

#86-17



OFFICIAL ZONING ORDINANCE

ADOPTED BY THE
LEE COUNTY
BOARD OF COUNTY COMMISSIONERS
ON JUNE 25, 1986;
EFFECTIVE ON AUGUST 1, 1986.

LEE COUNTY ORDINANCE NO. 86-17

AN ORDINANCE ESTABLISHING THE LEE COUNTY ZONING ORDINANCE FOR THE PURPOSE OF REGULATING THE ADMINISTRATION AND ENFORCEMENT OF ZONING THROUGHOUT UNINCORPORATED LEE COUNTY; PROVIDING JUSTIFICATORY CLAUSES; PROVIDING FOR A TABLE OF CONTENTS; PROVIDING FOR TITLE AND AUTHORITY, SHORT TITLE, AND PURPOSE AND INTENT; PROVIDING FOR GENERAL REGULATIONS; PROVIDING FOR CORRELATION TO THE LEE PLAN; PROVIDING FOR ZONING DISTRICT ESTABLISHMENT, DESIGNATION AND REGULATION; PROVIDING FOR SUPPLEMENTAL REGULATIONS; PROVIDING FOR NON-CONFORMITIES; PROVIDING FOR THE CREATION AND INTERPRETATION OF ZONING MAPS; PROVIDING PROCEDURES AND REQUIREMENTS FOR APPLICATION; PROVIDING FOR BOARDS AND COMMISSIONS TO HEAR AND DECIDE ZONING ACTIONS; PROVIDING FOR DEFINITIONS AND USE OF ACTIVITY GROUPS; PROVIDING FOR FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE, RECODIFICATION, AND SCRIVENOR'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida, has by Lee County Ordinance 84-28, adopted a comprehensive plan pursuant to Chapter 125, Florida Statutes, and Sections 163.3161 through 163.3211, Florida Statutes; and,

WHEREAS, Section 163.3201, Florida Statutes, states that it is intent of that act that local comprehensive plans be implemented through the adoption and enforcement of appropriate regulations on the development of lands and waters in the area; and,

WHEREAS, Chapter 125, Florida Statutes, and Chapter 61-2405, Laws of Florida (Special Acts), authorize the Board of County Commissioners of Lee County, Florida, to adopt and enforce zoning regulations for the protection of the public health, safety and welfare; and,

WHEREAS, it is the intent of the Lee County Board of County Commissioners that the Lee County Zoning Regulations comply with the provisions of Chapter 61-2405, Laws of Florida, and Section 125.66, Florida Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT THE ZONING ORDINANCE AS SET FORTH HEREIN ~~FOR THE UNINCORPORATED AREAS OF SAID LEE COUNTY~~ BE ADOPTED.

SECTION ONE: LEE COUNTY ZONING ORDINANCE

LEE COUNTY
ZONING ORDINANCE

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CHAPTER I - TITLE, AUTHORITY, SHORT TITLE, PURPOSE AND INTENT.

100 TITLE AND AUTHORITY

AN ORDINANCE RELATING TO THE ADOPTION AND ENFORCEMENT OF ZONING REGULATIONS IN LEE COUNTY, FLORIDA, IN UNINCORPORATED AREAS PURSUANT TO CHAPTER 61-2405, LAWS OF FLORIDA; A SPECIAL ACT OF LOCAL SIGNIFICANCE, VARIOUS PROVISIONS OF CHAPTER 125, F.S., RELATING TO COUNTY GOVERNMENT AND VARIOUS PROVISIONS OF SECTIONS 163.3161-3215, F.S. THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT; STATING THE SHORT TITLE, PURPOSE AND INTENT; PROVIDING FOR GENERAL PROVISIONS; PROVIDING FOR THE LEE PLAN; PROVIDING FOR THE ESTABLISHMENT OF ZONING DISTRICTS AND SETTING FORTH REGULATIONS FOR ZONING DISTRICTS; PROVIDING FOR SUPPLEMENTAL REGULATIONS; PROVIDING FOR NON-CONFORMING USES; PROVIDING FOR ADOPTION OF A ZONING MAP; PROVIDING FOR THE INTERPRETATION, ADMINISTRATION AND ENFORCEMENT OF THIS ZONING ORDINANCE; PROVIDING FOR APPLICATION PROCEDURE FOR ALL PETITIONS INCLUDING REZONING, SPECIAL PERMITS, SPECIAL EXCEPTIONS, ZONING ORDINANCE AMENDMENTS, TEMPORARY PERMITS, AND VARIANCE REQUESTS; PROVIDING FOR POWERS AND DUTIES OF LOCAL PLANNING AGENCY, PLANNING AND ZONING COMMISSION, BOARD OF ZONING ADJUSTMENTS, AND BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR NOTICE AND HEARING REQUIREMENTS; PROVIDING FOR ORDINANCE SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING REGULATIONS; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF LEE COUNTY, FLORIDA, RECODIFICATION AND SCRIVENORS ERRORS; PROVIDING FOR EFFECTIVE DATE.

101 SHORT TITLE

This Ordinance shall be known, referred to, and cited as the Lee County Zoning Ordinance.

102 PURPOSE AND INTENT

The purpose of this zoning ordinance is to encourage and promote in accordance with present and future needs, the safety, health, order, convenience, prosperity, and general welfare of the citizens of Lee County, Florida, to recognize and promote real property rights, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for preservation, protection, development, and conservation of the natural resources of land, water, and air, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, for adequate public utilities and facilities, for promotion of the amenities of beauty and visual interest, for protection of the character and maintenance of the stability of residential, agricultural, business and industrial areas, and for development in accordance with the Lee Plan adopted by Lee County by establishing zoning districts and by regulating the location and

use of buildings, signs and other structures, water and land for agriculture, trade, industry, and residence, by regulating and limiting or determining the height, bulk, and access to light and air of buildings and structures, the area of yards and other open spaces and the density of use. To accomplish these objectives, the regulations and districts and accompanying maps have been designed with reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses.

CHAPTER II - GENERAL

- 200 - RULES FOR CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this zoning ordinance:

- A. When not inconsistent with the context, words used in the present tense shall include, the future; words used in the singular number shall include the plural, and the plural the singular.
- B. The word "lot" includes the words "plat", "parcel" or "tract".
- C. The word "used" or "occupied" as applied to any land, building or structure shall be construed to include the words "intended, arranged or designed to be used or occupied".
- D. The word "person" includes an individual, a corporation, a partnership, an incorporated association, a governmental body or official or any other similar entity.
- E. The word "includes" shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- F. The particular shall control the general.
- G. The word "shall" is always mandatory, "may" is permissive.
- H. The words "his" or "he" includes the words "her" or "she".
- I. The phrase "public health, safety and welfare" shall include morals, comfort, good order, aesthetics, convenience, law enforcement and fire prevention; prevention of the over-crowding of land; avoidance of undue concentration of population; facilitation of the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing and other requirements and services; conservation, development, utilization and protection of natural resources and protection of life and property from natural and man-caused hazards.
- J. Where the term "ordinance" is referred to in the text, it shall be meant to include the phrase "as adopted and as amended from time to time."
- K. In case of any difference of meaning or implication between the text of this zoning ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

201 SCOPE, APPLICABILITY, DEED RESTRICTIONS, AND VESTED RIGHTS

A. SCOPE

The provisions of this Ordinance shall apply uniformly to all land, water, buildings and structures now or hereafter located in the unincorporated areas of Lee County, Florida.

B. APPLICABILITY

1. No land shall be cleared, graded, excavated or filled, or otherwise altered except in conformity with the regulations contained herein, and all other applicable Lee County Ordinances.
2. No building, structure, land, or water shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, located, moved, or structurally altered except in conformity with the regulations herein specified for the district in which it is located, the Lee Plan, and all other applicable Lee County Ordinances.
3. No boats, floating structures, or other floating equipment designed to accommodate one or more living units, or designed or used for retail sales, shall be permitted to anchor, moor, tie-up, or otherwise be attached to any wharf, pier or other structure emanating from real property or to real property itself within unincorporated areas of Lee County except in conformity with the regulations contained herein and all other applicable Lee County Ordinances.
4. No boat, floating structure, or other floating equipment shall be moored to mangroves except for emergency purposes.
5. No person shall discharge or permit or control or command to discharge any raw sewage, garbage, trash, or other waste material into the waters of Lee County.
6. No part of a required yard or other required open space, or required off-street parking or off-street loading space, provided in connection with a building, structure, or use shall be used to meet the requirements for any other building, structure, or use, except in compliance with specified provisions made in this zoning ordinance.
7. No lot or yard existing on August 1, 1986 shall be reduced in size, dimension, or area below the minimum requirements set out herein for the Zoning District in

which the property is located. Lots or yards created after August 1, 1986 shall meet at least the minimum requirements established herein, for the zoning district in which located. Where a lot or yard is reduced below the minimum requirements as a result of dedication, condemnation, purchase or other acquisition for a public use, the resultant nonconforming lot or yard may be required to obtain a variance in accordance with Chapters VIII and IX.

8. No more than one (1) principal building or structure shall be erected on a single lot except in conformity with the regulations contained herein and all other applicable Lee County Ordinances.

C. DEED RESTRICTIONS

The provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, and welfare. It is not intended by this Ordinance to interfere with, abrogate or annul any easements, covenants or other agreement between the parties; provided, however, that where this Zoning Ordinance imposes a greater restriction upon the uses of structures, land and water, or require more open space than is required by other rules or regulations, or by easements, covenants or agreements, recorded deed, plat or otherwise, the provisions of this Zoning Ordinance shall govern.

D. VESTED RIGHTS

Nothing in this Ordinance is to be interpreted or construed to give rise to any vested right in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, said use, district, zoning classification and permissible activities are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the protection of public health, safety and welfare.

202 GENERAL PROVISIONS

PURPOSE

The purpose of this section is to provide rules and regulations which supplement, modify, or further explain rules and regulations found elsewhere in this Ordinance and unless specifically noted to the contrary, apply to all zoning districts.

202.01 ACCESS

A. New Developments

All new developments shall be required to meet or exceed the minimum locational access standards and requirements to local, collector or arterial streets as set forth in the Lee Plan and these regulations.

B. Use of Housing Density Bonus or Transfer of Development Rights Program

Residential developments which propose to utilize the housing density bonus program or transfer of development rights program to exceed the standard density range for the Land Use classification in which they are located, as set forth in the Lee Plan, shall be required to have access to a collector street or a street of higher functional classification.

202.02 ALCOHOLIC BEVERAGES

A. CONSUMPTION OFF THE PREMISES

1. 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 sub-section A.3 are met.
 - a. In any Zoning District wherein "package stores" are listed as a permitted use; and/or
 - b. In any retail sales establishment wherein the sale of alcoholic beverages for consumption off-site is clearly incidental to other retail sales commodities such as in a grocery store, supermarket, or drugstore.
2. Sale of alcoholic beverages under this Section shall be limited only to those alcoholic beverages sold in original factory sealed containers.
3. SPECIAL REGULATIONS

All establishments engaged in the sale of alcoholic beverages for consumption off-site shall be required to comply with the following:

- a. All applicable Lee County Ordinances and State Liquor Laws; and

b. No Package Store or other establishment engaged in the retail sales of liquor for consumption off-site, shall be permitted closer than 500 feet from any Religious Facility, School, or Day Care Center (child).

1.) For purposes of this Section the distance shall be measured from any public entrance or exit from the establishment to the nearest property line of the Religious Facility, School, or Day Care Center.

2.) Where an establishment for the sale of alcoholic beverages is located in conformity with the provisions of this Section, the subsequent locating of a Religious Facility, school or day care center in the proximity of such existing establishment shall not be construed to cause such establishment to be in violation of this section.

B. CONSUMPTION ON PREMISES

1. PERMIT REQUIRED

a. Except as provided in Subsection 202.02.B.1.b. herein, the sale of alcoholic beverages for consumption on the premises shall require a Special Permit.

b. Exceptions

In any PD, Planned Development, where an establishment or other facility proposing consumption on premises is explicitly designated on the Master Concept Plan and is included on the list of enumerated uses, and where access to the consumption on the premises use is limited to the residents of the development, their guests, or members of the private club only.

2. LOCATIONAL STANDARDS

Establishments for the sale of alcoholic beverage for consumption on site shall not be located within five hundred (500) feet of any Religious Facility, School, or Day Care Center.

a. Distance shall be measured from any public entrance or exit of the establishment in a straight line to the nearest property line of the Religious Facility, School, or Day Care Center.

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- b. Where an establishment for the sale of alcoholic beverages is located in conformity with the provisions of this Section, the subsequent locating of a Religious Facility, School, or Day Care Center in the proximity of such existing establishment shall not be construed to cause such establishment to be in violation of this Section.

202.03 ANIMALS

A. SCOPE

The keeping, raising or breeding of horses and other livestock, including poultry of all kinds usually and customarily considered as farm animals shall be permitted as set forth herein.

B. HORSES AND OTHER EQUINES

The keeping, raising or breeding of horses or other equines shall be permitted in the AG, RS-4, RS-5, MH-4 and RPD districts (when approved as part of the Master Concept Plan), as follows:

1. Minimum Lot Size

The minimum lot area required for a stable or other roofed structure for horses or other equines shall be as follows:

- a. Private Stable: 40,000 square feet
- b. Boarding Stable: Five (5) acres
- c. Commercial Stable: Ten (10) acres

2. Minimum Setbacks

Except as provided in sub-section F-2, any stable or other roofed structure for the keeping, raising or breeding of horses or other equines shall be set back the following minimum distances from any property zoned MHC, RSC, RS (excluding RS-4 and RS-5); TFC; TF; RM; MHC; MH (excluding MH-4); RV; RPD (except for those areas of RPD's approved for stables); and any CFPD or CF districts approved for residential, health care, or social service living facilities.

- a. Private Stables: Thirty-five (35) feet
- b. Boarding Stable: One hundred (100) feet

c. Commercial Stables: Two hundred (200) feet

C. GOATS, SHEEP, SWINE

Except as provided in sub-section F-2, the keeping, raising and breeding of goats, sheep, or swine shall be permitted in any AG district as follows:

1. Goats, sheep, and swine shall not be kept or allowed to run within one hundred (100) feet of any property zoned for residential uses.
2. Buildings or other roofed structures for keeping of goats, sheep, or swine shall be set back a minimum of three hundred (300) feet from any property zoned for residential uses.

D. CHICKEN COOPS, NON-COMMERCIAL

Except as provided in sub-section F-2, the keeping, raising, and breeding of chickens or other poultry shall be permitted in any AG district provided that no coop or other structure for housing said chickens or poultry shall be located closer than one hundred (100) feet to any property zoned for residential uses.

E. DAIRY BARNS, COMMERCIAL POULTRY RAISING

Except as provided in sub-section F-2, dairy barns and commercial poultry raising buildings shall be set back a minimum of three hundred (300) feet from any property zoned for residential uses.

F. EXCEPTIONS

1. When a specific setback for an accessory building or structure is not provided herein, the setbacks shall be the same as for other accessory buildings or structures (see Section 501).
2. The minimum setbacks set forth in sub-sections B, C, D and E shall not be applicable to those facilities legally in existence and operation prior to residential zoning being approved closer than the required setbacks.

202.04 BUILDING RELOCATION

A. SCOPE

When any building or structure is moved to any location within the unincorporated area of Lee County, the building or structure, and use thereof shall comply with all the

provisions of this Zoning Ordinance and other applicable Lee County regulations.

B. PERMIT REQUIRED

No building or part of any building shall be relocated nor moved through or across any sidewalk, street, alley or highway within unincorporated Lee County unless a permit has first been obtained from the Division of Code Enforcement. The procedures and application requirements for building relocation are found in Section 802.F.

202.05 CLEARING, GRADING OR FILLING OF LAND

The clearing, grading or filling of land shall be done in accordance with the Land Development Code.

202.06 DENSITY

A. SCOPE

The provisions set forth herein shall apply to any proposed or existing residential development.

B. DEFINITIONS

For purposes of this section, certain terms or phrases are defined as follows:

- 1. Total Land Area: The total area of land (expressed in acres or fractions thereof) contained within the boundary lines of a development.
- 2. Gross Residential Acres: The total land area of a development less the following areas:
 - a. Any areas proposed to be used for offices, commercial, industrial or other non-residential uses. For purposes of this section only, the following uses shall be considered as residential:

Parks, Public or Private - Groups I and II

Recreation Center

Recreation Facilities, Personal, Private and Public

Open Space

Schools (non-commercial)

Police, Fire and Emergency Services

Sewage, Water, and Drainage Facilities

Proposed man-made ponds or water bodies

- b. Any proposed street right-of-way or easements which are intended to provide access to office, commercial or industrial uses only. Streets which also serve residential uses shall be pro-rated.

3. Gross Residential Density: The ratio of housing units per Gross Residential Acre.

C. CALCULATING TOTAL PERMISSIBLE HOUSING UNITS

The Lee Plan establishes a standard and maximum residential density range permissible for each residential Land Use Category. The procedure set forth herein shall be used to determine the standard residential density as well as the total number of housing units which may be permitted within a development.

1. Proposed Developments

a. Determining Land Area

The applicant shall provide the calculations used in determining the following:

- 1.) Total land area of the proposed development;
- 2.) Total Gross Residential Acres;
- 3.) Gross Residential Acres less any area classified as a Resource Protection Area or Transition Zone Area by the Lee Plan.

b. Estimating Total Permissible Housing Units

- 1.) Multiply the Total Gross Residential Acres less Resource Protection and Transition Zone Areas [C.1.a.3.]) by the Standard Density Range permitted for the Land Use Category in which the property is located.

- 2.) Additional housing units shall be permitted as follows:
 - a.) Add one (1) housing unit for every 40 acres of Resource Protection land;
 - b.) Add one (1) housing unit for every 20 acres of Transition Zone land;
- 3.) The figure derived by adding 1.) and 2.) above, represents the number of housing units which may be permitted within the development unless a higher density is permitted under the Housing Density Bonus Ordinance (86-4) or any ordinance adopted which allows Transfer of Development Rights.

2. Existing Developments and Lots

Due to the obvious problems of computing gross density in the same manner as set forth for new developments, the following procedures shall be followed:

a. Single-Family Structures

Any legally existing lot of record shall be permitted one single-family residence provided the lot complies with the provisions of the Lee Plan.

b. Two-Family or Multiple-Family Structures

Any legally existing lot of record which is zoned for two-family or multiple-family development shall be subject to the gross residential density limitations set forth in the Lee Plan as well as this Zoning Ordinance (whichever is most restrictive).

Calculations for gross residential density shall be provided as follows:

1.) Platted and Recorded Subdivisions

When reviewing a request for a building permit for other than a single-family residence within an existing subdivision or development, the entire subdivision (including all units or phases of said subdivision) shall be reviewed.

2.) All existing residential streets, artificial open bodies of water, parks, recreational facilities, and other residential uses which

were provided by the developer shall be included in the computation of gross residential acres.

- a.) In instances where the permitted gross residential density has not been exceeded, permits for two-family and multiple-family structures shall be permitted subject to all applicable regulations.
- b.) Except for developments which were "vested" in accordance with the procedure set forth in the Lee Plan, in instances where the gross residential density has been reached or exceeded, no permits shall be issued other than for a single-family residence on said lot.

3. Density Equivalents

a. Applicability

The density equivalents set forth herein shall be used in all situations where it is necessary to convert permissible uses to residential dwelling unit equivalents. Such situations include, but are not limited to, determining density for Group Quarters (df), Health Care Facilities - Group I (Section 1001.20); Social Services - Groups III and IV and other similar uses not specifically addressed elsewhere in this Ordinance.

When permitted by the Use Regulations in a residential zoning district, the permissible density equivalents shall not exceed the density limitations set forth in the zoning district in which the property is located. When permitted in a Community Facilities or Commercial district, the permissible density equivalents shall not exceed the standard density permitted by the Lee Plan for the Land Use Category in which the property is located.

b. Equivalency Factors

For bona fide ACLF's duly licensed as such by the State of Florida, three (3) persons or beds shall be the equivalent of one (1) dwelling unit.

For all other uses covered by this Section (see 202.06.C.3.a.), two (2) persons or beds shall be the equivalent of one (1) dwelling unit.

28.11;

c. Determining Permitted Density

The maximum number of persons or beds which may be permitted shall be determined by multiplying the number of dwelling units permitted (202.06.C.3.a.) by the appropriate Equivalency Factor.

Examples:

- 1. Adult Congregate Living Facilities are a permitted use in the RM district provided they do not exceed fifty (50) beds. The RM-6 district permits up to six (6) dwelling units per acre. Therefore, six (6) (du/acres) multiplied by three (3) (equivalency factor) converts to a maximum of eighteen (18) persons or beds per acre in the RM-6 district.
- 2. A Rehabilitation Center (Social Service - Group IV) developed in an RPD or Community Facilities district shall be determined by the dwelling unit density prevalent in adjacent areas. For example, if surrounded by RS-1 zoning, the permissible density shall be determined by dividing the acreage of the subject property by 7,500 square feet (area required for one (1) dwelling unit in RS-1) to determine permitted dwelling units, and multiplying the result by two (2) (Equivalency Factor) to determine the maximum permitted persons or beds.

D. DENSITY LIMITATIONS

Except as may be specifically permitted by the Lee Plan, maximum densities are hereby limited as follows:

- 1. Captiva Island: Three (3) dwelling units per gross residential acre.
- 2. Gasparilla Island: Three (3) dwelling units per gross residential acre (refer to Chapter 83-385, Laws of Florida, for description of affected properties).
- 3. Greater Pine Island (refer to Ordinance 78-19 for description of affected properties):
 - a. Single-family conventional residence or Mobile Home: Five (5) dwelling units per gross residential acre.
 - b. Two-family or duplex structure: Eight (8) living units per gross residential acre.

202.07 DOCKS, MOORING PILES, SEAWALLS, WATERCRAFT LANDING FACILITIES
AND/OR OTHER STRUCTURES DESIGNED FOR USE ON OR ADJACENT TO WATERWAYS

Construction, placement, erection and/or maintenance of docks, mooring piles, seawalls, watercraft landing facilities and/or other structures designed for use on or adjacent to waterways shall be in compliance with established building permit procedures and with the Lee County Dock Ordinance (85-25).

202.08 ENVIRONMENTALLY SENSITIVE AREAS

A. PURPOSE

Several of the goals, objectives and policies set forth in THE LEE PLAN address development as it relates to the preservation, protection, enhancement and restoration of the coastal and inland natural resources of Lee County.

The coastal zone is of special concern. The coastal zone includes, but is not limited to, the following natural systems.

1. Marine - Gulf of Mexico
2. Estuarine - Coastal Bays
Coastal Lagoons
Coastal Tributaries
Forested Saltwater Wetlands
Non-Forested Saltwater Wetlands
Sea Grass Beds
3. Terrestrial - Beaches
Dunes
Coastal Ridge
Overwash Plain
Shell Mound

Other areas of concern which may require special regulations are:

1. Freshwater wetlands and riparian systems which are characterized by any combination of plant species enumerated in the Lee County Wetlands Vegetation List (see Lee County Wetlands Protection Ordinance, 85-42) and which are associated with any of the following soil types: Gator muck, Terra Ceia muck, Pompano fine sand-depressional, Isles fine sand-depressional, Anclote sand-depressional, Valkaria fine sand-depressional, Malabar fine sand-depressional, Copeland sandy loam-depressional, Felda fine sand-depressional, Floridana sand-depressional, Myakka fine sand-depressional, and Chobee muck, and which are subject to permanent or prolonged periods of inundation or

saturation (i.e., water is at the soil surface at least two to seven months, seven out of ten years);

- 2. Areas which provide critical habitat of rare and endangered plant and animal species listed in the publication "Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida" (and as periodically updated), Florida Game and Freshwater Fish Commission;
- 3. Areas which have significant impact upon the quality of groundwater and receiving waters;
- 4. Transition Zones which are lands that may be seasonally inundated from one to three months as indicated by water marks, and do not have depressional soils and are characterized by a mixture of plant species typical of uplands and wetlands.

B. SPECIAL REGULATIONS - ENVIRONMENTALLY SENSITIVE LANDS

All areas proposed for development or rezoning which are designated as Resource Protection or Transition Zone areas on the Land Use Plan Map, or which come under the criteria set forth in Subsection A above, shall be subject to the general as well as specific regulations set forth herein.

1. GENERAL REGULATIONS

a. Environmental Assessment Report

When environmentally sensitive ecosystems occur, as identified by Lee County, the U.S. Army Corps of Engineers, Florida Department of Environmental Regulation, Florida Department of Natural Resources, South Florida Water Management District or other applicable regulatory agency, the developer/applicant shall prepare an environmental assessment that examines the existing conditions, addresses the environmental impacts and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources of these ecosystems.

b. State and Federal Regulations

Any use permitted or permissible in environmentally sensitive areas shall be subject to all applicable State and Federal Regulations as well as applicable County Regulations.

Except in instances of overriding public interest, new roads and/or the expansion of existing facilities within Resource Protection and Transitional Zones shall be prohibited.

2. SPECIFIC REGULATIONS

a. Coastal Zones

- 1.) All developments shall adhere to coastal construction control line criteria, as established by Lee County and the Florida Department of Natural Resources, to prevent or reduce beach erosion, property damage and human injury.
- 2.) Development within the coastal zone shall be compatible with protection of natural systems and in accordance with applicable coastal construction codes.
- 3.) The design of shorelines of retention and detention areas and other excavations shall be sinuous rather than straight.
- 4.) Marinas shall be designed in accordance with Federal, State, and local regulations.
- 5.) No vehicular or foot traffic from developments or access strips to cross-over shall be allowed on dune ridges. Access to the beach shall be via elevated dune walkovers.
- 6.) No development shall be permitted which:
 - a.) Could restrict, impede, impound or otherwise interfere with tidal flow or drainage in coastal zone waters; or
 - b.) Involves the use of septic tanks or other mechanisms or devices that could result in the discharge of untreated sewage or other waste into coastal waters; or
 - c.) Could have an adverse individual or cumulative effect upon water quality and hurricane disaster mitigation and evacuation;
 - d.) Alters the dune system except for excavations for the installation of pilings necessary for the construction of

elevated structures as permitted by the Florida Department of Natural Resources.

7.) Any development involving any one or more of the following activities shall require Special Permit approval in accordance with Chapter VIII, of this Ordinance unless approved as part of a Planned Development District.

- a.) Dredging or filling, except for water dependent uses with clear public benefits;
- b.) Excavation, except for temporary excavation by utility companies provided there is proper restoration;
- c.) Filling for construction of access roads or walkways; or
- d.) Alteration of the dune system.

b. Barrier Islands

- 1.) New or expanded mobile home or recreational vehicle developments shall not be permitted on barrier islands or in coastal high hazard areas (V Zones) as designated in the adopted Flood Insurance Rate Maps (FIRM) for Lee County.
- 2.) Vehicle access to, paving of roads on, and the development of commercial marinas on undeveloped barrier islands shall be prohibited.

c. Sovereign Submerged Lands

All lands lying below the ordinary high water line of navigable freshwaters, and all lands lying seaward of the mean high water line of saltwaters, shall be subject to all regulations applicable thereto.

d. Wetlands

- 1.) Any development in or around wetlands shall be designed to protect the values and functions of the wetlands as setforth in the Wetlands Protection Ordinance (85-42).
- 2.) No wetland shall be drained, filled, or excavated unless and except as part of an approved restoration and/or mitigation program.

e. Floodplains

1.) Future development in flood prone areas shall be in compliance with Ordinance 84-17.

2.) Governmental Liability

The degree of flood protection required by this Section is reasonable for regulatory purposes and is based on scientific and engineering considerations. This Section does not imply that areas outside of flood hazard areas or land uses permitted within such areas will be free from flooding or flood damage.

f. Wildlife Habitat

Survey

All development proposals shall delineate all habitats of endangered and threatened species or species of special concern for plants or animals within the proposed development.

202.09 EXCAVATION - MINING

A. APPROVAL REQUIRED

No stripping, grading, excavating, or removal by any process of natural deposits of solid minerals from their natural location or state for use off of the premises shall be commenced prior to applying for, and receiving, approval as an Industrial Planned Development in accordance with Chapter VIII and Section 517 of this Ordinance.

B. EXCEPTION

Excluded from the requirements of this Section are excavations for construction of roads, drainageways, buildings or similar activities which have received an approved development order or building permit and where no material is removed from the premises except surplus not required for backfill or grading. This is not intended to exclude bonafide mining activities which have received a development order or building permit.

202.10 FENCES, WALLS, HEDGES, GATEHOUSES, ENTRANCE GATES

A. SCOPE

This section shall apply to all fences, walls, hedges, gatehouses and entrance gates which are not specifically exempted herein. This section shall not apply to seawalls (see Section 202.07 for regulations on seawalls).

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B. BUILDING PERMIT REQUIRED

Except as provided below or as may be specifically provided elsewhere in this Ordinance, all fences and/or walls shall comply with established building permit procedures.

Exceptions

1. Fences or walls less than twenty-five (25) inches in height;
2. Fences used for bona fide agricultural purposes.

C. CONSTRUCTION

1. All fences shall be of sound construction and not detract from the surrounding area.
2. No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected in or abutting any residential area or residential zoning district under separate ownership. This shall not be interpreted to mean bona fide agricultural uses cannot use barbed wire or electrically charged fences to control livestock when located in districts permitting the raising, keeping, or breeding of livestock.

D. LOCATION AND HEIGHT

1. Except as may be specifically permitted or required by other sections of this Ordinance or the Lee County Land Development Code, no fence or wall (excluding seawalls) shall be erected, placed or maintained:
 - a. Closer than five (5) feet from any street right-of-way or street easement;
 - b. Closer to the Gulf of Mexico than permitted by the Coastal Zone Protection Ordinance (86-9);
 - c. Closer than five (5) feet from the mean high water line along natural water bodies including canals created from sovereign lands, except that, where the canal is seawalled, said fence may be built landward of the seawall.
2. Except as may be specifically provided for elsewhere in this Ordinance, fences and walls may be erected, placed, and maintained along any property line or on any residentially zoned property provided:

- a. In residential areas, any fence or wall located between a street right-of-way or easement and the minimum required street setback line, shall not exceed three (3) feet in height.
- b. A residential project fence, wall or hedge may be increased to a maximum height of seven (7) feet around the perimeter of the project upon a finding by the County Engineer that there is no interference with vehicle visibility requirements (Section 202.17) at traffic access points.
- c. Except for a residential project fence, a fence, wall or hedge shall be limited to a maximum height of six (6) feet in the rear and side yards of residential areas.

For purposes of this requirement, the side yard shall be considered as that portion of the lot extending from the minimum required street setback line to the rear lot line.

d. Architectural Features

Fences, walls and hedges for residential project fences may include architectural features such as columns, cupolas, fountains, parapets, etc. at a height not exceeding twice the fence or wall height. All such features must be compatible with the project and abutting properties.

E. ADDITIONAL REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL AREAS

1. Unless otherwise specified in this Zoning Ordinance, all commercial and industrial uses shall provide a continuous visual screen of at least eight (8) feet in height along any lot line abutting a residential use. Such screen shall be maintained in a sightly manner and shall consist of a fence, wall or compact vegetation hedge, or a combination fence and shrubbery screen. Such screen shall face the residential use.
2. Any residential project fence or wall, or any fence or wall in a commercial or industrial area, which is over three (3) feet in height ~~between the minimum required~~ street setback line and the street right-of-way line or easement shall be designed so as to provide unobstructed visibility for vehicles entering or exiting the property.

- F. Nothing herein shall be construed as to permit the construction or placing of any construction within a public or private easement which prohibits the same.

G. EXCEPTIONS AND MODIFICATIONS

1. High Voltage Transformers and Other Utility Structures or Equipment

All substation high voltage transformers and any other utility structure or equipment of potential hazard to residents or passersby not otherwise protected shall be completely enclosed by a chain-link fence not less than eight feet (8) in height. On top of the fence shall be three (3) strands of barbed wire with six (6) inch spacing in between each strand.

Distribution transformers shall comply with National Electrical Safety Code requirements.

2. Entrance Gates and Gatehouses

The following regulations apply to any entrance gate or gatehouse which controls access to three (3) or more dwelling units.

a. An entrance gate or gatehouse not approved as part of a Planned Development may be permitted by right for security purposes to any residential development containing three (3) or more dwelling units or mobile homes, or any commercial, industrial, or recreational facility provided the gate or gatehouse is:

- 1.) not located on a publicly dedicated street or right-of-way; and
- 2.) located a minimum of one hundred (100) feet back from any public street right-of-way or easement; or
- 3.) designed in such a manner that a minimum of five (5) vehicles or one vehicle per dwelling unit, whichever is less, can pull safely off the public street while waiting to enter; or
- 4.) the development provides a deceleration-turning lane adjacent to the existing pavement for a distance of three hundred (300) feet leading into the access drive/road unless otherwise required by the Department of Transportation and Engineering Services.

b. Access for emergency vehicles shall be provided. Should an emergency necessitate the breaking of an entrance gate, the cost of repairing the gate and

the emergency vehicle (if applicable) shall be the responsibility of the owner/operator of said gates.

3. Walls and Fences along Limited Access or Controlled Access Streets

A wall or fence may be placed or maintained along any property line abutting a limited access or controlled access street provided:

- a. The height of the fence or wall does not exceed seven (7) feet; and
- b. Vehicle visibility requirements (Section 202.17) are met.

202.11 LIVE-ABOARD FACILITIES

A. PROHIBITION

1. Mooring to mangroves is prohibited except for emergency purposes.
2. Except as provided in sub-section C, no person shall live aboard any vessel under his command or control, which is moored to real property or to any dock, pier, seawall or other structure attached to real property in the unincorporated area of Lee County, except at a Class II Marina (Section 531) which is properly zoned for such use under the provisions of this Ordinance.

B. EXCEPTIONS

The provisions of Subsection A.2. shall not apply to:

1. Live-aboard vessels equipped with an approved discharge device and occupied by a licensed captain and his immediate family.
2. Commercial vessels (such as commercial fishing boats, tugs, barges, salvage vessels, passenger vessels or cargo vessels) when used in commerce and navigation.
3. The mooring of any vessel necessitated by an emergency.
4. The exceptions granted by Subsection B.1. and B.2. are not intended to apply to personal fishing boats used for recreation nor to fishermen with marine products licenses.

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202.12 OFF-STREET LOADING REQUIREMENTS

A. SCOPE

The off-street loading requirements of this Section shall apply to commercial, industrial and other non-residential uses.

B. SITE ACCESS

- 1. Street access to off-street loading areas shall observe the same provisions as set forth for off-street parking in Section 202.13.C.
- 2. Except as provided in sub-section 202.12.G., off-street loading areas shall be spatially or physically separated from off-street parking areas and pedestrian walkways.
- 3. Service roads shall be a minimum of twelve (12) feet wide for one-way usage and twenty-four (24) feet for two-way operations.

C. SITE LIGHTING, MAINTENANCE AND DRAINAGE

Site lighting, maintenance and drainage required for offstreet loading areas shall comply with the provision of Sections 202.13.E. and G. of this Zoning Ordinance.

D. OTHER USE OF OFF-STREET LOADING AREAS PROHIBITED

Except as provided in sub-section 202.13.I., off-street loading areas shall not be utilized for the sale, repair, dismantling, or servicing of any vehicles or equipment except on an emergency or temporary basis.

E. SCREENING

When any off-street loading area is located adjacent to a residential use or zoning district, and is not otherwise entirely visually screened from it at ground level, there shall be provided a continuous visual screen along the lot line abutting the residential use in accordance with Section 202.10 of this Ordinance, or the Lee County Land Development Code, whichever is the most restrictive.

F. OFF-STREET LOADING REGULATIONS

- 1. All commercial, industrial and/or other non-residential uses shall be provided with an off-street loading area for receiving and/or shipment of commodities.

2. Loading Plan

- a. A plan for off-street loading areas shall be provided as part of the site plan submitted in accordance with the regulations and procedures set forth in the Lee County Land Development Code or, if said development is exempt from said Code, then a plan shall be submitted at time of application for a Building Permit and be reviewed by the Zoning and Development Review Division for consistency with this section and this Zoning Ordinance.
- b. The location of all off-street loading areas shall embody the following provisions:
 - 1.) The required loading area shall be provided on the same lot or parcel it serves.
 - 2.) The surfaced portions of all loading areas, excluding driveways, shall observe a twenty (20) foot setback from all right-of-way lines and a ten (10) foot setback from all property under separate ownership or control.
 - 3.) Loading spaces shall be so located as not to obstruct or otherwise hinder or endanger the movement of vehicles and pedestrians.

G. REQUIRED LOADING SPACES

1. Establishments which normally receive or ship commodities via small panel trucks or vans shall not be required to provide off-street loading areas and may utilize the parking area provided:
 - a. Deliveries normally are received before or after normal hours open to the public;
 - b. No delivery truck remains in the parking lot for more than four (4) hours;
 - c. Deliveries do not interfere with normal pedestrian or vehicle movements.
2. Establishments which receive or ship goods via large semi or full trailer trucks shall provide a minimum of one (1) loading space for the first ten thousand (10,000) square feet of floor area plus one (1) space for each additional twenty thousand (20,000) square feet of floor area or major fraction thereof.

202.13 OFF-STREET PARKING REGULATIONS

A. SCOPE

1. New Developments

All residential and non-residential uses shall be required to provide off-street parking spaces in accordance with the regulations specified herein.

2. Existing Developments

- a. Existing buildings and uses which have 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 in excess of fifty (50) percent shall be required to comply with all applicable regulations.
- b. Existing buildings or uses which are enlarged in terms of floor area, shall provide additional parking spaces in accordance with this section, for the total floor area.
- c. When the use of a building is changed to a different use which is required to have more parking than exists, the additional parking shall be provided.

B. DEFINITIONS

For purpose of this Section only, certain words or phrases are defined as follows:

1. DRIVE-UP: The terms drive-up and drive-thru are synonymous.
2. EMPLOYEES: The regular working staff - paid, volunteer or otherwise - at maximum strength and in full time equivalent numbers necessary to operate, maintain or service any given facility or use under normal levels of service.
3. HIGH TURN-OVER: Applies to parking lots wherein numerous vehicles are parked for relatively short periods of time ranging from a few minutes to several hours. Customer parking for commercial or similar establishments is considered to be high turn-over.
4. LOW TURN-OVER: Applies to parking wherein vehicles are parked for long periods of time such as employee parking

during the day or overnight parking in residential developments.

5. PARKING AISLE: An accessway within a parking lot which provides direct access to individual parking spaces.
6. PARKING LOT: An area of land designed, used, or intended for the parking of five (5) or more vehicles.
7. PARKING LOT ENTRANCE: The accessway which provides ingress and/or egress access from a street right-of-way or easement to a parking lot.
8. PARKING SPACE: An area of land designed or intended for the parking of one (1) vehicle. Parking spaces are designated as "handicapped", "standard" or "small car" depending on the purpose of the space or upon the size of the car.

C. PARKING LOT ACCESS

1. All parking lots shall be designed so as to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion.
2. Each parking lot shall have a distinct parking lot entrance. Such entrance shall meet the requirements of the Lee County Land Development Code.
3. Parking lot entrances shall not exceed a six (6) percent grade for twenty (20) feet into any lot or parcel; nor shall a parking lot entrance enter a street right-of-way or easement at an angle of less than ninety (90) degrees unless a lesser angle is approved by the Director of Transportation and Engineering Services.

D. PARKING LOT PLAN

A Parking Lot Plan shall be required for all uses (except for one and two family residential uses) and shall be submitted for review and approval, in accordance with the Lee County Land Development Code. Developments which are exempt from said Code shall submit plans to the Zoning and Development Review Division prior to issuance of a Building Permit. The plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the uses or structures such facilities are designed to serve.

E. LOCATION AND DESIGN

The location and design of all parking lots shall embody the following provisions:

1. Location

Except for parking lots specifically zoned CP or as provided for in Subsection H., all required parking lots shall be provided on the same premises as the use which they serve.

2. Design

- a. All parking lots shall be designed in accordance with the setback, buffer, landscaping and drainage requirements set forth in the Lee County Land Development Code.
- b. If parking lot is to be used at night, adequate lighting shall be provided for the driveways, ingress and egress points, and parking areas of all commercial and industrial uses. Such lighting shall be so arranged and directed as to eliminate glare on any other use.
- c. All individual parking spaces shall be accessible at all times from a parking aisle intended to provide access to the space. Stacking of vehicles (one behind the other) shall not be permitted except for single family or duplex residential uses wherein one car may be parked behind another car.
- d. All parking lot spaces shall be provided with sufficient maneuvering room so as to allow an exiting vehicle to leave the parking lot in a forward motion.

Parking lots utilizing ninety (90) degree parking with dead-end aisles shall provide a turning bay for those spaces at the end of the aisle.

- e. In any parking lot where more than one tier of parking spaces is to be developed, a pedestrian system shall be provided which accommodates safe and convenient pedestrian movement.

F. PARKING LOT DIMENSIONAL REQUIREMENTS

In addition to satisfying all other provisions of this section, the arrangement and spacing of off-street parking lots shall conform to the following requirements:

- 1. Individual Parking Space Dimensions shall be as follows:
 - a. Handicapped Parking: (all): Twelve (12) by twenty (20) feet.

b. High Turn-Over Parking Lots

- 1.) 90 degree parking: ten (10) by eighteen (18) feet.
- 2.) 30, 45 or 60 degree parking: nine (9) by eighteen (18) feet.
- 3.) Parallel parking: eight (8) by twenty-two (22) feet.

c. Low Turn-Over Parking Lots

- 1.) 90 degree parking: nine (9) by eighteen (18) feet.
- 2.) 30, 45 or 60 degree parking: eight and one-half (8½) by eighteen (18) feet.
- 3.) Parallel parking: eight (8) by twenty-two (22) feet.

- d. "Designated Small Car" spaces shall be a minimum of eight (8) feet wide by sixteen (16) feet deep. See Section 202.13.K. for use criteria.

2. Delineation of Spaces

a. Paved Parking Lots

- 1.) Parking spaces shall be delineated by all-weather painted lines, not less than four (4) inches in width, centered on the dividing line between spaces.
- 2.) Parking spaces which do not abut a curb, fence, wall or other structure shall be provided with a parking block set two (2) feet from the end of the parking space.

b. Unpaved Parking Lots (See Section G.3)

- 1.) Parking spaces in unpaved parking lots shall be delineated by placing a parking block two (2) feet from the end of the parking space and centered between the sides of the space.
- 2.) Where the space abuts a structure, the space may be indicated on the structure, in which case parking blocks shall not be required.

c. Temporary Parking Lots (See Section G.3)

Where temporary parking lots are permitted, the individual spaces 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 shall be as follows:

Angle of Parking	Aisle Width	
	one-way	two-way
Parallel	12 feet	20 feet
30°	12 feet	22 feet
45°	12 feet	22 feet
60°	18 feet	24 feet
90°	22 feet	24 feet

G. PARKING LOT SURFACE

1. High Turn-Over Parking Lots

All high turn-over parking lots shall be provided with a paved, dust-free, all-weather surface.

2. Low Turn-Over Parking Lots

Due to the low volume of vehicle turn-over in this type lot, alternative surfaces may be permitted. The areas must be adequately drained and continuously maintained in a dust-free manner. Parking on grass or other unimproved surface shall be prohibited.

3. Temporary Parking Lots

When temporary parking lots are approved by the Board of County Commissioners through the Special Permit Process (Section 800.02.F.), temporary parking lots do not need to be surfaced and may be maintained as a grass area provided that during its use, all aisles and parking lot entrances are clearly defined by posts and ropes.

H. JOINT USE OF OFF-STREET PARKING LOTS

1. Except where specifically approved as part of a Planned Development District, joint use of off-street parking lots shall be permitted only after application for, and approval of, a special permit.

- 2. Such shared parking lots shall be within three hundred (300) feet of, and contiguous to, each use and shall not be separated by a street right-of-way or easement which exceeds twenty-five (25) feet in width.
- 3. No part of a parking lot used, designed, or intended to satisfy required off-street parking for any use shall be used to off-set the parking requirements for another use unless the peak parking demands of the different uses clearly occur at different times.
- 4. The following shall be submitted with the application:
 - a. A notarized statement from all property owners involved indicating the use of each property and that the activities of each separate building or use which create a demand for parking shall occur at different times.
 - b. Written agreements, covenants, contracts and the like, acceptable to the County which assures that the parking area is to be used jointly, and the responsibility for maintenance.
- 5. Violation of the agreement for joint use of off-street parking shall be sufficient grounds for revocation by the County of the Special Permit.

I. OTHER USE OF OFF-STREET PARKING LOTS

- 1. Required off-street parking areas shall in no instance be utilized for the sale, display, or storage of merchandise, or for repair, dismantling or servicing of any vehicles, or equipment, except that which is customarily done by a property resident on his own vehicles.
- 2. The following ancillary temporary uses may be permitted in parking lots upon application and issuance of a temporary use permit. (Section 549 and 803).
 - a. Seasonal promotions
 - b. Sidewalk and/or parking lot sales
 - c. Fairs and carnivals

In approving a temporary permit, the Director shall require that the area of the lot to be used is clearly defined and will not obstruct the pedestrian and vehicular movements to portions of the lot not so used.

3. The following structures and uses may be approved by the Director provided that said structure does not reduce the number of parking spaces below that required for the principal use.
 - a. Charitable or other similar drop-off collection stations;
 - b. Aluminum can or other similar receiving machines or facilities;
 - c. Photo pick-up stations;
 - d. Telephone booths;
 - e. Automatic Teller Machines (A.T.M.'s);
 - f. Other similar uses which do not interfere with the normal functioning of the parking lot.

J. OFF-STREET PARKING REQUIREMENTS

All uses permitted under this Zoning Ordinance shall be subject to the following minimum requirements:

1. DWELLING, HOUSING, LIVING UNITS

All Common Parking Lots: In addition to the spaces required in this subsection, additional parking spaces equal to ten (10) percent of the total required shall be provided to accommodate guest parking.

- a. SINGLE-FAMILY, DUPLEX, TWO-FAMILY ATTACHED, AND MOBILE HOME: 2.0 spaces for each dwelling unit, stacking is permitted.
- b. TOWNHOUSE:
 - 1.) Individual parking driveways: 2.0 spaces per dwelling unit, stacking is permitted.
 - 2.) Sharing a common parking lot: 2.0 spaces per dwelling unit, stacking not permitted.
- c. MULTIPLE FAMILY BUILDING:
 - 1.) Studio or efficiency: 1.25 spaces per unit.
 - 2.) One bedroom: 1.5 spaces per unit.
 - 3.) Two bedroom: 1.75 spaces per unit.

- 4.) Three or more bedrooms: 2.0 spaces per unit.
- d. ADULT CONGREGATE LIVING FACILITY: one (1) space per three (3) people (beds).
- e. GROUP QUARTERS (df) EXCLUDING ADULT CONGREGATE LIVING FACILITIES: One (1) parking space per bedroom OR one space per two (2) beds, whichever is greater.
- f. HOTELS AND MOTELS: See Sections 526, 527 and 528 as applicable.
- g. HEALTH CARE FACILITIES - Groups I and II; SOCIAL SERVICES - Groups III and IV: One (1) space per four (4) beds.
2. COMMERCIAL - USES
- a. ANIMAL CLINIC: Five (5) spaces per veterinarian plus one (1) space per employee.
- b. ANIMAL KENNEL: Five (5) spaces.
- c. AUTOMOTIVE REPAIR AND SERVICE; AUTOMOTIVE SERVICE STATIONS: Four (4) spaces per service stall plus one (1) space per employee.
- d. BANKS AND FINANCIAL ESTABLISHMENTS: One (1) space per three hundred (300) square feet of total floor area. (See also "DRIVE-UP FACILITIES").
- e. BAR OR COCKTAIL LOUNGE: Twenty-four (24) spaces per one thousand (1000) square feet of total floor area. (See also RESTAURANTS and sub-section J.5.)
- f. BARBER, BEAUTY SHOPS, ETC.: Three (3) spaces per operator (chair) or one (1) space per one hundred (100) square feet of gross floor area, whichever is greater. Minimum of five (5) spaces.
- g. CAR WASH: Two (2) spaces per car wash stall or space, plus drive-up facilities (h.)
- h. ~~DRIVE-UP FACILITIES: Any commercial establishment~~ providing drive-up service windows or stalls shall provide stacking lanes as follows, in addition to the requirements set forth for establishments without said drive-up facilities.
- 1.) Banks and Financial Establishments: Stacking lanes to accommodate eight (8) cars for the

first window plus five (5) cars for each additional window.

