OFF-PREMISES CONSUMPTION); SEC. 34-1264 (SALE OR SERVICE FOR ON-PREMISES CONSUMPTION); SEC. 34-2020 (REQUIRED PARKING SPACES); SEC. 34-2351 (RESERVED); AND SEC. 34-2352 (RESERVED).

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 May 10, 2024, July 12, 2024, December 13, 2024, and January 10, 2025, and recommended approval of the proposed amendments as modified; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code on April 9, 2024, May 8, 2024, July 10, 2024, and December 11, 2024; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments on March 25, 2024, May 20, 2024, July 22, 2024, and December 9, 2024, 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 THIRTY-THREE

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

CHAPTER 33 – COMMUNITY PLAN AREA REGULATIONS

ARTICLE VIII. – NORTH FORT MYERS COMMUNITY PLAN AREA

DIVISION 3. – COMMERCIAL CORRIDOR LAND DEVELOPMENT PROVISIONS

SUBDIVISION IV. – COMMERCIAL CORRIDOR USE REGULATIONS

Sec. 33-1596. - Use regulations schedule.

The following use regulations apply to property located within the commercial corridor as defined in 33-1537***:

<i>Use Description</i>	<i>Special Notes or Regulations</i>	<i>Commercial Corridor</i>
<i>"Accessory apartment" through "Boats:" remain unchanged.</i>		
<u>Brewpub</u>	<u>34-1261 et seq.</u>	<u>AA/SE*</u>
<i>"Broadcast studio, commercial radio and television" through "Food stores (Section 34-622(c)(16)):" remain unchanged.</i>		
<u>Food Truck Park</u>	<u>34-2352</u>	<u>P/SE</u>
<i>"Fraternity house" through "Medical office" remain unchanged.</i>		
<u>Micro-brewery, -distillery, -winery</u>	<u>34-1261 et seq.</u>	<u>AA/SE*</u>
<i>Remainder of table remains unchanged.</i>		

Remainder of section remains unchanged.

DIVISION 4. – TOWN CENTER LAND DEVELOPMENT PROVISIONS

Sec. 33-1604. - Use regulations.

All development within the North Fort Myers Town Center may allow uses described in Section 33-1596 and Table 33-1604.

Table 33-1604. List of Additional Allowable Commercial Type Uses

Description of Use	Special Notes or Regulations	Permissibility Status*
<i>"Boat sales" remains unchanged.</i>		
<u>Brewpub</u>	<u>34-1261 et seq.</u>	<u>AA/SE*</u>
<i>"Building materials sales (Section 34-622(c)(4))" through "Cultural facilities (Section 34-622(c)(10))" remain unchanged.</i>		
<u>Food Truck Park</u>	<u>34-2352</u>	<u>P/SE</u>
<i>"Insurance companies (Section 34-622(c)(23))" through "Mass transit depot (government-operated)" remain unchanged.</i>		
<u>Micro-brewery, -distillery, -winery</u>	<u>34-1261 et seq.</u>	<u>AA/SE*</u>
<i>Remainder of table remains unchanged.</i>		

Remainder of section remains unchanged.

SECTION TWO: AMENDMENT TO LDC CHAPTER THIRTY-FOUR

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

CHAPTER 34. – ZONING

ARTICLE I. – IN GENERAL

Sec. 34-2. - Definitions.

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

"Abutting property" through "Boatyard" remain unchanged.

Brewpub means a restaurant that manufactures malted beverages for on-site consumption and retail sales, in quantities less than 5,000 barrels (1 barrel = 31 US gallons) a year, and may include a tasting room, service area, or retail space for patrons, with no wholesale distribution component.

"Building" through "Food stand" remain unchanged.

Food Truck Park means a development created with permanent on-site seating, sanitary facilities, and amenities wherein food and/or beverages are offered for sale to the public from a set number of mobile food vendors. Mobile Food Vendors associated with the Food Truck Park may be permanently or temporarily located on the property. See section 34-3052 for Mobile Food Vending as a temporary use, not associated with a Food Truck Park.

"Food vending cart" through "Metal Halide (MH)" remain unchanged.