- 2.) Restaurants: Stacking lanes to accommodate ten (10) cars per service lane.
- 3.) Other:
 - a.) Photo drop off; laundry drop off; other similar type drop-off facilities: Stacking lanes for three (3) cars.
 - b.) All Other: Stacking lanes to accommodate five (5) cars per service lane.
- i. FUNERAL HOMES: There shall be provided at least one (1) parking space for each four (4) seats, or four (4) spaces per twenty-five (25) square feet of chapel area, whichever is greater. (See Subsection J.7)
- j. OFFICES (excluding medical): Offices of all types not specifically listed elsewhere including, but not limited to: Business Services - Group I; Contractors and Builders; Insurance Companies; Non-Store Retailer; Personal Services - Group IV; Social Services - Group I; and other similar offices: One (1) space per three hundred (300) square feet of total floor area.
- k. OFFICES, MEDICAL: One (1) space per two hundred (200) square feet of total floor area.
- l. RESTAURANTS:
 - 1.) Restaurant, Standard - Group I: Sixteen (16) spaces per one thousand (1000) square feet of total floor area. Minimum ten (10) spaces.
 - 2.) Restaurant, Standard - Group II: When clearly subordinate and incidental to a permitted principal use, and located on the same premises as the principal use, no additional parking spaces shall be required. In all other cases, parking shall be as set forth for Restaurant, Standard - Groups III and IV.
 - 3.) Restaurant, Standard - Groups III and IV:
 - a.) With Cocktail Lounge: Twenty-eight (28) spaces per one thousand (1000) square feet of total floor area.

b.) Without Cocktail Lounge: Sixteen (16) spaces per one thousand (1000) square feet of total floor area.

4.) Restaurants, Fast-Food: Sixteen (16) spaces per one thousand (1000) square feet of total floor area and any other area used for seating (including outdoor seating). See also DRIVE-UP FACILITIES.

m. RETAIL ESTABLISHMENTS: FREESTANDING

This section applies to individual retail or business establishments on separate parcels. The minimum number of parking spaces required shall be as specified below but in no case shall be less than five (5) spaces. Any retail establishment proposing drive-up facilities shall also meet the requirements of subsection J.2.h. and J.14.i.

1.) Building Materials and Sales: (Retail): One (1) space per three hundred (300) square feet of indoor sales and office area plus one (1) space per employee.

2.) Small Products or Commodities: This category includes stores specializing primarily in small (hand-held) products and is intended to include: Auto or Boat Parts; Clothing Stores; Department Stores; Drug Stores; Food Stores; Hardware Stores; Hobby, Toy, Game Shops; Household/Office Furnishings - Group II; Package Stores; Personal Services - Groups I and II (excluding Barber and Beauty Shops); Specialty Retail Shops - Groups I, II and III; Used Merchandise Stores - Group I; Variety Stores; and other similar type stores: One (1) space for each two hundred (200) square feet of total floor area.

Areas within the principal building which are used only for dead storage (df) and not available to the public shall be computed at the rate of one (1) space per six hundred (600) square feet.

3.) Large Products or Commodities: This category includes stores specializing in large products and is intended to include: Household/Office Furnishings - Group I; Specialty Retail Stores - Group IV; Used Merchandise Stores - Groups II and III; Vehicle and Equipment Dealers - Group

II; and other similar type establishments: One (1) space for each three hundred (300) square feet of total floor area.

Areas within the principal building which are used only for dead storage (df) and not available to the public shall be computed at the rate of one (1) space per six hundred (600) square feet.

4.) Very Large Products or Commodities: This category includes establishments specializing in very large products and is intended to include: Household/Office Furnishings - Group III; Mobile Home Dealers; Used Merchandise Stores - Group IV; Vehicle and Equipment Dealers - Group I, III, IV and V; and other similar very large products: One (1) space for each four hundred (400) square feet of total floor area plus one (1) space per fifteen hundred (1500) square feet of outdoor area used for sale or display.

n. SCHOOLS/STUDIOS - COMMERCIAL

1.) Schools - Commercial: One (1) space per employee plus two (2) spaces per one hundred (100) square feet of classroom floor area.

2.) Studios: One (1) space per two hundred (200) square feet of total floor area.

3. COMMERCIAL/INDUSTRIAL

a. MANUFACTURING: One (1) space per employee based upon the largest shift. If more than one shift, one and one-half (1½) spaces shall be provided based upon the largest shift. Five (5) additional spaces shall be provided for customers.

b. PROCESSING AND WAREHOUSING: Same as required for manufacturing.

c. SERVICES NOT LISTED ELSEWHERE: This category is intended for those service-oriented businesses which do not normally generate customer traffic but often maintain a fleet of company vehicles. Uses include: Business Services - Group II; Cleaning and Maintenance Services; Contractors and Builders; Essential Service Facilities Service Centers; Repair Shops - Groups II, III and IV: Three (3) spaces

plus parking for company vehicles and employee parking.

- d. TERMINAL, FREIGHT: One (1) space for each two thousand (2000) square feet of total floor area. Minimum of five (5) spaces.
 - e. WAREHOUSING, PRIVATE: One (1) space for each two thousand (2,000) square feet of total floor area. Minimum of five (5) spaces.
 - f. WAREHOUSING, PUBLIC: One (1) space per one thousand (1000) square feet of total floor area. Minimum of five (5) spaces.
 - g. WAREHOUSING, MINI: One (1) space per ten (10) storage cubicles. Minimum of five (5) spaces.
 - h. WHOLESALE ESTABLISHMENTS: One (1) space per company vehicle plus one (1) space per one thousand (1000) square feet of total floor area.
4. MISCELLANEOUS USES:
- a. AIRPORTS, LANDING STRIPS AND HELIPORTS: The required minimum number of parking spaces for these facilities shall be determined by the Board of County Commissioners.
 - b. BOAT RAMPS: For each boat ramp facility, there shall be a minimum of ten (10) parking spaces with dimensions of ten (10) feet wide by forty (40) feet long to accommodate a vehicle and boat trailer.
 - c. BOWLING ALLEYS: Six (6) spaces for each lane; plus additional spaces for ancillary uses (see Subsection J.5).
 - d. CLUBS, FRATERNAL OR MEMBERSHIP ORGANIZATIONS: One (1) space per three hundred (300) square feet of total floor area or one (1) space for each four (4) seats, whichever is greater. (See Section J.7.)
 - e. DAY-CARE CENTERS: There shall be provided at least two (2) spaces per employee plus adequate and safe provisions for loading/unloading of clients.
 - f. EDUCATIONAL INSTITUTIONS (INCLUDING PUBLIC, PRIVATE AND PAROCHIAL):
 - 1.) Public Schools - in compliance with state law.

2.) Private, Parochial -

Elementary and Middle Schools:* One (1) space per employee plus one (1) space for each forty (40) students.

High School:* One (1) space per employee plus one (1) space for each ten (10) students.

College, University, Trade and Vocational Institutions:* One (1) space per employee plus sufficient space for student parking as the Planning and Zoning Commission shall deem necessary.

* Where public use of an auditorium or other place of assembly within a school is likely, an additional one (1) space for each six (6) seats shall be provided.

- g. ESSENTIAL SERVICE FACILITY: One (1) space per employee on largest shift
- h. GOLF COURSES: Six (6) spaces per hole (See Section J.5.).
- i. HOSPITALS (HEALTH CARE FACILITIES - Group III): One (1) space per bed (excluding bassinets and gurneys) plus one (1) space per employee on the largest shift.
- j. MARINA:
 - 1.) Boat Slips: Two (2) spaces per three (3) slips.
 - 2.) Boat Ramps: See J.8.C.
 - 3.) Dry Storage: One (1) space per four (4) unit stalls.
 - 4.) Other Uses: Refer to J.5.
- k. MINIATURE GOLF: Three (3) spaces per hole.
- l. PLACES OF WORSHIP AND RELIGIOUS FACILITIES: Refer to Section 537.
- m. RECREATION FACILITIES - INDOOR, COMMERCIAL: There shall be provided at least one (1) parking space for each one hundred (100) square feet of total floor area.

- n. RECREATION FACILITIES - OUTDOOR, COMMERCIAL: To be determined by Board of County Commissioners if use not listed herein.
- o. TENNIS COURTS, COMMERCIAL: Five (5) spaces per court plus one (1) space per three spectator seats: See J.7.
- p. THEATERS, AUDITORIUMS, STADIA, ARENAS AND OTHER PLACES OF PUBLIC ASSEMBLY, MUSEUM, ART GALLERY, LIBRARY, AND OTHER SIMILAR USES NOT COVERED ELSEWHERE: For such uses, there shall be provided either one (1) parking space for each three hundred (300) square feet of total floor area, or one (1) parking space for each four (4) seats, whichever of the two is greater. (See subsection J.7).

5. COMBINED USES

The number of parking spaces required for combined uses shall be the total of the spaces required for each separate use established by this schedule, except as provided in Subsection H and as provided for herein.

a. MULTIPLE OCCUPANCY COMPLEX:

This section applies to shopping centers and other complexes where five (5) or more individual office or retail establishments are located and which all share a common parking area. Specifically excluded from this subsection are bowling alleys and theatres.

- 1.) TOTAL FLOOR AREA UNDER TWENTY-FIVE THOUSAND (25,000) SQUARE FEET OR LESS: four (4) spaces per one-thousand (1,000) square feet (or major fraction thereof) of total floor area.
- 2.) TOTAL FLOOR AREA TWENTY-FIVE THOUSAND (25,000) SQUARE FEET BUT LESS THAN SIX HUNDRED THOUSAND (600,000) SQUARE FEET: four and one-half (4½) spaces per one thousand (1,000) square feet (or major fraction thereof) of total floor area.
- 3.) TOTAL FLOOR AREA OF SIX HUNDRED THOUSAND (600,000) SQUARE FEET OR MORE: five (5) spaces per one thousand (1,000) square feet (or major fraction thereof) of total floor area.

b. PLANNED DEVELOPMENTS

The Board of County Commissioners is hereby authorized to permit deviations in parking

requirements within Planned Developments when specifically requested, and when the applicant demonstrates to the Board's satisfaction that sufficient parking will be provided for the uses proposed. Examples of situations where reduced parking may be warranted include, but are not limited to:

- 1.) Places of public assembly which will not normally be used to full capacity except for special events and that satisfactory arrangements have been made to accommodate patron parking elsewhere.
- 2.) Developments which combine residential dwellings with golf courses or other private recreational facilities.
- 3.) Hotels and motels which combine sleeping quarters with restaurant or convention (meeting) facilities.

6. USES NOT COVERED

Requirements of off-street parking for uses not specifically mentioned in this Zoning Ordinance shall be the same as for the uses most similar to the one sought, it being the intent to require all uses to provide off-street parking.

7. BENCH/PEW SEAT REQUIREMENTS

In stadiums, sports arenas, churches, and other places of public assembly in which occupants utilize benches, pews or other similar seating arrangements, each twenty-four (24) lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.

K. EXCEPTIONS AND MODIFICATIONS

1. Small Car Parking Spaces

Low Turn-Over Parking Lots: The Director may authorize up to thirty (30) percent of the required parking spaces to be designed for small cars provided such spaces are clearly marked "small car" or some other similar notation, AND, the parking lot is designed and administered for "assigned parking spaces only".

2. Fast Order Food Establishments

A fast order food establishment located within a multiple use complex which exceeds six hundred thousand (600,000) square feet of total floor area, said food establishment being a part of the principal building, and with no drive-up facilities, shall not be required to provide additional parking spaces.

202.14 PERFORMANCE STANDARDS

All uses and activities permitted by right, Special Permit, Special Exception or Temporary Permit, in any zoning district shall be so constructed, maintained, and so operated as to not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire or explosive hazard or glare. Nor shall anything be placed, constructed or maintained that would in any way constitute a nuisance to owners, residents or to the community. No structure shall be erected, altered, structurally altered or moved, except by methods and on locations as approved by the Director under the provisions of this Zoning Ordinance.

202.15 PROPERTY DEVELOPMENT REGULATIONS - EXCEPTIONS AND MODIFICATIONS

Unless otherwise provided, the regulations set forth in this Section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Zoning Ordinance.

A. HEIGHT

1. Measurement

Except as specifically provided herein, the height of a building shall be measured as the vertical distance from grade to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. Where minimum flood elevations in flood prone areas have been established by law, the building height shall be measured from such required minimum floor elevations.

~~Except as specifically provided herein, the height of any structure other than a building shall be measured as the vertical distance from grade to the highest point of the structure. (see Subsection 3 for exceptions).~~

- 54.
2. **Determining Grade**
 - a. Grade shall be determined as the average elevation of the street or streets abutting the property as measured along the centerline of the street(s), at the points of intersection of the street(s) with the side lot lines (as extended) and the midpoint of the lot frontage.
 - b. Any fill placed on the property which exceeds the average grade of the street(s), shall be included in determining building height.
 3. **Exceptions to Height Limitations**
 - a. The following kinds of structural appurtenances may exceed the height limitations stipulated in the applicable districts for authorized uses;
 - 1.) Those purely ornamental structural appurtenances such as church spires, belfries, cupolas, domes, ornamental towers, flag poles, monuments.
 - 2.) Those necessary appurtenances to mechanical or structural functions such as chimneys and smoke stacks, water tanks, elevator and stairwell enclosures, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, utility transmission and distribution structures, cooling towers, aircraft control towers and/or navigation aids, forest fire observation towers, and barns, silos, windmills or other farm structures when located on farms.
 - 3.) Those structural extensions deemed necessary to appropriate building design such as corners or parapet walls which may extend to a maximum of four (4) feet above the height limitations and provided there are no window openings.
 - b. The permitted exceptions to the height limitations may be authorized only when the following conditions can be satisfied:
 - 1.) No portion of any building or structure permitted as an exception to a height limitation shall be used for human occupancy or for commercial purposes.

- 2.) Any structural exception to height limitations shall be erected only to the minimum height as may be necessary to accomplish the purpose it is intended to serve, and no higher.
- 3.) If the roof area of such structural elements permitted to exceed the height limitations equals twenty (20) percent or more of the total roof area, they shall be considered as integral parts of the whole structure, and therefore, not be eligible to exceed the height limitations.

4. Modifications to Height Limitations Permitted

Subject to conditions set forth in sub-section 5 below, any structure may be permitted to exceed the height limitations specified by the Zoning District regulations in which the property is located PROVIDED:

- a. Every required street setback is increased by one-half ($\frac{1}{2}$) foot for every one (1) foot by which the structure exceeds the specified height limitation.
- b. Every required side setback is increased by one-half ($\frac{1}{2}$) foot for every one (1) foot by which the structure exceeds the specified height limitation.
- c. Every required rear setback shall be increased by one-half ($\frac{1}{2}$) foot for every one (1) foot by which the structure exceeds the specified height limitation.

5. Maximum Height Limitations - Special Areas

The following areas have special ordinances which set forth maximum height limitations. Those limitations are listed herein along with the applicable ordinance number. It will be necessary to refer to that ordinance for the legal description of the properties affected by the height limitation, as well as for other requirements contained therein.

- a. Bonita Beach: The height of a structure shall not exceed thirty-five (35) feet above grade except as provided for in Sub-section 4.b., above. (Ordinance 72-10).
- b. Captiva Island: No building and/or structure shall be erected or altered so that the height exceeds two (2) stories above the lowest habitable floor;

however in no case shall the building and/or structure be erected or altered so that the peak of the roof exceeds the height of twenty-eight (28) feet above the lowest habitable floor. (Ordinance 82-44).

- c. Estero and San Carlos Island: The height of a structure shall not exceed thirty-five (35) feet above grade except as provided for in Sub-section 4.b., above. (Ordinance 72-9).
- d. Gasparilla Island: No building or other structure shall be erected or altered within the district so that the peak of the roof is more than 38 feet above the average grade of the lot or parcel on which the building or structure is located, or is more than 42 feet above mean sea level, whichever is lower. (Ordinance 77-5 and Chapter 80-473, Laws of Florida).
- e. Greater Pine Island: No building or structure shall be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question or forty-five (45) feet above mean sea level whichever is lower. "Building or structure" as used in this Subsection shall not include a building or structure used for an industrial purpose. (Ordinances 77-15, 78-19 and 80-20).
- f. Airport Hazard Zone: See Section 483.

B. SETBACKS

1. Measurement

All setbacks shall be measured to the nearest point of a building or structure.

2. Street Setbacks:

- a. Except as provided for in subsection b., and unless a modification is granted as a Special Permit by the Board of County Commissioners (See Section 800.02.F), all buildings and roofed structures shall be set back from the center line of streets according to their functional classification, set forth in the Official Trafficways Map, as may be adopted hereafter, or amended from time to time. Any street not shown on the Trafficways Map as a collector or arterial street shall be presumed to be a local street for purposes of this section.

SETBACKS FROM STREETS

<u>Street Classification</u>	<u>Setback from Centerline (in feet)</u>
Arterial w/frontage street	1/2 (ROW) + 40 + 25
Arterial w/o frontage street	1/2 (ROW) + 50
Collector	1/2 (ROW) + 30
Local	1/2 (ROW) + 25
Private	1/2 (ROW) or (Street Easement) + 20

As used in the foregoing chart, "ROW" means the right-of-way width shown on the Official Trafficways Map. However, the use herein of the Official Trafficways Map is intended only for the purpose of establishing minimum setbacks and does not mean that development will necessarily be permitted along all arterial and collector streets shown on said Map if other factors preclude such development. Moreover, the use herein of the Official Trafficways Map shall not be construed as a commitment by Lee County to provide any roads shown on said Map in those cases where the Lee Plan contemplates that such roads shall be provided, either directly or indirectly, by others.

b. Exceptions to Street Setback Requirements

1.) Certain structures shall be exempt from the street setback requirements as follows:

a.) Mail and Newspaper Delivery Boxes

Mail (and newspaper) delivery boxes may be placed in accordance with U.S. Postal Service Regulations.

b.) Bus Shelters, Bus Stop Benches and Bicycle Racks

Bus shelters and bicycle racks may be located in any district provided that the location of such structure is approved by the Lee County Department of ~~Transportation and Engineering Services.~~

c.) Telephone Booths

Telephone booths may be located in any district, provided that the location shall be approved by the Lee County Department of Transportation and Engineering Services.

d.) Utility Equipment

Accessory utility equipment such as pad-mounted transformers, service pedestals, and telephone terminal or switching devices are exempt from certain setback requirements, provided that they comply with the provisions set forth in Section 516.

- 2.) The setbacks set forth in sub-section B.2.a. shall not apply to residential structures or public schools erected prior to August 1, 1986 or which received a development order or building permit which is still valid on August 1, 1986.

Street setbacks for corner lots recorded prior to January 28, 1983 which have a lot width of less than one hundred (100) feet, shall be modified as follows:

- a.) If the corner lot abuts two (2) local streets, the setback for the street opposite the interior side yard may be reduced to fifteen (15) feet.
- b.) If the corner lot abuts a local street and a street of higher classification, the street setback for the local street may be reduced to fifteen (15) feet.

- 3.) Setbacks for structures along Colonial Boulevard shall be one hundred (100) feet from the edge of the right-of-way extending from the east right-of-way line of Seaboard Coastline Railroad. The following may be permitted within the setback area:

- a.) Structures listed in subsection B.2.b.1.);
- b.) Access drives, frontage or parallel access roads;
- c.) At grade parking facilities located within the twenty-five (25) feet farthest from the right-of-way.

- 4.) Setbacks for structures along Daniels Road shall be forty (40) feet from the edge of the right-of-way extending from the east right-of-way line of U.S. 41 to the east

section line of Section 23, Township 45 South, Range 25 East. The following may be permitted within the setback area:

- a.) Structures listed in sub-section B.2.b.1.;
- b.) Access drives, frontage or parallel access roads;
- c.) At grade parking facilities located within the twenty-five (25) feet farthest from the right-of-way;
- d.) Landscaping to include buffering, vegetation, fences and walls;
- e.) Water retention and drainage ponds;
- f.) Project or subdivision entrance identification signs.

c. Street Setback Modifications

Upon determination that the street setbacks set forth in sub-section B.2.a. are not needed, the street setbacks may be modified by the Board of County Commissioners by Special Permit approved pursuant to Section 800.02.F. Right-of-way modifications shall not be granted through this provision.

3. Setbacks from Section Lines and Quarter Section Lines

- a. Setbacks from section lines shall be a minimum of seventy-five (75) feet.
- b. Setbacks from quarter section lines shall be a minimum of sixty (60) feet.
- c. Setback Modifications

Upon determination that the required setbacks from section lines or quarter section lines is not needed for future public purposes, the setbacks may be modified by the Board of County Commissioners:

- 1.) When specifically requested in an application for a Planned Development District; OR
- 2.) by Special Permit approved pursuant to Section 800.02.F.

4. Setbacks from Water

- a. Except as provided elsewhere in this Ordinance (See 202.07 and 202.08), no building or structure shall be placed closer to the Gulf of Mexico than set forth in the Lee County Coastal Zone Protection Ordinance or the property development regulations for the Zoning District in which located, whichever is the most restrictive.
- b. Except as may be permitted in a Planned Development District or as provided elsewhere in this Ordinance, no building or structure shall be placed closer to a canal or to a bay or other natural water body than as set forth in the property development regulations for the zoning district in which located. In a Planned Development District the Board of County Commissioners shall have the authority to grant less stringent setbacks than required herein for the following situations:
 - 1.) Artificial bodies of water such as retention ponds or reflection ponds when development surrounding the entire body of water is under unified control;
 - 2.) Natural bodies of water which are totally contained on a parcel of land proposed for development under unified control, provided all applicable state or local permits are obtained;
 - 3.) Those portions of natural or artificial bodies of water which may be defined as navigable and accessible to the public but which do not provide for through navigation including, but not limited to lakes, ponds of "pockets" which have only one means of navigable ingress and egress PROVIDED:
 - a.) all necessary state and local permits are obtained; and
 - b.) the entire circumference of the body of water (except the navigable point of ingress/egress) is under unified control.

5. Setbacks From Lot Lines Abutting Railroad ROW

Any non-residential use which utilizes the facilities of the railroad may be permitted to construct and maintain loading/unloading dock facilities adjacent to said railroad right-of-way without requiring a variance from setback requirements.

6. Modifications Permitted Where Solar Energy or Wind Driven Electrical Generators Are Used

Any use proposing to use solar or wind energy for water heating, climate control or electricity may request a Special Permit to modify the property development regulations so as to maximize use of solar or wind energy, PROVIDED THAT:

- a. The modifications from this Ordinance are the minimum required to provide such access;
- b. The modifications do not decrease either total lot area or total usable yard area;
- c. The principal use, absent its solar or wind aspects, is a permitted use in the zone for which it is proposed; and
- d. The proposed plans for solar or wind access best serve to protect the degree and location of that access and do not, or will not, require the restriction of development on adjoining properties with respect to their existing zoning classification.

C. MINIMUM LOT DIMENSIONS

Unless specifically approved otherwise as part of a Planned Development District approval:

1. All specified lot area, width and depth dimensions are mandatory minimums.
2. Lot Width and Street Frontage
 - a. On straight streets where lot lines are perpendicular to the street right-of-way line, the terms lot width and street frontage are synonymous.
 - b. On curvilinear streets where lots may not have parallel side lot lines, a lesser street frontage may be permitted PROVIDED that the required lot width is met at the required setback line.
 - c. On cul-de-sacs where irregularly shaped lots with non-parallel side lot lines occur, the street frontage may be less than the minimum required width PROVIDED that the side lot lines are radial to the centerpoint of the cul-de-sac with a minimum angle of 45 degrees.

- d. On lots of record where side lot lines are not perpendicular to the street right-of-way line and form a parallelogram or similar type lot in which the street frontage is greater than the true lot width, a permit may be issued provided all applicable setbacks are met.

D. MINIMUM REQUIREMENTS FOR LOTS CREATED AFTER JANUARY 28, 1983

Unless specifically approved otherwise as part of a Planned Development District approval:

- 1. Corner Lots - All corner lots created after January 28, 1983 shall be required to increase the minimum specified lot width by fifteen (15) feet in all zoning districts which have a minimum required lot width of 100 feet or less.
- 2. Lots Abutting Collector or Arterial Streets - All lots which abut a collector or arterial street shall have a minimum depth of one hundred and twenty-five (125) feet.

- E. ESSENTIAL SERVICE FACILITIES - GROUP I - Shall not be required to meet the minimum required lot area, and dimensions for the district wherein located provided that access, buffering, drainage, retention, parking and other provisions of this Ordinance and the Land Development Code are satisfied.

202.16 SIGNS

All on-site and off-site signs shall be located, erected and/or constructed in accordance with the Lee County Sign Ordinance.

202.17 VEHICLE VISIBILITY

- A. On a corner lot, no obstruction shall be planted or erected which materially obstructs traffic visibility within the triangular space bounded by the two intersecting right-of-way lines and a straight line connecting the two points on the street right-of-way lines twenty-five (25) feet from their intersection. No structural and planting masses shall be permitted between three (3) feet and ten (10) feet above the average grade of each street.
- B. At intersections of driveways or parking lot entrances with a street right-of-way or easement, no obstruction shall be planted or erected which materially obstructs the driver's view of approaching traffic or pedestrians.

CHAPTER III - THE LEE PLAN

300 THE LEE PLAN

- A. The Lee Plan, which is the Comprehensive Development Plan for all unincorporated areas of Lee County, Florida, represents the cornerstone for guiding future development within the County. All decisions on zoning and development matters shall be consistent with the Lee Plan. The Goals, Objectives, Policies and Standards shall provide the primary basis for making these determinations. Where there are apparent conflicts between the Lee Plan and any adopted rule, regulation or ordinance, the Plan shall prevail.
- B. Part of the Lee Plan is a Land Use Map which defines the location and extent of land use categories. The Land Use Plan Map shall be used in making determinations regarding applications for land use and development, the location of various land uses, and the levels of residential densities and non-residential intensities. All development shall be consistent with the Land Use Plan Map. The categories shall be reflected in the appropriate zoning and land development regulations. In the case of apparent conflict between the map and the text, the more specific or restrictive shall take precedence.
- C. The Land Use Plan Map designates the following Land Use categories.
1. Urban Service Areas
 - a. Urban Areas
 - 1.) Intensive Development Areas
 - 2.) Central Urban Areas
 - 3.) Urban Community
 - 4.) Suburban
 - 5.) Industrial/Business Areas
 - b. Southwest Florida Regional Airport Area
 - 1.) Airport
 - 2.) Airport Commerce Areas
 - c. Interstate Highway Interchange Areas
 - 1.) Industrial Interchange Area

- 2.) General Interchange
- 3.) General Commercial Interchange
- 4.) Industrial Commercial Interchange

- 2. Non-Urban Areas
 - a. Rural Areas
 - b. Open Lands
 - c. Fringe Area

- 3. Environmentally Critical Areas
 - a. Resource Protection Areas
 - b. Transition Zones

- 4. Special Treatment Areas
 - a. Airport Hazard Zone

- 5. New Community Area

301 LAND USE CATEGORIES

A brief, annotated description of the function of each land use category along with the type of land use densities and intensities permitted within each category is provided herein. For a more detailed explanation, the reader should refer to the Lee Plan. In cases of apparent conflict between the descriptions contained herein and the descriptions contained in the Lee Plan, the text of the Lee Plan shall prevail. All references to density in sub-sections 301.01 through 301.07 shall be interpreted to mean gross residential densities.

Following each brief description of the various Land Use Categories is a list of Zoning Districts which may be permitted provided all applicable regulations are met. This list is not intended to be all inclusive or to be construed as prohibiting all other Zoning Districts. The Board of County Commissioners may approve other Zoning Districts provided the proposed development is in compliance with the Lee Plan.

The following zoning districts are specifically designed to recognize and accommodate existing developments, conditions or zonings. Some of these districts are not available to landowners through the normal rezoning process; but, are intended to be used by the Board of County Commissioners to either recognize existing developments and conditions or until such time as the properties

can be rezoned to modern districts. Therefore, those districts listed below, may or may not be shown as appropriate districts in specific land use categories.

AG-1, AG-2, AG-3
 RSC-1, RSC-2
 TFC-1, TFC-2
 RM-2
 RV-1, RV-2, RV-3, RV-4
 MHC-1, MHC-2
 C-1A, C-1, C-2

The C.F.P.D., CF-1, CF-2, CF-3, and CF-4 districts are also not indicated. The intent of the CF districts is to provide for certain types of Community Facilities and may or may not be appropriate in a Land Use Category depending upon the particular use and the surrounding area.

301.01 URBAN AREAS

A. INTENSIVE DEVELOPMENT AREAS

The Intensive Development Areas are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial and office uses are appropriate in these locations. These areas can provide a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that benefit such a region. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre).

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

UR
 R.P.D., TF-1, RM-6, RM-10, RM-14, MH-2, RVPD
 C.P.D., CN-1, CN-2, CC, CG, CS, CH, CT, CP CA, CM, CI
 I.P.D., IS, IT, IL
 EC

B. CENTRAL URBAN AREAS

The Central Urban Areas are already heavily settled and have the greatest range and highest level of urban services such as water, sewers, roads and schools. They are also the areas in which public services can most readily be expanded to serve the outward expansion of central urban development that can be expected and which should be fostered at urban levels of density and intensity. Residential, commercial, public and quasi-public, and limited light industrial land uses will

continue to predominate in the central urban area. This category has a standard density range from five dwelling units per acre (5 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre).

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

UR

R.P.D., RSA, RS-1, TF-1, RM-6, RM-10, RM-14, MH-1, MH-2

RVPD

C.P.D., CN-1, CN-2, CC, CG, CS, CH, CT, CP, CA, CM, CI,

I.P.D., IS, IL, IT, IM

EC

C. URBAN COMMUNITY

The Urban Community Areas are areas which have a distinctly urban character but which should be developed at slightly lower densities than the Central Urban Areas. As in the Central Urban Area, predominate land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry. Standard density ranges from one dwelling unit per two acres (.5 du/acre) to six dwelling units per acre (6 du/acre) with a maximum of ten dwelling units per acre (10 du/acre).

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

UR

RPD, RSA, RS-1, RS-2, RS-3, RS-4, RS-5, TF-1, RM-6, RM-10

MH-1, MH-2, MH-3, MH-4, RVPD

CPD, CN-1, CN-2, CC, CG, CS, CH, CT, CP, CA, CM, CI,

IPD, IS, IL, IT, IM

EC

D. SUBURBAN AREAS

Suburban Areas are characterized as being predominately residential areas that are either on the fringe of the Central Urban Area or in areas where it is appropriate to protect existing residential neighborhoods. Residential densities range from one dwelling unit per two acres (.5 du/acre) to six dwelling units per acre (6 du/acre). Higher densities, commercial development greater than neighborhood centers or industrial land uses would not be permitted.

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

- UR
- RPD, RSA, RS-1, RS-2, RS-3, RS-4, RS-5, TF-1, RM-6
- MH-1, MH-3, MH-4, RVPD
- CPD, CN-1, CN-2, CS, CH, CT, CP, CA, CM, CI, CR
- EC

E. INDUSTRIAL/BUSINESS AREAS

Industrial/Business Areas are, to a great extent, the areas to which Lee County must look for expanded job opportunities, investment and production opportunities, and a balanced and sufficient tax base. Because these areas can offer special locational advantages such as transportation (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach, which are not required for residential areas, the industrial/business areas are to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combinations of industrial, research, and related office complexes that constitute a growing part of Florida's economic development sector.

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

- IPD, IS, IL, IG, IT, IM
- AOPD, EC, PORT

301.02 SOUTHWEST FLORIDA REGIONAL AIRPORT AREA

A. AIRPORT

The Southwest Florida Regional Airport serves as a focal point for transportation activity.

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

- A.O.P.D.

B. AIRPORT COMMERCE AREA

The Airport Commerce Area is intended to accommodate planned, mixed-use developments consisting of warehousing and distribution facilities; offices; ground transportation and airport-related interconnection activity; and hotels/motels, meeting facilities and other hospitality services. Because this area is located within the Six Mile Cypress Watershed Basin Area of Special Concern and is also a primary point of

entry into Lee County, special environmental and design review guidelines will be applied to its development.

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

CPD, GS, CH, CP, CI,
IPD, IS, IT, IL
EC

301.03 INTERSTATE HIGHWAY INTERCHANGE AREAS

Development at these interchanges is to occur as planned developments even if said developments are not defined as Developments of County Impact -- that is, developments are to be designed as integrated, cohesive units rather than as separate, unrelated projects, so as to minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures.

A. INDUSTRIAL INTERCHANGE AREA

Permitted land uses in the Industrial Interchange Area will be essentially the same as those permitted in the Industrial/Business Areas -- that is, combinations of light industry, research, and offices. In addition, certain visitor-serving uses such as restaurant and hotels will be appropriate if they are part of an integrated office park or industrial center.

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

IPD
EC

B. GENERAL INTERCHANGE AREA

The General Interchange Areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But, because of their location, market attractions and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial.

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

CPD
IPD
EC

C. GENERAL COMMERCIAL INTERCHANGE AREA

The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial and business.

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

CPD
EC

D. INDUSTRIAL COMMERCIAL INTERCHANGE AREAS

The Industrial Commercial Interchange areas are intended to permit a mix of light industrial and commercial uses: warehousing, wholesaling distribution, and contractor yards. This category does not permit heavy or general industrial uses.

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

CPD
IPD
EC

301.04 NON-URBAN AREAS

The Non-Urban Areas of the Land Use Plan Map include the Rural Areas, Open Lands, and Fringe Area categories. These are areas in which non-urban development is encouraged.

A. RURAL AREAS

The Rural Areas are intended to remain predominately rural that is, low density residential use and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. However, if the Urban Service Area boundary is expanded, the rural areas—because of their location and character—are the non-urban areas most likely to be added to the urban service area. ~~Maximum density in the rural area is one dwelling unit per acre (1 du/acre) except as permitted by the Planned Development District Option, as described in the Lee Plan.~~

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

- AG-1, AG-2
- RPD, RS-4, RS-5, TF-1, MH-4, RVPD
- CPD, CN-1, CN-2, CS, CH, CP, CA, CM, CR
- IPD, RI
- EC

B. OPEN LANDS

The Open Lands Areas are areas which are very sparsely settled, have minimal existing or planned infrastructure, and are generally quite distant from major shopping and employment centers. They are not to be programmed to receive urban type capital improvements, and can anticipate a continued level of public services below that of the urban areas. The Open Lands contain most of Lee County's viable agricultural activities grazing, cultivation, and other farming. The continuation of the Open Lands essentially in their present character will protect and encourage such agricultural activities, provide for a rural character and lifestyle, reserve open space and conserve important natural upland resources. Maximum density is from one dwelling unit per acre to one dwelling unit per five acres (1 du/1-5 acres), except as permitted by the Planned Development District Option, as described in the Lee Plan.

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

- AG-1, AG-2
- RPD, RS-4, RS-5, MH-4
- CM, CR
- RI
- EC

C. FRINGE AREAS

The Fringe Areas border designated Urban Service Areas yet are not a part of the Urban Service Area. The Plan recognizes these fringe areas as potentially appropriate for development at Urban Community densities, although their overall lack of requisite infrastructure may delay such development unless private sector provision of services and facilities occurs. The Lee Plan does not target these areas for public expenditures. Therefore, development approvals will be wholly based upon a satisfactory demonstration of necessary infrastructure including potential fiscal mitigation for services such as EMS, police and fire protection, educational facilities, as well as all appropriate Plan Goals, Objectives, Policies and Standards. Developments that have lower levels

of infrastructure, environmentally sensitive areas or potential negative impacts on potable water resources should be considered for the lower end of the density range and lower levels of intensity compatible with adjacent land uses.

The standard density range in the Fringe area is one (1) dwelling unit per two (2) acres to six (6) dwelling units per acre (0.5 - 6 du/ac). Maximum density is ten (10) dwelling units per acres.

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

AG-1, AG-2, AG-3
 RPD, RSA, RS-1, RS-2, RS-3, RS-4, RS-5, TF-1, RM-6, RM-10
 MH-1, MH-2, MH-3, MH-4, RVPD-
 CPD, CN-1, CN-2, CS, CP, CA, CM, CR
 IPD
 EC

301.05 ENVIRONMENTALLY CRITICAL AREAS

The Environmentally Critical Areas shown on the Land Use Plan Map, as well as any other area considered environmentally sensitive (Section 202.08), consist of areas in which, because of overriding environmental considerations, development is permitted only at very low densities and intensities. These are the Resource Protection Areas and the Transition Zones.

A. RESOURCE PROTECTION AREAS

Resource Protection Areas include lands that exhibit soil types, hydrology and vegetation characteristic of freshwater and saltwater wetlands. They are areas in which it is necessary to protect, conserve, restore or preserve water resources systems and the biological functions attendant thereto. These areas are unsuitable for all but extremely low density development.

Permissible land uses in the Resource Protection Areas consist of very low density residential use and uses of a recreational, open space, or conservation nature that will not adversely affect the Area's critical environmental character. The construction of ditches, canals, dikes, roads above grade, or additional drainage is prohibited. ~~Maximum density is one~~ dwelling unit per forty acres (1 du/40 acres).

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

R.P.D.
 EC

14. . . .

B. TRANSITION ZONES

Transition Zones include lands that may be seasonally inundated from one to three months as indicated by water marks, do not have depressional soils, and are characterized by a mixture of plant species typical of wetlands and uplands. These areas consist of important water resource areas that are adjacent to freshwater and saltwater wetlands and provide protection and buffering from fire, water pollutants and exotic vegetation.

Permissible land uses in the Transition Zones consist of very low density residential use and uses of a recreational, open space, or conservation nature that will not adversely affect the Area's critical environmental character. The construction of ditches, canals, dikes, roads above grade, or additional drainage is prohibited unless it is demonstrated that such proposed construction will not: cause higher rates of runoff or degradation of water quality or retention capacity; increase the possibility of flooding; or otherwise alter the existing wetland systems. Maximum density is one dwelling unit per twenty acres (1 du/20 acres).

The following zoning districts may be permitted within this Land Use Category provided all applicable regulations are met.

RPD
EC

301.06 SPECIAL TREATMENT AREAS

Special Treatment Areas are areas governed by the zoning district in which located plus additional restrictions associated with special concerns. The Land Use Map recognizes one special treatment area in the Airport Hazard Zone.

A. AIRPORT HAZARD ZONE

The Airport Hazard Zone recognizes areas subject to excessive levels of airport-related noise. In addition to meeting the requirements of the underlying Land Use Plan Map categories and zoning districts, these areas do not permit residential land use.

301.07 NEW COMMUNITY

New Community are areas of the County outside of the Urban Service Area which are suitable for the development of large scale multi-use communities developed pursuant to a Comprehensive Master Plan.

New Community lands are lands that are capable of being planned and developed as a cohesive unit in order to better achieve conservation of important environmental resources and to initiate areawide management of surface water systems. The New Community land is located such that the area is capable of being developed with a balance of residential and non-residential uses and that major impacts of the development are internalized and/or alleviated by existing or planned infrastructure. New Community areas will be developed as free-standing economic units and will not impose negative fiscal impacts on the County.

New Communities shall not exceed a gross residential density of six (6) dwelling units per gross acre and shall have at least the following characteristics:

- 1.) The land will be developed under a well conceived overall Master Plan.
- 2.) The land can be served with all necessary facilities and services, at no expense to the County. Uniform Community Development Districts and Special Taxing Districts may be utilized to achieve this objective.
- 3.) The land can distribute population, recreation, open space, educational, office and research facilities in an orderly and attractive manner.
- 4.) The land shall be developed in such a manner as to protect environmentally sensitive areas.
- 5.) The land shall be developed as a free-standing community offering a complete range of land uses (e.g. a full mix of housing types for a range of household incomes, industrial and office employment centers, community facilities such as fire departments, schools, law enforcement offices, public recreational areas and health care facilities and community commercial areas).
- 6.) Off-site impacts shall be mitigated.

CHAPTER IV - DISTRICT ESTABLISHMENT, DESIGNATION AND REGULATIONS

400 ESTABLISHMENT OF DISTRICTS.

400.01 CLASSIFICATION

In order to classify, regulate and restrict the location of buildings erected or structurally altered for specific uses, to regulate the use of land, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered; to regulate and determine the area of yards and other open space about buildings; to regulate the intensity of land use, and to promote the orderly growth of Lee County, Florida, in compliance with the Goals, Objectives and Policies set forth in the Lee Plan, the unincorporated area is divided into districts as set forth in this chapter.

400.02 TYPES AND PURPOSES OF DISTRICTS

There are two basic types of Zoning Districts provided for herein:

- A. Planned Development Districts; and,
- B. Conventional Districts.

A. PD - PLANNED DEVELOPMENT DISTRICTS

1. PURPOSE AND INTENT - GENERAL

The purpose and intent of the various Planned Development Districts is to provide protection to the public health, safety and welfare through the regulation of land use, while providing some degree of flexibility in planning, designing and carrying out private and public land development in Lee County. This is to be accomplished through the adoption and implementation of a Master Concept Plan for each planned development together with unique conditions for development and use that will provide opportunities for flexibility and innovation:

- a. by facilitating state-of-the-art site planning in order to improve the quality of the built environment and to insure the most economical use of land and public resources;
- b. by stimulating, where appropriate, the integration of new development with surrounding land use(s), providing for consistency and visual harmony through various techniques including screening and buffering, sign control, architectural controls and landscape design;

- 77.
- c. by encouraging the limited use of multiple or mixed use development strategies, including the use of several housing types, the provision of several uses in combination such as residential and neighborhood commercial, office and light industry, and other analogous combinations.
 - d. by promoting improved and unifying design techniques that reduce dependence on vehicular movement within the development, encourage the use of joint parking and loading facilities, provide for joint access, and generally maintain adequate service and facilities while avoiding negative impacts on surrounding land use and traffic circulation;
 - e. by encouraging patterns of land use that support more economical provision of infrastructure;
 - f. by providing a mechanism by which the preservation or conservation of natural resources and environmental amenities, including open space, may be assured;
 - g. by providing a mechanism for off-setting any increased cost of the premature commitment of capital by any public utility or service provider through developer donations and dedications of capital, through private provisions and operation of services and facilities, or through a system of impact fees; and
 - h. by providing a process and record on which developers, public officials, the general public and the consumers of development may rely.

2. REGULATION OF LAND USE IN PLANNED DEVELOPMENTS

All uses of land, water and structures permitted in a planned development shall be subject to the general requirements for planned developments, an adopted Master Concept Plan and various special conditions, as required. Special conditions shall be formulated and applied to address unique aspects of the parcel in the protection of a bona fide public interest. The source of such restrictions may include good planning practice as well as those specifications set forth in the application documents, policy and standards set forth in the Lee Plan. All special conditions shall be reasonably related to the proposed development and to any reasonably expected impacts on public services and facilities and the public safety, health and general welfare. Said special conditions should be pertinent to the mitigation

of these impacts. All conditions shall be adopted as part of the zoning resolution and as an appendix to the approved Master Concept Plan which governs the planned development.

B. CONVENTIONAL DISTRICTS

1. PURPOSE AND INTENT - GENERAL

The purpose of the conventional zoning districts is to further implement goals, objectives and policies of the Lee Plan for existing developments or proposed developments not required to obtain Planned Development Zoning. Some of the districts are intended to provide regulations for uses which have special locational criteria, unique nuisance factors, and very different relationships with other land uses.

2. REGULATION OF LAND USE IN CONVENTIONAL DISTRICTS

All uses of land, water and structures permitted in the conventional zoning districts are subject to the specific use and property development regulations set forth for each district. Except as may be specifically provided for elsewhere in this Ordinance, deviations from the property development regulations may only be granted in accordance with the procedures established in Sections 800.02.E. and 900.02.B. for Variances.

400.03 DESIGNATION OF DISTRICT BOUNDARIES

The boundaries of each district are designated and established as shown on the Official Zoning Map (see Chapter VII) of Lee County, Florida. Said Official Zoning Map shall be as much a part of these zoning regulations as if fully described herein.

400.04 CONVERSION TABLE

PRESENT ZONING DISTRICT		PROPOSED ZONING DISTRICTS	
RE	(601.1)	410.01	AG-1
AG	(601)	410.02	AG-2
AGR	(602)	410.03	AG-3
None	. . . . .	420	UR
RPD(1)	(626.1)	431	RPD
None(1)	. . . . .	431	MHPD

None	. . . . .	432	RSC-1
Select Areas ⁽²⁾	433	RSC-2
RS	(603).	434	RS
None	. . . . .	434 & 434.01	RSA
RS-1	(603.1).	434 & 434.02	RS-1
RS-2	(603.2).	434 & 434.03	RS-2
RS-3	(603.3).	434 & 434.04	RS-3
RS-4	(603.4).	434 & 434.05	RS-4
None	. . . . .	434 & 434.06	RS-5
None	. . . . .	435 & 435.01	TFC-1
RM-1	(604).	435 & 435.02	TFC-2
None	. . . . .	436	TF-1
RM-2	(605).	437 & 437.01	RM-2
RM-5	(605).	437 & 437.02	RM-6
RM-10,14	(605).	437 & 437.03	RM-10,14
None	. . . . .	438 & 438.01	MHC-1
None	. . . . .	438 & 438.02	MHC-2
MH-1	(607).	439 & 439.01	MH-1
MH-2	(608).	439 & 439.02	MH-2
MH-3	(608.1).	439 & 439.03	MH-3
MH-4	(608.2).	439 & 439.04	MH-4
None	. . . . .	440 & 441	RVPD
None	. . . . .	440 & 442	RV-1
None	. . . . .	440 & 442	RV-2
RV	(609).	440 & 442	RV-3
None	. . . . .	440 & 442	RV-4

None	. . . . .	451	CFPD
None	(625).	452.01	CF-1
None	(625).	452.02	CF-2
CF	(625).	452.03	CF-3
None	(625).	452.04	CF-4
CPD	(626.2).	461	CPD
C-1A	(610).	462.01	C-1A
C-1	(611).	462.02	C-1
C-2	(612).	462.03	C-2
CN	(613).	462.04	CN-1
None	. . . . .	462.05	CN-2
CC	(614).	462.06	CC
CG	(615).	462.07	CG
CS	(616).	462.08	CS
None	. . . . .	462.09	CH
CT	(617).	462.10	CT
None	. . . . .	462.11	CP
None	. . . . .	462.12	CA
CM-1	(618).	462.13	CM
None	. . . . .	462.14	CI
None	. . . . .	462.15	CR
IPD	(626.3).	471	IPD
None	. . . . .	472.01	IS
IL	(620).	472.02	IL
IG	(621).	472.03	IG
None	. . . . .	472.04	IT

CM-2	(619).	472.05	IM
None	. . . . .	472.06	RI
PORT	(624).	472.07	PORT
PR	(622).	481	EC
None	. . . . .	482	AOPD
AH	(623).	483	AH
PUD	(606).	484	PUD

(1) The following developments, legally described in the indicated Zoning Resolution and, which are currently zoned RPD, shall be converted to MHPD

- Deltura - Phase II Zoning Resolution No. ZAB 86-17
- Southern Pines - Phase II Zoning Resolution No. ZAB 86-64
- Port Carlos Cove - Zoning Resolution No. ZAB 86-15
- Forest Creek - Zoning Resolution No. ZAB 86-63

(2) Certain areas currently zoned RS-2 on Captiva Island. See Section 433.

410 AGRICULTURAL DISTRICTS

A. PURPOSE AND INTENT

Agriculture and agricultural activities are frequently associated with noise, odors, dust, aerial chemical spraying, and other activities generally incompatible with urban-style living. However, agriculture forms a vital segment of the economy of the State, and provides diversity of economic opportunity and life styles for Lee County. Therefore, it is the purpose of the agricultural districts to provide areas for the establishment and/or continuation of agricultural operations with residential uses being permitted only as ancillary to agricultural uses, or to accommodate those individuals who understand and desire to live in an agricultural environment.

There are three (3) Agricultural sub-districts. Except as specifically noted herein, uses permitted by right, special exception, or by Special Permit are the same in all three (3) sub-districts subject to the General Provisions of this Ordinance as well as applicable Supplemental Regulations set forth in Chapter V. The primary difference between the sub-districts is the minimum lot area and dimensions required for construction of a residence.

Upon adoption of this Ordinance, all lands currently zoned RE shall be reclassified to AG-1, all lands currently zoned AG shall be reclassified to AG-2, and all land zoned AGR shall be reclassified to AG-3, until and unless the property owner or the County initiates a rezoning to a different zoning classification.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall hereafter be erected, constructed, moved, altered or maintained in the AG district for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the AG District:

a. AGRICULTURAL ACTIVITIES - All AG Districts

ADMINISTRATIVE OFFICES (df)

AGRICULTURAL USES, including but not limited to farming, horticulture, pasturage, forestry, commercial hatching and raising of hogs, citrus groves (as well as other fruit groves), fish hatcheries, frog farms, greenhouses and nurseries, truck farms and dairy farms

AGRICULTURAL ACCESSORY USES and buildings customarily incidental to agricultural uses. These uses include the processing, packing, display and sale of agricultural products

EXCAVATIONS - Water Retention Only (Section 518)

RESEARCH AND DEVELOPMENT LABORATORIES - Group I (Section 1001.41)

RETAIL ROADSIDE STANDS - Temporary Only (Sections 540.C. and D.)

STABLES, Private (df) and Boarding (df) (Section 202.03.B.)

b. NON-AGRICULTURAL USES - All AG Districts except as noted to the contrary.

DWELLING UNIT, Conventional Single Family Residence

83 . ;
 DWELLING UNIT, MOBILE HOME; provided it is the only residential unit on the property. Permitted only in the AG-1 District.

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (df) (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

HOME CARE FACILITY (df)

HOME OCCUPATION (df) (Section 525)

PARKS, Public (df) and Private (df) - Groups I and II (Section 1001.32)

PLACE OF WORSHIP (df) (Section 537)

RECREATION FACILITIES, Personal (df), Public (df) and Private (df)

RESIDENTIAL ACCESSORY USES (Sections 501 and 1001.42)

SIGNS which are in compliance with the Lee County Sign Ordinance

TEMPORARY USES (Section 549)

c. NON-AGRICULTURAL USES - Existing Only

The following uses shall be permitted by right in the AG Districts provided the use lawfully existed by right, or was granted a Special Exception, prior to August 1, 1986.

ANIMAL CLINIC (df) (Section 530)

ANIMAL KENNEL (df) (Section 530)

CARETAKERS RESIDENCE (Section 509)

CEMETARIES (Section 510)

DAY CARE CENTER - Child or Adult (Section 514)

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

EXCAVATION/MINING (Sections 202.09 and 517)

GOVERNMENT SERVICES (Section 1001.19)

HEALTH CARE FACILITIES - Groups I and II (Sections 524 and 1001.20)

MIGRANT HOUSING (Section 519)

RELIGIOUS FACILITIES (Section 537)

RETAIL ROADSIDE STANDS, Permanent (Section 540)

SCHOOLS, NON-COMMERCIAL (Section 544)

TOWERS, Communication (df) (Section 547)

It is the intent of the Board of County Commissioners that most of these uses will be rezoned into appropriate non-agricultural zoning districts as expeditiously as possible.

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth at Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions set forth in this zoning ordinance and in the resolution of approval.

ANIMAL KENNEL (df) (Section 530)

CARETAKER'S RESIDENCE (Section 509): AG-1 and AG-2

DAY CARE CENTER - Child or adult (Section 514)

ESSENTIAL SERVICES FACILITIES - Group II (Section 1001.13)

FOOD AND BEVERAGE SERVICE, Limited (df)

RELIGIOUS FACILITIES (Section 537)

RECREATION CENTER (Sections 539)

RETAIL ROADSIDE STANDS, Permanent (Section 540)

SINGLE FAMILY MOBILE HOME in the AG-2 and AG-3 Districts, on a minimum of five (5) acres

STABLES, Commercial (df) (Section 202.03.B.)

TOWERS, Communication (df) (Section 547)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Sections 800.02.F. and 901.02.B.2.a. , as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

CONSUMPTION ON PREMISES (Section 202.02)

MIGRANT HOUSING (Section 519)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a. and 202.15.B.3.)

MODIFICATIONS FOR SOLAR OR WIND ENERGY PURPOSES (Section 202.15.B.6.)

OVERFLOW PARKING (Section 202.13.G.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

The minimum required lot area and dimensions, setbacks, maximum lot coverage, and building height for specific AG Districts are set forth in sub-section 410.01 through 410.05.

410.01 AG-1 AGRICULTURAL DISTRICT

A. Minimum Lot Area and Dimensions (Section 202.15.C.)

Area - 4.70 acres - interior lot
 4.40 acres - corner lot
 Width - 300 feet
 Depth - 300 feet

B. Minimum Setbacks (Section 202.15.B.)

Street - variable according to functional classification of street or road (Subsection 202.15.B.2.); but, in no case less than 50 feet.
 Side - 25 feet
 Rear - 25 feet
 Water body - 25 feet

C. Maximum Height - 35 feet (Section 202.15.A.)

D. Maximum Lot coverage - 25% of Total Lot Area

410.02 AG-2 AGRICULTURAL DISTRICT

- A. Minimum Lot Area and Dimensions (Section 202.15.C.)
 - Area - 39,500 square feet - interior lot
 - 33,600 square feet - corner lot
 - Width - 100 feet
 - Depth - 130 feet
- B. Minimum Setbacks (Section 202.15.B.)
 - Street - variable according to the functional classification of street or road (Subsection 202.15.B.2.)
 - Side - 15 feet
 - Rear - 25 feet
 - Water body - 25 feet
- C. Maximum Height - 35 feet (Section 202.15.A.)
- D. Maximum Lot coverage - 25% of Total Lot Area

410.03 AG-3 AGRICULTURAL DISTRICT

- A. Minimum Lot Area and Dimensions (Section 202.15.C.)
 - Area - 20,000 square feet
 - Width - 100 feet
 - Depth - 130 feet
- B. Minimum Setbacks (Section 202.15.B.)
 - Street - variable according to the functional classification of street or road (Subsection 202.15.B.2.)
 - Side - 15 feet
 - Rear - 25 feet
 - Water body - 25 feet
- C. Maximum Height - 35 feet (Section 202.15.A.)
- D. Maximum Lot coverage - 25% of Total Lot Area

420 U.R. - URBAN RESERVE DISTRICT

A. PURPOSE AND INTENT

The purpose of the UR - Urban Reserve District is to provide a holding zone for lands designated as Urban Service Areas by the Lee Plan, and on which agricultural activities are not appropriate, but for which commitment to urban or suburban uses would be premature. It is the intent to permit, through this District, a minimum reasonable, beneficial use of land, until such time as urban growth requires conversion to more intense use through rezoning.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the UR District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the UR District:

DWELLING UNIT, Conventional single-family residence; provided that no residential unit shall be permitted in an Interstate Highway Interchange Area, or other land use category which prohibits residential uses.

ESSENTIAL SERVICES (df) (Section 1001.12)

GOVERNMENT SERVICES (Section 1001.19)

SIGNS which are in compliance with Lee County Sign Ordinance

TEMPORARY USES (Section 549)

2. SPECIAL EXCEPTION

There are no uses allowable by special exception in the UR District.

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit the following use as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

OVERFLOW PARKING (Section 202.13.G.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

- 1. Minimum Lot Area and Dimensions (Section 202.15.C.)
 - Area - 40,000 sq. ft.
 - Width - 100 feet
 - Depth - 200 feet

2. Minimum Setbacks (Section 202.15.B.)
 - Street - variable according to the functional classification of street or road (Subsection 202.15.B.2.)
 - Side - 15 feet
 - Rear - 20 feet
 - Water body - 25 feet
3. Maximum Lot Coverage - 40%
4. Maximum Height - 35 feet (Section 202.15.A.)

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RESIDENTIAL DISTRICTS

PURPOSE AND INTENT

The purpose and intent of the Residential Districts is to encourage and guide residential growth in accordance with the goals, objectives and policies set forth in the Lee Plan. Residential developments shall be permitted for various types of dwelling units and at various densities in the Urban Service Areas where infrastructure exists or can feasibly be extended. Lower density single family conventional and mobile home dwelling units will be permitted in non-urban areas where the services and conveniences of the urban areas are not provided.

It is the intent of the Lee Plan and this Ordinance that proposed residential developments which require a rezoning and which meet or exceed one or more of the following criteria shall be zoned only to an RPD - Residential Planned Development district or to MHPD - Mobile Home Planned Development district, as applicable.

- A. Any residential development which could result in an increase of:
 1. 100 or more dwelling units at a density of less than five (5) dwelling units per gross residential acre; or
 2. 50 or more dwelling units at a density of five (5) or more dwelling units per gross residential acre; or
 3. 25 or more dwelling units at a density of eight (8) or more dwelling units per gross residential acre; or
- B. Any Adult Congregate Living Facility, not part of a residential, commercial, or community facility planned development consisting of fifty (50) or more beds; or
- C. Any residential portion of a combination of residential, commercial, community facility, or industrial planned development on ten (10) or more acres of land, none of the said uses taken individually, equaling or exceeding any other threshold set forth in this Ordinance; or

D. At the discretion of the Director, any development that may exceed:

- 1. 80% of the thresholds set forth in A, B, or C, above; or
- 2. 10% of the thresholds set forth in Chapter 27 F-2 FAC for DRI's except where another threshold is set forth herein.

Regulations for RPD Residential Planned Developments and MHPD Mobile Home Planned Developments are set forth in Section 431.

It is further the intent of this Ordinance to provide conventional zoning districts for existing developments as well as proposed developments not required to be located in RPD or MHPD districts. The Conventional Districts for residential developments are set forth in Sections 432 thru 439.04.

431 RPD - RESIDENTIAL PLANNED DEVELOPMENT AND MHPD - MOBILE HOME PLANNED DEVELOPMENT

A. PURPOSE AND INTENT

The intent of the RPD - Residential Planned Development and MHPD - Mobile Home Planned Development Districts is to further the general purpose of planned developments set forth in sub-section 400.02.A. as it relates to residential areas.

It is also the intent of the Planned Development District to provide a property owner or land developer with a development technique that can increase residential density and its ancillary development in areas outside the Urban Service Area, designated by the Lee Plan as being in the Rural or Open Land categories only, provided that the proposed development shall be completely independent of County subsidized facilities and services, and that the project will not have an adverse economic, environmental, fiscal, or social impact to its surrounding environs or to Lee County.

The principal use of any Residential or Mobile Home Planned Development is human habitation in permanent year-round dwelling units. However the RPD and MHPD districts permit some limited non-residential uses for the convenience of the residents and the welfare of the public. All uses permitted are permitted subject to general and/or special conditions related to the specific group of uses and the unique features or location of the subject property. The standards for use and development of a Residential or Mobile Home Planned Development shall be set forth in the documentation attached to the Master Concept Plan, and unless modified through the schedule of deviations, where applicable (see sub-section 804.02.E.), said standards shall not be less restrictive than the minimum standards set forth elsewhere in these zoning

regulations or other applicable development regulations. An application for a Residential or Mobile Home Planned Development shall also include a schedule detailing the uses desired. Unless specifically stated to the contrary all scheduled uses shall be designated on the Master Concept Plan in the area in which they will be permitted to occur.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the RPD or MHPD Districts for any purpose other than as provided herein.

1. PERMITTED USES

Except as specifically indicated to the contrary, the following uses may be permitted in the RPD and MHPD Districts when consistent with the goals, objectives, and policies of the Lee Plan for the Land Use Category in which the property is located, and when approved on the enumerated documentation of the Master Concept Plan.

ADULT CONGREGATE LIVING FACILITY (1) - RPD only

BOARDING HOUSE (df) - RPD only

CLUB, PRIVATE (df)

COMMERCIAL USES, limited to the following:

- a. Administrative Offices (df);
- b. Aircraft Landing Facility - Private (Section 505);
- c. Consumption on Premises (Section 202.02); (2)
- d. Convenience Food and Beverage Store;
- e. Day Care Center - Child or Adult (1) (Section 514);
- f. Drug Store and/or Pharmacy;
- ~~g. Food and Beverage Service, Limited (df) (2);~~
- h. Food Stores - Group I, excluding Supermarket, and Group II (Section 1001.16.);
- i. Personal Services - Groups I and II (Section 1001.33);

- 91.
- j. Real Estate Sales Office;
 - k. Self-Service Fuel Pumps (subject to limits set forth in Subsection 404.C.5.g);
 - l. Social Services - Group IV (Section 1001.46);
 - m. Specialty Retail Shop - Groups I, III and IV (Section 1001.47);
 - n. Stables, Boarding (df) (Section 202.03.B.);

In addition to other regulations, commercial uses shall be governed by General Regulations for Commercial Uses (subsection 431.C.5.).

COUNTRY CLUB (df)

DORMITORY (df) - RPD only

DWELLING UNITS:

- Conventional Multiple Family Building - RPD only
- Conventional Single Family Residence - RPD only
- Duplex - RPD only
- Mobile Home - MHPD only
- Townhouse - RPD only
- Two Family Attached - RPD only

EMERGENCY MEDICAL SERVICES (1)

ENTRANCE GATES (1)

ESSENTIAL SERVICES (df) (Section 1001.12)

ESSENTIAL SERVICE FACILITY - Groups I and II (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

FIRE STATIONS (1)

FRATERNITY HOUSE (df) - RPD only

GATEHOUSE (1)

GROUP QUARTERS (df) - RPD only

HEALTH CARE FACILITIES - Groups I and II (Sections 524 and 1001.20) - RPD only

HOME CARE FACILITY (df)

HOME OCCUPATION (Section 525)

MIGRANT AND TRANSIENT FARM LABOR QUARTERS AND CAMPS
(Section 519)

MODEL (Sections 533 and 534)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section
202.15.B.2.a and 202.15.B.3.)

MODIFICATION FOR SOLAR OR WIND ENERGY PURPOSES (Section
202.15.B.6.)

PARKS, Public (df) and Private (df) - Groups I and II
(Section 1001.32)

PLACE OF WORSHIP (Section 537)

RECREATION CENTER (df) (1)

RECREATIONAL FACILITIES, PERSONAL (df), PRIVATE (df) and
PUBLIC (df)

Boat Ramps and Dockage (not to include marinas) (1)
Fishing Piers (1)
Golf Courses
Golf Driving Range
Marina (Section 531)
Swimming Pools
Tennis Courts
Other similar recreational facilities which are
non-commercial

RELIGIOUS FACILITIES (Section 537) (1)

ROOMING HOUSE (df) - RPD only

RESIDENTIAL ACCESSORY USES (Sections 501 and 1001.42)

RESORT (df) - RPD only

SCHOOLS (non-commercial) (Section 544)

SIGNS which are in compliance with the Lee County Sign
Ordinance

UNIT OF HIGH IMPACT (Section 548) - RPD only

Footnotes:

- (1) If not shown on the Master Concept Plan, but included in the approved list of enumerated uses, these uses may be approved by Special Exception after approval of the Master Concept Plan.

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- (2) If not shown on the Master Concept Plan, but included in the approved list of enumerated uses, these uses may be approved by Special Permit after approval of the Master Concept Plan.

All other uses shall be shown on the Master Concept Plan at the time of approval. If proposed after the Master Concept Plan is approved, they shall only be permitted upon application for, and approval of, a Master Concept Plan amendment (See Section 804.03.C.2.a.).

C. PROPERTY DEVELOPMENT REGULATIONS

1. MINIMUM AREAS AND DIMENSIONS

- a. Minimum area and dimensions are not specified for parcels of land for which planned developments are proposed. However, the net developable land remaining, after deleting any environmentally sensitive lands and waters, shall be of such size, configuration and dimension as to adequately accommodate the proposed structures, parking, access, on-site utilities including wet or dry runoff retention, all required open space, including buffers, and similar spatial requirements.
- b. If the development contains or consists of a conventional subdivision for single family residences, two family or, duplex structures, or mobile homes, the lot dimensions and areas specified in the conventional single family, two family or mobile home districts shall apply as appropriate (Sections 434, 436, and 439 respectively).
- c. Where the Master Concept Plan calls for dwelling units on individual lots in clusters, in zero-lot-line, or townhouse configurations, the specific lot areas and dimensions shall be determined by the space requirements of the unit itself, the provision of private open space and the voluntary reservation of additional common open space, if any.

2. MINIMUM SETBACKS OF STRUCTURES AND BUILDINGS

- a. Setbacks from project boundaries or development perimeter shall be determined as follows:
 - 1.) Where the proposed Residential or Mobile Home Planned Development is adjacent to land which is either:

- a.) developed in a manner and for uses compatible with the uses proposed for the RPD or MHPD; or
- b.) vacant but zoned for uses compatible with the uses proposed for the RPD or MHPD; or
- c.) vacant and, regardless of zoning, controlled by the applicant;

all structure and pavements shall be setback from the development perimeter a distance equal to the width of a minimum buffer area (where required), or fifteen (15) feet, whichever is the greater.

- 2.) Where the proposed Residential Planned Development is adjacent to land which is either:
 - a.) developed in a manner and for uses not compatible with the uses proposed for the RPD or MHPD; or
 - b.) vacant, and neither zoned for compatible uses nor controlled by the applicant;

All buildings shall be setback from the development perimeter a distance equal to the minimum required buffer area as set forth in the Development Standards Regulations Ordinance, or twenty-five (25) feet, whichever is the greater. Structures and pavements permitted in this setback area shall be limited to bikeways and pedestrian walks, jogging and/or equestrian paths, street and park furniture (including gazebos and picnic shelters).

Parking or perimeter roads shall not be closer to the development perimeter than twenty-five (25) feet.

- 3.) Where the development perimeter abuts a dedicated public right-of-way, the setbacks from roads, streets, and drives shall be substituted. (Section 202.15.B.2.).
- 4.) Setbacks shall be established after all required rights-of-way are designated (consistent with the official traffic ways plan).

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b. Setback from lot-line and separation of buildings shall be determined as follows:

- 1.) If the development contains or consists of a conventional subdivision for single family detached or duplex structures or mobile homes, the front, side and rear setbacks specified in the conventional single family, two family and mobile home districts shall apply (Sections 434,436, and 439, respectively).
- 2.) Where the Master Concept Plan calls for single family detached or attached zero-lot-line housing, each dwelling unit structure may have one wall without windows or doors on a side lot line, may encroach with eaves or cornice no more than 36 inches into the adjacent yard, and shall maintain at least a minimum separation from the building or mobile home on the side opposite the zero setback line, consistent with the standard set forth in 3), next.
- 3.) Where the Master Concept Plan calls for clustering of single family detached structures or mobile homes, and so long as sufficient separation is maintained to prevent the spread of fire, and so long as adequate access is provided for emergency services (as certified by the County Fire Official) the separation of buildings may be reduced to no less than ten (10) feet.
- 4.) Unless otherwise specified, where there are two or more principal buildings in a planned development, the minimum separation of buildings shall be 1/2 of the sum of their heights, or 20 feet, whichever is greater.

c. Setback from roads, streets, drives (See Section 202.15.B.2.).

3. HEIGHT OF BUILDINGS

a. RPD - Residential Planned Developments

Except as restricted by 202.15.A.5. height of buildings in a Residential Planned Development will vary in accordance with the land use classification of the subject property according to the Lee Plan Land Use Plan Map as follows:

- 1.) In the Intensive Development and Central Urban Land Use Categories, buildings may be as tall as 135 feet above minimum flood elevation with no more than twelve (12) habitable stories;
- 2.) In the Urban Community Land Use Category, buildings may be as tall as 95 feet above minimum flood elevation with no more than eight (8) habitable stories;
- 3.) In the Suburban and Rural Land Use Categories and in any other Land Use Category in which a Residential Planned Development is appropriate, buildings may be as tall as forty five (45) feet above minimum flood elevation with no more than three (3) habitable stories, except that said buildings may be as tall as seventy five (75) feet above minimum flood elevation, with no more than six (6) habitable stories when the applicant demonstrates that the additional height is required to increase common open space for the purposes of preserving environmentally sensitive land, securing areas of native vegetation and wildlife habitat, or preserving historical, archaeological or scenic resources.

b. MHPD - Mobile Home Planned Developments

In the MHPD district, no building or structure shall exceed thirty-five (35) feet in height, and no mobile home shall exceed one story in height.

4. OPEN SPACE REQUIREMENTS (See Section 804.02.C.1. for definitions)

a. In the Residential or Mobile Home Planned Development Districts, 40% of the total area of the project shall be common open space, except that this may be reduced to 30% when the remaining 10% is distributed as private open space to individual dwelling units having immediate private ground floor access. Additional land or water may be reserved as open space at the developer's discretion.

b. Common open space may be used for all forms of passive and active outdoor recreation together with the structures accessory to those activities such as swimming pools, tennis courts, golf courses, driving ranges including appurtenances, park and lawn furniture, including gazebos and picnic shelters, elevated decks and walkways, and playground

equipment. No more than 25% of the minimum required open space may consist of impervious surfaces related to these uses and structures. Open space may also be used for buffer areas, required elsewhere, and for surface water management to the extent that no more than 25% of the minimum required open space requirement may consist of artificial bodies of water (retention ponds or lakes).

- c. No additional open space is required in the accessory commercial area beyond landscaped buffering, required elsewhere.
- d. In developments consisting of zero-lot-line or clustered single family detached or attached homes or clustered mobile homes on individual lots of less than 7500 square feet, the common open space required shall not be less than 30% of the total development tract.
- e. The common open space requirements set forth in sub-section 4.a. do not apply to developments consisting of a conventional subdivision for single family detached or two family (duplex) dwelling units or mobile homes on lots of standard dimensions. The common space requirement shall be, at a minimum, one-quarter (1/4) acre per fifty-five (55) dwelling units or major fraction thereof, for a private neighborhood park (or parks) or other recreational facilities, to be improved and equipped by the developer and maintained by a responsible private entity.

5. GENERAL CONDITIONS - COMMERCIAL USES IN RPD AND MHPD DISTRICTS

In order to insure that commercial uses permitted in a Residential or Mobile Home Planned Development (RPD and MHPD) districts are limited to the convenience and utility of the residents of any specific development, they shall meet the following conditions:

- a. Unless constrained by physical factors or policy of higher priority, e.g. wetlands preservation, commercial uses shall be oriented to the interior of the project, shall be located centrally within the development, and shall not be quickly or easily accessible from the outside perimeter;
- b. No more than a specified maximum amount of floor area, relative to the number of dwelling units or size of a RPD or MHPD district, shall be used for commercial purposes. This relationship is specified as:

<u>Total Approved Dwelling Units</u>	<u>Gross Commercial Floor Area</u>
less than 150	none
151 to 300	2500 square feet
301 to 600	7500 square feet
601 to 1200	17500 square feet
more than 1200	*

*Additional space may be added at a rate of 5000 square feet per 300 dwelling units to a maximum of 50,000 square feet. In no case may the commercial area exceed 3% of the gross area of the project.

- c. The following commercial uses shall not be counted against the limitation set forth above:
- 1.) Day Care Center (Section 514)
 - 2.) Food and Beverage Service, Limited (df)
 - 3.) Home occupation (Section 525)
 - 4.) Self-service Fuel Pumps - exterior area only
 - 5.) Stables, boarding
- d. Signs for commercial uses other than project sales shall not be visible from the perimeter of the project and shall comply with the Lee County Sign Ordinance.
- e. Parking for commercial uses shall be governed by Section 202.13 in accordance with the actual uses, except that:
- 1.) a joint use of parking program based on requirements of Section 202.13.H. may be made part of the planned development approval; or
 - 2.) Up to, but not more than, one-half ($\frac{1}{2}$) of the required number of parking spaces may be reduced in direct proportion to the number of dwelling units located within one quarter ($\frac{1}{4}$) mile of the commercial area (as measured to the geometric center of the commercial area), and served by continuous and technically adequate systems of pedestrian and bicycle paths or ways.
- f. Lighting of the exterior and parking areas of the commercial uses shall be of the lowest intensity and energy use adequate for its purpose, and shall not

create conditions of glare outside the area designated for commercial uses.

- g. If half (½) or more of the dwelling units are located over one-half (½) mile by road from the perimeter of the project, automotive fuel sales in conjunction with a convenience market may be permitted, when specified on the Master Concept Plan.
- h. Outside display or storage of goods for retail sale is prohibited.
- i. Real estate sales activity and model homes shall be limited to that project only. Such use(s) shall be terminated upon the sale of the last unit in the project or phase or twelve (12) months after the issuance of the last Certificate of Occupancy for the project or phase, whichever occurs first.
- j. In the RPD or MHPD districts, no commercial land use or commercial occupancy of a structure may commence until a substantial proportion of the residential uses or occupancies have begun. The following table indicates the maximum proportion of the total permitted commercial floor space that may be occupied for a minimum proportion of residential land uses commenced. This limit shall not apply to health care facilities.

PHASING LIMITS

(proportions are cumulative from left to right)

Residential use (min)	25%	50%	75%	100%
Commercial use (max)	-	25%	50%	100%

These conditions are in addition to and not in lieu of any other general condition or regulation applicable to a Residential or Mobile Home Planned Development.

432 RSC-1 - RESIDENTIAL SINGLE FAMILY CONSERVATION DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the RSC -1 - Residential Single Family Conservation District is to recognize and protect existing single family residential developments, lots, structures and uses, previously permitted but not conformable to the regulations for other single family residential districts as set forth in this Zoning Ordinance. It is

further intended that this district accommodate residential use of lawfully existing lots which were non-conforming under previous zoning regulations. This district may be applied to any land use category allowing residential uses set forth under the Lee Plan. This district is not available to land owners through normal procedures, but shall be used only by the Board of County Commissioners upon its own initiative or upon petition of land owners in existing developments to achieve the aforementioned purpose.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the RSC-1 District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the RSC-1 District:

ADMINISTRATIVE OFFICES (df)

CLUB, Private (df)

DWELLING UNIT, conventional single-family residence

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (df) (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

GOLF COURSE - existing only (Section 521)

HOME CARE FACILITIES (df)

HOME OCCUPATIONS (Section 525)

PARKS, Public (df) and Private (df) - Group I (Section 1001.32)

PLACE OF WORSHIP - existing only (Section 537)

RECREATIONAL FACILITIES, Personal (df), Private (df) or Public (df)

RESIDENTIAL ACCESSORY USES (Sections 501 and 1001.42)

SIGNS which are in compliance with the Lee County Sign Ordinance

TEMPORARY USES (Section 549)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval.

DAY CARE CENTERS - Child or Adult (Section 514)

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

FOOD AND BEVERAGE SERVICE, Limited (df)

PLACE OF WORSHIP - New (Section 537)

RECREATION CENTER (Section 539)

RELIGIOUS FACILITIES (Section 537)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Sections 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3.)

MODIFICATION FOR SOLAR OR WIND ENERGY PURPOSES (Section 202.15.B.6.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202,15)

1. NON-RESIDENTIAL USES

The following uses shall comply with the minimum lot area and dimensions, setbacks, maximum lot coverage and height requirements set forth for residential uses, as well as

any other provisions required to satisfy all open space, buffering, drainage, retention, parking and other development requirements of this Ordinance and the Land Development Code.

PARKS, Public (df) or Private (df) - Group I (Section 1001.32)

PLACE OF WORSHIP (Section 537)

RECREATION FACILITIES, Private (df) or Public (df)

2. RESIDENTIAL USES

- a. Minimum Lot Area and Dimensions (Section 202.15.C.)
 - Area - 4,000 sq. ft.
 - Width - 40 feet
 - Depth - 75 feet
- b. Minimum Setbacks (Section 202.15.B.)
 - Street - 25 feet
 - Side - 5 feet
 - Rear - 15 feet
 - Waterbody - 25 feet
- c. Maximum Lot Coverage - 45%
- d. Maximum Height - 35 feet (Section 202.15.A.)

433 RSC-2 RESIDENTIAL SINGLE FAMILY ESTATE DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the RSC-2 District is to provide for a continuation of the uses created by Resolution Z-70-78, adopted June 2, 1970. This Resolution created an Estate category (EU-1) with minimum lot size of one acre; but, which also allowed a guest house and servants quarters. It is the intent of this district that all property on Captiva Island presently zoned RS-2 and subject to Resolution Z-70-78 be converted to RSC-2. Other land in unincorporated Lee County can also request to be zoned to RSC-2, provided that it is appropriate.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or shall be permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the RSC-2 District for any purpose other than as provided herein. Since this District is intended to continue the provisions of Resolution Z-70-78, certain use regulations and definitions

will be somewhat different from the regulations found elsewhere in this Ordinance. For purposes of this district only, the term "Family" is defined as follows:

FAMILY: One (1) or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit provided that a group of three (3) or more persons who are not related by blood, marriage or adoption shall not be deemed to constitute a family, and further provided that domestic servants may be housed on the premises without being counted as a separate or additional family or families. The term "family" shall not be construed to mean a fraternity, sorority, club, monastery, convent or institutional group.

1. **PERMITTED USES**

The following uses shall be permitted by right in the RSC-2 District.

ADMINISTRATIVE OFFICES (df)

DWELLING UNIT, conventional single-family residence

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (df) (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

GOLF COURSE - existing only

GUEST HOUSE (Section 523)

HOME OCCUPATIONS (Section 525)

PARKS, Private (df) and Public (df) - Group I (Section 1001.32)

RECREATION FACILITIES, Personal (df), Private (df), Public (df)

RESIDENTIAL ACCESSORY USES, for the main dwelling only (Sections 501 and 1001.42)

SERVANTS QUARTERS

SIGNS which are in compliance with the Lee County Sign Ordinance

TEMPORARY USES (Section 549)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

CLUB, Private (df)

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13.)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

MODIFICATION OF SECTION LINE OR STREET SETBACKS
(Section 202.15.B.2.a. and 202.15.B.3.)

MODIFICATION FOR SOLAR OR WIND ENERGY PURPOSES
(Section 202.15.B.6.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

RESIDENTIAL BUILDINGS

- a. Minimum Lot Area and Dimensions - Principal Building (Section 202.15.C.)
 - Area - 1 acre (43,560 square feet)
 - Width - 100 feet
 - Depth - 200 feet
- b. Minimum Setbacks (Section 202.15.B.)
 - Street - 50 feet
 - Side - 10 feet
 - Rear - 20 feet
 - Waterbody - 25 feet
- c. Maximum Height - 28 feet above first finished floor
- d. Maximum Lot Coverage - 25% of Total Lot Area

D. SPECIAL REGULATIONS

Accessory buildings and uses can be located closer to the front of the property than the main building, but must comply with all other setback requirements for accessory building uses.

434 RS - RESIDENTIAL SINGLE FAMILY DISTRICTS

A. PURPOSE AND INTENT

1. The purpose and intent of the RS - Residential, Single Family Districts is to provide opportunities for the suitable location of detached, conventionally built single-family dwelling units and for facilitation of the proper development and protection of the subsequent use and enjoyment thereof.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the RS Districts for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the RS Districts:

ADMINISTRATIVE OFFICES (df)

DWELLING UNIT, Conventional single-family residence

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (df) (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

GOLF COURSES - existing only

HOME CARE FACILITIES (df)

HOME OCCUPATIONS (Section 525)

MARINA - existing only

PARKS, Private (df) and Public (df) - Group I
(Section 1001.32)

PLACE OF WORSHIP - existing only (Section 537)

RECREATIONAL FACILITIES, Personal (df), Private (df)
and Public (df)

RESIDENTIAL ACCESSORY USES (Sections 501 and 1001.42)

SIGNS which are in compliance with the Lee County
Sign Ordinance

TEMPORARY USES (Section 549)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County Regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval.

CLUB, Private (df)

DAY CARE CENTERS - Adult or child (Section 514)

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

FOOD AND BEVERAGE SERVICE, Limited (df)

MODEL HOME (Section 533)

PLACE OF WORSHIP - new (Section 537)

RECREATION CENTER (Section 539)

RELIGIOUS FACILITIES (Section 537)

SCHOOLS, NON-COMMERCIAL (Section 544)

~~STABLES, Private - RS 4 and RS 5 only (Section 202.03.B.)~~

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the standards set forth in Sections 800.02.F. and 901.02.B.2.a., as well as other applicable County

regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS
(Section 202.15.B.2.a. and 202.15.B.3.)

MODIFICATION FOR SOLAR OR WIND ENERGY PURPOSES
(Section 202.15.B.6)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. NON-RESIDENTIAL USES

The following uses shall comply with the minimum lot area and dimensions, setbacks, maximum lot coverage and height requirements set forth for residential uses, as well as any other provisions required to satisfy all open space, buffering, drainage, retention, parking and other development requirements of this Ordinance and the Development Standards Regulations Ordinance.

PARKS, Public (df) or Private (df) - Group I
(Section 1001.32)

PLACE OF WORSHIP (Section 537)

RECREATION FACILITIES, Private (df) and Public (df)

2. RESIDENTIAL USES

The minimum required lot area and dimensions, setbacks, maximum lot coverage and building height for specific RS Districts are set forth in sub-sections 434.01 through 434.06.

434.01 RSA - RESIDENTIAL SINGLE FAMILY DISTRICT

A. Minimum Lot Area and Dimensions (Section 202.15.C.)

Area - 6,500 square feet
Width - 65 feet
Depth - 75 feet

B. Minimum Setbacks (Section 202.15.B.)

Street - 25 feet
Side - 6.5 feet
Rear - 20 feet
Water body - 25 feet

- C. Maximum Lot Coverage - 45 % of the Total Lot Area
- D. Maximum Height - 35 feet (Section 202.15.A)

434.02 RS-1 - RESIDENTIAL SINGLE FAMILY DISTRICT

- A. Minimum Lot Area and Dimensions (Section 202.15.C.)
 - Area - 7,500 sq. ft.
 - Width - 75 feet
 - Depth - 100 feet
- B. Minimum Setbacks (Section 202.15.B.)
 - Street - variable according to functional classification of street or road (Subsection 202.15.B.2)
 - Side - 7.5 feet
 - Rear - 20 feet
 - Water body - 25 feet
- C. Maximum Height - 35 feet (Section 202.15.A.)
- D. Maximum Lot Coverage - 40% of the Total Lot Area

434.03 RS-2 - RESIDENTIAL SINGLE FAMILY DISTRICT

- A. Minimum Lot Area and Dimensions (Section 202.15.C.)
 - Area - 12,500 square feet
 - Width - 100 feet
 - Depth - 100 feet
- B. Minimum Setbacks (Section 202.15.B.)
 - Street - variable according to functional classification of street or road (Subsection 202.15.B.2.)
 - Side - 10 feet
 - Rear - 20 feet
 - Water body - 25 feet
- C. Maximum Height - 35 feet (Section 202.15.A)
- D. Maximum Lot Coverage - 40% of the Total Lot Area

434.04 RS-3 - RESIDENTIAL SINGLE FAMILY DISTRICT

- A. Minimum Lot Area and Dimensions (Section 202.15.C.)
 - Area - 20,000 sq. ft.
 - Width - ~~100 feet~~
 - Depth - 100 feet
- B. Minimum Setbacks (Section 202.15.B)
 - Street - variable according to functional classification of street or road (Subsection 202.15.B.2.)
 - Side - 12 feet
 - Rear - 20 feet
 - Water body - 25 feet

- C. Maximum Height - 35 feet (Section 202.15.A.)
- D. Maximum Lot Coverage - 40% of the Total Lot Area

434.05 RS-4 - RESIDENTIAL SINGLE FAMILY DISTRICT

- A. Minimum Lot Area and Dimensions (Section 202.15.C.)
 - Area - 40,000 sq. ft.
 - Width - 100 feet
 - Depth - 100 feet
- B. Minimum Setbacks (Section 202.15.B)
 - Street - variable according to functional classification of street or road (Subsection 202.15.B.2)
 - Side - 15 feet
 - Rear - 20 feet
 - Water body - 25 feet
- C. Maximum Height - 35 feet (Section 202.15.A.)
- D. Maximum Lot Coverage - 40% of the Total Lot Area

434.06 RS-5 - RESIDENTIAL SINGLE FAMILY DISTRICT

- A. Minimum Lot Area and Dimensions (Section 202.15.C.)
 - Area - 2 acres
 - Width - 130 feet
 - Depth - 130 feet
- B. Minimum Setbacks (Section 202.15.B.)
 - Street - variable according to functional classification of street or road (Subsection 202.15.B.2.)
 - Side - 15 feet
 - Rear - 20 feet
 - Water body - 25 feet
- C. Maximum Height - 35 feet (Section 202.15.A.)
- D. Maximum Lot coverage - 40% of the Total Lot Area

435 TFC - RESIDENTIAL TWO FAMILY CONSERVATION DISTRICTS

A. PURPOSE AND INTENT

The purpose and intent of the TFC - Residential - Two-Family Conservation Districts is to recognize and protect existing two-family residential developments, lots, structures and uses, previously permitted but not conformable to the regulations for the other two family residential district as set forth in this ordinance. It is further intended that these districts accommodate, insofar as possible, residential use of lawfully existing lots which were non-conforming under

previous zoning regulations. This district may be applied to any land use category allowing residential uses set forth under the Lee Plan. This district is not available to land owners through normal procedures, but shall be used only by the Board of County Commissioners upon its own initiative or upon petition of land owners of existing developments to achieve the aforementioned purpose.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the TFC Districts for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the TFC Districts:

ADMINISTRATIVE OFFICES (df)

DWELLING UNIT, conventional single-family residence

DWELLING UNIT, duplex

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (df) (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

GOLF COURSE - existing only

HOME CARE FACILITIES (df)

HOME OCCUPATIONS (Section 525)

MARINA - existing only

PARKS, Public (df) and Private(df), Group I (Section 1001.32)

PLACE OF WORSHIP - existing only (Section 537)

RECREATIONAL FACILITIES, Personal (df), Public (df) and Private (df)

RESIDENTIAL ACCESSORY USES (Sections 501 and 1001.42)

SIGNS which are in compliance with the Lee County Sign Ordinance

TEMPORARY USES (Section 549)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval.

CLUB, Private (df)

DAY CARE CENTERS, adult or child (Section 514)

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

FOOD AND BEVERAGE SERVICE, Limited (df)

GOLF COURSE - new (Section 521)

MODEL HOME (Section 533)

PLACE OF WORSHIP - new (Section 537)

RECREATION CENTER (Section 539)

RELIGIOUS FACILITIES (Section 537)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Sections 800.02.F. and 901.02.B.2. a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a. and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. NON-RESIDENTIAL USES

The following uses shall comply with the minimum lot area and dimensions, setbacks, maximum lot coverage and height requirements set forth for residential uses, as well as any other provisions required to satisfy all open space, buffering, drainage, retention, parking and other development requirements of this Ordinance and the Development Standards Regulations Ordinance.

PARKS, Public (df) or Private (df) - Group I (Section 1001.32)

PLACE OF WORSHIP (Section 537)

RECREATION FACILITIES, Private (df) or Public (df)

2. RESIDENTIAL USES

The minimum required lot area and dimensions, setbacks, maximum lot coverage and building height for specific TFC sub-districts are set forth in sub-sections 435.01 and 435.02.

435.01 TFC-1

A. Minimum Lot Area and Dimensions (Section 202.15.C.)

Area - 6,000 sq. ft.
Width - 50 feet
Depth - 100 feet

B. Minimum Setbacks (Section 202.15.B.)

Street - 25 feet
Side - 6.0 feet
Rear - 20 feet
Water body - 25 feet

C. Maximum Lot Coverage - 45%

D. Maximum Height - 35 feet (Section 202.15.A.)

435.02 TFC-2

A. Minimum Lot Area and Dimensions (Section 202.15.C.)

Area - 7,500 sq. ft.
Width - 75 feet
Depth - 100 feet

- B. Minimum Setbacks (Section 202.15.B.)
 - Street - 25 feet
 - Side - 5 feet
 - Rear - 20 feet
 - Water body - 25 feet
- C. Maximum Lot Coverage - 40% of the Total Lot Area
- D. Maximum Height - 35 feet (Section 202.15.A.)

436

TF-1 - TWO FAMILY DISTRICT

A. PURPOSE AND INTENT

The purpose of the TF - Residential, Two Family District is the designation of suitable locations for residential occupancy of conventionally built two-family and single-family dwelling units and for facilitating the proper development and protecting the subsequent use and enjoyment thereof. The TF District is intended for use only within the Urban Services Area as designated by the Lee Plan and subject to the range of densities for each land use category accommodating residential uses.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the TF-1 District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the TF-1 District:

- ADMINISTRATIVE OFFICES (df)
- ADULT CONGREGATE LIVING FACILITIES with less than 50 beds (Section 503)
- DWELLING UNIT, conventional single-family residence
- DWELLING UNIT, duplex
- DWELLING UNIT, two-family attached
- ENTRANCE GATES AND GATEHOUSES (Section 202.10)
- ESSENTIAL SERVICES (df) (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

GOLF COURSE - existing only

HOME CARE FACILITIES (df)

HOME OCCUPATIONS (Section 525)

MARINA

PARKS, Public (df) and Private (df) - Group I (Section 1001.32)

PLACE OF WORSHIP - existing only (Section 537)

RECREATIONAL FACILITIES, Personal (df), Public (df) and Private (df)

RESIDENTIAL ACCESSORY USES (Sections 501 and 1001.42)

SIGNS which are in compliance with the Lee County Sign Ordinance

TEMPORARY USES (Section 549)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval.

CLUB, Private (df)

DAY CARE CENTERS - adult or child (Section 514)

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

~~FOOD AND BEVERAGE SERVICE, Limited (df)~~

MODEL HOME (Section 533)

PLACE OF WORSHIP - new (Section 537)

RECREATION CENTER (Section 539)

RELIGIOUS FACILITIES (Section 537)

SCHOOLS, NON-COMMERCIAL (Section 544)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Sections 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a. and 202.15.B.3)

MODIFICATION FOR SOLAR OR WIND ENERGY PURPOSES (Section 202.15.B.6.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. NON-RESIDENTIAL USES

The following uses shall comply with the minimum lot area and dimensions, setbacks, maximum lot coverage and height requirements set forth for residential uses, as well as any other provisions required to satisfy all open space, buffering, drainage, retention, parking and other development requirements of this Ordinance and the Development Standards Regulations Ordinance.

PARKS, Public (df) and Private (df) - Group I (Section 1001.32)

PLACE OF WORSHIP (Section 537)

RECREATION FACILITIES, Private (df) and Public (df)

2. RESIDENTIAL USES

The minimum required lot area and dimensions, setbacks, maximum lot coverage and building height for residential uses are as follows:

a. Minimum Lot Area and Dimensions (Section 202.15.C.)

- 1.) Single Family Detached
 - Area - 7,500 square feet
 - Width - 75 feet
 - Depth - 100 feet

- 2.) Duplex
 - Area - 10,000 sq. ft.
 - Width - 75 feet
 - Depth - 100 feet

- 3.) Two Family Attached
 - Area - 12,000 square feet (6,000 each unit)
 - Width - 120 feet (60 each unit)
 - Depth - 100 feet

- b. Minimum Setbacks (Section 202.15.B.)
 - Street - variable according to functional classification of street or road (Subsection 202.15.B.2.)
 - Side - 1.) Single Family or Duplex - 7.5 feet
 - 2.) Two-Family attached - 10 feet
 - Rear - 20 feet
 - Water body - 25 feet

- c. Maximum Lot Coverage - 45% of the Total Lot Area

- d. Maximum Height - 35 feet (Section 202.15.A.)

437

RM - RESIDENTIAL MULTIPLE FAMILY DISTRICTS

A. PURPOSE AND INTENT

- 1. The purpose of the RM - Residential, Multiple Family Districts is the designation of suitable locations for residential occupancy of multiple-family residential buildings for projects which are not already approved Planned Unit Developments and/or which fall below the criteria for Residential Planned Developments, and for facilitating the proper development and protecting the subsequent use and enjoyment thereof. The RM districts are intended for use only within the Urban Services Area as designated by the Lee Plan and are subject to the range of densities for each land use category accommodating residential uses.

- 2. There are four (4) RM-Districts: RM-2, RM-6, RM-10, and RM-14. It is intended that the RM-2 district be retained until such time as the County rezones existing RM-2 properties into one of the other RM district classifications or other appropriate district, in compliance with the Lee Plan. It is further the intent of this Ordinance that after December 22, 1982 no land shall be rezoned to the RM-2 classification.

- 3. Unless indicated otherwise, the following Use Regulations shall apply to all four (4) RM districts.

(00014P)

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the RM District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the RM District:

ADMINISTRATIVE OFFICES (df)

ADULT CONGREGATE LIVING FACILITIES with less than 50 beds (Section 503)

COMMERCIAL USES, ancillary only (Section 513) and limited to:

PERSONAL SERVICES - Group I and II (Section 1001.33)

SPECIALTY RETAIL SHOPS - Group I (Section 1001.47)

DWELLING UNIT, conventional single family residence

DWELLING UNIT, duplex

DWELLING UNIT, - multiple family building

DWELLING UNIT, townhouse

DWELLING UNIT, two-family - attached

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (df) (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

GOLF COURSES (Section 521)

GROUP QUARTERS (df) - Consisting of less than 50 beds - existing only

HEALTH CARE FACILITY - Groups I and II with less than 50 beds (Section 524 and 1001.20)

HOME CARE FACILITY (df)

HOME OCCUPATIONS (Section 525)

MARINA - existing only (Section 531)

PARKS, Public (df) and Private (df) - Group I
(Section 1001.32)

PLACE OF WORSHIP

RECREATION CENTER (Sections 539)

RECREATIONAL FACILITIES, Personal (df), Public (df)
and Private (df)

RESIDENTIAL ACCESSORY USES (Sections 501 and 1001.42)

SIGNS which are in compliance with the Lee County
Sign Ordinance

TEMPORARY USES (Section 549)

UNITS OF HIGH IMPACT (Section 548) RM-2 and RM-14
Districts Only

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval.

CLUB, Private (df)

DAY CARE CENTERS - adult or child Section 514)

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

FOOD AND BEVERAGE SERVICE, Limited (df)

GROUP QUARTERS -(df) - new

MODEL HOME in conjunction with the promotion of a
residential development (Section 533)

REAL ESTATE SALES OFFICE - for lots or units within the
development only (Section 533)

RELIGIOUS FACILITIES (Section 537)

SCHOOLS (NON-COMMERCIAL) (Section 544)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Sections 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3.)

MODIFICATION FOR SOLAR OR WIND ENERGY PURPOSES (Section 202.15.B.6.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. NON-RESIDENTIAL USES

The following uses shall comply with the minimum lot area, dimensions, and setbacks set forth for non residential uses and the maximum lot coverage and height requirements set forth, as well as any other provisions required to satisfy all open space, buffering, drainage, retention, parking and other development requirements of this Ordinance and the Development Standards Regulations Ordinance.

ADULT CONGREGATE LIVING FACILITIES (Section 503)

HEALTH CARE FACILITIES - Groups I and II (Sections 524 and 1001.20)

PARKS, Public (df) and Private (df) - Group I (Section 1001.32)

PLACE OF WORSHIP (Section 537)

RECREATION FACILITIES, Private (df) and Public (df)

2. RESIDENTIAL USES

The minimum required lot area and dimensions, setbacks, maximum lot coverage and building height for specific RM sub-districts are set forth in sub-sections 437.01 and 437.03.

437.01 RM-2 RESIDENTIAL MULTIPLE FAMILY DISTRICT

A. Minimum Lot Area and Dimensions (Section 202.15.C.)

1. Residential Uses
 - Area - 7,500 sq. ft.
 - Width - 75 feet
 - Depth - 100 feet
2. Non-Residential Uses
 - Area - 10,000 sq. ft.
 - Width - 75 feet
 - Depth - 100 feet

B. Maximum Density

Maximum permitted density in the RM-2 District shall not exceed the density permitted for the Lee Plan Land Use category in which the property is located.

C. Minimum Setbacks (Section 202.15.B.)

Street - variable according to functional classification of street or road (Section 202.15.B.2.)
 Side - 10 feet
 Rear - 20 feet
 Water body - 25 feet

D. Maximum Lot Coverage - 45% of Total Lot Area

E. Maximum Height - 35 feet (Section 202.15.A.)

437.02 RM-6 RESIDENTIAL MULTIPLE FAMILY DISTRICT

A. Minimum Lot Areas and Dimensions (Section 202.15.C.)

1. Dwelling Unit - Single-Family Residence
 - Area - 7,500 sq. ft.
 - Width - 75 feet
 - Depth - 100 feet
2. Dwelling Unit - Duplex, Two Family, or Townhouse
 - Area - 7,000 square feet per dwelling unit
 - Width - 50 feet per dwelling unit
 - Depth - 100 feet
3. Dwelling Unit - Multiple Family Building
 - Area - 14,000 square feet for first two (2) dwelling units plus 6,500 square feet for each additional dwelling unit in the same building.
 - Width - 100 feet
 - Depth - 120 feet

- 4. Non-Residential Uses
 - Area - 10,000 square feet
 - Width - 75 feet
 - Depth - 100 feet

- B. Minimum Setbacks (Section 202.15.B.)
 - Street - variable according to functional classification of street or road (Section 202.15.B.2.).
 - Side (single family, duplex, townhouse and two family dwellings) - 7 feet (other uses) - 20 feet
 - Rear - 20 feet
 - Water body - 25 feet

- C. Maximum Lot Coverage - 45% of Total Lot Area

- D. Maximum Height - 35 feet (Section 202.15.A.)