Microbrewery, -distillery, or -winery means an establishment that manufactures and packages beers, meads, wines, liquor, or similar beverages on-site, in quantities less than 15,000 barrels (1 barrel = 31 US gallons) per year, and may include an accessory tasting room and retail space for patrons on-site that is clearly incidental to the microbrewery operation.

"Mining" through "Tactical training facility" remain unchanged.

Taproom. See Bar and cocktail lounge.

Tasting Room means an area within a Microbrewery, -distillery, -winery, or brewpub devoted to the sampling and retail sales thereof of beer, spirits, or wine produced on-site for on- or off-site consumption.

Remainder of section remains unchanged.

ARTICLE VI. – DISTRICT REGULATIONS

DIVISION 1. – GENERALLY

Sec. 34-622. - Use activity groups.

(a) through (b) unchanged.

(c) Use activity groups. Use activity groups are as follows:

(1) through (14) remain unchanged.

(15) Food and kindred products, manufacturing.

<i>Group I remains unchanged.</i>	
<i>Group II</i>	
<i>2013 (Sausages and other prepared meat products) through 207 (Fats and oils) remain unchanged.</i>	
<u>2082</u>	<u>Malt beverages, over 15,000 barrels per year</u>
<u>2082</u>	<u>Regional Brewery over 15,000 barrels</u>

2083	Malt, over 15,000 barrels per year
2084	Wines, brandy, and brandy spirits, over 15,000 barrels per year
2085	Distilled, rectified and blended liquors, over 15,000 barrels per year
2087 (Flavoring extracts and flavoring syrups) through 2099 (Food preparation, not elsewhere classified) remain unchanged.	

Remainder of section remains unchanged.

DIVISION 2. – AGRICULTURAL DISTRICTS

Sec. 34-653. - Use regulation table.

Use regulations for agricultural districts are as follows:

TABLE 34-653. USE REGULATIONS FOR AGRICULTURAL DISTRICTS

	Special Notes or Regulations	AG-1	AG-2	AG-3
<i>"Accessory uses, buildings, and structures:" through "Aircraft landing facilities, private:" remain unchanged.</i>				
Animals, reptiles, marine life:				
<i>"Animals (excluding exotic species)" through "Keeping, raising or breeding of American alligators, venomous reptiles or Class II animals (df)" remain unchanged.</i>				
Keeping, raising or breeding of marine life which requires the storage of brackish or saline water	Section 34-1291 et seq.	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>
<i>Remainder of table remains unchanged.</i>				

Remainder of section remains unchanged.

DIVISION 3. – RESIDENTIAL DISTRICTS

SUBDIVISION II. – ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS

Sec. 34-694. - Use regulations table.

Use regulations for one- and two-family residential districts are as follows:

Table 34-694. Use Regulations for One- and Two-Family Residential Districts

	Special Notes or Regulations	RSC-1	RSC-2	RSA	RS-1	RS-2	RS-3	RS-4	RS-5	TFC-1	TFC-2	TF-1
"Accessory uses, buildings and structures:" through "Dwelling unit:" remain unchanged.												
EMS, fire, or sheriff's station		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Remainder of table remains unchanged.												

Remainder of section remains unchanged.

SUBDIVISION III. - MULTIPLE-FAMILY DISTRICTS

Sec. 34-714. - Use regulations table.

Use regulations for Multiple-Family Districts are as follows:

Table 34-714. Use Regulations for Multiple-Family Residential Districts

	Special Notes or Regulations	RM-2 (Note 5)	RM-3, RM-6, RM-8, RM-10 (Note 5)
"Accessory uses, buildings, and structures:" through "dwelling unit:" remain unchanged.			
EMS, fire, or sheriff's station		SE	SE
Remainder of table remains unchanged.			

Remainder of section remains unchanged.

DIVISION 6. – COMMERCIAL DISTRICTS

Sec. 34-844. - Use regulations table.