437.03 RM-10 and RM-14 Residential Multiple Family Districts

- A. Minimum Lot Areas and Dimensions (Section 202.15.C.)

- 1. Dwelling Unit - Single-Family Residence
 - Area - 6,500 sq. ft.
 - Width - 65 feet
 - Depth - 100 feet
- 2. Dwelling Unit - Duplex, Two Family, Townhouse
 - Area - 5,000 square feet per dwelling unit, Minimum lot size - 10,000 sq. ft.
 - Width - 40 feet per dwelling unit
 - Depth - 100 feet
- 3. Dwelling Unit - Multiple Family Building - RM-10 District
 - Area - 4,000 sq. ft. per dwelling unit, minimum lot size - 12,000 sq. ft.
 - Width - 100 feet
 - Depth - 120 feet
- 4. Dwelling Unit - Multiple Family Building - RM-14 District
 - Area - 3,000 sq. ft. per dwelling unit, minimum lot size - 10,000 sq. ft.
 - Width - 100 feet
 - Depth - 100 feet
- 5. Non-Residential Uses
 - Area - 10,000 square feet
 - Width - 100 feet
 - Depth - 100 feet

- B. Minimum Setbacks (Section 202.15.B.)
 Street - variable according to functional classification of street or road (Section 202.15.B.2.)
 Side - (Single Family, Duplex, Townhouse, and twofamily dwellings) - 7 feet
 (Other Uses) - 20 feet
 Rear - 20 feet
 Water body - 25 feet
- C. Maximum Lot Coverage - 45% of Total Lot Area
- D. Maximum Height - 35 feet (Section 202.15.A.)

438

MOBILE HOME CONSERVATION RESIDENTIAL DISTRICTS

A. PURPOSE AND INTENT

The MHC - Mobile Home Conservation Residential Districts are intended to recognize and protect existing mobile home developments which were lawfully developed under either the 1962 Zoning Regulations (MHC-1) or the 1968 Zoning Regulations (MHC-2) and which do not conform to the regulations set forth in this Ordinance for modern mobile home residential districts. It is intended through these Mobile Home Conservation Residential districts to accommodate lots and/or structures and/or residential uses which were legal under the previous zoning regulations and which have become nonconforming under the present regulations. These districts may be applied by the County to any of the land use categories described in the Lee Plan which permit residential uses. After August 1, 1986, no rezonings to these districts may be requested except for County initiated rezonings.

Mobile Home Developments which were constructed prior to the 1962 Zoning Regulations shall be required to apply for and be approved as a Residential Planned Development District designation if owners do not want to be designated as non-conforming uses. Procedures for the RPD designation for existing developments are set forth in Section 804.03.C.2.c.

B. USE REGULATIONS - MHC-1 and MHC-2

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the MHC Districts for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the MHC Districts unless specifically noted to the contrary:

ADMINISTRATIVE OFFICES (df)

DWELLING UNIT, MOBILE HOME

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (df) (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

GOLF COURSE - existing only

LAUNDROMAT - existing only

MARINA - existing only

PARKS, Public (df) and Private (df) - Group I (Section 1001.32)

RECREATION CENTER (df) - existing only

RECREATIONAL FACILITIES, Personal (df), Public (df) and Private (df)

RESIDENTIAL ACCESSORY USES (Sections 501 and 1001.42)

SIGNS which are in compliance with the Lee County Sign Ordinance

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board or Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

CLUB, Private (df)

DAY CARE CENTER, adult or child (Section 514)

FOOD AND BEVERAGE SERVICE, Limited (df)

LAUNDROMAT - new (df)

RECREATION CENTER (df), new

REAL ESTATE SALES OFFICE, operated by the development owner/manager, for sale or rental of lots or units within the development only may be permitted within either a mobile home or a conventional building.

3. SPECIAL PERMIT

Upon a finding that the proposed use is consistent with the Standards set forth in Sections 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit the following use as a Special Permit subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACK (Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

Property development regulations for specific MHC Districts are set forth in sub-sections 438.01 and 438.02.

438.01 MHC-1 - MOBILE HOME CONSERVATION DISTRICT

A. Minimum Lot Area and Dimensions (Section 202.15.C.)

Area - 2,800 sq. ft.
Width - 40 feet

B. Minimum Setbacks (Section 202.15.B)

1. Street

- a. Internal park street - 5 feet
- b. Off-site street - 30 feet

2. Side and rear

- a. Internal park lot - 5 feet each
- b. Park perimeter boundary - 25 feet (unless adjacent to another mobile home or trailer park, commercial or industrial use, in which case the minimum setback shall be fifteen (15) feet.

3. Water body - 5 feet

C. Maximum Lot Coverage - 65%. Lot coverage includes parking space unless off-street parking is provided elsewhere.

D. Maximum Height - 25 feet (Section 202.15.A)

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438.02 MHC-2 MOBILE HOME CONSERVATION DISTRICT

A. Minimum Lot Area and Dimensions (Section 202.15.C)

1. Area

- a. 3,750 sq. ft. if on central sewage collection system
- b. 7,500 sq. ft. if on an individual septic system

2. Width - 40 feet

B. Minimum Setbacks (Section 202.15.B)

1. Street

- a. Internal park street - 10 feet
- b. Off-site street - 15 feet

2. Side

- a. Internal park lot - 5 feet
- b. Park perimeter boundary - 25 feet (unless adjacent to another mobile home or trailer park, commercial or industrial use, in which case the minimum setback shall be fifteen (15) feet).

3. Rear

- a. Interior park lot - 10 feet
- b. Park perimeter boundary - 25 feet (unless adjacent to another mobile home or trailer park, commercial or industrial use, in which case the minimum setback shall be fifteen (15) feet).

4. Water body - 10 feet

C. Maximum Lot Coverage - 60%. Lot coverage includes parking space unless off-street parking is provided elsewhere.

D. Maximum Height - 25 feet (Section 202.15.A)

439 MOBILE HOME RESIDENTIAL DISTRICTS

A. PURPOSE AND INTENT

1. MH-1 AND MH-2 -- MOBILE HOME RESIDENTIAL DISTRICTS

The purpose and intent of the MH-1 and MH-2 Districts are to accommodate the housing needs of those residents who prefer mobile home living and of those who desire an alternative to

conventional dwellings and to provide for properly located, equipped and designed Mobile Home Residential developments within the Urban Service Areas.

2. MH-3 AND MH-4 - MOBILE HOME RESIDENTIAL DISTRICT

The purpose and intent of the MH-3 and MH-4 Districts are to accommodate the housing needs of those residents who desire mobile home living as an alternative to conventional dwellings, and who prefer a community with larger lot sizes; to provide for other compatible uses; and to provide amenities and living conditions comparable to those of conventional residential neighborhoods.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the MH Districts for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in all the MH Districts unless specifically noted to the contrary:

ADMINISTRATIVE OFFICES (df)

DWELLING UNIT, Mobile Home

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES, Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

FOOD STORES, Group I (Section 1001.16) existing only

GOLF COURSE - existing only

HOME OCCUPATIONS (Section 525)

LAUNDROMAT (df) - existing only

MARINA - existing only

PARKS, Public (df) and Private (df) - Group I (Section 1001.32)

PARK TRAILERS (MH-2 District only)

PLACE OF WORSHIP - existing only

RECREATIONAL FACILITIES, Personal (df), Public (df) and Private (df)

RESIDENTIAL ACCESSORY USES (Sections 501 and 1001.42)

SIGNS which are in compliance with the Lee County Sign Ordinance

TEMPORARY USES (Section 549)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval.

COMMERCIAL USES limited to the following to the extent that they are designed and intended primarily for the use of the residents of the Mobile Home Development; uses must be within a permanent building which conforms to the Standard Building Code, except that sales of mobile home lots and/or units by the development owner/manager may be from within a mobile home.

Food Store, Group I (Section 1001.16)

Model Mobile Home in conjunction with promotion of the mobile home residential development (Section 533)

Personal Services, Group I and II (Section 1001.33)

Real Estate Sales Office for lots or units within the development only (Section 533)

CLUB, Private (df)

DAY CARE CENTERS, adult or child (Section 514)

DWELLING UNIT, conventional single-family residence, MH-3 and MH-4 only

ESSENTIAL SERVICE FACILITIES, Group II (Section 1001.13)

FOOD AND BEVERAGE SERVICE, Limited (df)

LAUNDROMAT (df) - new

PLACE OF WORSHIP (new) AND RELIGIOUS FACILITIES (Section 537)

RECREATION CENTER (df) (Section 539)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Sections 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

CONSUMPTION ON PREMISES (Section 202.02.)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3.)

MODIFICATION FOR SOLAR OR WIND ENERGY PURPOSES (Section 202.15.B.6.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Non-Residential Uses - all MH-1, MH-2, MH-3, MH-4 Districts

a. Lot Area and Dimensions

Area - 10,000 sq. ft.

Width - 100 feet

Depth - 100 feet

b. Minimum Setback (Section 202.15.B.)

Street - variable according to the functional classification of the street or road (Section 202.15.B.2)

Side - 15 feet

Rear - 20 feet

Water body - 25 feet

c. Maximum Lot Coverage - 40% of the Total

Non-residential lot area

d. Maximum Height - 35 feet (Section 202.15.A.)

2. RESIDENTIAL USES

Regulations for specific MH Districts are set forth in Subsections 439.01 through 439.04.

D. ADDITIONAL REGULATIONS

1. The following general requirement shall apply to all Mobile Home residential developments zoned MH-1 and MH-2 developed after January 5, 1978 and prior to August 1, 1986:

Minimum area. The minimum area for a Mobile Home Residential Development shall be twenty (20) acres.

2. The following general requirements shall apply to all Mobile Home residential developments zoned MH-2 developed after January 5, 1978 and prior to August 1, 1986:

- a. Open space area. All MH-2 Mobile Home residential developments shall be required to have an open space area at least forty (40) feet wide and adjacent to and completely around the boundary of the development.

- b. Maximum Area Limitations. Pursuant to more specific requirements and regulations as hereinafter prescribed, the following percentages express the maximum land area of a mobile home residential development. The specific land uses may occupy:

Residential - 80% of total area

Commercial - 2% of the residential (80%) area as prescribed above.

- c. Minimum Area Limitations.

Open Space - 15% of total area

Recreation, Private - 5% of total area

3. All Mobile Home Residential Developments commenced after August 1, 1986 shall be required to provide Emergency Shelters as follows: The size of each emergency shelter shall be determined by using the total number of units and spaces, multiplied by 2.4 (representing the average number of persons per household), multiplied by the shelter space requirements of twenty (20) square feet of usable space per person, and multiplied by the maximum estimated percentage of evacuating population that would use a shelter (forty-five (45) percent), which would equal the total required size of the emergency shelter.

Total Units and/or Spaces	X	Avg. Persons per Household	X	Shelter Space Required	X	Percentage of Evacuees Using Shelter	=	Total Size of Emergency Shelter
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In no case, however, shall these regulations be interpreted to require construction of a shelter with less than one thousand (1,000) square feet of floor area. The shelter shall be elevated to a minimum height equal to, or above, worst case Category 3 flooding level utilizing the National Weather Service Storm Surge Model "SLOSH"

439.01 MH-1 - RESIDENTIAL USES

- A. Minimum Lot Area and Dimensions (Section 202.15.C.)
Area - 7,500 sq. ft.
Width - 75 feet
Depth - 100 feet
- B. Minimum Setbacks (Section 202.15.B.)
Street - variable according to the functional classification of the street or road (Section 202.15.B.2.)
Side - 7.5 feet
Rear - 20 feet
Water body - 25 feet
- C. Maximum Lot Coverage - 40% of the Total Lot Area
- D. Maximum Height - 35 feet (Section 202.15.A.)

439.02 MH-2 - RESIDENTIAL USES

- A. Minimum Lot Area and Dimensions (Section 202.15.C.)
Area - 5,000 sq. ft.
Width - 50 feet
Depth - 100 feet
- B. Minimum Setbacks (Section 202.15.B.)
Street - variable according to the functional classification of street or road (Section 202.15.B.2.)
Side - 7 feet
Rear - 15 feet
Water body - 25 feet
- C. Maximum Lot Coverage - 40% of the Total Lot Area
- D. Maximum Height - 35 feet (Section 202.15.A.)

439.03 MH-3 - RESIDENTIAL USES

- A. Minimum Lot Area and Dimensions (Section 202.15.C.)
Area - 21,000 sq. ft.
Width - 80 feet
Depth - 150 feet

- B. Minimum Setbacks (Section 202.15.B.)
 - Street - variable according to functional classification of street or road (Section 202.15.B.2.)
 - Side - - 10 feet
 - Rear - 20 feet
 - Water body - 25 feet
- C. Maximum Lot Coverage - 40% of the Total Lot Area
- D. Maximum Height - 35 feet (Section 202.15.A.)

439.04 MH-4 - RESIDENTIAL USES

- A. Minimum Lot Area and Dimensions (Section 202.15.C.)
 - Area - 40,000 sq. ft.
 - Width - 100 feet
 - Depth - 200 feet
- B. Minimum Setbacks (Section 202.15.B.)
 - Street - variable according to functional classification of street or road (Section 202.15.B.2.)
 - Side - - 15 feet
 - Rear - 20 feet
 - Water body - 25 feet
- C. Maximum Lot Coverage - 40% of the Total Lot Area
- D. Maximum Height - 35 feet (Section 202.15.A.)

440 RV-RECREATIONAL VEHICLE PARK DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the RV Districts is to provide areas within the Urban Service Area to accommodate new developments for recreational vehicles, and to provide regulations for existing recreational parks which were lawfully established under state or county regulations prior to September 16, 1985. There is one RVPD-Recreational Vehicle Planned Development district and four (4) conventional zoning districts for recreational vehicles.

It is the intent of this Ordinance that:

1. Except as provided for in Section 440.C.1., no recreational vehicle shall be used as a year-round residence; and
2. All new recreational vehicle development and all expansions to existing recreational vehicle developments shall be permitted only as Recreational Vehicle Planned Developments; and

3. Any lawfully existing recreational vehicle development that cannot conform to any of the conventional Recreational Vehicle Districts set forth herein, may apply for a Recreational Vehicle Planned Development so as to resolve issues of non-conformity on a development wide rather than on an individual basis. Regulations for the RVPD - Recreational Vehicle Planned Development are set forth in Section 441. Regulations for the four conventional RV districts are set forth in Section 442.

B. DEFINITIONS

For purposes of this section, certain terms and words are defined as follows:

RECREATIONAL VEHICLE: A recreational vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. As defined below, the basic entities are:

1. The "travel trailer", including fifth-wheel travel trailers, which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8 1/2 feet and an overall body length of no more than 40 feet when factory-equipped for the road.
2. The "camping trailer", which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
3. The "truck-camper", which is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.
4. The "motor home", which is a vehicular unit which does not exceed the length and width limitations provided in Florida Statutes Section 316.515, is built on a self-propelled motor vehicle chassis, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

5. The "park-trailer", which is a transportable unit which has a body width not exceeding twelve (12) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior walls at the level of maximum dimensions and including any bay window that extends to the floor line, does not exceed 400 square feet when constructed to ANSI A-119.5, or 500 square feet if constructed to the U.S. Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions. For purposes of this ordinance, the terms "Park Trailer", "Park Model", and "Park Model Trailers" are synonymous.

DEVELOPED RECREATIONAL VEHICLE PARK: A parcel (or portion thereof) or contiguous parcels of land designed, used, or intended to be used to accommodate two or more occupied recreational vehicles, and in which necessary utilities and streets and the final site grading or paving of concrete pads or vehicle stands was completed prior to September 16, 1985.

EXPANSION TO AN EXISTING RECREATIONAL VEHICLE PARK: Means the preparation of additional sites, by the construction of facilities for servicing the sites on which the recreational vehicles are to be located (including the installation of utilities, final site grading, pouring of concrete pads, or the construction of streets), for which a preliminary development order was not issued by the County prior to September 16, 1985. This shall not be interpreted to include pads for utility rooms, enclosures, or storage sheds where permitted.

NEW RECREATIONAL VEHICLE PARKS: Parks granted County preliminary development orders subsequent to September 16, 1985.

PHASED RECREATIONAL VEHICLE PARK: A park or portion of a park, which received site plan approvals preceding September 16, 1985 or was vested under the Lee Plan but has not committed to the construction of the facilities needed to be considered a developed recreational vehicle park as defined herein.

PERMANENT RECREATIONAL VEHICLE PARK RESIDENT: Persons or persons who currently own and have resided at a specific address within a recreational vehicle park for a continuous

period of over twelve (12) months prior to September 16, 1985. Proof of residency shall be established by affidavit filed with the County by October 31, 1985.

PERMANENT RESIDENT: Shall be defined as provided in Section 196.012, Florida Statutes.

PARK TRAILER: Section 440 B. RECREATIONAL VEHICLE, Subsection 5.

TRANSIENT GUEST: Any guest registered as provided for in Subsection 513.01(7), FS, for six months or less.

TRANSIENT PARK: A recreational vehicle development designed, intended or used by relatively short-stay visitors (transient guests) who bring their recreational vehicle with them and remove it at the end of their visit. The individual recreational vehicle site is then ready for another visitor.

NON-TRANSIENT PARK: A recreational vehicle development designed, intended or used for long-term (six (6) months or longer) emplacement of a recreational vehicles on recreational vehicle sites.

PERMANENT UNIT: Any recreational vehicle, and any Park trailer, which is intended to be left emplaced on a recreational vehicle site for six (6) months or longer.

TRANSIENT UNIT: A camping trailer, truck camper, motor home, or travel trailer which is brought to the recreational vehicle park by the user, and is removed from said park at the end of the users visit.

C. GENERAL REGULATIONS APPLICABLE TO ALL EXISTING AND NEW RECREATIONAL VEHICLE PARKS.

1. PERMANENT RESIDENCY PROHIBITED

The use of a recreational vehicle type unit by a permanent resident as a permanent residence (as the terms are defined in FS Chapter 196), is expressly prohibited as of September 16, 1985. Persons who have established permanent residency within a recreational vehicle park as of September 16, 1985 are exempt from the residency provisions of this regulation, provided that the proof of residency was established by an affidavit filed with the County prior to October 31, 1985.

2. - TIE DOWNS

a. Requirements

All recreational vehicles listed below shall be properly tied down in accordance with the standards set forth in sub-section b. herein (or Chapter 320.8325, F.S., when applicable), as follows:

- 1.) All permanent units.
- 2.) All travel trailers, motor homes, or camping trailers left unattended for more than two (2) weeks during the months of June through December.

For purposes of this section only, "unattended" shall be interpreted to mean that the owner of the unit has not provided for a person to be responsible for the unit in the event of a hurricane watch alert as set forth in 3.) below.

- 3.) All travel trailers, motor homes or camping trailers shall be tied down within forty-eight (48) hours of the issuance of a hurricane watch for Lee County by the National Hurricane Center. Travel trailers, motor homes or camping trailers not tied down shall be removed from Lee County within forty-eight (48) hours of such a hurricane watch, or placed within an approved off-lot storage area.

b. Standards

- 1.) All new recreational vehicle parks, expansions to existing parks, and all phased recreational parks not yet completed shall be required to provide eye bolt or clamp system tiedowns for every site, in accordance with standards promulgated by the Building Department.
- 2.) All permanent units shall be anchored to resist flotation, collapse, or lateral movement by providing over the top and frame ties to ground anchors. Specific requirements shall be that:
 - a.) Over the top ties be provided at each end of the recreational vehicle, with one (1) additional tie per side at an intermediate location.

- b.) Frame ties be provided at each corner of the recreational vehicle with one (1) additional tie per side at intermediate points.
- c.) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
- d.) Any additions to the recreational vehicle (when permitted) be similarly anchored.

3.) As an alternative to (1) and (2) above, permanent units shall be anchored in accordance with the provisions of Chapter 320.8325, Florida Statutes and/or rules and regulations promulgated thereunder.

3. MINIMUM ELEVATIONS

The following requirements shall apply to all new or Phased non-transient Recreational Vehicle Parks and expansions to developed non-transient Recreational Vehicle Parks.

- a.) Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the recreational vehicle will be at or above the base flood level;
- b.) Adequate surface drainage and access for a hauler shall be provided; and
- c.) In the instance of elevation on pilings:
 - 1.) Lots shall be large enough to permit steps, without encroaching into required setbacks;
 - 2.) Piling foundations shall be placed in stable soil no more than ten (10) feet apart; and
 - 3.) Reinforcement shall be provided for pilings more than six (6) feet above the ground level.
- d.) ~~Accessory Structures.~~ Accessory structures, where permitted, may be exempted from meeting the elevation requirements only if:
 - 1.) The structure is securely anchored to resist flotation or lateral movement; and

- 2.) The total cost of the structure does not exceed \$5,000.00; and
- 3.) The structure is used exclusively for non-living area purposes; and
- 4.) All electrical or heating equipment is elevated above the base floor elevation or floodproofed; and
- 5.) For accessory structures located in Coastal High Hazard (V) Zones, breakaway walls are used below the base flood elevation.

4. EMERGENCY SHELTERS

All new or phased recreational vehicle developments, shall be required to provide an emergency shelter. The size of each emergency shelter shall be determined by using the total number of units and spaces multiplied by 2.4 (representing the average number of persons per household), multiplied by the shelter space requirement of twenty (20) square feet of usable floor space per person, and multiplied by the maximum estimated percentage of evacuating population that would use a shelter (forty-five (45) percent), which would equal the total required size of the emergency shelter.

In no case, however, shall these regulations be interpreted to require construction of a shelter with less than one thousand (1,000) square feet of floor area. The shelter shall be elevated to a minimum height equal to, or above, worst case Category 3 flooding level utilizing the National Weather Service Storm Surge Model "SLOSH".

5. RV STORAGE FACILITIES

Off lot storage of recreational vehicles, shall be allowed for periods of non-occupancy in Recreational Vehicle Parks, provided, however, all such storage shall comply with the following:

- a. Off-lot storage areas shall provide a continuous visual screen of at least eight (8) feet in height along any lot line abutting a residential use under separate ownership, and along any street right of way.
- b. Off lot storage areas shall comply with all other applicable regulations contained herein.

- c. All storage areas presently in existence and use which are in non-compliance with any provision set forth herein shall be brought into compliance within one (1) year from the effective date hereof.
- d. The area of the off lot storage shall be limited to ten percent (10%) of the total area of the Recreational Park.

441 RVPD - RECREATIONAL VEHICLE PLANNED DEVELOPMENT

A. PURPOSE AND INTENT

The purpose and intent of the RVPD district is to further the general purpose of planned developments set forth in Section 400.02.A, as it relates to recreational vehicle developments.

It is the intent of this ordinance that all new recreational vehicle developments and any expansion to an existing recreational vehicle development shall only be permitted if first rezoned into the RVPD district.

The principal use of an RVPD is recreational vehicle emplacement although some ancillary commercial uses for the convenience of the development guests may also be permitted.

All uses permitted are permitted subject to general and/or special conditions related to the specific group of uses and the unique features or location of the subject property. The standards for use and development of a recreational vehicle planned development shall be set forth in the documentation attached to the Master Concept Plan. Unless modified through the schedule of deviations, where applicable (see Section 804.02.E.), said standards shall not be less restrictive than the minimum standards set forth elsewhere in these zoning regulations or other applicable development regulations. An application for an RVPD shall also include a schedule detailing the uses desired. Except as indicated herein, all scheduled uses shall be located on the Master Concept Plan in the area(s) in which they will be permitted to occur.

B. USE REGULATIONS

No land, body of water, or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the RVPD District for any purpose other than as provided herein. No recreational vehicle shall be used for any use other than temporary living quarters.

The following uses are permissible in the RVPD District when approved on the enumerated documentation or the Master Concept Plan:

ADMINISTRATIVE OFFICE (df), for park manager or association

CLUB, Country (df) and Private (df)

ENTRANCE GATE OR GATEHOUSE (Section 202.10)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - GROUP I & II (Sections 516 and 1001.13)

PLACE OF WORSHIP (df)

RECREATION CENTER (df)

PARK TRAILERS - Non Transient parks only

RECREATIONAL FACILITIES, personal (df) and private (df)

RECREATIONAL VEHICLES except park trailers which are permitted in non-transient parks only

SIGNS, when in compliance with the Lee County Sign Ordinance

VEHICLE AND EQUIPMENT DEALERS Group IV (Section 1001.55) limited to recreational vehicles only

ACCESSORY USES including the following to the extent that they are designed and intended primarily for the use of people staying at the recreational vehicle development:

CONSUMPTION ON PREMISES (Section 202.02)

DAY CARE CENTER - adult or child (Section 514)

FOOD STORES - Group I including Supermarkets (Section 1001.16)

PERSONAL SERVICES - Group I (Section 1001.39)

RENTAL ESTABLISHMENTS - Group I

SERVICE BUILDING - containing showers, bathrooms, dressing rooms, etc., for use of tenants

STORAGE BUILDING - For common use of tenants only

STORAGE LOT for Recreational Vehicles when not in use

C. DEVELOPMENT CRITERIA

1. Location

No new recreational vehicle park shall be developed, and no existing recreational vehicle park shall be expanded if on barrier islands or in Coastal High Hazard Areas (V Zones) as designated on the adopted Flood Insurance Rate Maps (FIRM) for Lee County.

2. Minimum Parcel Size

a. The minimum area required for a new recreational vehicle park shall be:

1.) Non-Transient Park: Twenty (20) acres

2.) Transient Park: Twenty (20) acres.

b. The minimum area required to expand an existing recreational vehicle park, phased recreational vehicle park, or an approved RVPD shall be five (5) acres.

3. Configuration of Site

Any tract of land for which an RVPD District application is made shall contain sufficient width and depth to reasonably accommodate user activities within the park including service facilities and internal circulation with particular attention to the turning movements of large bulky vehicles and shall provide frontage on a publicly dedicated thoroughfare, arterial or collector street or appropriate access thereto, to adequately accommodate its proposed use and design.

4. Design Criteria

a. Compatibility

The Recreational Vehicle Park shall be designed and developed in a manner compatible with and complimentary to existing and potential development in the immediate vicinity of the project site. Site planning shall give consideration to protection of the property from adverse environmental influences within the development, such as drainage problems or potential insect breeding sites. Further consideration shall be given to ensuring that the development will not adversely affect surrounding areas.

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b. Utilities

Each Recreational Vehicle Park shall be connected to a public or private central water system and a public or private central sewage disposal system. Peak loadings determined in the DCI or DRI review shall be the minimum capacity required.

c. Buffers

All Recreational Vehicle Parks shall be required to have a buffer area at least forty (40) feet wide adjacent to and completely around the boundary of the site except along that portion of a boundary abutting a parcel of land zoned RV or RVPD. All Recreational Vehicle Parks created or additions added to the existing parks after September 19, 1985 shall provide a vegetative visual screen with a height of eight (8) feet within the forty (40) foot buffer area completely around the boundary of the site of the new park or new addition. No roads or streets may be placed within the buffer area. The natural vegetation in the buffer area shall not be removed except as follows:

- 1.) Exotic species such as Melaleuca, Brazilian Pepper and Australian Pine shall be removed.
- 2.) Natural vegetation may be removed to provide adequately sized grass swales adjacent to the points of access to the park.
- 3.) Natural vegetation may be removed to provide a bike path in the buffer area.
- 4.) A minimum of fifty percent (50%) of all trees and shrubs used in buffers and landscaping shall be native varieties.

d. Streets

Except as may be specifically approved to the contrary as part of the RVPD approval, all streets and access drives within an RVPD shall meet the following minimum criteria:

- 1.) TRANSIENT PARKS
 - a.) minimum street right-of-way or easement: 50 feet
 - b.) minimum pavement width: 20 feet

Parking on streets shall be prohibited unless pavement width is increased 8 feet on each side of street where parking will be permitted.

2.) NON-TRANSIENT PARKS

Streets shall be in compliance with the requirements for streets as set forth in the Land Development Code.

e. Recreational Facilities

Every Recreational Vehicle Park shall have at least one (1) outdoor recreation area which shall be easily accessible from all sites. Such recreation area shall contain at least 250 square feet for each acre contained within the park, and no single recreation area within the park shall be less than 3,000 square feet.

f. Maximum Density

All new recreational vehicle parks shall be limited to maximum densities as follows:

- 1.) Transient Parks: Minimum recreational vehicle site size of 5,000 square feet per unit, excluding all internal roads or access drives. Maximum of eight (8) recreational vehicle sites per acre.
- 2.) Non-transient parks: Minimum lot size of 5,000 square feet per unit excluding street right-of-way or easements and buffers. Maximum density shall not exceed the standard density permitted by the Lee Plan for the Land Use category in which located.

g. Separation of structures

1.) All Parks

No common-use permanent buildings shall be placed within twenty five (25) feet of the boundary of any Recreational Vehicle site and park perimeter unless otherwise provided herein.

2.) Transient Parks

There shall be a minimum separation of ten (10) feet between the closest walls of any recreational vehicles or appurtenances thereto,

and any other recreational vehicle or appurtenance thereto.

3.) Non-Transient Parks

There shall be a minimum setback of ten (10) feet from each side and rear recreational vehicle site (lot) line, and twenty five (25) feet from any interior street right of way or easement.

h. Minimum Occupancy

A minimum of thirty (30) lots shall be completed and ready for occupancy before the first occupancy is permitted in a Recreational Vehicle Park. No accessory commercial use shall be permitted an occupancy building prior to a minimum of thirty (30) lots being completed and ready for occupancy.

D. ACCESSORY STRUCTURES AND ENCLOSURES

Individual accessory enclosures, utility rooms or free-standing storage sheds shall be permitted only in non-transient parks, and only when in compliance with the following regulations:

1. Total Lot Coverage

The combined floor area of recreational vehicle and enclosure plus any other accessory structures on the site shall not exceed forty (40) percent of the total land area of the recreational vehicle site and shall meet all required setbacks or separation requirements.

2. Enclosures

Screen room or aluminum and vinyl enclosures may be permitted in non-transient parks on permanent recreational vehicles provided that:

- a. The individual recreational vehicle site meets or exceeds the minimum required lot size set forth herein; and
- b. The enclosure shall be self-supporting and shall not extend beyond the front or rear of the recreational vehicle. The total floor area shall not exceed the total floor area of the recreational vehicle. Construction shall comply with the Lee County Aluminum Code with concrete slab on grade not more than six (6) inches + or - one (1) inch above the parking or pull off space.

The vinyl shall be 10 to 16 mil, horizontal or vertical sliding, installed from the inside of a screen room as per manufacturer's specifications.

- c. Maximum height of screen room or vinyl enclosure: one (1) story not to exceed height of the recreational vehicle.
 - d. No utility rooms shall exceed 120 sq. ft., and shall be located within a screen or vinyl enclosure. No utility room or portion thereof shall be constructed separate or apart from or protrude outside the walls of a screen room or such enclosure.
2. Accessory storage shed

In lieu of an utility room, one free-standing storage shed, not exceeding 120 square feet in size, may be permitted in the recreational vehicle site provided it complies with all building code requirements and the shed is located no closer than five (5) feet to any side or rear lot line or closer than ten (10) feet to any recreational vehicle under separate ownership.

442 CONVENTIONAL RV DISTRICTS

A. PURPOSE AND INTENT

It is the purpose and intent of the conventional RV districts to accomodate existing developed or phased recreational parks which were lawfully constructed in compliance with State and/or County laws prevailing at the time of development.

The conventional RV districts are divided into four (4) subdistricts based upon the minimum required lot size (recreational vehicle site) at the time of development. Each of the four (4) sub-districts are further categorized into one (1) of three (3) sub-types based upon the type of recreational vehicle park and the type of accessory buildings or standards which are permitted.

It is the intent of this Ordinance that all existing developed and/or phased parks will be rezoned into one or more of the three sub-districts where possible. ~~Any park which does not fall within one or more of the four sub-districts shall be required to apply for an RVPD zoning or remain as a non-conforming park subject to the provisions for non-conformities.~~

B. SUB-DISTRICTS & SUB-TYPES

1. Sub-districts

Any existing recreational vehicle park which meets the definition of a "developed" or "phased" vehicle park shall be classified into one or more of the RV sub-districts listed below:

- a. RV-1 - Minimum lot* size of 1,200 square feet
- b. RV-2 - minimum lot* size of 1,200 square feet.
- c. RV-3 - minimum lot size of 2,000 square feet.
- d. RV-4 - minimum lot size of 2,800 square feet.

*NOTE: For purposes of this section only (B.1.a and b), the required "lot" may include that portion of any internal roadway or street easement which is shown on the approved plan, plat or other acceptable document as being part of the lot.

2. Sub-types

The sub-type of a park indicates the predominant use (Transient or Non-Transient) of the park, or portion of the park, as of the effective date of this ordinance, and establishes regulations for accessory uses which may or may not be permitted within said park. The sub type shall be noted on the Official Zoning map at the time of rezoning.

TYPE A: parks which are predominately operated as transient parks and in which individual sites are rented or leased for relatively short periods of time (6 months or less).

TYPE B: parks which are predominately operated as non-transient parks and in which individual sites were lawfully sub-divided, platted, recorded or otherwise approved by the Board of County Commissioners. Individual sites may be rented or leased, owned by individuals, or part of a condominium, cooperative, or other similar arrangement. In addition, prior to September 16, 1985, a minimum of twenty-five (25) percent of all the sites within the park (or phase of a park), had already constructed screen or vinyl enclosures or pads for such enclosures.

TYPE C: similar to Type B except that parks in this classification did not meet the twenty-five (25) percent requirement for enclosures or enclosure pads.

C. USE REGULATIONS

No land, body of water, or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the RV-1, RV-2, RV-3, or RV-4 Districts for any purpose other than as provided herein. No recreational vehicle shall be used for other than temporary living quarters except as otherwise provided in sub-section C.4.

1. PERMITTED USES

Except as specifically noted to the contrary, the following uses shall be permitted by right:

ADMINISTRATIVE OFFICE (df) AND/OR RESIDENCE

DAY CARE CENTER, CHILD OR ADULT (Section 514) Existing Only

ENTRANCE GATE OR GATEHOUSE (Section 202.10)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.12) Existing Only

PARKS, Public (df) and Private (df) - Group I (Section 1001.32)

RECREATION CENTER (Section 539) Existing Only

RECREATIONAL FACILITIES, Private (df)

RECREATIONAL VEHICLES, Transient - (Section 440.B.)

RECREATIONAL VEHICLES, Permanent - (Section 400.B.)

SERVICE BUILDING

SIGNS, which are in compliance with the Lee County Sign Ordinance

TENTS - Transient Parks Only

ANCILLARY USES:

ENCLOSURES - (Section 442.E.2.)

STORAGE FACILITY for unoccupied recreation vehicles
(Section 442.E.3.)

STORAGE SHEDS, UNATTACHED (Section 442.E.1.)

UTILITY ROOMS (Section 442.E.2.)

COMMERCIAL USES limited to the following shall be permitted only to the extent that they are designed and intended primarily for the use of those staying at the Recreational Vehicle Park. The total land area for all Commercial uses shall not exceed ten percent (10%) of the total land area of the Recreational Vehicle Park.

- a. Sale or Rental of Recreational Vehicle Units
- b. Uses permitted only within a conventional building.

STORE for convenience items for park residents such as:

groceries

tobacco products

novelties

parts & supplies for recreational vehicles

sundries

LAUNDROMAT

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2. as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception in the RV Districts subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval.

DAY CARE CENTER - child or adult (Section 514)

ESSENTIAL SERVICES FACILITIES - Group II (Section 1001.07)

FOOD AND BEVERAGE SERVICE, LIMITED (df)

MODEL UNITS (Section 533)

RECREATION CENTER (Section 539)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the standards set forth in Sections 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS
(Section 202.15.B.2.a and 202.15.B.3.)

4. PROHIBITED USES

Any use not specifically enumerated in Section 442 of this Zoning Ordinance is hereby prohibited in an RV District. Additionally, in the RV District, there is expressly prohibited the use of a recreational vehicle type unit by a permanent resident as a permanent residence as the terms are defined in FS Chapter 196, as of September 16, 1985. Persons who have established permanent residency within a recreational vehicle park as of September 16, 1985 are exempt from the residency provisions of this regulation. (Provided that the proof of residency was established by an affidavit filed with the County within 45 days of September 16, 1985.)

D. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. RV-1 RECREATIONAL VEHICLE PARK (Pre 1962)

- a. Minimum lot area and dimensions.
Area - 1200 sq. ft. may include one-half (1/2) of abutting internal access road
Width - 30 feet
- b. Maximum lot coverage 50%
- c. Maximum height of common facilities - 35 feet
(Section 202.15.A.)

d. Minimum setback requirements.

No recreational vehicle or enclosed appurtenance thereto shall be placed closer to a park perimeter boundary, or park building, or to another recreational vehicle or enclosed appurtenance thereto under separate ownership than ten (10) feet.

A roof overhang or eave may encroach into the required ten (10) foot separation provided the said encroachment is twelve (12) inches or less.

2. RV-2 RECREATIONAL VEHICLE PARK (1968-1978)

a. Minimum lot area and dimensions

Area: 1,200 square feet- may include one-half (1/2) of abutting internal access road.

Width: 30 feet

b. Maximum lot coverage: 50%

c. Maximum height of common facilities: 35 feet
(Section 202.15)

d. Minimum Setback Requirements

Street right of way ⁽¹⁾: 10 feet

Side: 5 feet⁽²⁾

Rear: 10 feet

Park Boundary: 15 feet unless adjacent to another park in which case the setbacks for side, rear or street setback shall apply as applicable.

3. RV-3 RECREATIONAL VEHICLE PARK (1978-)

a. Minimum lot area and dimensions.

Area - 2,000 sq. ft.

Width - 30 feet

Depth - 55 feet

b. Maximum lot coverage 40%

c. Maximum height of common facilities - 35 feet
(Section 202.15).

d. Minimum setback requirements.

1.) Minimum separation between recreational vehicles or enclosed appurtenances thereto under separate ownership: 10 feet.

2.) Minimum separation between recreational vehicle or enclosed appurtenances thereto and any common use accessory building: 25 feet.

e. Park Buffering and Screening

- 1.) All parks shall provide an open space not less than forty (40) feet wide adjacent to and completely around the boundary of the site except for portions abutting land zoned RV, RVPD, or MH. No roads shall be placed within the forty (40) foot open space.
- 2.) All parks shall provide a vegetative visual screen with a minimum height of eight (8) feet within the forty (40) foot open space completely around the site of a park or any addition thereto developed after 1978.

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- (1) Internal streets required to provide a minimum paved width of twenty (20) feet. Setback shall be measured from edge of twenty-foot pavement.
 - (2) Alternatively, may be interpreted as a minimum separation of ten (10) feet between units in situations where units are not centered on lots. A roof overhang or eave may encroach into the required ten (10) foot separation provided the said encroachment is twelve (12) inches or less.

4. RV-4 RECREATIONAL VEHICLE PARKS (1962-1968)

- a. Minimum lot area and dimensions.
Area - 2,800 sq. ft.
Width - 40 feet
- b. Maximum lot coverage 40%
- c. Maximum height of common facilities - 35 feet
(Section 202.15.A.).
- d. Minimum setback requirements:
Internal Street - 5 feet
Side yard - 5 feet
Rear yard - 5 feet
Park Perimeter Boundary - 25 feet (15 feet if adjacent to another RV, RVPD, or MH Park or commercial or industrial zone)
Off-Site Street - 30 feet

E. SPECIAL REGULATIONS

1. Storage Sheds

- a. Storage sheds on individual recreational vehicle sites shall not be permitted in Type A (Transient) or Type C (Non-Transient) parks.

- b. One storage shed, not exceeding one hundred and twenty (120) feet in floor area, and ten (10) feet in height, may be permitted in any Type B park provided that:
- 1.) Maximum lot coverage for the recreation vehicle, appurtenances thereto, and the storage shed does not exceed the maximum coverage permitted in the district in which the site is located; and
 - 2.) All storage sheds shall comply with all setback requirements; and
 - 3.) The shed is properly tied down in accordance with Building Code requirements.

2. Utility Rooms and Enclosures

- a. Utility rooms and aluminum, screen, or vinyl enclosures shall be permitted only in Type B parks provided that:
- 1.) At least twenty-five (25) percent of the total sites within the developed park already had constructed said utility rooms, enclosures or pads for same prior to September 16, 1985. It shall be the responsibility of the Park owner or association to provide certified evidence that this requirement had been met; and
 - 2.) All utility rooms and enclosures shall comply with the requirements set forth in Section 441.D.1; and
 - 3.) No utility room or enclosure shall be permitted closer than ten (10) feet to another recreational vehicle.

3. STORAGE FACILITIES FOR UNOCCUPIED RECREATIONAL VEHICLES

Off-lot storage of recreational vehicles, shall be allowed for periods of non-occupancy in all Recreational Vehicle Parks subject to Section 440.C.5. of this Ordinance.

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CF - COMMUNITY FACILITIES DISTRICTS

A. PURPOSE AND INTENT

The primary purpose and intent of the CF - Community Facilities Districts is to accommodate those lands where national, state, or local governmental activities are

conducted as well as religious facilities and other specified activities of a community service. Historically, many of the uses classified herein as community facilities were restricted to specified commercial or industrial districts or required a special exception. While many of the uses contained herein are still permitted by right or by special exception in other districts, the designation of a Community Facilities zoning district will allow future placement of these uses without the potential problems of encroachment by other uses or conversion to less compatible uses.

It is the intent of the Board of County Commissioners that uses and activities considered to be a community facility and which were permitted by right or by Special Exception, shall be rezoned (where appropriate) to a Community Facilities district as soon and as expeditiously as possible. In no case shall development not consistent with the Lee Plan be permitted regardless of zoning.

The Community Facilities District is divided into two major sub-districts, CFPD - Community Facilities Planned District and CF - Community Facilities Districts. The CF Districts are further sub-divided according to types of uses permitted.

451 CFPD - COMMUNITY FACILITIES PLANNED DISTRICT

A. PURPOSE AND INTENT

The primary purpose of the CFPD District is to accommodate those governmental, religious and community service activities which frequently complement and are necessary to the types of activities permitted in other zoning districts; but, due to the size, intensity, or nature of the use and the potential impact on adjacent land uses, roads, or infrastructure, should not be permitted as a use by right in those districts. All uses permitted within the CFPD District are subject to general or special conditions, related to the uses and the unique features or location of the subject property.

Standards for use and development shall be set forth in the documentation to the Master Concept Plan and, unless modified through the schedule of deviations, where applicable (Section 804.02.E.), shall not be less restrictive than the minimums set forth either in this Ordinance or in any Lee County development regulations.

Areas devoted to various uses shall be designated on the Master Concept Plan. In all cases, an application for a Community Facilities Planned Development shall include a schedule detailing the principal as well as accessory uses desired. [Section 804.03.C.1.b.2).].

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B. USES REQUIRING CFPD ZONING

Except when specifically requested and approved as part of a Residential, Recreational Vehicle, Commercial, or Industrial Planned Development, Planned Unit Development, or New Community, the following uses developed subsequent to August 1, 1986 shall not be permitted unless specifically requested and approved as a CFPD district. In addition, the expansion of any existing use in a CF-1, CF-2, CF-3 or CF-4 District, wherein the expansion itself would meet or exceed any of the thresholds addressed in the following list of uses, or any expansion which changes the use of the property must request and be approved for a CFPD District.

ADULT CONGREGATE LIVING FACILITIES of fifty (50) or more beds (Section 503)

CORRECTIONAL FACILITY (df) exceeding five (5) acres in land area

CULTURAL FACILITIES (Section 1001.10) exceeding five (5) acres in land area

ESSENTIAL SERVICE FACILITIES - Group III (Section 1001.13)

GOVERNMENT SERVICES (Section 1001.19) exceeding five (5) acres in land area

HEALTH CARE FACILITIES - Group I, II, III and IV (Sections 524 and 1001.20) of fifty (50) or more beds

HOSPICE (df) of fifty (50) or more beds

PARKS, Public (df) and Private (df) - Groups I, II and III (Section 1001.32) exceeding five (5) acres in land area

PRISON (df)

RELIGIOUS FACILITY exceeding five (5) acres in land area (Section 537)

SANITARY LANDFILL (df)

SCHOOLS, Public and Private (Non-Commercial) (Section 544)

SOCIAL SERVICES, Groups III and IV (Section 1001.46) of fifty (50) or more beds

Other similar uses when, in the opinion of the Board of County Commissioners, CFPD zoning is necessary or preferable.

C. PERMISSIBLE USES

1. The following uses may be permissible in the CFPD District when consistent with the goals, objectives, and policies of the Lee Plan for the Land Use Category in which the property is located, and when indicated on the Master Concept Plan.

- ANY USE LISTED IN SECTION 451.B
- AIRCRAFT LANDING FACILITIES, Private (Section 505)
- CARETAKERS RESIDENCE - limited to one such residence per principal use (Section 509)
- CEMETARY, COLUMBARIUM, MAUSOLEUM (Section 510)
- DAY CARE CENTER - child and adult (Section 514)
- EMERGENCY MEDICAL SERVICES (ambulance)
- ENTRANCE GATES (Section 202.10)
- EXCAVATION, water retention (Section 518)
- GATEHOUSE (Section 202.10)
- MODIFICATION OF SECTION LINE OR STREET SETBACK (Section 202.15.B.2.a and 202.15.B.3.)
- RECREATIONAL FACILITIES, Public (df) and Private (df)
- SOCIAL SERVICES - Group II (Section 1001.46)
- HOUSING UNITS for employees only

2. The following uses may be permitted as ancillary uses to permitted uses when approved on the enumerated documentation of the Master Concept Plan. These uses do not need to be shown on the Master Concept Plan provided they comply with all applicable regulations.

- ESSENTIAL SERVICES (df) (Section 1001.12)
- ESSENTIAL SERVICE FACILITIES - Group I and II (Sections 516 and 1001.13)
- PARKS, Public (df) and Private (df) - Group I (Section 1001.32)
- SIGNS which are in compliance with the Lee County Sign Ordinance

3. The following uses are permitted as normal, ancillary uses to an approved permitted use provided that they are conducted within the principal building and are primarily for employees or visiting guests, and are not open to the general public.

ADMINISTRATIVE OFFICES

RESTAURANTS - Group II (Section 1001.44)

SPECIALTY RETAIL SHOPS - Group I (Section 1001.47)

D. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. MINIMUM AREAS AND DIMENSIONS

Minimum area and dimensions are not specified for parcels of land for which planned developments are proposed. However, the developable land remaining, after deleting any environmentally sensitive lands and waters, shall be of such size, configuration, and dimension as to adequately accommodate the proposed structures, parking, access, on-site utilities including wet or dry runoff retention, all required open space, including buffers, and similar spatial requirements.

2. MINIMUM SETBACKS OF STRUCTURES AND BUILDINGS

Setbacks from project boundaries or development perimeter shall be determined as follows:

- a. Where the Community Facility Planned Development is adjacent to land which is either:

developed in a manner and for uses compatible with the uses proposed for the CFPD; or

vacant, but zoned for uses compatible with the uses proposed for the CFPD; or

vacant and, regardless of zoning, controlled by the applicant;

all structures and pavements shall be set back from the development perimeter a distance equal to one-half ($\frac{1}{2}$) the height of the building or fifteen (15) feet, whichever is the greater.

- b. Where the Community Facility Planned Development is adjacent to land which is either:

developed in a manner and for uses not compatible with the uses proposed for the CFPD; or

vacant, and neither zoned for compatible uses nor controlled by the applicant;

all buildings shall be set back from the development perimeter a distance equal to one-half (1/2) the height of the building or twenty-five (25) feet, whichever is the greater.

Structures and pavements permitted in this setback area shall be limited to sidewalks, street furniture, internal roads or drives, parking and landscaping features. Parking or internal roads or drives shall not be closer to the development perimeters than twenty-five (25) feet.

- c. Where the development perimeter bounds a dedicated public right-of-way, the setbacks from roads, streets and drives shall be substituted. (Section 202.15.B.2.)
- d. The foregoing notwithstanding, the Board of County Commissioners may require greater setbacks and/or buffers when, in their opinion, it is necessary for the protection of public health, welfare or safety.

3. HEIGHT OF BUILDINGS

The maximum permitted height of any building shall be thirty-five (35 feet). Buildings above thirty-five (35) feet may be approved by the Board of County Commissioners at the time of Master Concept Plan approval provided that setbacks from adjacent property not under the same ownership shall be equal to, or greater than, the height of the building.

4. OPEN SPACE

- a. In the Community Facilities Planned Development District, not less than thirty (30) percent of the total area of the project shall be common open space.
- b. Open space in the CFPD District may be used for landscaping and buffering, for unpaved overflow parking, and for surface water management.
- c. Impervious surfaces related to permitted open space uses may not exceed twenty-five (25) percent of the minimum required open space. Artificial bodies of

water (retention ponds or lakes) may not exceed twenty-five (25) percent of the minimum required open space.

5. GENERAL CONDITIONS FOR ALL LAND USES

Only those land uses enumerated in the documentation to the Master Concept Plan are permitted in the Community Facilities Planned Development. The following conditions shall be incorporated into covenants, restrictions and rules of operation binding on the developer, his successors and heirs, tenants-in-fee or lease-hold. In addition:

- a. Unless governed by alternative standards established by special conditions, parking for any use in this planned development shall be governed by Section 202.13 in accordance with the actual use.
- b. Lighting of the exterior and parking areas of the planned development shall be of the lowest intensity and energy uses adequate for its purposes, and shall not create conditions of glare beyond the perimeter of the development.

452 CF - COMMUNITY FACILITIES DISTRICTS

A. PURPOSE AND INTENT

The primary purpose and intent of the CF - Community Facilities Districts is to provide for those community facilities existing prior to August 1, 1986 which were permitted by right or by special exception and which are not part of an approved Planned Development. It is further the intent of the CF Districts to accommodate and provide opportunities for the suitable location of community services and facilities developed subsequent to August 1, 1986 and which are not approved as part of a Planned Development.

There are four (4) CF Districts provided herein. No land, body of water and/or structures shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, moved, altered or maintained in any CF District for any purpose other than as provided herein.

- B. The following Uses shall be permitted by right in all CF Districts:

ADMINISTRATIVE OFFICES

ESSENTIAL SERVICES (df) (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

PARKS, Public (df) and Private (df) - Group I (Section 1001.32)

SIGNS which are in compliance with the Lee County Sign Ordinance

C. PERMITTED USES AND PROPERTY DEVELOPMENT REGULATIONS

Uses permitted by right, special exception and special permit, along with minimum property development regulations differ between the various CF Districts. Regulations for specific CF Districts are set forth in Sections 452.01 through 452.04.

452.01 CF-1 DISTRICT

A. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the CF-1 District for any purpose other than as provided herein.

1. PERMITTED USES

In addition to the uses listed in Section 452.B, the following uses shall be permitted by right in the CF-1 District, provided that: 1) they were in existence prior to August 1, 1986; or, 2) they are developed subsequent to August 1, 1986 and do not meet or exceed the requirements set forth for CFPD zoning (Section 451).

ADULT CONGREGATE LIVING FACILITIES (Section 503)

CEMETARY, COLUMBARIUM, MAUSOLEUM (Section 510)

ENTRANCE GATE OR GATEHOUSE (Section 202.10)

HEALTH CARE FACILITIES - Group I (Sections 524 and 1001.20)

PLACE OF WORSHIP (Section 537)

RECREATIONAL FACILITIES, Public (df) and Private (df)

SOCIAL SERVICES - Group IV (Section 1001.46)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is clearly subordinate to a principal use and is consistent with the standards set forth at Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific uses from the following list as a Special Exception, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

CARETAKERS RESIDENCE (Section 509)

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the standards set forth in Sections 800.02.F. and 901.02.B.2.a., as well as all other applicable County regulations, the Board of County Commissioners may permit any specific uses from the following list as a Special Permit subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3.)

B. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot Area and Dimensions

Except as specifically set forth herein, there are no minimum lot area or dimensions for uses permitted in the CF-1 District, provided however, that the area is of sufficient size to accommodate the proposed use as well as all setbacks, parking, open space, drainage, and buffer requirements of this Ordinance and any other applicable County regulations.

ADULT CONGREGATE LIVING FACILITIES (Section 503)

PLACE OF WORSHIP (Section 537)

SOCIAL SERVICES - Group IV (Section 1001.46)

2. Minimum Setbacks (Section 202.15.B)

- Street: Variable according to functional classification of street or road (Section 202.15.B.2.)
- Side: 15 feet
- Rear: 25 feet
- Waterbody 25 feet; not applicable to Parks

3. Maximum Lot Coverage: 35% of Total Lot Area

4. Maximum Height: 35 feet (Section 202.15.A.)

452.02

CF-2 DISTRICT

A. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the CF-2 District for any purpose other than as provided herein.

1. PERMITTED USES

In addition to the uses listed in Section 452.B., the following uses shall be permitted by right in the CF-2 District, provided that: 1) they were in existence prior to August 1, 1986; or 2) they are developed subsequent to August 1, 1986 and do not meet or exceed the requirements set forth for CFPD zoning (Section 451).

CLUBS, COUNTRY (df)

CLUBS, FRATERNAL (df) (Section 511)

CULTURAL FACILITIES (Section 1001.10)

DAY CARE CENTER, Adult (Section 514)

ENTRANCE GATE OR GATEHOUSE (Section 202.10)

HEALTH CARE FACILITIES - Groups I and II (Sections 524 and 1001.24)

PARKS, Public (df) and Private (df) - Groups II and III (Section 1001.32)

PLACE OF WORSHIP (Section 537)

RELIGIOUS FACILITIES (Section 537)

SCHOOLS, NON-COMMERCIAL (Section 544)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is clearly subordinate to a principal use and is consistent with the standards set forth at Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to

conditions set forth in this Zoning Ordinance and in the resolution of approval.

CARETAKERS RESIDENCE (Section 509)

DAY CARE CENTER, child (Section 514)

FOOD AND BEVERAGE SERVICE, Limited (df)(1)

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

RESTAURANTS, Standard - Group II (Section 1001.44)(1)

SPECIALTY RETAIL SHOPS - Group I (Section 101.47)(1)

NOTE: (1) Activity shall be conducted wholly within the principal building.

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the standards set forth in Sections 800.02.F. and 901.02.B.2.a., as well as all other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3.)

B. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot Area and Dimensions

Except as specifically set forth herein, there are no minimum lot area or dimensions for uses permitted in the CF-2 Districts, provided however, that the area is of sufficient size to accommodate the proposed use as well as all setbacks, parking, open space, drainage, and buffer requirements of this Ordinance and any other applicable County regulations.

CLUBS, FRATERNAL (df) (Section 511)

DAY CARE CENTER, Adult (Section 514)

HEALTH CARE FACILITY - Group II (Sections 524 and 1001.20)

RELIGIOUS FACILITIES (Section 537)

2. Minimum Setbacks (Section 202.15.B)

Street: Variable according to functional classification of street or road (Section 202.15.B.2.)
Side: 15 feet
Rear: 25 feet
Waterbody 25 feet; (not applicable to Parks)

3. Maximum Lot Coverage: 35% of Total Lot Area

4. Maximum Height: 35 feet (Section 202.15.A.)

452.03

CF-3 DISTRICT

A. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the CF-3 District for any purpose other than as provided herein.

1. PERMITTED USES

In addition to the uses listed in Section 452.B., the following uses shall be permitted by right in the CF-3 District, provided that: 1) they were in existence prior to August 1, 1986; or 2) they are developed subsequent to August 1, 1986 and do not meet or exceed the requirements set forth for CFPD zoning (Section 451).

ENTRANCE GATE OR GATEHOUSE (Section 202.10)

ESSENTIAL SERVICE FACILITIES - Group III (Section 1001.13)

GOVERNMENT SERVICES (Section 1001.19)

PARKS, Public (df) and Private (df) - Groups II and III (Section 1001.32)

SANITARY LANDFILL (df)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth at Section 900.02.C.2., as well as all other applicable County regulations, the Board of

Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

CARETAKERS RESIDENCE (Section 509)

ESSENTIAL SERVICES - Group II (Section 1001.13)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the standards set forth in Sections 800.02.F. and 901.02.B.2.a., as well as all other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

MODIFICATION OF SECTION LINE OR STREET SETBACKS
(Section 202.15.B.2.a and 202.15.B.3.)

B. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot Area and Dimensions

Except as specifically set forth herein, there are no minimum lot area or dimensions for uses permitted in the CF-3 District, provided however, that the area is of sufficient size to accommodate the proposed use as well as all setbacks, parking, open space, drainage, and buffer requirements of this Ordinance and any other applicable County regulations.

2. Minimum Setbacks (Section 202.15.B)

Street: Variable according to functional classification
of street or road (Section 202.15.B.2.)

Side: 15 feet

Rear: 25 feet

Waterbody 25 feet; (not applicable to Parks)

3. Maximum Lot Coverage: 35% of Total Lot Area

4. Maximum Height: 35 feet (Section 202.15.A.)

452.04

CF-4 DISTRICT

A. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter

erected, constructed, moved, altered or maintained in the CF-4 Districts for any purpose other than as provided herein.

1. PERMITTED USES

In addition to the uses listed in Section 452.B., the following uses shall be permitted by right in the CF-4 District, provided that: 1) they were in existence on August 1, 1986; or 2) they are developed subsequent to August 1, 1986 and do not meet or exceed the requirements set forth for CFPD Zoning (Section 451).

ENTRANCE GATE OR GATEHOUSE (Section 202.10)

HEALTH CARE FACILITIES - Group III and IV (Sections 524 and 1001.20)

HOSPICE (df)

SOCIAL SERVICES - Group III (Section 1001.46)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth at Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

CARETAKERS RESIDENCE (Section 509)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the standards set forth in Sections 800.02.F. and 901.02.B.2.a., as well as all other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

MODIFICATION OF SECTION LINE OR STREET SETBACKS
(Section 202.15.B.2.a and 202.15.B.3.)

B. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot Area and Dimensions

Except as specifically set forth herein, there are no minimum lot area or dimensions for uses permitted in the

CF-4 District, provided however, that the area is of sufficient size to accommodate the proposed use as well as all setbacks, parking, open space, drainage, and buffer requirements of this Ordinance and any other applicable County regulations.

2. Minimum Setbacks

Street: Variable according to functional classification of street or road (Section 202.15.B.2.)
Side: 15 feet
Rear: 25 feet
Waterbody 25 feet; (not applicable to Parks)

3. Maximum Lot Coverage: 35% of Total Lot Area

4. Maximum Height: 35 feet (Section 202.15.A.)

460 COMMERCIAL DISTRICTS

PURPOSE AND INTENT

The purpose and intent of the Commercial Districts is to encourage and guide commercial growth in accordance with the goals, objectives and policies set forth in the Lee Plan. Commercial development shall be permitted primarily in the Urban Services Areas where requisite infrastructure exists or can feasibly be extended. However, some limited commercial activities will also be permitted in the non-urban areas to serve rural residents.

It is the intent of this Ordinance that any proposed commercial development which requires a rezoning and which meets or exceeds one (1) or more of the following criteria, shall be rezoned only to a CPD Commercial Planned Development:

- a. a commercial development or activity on 5 or more acres; or
- b. any commercial development on land falling within a General, General Commercial, or Industrial Commercial Interchange Area as specified by the Lee Plan and its attendant Land Use Plan Map; or
- c. any commercial portion of a combination of residential, commercial, community facility, or industrial land uses on 10 or more acres of land, none of the said uses, taken individually equaling or exceeding any other threshold set forth in this paragraph; or
- d. the commercial portion of any Development of Regional Impact (DRI); or

- e. at the Director's discretion, any development that may
 - 1.) exceed 80% of the thresholds set forth above; or
 - 2.) exceeds 10% of the thresholds set forth in Chapters 27F-2, FAC, for DRI's, except where another specific threshold is set forth herein, or
- f. any commercial development proposed under the New Community section of the Land Use Element of the Lee Plan.

It is further the intent of this Ordinance to provide conventional commercial zoning districts for commercial developments already existing or which do not meet the thresholds for CPD zoning.

Sections 462.01 through 462.14 provide the conventional commercial districts and the use and development regulations specific to each district.

461 CPD - COMMERCIAL PLANNED DEVELOPMENT

A. PURPOSE AND INTENT

The intent of the CPD district is to further the general purpose of planned developments set forth in Section 400.02.A, as it relates to commercial development.

The principal uses of any Commercial Planned Development are generally the retail sale and distribution of consumer goods and services, and/or the provision of standard office space for various purposes including the delivery of professional services (including health care, short of inpatient facilities), or financial services, or for the administration of business and general business purposes. Ancillary uses which may be permitted in the Commercial Planned Development district include: permanent human habitation in multiple-family buildings and/or townhouses, transient housing in hotel or motel rooms or housekeeping units (units of high impact), group quarters, resorts, and health care facilities, and other limited institutional uses and selected light industrial uses. All uses permitted are subject to general and/or special conditions related to the uses and the unique features or location of the subject property as well as the goals, objectives and policies set forth in the Lee Plan for the Land Use Category in which the property is located. Standards for use and development shall be set forth in the documentation to the Master Concept plan and, unless modified through the schedule of deviations, where applicable (see 804.02.E.), shall not be less restrictive than the minimum standards set forth either in this Ordinance or in other Lee County Development Regulations or Land Development Code. Areas devoted to various uses shall be designated on the

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 Concept Plan. In all cases, an application for a Commercial Planned Development shall include a schedule detailing the uses desired by citing the enumerated use of one or more conventional zoning districts, or Use Activity Groups (Section 1001).

B. USES PERMISSIBLE IN THE CPD DISTRICT

The following uses may be permissible in the CPD District when consistent with the goals, objectives, and policies of the Lee Plan for the Land Use Category in which the property is located, and when approved on the enumerated documentation of the Master Concept Plan.

Any use permitted by right in the CC District, plus the following uses:

AIRCRAFT LANDING FACILITIES, Private (df) (Section 505)

ANIMAL KENNEL (df) (Section 530)

AUTOMOBILE SERVICE STATION, Limited (df) and Full Service (df)

AUTOMOTIVE REPAIR AND SERVICES - all Groups (Sections 507 and 1001.02)

BAR OR COCKTAIL LOUNGE (df) (Section 202.02)

BUILDING MATERIAL, SALES (Section 1001.04)

BUSINESS SERVICES - all Groups (Section 1001.05)

CARETAKERS RESIDENCE (Section 509)

CLUB, Country (df) - accessory to a recreation facility

CLUB, Private (df) - accessory to a residential use

CONSUMPTION ON PREMISES (Section 202.02)

CONTRACTORS AND BUILDERS - Groups I, II and III (Section 1001.09)

CULTURAL FACILITIES (Section 1001.10)

DRIVE-THRU FACILITY (df) - accessory to a permitted use

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICE FACILITIES - Groups I and II (Sections 516 and 1001.13)

FOOD AND BEVERAGE SERVICE, Limited (df)

FOOD AND KINDRED PRODUCTS, MANUFACTURING (Section 1001.15) - subject to the general conditions set forth in sub-sections C., D. and E.

FREIGHT AND CARGO HANDLING ESTABLISHMENTS (Section 1001.17)

FUNERAL HOME AND MORTUARIES, including crematories

GASOLINE DISPENSING SYSTEM - SPECIAL (df)

GOLF COURSE (Section 521)

GOVERNMENT SERVICES (Section 1001.19)

GROUP QUARTERS (df) (Section 503)

HEALTH CARE FACILITIES - all Groups (Sections 524 and 1001.20)

HOSPICE (df)

HOTEL/MOTEL (Section 526, 527 and 528)

HOUSEHOLD/OFFICE FURNISHINGS (Section 1001.22)

INSURANCE COMPANIES (Section 1001.23)

MARINA (df) (Section 531)

MINI-WAREHOUSE (df)

MOBILE HOME DEALER

MODELS (df) (Sections 533 and 534)

MODIFICATION OF SECTION LINE AND STREET SETBACKS - if listed on the schedule of deviations

MOTOR FREIGHT TERMINAL (df)

MULTIPLE FAMILY BUILDING - in conjunction with at least 50,000 square feet or more of commercial or light industrial uses

NIGHT CLUB (df)

NOVELTY, JEWELRY, TOY, AND SIGN MANUFACTURING (Section 1001.29) - Subject to the general conditions set forth in sub-sections C., D. and E.

PARKS, Public (df) and Private (df) - Group I (Section 1001.32)

PET SERVICES (df)

PLACE OF WORSHIP (Section 537)

PLANT NURSERY (df) (Section 538)

PRINTING AND PUBLISHING (Sections 1001.36) - subject to the general conditions set forth in sub-sections C., D. and E.

PROCESSING AND WAREHOUSING (df)

RACE TRACKS - all Groups (Section 1001.37)

RECREATION CENTER (df) - accessory to a residential use

RECREATION, COMMERCIAL - all groups (Section 1001.38)

RECREATION FACILITIES, Personal (df), Private (df) and Public (df)

RELIGIOUS FACILITIES (Section 537)

RENTAL ESTABLISHMENTS - all Groups (Sections 1001.40)

REPAIR SHOPS - all Groups (Section 1001.40)

RESEARCH AND DEVELOPMENT LABORATORIES - Groups II and IV (Section 1001.41)

RESIDENTIAL ACCESSORY USES (Sections 501 and 1001.42)

RESORT (df)

RUBBER AND PLASTICS PRODUCTS MANUFACTURING - Group II (Section 1001.43) - subject to the general conditions set forth in sub-sections C., D. and E.

SCHOOLS, NON-COMMERCIAL (Section 544)

SOCIAL SERVICES - Groups I, II and III (Section 1001.46)

TOWERS, Communication (df) (Section 547)

TOWNHOUSE (df) - in conjunction with at least 50,000 square feet or more of commercial or light industrial uses

TRANSPORTATION SERVICES - all Groups (Section 1001.53)

TRUCK STOP (df)

TRUCKING TERMINAL (df)

UNIT OF HIGH IMPACT (df) (Section 548)

USED MERCHANDISE STORES - all Groups (Section 1001.54)

VEHICLE AND EQUIPMENT DEALERS - all Groups (Sections 512 and 1001.55)

WHOLESALE ESTABLISHMENTS - all Groups (Section 1001.56)

Any other similar or related commercial use of land or water approved in the Master Concept Plan.

C. PROPERTY DEVELOPMENT REGULATIONS

1. MINIMUM AREAS AND DIMENSIONS

- a. Minimum area and dimensions are not specified for parcels of land for which planned developments are proposed. However, the net developable land remaining, after deleting any environmentally sensitive lands and waters, shall be of such size, configuration and dimension as to adequately accommodate the proposed structures, parking, access, on-site utilities including wet or dry runoff retention, all required open space, including buffers, and similar spatial requirements.
- b. Where the Master Concept Plan calls for dwelling units on individual lots in townhouse configuration, the specific lot areas and dimensions shall be determined by the space requirement of the unit itself, the provision of private open space and the voluntary reservation of additional common open space, if any.
- c. Where the Master Concept Plan calls for recreational vehicle sites, such sites shall be large enough to accommodate a recreation vehicle with at least ten (10) foot private open space within the site, completely around the vehicle and any appurtenant or attached structure.

2. MINIMUM SETBACKS OF STRUCTURES AND BUILDINGS

- a. Setbacks from project boundaries or development perimeter shall be determined as follows:

- 1.) Where the Commercial Planned Development is adjacent to land which is either:
- a.) developed in a manner and for uses compatible with the uses proposed for the CPD; or
 - b.) vacant, but zoned for use compatible with the uses proposed for the CPD; or
 - c.) vacant and, regardless of zoning, controlled by the applicant;

All structures and pavements shall be set back from the development perimeter a distance equal to the width of a minimum buffer area (where required), or fifteen (15) feet whichever is the greater.

- 2.) Where the proposed Commercial Planned Development is adjacent to land which is either:
- a.) developed in a manner and for uses not compatible with the uses proposed for the CPD; or
 - b.) vacant, and neither zoned for compatible uses nor controlled by the applicant;

all building shall be set back from the development perimeter a distance equal to one-half ($\frac{1}{2}$) the height of the building, or minimum required buffer area, or twenty five (25) feet whichever is the greater. Structures and pavements permitted in this setback area shall be limited to sidewalks, street furniture, internal roads or drives, parking and landscaping features. Parking or internal roads or drives shall not be closer to the development perimeters than twenty five (25) feet.

- 3.) Where the development perimeter bounds a dedicated public right-of-way, the set backs from roads, streets, and drives shall be substituted.
- 4.) Setbacks shall be established after all required rights-of-way are designated (consistent with the official Trafficways Plan).

- 5.) The foregoing notwithstanding, all buildings, parking areas, and shipping and receiving areas of light industrial land uses within the Commercial Planned Development shall be set back no less than 100 feet from the development perimeter where the planned development abuts a residential land use or land zoned exclusively for residential uses.
- b. Setback from lot-line and separation of buildings shall be determined as follows:
- 1.) If the development contains or consists of a conventional subdivision for development parcels to be sold or leased as improved land for further development for commercial, industrial or multi-family residential purposes, side and rear setbacks for all lots shall be scheduled on the Master Concept Plan except that where a lot-line is congruent with the development perimeter, the setback defined in Section 461.C.2.a.2 shall have priority.
 - 2.) If the development consists of or contains a conventional subdivision as described in Section 461.C.2.b.1., the setbacks from internal streets shall be determined by the functional classification of said streets as set forth in Section 202.15.B.2.
 - 3.) Unless otherwise specified, where there are two or more principal buildings in a planned development or on a development tract, the minimum separation of buildings shall be 1/2 of the sum of their heights, or 20 feet, whichever is greater.

3. HEIGHT OF BUILDINGS

Height of buildings in a Commercial Planned Development will vary in accordance with the land use classification of the subject property according to the Lee Plan Land Use Plan Map as follows:

- a. ~~In the Intensive Development and Central Urban Land Use Categories, buildings may be as tall as 135 feet above minimum flood elevation with no more than twelve (12) habitable stories;~~
- b. In the Urban Community, Airport and Airport Commerce Land Use Categories buildings may be as tall as 95 feet above minimum flood elevation with no more than eight (8) habitable stories;

- c. In the General Interchange and General Commercial Interchange Land Use Categories, buildings may be as tall as 75 feet above minimum flood elevation with not more than six (6) habitable stories;
- d. In the Suburban and Rural Land Use Categories and in any other Land Use Category in which a Commercial Planned Development is appropriate, buildings may be as tall as forty five (45) feet above minimum flood elevation with no more than three (3) habitable stories, except that said buildings may be as tall as seventy five (75) feet above minimum flood elevation, with no more than six (6) habitable stories when the applicant demonstrates that the additional height is required to increase common open space for the purposes of preserving environmentally sensitive land, securing areas of native vegetation and wildlife habitat, or preserving historical, archaeological or scenic resources.

4. OPEN SPACE

- a. In the Commercial Planned Development District, not less than 30% of the total area of the project shall be common open space. Additional land or water may be reserved as open space at the developer's discretion.
- b. Open space in the CPD District may be used for landscaping and buffering, for unpaved overflow parking, for surface water management, and, in and around residential areas of the project, all uses permitted in open space in RPD Districts.
- c. Impervious surfaces related to permitted open space uses may not exceed 25% of the minimum required open space. Artificial bodies of water (retention ponds or lakes) may not exceed 25% of the minimum required open space.

D. GENERAL CONDITIONS FOR ALL LAND USES

Only those land uses enumerated in the documentation to the Master Concept Plan are permitted in the Commercial Planned Development. The following conditions shall be incorporated into covenants, restrictions and rules of operation binding on the developer, his/her successors and heirs, tenants in fee or lease-hold. In addition:

- 1. Signage for any use in this planned development, not otherwise governed by special conditions, shall be controlled by general sign regulations currently in force.

2. Unless governed by alternative standards established by special condition, parking for any use in this planned development shall be governed by Section 202.13 in accordance with the actual uses.
3. Lighting of the exterior and parking areas of the planned development shall be of the lowest intensity and energy use adequate for its purposes, and shall not create conditions of glare beyond the perimeter of the development generally, nor in any residential area, if any, contained therein.
4. Package sales and sale of alcoholic beverages for on premises consumption shall be governed by special conditions (Section 202.02).
5. All open display of goods for sale shall be set back from public rights-of-way no less than 25 feet.
6. Any and all storage of retail or wholesale goods shall be enclosed by a wall or opaque fence or solid hedge, not less than six (6) feet in height, or otherwise completely visually buffered.

E. GENERAL CONDITIONS FOR LIGHT INDUSTRIAL USES

In the Commercial Planned Development district(s), industrial uses shall only be permitted in accordance with the following standards:

1. If producing a tangible product, the use or activity shall stand at or near the end of the manufacturing process, accounting only for the last steps of preparation or assembly of components or pre-processed materials; and
2. All operations shall be conducted within a fully enclosed building; and
3. The use(s) shall emit no dust, smoke, odor, or other air or water pollutant, glare, sound or other vibration that can be perceived outside the boundaries of the development tract or industrial use area; and
4. ~~The use(s) shall receive, process or create no hazardous materials in sufficient quantity as to constitute a danger to persons, property or activities outside the boundaries of the development parcel or industrial use area; and~~
5. There shall be no open storage of raw materials, waste products or finished goods awaiting shipment.

462 CONVENTIONAL COMMERCIAL DISTRICTS

PURPOSE AND INTENT

The purpose and intent of the conventional commercial districts is to regulate the continuance of certain land uses and structures lawfully existing as of August 1, 1986 which were originally permitted by the Lee County Regulations of 1962 (as amended) or 1978 (as amended), and to provide for future developments which may be permitted within the specific districts with the exception of County-initiated rezonings to recognize and accommodate existing developments on zoning districts, no parcel of land of five (5) or more acres in size shall be rezoned to any of the following conventional commercial districts. Subsequent to August 1, 1986, all owner initiated requests for rezoning for the purpose of locating and developing commercial developments of five (5) or more acres in land area, shall be to a CPD Commercial Planned Development only.

462.01 C-1A - COMMERCIAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the C-1A District is to regulate the continuance of commercial land uses and structures lawfully existing as of August 1, 1986 and as originally permitted by the Lee County Zoning Regulations of 1962 (as amended) and 1978 (as amended), respectively. Subsequent to February 4, 1978, no land or water shall be rezoned into the C-1A District. It is further the intent of the Board of County Commissioners that all land zoned C-1A shall be rezoned to more appropriate districts as soon and as expeditiously as possible. In no case shall new development not consistent with the Lee Plan be permitted regardless of zoning.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the C-1A District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the C-1A District:

a. COMMERCIAL USES

ADMINISTRATIVE OFFICES (df)

BANKS AND FINANCIAL INSTITUTIONS - Group I
(Section 1001.03)

BUSINESS SERVICES - Group I (Section 1001.05)

CLEANING AND MAINTENANCE SERVICES (Section
1001.07)

CLOTHING STORES, GENERAL (Section 1001.08)

CONTRACTORS & BUILDERS - Group I (Section
1001.09)

CONVENIENCE FOOD AND BEVERAGE STORES

DEPARTMENT STORE

DRUG STORE

ESSENTIAL SERVICES (df) - (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I
(Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

FOOD STORES - all Groups (Section 1001.16)

FUNERAL HOMES AND MORTUARIES - No cremation
(Section 520)

GOVERNMENT SERVICES - (Section 1001.19)

HARDWARE STORE (df)

HEALTH CARE FACILITY - Group III (Sections 524
and 1001.20)

HOBBY, TOY, AND GAME SHOPS (Section 1001.21)

HOUSEHOLD/OFFICE FURNISHINGS - Group I and II
(Section 1001.22)

INSURANCE COMPANIES (Section 1001.23)

LAWN AND GARDEN SUPPLY STORE (df) (Section 538)

NON-STORE RETAILERS (Section 1001.30)

OFFICE - MEDICAL (df)

PACKAGE STORES (Section 202.02)

PAINT, GLASS AND WALLPAPER STORE (df)

PERSONAL SERVICES - all Groups (Section 1001.33)

PLACE OF WORSHIP (Section 537)

PLANT NURSERY (df) (Section 538)

RECREATION, COMMERCIAL - Groups I and II
(Section 1001.38)

RENTAL ESTABLISHMENTS - Groups I and II
(Section 1001.39)

REPAIR SERVICES - Groups I and II (Section
1001.40)

RESTAURANTS - STANDARD (df) - Groups I, II, and
III (Section 1001.44)

SCHOOLS, COMMERCIAL (Section 1001.45)

SIGNS, provided such signs comply with the Lee
County Sign Ordinance

SOCIAL SERVICES - Group I (Section 1001.46)

SPECIALTY RETAIL SHOPS - all Groups (Section
1001.47)

STUDIOS (Section 1001.49)

TEMPORARY USES (Section 549)

USED MERCHANDISE STORES - Group I (Section
1001.54) No Outdoor Display

VARIETY STORE (df)

b. RESIDENTIAL USES

DWELLINGS, Single Family residence

DWELLINGS, Duplex

DWELLINGS, Two Family attached

DWELLINGS, Townhouse - existing only

DWELLINGS, Multiple Family Building - existing only

UNIT OF HIGH IMPACT - existing only

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

DRIVE-THRU FACILITY - For any permitted use.

ESSENTIAL SERVICE FACILITY - Group II (Section 1001.13)

FOOD AND BEVERAGE SERVICE, Limited (df)

SELF-SERVICE FUEL PUMPS in conjunction with a permitted use

3. SPECIAL PERMIT

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot area and dimensions (Section 202.15.C.)

Lot Area - 7,500 square feet
Width - 75 feet
Depth - 100 feet

2. Minimum Setbacks

Street - 25 feet
~~Side - 15 feet~~
Rear - 25 feet
Water body - 25 feet

462.02 C-1 - COMMERCIAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the C-1 District is to regulate the continuance of commercial and select residential land uses and structures lawfully existing on August 1, 1986, and as originally permitted by the Lee County Zoning Regulations of 1962 (as amended) and 1978 (as amended), respectively. Subsequent to February 4, 1978, no land or water shall be rezoned into the C-1 District. It is further the intent of the Board of County Commissioners that all land zoned C-1 shall be rezoned to more appropriate districts, as appropriate, as soon and as expeditiously as possible. In no case shall development not consistent with the Lee Plan be permitted regardless of zoning.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the C-1 District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the C-1 District:

a. COMMERCIAL USES

All commercial uses permitted by right in the C-1A district, plus the following additional uses:

ANIMAL CLINIC (df) (Section 530)

AUTO PARTS STORE (df)

AUTOMOTIVE REPAIR AND SERVICE - Group I
(Section 1001.02)

AUTOMOBILE SERVICE STATION - LIMITED OR FULL
SERVICE

BANKS AND FINANCIAL ESTABLISHMENTS - Groups I
and II (Section 1001.03)

BOAT PARTS STORE (df)

BUSINESS SERVICES - Group I and II (Section
1001.05)

CAR WASH

CLUBS, FRATERNAL (df) AND MEMBERSHIP ORGANIZATION (df) (Section 511)

CONTRACTORS AND BUILDERS - Groups I and II (Section 1001.09)

CULTURAL FACILITIES (Section 1001.10)

GARAGE - PUBLIC PARKING

HOTEL/MOTEL (Section 526, 527, and 528)

LIBRARY

MARINA existing only

PET SHOPS (df) AND PET SERVICES (df)

RECREATION, COMMERCIAL - Group III (Section 1001.38)

RENTAL ESTABLISHMENTS - Groups I, II, and III (Section 1001.39)

RESTAURANTS, STANDARD - all Groups (Section 1001.43)

RESTAURANTS, FAST-FOOD

VEHICLE AND EQUIPMENT DEALERS - Groups I, II, III and IV (Section 1001.55)

OPEN STORAGE - or long term parking of automobiles, recreation vehicles, boat or trailers, and other rolling stock (Section 536)

USED MERCHANDISE STORES - Groups I, II and III (Section 1001.54)

b. RESIDENTIAL USES:

- DWELLING - Duplex
- DWELLING - Multi-family Building
- DWELLING - Single-family residence

c. PLACE OF WORSHIP (df) (Section 537)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2. as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

CARETAKERS RESIDENCE (Section 509)

DRIVE-THRU FACILITY - FOR ANY PERMITTED USE.

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

FOOD AND BEVERAGE SERVICE, Limited (df)

SELF-SERVICE FUEL PUMPS

UNITS OF HIGH IMPACT (Section 548)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.08.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

BAR OR COCKTAIL LOUNGE

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS
(Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (202.15)

1. Minimum Lot Area and Dimensions (Section 202.15.C.)

Residential uses - 7,500 square

feet for the first two (2) dwelling units plus 3,000
square feet for each additional dwelling unit.

Commercial Uses - 7,500 square feet

Width - 75 feet

Depth - 100 feet

2. Minimum Setbacks (Section 202.15.B.)

- Street - 25 feet
- Side - 15 feet
- Rear - 25 feet
- Water body - 25 feet

3. Maximum Permitted Residential Density

Residential density shall not exceed that permitted by the Lee Plan and use category in which this district and specific property is located.

462.03 C-2 - COMMERCIAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the C-2 District is to regulate the continuance of commercial and select residential land uses and structures lawfully existing on August 1, 1986, and as originally permitted by the Lee County Zoning Regulations of 1962 (as amended) and 1978 (as amended), respectively. Subsequent to February 4, 1978, no land or water shall be rezoned into the C-2 District. It is further the intent of the Board of County Commissioners that all land zoned C-2 shall be rezoned to more appropriate districts as soon and as expeditiously as possible. In no case shall new development not consistent with the Lee Plan be permitted regardless of zoning.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the C-2 District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the C-2 District:

a. COMMERCIAL USES

All commercial uses permitted by right in the C-1A or C-1 districts, plus the following additional uses:

AUTOMOTIVE REPAIR AND SERVICE - Groups I and II (Section 1001.02)

BUILDING MATERIALS SALES (Section 1001.04)

CLUBS, COMMERCIAL (df)

MINI-WAREHOUSING

MOBILE HOME DEALERS

REPAIR SHOPS - Groups I, II, III and IV
(Section 1001.40)

USED MERCHANDISE STORES - all groups (Section
1001.54)

WHOLESALE ESTABLISHMENTS - Group III (Section
1001.56)

b. LIGHT INDUSTRIAL USES:

COLD STORAGE WAREHOUSE AND PRE COOLING PLANT

COMMERCIAL FISHERIES - existing only

FISH HOUSES - wholesale (if at least 500 feet
from any Residential District boundary)

LAUNDRY OR DRYCLEANING (Section 1001.24)

MANUFACTURING OF: -

APPAREL (Section 1001.01)

DAIRY PRODUCTS (limited to SIC 202)

ELECTRICAL MACHINERY AND EQUIPMENT
(Section 1001.11)

FABRICATED METAL PRODUCTS - Group III
(Section 1001.14)

FOOD AND KINDRED PRODUCTS - Group III
Section 1001.15)

LEATHER AND LEATHER PRODUCTS - Group II
(Section 1001.25)

LUMBER AND WOOD PRODUCTS - Group II
(Section 1001.26)

MEASURING, ANALYSING, AND CONTROLLING
INSTRUMENTS - (Section 1001.28)

NOVELTY, JEWELRY, TOYS, SIGNS (Section
1001.29)

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26 31

RUBBER AND PLASTICS PRODUCTS - Group II
(Section 1001.43)

PRINTING AND PUBLISHING (Section 1001.36)

PROCESSING AND WAREHOUSING

RESEARCH AND DEVELOPMENT LABORATORIES - Groups
II and IV (Section 1001.41)

WAREHOUSING, Public (df) and Private (df)

c. OTHER USES:

BROADCASTING STUDIO, COMMERCIAL RADIO AND
TELEVISION

ENTRANCE GATES (Section 202.10)

PLACE OF WORSHIP (df) (Section 537)

TRANSPORTATION SERVICES - Groups I, II, III and
IV (Section 1001.53)

d. RESIDENTIAL USES:

DWELLING - Duplex

DWELLING - Multi-family building

DWELLING - Single-family residence

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use(s) from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance or in the resolution of approval:

CARETAKERS RESIDENCE (Section 509)

DRIVE-THRU FACILITY for any permitted use

ESSENTIAL SERVICES FACILITIES - Group II (Section 1001.13)

FOOD AND BEVERAGE SERVICE, LIMITED (df)

SELF SERVICE FUEL PUMPS (df)

TIRE VULCANIZING AND RETREADING

UNITS OF HIGH IMPACT (Section 548)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

BAR OR COCKTAIL LOUNGE

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

- 1. Minimum lot area and dimensions (Section 202.15.C.)
 - Residential uses - 7,500 square feet for the first two (2) dwelling units plus 2,000 square feet for each additional dwelling unit.
 - All other uses - 10,000 square feet
 - Width - 75 feet
 - Depth - 100 feet
- 2. Minimum Setbacks (Section 202.15.B.)
 - Street - 25 feet
 - Side - 15 feet
 - Rear - 25 feet
 - Water body - 25 feet
- 3. Maximum Permitted Residential Density
 - Residential Density of new developments shall not exceed that permitted by the Lee Plan land use category in which this district and specific property is located.

462.04 CN-1 NEIGHBORHOOD COMMERCIAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the CN-1 District is to permit the designation of suitable locations for small scale commercial facilities within or adjacent to areas or neighborhoods which are essentially residential in nature, and to facilitate their proper development and use. It is anticipated that locating small retail and service establishments in close proximity to

low to moderate density residential land uses will encourage pedestrian activity and otherwise reduce the number and length of automobile trips, as well as providing increased convenience to all users. It is further intended that substantial buffering and other design techniques shall be used to prevent negative impacts on nearby or adjacent residential/or lower intensity land uses.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the CN-1 District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the CN-1 District:

ADMINISTRATIVE OFFICES (df)

AUTOMATIC TELLER MACHINES (ATMs)

CLUB, PRIVATE (df)

DAY CARE CENTER - child and/or adult (Section 514)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION - water retention (Section 518)

FOOD STORES - Group I (Section 1001.16) excluding supermarkets

HARDWARE STORE (df)

PACKAGE STORE (Section 202.02)

PERSONAL SERVICES - Group I (Section 1001.33)

PHARMACY (df)

PLACE OF WORSHIP (df) (Section 537)

RECREATION CENTER (Section 539)

RECREATIONAL FACILITIES, Public or Private, indoor only

REPAIR SHOPS - Group I (Section 1001.40)

SIGNS, provided such signs comply with the Lee County Sign Ordinance

SPECIALTY RETAIL SHOPS - Group I (Section 1001.47)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., above, as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

FOOD AND BEVERAGE SERVICE, LIMITED (df)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3.)

G. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot Area and Dimensions (Section 202.15.C.)

- Area - 10,000 square feet
- Width - 75 feet
- Depth - 100 feet

2. Minimum Setbacks

- Street - variable according to functional classification of street or road (Section 202.15.B.2)
- Side - 15 feet
- Rear - 20 feet
- Water body - 25 feet

- 198
- 611
3. Maximum lot coverage: 40% of total lot area
 4. Maximum Building Height: 35 feet (Section 202.15.A.)

D. ADDITIONAL REGULATIONS

1. No outdoor storage or display of merchandise shall be permitted.

462.05 CN-2 NEIGHBORHOOD COMMERCIAL DISTRICTS

A. PURPOSE AND INTENT

The purpose and intent of the CN-2 District is to permit the designation of suitable locations for consumer oriented commercial facilities of moderate scale including "neighborhood shopping centers" and to facilitate their proper development and use. Such facilities include the functions of CN-1 commercial places (Section 462.04), but the greater floor area and the broader mix of goods and services available results in a wider market or service area, a larger population served, and a greater impact on surrounding land uses. The primary uses provided for include retail trade in food, drugs, sundries, hardware and similar items, and the provision of personal services.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the CN-2 District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the CN-2 District:

All uses permitted by right in the CN-1 district, plus the following additional uses:

AUTO PARTS STORE, no installation service

AUTOMOBILE SERVICE STATION, LIMITED

BANKS AND FINANCIAL INSTITUTIONS - Group I (Section 1001.03)

BOAT PARTS STORES - no installation service

BUSINESS SERVICES - Group I (Section 1001.05)

DRUGSTORE

EMERGENCY MEDICAL SERVICES (ambulance)

FOOD STORE - Group I and II (Section 1001.16)

HEALTH CARE FACILITY - Group III (Sections 524 and 1001.20)

HOBBY, TOY, AND GAME SHOPS (Section 1001.21)

MUSIC STORE (df)

OFFICES - MEDICAL

PERSONAL SERVICES - Group I and IV (Sections 1001.33)

PET SHOP (df)

RELIGIOUS FACILITIES (Section 537)

RENTAL ESTABLISHMENTS - Groups I and II (Section 1001.39)

REPAIR SHOPS - Group I (Section 1001.40)

RESTAURANT, STANDARD - Group I and II (Section 1001.44)

SIGNS, provided such signs comply with the Lee County Sign Ordinance

SPECIALTY RETAIL SHOP - Groups I, II, and IV (Sections 1001.47)

TEMPORARY USES (Section 549)

USED MERCHANDISE STORES - Group I (Section 1001.54)

VARIETY STORE (df)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth at Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance, and in the resolution of approval:

CONVENIENCE FOOD AND BEVERAGE STORE

190.851

DRIVE THRU FACILITY - for any permitted use

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

FOOD AND BEVERAGE SERVICE, Limited (df)

SELF SERVICE FUEL PUMPS

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

- 1. Minimum Lot Area and Dimensions (Section 202.15.C.)
 - Area: 10,000 sq. ft.
 - Width: 100 feet
 - Depth: 100 feet

- 2. Minimum Setbacks (Section 202.15.B.)
 - Street - variable according to functional classification of street or road (Section 202.15.B.2.)
 - Side - 15 feet
 - Rear - 20 feet
 - Water body - 25 feet

- 3. Maximum Lot Coverage: 40% of total lot area

- 4. Maximum Building Height: 35 feet (Section 202.15.A.)

D. ADDITIONAL REGULATIONS

- 1. No outdoor display or storage of merchandise shall be permitted.

462.06 CC - COMMUNITY COMMERCIAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the CC District is to permit the designation of suitable locations for medium to large scale

consumer oriented commercial facilities, particularly for multiple occupancy complexes known as "community" or "regional" shopping centers, and to facilitate their proper development and use. In addition to the retail sale of consumer goods, this district is intended to permit a wide range of services, financial and other, including business and professional offices, all arranged in discrete commercial centers or evolving business districts. Such centers or districts differ from neighborhood commercial facilities in concentrating a greater floor area of use and a broader mix of goods and services in order to serve a wider market or service area and a larger population. This is expected to create greater impact on surrounding land uses and therefore require buffering and designed gradients of intensity adjacent to less intense uses.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the CC District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the CC District:

All uses permitted by right in the CN-1 or CN-2 districts

ANIMAL CLINIC (df)

AUTO REPAIR AND SERVICE - Group I (Section 1001.02)

BANKS AND FINANCIAL ESTABLISHMENTS - all Groups
(Section 1001.03)

BROADCASTING STUDIO, COMMERCIAL RADIO AND TELEVISION
(Section 547)

BUSINESS SERVICES - Group I (Section 1001.05)

CAR WASH (df)

CLEANING AND MAINTENANCE SERVICES (Section 1001.07)

CLOTHING STORES, GENERAL (Section 1001.08)

CLUBS, Commercial, Fraternal, Membership
Organization (Section 511)

CONTRACTORS AND BUILDERS - Groups I and II (Section 1001.09)

CONVENIENCE FOOD AND BEVERAGE STORES (df)

DEPARTMENT STORE (df)

FUNERAL HOME AND MORTUARY - No cremation (Section 520)

GARAGE, PUBLIC (df)

HOUSEHOLD/OFFICE FURNISHINGS - Groups I and II (Section 1001.22)

LAWN AND GARDEN SUPPLY STORE (df) (Section 538)

NON-STORE RETAILERS - all Groups (Section 1001.30)

PAINT, GLASS, AND WALLPAPER STORE (df)

PERSONAL SERVICES all Groups (Section 1001.33)

RECREATION, COMMERCIAL - Group II and IV (Section 1001.38)

RELIGIOUS FACILITIES (Section 537)

REPAIR SHOPS - Groups I and II (Section 1001.40)

RESEARCH AND DEVELOPMENT LABORATORIES - Group II (Section 1001.41)

RESTAURANT, FAST FOOD (df)

RESTAURANTS, STANDARD - all Groups (Section 1001.44)

SCHOOLS, COMMERCIAL (Section 1001.45)

SELF SERVICE FUEL PUMPS (df) ancillary to a permitted use

SELF SERVICE FUEL PUMP STATION (df)

SOCIAL SERVICES - Group I (Section 1001.46)

SPECIALTY RETAIL SHOP - Groups I, II, III and IV (Section 1001.47)

STUDIOS (Section 1001.49)

TRANSPORTATION SERVICES - Group II (Section 1001.53)

USED MERCHANDISE STORES - Groups I, II and III
(Section 1001.54)

VEHICLE AND EQUIPMENT DEALERS - Group II (Section
1001.55)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth at Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

DRIVE THRU FACILITY - for any permitted use

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

BAR OR COCKTAIL LOUNGE

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS
(Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot Area and Dimensions (Section 202.15.C.)

Area: 20,000 square feet
Width: 100 feet
Depth: 100 feet

2. Minimum Setback (Section 202.15.B.)

Street - variable according to functional classification
of street or road (Section 202.15.B.2.)
Side - 15 feet
Rear - 25 feet
Water body - 25 feet

3. Maximum Lot Coverage: 40% of the total lot area

462.07 CG - GENERAL COMMERCIAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the CG District is to permit the designation of suitable locations for and to facilitate the proper development and use of consumer oriented commercial facilities which are of a type or scale which are not suited for and do not generally seek locations in neighborhood, community or regional shopping centers. Such uses frequently consist of a single principal building containing sales, administration, repair services and/or manufacture; often rely on large ground areas for storage or display of goods; are relatively insensitive to the impacts of adjacent land uses, while generating substantial impacts on their neighbors. High visual exposure and easy accessibility, usually from arterial roads or suburban highways are important.

It is further the intent of the Board of County Commissioners to rezone as expeditiously as possible all CG land into more appropriate districts such as CC and CH. For this reason, many uses permitted by right are limited to existing uses only whether in freestanding buildings or in multiple occupancy complexes.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the CG District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the CG District.

ADMINISTRATIVE OFFICES (df)

ANIMAL CLINIC (df)

ANIMAL KENNEL (df) - completely enclosed within a building (Section 529)

AUTOMATIC TELLER MACHINES (ATMs) (df)

AUTO PARTS STORE (df) including installation service

AUTO REPAIR AND SERVICE - Group I (Section 1001.02)

AUTOMOBILE SERVICE STATION - LIMITED (df) AND FULL SERVICE (df)

BANKS AND FINANCIAL ESTABLISHMENTS - Groups I and II
(Section 1001.03)

BOAT PARTS STORE (df)

BROADCASTING STUDIO, COMMERCIAL RADIO AND TELEVISION
(Section 547)

BUILDING MATERIALS SALES (Section 1001.04)

BUSINESS SERVICES - Groups I and II (Section 1001.05)

CAR WASH (df)

CLEANING AND MAINTENANCE SERVICES (Section 1001.07)

CLOTHING STORES, GENERAL (Section 1001.08)(2)

CLUB, Commercial (df), Fraternal (df), or Membership
Organization (df)(1)

CONTRACTORS AND BUILDERS - all Groups (Section
1001.09)

CONVENIENCE FOOD AND BEVERAGE STORE (df)

DAY CARE CENTER, adult (df) or child (df) (Section
514)(1)

DEPARTMENT STORE (df)(2)

DRUG STORE/PHARMACY(2)

DRIVE-THRU FACILITIES (df) for any permitted use

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516
and 1001.13)

EXCAVATION, water retention (Section 518)

FOOD AND KINDRED PRODUCTS, MANUFACTURING - Group III
(Section 1001.15)(1)

FOOD STORES - Group I (Section 1001.16)(2)

FUNERAL HOME AND MORTUARIES including crematories
(Section 520)

GARAGES, PUBLIC (df)

GOVERNMENT SERVICES (Section 1001.19)

HARDWARE STORE (df)(2)

HEALTH CARE FACILITY - Group III (Sections 524 and 1001.20)

HOBBY, TOY AND GAME SHOPS (Section 1001.21)(2)

HOUSEHOLD/OFFICE FURNISHINGS - Groups I and II(2); Group III (Section 1001.22)

LAWN AND GARDEN SUPPLY STORE (df) (Section 538)

MEDICAL OFFICES (df)

MOBILE HOME DEALER(1)

MODEL UNIT DISPLAY CENTER - (Section 534)

PACKAGE STORES (Section 202.02)

PAINT, GLASS AND WALLPAPER STORES (df)(2)

PERSONAL SERVICES - Groups I, II and III (Section 1001.33)(2)

PET SERVICES (df)(2)

PET SHOP (df)(2)

PLACE OF WORSHIP AND RELIGIOUS FACILITIES (Section 537)

PLANT NURSERY (df) (Section 538)

PRINTING AND PUBLISHING (df)(1)

RECREATION, COMMERCIAL - Group II(2) and Groups IV (Section 1001.38)

RENTAL ESTABLISHMENTS - Group I(1) and Groups II and III (Section 1001.39)

REPAIR SHOPS - Groups I, II, III and IV (Section 1001.40)

RESTAURANTS - FAST FOOD (df)

RESTAURANTS - STANDARD all groups (Section 1001.44)

SCHOOLS, COMMERCIAL (Section 1001.45)

SIGNS, provided such signs comply with the Lee County Sign Ordinance

SPECIALTY RETAIL SHOPS - Groups I and II⁽²⁾ Groups III and IV (Section 1001.47)

STUDIOS (Section 1001.49)⁽¹⁾

TEMPORARY USES (Section 549)

TRANSPORTATION SERVICES - Groups II and III (Section 1001.53)

USED MERCHANDISE STORES - all Groups (Section 1001.54)

VEHICLE AND EQUIPMENT DEALERS - All groups (Section 1001.55)

2. SPECIAL EXCEPTION

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to standard conditions as set forth in this Zoning Ordinance and in the resolution of approval:

AUTO REPAIR AND SERVICES - Group II (Section 1001.02) only when ancillary to a dealership

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

Footnotes:

(1) Use must be existing on August 1, 1986 and must be in a freestanding building which is not a part of a multiple occupancy complex.