Use regulations for conventional commercial districts are as follows:

Table 34-844. Use Regulations for Conventional Commercial Districts

	Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21, 23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
"Accessory apartment and accessory dwelling unit" through "Boats:" remain unchanged.																	
Brewpub	34-1261 et seq.	AA/SE	AA/SE	AA/SE	AA/SE	=	AA/SE	AA/SE(24)	AA/SE	AA/SE	=	SE(5)	AA/SE(6)	AA/SE	AA/SE	=	=

<i>"Broadcast studio, commercial radio and television" through "Emergency operations center" remain unchanged.</i>																		
EMS, fire or sheriff's station		P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	P	P	<u>P</u>	
<i>"Essential services" through "Food stores (Section 34-622(c)(16)):" remain unchanged.</i>																		
Food Truck Park	34-2352	<u>P/S</u> <u>E</u>	<u>P/S</u> <u>E</u>	<u>P/S</u> <u>E</u>	<u>P/S</u> <u>E</u>	=	<u>SE</u>	<u>SE</u> (24)	<u>P/S</u> <u>E</u>	<u>P/S</u> <u>E</u>	<u>SE</u>	<u>SE</u>	=	<u>P/S</u> <u>SE</u>	<u>SE</u>	<u>P/S</u> <u>S</u> <u>E</u>	=	
<i>"Fraternity house" through "Medical office" remain unchanged.</i>																		
Micro-brewery, -distillery, -winery	34-1261 et seq.	=	<u>AA/</u> <u>SE</u>	<u>AA/</u> <u>SE</u>	<u>AA/</u> <u>SE</u>	=	=	=	<u>AA/</u> <u>SE</u>	<u>AA/</u> <u>SE</u>	=	=	<u>AA/</u> <u>S</u> <u>E</u> (6)	<u>AA/</u> <u>S</u> <u>E</u>	=	=	=	
<i>Remainder of table remains unchanged.</i>																		

Notes:

(1) through (23) remain unchanged.

(24) No outdoor seating, unless approved by a Special Exception.

(25) through (36) remain unchanged.

Remainder of section remains unchanged.

DIVISION 7. – MARINE-ORIENTED DISTRICTS

Sec. 34-873. - Use regulations table.

Use regulations for marine-oriented districts are as follows:

Table 34-873. Use Regulations for Marine-Oriented Districts

	<i>Special Notes or Regulations</i>	<i>CM</i>	<i>IM</i>	<i>PORT</i>
<i>"Administrative offices" through "Boatyard" remain unchanged.</i>				
Brewpub	34-1261 et seq.	<u>AA/SE</u>	=	=
<i>"Bulk storage for on-site consumption (use) or distribution of explosives, corrosives, liquid or liquefied gaseous fuels, or toxic materials" through "Docking or mooring facilities" remain unchanged.</i>				
EMS, fire, or sheriff's station		<u>P</u>	<u>P</u>	<u>P</u>
<i>"Entrance gates and gatehouse" through "Excavation" remain unchanged.</i>				
Fire station		—	—	P
<i>"Fish market, enclosed" through "Marina" remain unchanged.</i>				

Micro-brewery, -distillery, -winery	34-1261 et seq.	AA/SE	=	=
Remainder of table remains unchanged.				

Remainder of section remains unchanged.

DIVISION 8. – INDUSTRIAL DISTRICTS

Sec. 34-903. - Use regulations table.

Use regulations for industrial districts are as follows:

Table 34-903. Use Regulations for Industrial Districts

	Special Notes or Regulations	IL Note (14)	IG Note (14)	IR Note (14)
"Administrative offices" through "Boat ramps" remain unchanged.				
Brewpub	34-1261 et seq.	SE	SE	=
"Broadcast studio, commercial radio and television" through "Computer and data processing services" remain unchanged.				
Consumption on premises	34-1261 et seq., 34-3152	AA/SE	AA/SE	—
"Contractors and builders (Section 34-622(c)(9)):" through "Flea market, open" remain unchanged.				
Food Truck Park	34-2352, Note (18)	P/SE	P/SE	P/SE
"Freight and cargo handling establishments (Section 34-622(c)(17))" through "Message answering service" remain unchanged.				
Micro-brewery, -distillery, -winery	34-1261 et seq.	SE	SE	=
Remainder of table remains unchanged.				

Notes:

(1) through (17) remain unchanged.

- (18) Food truck parks within the Tradeport future land use category will be subject to limitations for stand-alone retail commercial uses identified in Lee Plan Policy 1.1.13. Food truck parks within the Industrial Development future land use category will be subject to limitations for recreational, service, and retail uses identified in Lee Plan Policy 1.1.7.