(2) Use is allowed within a multiple occupancy complex if the complex ~~existed on August 1, 1986 or is allowed in a freestanding building~~ if the use existed at that site on August 1, 1986.

MINI WAREHOUSE (df)

TOWERS, COMMUNICATION (df) (Section 547)

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3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

BAR OR COCKTAIL LOUNGE

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS
(Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot Area and Dimensions (Section 202.15.C.)

Area: 20,000 square feet
Width: 100 feet
Depth: 100 feet

2. Minimum Setbacks (Section 202.15.B.)

Street - variable according to the functional classification of road or street (Section 202.15.B.2.)
Side - 15 feet
Rear - 25 feet
Water body - 25 feet

3. Maximum Lot Coverage - 40% of the total lot area

462.08 CS - SPECIAL COMMERCIAL OFFICE DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the CS District is to permit the designation of suitable locations for and to facilitate the proper development and use of land for standard office space for various purposes, and a minimum level of retail sales and personal services required to provide convenient access to goods and services for the workforce and clientele. While it is recognized that such uses will demand easy access from arterial or high volume collector roads, this district is intended to be used to separate and buffer residential and other low or medium intensity land uses, such as schools or parks, from higher intensity commercial and light industrial land uses.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the CS District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the CS District:

ADMINISTRATIVE OFFICES (df)

BANKS AND FINANCIAL ESTABLISHMENTS - Groups I and II (Section 1001.03)

BUSINESS SERVICES - GROUP I (Section 1001.05)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATIONS, water retention (Section 518)

FUNERAL HOME AND MORTUARIES including crematories (Section 520)

GOVERNMENT SERVICES - (Section 1001.19)

HEALTH CARE FACILITIES - all groups (Sections 524 and 1001.20) provided the facility has less than fifty (50) beds

OFFICES, MEDICAL (df)

PLACE OF WORSHIP AND RELIGIOUS FACILITIES (Section 537)

RESEARCH AND DEVELOPMENT LABORATORIES - Group II (Section 1001.41) provided that:

1. Operation of heavy machinery or equipment is not conducted;
2. All work is done within enclosed structures;
3. No product is manufactured or sold, except incidental to development activities.

SCHOOLS, COMMERCIAL (Section 1001.45)

SIGNS, provided such signs comply with the Lee County Sign Ordinance

SOCIAL SERVICES - Group I (Section 1001.46)

TEMPORARY USES (Section 549)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth at Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

DRIVE THRU FACILITY (df) - for any permitted use

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

*PERSONAL SERVICES - Group III (Section 1001.33)

*RESTAURANT, STANDARD - Group II (Section 1001.44)

*SPECIALTY RETAIL SHOPS - Group I (Section 1001.47) limited, however, to the following: newsstands, tobacconist, books, stationery and office supplies, gifts, and florist

*These uses may be considered only as accessory uses to not less than 50,000 square feet of standard office space, on the same premises.

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

- 1. Minimum Lot Area and Dimensions (Section 202.15.C.)
 - Area - 20,000 square feet
 - Width - 100 feet
 - Depth - 100 feet
- 2. Minimum Setbacks (Section 202.15.B.)
 - Street - variable according to functional classification of street or road (Section 202.15.B.2)
 - Side - 20 feet
 - Rear - 20 feet
 - Water body - 25 feet
- 3. Maximum lot coverage: 40% of the total lot area

462.09 CH - HIGHWAY COMMERCIAL

A. PURPOSE AND INTENT

The purpose and intent of the Highway Commercial (CH) District is to permit the designation of suitable locations for and to facilitate the proper development and use of land for the commercial provision of services and goods to the public using the major through highways of Lee County. Such uses require high visual exposure and ready access from major roads. The market of such uses is presumed to be made up of transient visitors rather than residents or long term visitors to the County.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the CH District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the CH District:

ADMINISTRATIVE OFFICES (df)

AUTOMOBILE SERVICE STATION - LIMITED (df) OR FULL SERVICE (df)

CARWASH (df)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

HOTEL/MOTEL - TRANSIENT (Section 526)

PLACE OF WORSHIP (df) (Section 537)

RESTAURANT - FAST FOOD (df)

RESTAURANT, STANDARD - all Groups (Section 1001.44)

SELF SERVICE FUEL PUMP STATION (df)

SIGNS, provided such signs comply with the Lee County Sign Ordinance

SPECIALTY RETAIL SHOP - Group I (Section 1001.47) - only incidental to a Hotel or Motel and limited to newstand, gifts, and souvenirs, produce (further limited to fresh fruit and produce of local origins)

TEMPORARY USES (Section 549)

TRANSPORTATION SERVICES - Group III (Section 1001.53)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth at Section 900.02.C.2., as well as all other applicable County regulations, the Board of Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

CONVENIENCE FOOD AND BEVERAGE STORE (df)

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

SELF SERVICE FUEL PUMPS (df)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

BAR, OR COCKTAIL LOUNGE, - but only incidental to a Hotel or Motel (Section 202.02)

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

- 1. Minimum Lot Area and Dimensions (Section 202.15.C.)
Area - 10,000 square feet
Width - 100 feet
Depth - 100 feet
- 2. Minimum Setbacks (Section 202.15.B.)
Street - variable according to the functional classification of street or road (Section 202.15.B.2.)
Side - 15 feet.
Rear - 25 feet;
Water body - 25 feet
- 3. Maximum Lot Coverage: 40% of total lot area

462.10 CT - TOURIST COMMERCIAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the CT District is to permit the designation of suitable locations for and to facilitate the proper development and use of land for the commercial provision of accommodations and services for tourists and other visitors and short term or seasonal residents. The term "accommodations" is here intended to include housing, various amenities including recreational facilities, and local retail trade in goods and service, both general and specific to the locality/attractor or principal activities. Areas designated Tourist Commercial are expected to be located near or adjacent to an attractor of tourism such as Gulf beach frontage, theme parks, major public or private parks and other recreational or scenic resources.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the CT District for any purpose other than as provided herein.

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1. PERMITTED USES

The following uses shall be permitted by right in the CT District:

ADMINISTRATIVE OFFICES (df)

ATM'S

CAMERA SHOP (df)

CLUBS, FRATERNAL (df) AND PRIVATE (df) (Section 511)

DAY CARE CENTER - Child and Adult (Section 514)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATIONS, water retention (Section 518)

GROUP QUARTERS (df)

HOTEL OR MOTEL (Sections 526, 527 and 528)

MODEL HOMES (Section 533)

MULTIPLE FAMILY BUILDING (df)

OFFICES, MEDICAL (df)

PACKAGE STORE (Section 202.02)

PERSONAL SERVICES Groups I, II and III (Section 1001.33)

PLACE OF WORSHIP (Section 537)

RECREATION, COMMERCIAL - all Groups (Section 1001.38)

RECREATIONAL FACILITIES, Public (df) and Private (df)

RENTAL ESTABLISHMENTS - Group I (Section 1001.39)

REPAIR SHOPS - Group I (Section 1001.40)

RESORTS (df)

RESTAURANTS - FAST FOOD (df)

RESTAURANTS - STANDARD - all groups (Section 1001.44)

SIGNS, provided such signs comply with the Lee County Sign Ordinance

SPECIALTY RETAIL SHOPS - Groups I and II, (Section 1001.47)

TEMPORARY USES (Section 549)

UNITS OF HIGH IMPACT (Section 548)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth at Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustment may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

AUTOMOBILE SERVICE STATION - Limited (df)

CONVENIENCE FOOD AND BEVERAGE STORE (df)

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

RELIGIOUS FACILITIES (Section 537)

SELF SERVICE FUEL PUMPS (df)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

BAR OR COCKTAIL LOUNGE (Section 202.02)

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3.)

ANY COMMERCIAL USE OF BEACH FRONT Seaward of the Coastal Construction Control Line* (Section 541)

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*Uses contemplated or expected include boat rentals (inflatables, sail, jet ski, windsurfers and the like), food-stands, rental of cabanas and beach furniture, outdoor amusements including boat, balloonist, and sea-plane rides, water ski tows, parasail tows, and similar activities, fishing and sightseeing piers and towers

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot Area and Dimensions (Section 202.15.C.)

Lot Area

Residential Uses - 7,500 square feet for the first two (2) dwelling units plus 2,000 square feet for each additional dwelling unit, subject, however, to the density limits of the Lee Plan;

Non-Residential Uses - 20,000 square feet

Width - 100 feet

Depth - 100 feet

2. Minimum Setbacks (Section 202.15.B.)

Street - variable according to the functional classification of street or road (Section 202.15.B.2.)

Side - 20 feet

Rear - 25 feet

Water body - 25 feet

3. Maximum Lot Coverage: 40% of total lot area

4. Maximum Residential Densities

No new residential development shall be permitted to exceed the maximum residential density for the Lee Plan Land Use Category in which the project is located.

462.11 CP - COMMERCIAL PARKING DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the CP District is to facilitate the provision of automobile parking subordinate to other land uses on separate parcels of land, and, where it is not appropriate to permit the full range of uses allowed by the zoning district under which the subordinate use is allowed.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the CP District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the CP District:

AUTOMOBILE PARKING LOTS - subordinate to a specified use of another parcel of land

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

SIGNS which are in compliance with the Lee County Sign Ordinance

TEMPORARY USES (Section 549)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15.)

1. Minimum Lot Area and Dimensions - None

2. Minimum Setback Requirements (Section 202.15.B.)

Street - variable according to the functional classification of the street or road (Section 202.15.B.2.)

Side - Parking lot shall be ten (10) feet from any residential land use and five (5) feet from any other. Any structure in CP shall be set back fifteen (15) feet from any side lot line.

Rear - Parking lot - same as Side above. Any structure in CP shall be set back 25 feet from any rear lot line.

Water Body - 25 feet

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3. Maximum Lot Coverage

(Structures only) 40% of total lot area.

4. Fencing adjacent to Residential Land Use

Where a parking lot permitted under CP is adjacent to a residential land use an opaque fence shall be erected and maintained to protect the latter from noise, glare and intrusion.

462.12 CA -- COMMERCIAL AMUSEMENT AND RECREATION DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the Commercial Recreation (CA) District is to permit the designation of locations for and to facilitate the proper development and use of commercial and private recreation facilities. Such facilities are intended to include drive-in theatres, tennis clubs or centers, water slides, miniature golf courses and other like uses. Such uses are generally characterized by peak traffic flows, volumes of noise, high levels of night time illumination, large parking demands and similar spillovers, all generating substantial impacts on adjoining property that require extensive buffering of residential and other lower intensity land uses. Such uses also tend to require ready access (and frequently high visibility) from an arterial road or high capacity collector. Most other similar uses are presumed to be Developments of County Impact (DCIs) due to their size alone.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the CA District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the CA District:

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (df)

PLACE OF WORSHIP (df) (Section 537)

RECREATION, COMMERCIAL - all groups (Section 1001.38)

RENTAL ESTABLISHMENTS - Group I (Section 1001.39)

SECONDARY OR ACCESSORY USES, only permitted where clearly subordinate and incidental to some specified principal use. These may include:

Administrative Office (df)

Restaurant, Fast Food (df)

Restaurant, Standard - all groups (Section 1001.44)

Specialty Retail Shop, Group I (Section 1001.47), limited, however, to gifts, souvenirs, novelties, and other like goods.

SIGNS which are in conformance with the Lee County Sign Ordinance

TEMPORARY USES (Section 549)

THEATRE, DRIVE-IN (Section 515)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2, as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

"FLEA MARKET" or "SWAPMEET" as a second use in a drive-in theatre

3. SPECIAL PERMITS

~~Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a, as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:~~

BAR OR COCKTAIL LOUNGE but only subordinate and incidental to another permitted use (Section 202.02)

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15.)

1. Minimum Lot Area and Dimensions (Section 202.15.C.)
Area - 1 acre
Width - 100 feet
Depth - 100 feet
2. Minimum Setbacks (Section 202.15.B.)
Street - variable according to functional classification of street or road (Section 202.15.B.2.)
Side - 25 feet
Rear - 25 feet
Water body - 25 feet
3. Maximum Lot Coverage: 40% of total lot area

462.13 CM - MARINE COMMERCIAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the CM District is to permit the designation of suitable location for and to insure the proper development and use of land and adjacent waters for commercial marinas (see definition) and other uses incidental to such facilities. The principal uses of land at these locations shall be limited to water-front dependent uses required for the support of recreational boating and fishing, which activities are declared to be important factors in the local economy. However, the principal criterion for designating such locations, and regulating the development and use thereof, shall be minimizing or eliminating adverse impacts on the natural environment.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the CM District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the CM District:

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

MARINA (see definition) (Section 531)

ACCESSORY USES which are designed as an integral part of a marina, including, but not necessarily limited to the following:

Administrative Office (df)

Bait and Tackle Shop

Boat Parts Store including installation

Docking or mooring facilities (Section 202.07)

Dry Boat Storage, not exceeding two tiers or 18 feet in height above natural grade

Gift and Souvenir Shops

Laundromat

Restaurants, Standard - Group III (Section 1001.44)

Sale of fuel and lubricants

Sales, service, minor repair and rental of boats, motors and accessories (Sections 512 and 536)

Sanitary facilities (restrooms and showers for transient persons; pump out facilities for onboard sanitation, wastewater holding pretreatment or treatment).

~~School, Commercial (Section 1001.45) - limited to sailing and marine oriented outdoor lifestyle schools~~

Self-service laundry and dry cleaning

Signs, provided such signs comply with the Lee County Sign Ordinance

PLACE OF WORSHIP (df) (Section 537)

PRIVATE CLUB limited however to yacht or sailing clubs, youth oriented boating clubs, and USCG Power Squadrons

RENTAL ESTABLISHMENTS - Group I (Section 1001.39)

TEMPORARY USES (Section 549)

TRANSPORTATION SERVICES - Group I (Section 1001.53)

VEHICLE AND EQUIPMENT DEALERS - Group III (Section 1001.55)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

DRY BOAT STORAGE exceeding two tiers or 18 feet in height above natural grade

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

HOTEL/MOTEL (Sections 526, 527 and 528)

LIVE-ABOARDS - permanent residence aboard docked or moored boat (Section 530)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

BAR OR COCKTAIL LOUNGE, (Section 202.02)

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot Area and Dimensions (Section 202.15.C.)
 - Area - 20,000 square feet
 - Width - 100 feet
 - Depth - 100 feet
2. Minimum Setbacks (Section 202.15.B.)
 - Street - variable according to functional classification of street or road (Section 202.15.B.2)
 - Side - 20 feet
 - Rear - 20 feet
 - Water body (except that boat service buildings or boat service structures may build up to the mean high water line) - 25 feet
3. Maximum Lot Coverage: 40% of total lot area

462.14 CI - INTENSIVE COMMERCIAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the CI District is to permit the designation of suitable locations for and to facilitate the proper development and use of land for those commercial activities which are like or which have many of the same needs as industrial land uses. Intensive commercial land uses are generally services, particularly warehousing, distribution and transportation of goods. However, in type and size of buildings, relation to modes of transportation, and demands on various services, they are often indistinguishable from industrial land uses. The CI District is and is intended to be intermediate between consumer oriented commercial and light industrial uses.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the CI District for any purpose other than as provided herein.

1. PERMITTED USES

~~The following uses shall be permitted by right in the CI District:~~

ADMINISTRATIVE OFFICE (df) - only incidental to another use

AUTOMOBILE SERVICE STATION - LIMITED (df) AND FULL SERVICE (df)

204.1

AUTOMOTIVE REPAIR AND SERVICE - Group I and II
(Section 1001.02)

BUILDING MATERIALS SALES (Section 1001.04)

BUSINESS SERVICES, GROUP I and II (Section 1001.05)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516
and 1001.13)

EXCAVATION, water retention (Section 518)

FREIGHT AND CARGO HANDLING ESTABLISHMENTS (Section
1001.17)

GASOLINE DISPENSING SYSTEM, SPECIAL (df)

GOVERNMENT SERVICES (Section 1001.19)

MINI-WAREHOUSE (df)

MOTOR FREIGHT TERMINAL (df)

OPEN STORAGE for Long Term Parking of automobiles,
recreation vehicles, boats on trailers, and other
rolling stock

PLACE OF WORSHIP (df) (Section 537)

REPAIR SHOPS - Groups I, II, III and IV (Section
1001.40) not to include major repairs to Busses,
Over-the-Road Transport equipment, construction or
mining equipment or machines

SELF SERVICE FUEL PUMP STATION (df)

SIGNS when in compliance with the Lee County Sign
Ordinance

TEMPORARY USES (Section 549)

TRANSPORTATION SERVICES - Groups II, III and IV
(Section 1001.53)

TRUCKING TERMINALS - motor, rail, air, including
warehousing of goods awaiting shipment and parking
or storage of rolling stock

WAREHOUSING PUBLIC (df) OR PRIVATE (df)

WHOLESALE ESTABLISHMENTS Groups III, IV and V
(Section 1001.56)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

ESSENTIAL SERVICE FACILITIES - Group II Section 1001.13)

TOWERS, COMMUNICATION (df) (Section 547)

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the standards set forth in Sections 800.02.F. and 901.02.B.2.a, as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit subject to conditions set forth in the Zoning Ordinance and in the resolution of approval:

MODIFICATIONS OF SECTION LINE OR STREET SETBACKS
(Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot Area and Dimensions (Section 202.15.C.)

- Area - two (2) acres
- Width - one hundred fifty (150) feet
- Depth - one hundred fifty (150) feet

2. Minimum Setbacks (Section 202.15.B.)

- Street - variable according to the functional classification of road or street (Section 202.15.B.2.)
- Side - 15 feet
- Rear - 25 feet
- Bay, canal or other water body - 25 feet

3. Maximum Lot Coverage: 40% of the total lot area

462.15 CR - RURAL COMMERCIAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the CR District is to designate and to facilitate the proper development and use of land for limited commercial purposes in the non-urban areas of Lee County. In addition to the neighborhood scale provision of basic goods and services, it is the intent that the Rural Commercial District be used to provide other goods and services, specific to rural productive activities, such as farming or ranching, and for the rural lifestyle in general. The standard of physical development shall be or shall closely approximate that of "minor commercial place" as set forth in Standard III.C.2 of the Lee Plan.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the CR District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the CR District:

ADMINISTRATIVE OFFICES (df)

ANIMAL CLINIC (df)

ANIMAL KENNEL (df) (Section 530)

AUTOMATIC TELLER MACHINES (A.T.M.)

AUTOMOBILE SERVICE STATION - LIMITED (df) AND FULL SERVICE (df)

BUSINESS SERVICES - Group I (Section 1001.05)

CONVENIENCE FOOD AND BEVERAGE STORES (df)

DAY CARE CENTER CHILD AND ADULT (Section 514)

DRUGSTORE (df)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

- EXCAVATION, water retention (Section 518)
- FARM EQUIPMENT, SALES, STORAGE, RENTAL, SERVICE
- FEED MIXING & SALES
- FERTILIZER MIXING & SALES
- GOVERNMENT SERVICES (Section 1001.19) - limited to
Emergency Medical Services and Fire Station
- HARDWARE STORE (df)
- HEALTH CARE FACILITY - Group III (Sections 524 and
1001.20)
- HORTICULTURAL SERVICES
- LAWN AND GARDEN SUPPLY STORE (df) (Section 538)
- OFFICES, MEDICAL (df)
- PACKAGE STORE (Section 202.02)
- PERSONAL SERVICES - Group I (Section 1001.33)
- PLACE OF WORSHIP (df) (Section 537)
- PLANT NURSERY (df) (Section 538)
- PRIVATE CLUB (Section 511)
- PRODUCE MARKET
- RENTAL ESTABLISHMENTS - Group II (Section 1001.39)
- REPAIR SHOPS - Groups I, II, and IV (Section 1001.40)
- RESTAURANT, STANDARD - Group I and III (Section
1001.44) - limited to less than 50 seats
- SELF-SERVICE FUEL PUMP STATION (df)
- SIGNS, provided such signs comply with the Lee
County Sign Ordinance
- SPECIALTY RETAIL SHOP - Group I and IV (Section
1001.47)
- TEMPORARY USES (Section 549)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.12)

RESTAURANT - FAST FOOD

SELF SERVICE FUEL PUMP

3. SPECIAL PERMITS

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

BAR OR COCKTAIL LOUNGE (Section 202.02)

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot Area and Dimensions (Section 202.15.C.)

Area - Interior lot: 39,500 square feet

Corner lot: 33,600 square feet

Width - 100 feet

Depth - 100 feet

2. Minimum Setbacks (Section 202.15.B.)

Street - variable according to functional classification of street or road (Section 202.15.B.2)

Side - 15 feet

Rear - 20 feet

Water body - 25 feet

3. Maximum lot coverage: 40% of total lot area

470 INDUSTRIAL DISTRICTS

PURPOSE AND INTENT

The purpose and intent of the Industrial Districts is to encourage industrial growth in accordance with the goals, objectives and policies set forth in the Lee Plan and to guide most industrial growth into the Urban Service Areas where required infrastructure exists or can be feasibly extended. However, some rural-oriented industrial activities will also be permitted in the non-urban areas.

It is the intent of this Ordinance that any proposed industrial development which requires a rezoning and which meets or exceeds one or more of the following criteria, shall be rezoned only to an I.P.D. - Industrial Planned Development.

- a. any industrial development or activity; including mining or solid mineral extraction on 5 or more acres of land; or
- b. except when approved as a minor portion of a CPD, any industrial development on land falling within a General, Industrial, or Industrial Commercial Interchange Area as specified by the Lee Plan and its attendant Land Use Plan Map; or
- c. the industrial portion of any combination of residential, commercial, community facility, or industrial land uses on 10 or more acres of land, none of the said uses, taken individually equaling or exceeding any other threshold set forth in this paragraph; or
- d. any development involving the manufacturing of the following products, regardless of the land area involved:

CHEMICALS AND ALLIED PRODUCTS - Group III (Section 1001.06)

FABRICATED METAL PRODUCTS - Group I (Section 1001.14)

LUMBER AND WOOD PRODUCTS - Group V (Section 1001.26)

NOVELTY, JEWELRY, TOYS, SIGN MANUFACTURING (Section 1001.29)

PAPER AND ALLIED PRODUCTS - Group I (Section 1001.31)

PETROLEUM MANUFACTURING (Section 1001.34)

PRIMARY METAL INDUSTRIES (Section 1001.35)

RESEARCH AND DEVELOPMENT LABORATORIES - Group III (Section 1001.41)

RUBBER AND PLASTICS PRODUCTS - Group I (Section 1001.43)

STONE, CLAY, GLASS AND CONCRETE PRODUCTS - Group IV
(Section 1001.48)

TEXTILE MILL PRODUCTS - Group III (Section 1001.50)

- e. Any manufacturing or industrial development involving one or more of the following activities:

BIOLOGICAL PROCESSES (other than by fermentation by common bacteria or yeast) for food or beverage processing

NUCLEAR PROCESSES

PRODUCTION OF INDUSTRIAL GAS

PRODUCTION OF EXPLOSIVES

PRODUCTION OF CORROSIVES

PRODUCTION OF TOXIC MATERIALS

- f. refuse and trash dumps
- g. landfills, sanitary
- h. salvage or junk yards
- i. auto wrecking yards
- j. resource recovery facilities to produce energy
- k. the industrial portion of any development of Regional Impact (DRI) not included above; or
- l. at the Director's discretion, any development that may
- (1) exceed 80% of the thresholds set forth above; or
 - (2) exceed 10% of the thresholds set forth in Chapters 27F-2, FAC, for DRI's, except where another specific threshold is set forth herein
- m. any industrial development proposed under New Community sections of the Land Use Element of the Lee Plan

It is further the intent of this Ordinance to provide conventional industrial zoning districts for industrial developments already existing or which do not meet the threshold for I.P.D. zoning.

Sections 472.01 through 472.06 provide the conventional industrial districts and the use and development regulations specific to each district.

471 - IPD -- INDUSTRIAL PLANNED DEVELOPMENT

PURPOSE AND INTENT

The intent of the I.P.D. district is to further the general purpose of planned developments set forth in Section 400.02.A. as it relates to industrial development.

The principal use of any Industrial Planned Development is the manufacture of goods and materials, and the storage and wholesale distribution of such goods and materials. However, for the welfare of the public and for the efficiency of the local economic structure, the IPD District permits many services and activities not allowed elsewhere and a limited number of commercial uses intended to serve principally the employees or patrons of businesses within the IPD. Permitted uses shall be subject to general and special conditions related to the uses and the unique features or location of the subject property. Standards for use and development shall be set forth in the documentation to the Master Concept Plan and, unless modified through the schedule of deviations, where applicable (see 804.02.E.), shall not be less restrictive than the minimum standards set forth either in this regulation or in other Lee County Development Regulations or Land Development Code. Areas devoted to various uses shall be designated on the Concept Plan. In all cases, an application for an Industrial Planned Development shall include a schedule detailing the uses desired, identifying said uses by citing the enumerated uses of one or more conventional zoning districts, or Use Activity Groups (Section 1001).

A. USES PERMISSIBLE IN THE IPD DISTRICT

All uses below may be permissible in an IPD - Industrial Planned Development as long as the principal use(s) are drawn from either the Light Industrial Uses or the Heavy Industrial Uses and when approved on the Master Concept Plan and the enumerated list of uses document. However, industrial and other land uses may be subject to different setbacks, performance standards and/or other restrictions.

1. COMMERCIAL USES

- a. AUTOMATIC TELLER MACHINE (ATM)
- b. BUSINESS SERVICES - all groups (Section 1001.05)
- c. CLEANING AND MAINTENANCE SERVICES (Section 1001.07)

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- d. LAUNDRY OR DRY CLEANING (Section 1001.24)
 - e. OFFICES, MEDICAL (df)
 - f. HOTELS/MOTELS, TRANSIENT: only where clearly related to highway interchange, airports, sea or river ports or wholesale marts (Section 526)
 - g. PERSONAL SERVICES, Group I (Section 1001.33)
 - h. RECREATION, COMMERCIAL, Group III (Section 1001.38)
 - i. RENTAL ESTABLISHMENTS - Group III and IV (Section 1001.39)
 - j. REPAIR SHOPS - Groups III, IV, V (Section 1001.40)
 - k. RETAIL SALES OF CONSUMER GOODS AND SERVICES, limited however, to the following:
 - 1.) Free standing:
 - a.) automobile service station - limited (df) and full service (df);
 - b.) building material sales (Section 1001.04)
 - c.) convenience food and beverage stores (df);
 - d.) day care center - child or adult (Section 514);
 - e.) factory outlets (point of manufacture only);
 - f.) health care facilities - group III (Sections 516 and 1001.20)
 - g.) self service fuel pumps (df);
 - h.) vehicle and equipment dealers - all groups (Section 1001.55);
 - 2.) Only when accessory to an airport or other transportation facility, hotel or motel or an office complex of 50,000 or more square feet;
 - a.) bar or cocktail lounge (Section 202.02);
 - b.) consumption on premises (Section 202.02)

- c.) food stores - groups I and II (Section 1001.16) excluding supermarkets
 - d.) restaurant - standard all groups (Section 1001.44)
 - e.) specialty retail shop - Group I (Section 1001.47).
1. SOCIAL SERVICES - Group II (Section 1001.46)
2. LIGHT INDUSTRIAL USES
- (To be considered a "light" industrial use, the use(s) and activities related to it must conform to the standards set forth at 461.E)
- a. Freight and Cargo Handling Establishments (Section 1001.17)
 - b. Manufacturing (note conditions, above);
 - c. Printing and Publishing (Section 1001.36)
 - d. Processing and packaging of agricultural and fisheries produce (note conditions, above);
 - e. Select services which may not be appropriately located in other areas (note conditions, above);
 - f. Transportation services - Group III and IV (not to include airports, heliports, or seaplane facilities) (Section 1001.53);
 - g. Warehousing - Private (df); Warehousing - Public (df);
 - h. Wholesale Facilities - Groups III, IV, V and VI (Section 1001.56)
3. HEAVY INDUSTRIAL USES
- a. Manufacturing;
 - b. Processing and packaging of agricultural and fisheries produce;
 - c. Mining and processing of minerals including limerock, sand, gravel, and commercial fill dirt, but not liquid petroleum or natural gas; (Sections 202.09, 517 and 518);

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- d. Boatyard;
 - e. Open storage of construction equipment and material;
 - f. Large scale storage of noxious or hazardous (flammable, toxic, explosive, corrosive, etc.) materials, including liquid petroleum, fractions and distillates thereof and fuel gases (subject to licenses and permits granted by sub-state, state and federal authorities) (Section 508);
 - g. Salvage and disposal of materials including auto junkyards, refuse disposal and processing plants, incinerators, land fills, and similar uses (subject to licenses and permits granted by sub-state, state and federal authorities) (Section 542);
 - h. Select services which, due to their potential for air and water pollution, number of employees or vehicles required, or requirements for open storage, or other possible negative impacts, cannot be accommodated in other areas. /
 - i. Photo Finishing Laboratories
4. OTHER USES
- a. Administrative Offices (df)
 - b. Agricultural Uses and Agricultural Accessory Uses
 - c. Aircraft Landing Facilities, Private * (Section 505);
 - d. Caretaker or watchman's residence (Section 509)
 - e. Drive Thru Facilities
 - f. Entrance Gates and Gatehouses (Section 202.10)
 - g. Essential services; essential service facilities, all Groups (Sections 1001.12 and 1001.13);
 - h. Excavation, water retention (Section 518)
 - i. Garage, Public (df)
 - j. Gasoline Dispensing System - Special (df)
 - k. Government Services (Section 1001.19)
 - l. Models (df)

- m. Modification of Section Line or Street Setbacks (Section 202.15.B.2.a. and 202.15.B.3.)
- n. Parks - Group II (Section 1001.32)
- o. Place of Worship (df) (Section 537)
- p. Signs, in conformance with the Lee County Sign Ordinance.
- q. Towers, communication (Section 547)
- r. Any other similar or related Commercial or Industrial use of land or water approved in the Master Concept Plan.

*Subject to noise and navigational hazard restrictions, found elsewhere.

B. MINIMUM AREAS AND DIMENSIONS

Minimum area and dimensions are not specified for tracts or parcels of land for which Industrial Planned Developments are proposed. However, the net developable land remaining, after deleting any environmentally sensitive lands and waters, shall be of such size, configuration and dimension as to adequately accommodate the proposed structures, parking, access, on-site utilities including wet or dry runoff retention, all required open space, including buffers, and similar spatial requirements. This principal shall apply also to any parcels or lots cut out of or subdivided from the development tract.

C. MINIMUM SETBACKS OF STRUCTURES AND BUILDINGS

- 1. Setbacks from project boundaries or development perimeter shall be determined as follows:
 - a. Where the proposed Industrial Planned Development is adjacent to land which is either:
 - 1.) developed in a manner and for uses compatible with the uses proposed for the IPD; or
 - 2.) vacant, but zoned for uses compatible with the uses proposed for the IPD; or
 - 3.) vacant and, regardless of zoning, controlled by the applicant;

all structures and pavements shall be set back from the development perimeter a distance equal to the width of a minimum buffer area (where required), or twenty (20) feet, whichever is the greater.

b. Where the proposed Industrial Planned Development is adjacent to land which is either:

- 1.) developed in a manner or for uses not compatible with the uses proposed for the IPD; or
- 2.) vacant and neither zoned for compatible uses nor controlled by the applicant;

all buildings shall be set back from the development perimeter a distance equal to the minimum required buffer area, or twenty five (25) feet, or one-half (½) the height of the building, whichever is greater. Structures and pavements permitted in the setback area shall be limited to sidewalks, street furniture, internal and perimeter roads and landscaping features. Where the setback exceeds twenty five (25) feet, automobile parking may be permitted in that portion lying beyond the first 25 feet so long as the parking is visually screened from adjacent land uses.

c. Where the development perimeter bounds a dedicated public right-of-way, the setbacks from roads, streets, and drives shall be substituted.

d. Setbacks shall be established after all required rights-of-way are designated (consistent with the Official Trafficways Plan).

e. The foregoing notwithstanding, all buildings, parking areas, and shipping and receiving areas, and open storage areas of light industrial land uses within the Industrial Planned Development shall be set back from the development perimeter:

- 1.) 100 feet for Light Industrial Uses; and
- 2.) 660 feet for Heavy Industrial uses;

where the planned development abuts a residential land use or land zoned exclusively for residential uses.

2. Setback from lot-line and separation of buildings shall be determined as follows:

a. If the development contains a conventional subdivision for development tracts to be sold or leased as improved land for further development for

commercial or industrial purposes, side and rear setbacks for all lots shall be scheduled on the Master Concept Plan, except where a lot line is congruent with the development perimeter and the setback defined at 471.C.1.b shall have priority.

- b. If the development consists of or contains a conventional subdivision as described in 471.C.2.a, the setbacks from internal streets shall be determined by the functional classification of said streets as set forth in 202.15.B.2.
- c. Unless otherwise specified, where there are two or more principal buildings in a planned development or on a development tract, the minimum separation of buildings shall be 1/2 of the sum of their heights, or 20 feet, whichever is greater.

D. HEIGHT OF BUILDINGS

Height of buildings in an Industrial Planned Development will vary in accordance with the land use classification of the subject property according to the Lee Plan Land Use Plan Map as follows:

- 1. In the Intensive Development and Central Urban Land Use Categories, buildings may be as tall as 135 feet above minimum flood elevation with no more than twelve (12) habitable stories;
- 2. In the Urban Community, Airport and Airport Commerce Land Use Categories, buildings may be as tall as 95 feet above minimum flood elevation with no more than eight (8) habitable stories;
- 3. In the Industrial Interchange and Industrial Commercial Interchange Land Use Categories, buildings may be as tall as 75 feet above minimum flood elevation with no more than six (6) habitable stories;
- 4. In the Rural Land Use Category and in any other Land Use Category in which an Industrial Planned Development is appropriate, buildings in an Industrial Planned Development may be as tall as forty five (45) feet above minimum flood elevation with no more than three (3) habitable stories, except that said buildings may be as tall as seventy five (75) feet above minimum flood elevation, with no more than six (6) habitable stories when the applicant demonstrates that the additional height is required to increase common open space for the purposes of preserving environmentally sensitive land, securing areas of native vegetation and wildlife habitat, or preserving historical, archaeological or scenic resources.

E. OPEN SPACE

1. In the Industrial Planned Development District, not less than 20% of the total area of the project shall be common open space. Additional land or water may be reserved as open space at the developer's discretion.
2. In the IPD District, common open space may be used for landscaping and buffering, for surface water management, and for unpaved overflow parking.
3. In IPD districts, where the principle uses are open, area extensive, or productive of various noxious spillovers such as dust, odors, glare, noise and vibration, and visual blight, the open space requirement shall be concentrated at the perimeter and used mainly for buffering, screening and landscaping.
4. Artificial bodies of water (retention ponds or lakes) may not exceed 25% of the minimum required open space.

F. GENERAL CONDITIONS FOR ALL LAND USES

1. Signs - Section 461.D.1
2. Parking - Section 202.13
3. Lighting - Section 461.D.3
4. Alcoholic beverages - Section 202.02
5. Display of goods - setback - Section 461.D.5
6. Open storage - buffer - Section 461.D.6

472 CONVENTIONAL INDUSTRIAL DISTRICTS

PURPOSE AND INTENT

The purpose and intent of the conventional industrial districts is to regulate the continuance of certain land uses and structures lawfully existing as of August 1, 1986 which were originally permitted by the Lee County Regulations of 1962 (as amended) or 1978 (as amended), and to provide for future developments which may be permitted within the specific districts with the exception of County-initiated rezonings to recognize and accommodate existing developments or zoning districts, no parcel of land of five (5) or more acres in size shall be rezoned to any of the following conventional industrial districts. Subsequent to August 1, 1986, all owner initiated requests for rezoning for the purpose of locating and developing industrial developments of five (5) or more acres in land area or any other threshold set forth in Section 470, shall be to an I.P.D. Industrial Planned Development only.

472.01 IS - SPECIAL INDUSTRIAL

A. PURPOSE AND INTENT

The purpose and intent of the Special Industrial (IS) District is to permit the designation of suitable locations for and to facilitate the proper development and use of small detached or independent industrial facilities. These facilities shall be so designed, constructed and landscaped as to provide no indication (other than signage) of the activities conducted within. All manufacturing, testing or other industrial activities including storage shall take place within enclosed building(s). All shipping and loading facilities shall be screened from the street and all other contiguous non-industrial (use) properties.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the IS District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the IS District:

ADMINISTRATIVE OFFICES (df)

BROADCASTING STUDIO, Commercial Radio and/or Television

BUSINESS SERVICES - Group I (Section 1001.05)
limited to Computer and Data Processing Services and Message Answering Services

CONTRACTORS & BUILDERS - All groups (Section 1001.09)

ENTRANCE GATE OR GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

MANUFACTURING OF:

APPAREL (Section 1001.01)

CHEMICAL AND ALLIED PRODUCTS - Groups I and II
(Section 1001.06) limited to Packaging and
Repackaging of Drugs and Cosmetics

ELECTRICAL MACHINERY AND EQUIPMENT (Section
1001.11) subject to sub-section D.1

LEATHER AND LEATHER PRODUCTS - Group II
(Section 1001.25)

MEASURING, ANALYZING, AND CONTROLLING
INSTRUMENTS (Section 1001.28) subject to
sub-section D.2.

NOVELTY, JEWELRY, TOY, SIGN MANUFACTURING
(Section 1001.29)

PLACE OF WORSHIP (df) (Section 537)

RESEARCH AND DEVELOPMENT LABORATORIES, Groups II and
IV (Section 1001.41)

SIGNS, provided such signs comply with the Lee
County Sign Ordinance

STUDIOS (Section 1001.49)

2. SPECIAL EXCEPTION

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this regulation and in the resolution of approval:

CARETAKERS RESIDENCE (Section 509)

ESSENTIAL SERVICE FACILITIES - Group II (Section
1001.13)

3. SPECIAL PERMIT

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS
(Section 202.15.B.2.a and 202.15.B.3)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

- 1. Minimum Lot Area and Dimensions (Section 202.15.C.)
 Lot Area - 2 acres
 Depth - 200 feet
 Width - 200 feet
- 2. Minimum Setbacks (Section 202.15.B.)
 Street - variable according to the functional
 classification of the street or road (Section
 202.15.B.2)
 Side - 20 feet
 Rear - 25 feet
 Water body - 25 feet
- 3. Maximum Lot Coverage - 40% of total lot area

D. SPECIFIC STANDARDS

- 1. STANDARD I-1: Processes shall not include the manufacture of resistors, transistors or other components such as integrated circuits using photoresists, corrosives and or developers or other chemical means. Toxic or suspected toxic materials, including solvents, shall be handled and stored in accordance with industry "best management practice" and shall not be allowed to negatively impact adjacent land use.
- 2. STANDARD I-2: All mechanical processes shall take place within enclosed rooms or buildings; shall be sound proofed and damped so as not to emit sound or vibration detectable outside of the building. All cutting fluids, paints, solvents and similar material shall be handled and stored in accordance with industry "best management practice." All process wastes shall be controlled and properly disposed of off-site. Process wastewater shall be pretreated prior to emission to any public sewer system or be containerized and properly disposed of offsite.
- 3. STANDARD I-3: This shall not be construed to include fiberglass fabrication or the manufacture of any product larger than one cubic meter in effective volume. All materials, solvents, paints and like materials shall be handled and stored in accordance with industry "best management practices." All processes wastes shall be controlled and properly disposed of off-site. Process

wastewater shall be pretreated prior to emission to any public sewer system or be containerized and properly disposed of off-site.

472.02 IL - LIGHT INDUSTRIAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the Light Industrial (IL) District is to permit the designation of suitable locations for and to facilitate the proper development and use of areas devoted to various light industrial and quasi-industrial commercial uses in an environment less restrictive than that required in the IS District (vide). While it is presumed that most industrial processes will take place within enclosed buildings, any activity not taking place within a building shall take place within a yard enclosed by an opaque wall or fence. Further, it is not intended that the IL District be located adjacent to any land used principally for or intended to be used principally for (i.e. zoned but vacant) residential purposes.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the IL District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the IL District:

ADMINISTRATIVE OFFICES (df)

AUTOMOTIVE REPAIR AND SERVICE - Groups I and II
(Section 1001.02)

BUILDING MATERIALS - SALES (Section 1001.04)

BUSINESS SERVICES - Group II (Section 1001.05)

CLEANING AND MAINTENANCE SERVICES (Section 1001.07)

COLD STORAGE, PRE-COOLING

CONTRACTORS AND BUILDERS - Groups I and II (Section 1001.09) excluding asphalt or concrete batch plants.

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516
and 1001.13)

EXCAVATION, water retention (Section 519)

GASOLINE DISPENSING SYSTEMS, SPECIAL (df)

GOVERNMENT SERVICES (Section 1001.19)

LAUNDRY OR DRYCLEANING (Section 1001.24)

MACHINE SHOP

MANUFACTURING/REPAIR OF:

APPAREL (Section 1001.01)

ELECTRICAL MACHINERY AND EQUIPMENT (Section
1001.11)

FOOD AND KINDRED PRODUCTS - Group III (Section
1001.15)

FURNITURE AND FIXTURES (Section 1001.18)

LEATHER AND LEATHER PRODUCTS - Group II
(Section 1001.25)

LUMBER AND WOOD PRODUCTS - Group II and IV
(Section 1001.26)

MEASURING, ANALYZING, AND CONTROLLING
INSTRUMENTS (Section 1001.28)

NOVELTIES, JEWELRY, TOYS, SIGNS (Section
1001.29)

PAPER AND ALLIED PRODUCTS - Group II (Section
1001.31)

RUBBER AND PLASTIC PRODUCTS - Group II (Section
1001.43)

STONE, GLAY, GLASS AND CONCRETE - Group I
(Section 1001.48)

TEXTILE MILL PRODUCTS - Group I and II (Section
1001.50)

MOTION PICTURE PRODUCTION STUDIO

PLACE OF WORSHIP (df) (Section 537)

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PRINTING AND PUBLISHING (Section 1001.36)

PROCESSING AND WAREHOUSING (df)

RELIGIOUS FACILITIES (df) (Section 537)

RENTAL ESTABLISHMENTS - Group II (Section 1001.39)

REPAIR SHOPS - all groups (Section 1001.40)

RESEARCH AND DEVELOPMENT LABORATORIES - Groups II and IV (Section 1001.41)

RESTAURANT, STANDARD - Group II (Section 1001.44)

SIGNS, provided such signs comply with the Lee County Sign Ordinance

TOWERS, COMMUNICATION (df) (Section 547)

TRANSPORTATION SERVICES - Group II, III and IV (Section 1001.53)

WAREHOUSING: Public (df) and Private (df)

WAREHOUSE, MINI (df)

WHOLESALE ESTABLISHMENTS - Groups III and IV (Section 1001.56; Group VI - existing only)

2. SPECIAL EXCEPTION

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2, as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

CARETAKERS RESIDENCE (Section 509)

ESSENTIAL SERVICES FACILITIES - Group II (Section 1001.13)

FOOD AND KINDRED PRODUCTS - Group II excluding fish or seafood. (Section 1001.15)

HEALTH CARE FACILITY - Group III (Sections 524 and 1001.20)

3. SPECIAL PERMIT

Upon a finding that the proposed use is consistent with the Standards set forth in Section 600.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS
(Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot Area and Dimensions (Section 202.15.C.)

a. Within an existing industrial development:

Area - 20,000 square feet

Depth - 100 feet

Width - 100 feet

b. Freestanding, not within an existing industrial development:

Area - 2 acres

Width - 200 feet

Depth - 200 feet

2. Minimum Setbacks (Section 202.15.B.)

Street - variable according to the functional classification of the street or road (See Section 202.15.B.2)

Side - 20 feet

Rear - 15 feet

Water body - 25 feet

3. Minimum Lot Coverage - 40% of total lot area

4. Setback from Residential Property - Other regulations above notwithstanding all buildings and structure and all open areas used for any manufacturing process, for shipping and receiving, or for warehousing and storage shall be set back 100 feet from the boundary of any land zoned exclusively for residential land uses (RPD, RS, TF, RM and MH).

472.03 IG - GENERAL INDUSTRIAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the General Industrial (IG) District is to permit the designation of suitable locations for and to facilitate the proper development and use of areas devoted to various heavy industrial uses which have the potential of producing extensive adverse impacts on surrounding land uses or resources. Such uses include those which produce noise, odors, noxious or toxic by-products, increased hazards of fire or explosion, or are generally incompatible with lower intensity land uses. In certain cases, such uses may be permitted specifically only as a special exception.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the IG District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the IG District:

All uses permitted by right in the IL District

CONTRACTORS AND BUILDERS - all groups (Section 1001.19) including asphalt or concrete batch plants

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

EXCAVATION, water retention - (Section 518)

MANUFACTURING/REPAIR OF:

CHEMICALS AND ALLIED PRODUCTS - Groups I and II (Section 1001.06)

FABRICATED METAL PRODUCTS - Groups II and III (Section 1001.14)

FOOD AND KINDRED PRODUCTS - All groups (Section 1001.15)

LEATHER AND LEATHER PRODUCTS - Groups I and II (Section 1001.25)

LUMBER AND WOOD PRODUCTS - Groups I thru V (Section 1001.26)

MACHINERY - All groups (Section 1001.27)

PAPER AND ALLIED PRODUCTS - Groups II and III
(Section 1001.31)

STONE, CLAY, GLASS AND CONCRETE PRODUCTS -
Groups I, II and III (Section 1001.48)

TOBACCO PRODUCTS (Section 1001.51)

TRANSPORTATION EQUIPMENT - All groups (Section
1001.52)

PROCESSING AND WAREHOUSING (df)

RENTAL ESTABLISHMENTS - Groups II and IV (Section
1001.39)

RESTAURANT - STANDARD Group II (Section 1001.44)
provided the use is accessory to an industrial use
and for the use of the employees

VEHICLE AND EQUIPMENT DEALERS - Group V (Section
1001.55)

WAREHOUSING, Public (df) and Private (df)

WHOLESALE FACILITIES - Group VI (Section 1001.56) -
existing only

2. SPECIAL EXCEPTION

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2, as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

CARETAKERS RESIDENCE (Section 509)

CONVENIENCE FOOD AND BEVERAGE STORE (df)

~~ESSENTIAL SERVICE FACILITIES - Group II and III~~
(Section 1001.13)

HEALTH CARE FACILITIES - Group III (Sections 524 and
1001.20)

SELF SERVICE FUEL PUMPS (df)

3. SPECIAL PERMIT

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS
(Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot Area and Dimensions (Section 202.15.C.)

a. Within an existing industrial development:

Area - 20,000 square feet

Depth - 100 feet

Width - 100 feet

b. Freestanding, not within an existing industrial development:

Area - 2 acres

Width - 200 feet

Depth - 200 feet

2. Minimum Setbacks (Section 202.15.B.)

Street - variable according to the functional classification of the street or road (See Section 202.15.B.2.)

Side - 20 feet

Rear - 25 feet

Water body - 25 feet

3. Maximum Lot Coverage 40% of total lot area

4. Setbacks from Residential Property

Other regulations above notwithstanding, all buildings and structures and all open areas used for any manufacturing process, for shipping and receiving, or for warehousing and storage shall be set back 660 feet from the boundary of any land zoned exclusively for residential land uses (RPD, RS, TF, RM, and MH).

472.04 IT - TRANSPORT RELATED INDUSTRIAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the Transport Related Industrial (IT) District is to permit the designation of suitable locations for and to facilitate the proper development and use of industrial areas and facilities denoted primarily to the receiving, warehousing and distribution of goods and/or to the support of various commerce movement modes such as railroads, motor freight, and air freight. Such facilities may also be found in the PORT District (Section 472.07) as well as the Intensive Commercial (CI) District (Section 462.14). Proximity to rail and major highway rights-of-way as well as commercial airports are primary criteria for locating this district.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the IT District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the IT District:

ADMINISTRATIVE OFFICES (df) only incidental to a permitted use

BUSINESS SERVICES - Group II (Section 1001.05) limited to Parcel and Express Services

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

~~FREIGHT AND CARGO HANDLING ESTABLISHMENTS (Section 1001.17)~~

GARAGE, PARKING (df)

GASOLINE DISPENSING SYSTEM - Special (df)

GOVERNMENT SERVICES (Section 1001.19)

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MOTOR FREIGHT TERMINAL (df)

PLACE OF WORSHIP (df) (Section 537)

PROCESSING AND WAREHOUSING (df)

RENTAL ESTABLISHMENTS - Groups III and IV (Section 1001.39)

SIGNS, provided such signs comply with the Lee County Sign Ordinance

TRANSPORTATION SERVICES - Groups II, III and IV (Section 1001.53)

TRUCKING TERMINAL (df)

WAREHOUSING, public (df) and private (df)- excluding mini-warehouses

WHOLESALE ESTABLISHMENTS - Groups I, II, III and IV (Section 1001.56)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

AUTOMOTIVE REPAIR AND SERVICE - Groups I and II (Section 1001.02)

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

RESTAURANT, STANDARD - Group II, ancillary to principal use (Section 1001.44)

3. SPECIAL PERMIT

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

CONSUMPTION ON PREMISES (Section 202.02)

MODIFICATION OF SECTION LINE OR STREET SETBACKS
(Section 202.15.B.2.a and 202.15.B.3.)

C. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot Area and Dimensions (Section 202.15.C.)
Lot Area - 2 acres
Depth - 200 feet
Width - 200 feet
2. Minimum Setbacks (Section 202.15.B.)
Street - variable according to functional classification
of street or road (Section 202.15.B.2.)
Side - 20 feet
Rear - 25 feet
Water body - 25 feet
3. Maximum Lot Coverage - 40% of the total lot area
4. Setback from Residential Property

Other regulations above notwithstanding, all buildings and structures and all open areas used for warehousing and storage or for shipping and receiving shall be set back 100 feet from the boundary of any land zoned exclusively for residential land uses (RPD, RS, TF, RM and MH).

472.05 IM - MARINE INDUSTRIAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the IM District is to permit the designation of suitable locations for and to insure the proper development and use of land and adjacent waters for commercial and industrial waterfront dependent land uses. Such uses are more intense than those normally encountered in a recreational marina, yet far short of the intensity of use represented by the storage and commodity handling facilities and equipment attendant to the waterborne commerce movement facilities which are the principal focus of the PORT District (Section 472.07). The Marine Industrial District is intended to accommodate such uses as boat building, major hull and engine maintenance and repair, landing, icing, and shipping of fish and seafood (fish and seafood processing a special permit and other uses of similar scope and scale).

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B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the IM District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the IM District:

ADMINISTRATIVE OFFICE (df) - appurtenant to a marina only

BOATYARDS (df)

COMMERCIAL FISHERIES, LAND SUPPORT but limited to:

ice manufacture, ice service to fishing boats, landing, icing, boxing and shipping fresh fin fish, shellfish (mollusks) and crustaceans

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

MARINAS, however uses limited to: (Section 531)

bait and tackle shop
 boat parts store
 boat repair and service
 dockage and mooring
 dry boat storage
 foodstand
 sales and service, minor repair and rental of boats, motors, and accessories
 sale of fuel and lubricants

PLACE OF WORSHIP (df) (Section 537)

PUBLIC MARINE FACILITIES being mainly the facilities of the U.S. Navy, U.S. Coast Guard, U.S. Army Corps of Engineers, Florida DNR and Marine Patrol

SIGNS, provided such signs comply with the Lee County Sign Ordinance

TRANSPORTATION SERVICES - Group I (Section 1001.53)

VEHICLE AND EQUIPMENT DEALERS - Group III (Section 1001.55)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to standard conditions as set forth in this Zoning Ordinance and in the resolution of approval:

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

FOOD STORE - Group I (Section 1001.16) limited to Enclosed Fish Market

RESTAURANT, STANDARD - Group II (Section 1001.44)

3. SPECIAL PERMIT

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

CONSUMPTION ON PREMISES (Section 202.02)

FOOD AND KINDRED PRODUCTS, MANUFACTURING - Group II (Section 1001.15) limited to SIC 2091 and 2092

MODIFICATION OF SECTION LINE OR STREET SETBACKS (Section 202.15.B.2.a and 202.15.B.3)

C. PROPERTY DEVELOPMENT REGULATIONS' (Section 202.15)

1. Minimum Lot Area and Dimensions (Section 202.15.C.)

- Lot Area - 20,000 square feet
- Depth - 100 feet
- Width - 100 feet

2. Minimum Setbacks (Section 202.15.B.)
 Street - variable according to functional classification
 of street or road (See Section 202.15.B.2)
 Side - 20 feet
 Rear - 20 feet
 Water body (except that boat service
 buildings, or boat service structures may build up
 to the mean high water line) - 25 feet
3. Maximum Lot Coverage - 40% of total lot area

472.06 RI - RURAL INDUSTRIAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the Rural Industrial (RI) District is to designate and to facilitate the proper development and use of land of suitable character for limited industrial purposes in the non-urban area of Lee County. In the RI District, the uses of land are limited to industrial uses having a close or organic relation to the production of agricultural commodities and products, or which produce goods or provide services essential to agricultural activities.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the RI District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the RI District:

ADMINISTRATIVE OFFICES (df)

AGRICULTURAL SERVICES (except crop dusting, spraying or other applications of herbicides and pesticides)
 - office and base of operations

BULK STORAGE, mixing or blending (without chemical reaction), distribution of fertilizers, feed or seed, herbicides and pesticides (Section 508)

BULK STORAGE OF AGRICULTURAL PRODUCE

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (Section 1001.12)

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ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

EXCAVATION, water retention (Section 518)

FOOD AND KINDRED PRODUCTS - Groups I and II (Section 1001.15)

FREIGHT AND CARGO HANDLING ESTABLISHMENTS (Section 1001.17) limited to agricultural products, livestock and equipment

HATCHERIES, poultry

LEATHER PRODUCTS MANUFACTURING - Groups I and II (Section 1001.25)

LUMBER AND WOOD PRODUCTS MANUFACTURING - Group I (Section 1001.26)

PLACE OF WORSHIP (df) (Section 537)

RESEARCH AND DEVELOPMENT LABORATORIES - Group I (Section 1001.41)

REPAIR SHOPS (Section 1001.40) - Group IV, limited to Blacksmith Shop; Group V, limited to Farm Machinery and Tractor Repair

SIGNS, provided such signs comply with the Lee County Sign Ordinance

WHOLESALE ESTABLISHMENTS - Groups I and II (Section 1001.56)

2. SPECIAL EXCEPTIONS

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions as set forth in this Zoning Ordinance and in the resolution of approval:

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

3. SPECIAL PERMIT

Upon a finding that the proposed use is consistent with the Standards set forth in Section 800.02.F. and 901.02.B.2.a., as well as other applicable County

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regulations, the Board of County Commissioners may permit any specific use from the following list as a Special Permit, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval:

MODIFICATION OF SECTION LINE OR STREET SETBACKS
(Section 202.15.B.2.a and 202.15.B.3.)

G. PROPERTY DEVELOPMENT REGULATIONS (Section 202.15)

1. Minimum Lot Area and Dimensions (Section 202.15.C.)
Lot Area - 2 acres
Depth - 200 feet
Width - 200 feet
2. Minimum Setbacks (Section 202.15.B.)
Street - variable according to the functional classification of the street or road (Section 202.15.B.2.)
Side - 20 feet
Rear - 25 feet
Water body - 25 feet
3. Maximum Lot Coverage - 40% of total lot area
4. Setbacks from Residential Property

Other regulations above notwithstanding, all buildings and structures and all open areas used for warehousing and storage, for shipping and receiving, or for manufacturing processes permitted in this district shall be set back 330 feet of any land zoned exclusively for residential land uses (RPD, RS, TF, RM and MH).

472.07 PORT - PORT DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the Port District is to designate and facilitate the proper development and use of land and adjacent waters in a suitable location and of appropriate characteristics for use in support of waterborne commerce movement. Such uses include wharfs and docks for sea and river going bulk carriers (ships and barges), bulk storage of commodities, warehousing for goods received or awaiting shipment and other uses of similar scope and scale, including such accessory uses as are necessary for the competent administration of a port facility.

B. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the Port District for any purpose other than as provided herein.

1. PERMITTED USES

The following uses shall be permitted by right in the Port District:

BOATYARDS (df)

COMMUNICATIONS AND SIGNALLING ACTIVITIES

DOCKING AND DOCKING ENTERPRISES providing routine docking services to waterborne transportation

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

ESSENTIAL SERVICES (Section 1001.12)

ESSENTIAL SERVICE FACILITIES - Group I (Sections 516 and 1001.13)

FIRE STATION

FISHING ACTIVITIES

HELIPORT for Emergency Medical Services

LOADING AND UNLOADING OF CARGO VESSELS

MARINAS (Section 531)

MINOR SHIP AND CARGO REPAIR

OFFICES AND COMMERCIAL ACTIVITIES directly related to port activities and port personnel

PORT FACILITIES MAINTENANCE

SIGNS, provided such signs comply with the Lee County Sign Ordinance

SWITCHING OF RAILROAD CARS

TRANSSHIPMENT OF CARGO

WAREHOUSING of materials awaiting transportation

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2. SPECIAL EXCEPTION

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific uses from the following list as a Special Exception, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

BULK STORAGE for on site consumption or distribution of explosives, corrosives, liquid or liquified gaseous fuels, or toxic materials.

COMMERCIAL FISHERIES

ESSENTIAL SERVICE FACILITIES - Group II (Section 1001.13)

OPEN BULK STORAGE of dry fuels or feedstocks (i.e. wood, coal, peat, pulpwood, stumpage, limestone).

PARKS - Group I (Section 1001.32), public (df) and private (df)

PLACE OF WORSHIP (df) (Section 537)

RESIDENTIAL USES

C. PROPERTY DEVELOPMENT REGULATIONS. (Section 202.15)

1. Minimum Lot Area and Dimensions (Section 202.15.C.)

Area - 20,000 square feet

Depth - 100 feet

Width - 100 feet

2. Minimum Setbacks (Section 202.15.B.)

Street variable according to the functional classification of the street or road (Section 202.15.B.2.)

Side - 10% of lot width (minimum 20 feet and maximum 40 feet)

Rear - 25 feet

Water body - 25 feet (except that boat service buildings or boat service structures may build up to the mean high water line) (Section 203.16.B.4.)

Distance from Residential Property Line - 100 feet

3. Maximum Lot Coverage - 40%

D. PERFORMANCE STANDARDS

1. Noise, in decibels, is to be measured at the Port District boundaries. All mechanical noise is prohibited from exceeding 65 dBA, or to be objectionable due to intermittance, beat frequency, or shrillness.
2. Standards for the control of smoke, dust, dirt, or flyash shall be no less than those required by state or federal air quality standards, whichever is more restrictive.
3. Obnoxious odors which are contrary to the public health, safety, or welfare are not permitted beyond the boundary of the Port District.
4. No gases shall be emitted from within the Port District boundaries which are deleterious to the public health, safety, or general welfare.
5. Toxic materials, herein defined as any substance or mixture of substances which may cause substantial personal injury or substantial injury or substantial illness during, or as a proximate result of, any customary or reasonable handling or use shall be prohibited from the Port District. This shall not be construed to ban the storage of petroleum products.
6. No vibration shall be permitted within the Port District which causes a ground displacement exceeding .003 of one (1) inch at the Port District boundaries, except for construction activities.
7. Fire and safety standards for all structures shall be no less than those required by State or Federal guidelines for such structures.
8. Buffering shall be required to separate the Port District from surrounding residential or agricultural districts in accordance with the Lee County Land Development Code.

E. SUPPLEMENTAL REGULATIONS.

1. Alley

- ~~a. An alley at least twenty (20) feet in width shall be provided five (5) feet from the rear property line of all lots in the Port District. The alley shall be considered as part of the required rear setback.~~
- b. If the rear property line of a lot in the Port District abuts another use which requires that an alley be provided, its required alley may be provided on the rear property line.

D. PERFORMANCE STANDARDS

1. Noise, in decibels, is to be measured at the Port District boundaries. All mechanical noise is prohibited from exceeding 65 dBA, or to be objectionable due to intermittance, beat frequency, or shrillness.
2. Standards for the control of smoke, dust, dirt, or flyash shall be no less than those required by state or federal air quality standards, whichever is more restrictive.
3. Obnoxious odors which are contrary to the public health, safety, or welfare are not permitted beyond the boundary of the Port District.
4. No gases shall be emitted from within the Port District boundaries which are deleterious to the public health, safety, or general welfare.
5. Toxic materials, herein defined as any substance or mixture of substances which may cause substantial personal injury or substantial injury or substantial illness during, or as a proximate result of, any customary or reasonable handling or use shall be prohibited from the Port District. This shall not be construed to ban the storage of petroleum products.
6. No vibration shall be permitted within the Port District which causes a ground displacement exceeding .003 of one (1) inch at the Port District boundaries, except for construction activities.
7. Fire and safety standards for all structures shall be no less than those required by State or Federal guidelines for such structures.
8. Buffering shall be required to separate the Port District from surrounding residential or agricultural districts in accordance with the Lee County Land Development Code.

E. SUPPLEMENTAL REGULATIONS.

1. Alley

- ~~a. An alley at least twenty (20) feet in width shall be provided five (5) feet from the rear property line of all lots in the Port District. The alley shall be considered as part of the required rear setback.~~
- b. If the rear property line of a lot in the Port District abuts another use which requires that an alley be provided, its required alley may be provided on the rear property line.

- 2. Enclosed Uses. All uses except signs, shall be operated entirely within enclosed buildings or enclosed by a masonry wall, fence, or vegetative wall, not less than eight (8) feet in height. Any outdoor storage accessory to a Port use shall observe the minimum setback requirements for an IL use, wherever the Port use is adjacent to a non-industrial use.

480 SPECIAL PURPOSE DISTRICTS

PURPOSE AND INTENT

The purpose and intent of the special purpose districts is to recognize and provide for certain types of uses and/or conditions which do not fall within the broader generalized categories set forth in previous sections. There are three (3) special purpose districts as provided in Sections 481 thru 483.

481 EC ENVIRONMENTALLY CRITICAL DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of the Environmentally Critical (EC) District is to preserve and protect certain land and water areas in unincorporated Lee County which have overriding ecological, hydrological, physiographic importance to the public at large.

The application of the EC District is intended to prevent a public harm by precluding the use of land for purposes for which it is unsuited in its natural state and which injures the rights of others or otherwise adversely effects a defined public interest. The EC District shall be applied to an area of land and/or water only upon a finding by the Planning and Zoning Commission and the Board of County Commissioners in their respective public hearings that the use or conversion of the property may create a public harm or a public need.

Lands or waters to which this district shall be applied include those areas that would fit the criteria of, or that have been designated on the Lee Plan Land Use Map as Resource Protection Area and/or Transition Zone.

B. STANDARDS FOR APPLICATION OF EC DISTRICT

Land or water to be considered for inclusion in the EC District shall meet the following minimum standards:

- 1. Resource Protection Areas composed of a freshwater wetlands and riparian systems which are characterized by any combination of plant species enumerated in the Lee County Wetlands Vegetation List (See Lee County Wetlands Protection Ordinance 85-42), and which are associated

with any of the following soil types: Gator muck, Terra Ceia muck, Pompano fine sand-depressional, Isles fine sand-depressional, Anclote sand-depressional, Valkaria fine sand-depressional, Malabar fine sand-depressional, Copeland sandy loam-depressional, Felda fine sand-depressional, Floridana sand-depressional, Myakka fine sand-depressional, Winder sand-depressional, Pineda fine sand-depressional, and Chobee muck, and which are subject to permanent or prolonged periods of inundation or saturation (i.e., water is at the soil surface at least two to seven months, seven out of ten years); and

2. Resource Protection Areas composed of saltwater wetlands which are characterized by any combination of plant species enumerated in the Lee County Wetlands Vegetation List and which are associated with any of the following soil types: Hallandale fine sand-tidal, Estero muck, Peckish mucky fine sand, Wulfert muck, Kesson fine sand, Isles muck and Boca fine sand, tidal, and which are subject to flooding by moving water from stream overflow, runoff or high tides; and
3. Transitional Zones which are characterized by a mixture of plant species typical of uplands and wetlands, and which do not have depressional soils, and which may be seasonally inundated from one to three months, as indicated by water marks.

The wetland plant species which may characterize a Transition Zone are those listed in the Lee County Wetland's Vegetation List. Whenever these plant species are found in non-depressional soils, which are soils not listed in Appendix B of the Lee County Wetlands Protection Ordinance 85-42, the areas in question shall be considered a Transition Zone if water marks are identified by the discoloration of bark or the presence of a moss or lichen line at the base of woody vegetation in the area, or by the presence of algae mats on the substrate.

C. USE REGULATIONS

No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, altered or maintained in the EC District for any purpose other than as provided herein.

1. PERMITTED USES

In the EC District no land or water use shall be permitted by right except for those uses and developments permitted by the Lee Plan in RPA and TZ Zones and as may be set forth in the Lee County Wetlands Protection Ordinance (85-42), Section 5, including:

BOATING AND CANOEING - no motors except electric trolling motors

ENTRANCE GATES AND GATEHOUSES (Section 202.10)

FISHING limited to sport or recreational fishing only

FOREST MANAGEMENT ACTIVITIES - limited to removal of intrusive exotic species, or diseased or dead trees, pest control

HIKING AND NATURE STUDY - where activity does not require new access or clearing

OUTDOOR EDUCATION in keeping with intent of district

RECREATION ACTIVITIES - OUTDOOR ONLY - to include passive recreation and that active recreation requiring little or no facilities, capital investment, or alteration of the natural landscape

SINGLE FAMILY DWELLING - and its customary accessory uses, when in compliance with requirements of the Lee County Wetlands Protection Ordinance

WILDLIFE MANAGEMENT - as wildlife or game preserves

2. SPECIAL EXCEPTIONS.

Upon a finding that the proposed use is consistent with the standards set forth in Section 900.02.C.2., as well as all other applicable County regulations, the Board of Zoning Adjustments may permit any specific use from the following list as a Special Exception, subject to conditions set forth in this Zoning Ordinance and in the resolution of approval.

ACCESSORY STRUCTURES - any building, structure (including seawalls), or impervious surface area which is accessory to a use permitted by right or by Special Exception in the EC District.

BOATING - without restriction except it be limited to natural or existing man-made channels.

NATURE STUDY CENTER - (non commercial) and its customary accessory uses

D. PROPERTY DEVELOPMENT REGULATIONS. (Section 202.15)

- 1. Residential Density
Residential Density in the EC District shall be subject to the Land Use Category wherein located, as well as the Lee County Wetlands Protection Ordinance

2. Minimum Setbacks (Section 202.15.B.)

In order to maximize flexibility in siting any structure permitted in the EC District the minimum setbacks shall be:

Street or accessway: variable according to the functional classification of the street or road (Section 202.15.B.2.).

Side or rear lot lines or parcel boundaries: 15 feet

The Gulf of Mexico: 50 feet from MHW or as required by the Coastal Construction Code, whichever is the most restrictive

Other water body: 25 feet

482 A.O.P.D. AIRPORT OPERATIONS PLANNED DEVELOPMENT

A. PURPOSE AND INTENT

The purpose and intent of the A.O.P.D. district is to accommodate and regulate those lands where public airports and ancillary facilities are conducted.

Standards for use and development shall be set forth in the documentation to the Master Concept Plan and, unless modified through the schedule of deviations, where applicable (Section 804.02.E.) shall not be less restrictive than the minimums set forth either in this Ordinance or in any Lee County Development Regulations.

B. PERMITTED USES

The following uses may be permitted in the A.O.P.D. district when consistent with the goals, objectives and policies of the Lee Plan for Airports, and when indicated on the Master Concept Plan documentation.

1. Airport Operations Facilities including:

- Administrative Offices (df)
- Aircraft cleaning and janitorial service
- ~~Aircraft landing facilities, private~~
- Aircraft servicing and repairing, except on a factory basis
- Aircraft storage at airports
- Aircraft upholstery repair
- Air freight handling
- Airline ticket offices
- Airport terminal services

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 Customs clearance
 Entrance gate and gatehouses (Section 202.10)
 Flying charter service
 Hangar operation
 Sightseeing airplane service

2. Freight and Cargo handling establishments (Section 1001.17) limited to air transportation
3. Essential Services (Section 1001.12)
4. Essential Service Facilities - Group I and II (Sections 516 and 1001.13)
5. Excavations, water retention (Section 518)
6. Health Care Facility - Group III (Section 1001.20)
7. Hotels/Motels (Sections 526, 527 and 528)
8. Modification of Section Line Setback (Section 202.15.B.3.)
9. Place of Worship (df) (Section 537)
10. Rental Establishments - Group III (Section 1001.39)
11. Signs which are in compliance with the Lee County Sign Ordinance
12. Transportation Services - Group II and III (Section 1001.53)
13. Ancillary Services only when contained within the principal airport facility:
 - a. Bar or cocktail lounge (Section 202.02)
 - b. Personal Services - Group I (Section 1001.33)
 - c. Restaurant - Fast Food (df)
 - d. Restaurants - standard - Groups I, II and III (Section 1001.44)
 - e. Specialty Retail Shops - Group I and II (Section 1001.47)

C. PROPERTY DEVELOPMENT REGULATIONS

1. MINIMUM AREAS AND DIMENSIONS

Minimum area and dimensions are not specified for parcels of land for which planned developments are proposed. However, the net developable land remaining, after deleting any environmentally sensitive lands and waters, shall be of such size, configuration and dimension as to adequately accommodate the proposed structures, parking, access, on-site utilities including wet or dry runoff retention, all required open space, including buffers, and similar spatial requirements.

2. MINIMUM SETBACKS OF STRUCTURES AND BUILDINGS

- a. All buildings shall be set back from the development perimeter a distance equal to one half (1/2) the height of the building, or minimum required buffer area, or twenty-five (25) feet whichever is the greater. Structures and pavements permitted in this setback area shall be limited to sidewalks, street furniture, internal roads or drives, parking and landscaping features. Parking or internal roads or drives shall not be closer to the development perimeters than twenty-five (25) feet.
- b. Where the proposed use abuts a dedicated public right-of-way, the setbacks from roads, streets, and drives shall be substituted.
- c. Internal setbacks shall be established after all required rights-of-way are designated (consistent with the official Trafficways Plan).
- d. The foregoing notwithstanding, all buildings, parking areas, and shipping and receiving areas of light industrial land uses within the Development shall be set back no less than 100 feet from the development perimeter where the planned development abuts a residential land use or land zoned exclusively for residential uses.
- e. Unless otherwise specified, where there are two or more principal buildings on a development tract, the minimum separation of buildings shall be 1/2 of the sum of their heights, or 20 feet, whichever is greater.

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D. GENERAL CONDITIONS FOR ALL LAND USES

Only those land uses enumerated in the documentation to the Master Concept Plan are permitted in the Airport Operations Planned Development. The following conditions shall be incorporated into covenants, restrictions and rules of operation binding on the developer, his/her successors and heirs, tenants in fee or lease-hold. In addition:

1. Signage for any use in this planned development, not otherwise governed by special conditions, shall be controlled by general sign regulations currently in force.
2. Unless governed by alternative standards established by special condition, parking for any use in this planned development shall be governed by Section 202.13 in accordance with the actual uses.
3. Lighting of the exterior and parking areas of the planned development shall be of the lowest intensity and energy use adequate for its purposes, and shall not create conditions of glare beyond the perimeter of the development generally, nor in any residential area, if any, contained therein.

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AH - AIRPORT HAZARD DISTRICT

A. PURPOSE AND INTENT

The purpose and intent of this district is to define and set forth specific regulations for all properties within the described areas. This district is an overlay district in that it provides regulations and restrictions in addition to those set forth in the Planned Development or Conventional Zoning Districts in which the property is located.

B. DEFINITIONS

As used in this section, unless the context otherwise requires:

1. Airports: The Southwest Florida Regional Airport and the Page Field Airport, said location being as defined and adopted by the Board.
2. Heliport: Any facility owned and/or operated by the Board of County Commissioners of Lee County, Florida, for the purpose of taking off or landing helicopters.
3. Board of adjustment: The Lee County Board of Zoning Adjustments.

4. Nonconforming use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this article or an amendment thereto.
5. Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.
6. Visual runway: A runway intended solely for the operations of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan, or by a planning document submitted to the FAA by competent authority.
7. Utility runway: A runway that is constructed for and intended to be used by propeller-driven aircrafts of twelve thousand five hundred (12,500) pounds maximum gross weight and less.
8. Nonprecision instrument runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type instrument approach procedure approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document.
9. Precision instrument runway: A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA-approved airport layout plan or any other FAA planning document.
10. Airport or heliport elevation: The highest point of an airport's or heliport's usable landing area measured in feet referenced to the national geodetic vertical datum (NGVD).
11. Structure: An object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, earth formation, and overhead transmission lines.
- ~~12. Tree: Any object of natural growth.~~
13. Flight obstruction: Any structure or object of natural growth located on or in the vicinity of the Lee County airports, or any use of land near such airport or heliport, which obstructs the airspace required for flight in landing or takeoff or is otherwise hazardous to such landing or takeoff.

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- 14. Height: For the purpose of determining the height limits in all zones set forth in this article, the datum shall be national geodetic vertical datum unless otherwise specified.
- 15. Imaginary surface: Those surfaces designated in the article which are established to determine structures or trees constituting flight obstructions.
- 16. Aircraft noise index: A quantification of the noise associated with aircraft operations involving acoustical frequency and time-dependent weightings of the basic sound pressure levels.
- 17. Composite noise rating (CNR): A cumulative aircraft noise index which estimates the exposure to aircraft engine noise and relates the estimated exposure to an expected community response.
- 18. CNR contour: A line linking together a series of points of equal cumulative noise exposure. Such contours are developed based upon airport flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft and typical runway utilization patterns in terms of percentage of use.
- 19. Residential dwelling unit or units: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. Said definition includes buildings designed for or occupied by one family or two (2) or more dwelling units and for which lodging is not provided for and offered to the public for consideration.
- 20. Except as otherwise specifically defined by this section, all words are as defined by Federal Aviation Regulations, Parts 77 and 21, said definitions being incorporated herein by reference.

C. FLIGHT OBSTRUCTION ZONE

The following imaginary surfaces are hereby created to define the flight obstruction zones applicable to the Lee County airports. Such zones are shown on the approach and clear zone plan for the Page Field Airport, the Southwest Florida Regional Airport and all Lee County heliports incorporated herein as adopted and on file at the Lee County Department of Community Development and at the Lee County Department of Transportation and Engineering Services.

1. a. Airport horizontal surface: A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - 1.) Five thousand (5,000) feet for all runways designated as utility or visual;
 - 2.) Ten thousand (10,000) feet for all other runways.

The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either runway. When a five thousand foot arc is encompassed by tangents connecting two (2) adjacent ten thousand-foot arcs, the five thousand-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

- b.) Airport conical surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one for a horizontal distance of four thousand (4,000) feet.
- c.) Airport primary surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway, but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line. The width of a primary surface is:
 - 1.) Two hundred fifty (250) feet for utility runways having only visual approaches.
 - 2.) Five hundred (500) feet for utility runways having non-precision instrument approaches.
 - 3.) For other than utility runways, the width is:
 - a.) Five hundred (500) feet for visual runways having only visual approaches.

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- b.) Five hundred (500) feet for nonprecision instrument runways having visibility minimums greater than three-fourths (3/4) of a statute mile.
 - c.) One thousand (1,000) feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths (3/4) of a statute mile.

The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

- d.) Airport approach surface: A surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
 - 1.) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - a.) One thousand two hundred fifty (1,250) feet for that end of a utility runway with only visual approaches;
 - b.) One thousand five hundred (1,500) feet for that end of a runway other than a utility runway with only visual approaches;
 - c.) Two thousand (2,000) feet for that end of a utility runway with a nonprecision instrument approach;
 - d.) Three thousand five hundred (3,500) feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths (3/4) of a statute mile;
 - e.) Four thousand (4,000) feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths (3/4) of a statute mile; and,

- f.) Sixteen thousand (16,000) feet for precision instrument runways.
- 2.) The approach surface extends for a horizontal distance of:
- a.) Five thousand (5,000) feet at a slope of twenty (20) to one for all utility and visual runways;
 - b.) Ten thousand (10,000) feet at a slope of thirty-four (34) to one for all nonprecision instrument runways other than utility; and,
 - c.) Ten thousand (10,000) feet at a slope of fifty (50) to one with an additional forty thousand (40,000) feet at a slope of forty (40) to one for all precision instrument runways.
- 3.) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- e.) Airport transitional surface: These surfaces extend outward and upward at right angles to the runway center line and the runway center line extended at a slope of seven (7) to one from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at right angles to the runway center line.
- f.) Heliport primary surface: The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
- g.) Heliport approach surface: The approach surface begins at each end of the heliport primary surface with the same width as the primary surface and extends outward and upward for a horizontal distance of four thousand (4,000) feet where its width is five hundred (500) feet. The slope of the approach surface is eight (8) to one.

- h.) Heliport transitional surfaces: These surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of two (2) to one for a distance of two hundred fifty (250) feet measured horizontally from the center line of the primary and approach surfaces.
- 2.) Except as otherwise provided in this article, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any flight obstruction zone created by this article to a height which penetrates the imaginary surface applicable to that zone.
- 3.) Nor, except as otherwise provided in this article, shall any structure or tree be erected, altered, allowed to grow, or be maintained which is or would be an obstruction to air navigation within the County of Lee if it is of greater height than any of the following heights or surfaces:
- a.) A height of five hundred (500) feet above ground level at the site of the object.
- b.) A height that is two hundred (200) feet above ground level or above the established airport elevation, whichever is higher, within three (3) nautical miles of the established reference point of an airport, excluding heliports, and that height increases in the proportion of one hundred (100) feet for each additional nautical mile of distance from the airport up to a maximum of five hundred (500) feet.
- c.) A height within an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.
- d.) A height within an en route obstacle clearance area, including turn and termination areas, of a federal airway or approved off-airway route that would increase the minimum obstacle clearance altitude.
- 4.) The regulations prescribed by this article shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this article, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall

require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this article, and which is diligently prosecuted. Whenever a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated or decayed, no permit shall be granted under section G hereof.

- 5.) Notwithstanding the preceding provision, the owner of any existing nonconforming structure or tree is hereby required to install, operate, and maintain thereon such markers and lights as shall be deemed reasonably necessary by the Lee County Department of Transportation and Engineering Services to indicate to the operators of aircraft in the vicinity of the airport the presence of such flight obstructions. Such markers and lights shall be installed, operated, and maintained at the expense of the owner.

D. NOISE COMPATIBILITY ZONE

- 1.) The following noise compatibility zones for the Southwest Florida Regional Airport are hereby created based upon the CNR contours developed for the projected 1987 forecast of aircraft operations:

Composite noise rating for take-off and landings	Zone	Description of expected responses
Less than 100 CNR	1	Essentially no complaints would be expected. The noise may, however, interfere occasionally with certain activities of the residents.
100 to 115 CNR	2	Individuals may complain, perhaps vigorously. Concerted group action is possible. Locations of places of public assembly in this, as well as Zone 1, should be carefully studied and if required, provision made to cope with expected noise levels.
Greater than 115 CNR	3	Individual reactions would likely include repeated, vigorous complaints. Concerted group action might be expected.

Such zones are shown on the noise compatibility plan for the Southwest Florida Regional Airport adopted herein and on file at the Lee County Department of Community Development and at the Lee County Department of Transportation and Engineering Services. Zone 3 is defined as all of the area within the airport boundary as specified by the legal description included as "Exhibit A." Because of the uncertainties inherent in making CNR calculations and the assumptions necessary in any forecasting procedure, the 100 CNR contour which serves to separate zone 1 from zone 2 is not a definable line. Zone 2 is, therefore, defined as the following area:

The NW 1/4 of Section 2, the N 1/2 and SW 1/4 of Section 3, and the E 1/2 and SW 1/4 of Section 4, Township 46S, Range 25E, Lee County, Florida; and the W 1/2 of the SW 1/4 of Section 26, the SE 1/4 of Section 27, the E 1/2 and the SW 1/4 of Section 34, the W 1/4 of Section 35, and the N 1/2 and SW 1/4 of Section 36, Township 45S, Range 25E, Lee County; and the S 1/2 of Section 9, and S 1/2 of Section 10, the W 1/4 of Section 11, the N 1/2 and SW 1/4 of Section 15, all of Section 16, all of Section 17, the SE 1/4 of Section 18, the NW 1/4 of Section 19, all of Section 20, the NW 1/4 of Section 21, the NW 1/4 of Section 29, and all of Section 30, Township 45S, Range 26E, Lee County, Florida, (except the area included in zone 3).

Zone 1 is any area not included in zone 2 or zone 3.

2.) Except as otherwise provided in this section, no land, body of water and/or structure shall be used or permitted to be used, and no structure shall hereafter be erected, constructed, moved, reconstructed or structurally altered or maintained in any of the noise compatibility zones, which is designed, arranged or intended to be used or occupied for any purpose excepting for one or more of the following uses:

- Zone 1: Any use permitted by the Zoning district as applicable to that parcel of land in question.
- Zone 2: Any use permitted by the Zoning district applicable to that property, provided that no residential living unit or units shall be permitted.
- Zone 3: Airport-related uses including, but not limited to, those necessary to provide services and convenience goods principally to airline passengers and those uses generally associated with airport operations including: Aircraft and aircraft parts manufacture; air freight terminals; aviation and airline schools; aircraft repair shops; aerial survey offices; aircraft sales; equipment, and parts storage; aviation research and testing laboratories and airline catering services and governmental facilities.

E. NAVIGATIONAL HAZARD ZONE

A navigational hazard zone for the Southwest Florida Regional Airport consisting of that area defined in this article as noise compatibility zone 2 is hereby created. The following special requirements shall apply to each permitted use therein:

1.) Lighting:

- a.) A pulsating, flashing, rotating, oscillating, or other type of light intended as an attention-getting device shall be expressly prohibited.
- b.) Flood lights, spot lights, or other lighting devices shall be so arranged or shielded as not to cast illumination in an upward direction above an imaginary line extended from the light source parallel to the ground.
- c.) Any light which constitutes a "misleading light" within the meaning of any regulations as may be thereafter duly adopted by the Federal Aviation Administration is expressly prohibited.

2.) Radio and electronic:

- a.) Any radio or electronic device shall be permitted only in conjunction with a valid license therefor or other authorization as may be issued by the Federal Communications Commission.
- b.) Any radio or electronic device, the operation of which would violate any rules or regulations of the Federal Communications Commission is expressly prohibited.

- 3.) Smoke: Any operation or use which emits smoke, dust, or any visible fumes or vapors into the atmosphere shall be expressly prohibited.

F. MAPS

All maps or plans referenced herein are hereby incorporated as part of this article.

G. PERMITS

No material change constituting a violation of this article shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefor shall have been applied for from the Department of Community Development,

and granted from said department. All permit applications which may be affected by this article shall be reviewed and approved by the Lee County Department of Transportation and Engineering Services under their administrative responsibility for transportation, and by the Lee County Department of Community Development Division of Environmental Services under their administrative responsibility for noise pollution. Whenever the Department of Community Development determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted in conflict with this article.

H. VARIANCES

Any person desiring to plant a tree or erect a structure, or use his property not in accordance with the regulations prescribed in this article, may apply to the Board of Zoning Adjustments through the Department of Community Development, for a variance from such regulations. Notice of application for variance should also be sent to the Bureau of Aviation, Division of Mass Transit Operations, Department of Transportation, Tallahassee, Florida, and Federal Aviation Administration, Obstruction and Airport Evaluation, P.O. Box 20636, Atlanta, Georgia. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this article.

I. ENFORCEMENT

It shall be the duty of the Department of Community Development, to administer and enforce the regulations prescribed herein.

Applications for permits and variances shall be made to the Department of Community Development, upon a form furnished by them.

Applications required by this article to be submitted to the Department of Community Development, shall be promptly considered and granted or denied by them. Application for action by the Board of Zoning Adjustments shall be forthwith transmitted by the Department of Community Development. Further, it shall be the duty of the Division of Planning, Department of Community Development, to furnish necessary copies of applications for permits and variances to:

- 1.) Bureau of Aviation, Division of Mass Transit Operations, Department of Transportation, Tallahassee, Florida; and,

- 2.) Federal Aviation Administration, Obstruction and Airport Evaluation, P.O. Box 20636, Atlanta, Georgia.

J. APPEALS

- 1.) The Board of Zoning Adjustments shall have and exercise the following powers:
- a.) To hear and decide appeals from any order, requirement, decision, or determination made by the Department of Community Development in the enforcement of this article;
 - b.) To hear and decide special exceptions to the terms of this article upon which such Board of Zoning Adjustments under such regulations may be required to pass; and,
 - c.) To hear and decide specific variances.
- 2.) A copy of the Board of Zoning Adjustment's action will be sent to the bureau of Aviation, Division of Mass Transit Operations, Department of Transportation, Tallahassee, Florida, and Federal Aviation Administration, Obstruction and Airport Evaluation, P.O. Box 20636, Atlanta, Georgia.

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PUD - PLANNED UNIT DEVELOPMENT DISTRICT

A. APPLICABILITY

The PUD - Planned Unit Development District is intended to recognize and provide for those developments which had received Preliminary or final approval as a Planned Unit Development, or which had been scheduled for a P.U.D. hearing before the Local Planning Agency prior to September 30, 1985. Subsequent to September 30, 1985, no application for preliminary approval of a development of a Planned Unit Development shall be accepted. (Section 431 R.P.D.)

Certain sections of the PUD District are hereby retained so as to allow completion of these developments which have received Preliminary Approval prior to August 1, 1986. All other sections concerned with pre-application and preliminary approval procedures are stricken.

B. PURPOSE AND INTENT.

It is the intent of this Section to establish a Planned Unit Development (PUD) zoning district in effort to:

1. Encourage developers to exercise greater ingenuity and imagination in the planning and development or redevelopment of tracts of land under unified control that generally is possible under these Zoning Regulations;

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2. Allow a diversification of uses, structures and open areas in a manner compatible with both the surrounding existing and approved development of land surrounding and abutting the PUD site;
 3. Provide a means for land to be used more efficiently, and for utilization of smaller networks of utilities and streets;
 4. Retain the natural amenities of land by encouraging scenic and functional open space within the PUD; and
 5. Give the developer reasonable assurance of approval of a PUD application before he expends complete design monies, while providing the County with assurances that the PUD will be developed according to approved specifications.

C. DEFINITIONS.

All definitions in Chapter X of this Zoning Ordinance shall be applicable to this Section except to the extent of inconsistency with any definitions contained herein.

PLANNED UNIT DEVELOPMENT (PUD): A tract of land which is developed as a unit under single ownership or control and which is planned and developed in a single operation or within a proposed period of time by a series of scheduled development phases according to an officially approved Final PUD Development Plan, which does not necessarily correspond to the property development and use regulations of the conventional zoning districts but which permits flexibility in building siting, mixtures of housing types and land uses, and encourages the utilization of usable open space and the maintenance of significant natural features.

UNIFIED CONTROL: A recorded agreement or covenant running with a parcel of land stipulating that the subject parcel shall be held under single ownership or control and shall not be transferred, conveyed, sold or divided in any unit other than in its entirety, provided however, that individual condominium units, or subdivision lots, if any, may be conveyed to a bona fide ultimate individual purchaser not intended for resale.

D. PUD ZONING PROCEDURES.

Unless otherwise specified, applications for Final PUD zoning shall be submitted and processed in the same manner as zoning changes generally (See Chapters VIII & IX) and in accordance with the following procedures. However, subsequent to September 30, 1985, no application for the approval of a Preliminary PUD Development Plan under this section will be

accepted. Thereafter, all new Planned Unit Developments shall be approved and administered under Section 804 and Subsections 431, 451, 461, 471 or 482 of this Ordinance.

1. Hearing Before the Planning & Zoning Commission. Public hearings with due public notice, as required in Chapter IX, shall be held before the Planning & Zoning Commission and the Board of County Commissioners on the application for rezoning to PUD.
2. Reversion of Preliminary Approval. Preliminary approval of a PUD zoning application shall be in effect for a two-year period. One (1) extension for one (1) year shall be granted by the Board of County Commissioners with cause shown based on the recommendation of the Planning & Zoning Commission. Application for this extension shall be filed with the Department no later than forty-five (45) days prior to the expiration of the two-year period for the preliminary approval. If a final PUD Development Plan has not been filed with the Department at the expiration of the Preliminary Approval, the Official Zoning Map shall be amended to show the previous zoning and a notice of revocation shall be filed with the case.
3. Final Approval of PUD Zoning Applications.
 - a. All applications for final approval of a PUD zoning shall contain all of the information described in Section 484 of this Zoning Ordinance.
 - b. The Final PUD Development Plan shall be in substantial compliance with the approved Preliminary Development Plan. Any modification by the developer of the Preliminary PUD Development Plan shall not:
 - 1.) Increase the proposed number of dwelling units by more than five (5) percent;
 - 2.) Involve a reduction of the area set aside for open space and usable open space, or a substantial relocation of such area;
 - 3.) Increase by more than five (5) percent the total lot coverage of all buildings and structures within the PUD; or
 - 4.) Involve a substantial change in the height of buildings.

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- c. Each application for final approval of a PUD zoning and the Final PUD Development Plan shall be filed with the Department of Community Development prior to the expiration of the preliminary approval. After official acceptance of this application, the Department Director shall forward such application to the Planning & Zoning Commission for inclusion on the agenda of a regular meeting.
 - d. All applications for final approval of a PUD application shall be reviewed by the County Staff.
 - e. Recommendations of the Planning & Zoning Commission shall be forwarded to the Board of County Commissioners. (See Chapter IX.)
 - f. Subsequent to September 30, 1985, any applicant holding a Preliminary P.U.D. Plan approved in accordance with this Section, that also meets the standards of detail and sufficiency of information set forth in Section 804.03, may elect to seek approval of the Final PUD Development Plan in accordance with subparagraph 804.03.J. In all other aspects, the final plans shall be consistent with this Section and all other applicable development regulations in force. The PUD zoning shall become final when the initial development permit is issued in conformance with the Lee County Land Development Code.
4. Effect of PUD Zoning. Any development of a PUD shall be undertaken and carried out in accordance with:
- a. The approved Preliminary and Final PUD Development Plans.
 - b. The Zoning Regulations existing at the time when the Preliminary Development Plan was approved.
 - c. Such other conditions or modifications as may be attached to the PUD application during the process of the zoning change.
- E. PROPERTY DEVELOPMENT REGULATIONS.
- 1. Minimum Area. A PUD shall be at least ten (10) acres in area.
 - 2. Permitted Uses. The following uses may be permitted in PUD zoning districts when they are approved on the Preliminary and Final PUD Development Plans:

- a. Dwellings of any variety or combination of types including Units of High Impact and residential accessory uses. (Section 548).
 - b. Parks, playgrounds, community center, or other recreation or social facility owned and operated by a nonprofit organization.
 - c. Recreational facilities such as golf, swimming, tennis and country clubs.
 - d. Places of Worship, libraries, schools, nursing homes, and child care centers.
 - e. Public parks and playgrounds, public buildings, public-utility and service uses.
 - f. Storage of recreational vehicles and boats (Section 536).
 - g. Commercial uses to the extent that they are designed for the use of the residents of the PUD and their guests. This shall include food and beverage service located in a private club with access limited to residents of the PUD, their guests and members of the private club.
 - h. Model homes and temporary sales offices with display and sales activity limited to that project only (Sections 533 and 534).
 - i. Signs, provided such signs comply with the Lee County Sign Ordinance.
3. Distance to PUD Boundaries. The minimum distance between any building or structure in the PUD and the PUD boundaries shall be one-half (1/2) the height of said building or structure, but in no case shall the distance be less than twenty (20) feet.
 4. Lot Area and Width Requirements. No minimum lot area or width shall be required within a PUD, provided that the density of the development complies with the density set forth in the Lee Plan for the Land Use classification in which the property is located, and provided further that the proposed lot lines are shown on the Master Concept Plan.
 5. Distance Between Structures. The minimum distance between buildings within the PUD shall be one-half (1/2) of the sum of the heights of the buildings, but in no case shall distance be less than twenty (20) feet.

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6. Lot Coverage. The total lot coverage of all buildings and structures shall not exceed forty (40) percent of the total area of the PUD, or any development phase.
 7. Usable Open Space. A PUD shall exhibit and maintain a total usable open space requirement at least equal to thirty-five (35) percent of the total area of the PUD. No more than fifty (50) percent of the required usable open space shall be contained in the water bodies within the PUD.
 8. Off-Street Parking and Loading Requirements. Off-street parking and loading requirements for a PUD shall be as for comparable uses set forth in Sections 202.12 and 202.13 of this Ordinance.
 9. Exceptions to Property Development Regulations. (Section 202.15).
 10. Animals. (Section 202.03)
 11. Residential Density. The base number of dwelling units per acre permitted in a PUD, or any section thereof, shall be that of the zoning district which permits similar uses.
 12. Adjustments to the Base Number of Dwelling Units Permitted. Under certain conditions, adjustments may be made or required to be made to the base number of dwelling units permitted in a PUD when the Preliminary and Final Approval are given, or subsequent to approval.
 - a. Decreases in the base number of dwelling units permitted may be required if it has been determined that the calculated base number would:
 - 1.) Create inconvenient or unsafe access to the PUD;
 - 2.) Create traffic congestion in the streets which adjoin or lead to the PUD;
 - 3.) Place an undue burden on streets, utilities, schools and other public facilities which serve or are proposed to serve the PUD;
 - 4.) Be in conflict with the intent or provisions of The Lee Plan; or
 - 5.) Create a threat to property or incur abnormal public expense in areas subject to natural hazards.

- b. Increases in the base number of dwelling units permitted in a PUD may be given providing for items such as:
- 1.) Construction of a public bicycle path, with benches or gazebos, as appropriate.
 - 2.) A minimum of ten (10) percent low and moderate income units.
 - 3.) Construction of sidewalks within or surrounding a PUD site.
 - 4.) Developable acreage dedicated for a bona fide public purpose.
 - 5.) Use of solar energy for heating and/or cooling.
 - 6.) Provision of a public beach access easement.
 - 7.) Construction of a public community pool.

These adjustments shall not be automatic, and the actual extent of the adjustment is to be determined by the Board of County Commissioners acting on the recommendations of the Planning and Zoning Commission and County Staff.

13. Alcoholic Beverages. (Section 202.02)

F. DEVELOPMENT STANDARDS.

All PUD applications shall conform to the purpose and intent of this Section, and be in compliance with the following development standards:

1. General Standards.
 - a. A PUD shall conform to the appropriate provisions of the Lee Plan adopted by the County.
 - b. Every effort shall be made in the planning and development of a PUD to protect desirable natural, historic, or archaeological features of the PUD site, including trees and other vegetation of consequence. The disturbance of terrain or vegetation in a manner likely to significantly increase either wind or water erosion, or possible flooding within or adjacent to the PUD is prohibited.

- c. Structures and open space should be arranged in such a way as to serve the needs of the PUD residents and minimize any adverse effects on neighboring properties.
- d. Integrated architectural design for buildings, structures, landscaping and common open space will be encouraged.
- e. If a PUD contains a mixture of land uses, such as residential and commercial, the schedule of development shall provide for coordination of these mixed uses.
- f. Underground utilities will be encouraged wherever possible.