Remainder of section remains unchanged.

DIVISION 9. – PLANNED DEVELOPMENT DISTRICTS

Sec. 34-934. - Use regulations table.

Use regulations for Planned Development Districts are as follows:

Table 34-934. Use Regulations for Planned Development Districts

	<i>Special Notes or Regulations</i>	<i>RPD</i>	<i>MHPD</i>	<i>RVPD</i>	<i>CFPD</i>	<i>CPD</i>	<i>IPD Note (37)</i>	<i>MPD</i>	<i>MEPD</i>
<i>"Accessory uses and structures" through "Boats:" remain unchanged.</i>									
<u>Brewpub</u>	<u>34-1261 et seq.</u>	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>	=
<i>"Broadcast studio, commercial radio and television" through "Food stores (Section 34-622(c)(16)):" remain unchanged.</i>									
<u>Food Truck Park</u>	<u>34-2352, Note (49)</u>	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=
<i>"Forestry tower" through "Medical office" remain unchanged.</i>									
<u>Micro- brewery, -distillery, -winery</u>	<u>34-1261 et seq.</u>	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>	=
<i>Remainder of table remains unchanged.</i>									

Notes:

(1) *through (48) remain unchanged.*

(49) Food truck parks within the Tradeport future land use category will be subject to limitations for stand-alone retail commercial uses identified in Lee Plan Policy 1.1.13. Food truck parks within the Industrial Development future land use category will be subject to limitations for recreational, service, and retail uses identified in Lee Plan Policy 1.1.7.

Sec. 34-941. - Private Recreational Facilities Planned Developments.

Sections (a) through (b) remain unchanged.

(c) *Uses.*

Subsection (1) remains unchanged.

(2) *Permissible uses.*

Subsections a. through b. remain unchanged.

- c. The following commercial uses may be permitted within a private recreation facility planned development only if specifically included in the adopted zoning resolution and the general location of commercial uses are shown on an adopted master concept plan. Commercial intensity is limited as described in Note 1 of this section:

"Bait and tackle shops." through "Drugstores, pharmacies." remain unchanged.

EMS, fire, sheriff's station

Remainder of section remains unchanged.

ARTICLE VII. – SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 5. – ALCOHOLIC BEVERAGES

Sec. 34-1263. - Sale for off-premises consumption.

Subsection (a) remains unchanged.

- (b) The sale of alcoholic beverages for consumption off the premises shall be allowed as a permitted use as follows, provided that the regulations set forth in Subsection (c) of this section are met:

Subsections (1) and (2) remain unchanged.

(3) In any brewpub, micro-brewery, micro-distillery, or micro-winery where the sale of alcoholic beverages for consumption off-site is clearly incidental to the production of alcoholic beverages on-site.

- (c) Only alcoholic beverages in original factory-sealed or site-sealed containers shall be permitted to be sold.

Remainder of section remains unchanged.

Sec. 34-1264. – Sale or service for on-premises consumption.

- (a) *Approval required.* The sale or service of alcoholic beverages for consumption on-premises is not permitted until the location has been approved by the County as follows:

- (1) *Administrative approval.* An administrative approval for consumption on-premises is required in accordance with ~~Section~~section 34-174 when in conjunction with the following uses:

- a. County-owned airports, arenas, and stadiums, including liquor, beer, malt liquor, and wine in restaurants, bars, lounges, concessions, concession stands, and package stores at County-owned airports;
- b. Bars, cocktail lounges, ~~or~~ night clubs, micro-breweries, micro-distilleries, or micro-wineries located in commercial and industrial zoning districts that permit bars, cocktail lounges, ~~or~~ night clubs, micro-breweries, micro-distilleries, or micro-wineries, provided the standards set forth in ~~Subsections~~ subsections (b)(1) and (3) of this section are met;
- c. Bowling alleys and movie theaters provided the standards set forth in ~~Subsections~~ subsections (b)(2)a and (b)(3) of this section are met;
- d. Clubs and fraternal or membership organizations located in commercial and industrial zoning districts, where permitted, provided the standards set forth in ~~Subsections~~ subsections (b)(2)f and (b)(3) of this section are met;
- e. Cocktail lounges in golf ~~course~~courses, tennis clubs, or indoor racquetball clubs, provided the standards set forth in ~~Subsections~~ subsections (b)(2)d, ~~and (b)(2)e,~~ and (b)(3) of this section are met;
- f. Hotels/motels, provided the standards set forth in ~~Subsections~~ subsections (b)(2)c and (b)(3) of this section are met;
- g. Restaurants groups II, III, and IV, ~~restaurants with brew pub license requirements and Brewpubs~~, provided the standards set forth in ~~Subsections~~ subsections (b)(2)b and (b)(3) of this section are met. Outdoor seating in conjunction with a group II, III, or IV restaurant, or brewpub may be approved administratively provided:
 - 1. The outdoor seating area is not within 500 feet of a religious facility, school (noncommercial), ~~day care~~ daycare center (child), park, or dwelling unit under separate ownership; or
 - 2. The outdoor seating area is within 500 feet of a religious facility, school (noncommercial), ~~day care~~ daycare center (child), park, or dwelling unit under separate ownership but is a tenant of a multi-occupancy complex that is adjacent to an arterial or collector road.
- h. Charter, party fishing boat or cruise ship, provided the standards of ~~Section~~ subsection (b)(3) are met. The COP approval is specific to

the charter, party fishing boat, or cruise ship operating from a specific location and does not run with the land, nor is it transferrable.

- i. Beer and wine taste testing in conjunction with package sales (consumption off premises).
- j. Limited food and beverage services when accessory to an agritourism activity permitted in accordance with ~~Section~~ section 34-1711, provided that the activity is not within 500 feet of a religious facility, school (noncommercial), ~~day care~~ daycare center (child), park, or dwelling unit under separate ownership.
- k. Food Truck Parks, provided the standards set forth in subsection (b)(1) of this section and section 34-2352 are met.

Remainder of section remains unchanged.

DIVISION 26. – PARKING

Sec. 34-2020. - Required parking spaces.

Subsection (a) remains unchanged.

- (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

Use	Special Notes or Regulations	Minimum Required Spaces for Single-Use Development	Minimum Required Spaces for Multiple-Use Development
<i>"Airports, landing strips and heliports" through "Banks and financial establishments" remain unchanged.</i>			
Bars and cocktail lounges, nightclubs, <u>micro-breweries, -distilleries, -wineries, tasting rooms</u>	Notes (1) & 17	21 spaces per 1,000 square feet of total floor area	14 spaces per 1,000 square feet of total floor area
<i>"Barbershops, beauty shops, massage parlors, etc. (personal services Group II)" through "Flea market, open" remain unchanged.</i>			
<u>Food Truck Parks</u>	<u>Note (16)</u>	<u>10 spaces per conveyance pad</u>	<u>5 spaces per conveyance pad</u>
<i>"Funeral homes" through "Miniature golf" remain unchanged.</i>			

Multiple-occupancy complex with total floor area of 350,000 square feet or more	Note (16)	--	4.5 spaces per 1,000 square feet of total floor area
<i>"Museums, art galleries, libraries, studios and other similar uses not covered elsewhere" through "Religious facility" remain unchanged.</i>			
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
<i>Remainder of table remains unchanged.</i>			

Notes:

(1) through (15) remain unchanged.

(16) ~~Limited to multiple-occupancy complexes that lawfully existed on September 17, 2012. If the complex is enlarged in terms of floor area or if the value of renovation exceeds 50% of the value of the property, additional parking spaces must be provided based on the requirements in 34-2020(b). Parking for the additional floor area will be calculated at the multiple-use development rate required for the specific use. For the purposes of determining parking requirements, parking shall be determined based on a standard conveyance pad size of 10 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 (1) quarter mile (0.25) of at least one hundred (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 (4) 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 31. – RESERVED FOOD TRUCK PARKS

Sec. 34-2351. – Food Truck Parks

(a) Purpose. Food Truck Parks operate fully or partially outdoors, necessitating site and design standards to mitigate potential incompatibilities with adjacent uses and

hazards due to weather. The intent of these requirements is to mitigate these possibilities without constraining the creativity or innovation of development.

(b) *Zoning Application.* Food Truck Parks that do not follow the requirements in this division must obtain a Special Exception to ensure appropriate compatibility, circulation, and safety. In instances where:

1. Food Truck Parks are only allowed via a Special Exception; the development standards in this division apply, and additional conditions may be required to ensure compatibility.
2. A Special Exception is required because the requirements in section 34-2352 cannot be met; additional variances from that section are not required.

(c) *Consumption on Premises.* Consumption of alcohol on-premises within a Food Truck Park is subject to the requirements of section 34-1264. Alcoholic beverages within Food Truck Parks may be dispensed from a permanent structure or a mobile food vendor properly licensed by the State of Florida. Food Truck Parks selling alcohol may not allow consumption of alcoholic beverages outside the designated seating area for the park.

Sec. 34-2352. - Requirements

(a) *Design.* In addition to the standard site design requirements for commercial development, Food Truck Parks must include the design requirements in this section. Permanent structures must have a unified architectural theme and consistent finishes and colors on all facades visible to the public. Food Truck Parks must include all of the following:

1. A set number of designated, paved conveyance pads separate from the required vehicular parking area for mobile food vendors to serve customers. Parking pads for mobile food vendors must meet the principal structure setback requirements of the zoning district and provide a minimum separation distance of 10 feet or the minimum separation requirements of the NFPA between pads, whichever is greater.
2. On-site permanent sanitary facilities.
3. Pedestrian connections from the mobile food vendor serving areas(s) to the seating and parking areas.
4. Permanent roofed structure(s) must account for a minimum of 30 percent of the total seating area(s).

5. Internal circulation providing conveyance access to the conveyance pad(s). In no instance shall a conveyance traverse a required buffer or landscaped area to access the conveyance pad.
- (b) Utility connections. Conveyances shall connect to permanent on-site utility connections available to each conveyance pad. Conveyances shall not use generators for power unless on-site power is malfunctioning.
- (c) Hurricane Preparedness.
 1. Food Truck Parks must include a permanent weatherproof structure capable of storing and securing outdoor furniture and other accoutrements during a hurricane or extreme weather event.
 2. Conveyances placed in flood hazard areas must be:
 - a. On-site for fewer than 180 consecutive days; or
 - b. Fully licensed and ready for highway use, meaning the conveyances are on wheels or a jacking system, attached to the site only by quick-disconnect type utilities and security devices, and have no permanent attachments, such as additions, rooms, stairs, decks, and porches.
- (d) Noise. Food Truck Parks must follow the county's established noise ordinance in Lee County's Code of Ordinances, Article VI, Noise Control, unless a more restrictive condition of approval is issued with a zoning action associated with the property in which the establishment is located. Outdoor speakers shall be:
 1. Affixed to a permanent structure;
 2. Angled downwards; and
 3. Faced away from any residential uses.

Sec. 34-2353 – 34-2380 – Reserved.

SECTION THREE: 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 FOUR: 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 FIVE: 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 SIX: 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 SEVEN: 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 Hamman made a motion to adopt the foregoing ordinance, seconded by Commissioner Ruane. The vote was as follows:


Kevin Ruane	Aye
Cecil L Pendergrass	Absent
David Mulicka	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 17th day of June, 2025.

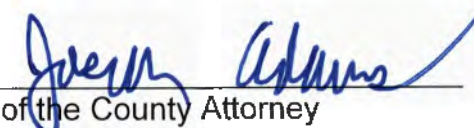
ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Kevin Ruane, Chair
BRIAN HAMMAN

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

By: 
Office of the County Attorney



FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee COUNTY ORDINANCE #: 25-12
(e.g., 93-001)

PRIMARY KEYFIELD
DESCRIPTOR: Zoning

SECONDARY KEYFIELD
DESCRIPTOR: _____

OTHER KEYFIELD
DESCRIPTOR: _____

ORDINANCE DESCRIPTION: Amend LDC Chs. 33 and 34
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: _____ AMENDMENT #2: _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: _____ ; REPEAL #3: _____
REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: _____
KEYFIELD 1 CODE: _____ KEYFIELD 2 CODE: _____
KEYFIELD 3 CODE: _____



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

June 23, 2025

Kevin Karnes
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Dear Kevin Karnes:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 25-12, which was filed in this office on June 23, 2025.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp

RECEIVED

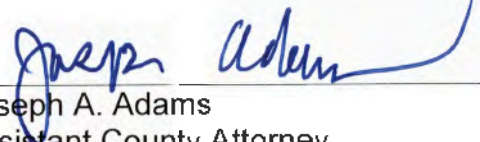
By Latasha Seth at 2:49 pm, Jun 23, 2025

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

VIA HAND DELIVERY

DATE: June 19, 2025

To: Commissioner Kevin Ruane
Chair, Board of County
Commissioners

FROM: 
Joseph A. Adams
Assistant County Attorney

**RE: Ordinance Amending LDC Chapters 33 and 34
Ordinance No. 25-12
Agenda Item Public Hearing #58, June 17, 2025**

Attached, approved as to form, please find the original of the amendments to the Land Development Code adopted by the Board of County Commissioners on June 17, 2025. Kindly execute the ordinance at your earliest convenience and then forward to the Minutes Department for filing and transmittal to Tallahassee.

By copy of this memorandum to Minutes, I request that a clerk attest to the Chair's signature on the attached ordinance and return the fully executed copy with all exhibits to my attention.

Insofar as State Statute mandates that the ordinance reach Tallahassee within ten (10) days of the adoption, please expedite the above request so that the ordinance arrives in Tallahassee no later than June 27, 2025.

Also attached please find the Data Retrieval form. Kindly include this ordinance in the Lee County Ordinance History.

Thank you for your prompt attention to this matter.

JAA/les

Attachments

VIA EMAIL ONLY:

Claudia Curtin, Records Management Manager
leeclerkminutes@leeclerk.org

2025 JUN 20 PM 12:03
RECEIVED
MINUTES OFFICE

AGENDA ITEM REPORT

DATE: June 17, 2025
DEPARTMENT: County Attorney
REQUESTER: Joseph A. Adams
TITLE: Conduct Second Public Hearing to Adopt LDC Amendments

I. MOTION REQUESTED

Conduct second public hearing regarding an ordinance amending the Lee County Land Development Code, Chapter(s) 33 and 34.

II. ITEM SUMMARY

The proposed amendments affect Land Development Code (LDC) Chapters 33 and 34. Proposed amendments introduce previously unregulated uses in response to emerging market trends, more broadly permit public safety facilities throughout the county, and assure compliance with state statute.

III. BACKGROUND AND IMPLICATIONS OF ACTION

This ordinance is the third of a series of ordinances to be brought forward as part of the Department of Community Development's 2024-2025 Biennial Land Development Code Amendment Cycle, which was initiated by Staff as directed by the BoCC on February 6, 2024. Staff was authorized to advertise and conduct the required public hearings on June 3, 2025, at 5:05 p.m. and June 17, 2025 at 9:30 a.m. to adopt an Ordinance that will amend LDC Chapters 33 and 34. This satisfies the state law requirement to hold two public hearings for certain amendments to the LDC. If adopted, the Ordinance will amend existing regulations pertaining to the following matters:

- Establishment of definitions and corresponding use and development regulations for brewpubs, micro-breweries, -wineries, and -distilleries, and food truck parks;
- Expansion of permitted locations for EMS, fire, and sheriff's stations; and
- Modification of permitted uses in Agricultural zoning districts for consistency with state statute.

IV. FINANCIAL INFORMATION

Current Year Dollar Amount: No funding required.
Included in the Current Budget?:
Fund:
Comments:

Is this a revenue or expense item? N/A
Is this Discretionary or Mandatory? N/A
Will this item impact future budgets? N/A
Program:
Project:
Account Strings:
Fund Type?

V. RECOMMENDATION

Approve

ATTACHMENTS:

LDC Amendments (Annotated with Staff Notes and Committee Comments), LDC Amendment Summary Uses, LDC Amendment Ordinance (Proposed), FAIS Form, Business Impact Estimate Form

REVIEWERS:

Lauren Schaefer, County Attorney
Joseph Adams, County Attorney

Created/Initiated - 6/5/2025
Approved - 6/9/2025

Richard Wesch, County Attorney
Mikki Rozdolski, Community Development
Anne Henkel, Budget Services
Peter Winton, County Manager

Approved - 6/9/2025
Approved - 6/9/2025
Approved - 6/9/2025
Final Approval - 6/9/2025