2. Public Facilities.

- a. A PUD shall be so located in relation to sanitary sewers, water lines, drainage systems and other utility systems and installments that neither extensions nor enlargements of such systems will be required in manner, form, character, location, degree, scale or timing resulting in higher net public cost or earlier expenditure of public funds than would development in a form generally permitted in the County.
- b. However, if a PUD is not located as required above, the developer shall:
 - 1.) Provide public utilities, facilities, or services approved by the appropriate Lee County Departments to assure their satisfactory continuing operation and maintenance permanently or until equivalent public utilities or services are available; or
 - 2.) Make acceptable provisions for off-setting any added net public cost or premature commitment of public funds necessitated by the PUD.

3. Public Safety Standards.

- a. Within a PUD there must be adequate space to permit accessibility to all structures by fire fighting and similar emergency equipment.
- b. The applicant shall install fire hydrants in accordance with the provisions of the Board of Fire Underwriters.

4. Fill and Excavation.
 - a. The developer's plans should minimize the hauling of fill along County right-of-ways.
 - b. The developer is encouraged to utilize existing high and dry land for higher density residential use.
5. Vehicular and Pedestrian Traffic. Principal vehicular access points shall be designed to encourage smooth traffic flow and minimum hazard to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy traffic flows indicate need. Where streets within the PUD intersect adjoining streets, a safe sight zone (Section 202.17) shall be maintained.
6. Screening.
 - a. Fences, walls and/or vegetative screening shall be provided at the perimeter of the PUD site where necessary to reduce noise, glare or other influences having an adverse impact either on the PUD or on adjacent property.
 - b. Such screening requirements may also be necessary to separate different land uses within the PUD, such as residential uses from commercial, developed recreational facilities, utility facilities, or outdoor loading and/or storage.
7. Open Space.
 - a. There should be reasonably convenient access from all occupied structures to open space.
 - b. Contiguous and interrelated open space is desired.
 - c. Open space plans should attempt to maintain and enhance valuable site amenities such as vegetation, natural land forms and the like.
 - d. If a proposed PUD is to be constructed in a series of development phases, the total area of open space provided at the end of any phase of development shall bear substantially the same relationship or greater to the totals to be provided in the entire PUD site as the structures of units completed or under development bear to the entire PUD site.

8. Fees. Each applicant for rezoning to a PUD district shall pay a fee to the County for the examination of development plans or an amendment thereto and the inspection of all required improvements shown on such plans.

G. FINAL PUD ZONING APPLICATION MATERIALS.

Final PUD Development Plan. Each application for final approval of a PUD rezoning application shall be accompanied by the Final PUD Development Plan, comprised of the following elements:

- 1. A Site Development Plan, drawn to an acceptable scale, which shall indicate:
 - a. The title of the project and the name of the developer.
 - b. The exact location, arrangement and dimensions of all proposed land uses, buildings and structures within the project boundaries, including the number of floors and height of all structures above finished grade.
 - c. The exact location of the traffic circulation pattern including the location and width of all streets, driveways, walkways, bikeways, buildings and entrances to parking spaces.
 - d. A final design of off-street parking and loading areas with exact dimensions.
 - e. A final design for all common elements, including open space, dedicated park land (if any) and dedicated park and recreation facilities.
- 2. Agreements, provisions or covenants, including leasehold interests, restrictions and conditions which govern the use, maintenance and continued protection of the PUD site or any portion thereof.
- 3. A proposed schedule of development which identifies the anticipated project and component start and completion dates, stages of development, and the area and location of any nonresidential land use and common open space to be provided at or by each stage.
- 4. An exact statement of the percent the site to be covered by buildings, sidewalks, parking areas, roofed structures, and other impervious surfaces, areas to be covered by water bodies, or by golf courses (if any),

areas to be landscaped, those to be left in a natural undisturbed condition and areas devoted to private recreational facilities and park lands.

5. An exact statement in tabular form, summarizing by phases, of the approved residential density, total number of dwelling units by type, size, site location and number of bedrooms and total floor area (gross leaseable) for commercial, as well as other nonresidential uses.

H. CHANGES AND AMENDMENTS.

The Director of the Department of Community Development may approve minor changes in the location, siting or height of buildings, structures and improvements authorized by the approved Final PUD Development Plan for a PUD, provided that such minor changes will not result in one or more of the following:

1. Change in the character and/or intent of the approved Final PUD Development Plan.
2. Change in any boundary of the PUD site.
3. Rearrangement of any lot, block, building tract or open space or facility as shown on the approved Final PUD Development Plan.
4. Change any land use as shown on the approved Final PUD Development Plan.
5. Change any location, amounts of land, or percentages of land specified as devoted to specified land uses on the approved Final PUD Development Plan.
6. Increase the maximum number of structures, number of dwelling units, or densities as specified in the approved Final PUD Development plan; provided, however, that interim stages of development may temporarily exceed the same.

If changes or amendments to the approved Final Development Plan for a PUD will result in any of the six (6) changes set forth in this subsection, such changes shall only be approved by the Board of County Commissioners after public hearing.

I. CONFLICT WITH OTHER APPLICABLE REGULATIONS.

Where conflict exists between the provisions in this Section and general Zoning Regulations, Subdivision and other applicable regulations, the provisions of this Section shall apply.

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J. UNSTIPULATED REGULATIONS.

Except as expressly provided herein, the provisions of this Ordinance, the Lee County Land Development Code and other applicable regulations shall apply to each PUD application.

CHAPTER V - SUPPLEMENTAL REGULATIONS

500 PURPOSE

Regulations over and above those imposed by other sections of this Ordinance are necessary for certain uses which, because of their uniqueness or potential for substantial impact on surrounding land uses, warrant minimum standards which cannot properly be addressed in General Provisions or property development regulations set forth in specific districts. The purpose of this section is to set forth the detailed regulations including, but not limited to, the bulk, layout, yard size, and lot area that apply to these uses.

Some of the uses provided for herein will exceed the minimum thresholds for Development of County Impact (Section 800.02.B.) and will be required to apply for approval through the Planned Development procedure. The Board of County Commissioners may modify any of the requirements of this section in accordance with the procedures for a Planned Development application approval.

The following regulations shall apply to the specified use regardless of whether it is a use permitted by right, Special Permit, Special Exception, Development of County Impact or Temporary Use Permit, as specified in the District Use Regulations.

501 ACCESSORY USES, BUILDINGS AND STRUCTURES

A. SCOPE

This Section provides minimum regulations for those accessory uses, buildings and structures customarily incidental and subordinate to the principal use or building.

B. DEVELOPMENT REGULATIONS

1. Location

Except as may be provided in subsection 501.C. or elsewhere in this Ordinance, all accessory buildings shall be located on the same premises as the principal uses, and;

a. In agricultural and residential districts:

- 1.) ~~a minimum of five (5) feet from any rear~~ property line or ten (10) feet from any principal or other accessory building on property under separate ownership; and
- 2.) no closer to a side property line than the minimum required side setback for the district in which the property is located, or ten (10) feet, whichever is less.

b. Non-residential Districts

- 1.) a minimum of ten (10) feet from rear and side lot lines when abutting a commercial or industrial zoning district, or
- 2.) in accordance with the minimum buffering requirements as set forth in the Land Development Code when abutting any district other than commercial or industrial.

c. All districts

- 1.) no closer to a bay, canal, or other natural body of water than the minimum setback required in Sections 202.07 and 202.15.G.4.
- 2.) no accessory building or structure shall be located closer to a street right-of-way line or easement than the principal building, except as provided for in Section 501.C.

Nothing contained in the above sub-sections a., b., or c., shall be construed as permitting placement of any accessory building or structure within a utility or other easement prohibiting same, or closer to adjacent property than permitted by the minimum buffer requirements set forth in the Land Development Code.

2. Permits Required

Accessory uses are permitted by right in conjunction with a permitted Principal Use, approved Special Exception, or approved Special Permit subject to the Lee County Building Code requirements.

3. Construction

Authorized accessory buildings may be erected as part of the principal building or may be connected to it by a roofed-over porch, patio or breezeway, or similar structure, or they may be completely detached, PROVIDED THAT:

- a. Any accessory building attached to a principal building shall be made structurally a part of the principal building and shall comply in all respects with the Building Code and, except as provided in Section 501.C, shall comply in all respects with the property development regulations for a principal building.

For purposes of this section, open-mesh screening (such as over a swimming pool) shall not be considered as roofed over.

- b. Any accessory building or structure not attached and not made part of the principal building as provided in the preceding paragraph, shall comply with the location requirements set forth in Section 501.B.

C. EXCEPTIONS AND MODIFICATIONS

Location and setback requirements for the following accessory uses, buildings or structures shall be as set forth below:

1. Setback for gasoline island.

No structure from which gasoline or other fuel or propellants is dispensed or designed to be dispensed shall be located closer than 15 feet from any street right-of-way or easement.

2. Communication Towers, and accessory Equipment Buildings refer to Section 547 Towers.

3. Parking garages or carports for residential, commercial or industrial uses may be permitted closer to a street right-of-way line or easement than the principal building but not less than the street setback required for principal buildings in Section 202.15.B.2.

4. Sewage Treatment Plants accessory to a development and serving only that development shall be located in accordance with the Lee County Land Development Code, and other regulations addressing development in Lee County.

5. Animals - See Section 202.03

6. Docks, and other Watercraft Landing Facilities - See Section 202.07.

7. Entrance Gates and Gatehouses - See Section 202.10.G.2.

8. Fences, Walls and Hedges - See Section 202.10.

9. Seawalls or retaining walls - See Section 202.07.

10. Satellite Dishes - See Section 543.

11. Sale or Rental of water-oriented recreational equipment and of parasails - See Section 541.

12. Swimming pools and tennis courts - See Section 546.

ADULT BOOK STORES, ADULT EXHIBITION AND MASSAGE PARLORS

A. SCOPE

The following regulations shall apply to all zoning districts wherein bookstores, entertainment and/or massage parlors would be permitted by right or, by Special Exception.

B. DEFINITIONS

For the purposes of this Section, the following definitions shall apply:

1. Adult Book Store - An establishment maintained for the sale or distribution to adults of materials, the sale of which to juveniles would be prohibited by Section 847.012, Florida Statutes, as that statute now exists or may be amended.
2. Adult Exhibition - an establishment maintained for the exhibition for a monetary consideration of motion pictures, exhibitions, shows, presentations or representations, the exhibition of which to a minor would be prohibited by Section 847.013, Florida Statutes, as that statute now exists or may be amended.
3. Massage Parlor - A shop, establishment or place of business wherein is administered treatments with mechanical or electrical apparatus for the purpose of body slenderizing, body reducing or body contouring, or all or any one or more of the following subjects and methods of treatment, viz.: oil rubs, salt glows, hot or cold packs, all kinds of baths including steam rooms, cabinet baths, sitz baths; irrigations, body massage either by hand or by any mechanical or electrical apparatus or device excluding fever therapy, the application of such movements as stroking, friction, rolling, vibration, kneading, cupping, pettrasage, rubbing, effleurage, tapotement. Provided, however, this definition shall not apply to the bona fide practice of the profession or business of persons authorized by the laws of the state to practice medicine, surgery, osteopathy, chiropractic, neuropathy or chiropody, or persons holding a drugless practitioners certificate under the laws of the State of Florida or registered nurses or barbers or beauticians duly licensed under the laws of the State of Florida or to licensed practical nurses, orderlies or attendants or nurses aides in hospitals acting under the direction of a licensed physician, or to masseurs practicing in a bona fide gymnasium facility or to masseurs acting as trainers for a bona fide athletic team.

- C. The purpose of this section is to provide reasonable regulations to alleviate the adverse affect of these uses of land on adjacent and nearby uses of land.
1. No use of land for purposes governed by this Section shall be located closer than one thousand (1,000) feet measured on a straight line from the closest wall of any building containing a similar use.
 2. No use of land for purposes governed by this Section shall be located closer than one thousand (1,000) feet measured on a straight line from any district which allows residential uses.
 3. No use of land for purposes governed by this Section shall be located closer than one thousand (1,000) feet measured on a straight line from any hotel, motel, restaurant, school, day care center (child), park, playground, church, public recreation facility, cultural center, rooming and boarding house or hospital.

503 ADULT CONGREGATE LIVING FACILITIES (ACLF)

A. LOCATIONAL STANDARDS

ACLF's may be located in zoning districts as specified in the District Use regulations, PROVIDED THAT:

1. ACLF's shall be subject to the density ranges for the land use category applicable to the subject property. Density shall be calculated in accordance with Section 202.06; and
2. There shall be a minimum required separation of 1,200 feet between A.C.L.F. developments;

B. DESIGN

1. An A.C.L.F. permitted in a zoning district which permits only single family residences, shall be designed so as to appear as, and be compatible with a single family residence.
2. An A.C.L.F. permitted in a zoning district which permits ~~only single family, two family attached, or duplex~~ dwelling units shall be designed so as to be compatible with same.
3. An A.C.L.F. permitted in a multiple family zoning district shall be designed so as to be compatible with surrounding multiple family buildings.

4. An A.C.L.F. permitted in a CF District shall be designed so as to be compatible with the type of dwelling units which are adjacent thereto.

C. LOT DIMENSIONS AND SETBACKS

ACLF's shall be subject to the property development regulations applicable to the Zoning District within which they are located.

D. PARKING REQUIREMENTS

See Section 202.13.

504 AGRICULTURAL FACILITIES

A. INTENT

It is the intent of this Section to set forth minimum setback requirements for certain types of Agriculturally-oriented facilities or activities.

B. MINIMUM SETBACKS

1. The following uses shall be setback a minimum of six hundred and sixty (660) feet from any property zoned other than AG:

Flour, Rice, Grain, Sugar Mills
 Meat Packing Plants (slaughtering) (SIC 2011)
 Poultry Dressing Plants (slaughtering) (SIC 2016)
 Stockyards
 Sawmills and Planing Mills (SIC 242)

2. The following uses shall be setback a minimum of three hundred (300) feet from any property zoned other than AG:

Feedlots
 Milk Processing Plants
 Fertilizer Mixing
 Bulk Chemical Storage for crop dusting

C. EXCEPTIONS

The minimum setbacks set forth in sub-section B shall not be applicable to those facilities legally in existence and operation prior to non-agricultural zoning being approved closer than the required setbacks.

505 AIRCRAFT LANDING FACILITIES - PRIVATE

A. PERMIT REQUIRED

Landing strips, heliports (df), and ancillary hangers, sheds and other customary accessory equipment shall only be permitted as a Planned Development. Helistops (df) shall require a Special Permit unless approved as part of a Planned Development.

B. MINIMUM LAND AREA REQUIRED

The area proposed for this use shall be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Agency and the Florida Division of Aeronautics, Department of Transportation, for the class of airport proposed; in accordance with the published Rules and Regulations.

C. COMPLIANCE WITH HEIGHT RESTRICTIONS

Any proposed runway or landing strip shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Agency and the Florida Department of Transportation, Division of Aeronautics, or other airport authority qualified by law to establish airport hazard zoning regulations.

D. BUILDING SETBACKS

Any building, hangar, or other structure shall be setback a minimum of one hundred (100) feet from any public street right-of-way or other property line.

E. REPAIR OF AIRCRAFT AND MACHINERY

All repair of aircraft and machinery shall be completely enclosed.

506 ARENAS, STADIUM FACILITIES, RACE TRACKS AND OTHER SIMILAR FACILITIES, PRIVATE OR COMMERCIAL

A. APPLICABILITY

These regulations shall apply to any arena, stadium, race track (dog, horse, car, etc.) or other similar facility which is privately owned or operated as a commercial facility.

B. PERMIT REQUIRED

Any arena, stadium or other similar facility (excluding schools) shall require a Planned Development approval as a C.P.D. or C.F.P.D., whichever is most applicable.

C. LOCATION

No such facility (other than parking) shall be permitted within five hundred (500) feet from any property line abutting a residential zoning district, PROVIDED that said five hundred (500) foot setback shall only apply to property outside of the Planned Development project.

D. MINIMUM LOT AREA

The minimum lot area shall be of sufficient size to permit full compliance with all setback, ground cover, open space, buffering, and parking requirements.

E. ACCESS

All points of vehicular access shall be from an arterial highway or collector street. Such access points shall be located so as to minimize vehicular traffic to and through local streets in nearby residential neighborhoods as determined by the Department of Transportation and Engineering Services.

F. LIGHTING

Artificial lighting used to illuminate the premises shall be directed away from adjacent properties and streets, shining only on the arena, convention facility or stadium site.

G. PARKING

Parking facilities shall be provided in accordance with Section 202.13

The Board of County Commissioners may allow up to fifty (50) percent of the parking requirement to be met offsite provided that:

1. The developer owns or otherwise controls the off-site parking facility or has a binding letter from the owner of said property granting use of the property or parking facility during the life of the arena or stadium; and
2. The developer provides adequate transportation from said parking facility to the stadium or arena; and

3. The developer provides additional security and traffic control personnel for any event wherein the off-site parking facilities will be required, satisfactory to the Board of County Commissioners.

507 AUTOMOTIVE REPAIR AND SERVICE

A. COMPLIANCE WITH OTHER REGULATIONS

All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products shall conform to all other applicable requirements.

B. SPECIAL REGULATIONS

1. Activities To Take Place Within An Enclosed Building.
 - a. All services, including repair, painting and body work activities shall be performed within a completely enclosed building.
 - b. Whenever an Automotive Repair and Service Establishment is within seventy-five (75) feet of a residential use, all refuse and vehicle parts shall be stored within a completely enclosed area.

508 BULK STORAGE FACILITIES

A. FIREWALLS OR DIKES REQUIRED

Whenever above-ground tanks for storage of gasoline, gas, oil or other flammable liquids or gases are located on any land where such use is permitted, such tanks shall be surrounded by unpierced fire wall or dike of such height and dimensions as to contain the maximum capacity of the aforesaid tanks. All storage tanks and adjacent structures shall meet the requirements of the Board of Fire Underwriters.

B. EXCEPTIONS

Storage tanks containing liquified petroleum, commonly known as bottled gas, are specifically excluded from the provisions of this Section.

~~509 CARETAKER OR WATCHMAN RESIDENCE~~

A. SCOPE

The provisions of this section are intended to implement Policy III.C.10. of the Lee Plan.

B. REGULATION OF USE

The use of land for a caretaker or watchman residence shall be permitted as designated in the district use regulations provided, however, that in commercial and/or industrial districts the dwelling unit shall be the only residential use of the property.

510 CEMETERIES, MAUSOLEUMS, AND CREMATORIES

SETBACKS

1. All buildings and structures shall comply with the setback requirements for the zoning district in which the use is located.
2. Crematories shall provide buffering in compliance with the Land Development Code for commercial uses.

511 CLUBS: FRATERNAL, MEMBERSHIP ORGANIZATION, PRIVATE

The limited enumeration of this use is not meant to limit or abridge the rights of assembly in any way. Such organizations are not prohibited from meeting in various traditional and appropriate places and, for example, a service club's weekly meeting at a restaurant in a district not allowing FRATERNAL, MEMBERSHIP ORGANIZATIONS, OR PRIVATE CLUBS shall not constitute a zoning violation. However, where such an organization is the principal user of real property for meetings, entertainment, and food and beverage service, such a meeting place, hall, or club house shall be permitted only where this use is explicitly enumerated.

512 COMMERCIAL SALE AND/OR RENTAL FACILITIES FOR MOTOR VEHICLES, BOATS, RECREATIONAL VEHICLES, TRAILERS AND MOBILE HOMES

A. SCOPE

This section applies to all zoning districts which permit sale or rental of motor vehicles, boats, recreational vehicles, trailers or mobile homes.

B. PROHIBITED USES

Except as provided herein, no units shall be used as sales offices or storage space. Any sales office or storage space (other than for the units) shall be in a conventional building.

Exception: A mobile home may be used as an office for sales of mobile home lots or units which are located within the mobile home development only.

C. SETBACKS

1. All buildings and structures shall comply with the setback requirements for the zoning district in which the use is located.
2. All vehicles and boats offered for sale or rent shall be set back a minimum of ten (10) feet from any property line. No required parking space shall be used to store a vehicle, boat, or recreational vehicle for sale or lease.

D. LIGHTING

Artificial lighting used to illuminate the premises shall be directed away from adjacent properties and streets, shining only on the subject site.

513 COMMERCIAL USES WHICH ARE ANCILLARY TO A PERMITTED USE

Where the District Use Regulations permit retail commercial uses as ancillary uses to a permitted residential, industrial, or office principal use, the following regulations shall apply:

1. Said retail use shall be clearly subordinate to the principal use; and
2. The retail use shall be totally within the building housing the principal use; and
3. The retail use shall not occupy more than ten (10) percent of the total floor area of the principal use.
4. Public access to the commercial uses shall be limited to interior corridors, arcades or malls, and shall not be evident from any abutting street.

514 DAY CARE CENTERS - CHILD AND ADULT

A. APPROVAL REQUIRED

Day Care Centers are listed in the District Use Regulations as permitted by right or Special Exception.

B. MINIMUM REQUIREMENTS

1. All Day Care Centers shall be required to comply with all applicable regulations.
2. The minimum property dimensions shall be the same as for other uses permitted within the district but shall also be large enough to provide parking facilities as required in Section 202.13.

DRIVE-IN THEATERS

A. SETBACK

All outdoor movie screens shall be located a minimum of one hundred (100) feet from any lot line.

B. LOCATION OF SCREEN

The screen shall be so oriented that the picture is not visible from any existing or proposed major street.

C. ENTRANCES AND EXITS

1. No more than two (2) exits shall be provided to each access street. Each such exit may be suitably channelized to provide for right and left turns onto such street, but not more than one (1) traffic lane shall be permitted for each traffic lane on said street available to vehicles leaving the theater.
2. No entrance or exit on a major thoroughfare or highway shall be within five hundred (500) feet of its intersection with another street.
3. Entrance lanes shall be of sufficient length so as to provide off-street stacking of vehicles equal to a minimum of ten (10) percent of the theater capacity.

D. LOCATION OF SPEAKERS

Drive-in theater speakers shall not be audible beyond the boundaries of the drive-in theater site.

E. ACCESSORY USES

1. Customary ancillary uses such as refreshment stands, projection booths and restrooms are permitted.
2. During daylight hours, drive-in theater parking areas may be used for a flea market, provided no structures are erected in connection with such use. Drive-in theaters may also be used to provide off-site parking for arenas, stadiums, etc. in accordance with Section 506.G if approved by the Board of County Commissioners.

ESSENTIAL SERVICES AND ESSENTIAL SERVICE FACILITIES - GROUP I

A. PURPOSE

The purpose of this Section is to set forth the development regulations for Essential Service Facilities - Group I (Section 1001.13).

B. REGULATIONS

1. All buildings or structures classified as Essential Services (Section 1001.12) or as Essential Service Facilities - Group I (Section 1001.13) are permitted by right in all zoning districts when necessary for the day-to-day operation of the service, subject to the requirements set forth in subsections 2 thru 6 herein.
2. **Setbacks**
 - a. Structures which are three (3) feet or less in height, and eighty (80) cubic feet or less in volume, shall be exempt from all setback requirements.
 - b. Buildings or structures which are over three (3) feet but less than six (6) feet in height, and three hundred (300) feet or less in cubic volume, shall be setback a minimum of five (5) feet from any street right-of-way or street easement and shall comply with visibility requirements set forth in subsection 3.
 - c. Buildings or structures which exceed six (6) feet in height or three hundred (300) cubic feet in volume but less than six hundred (600) cubic feet shall not be located closer than thirty (30) feet from any street right-of-way or street easement, and twenty-five (25) feet from any body of water.
 - d. Buildings or structures exceeding six hundred (600) cubic feet in volume shall comply with all setback requirements for the district in which located.
3. **Visibility Requirements**

No building or structure which exceeds three (3) feet in height shall be permitted:

- a. Within the triangular space bounded by the two intersecting right-of-way lines and a straight line connecting the two points on the street right-of-way lines twenty-five (25) feet from their intersection.
- b. Within the triangular space bounded by a street right-of-way line and the edge of a driveway and a straight line connecting the two points on said right-of-way and driveway edge twenty-five (25) feet from their intersection.

4. Number and Location

Not more than one such structure exceeding one hundred and fifty (150) cubic feet in volume shall be permitted on the same side of a street within any residential block, unless a minimum separation of four (4) lot widths is observed between said structures.

5. All facilities shall comply with safety requirements of the National Electrical Safety Code.

6. Facilities in Group I shall be exempt from the property development regulations which set forth minimum lot size, area and dimensions.

517 EXCAVATION - MINING

A. PURPOSE

The purpose of this section is to set forth the procedures, requirements and regulations pertaining to application for, and approval of any Excavation/Mining activities.

B. DEFINITIONS

For purposes of this section only, certain terms are defined as follows:

GENERAL EXCAVATION PERMIT: The approval, granted by the Board of County Commissioners indicating that a proposed phase of an excavation/mining development has received all necessary zoning approval.

EXCAVATION/MINING OPERATION PERMIT: A permit, issued by the Director after staff review, that all conditions of the Zoning approval have been complied with, and that excavation operations may commence or continue in accordance with all applicable regulations.

C. SCOPE

The requirements of this Section shall apply to the excavation, stripping, grading or removal by any process of natural materials or deposits including, but not limited to, peat, sand, rock, shell, soil, fill dirt, or other extractive materials, from their natural state and location, for use off of the premises from which extracted.

The provisions of this Section shall not be applicable to any of the following activities:

1. Excavation, removal or storage of rock, sand, dirt, gravel, clay or other material for the purpose of constructing the foundation of a structure;
2. The removal or moving of materials for construction of roads, sewer lines, storm sewers, water mains or other utilities.
3. The removal or moving of materials for purposes of surface water drainage or conservation purposes (See Section 518);
4. The temporary removal of topsoil from a lot for landscaping purposes.

D. PERMIT REQUIRED

It shall be unlawful for any person, partnership, corporation or other legal entity to engage in excavation for mining, quarries or borrow pits within unincorporated Lee County, or for an owner to permit such excavation on his property, without first having obtained a General Excavation Permit as part of a Planned Development approval, and an Excavation/Mining Operation Permit. All permits required by this Section shall be posted by the applicant at the excavation site.

E. EXCAVATION ACTIVITIES CURRENTLY IN OPERATION

1. Except as provided in paragraph 2, any person, partnership, corporation or other legal entity now conducting operations governed by this Section and for which this Section requires a permit shall, within 60 days of August 1, 1986, make application for approval. Failure to do so shall be a violation of this Ordinance; however, on request and for cause, the Director may extend the time for the initial application to 90 days. If application is not made within the required time, all excavation operations shall be terminated.
2. Persons, partnerships, corporations, or other legal entities having received a General Excavation Permit (or a renewal permit) from the Board of County Commissioners within two (2) years prior to August 1, 1986, in conjunction with a County Development Order, when applicable, shall not be required to comply with subsection 517 E.1. Such holders of excavation permits shall be required to obtain a renewal of their Excavation/Mining Operation Permit in accordance with Section 517.I and J., within two (2) years from August 1, 1986.

F. ESTABLISHED COUNTY POLICIES

The following policies, set forth in the Lee Plan, shall be adhered to in applying for and conducting Excavation/Mining activities.

1. Applications for General Excavation Permits for new or expanding areas shall include an environmental assessment. The assessment shall include consideration of air emissions, impact on environmental and natural resources, effect on nearby land uses, degradation of water quality, depletion of water quantity, drainage, fire and safety, noise, odor, visual impacts, transportation including access roads, sewage disposal, and solid waste disposal.
2. Applications for General Excavation Permits for new or expanding sites shall include a reclamation plan, with suitable assurance of implementation. [See sub-section H.3.b.2.)]
3. Excavation/Mining operations shall meet or exceed local, state and federal standards for noise, air and water quality, and vibration.
4. Excavation/Mining shall be located and designed in such a way as to minimize adverse environmental impacts.

G. STANDARDS

All Excavation/Mining activities shall be subject to the following standards. The Board of County Commissioners may modify these standards as a condition of approval when they deem it necessary and in the public interest, or where they deem a particular requirement unnecessary due to some unusual circumstance.

1. Minimum Required Land Area

All uses permitted under this Section shall have a minimum lot size of not less than five (5) acres.

2. Setbacks for Excavation Site

a. No excavation shall be allowed within:

- 1.) one hundred fifty (150) feet of a street right-of-way line or easement; and/or
- 2.) one hundred (100) feet of any private property line under separate ownership; and/or

- 3.) seventy-five (75) feet of a section line and sixty (60) feet from a quarter section line; and/or
 - 4.) any corridor shown on the Lee County Trafficways Map.
- b. The Board of County Commissioners may allow lesser setbacks in issuing a Planned Development approval provided:
- 1.) the reclamation plan indicates how access (if needed) will be made to future development; or
 - 2.) the reclamation plan indicates that after restoration, the setback area will not be developed; or
 - 3.) A closer setback will not be injurious to other property owners; and the applicant agrees to fence the excavation site nearest private property under separate ownership, if deemed necessary by the Board of County Commissioners.

3. Setbacks for Accessory Buildings or Structures

All setbacks for accessory buildings or structures shall be shown on the site plan required as part of the application for a General Excavation Permit and an Excavation/Mining Operation Permit. No crusher, mixing plant, bin, tank, or structure directly involved in the production process shall be located less than six hundred (600) feet from any residentially zoned area or district, and two hundred fifty (250) feet from all other non-residential areas or zoning districts.

- a. If the excavation site is adjacent to a residentially zoned area, all operation, excavation and removal areas shall be restricted from access by the general public. This may include a fence of sufficient height, if determined necessary by the Board of County Commissioners.
- b. For excavation sites adjacent to areas zoned other than residential, all operation, excavation and removal areas shall be restricted from public access.

4. Security

All entrances to excavation and removal areas shall be restricted from public access during working hours and locked at all other times.

5. Observation Wells

- a. Where dewatering is proposed, and permitted by the Board of County Commissioners, shallow observation wells shall be installed at regular intervals along the periphery of the proposed site, as prescribed by the Division of Environmental Services.
- b. Observation wells are to be monitored, at least monthly, by the Division of Environmental Services to determine the effect on the water table in adjacent areas. A fee (to be established) to cover costs of the monitoring shall be paid by the applicant.
 - 1.) In lieu of monitoring by the Division of Environmental Services, monitoring may be performed by private consultants engaged by the operator provided said results are forwarded to the Division. The Division may perform its own monitoring at random in addition.

6. Maximum Depth

Maximum excavation depths may be established by the Board of County Commissioners after reviewing any findings and recommendations of the South Florida Water Management District and the Division of Environmental Services. The permitted depth shall not exceed the depth permitted by the South Florida Water Management District and shall not penetrate through any impervious soil or other confining layer which presently prohibits intermingling of two (2) or more aquifers.

7. Bank Slope

- a. After excavation is complete, and upon reclamation of the site, the banks of the excavations shall be sloped at a ratio not greater than 6(H):1(V) to a water depth of four (4) feet below the dry season depth, and have a rehabilitated perimeter of at least one hundred fifty (150) feet, when abutting a residentially zoned area or district, OR

The bank may be sloped a minimum of 4(H):1(V) to four (4) feet below the dry season water table if planted with suitable native wetland vegetation according to a plan approved by the Board of County Commissioners. Requests for 4:1 slopes shall be included in the schedule of deviations (sub-section 804.02.E).

- b. An engineer shall submit a certified survey of the area and depth of the excavation site to the Department of Community Development as part of each renewal application for an Excavation/Mining Operation Permit.

H. PERMIT APPLICATION REQUIREMENTS AND PROCEDURE

1. Procedure

- a. A General Excavation Permit shall be issued as part of a Planned Development Zoning Resolution following:
 - 1.) Submission of the required information; and
 - 2.) Approval, after public hearings before the Planning and Zoning Commission and Board of County Commissioners in accordance with Chapter IX, as a Planned Development.
- b. General Excavation Permits may be issued with or without conditions if necessary to protect the public health, safety, and welfare or to ensure compliance with the plan or other applicable regulations. An Excavation/Mining Operations Permit is also required prior to any activity on the site (see Subsection H.3.).

2. Application for Public Hearing

All applications for Planned Development and General Excavation Permits shall follow the procedures set forth in Chapter VIII.

In addition to the information required in Chapter VIII the following additional information shall be submitted:

- a. Applicant Information
 - 1.) Owner: The names, addresses and telephone numbers of the owner(s) of the property and its agents located in the County upon which service of any papers under this Ordinance may be made.
 - 2.) Applicant/Operator: The names, addresses and telephone numbers of the applicant/operator, if other than the owner, and its agent residing in the County upon which service of any papers under this Ordinance may be made. State the applicant's legal interest in the lands comprising the project tract.

3.) Engineer: The name, address and telephone number of the Florida Registered Professional Engineer of record for the project, who has prepared and signed all engineering documents submitted to Lee County.

b. Historical/Archaeological Data

The applicant shall include in the application a letter from the State Division of Archives stating that the proposed site is not designated a historical site, or of historical or archaeological significance.

c. Environmental assessment report including consideration of air emissions, impact on environmental and natural resources, effect on nearby land uses, degradation or depletion of water quality and quantity, drainage, fire and safety, noise, odor, visual impacts, sewage disposal and solid waste disposal.

In lieu of the traffic impact statement required by subsection 804.02.c.1.b.2., the following information shall be submitted:

- 1) Projected yearly volume of excavated material to be removed from the site.
- 2) Projected number of peak hour and Annual Average Daily Truck Trips.
- 3) Ownership, condition, and maintenance plans for access routes from the actual excavation to the nearest county maintained road.
- 4) Projected distribution of truck trips on the county and state road network.

d. Test Boring Data

Test borings conducted on each proposed excavation site at intervals determined by the Division of Environmental Services.

The description shall specify the locations of the test borings, the nature and depth of overburden, the likely yield of extractive material, and the complete chemical characteristics of water in each waterbearing strata that will be penetrated.

After evaluation by the Division of Environmental Services, the test borings shall be plugged from bottom to top with cement under the supervision of the Division of Environmental Services.

e. Site Map

A site map shall be prepared and certified by a registered engineer or surveyor showing the date on which maps were prepared, a north directional arrow and the names and locations of all streams, water bodies, percolation ponds and drainfields, roads, railroads, utility lines, buildings, cemeteries and easements within three hundred seventy-five (375) feet of the property line.

The certification of the maps shall read:

"I, the undersigned, hereby certify that this map is correct, and shows to the best of my knowledge and belief all information required by the requirements of the Lee County Zoning Ordinance."

f. Proposed Mining Plan

The applicant shall submit a plan, drawn to scale, showing:

- 1.) The proposed area to be excavated, as follows:
 - a.) Projects anticipated to be completed within ten (10) years shall show areas to be excavated in two (2) year increments;
 - b.) Large projects (ten (10) or more years) shall show areas to be excavated in ten (10) year increments.
- 2.) Proposed profile plan showing depth of excavation and slope of banks during excavation operations and after reclamation.
- 3.) A description of the excavation operation including a description of methods to be employed in removing extractive materials from the ground and from the premises.
- 4.) Location and general description of all physical plant facilities or other facilities to the operation.

- 5.) Location and description of all existing and proposed monitoring wells.
- 6.) Location and description of all vehicle access routes, to the nearest county-maintained road.

g. Rehabilitation and Reclamation Plan:

Plans and other appropriate documents that accurately depict the reclamation to take place upon completion of each phase of the mining activity. This plan shall include:

- 1.) A typical section indicating the steepness of side slopes and depth of excavation.
- 2.) The type of reclamation to take place along the perimeter of the excavation.
- 3.) A statement that reclamation shall begin within 6 months after completion in any area that will not be disturbed by future operations and shall be completed within 12 months or whenever the operations have been abandoned or the General Excavation Permit expires, whichever comes first.
- 4.) The applicant shall submit an estimated cost for the reclamation program for the phase for which approval is requested, including break-downs for the cost of re-vegetation, resloping of lake banks, and any other required site work.

h. Other Permits

The applicant shall provide copies of all local, state and federal permits issued for the project, or any applications for any such permits pending, but not issued. The applicant shall also file a summary listing of all required project permits by agency, identification number and date of issuance and date of expiration.

3. Application For Excavation/Mining Operation Permit

- a. Upon approval of the Planned Development and General Excavation Permit by the Board of County Commissioners, the applicant shall proceed to file for an Excavation/Mining Operation Permit for all or part of the phase covered by the General Excavation Permit. The Development Review staff shall issue

the Excavation/Mining Operation Permit after reviewing the application for compliance with any conditions placed on the General Excavation Permit by the Board of County Commissioners.

- b. In addition to the submittal requirements of the Land Development Code, the applicant shall submit the following information:
 - 1.) A list of any conditions placed upon the operation by the Board of County Commissioners, for the approved phase, as well as specific proposals to comply with the conditions.
 - 2.) A performance bond, cash in escrow, or letter of credit in an amount to be determined by the Director but not less than 110% of the amount calculated in subsection H.2.g.4., or other agreement acceptable to the County Attorney to insure the applicant's compliance in all respects with the conditions of the General Excavation Permit for the phase or portion thereof covered by the Excavation/Mining Operation Permit.
 - 3.) A survey of the area and depth of the excavation site certified by an engineer.

I. DURATION OF PERMIT

- 1. Excavation/Mining Operation Permits for the area or phase approved in the General Excavation Permit shall be valid for two (2) years from date of issuance unless a lesser period of time has been stipulated by the Board of County Commissioners. Applications for renewal shall be made at least ninety (90) days prior to expiration.

J. EXCAVATION/MINING OPERATION PERMIT RENEWAL

- 1. Application for an Excavation/Mining Operation Permit renewal shall contain the same information required in sub-section H.3., updated to reflect actual current conditions. Other information, sufficient to demonstrate compliance with all conditions of the original approval, shall be submitted upon request by the Department.
- 2. Renewal of Excavation/Mining Operation Permits shall be issued by the Director after a determination of compliance with the provisions of the original permit approval, including any conditions placed on the operation by the Board of County Commissioners, compliance with the provisions of the Reclamation Plan,

and analysis of any supplemental relevant information. Renewal Permits shall be valid for two (2) years or until the expiration date of the General Excavation Permit, whichever occurs first.

3. Permits may be modified by making application to the Director stating the reason for the modification and by providing a necessary documentation for said change.

K. ADDITIONAL PHASE APPROVALS

Prior to obtaining a General Excavation Permit for the next phase of the project, the developer shall submit a detailed mining plan and reclamation plan to the Board of County Commissioners for approval. The procedure shall be the same as required for a Minor Planned Development. (Section 804.03.C.2.).

L. COUNTY INSPECTIONS

The County's designated representative shall have the right of entry into excavation sites, at all reasonable hours, whenever such entry is necessary for the proper discharge of their duties under this Section.

518 EXCAVATION - WATER RETENTION

A. SCOPE

The requirements of this Section shall apply to any man-made water detention or retention bodies, where the excavated materials are not removed from the premises for sale excluding excavations one (1) acre or less in area for bona fide agricultural purposes, and excluding maintenance and cleaning of existing man-made water bodies.

B. MAXIMUM EXCAVATION DEPTH

Excavations permitted under this Section shall not exceed twelve (12) feet in depth, and shall not penetrate through any impervious soil, or rock layer which presently prohibits intermingling of various watery strata.

C. SETBACKS FOR EXCAVATION SITE

1. Setbacks from section lines shall be a minimum of seventy-five (75) feet.
2. Setbacks from quarter section lines shall be a minimum of sixty (60) feet.

3. Section Line Setback Modification

Setbacks from section lines for purposes of water retention may be approved by Special Permit in accordance with Section 800.02.F. and 901.02.B.2.a., or when approved in the schedule of deviations for Planned Developments.

4. Setbacks from a street right-of-way line or easement shall be a minimum of one hundred and fifty (150) feet, and a minimum of fifty (50) feet from a private property under separate ownership, PROVIDED HOWEVER, that if said local streets or lots are being created concurrently under an approved development order, the minimum required setback may be reduced to twenty-five (25) feet.
5. All required excavation setbacks shall be measured from the highest level on the excavation bank proposed, designed or intended to be used for the storage of stormwater.

D. EXCAVATION BANKS - SLOPE

The design of shorelines of retention and detention areas and other excavations shall be sinuous rather than straight.

The banks of all excavations permitted under this Section shall be sloped at a ratio not greater than 6(H):1(V) to a water depth of four (4) feet below dry season water table. The slopes shall be no greater than 2(H):1(V) thereafter, except where the County Engineer determines that geologic conditions would permit a stable slope at steeper than a 2:1 ratio.

Bank slopes up to 4(H): 1(V) to four (4) feet below the dry season water table may be allowed if planted with native wetland and aquatic vegetation according to a plan approved by the Board of County Commissioners. Requests for 4:1 slopes shall be included in the schedule of deviations (sub-section 804.02.E).

E. APPROVALS REQUIRED

1. Except as provided for in sub-section A, all excavations ~~which are subject to the Lee County Land Development Code~~ shall be required to obtain a Development Order and necessary permits.
2. Except as provided in section 518.A, all excavations which are exempt from the Lee County Land Development Code shall be required to obtain a water retention and excavation permit from the Department of Community Development.

F. FENCING

A four (4) foot fence may be required, at the discretion of the Director, to be placed around excavations for water retention when located less than one hundred (100) feet from any property under separate ownership.

G. TEST BORINGS

Test borings when required by the Division of Environmental Protection Services shall be conducted in conformance with Section 517.G.2.d.

519 MIGRANT AND TRANSIENT FARM LABOR QUARTERS

A. PURPOSE AND INTENT

The purpose and intent of this section is to recognize and provide for housing permanent or transient farm laborers working at agricultural operations located within Lee County. It is further the intent of this Ordinance that housing established under the terms of this section shall be used exclusively for agricultural housing purposes and no other. It is the intent of this ordinance that housing for farm labor shall be in the nature of cluster development but with minimum standards that meet the peculiar requirements of the farm labor market while protecting the health, safety, and general welfare of the farm laborers and the general public.

B. APPROVAL REQUIRED

Farm labor housing developed under the regulations set forth in this Section shall be required to obtain a Special Permit.

C. SPECIAL APPLICATION REQUIREMENTS

In addition to the requirements of Section 800.01.B., every application for a Farm Labor Housing Special Permit shall include a site plan showing, at a minimum, the following information:

1. Area and dimensions of land to be devoted to the housing development;
2. Street patterns and parking with provisions for surfacing with a hard, dustless material;
3. The layout of building sites;
4. Actual yard dimensions for preparing of each dwelling unit lot;

5. Size and type of dwelling units to be used;
6. Location, size, and type of utilities;
7. Recreational area of three hundred (300) square feet per dwelling unit.

D. MINIMUM STANDARDS

1. **Setbacks:** Farm labor housing shall be setback a minimum of one thousand (1,000) feet measured from the nearest dwelling unit to any public street right-of-way, or from any residentially zoned property under separate ownership.
2. **Utilities:** Any utilities shall be installed in accordance with the Lee County Land Development Code.
3. **Additional Standards for Concrete Block or Frame Dwelling:** The construction of concrete block or frame dwelling units for farm labor housing, shall comply with the following standards:
 - a. Minimum lot size per dwelling: four thousand (4,000) square feet.
 - b. Minimum lot width per dwelling: 40 feet.
 - c. Street Setback (internal streets): 30 feet.
 - d. Side Setbacks: 10 feet each.
 - e. Rear Setbacks: 20 feet.
 - f. Water body: 25 feet.
4. **Additional Standards for Mobile Home or Recreational Vehicle Units:** Mobile homes utilized for farm labor housing, and recreational vehicles or other types of units used for transient farm laborers, shall comply with the following standards:
 - a. There shall be a minimum separation of twenty (20) feet between mobile homes, recreational vehicles or other types of trailer units;
 - b. Potable water, sanitary sewage collection systems, and electric power shall be located on each Mobile Home, Recreational Vehicle or other trailer site;
 - c. One (1) building for service purposes only shall be provided.

- 5. Special Provisions for Dormitory Housing: The use of mobile homes or travel trailers to house transient farm laborers in dormitory style arrangement, shall comply with the following standards:
 - a. At least three (3) house units are required - one (1) for dining and recreation, one (1) for sleeping, and one (1) for utility purposes consisting of shower, toilet and laundry facilities.
 - b. All units shall have a minimum separation of twenty (20) feet from another unit.

520 FUNERAL HOMES, MORTUARIES

A. MINIMUM STANDARDS

- 1. All funeral homes and mortuaries shall comply with the buffering requirements for commercial uses as set forth in the Land Development Code.
- 2. The formation of funeral processions shall be accomplished on the site and not on any public street.

521 GOLF COURSES

A. PERMIT REQUIRED

New golf courses [golf courses not having received a development order prior to August 1, 1986] shall be required to obtain a Planned Development District approval, and shall be subject to the regulations and conditions set forth in the approval resolution as well as applicable Lee County Land Development Code Regulations.

B. ANCILLARY USES

1. New Golf Courses

New golf courses may include a pro-shop, golf cart barn, golf course shelters, country club, and ancillary recreational facilities such as tennis courts, and swimming pools, provided said uses are clearly indicated on the approved site plan.

2. Existing Golf Courses

Existing golf courses which propose to add ancillary recreational facilities and have not received approval prior to August 1, 1986 shall be required to obtain Planned Development Approval.

C. CONVERSIONS

No golf course (existing or new) shall be converted to any other use except as a Planned Development.

522 GOLF DRIVING RANGE

A. PERMIT REQUIRED

Construction of a golf driving range not part of an approved golf course shall require approval as a Planned Development.

B. MINIMUM PROPERTY DIMENSIONS

The minimum parcel size for a golf driving range shall be ten (10) acres, with a minimum lot width of three hundred (300) feet and minimum depth of one thousand, two hundred (1,200) feet.

C. MINIMUM DRIVING RANGE FIELD

The minimum depth for the driving field range (as measured from the driving pad to the property line) shall not be less than three hundred (300) yards.

D. ACCESSORY USES

Accessory uses permitted shall be limited to a refreshment stand, a maintenance shed, a putting course, and a pro shop. Miniature golf facilities are prohibited unless specifically requested and approved as part of the Planned Development.

523 GUESTHOUSE

A. LOCATION

One guesthouse per residential lot may be permitted in those districts indicating same, provided the regulations set forth in Subsection B are met.

B. PROPERTY DEVELOPMENT REGULATIONS

1. A guest house may be permitted only when accessory to a principal single-family detached dwelling;
2. The guest house shall comply with all setback requirements for accessory structures;
3. A guesthouse shall not be used as a year-round dwelling nor shall it be rented or leased.

HEALTH CARE AND SOCIAL SERVICE FACILITIES

A. HOSPITALS (HEALTH CARE FACILITIES GROUP III)

1. PERMIT REQUIRED

Any use governed by this section shall require a Planned Development approval.

2. ACCESS

Access to all hospital facilities, shall be in such a manner as to minimize the adverse effects on adjacent property. A special vehicle access for emergency vehicles only shall be provided. Signalization for said access may be required by the Board of County Commissioners.

3. MINIMUM BUILDING SITE

The minimum building site shall not be less than five (5) acres.

4. FRONTAGE

The minimum frontage for the building site shall be three hundred (300) feet.

5. PROPERTY DEVELOPMENT REGULATIONS

Setbacks, building height, lot coverage and floor area ratio shall be as approved by the Planned Development approval resolution.

6. DENSITY

The maximum permitted density shall not exceed 43.56 patient rooms per gross acres. Density shall be computed as follows; One (1) patient room for every one thousand (1,000) square feet of lot area.

7. BUFFERYARDS

Bufferyards as required for commercial activities (see Lee County Land Development Code) shall be provided.

B. ALL OTHER HEALTH CARE FACILITIES AND SOCIAL SERVICES - GROUPS III AND IV

1. PERMIT REQUIRED

Health Care and Social Service Facilities - Groups III and IV, are specified as uses by right or by Special

Exception in the District Use Regulations. Any facility meeting the threshold for Development of County Impact shall require a Planned Development approval.

2. MINIMUM LOT DIMENSIONS

Any Health Care or Social Service Facility - Groups III or IV, shall meet the lot area and dimension requirements of the district in which located plus have sufficient area to provide required open space, parking, and drainage requirements of the Land Development Code and this Ordinance.

525 HOME OCCUPATIONS

A. INTENT

It is the intent of this Section to allow the operation of home occupations by right in all districts permitting dwelling units, but to regulate them so that the average neighbor, under normal circumstances, will not be disturbed or inconvenienced by them.

B. GENERAL PROVISIONS

1. Any use of a residence for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
2. Such use shall be conducted entirely within the dwelling unit or customary accessory building.
3. No employees other than members of the immediate family residing in the dwelling shall be employed in the home occupation. Under special conditions (such as handicaps or retirees) the Board of Zoning Adjustments may allow one (1) employee, who is not a resident of the home, by Special Exception.
4. There shall be no exterior indication that the dwelling is being used for any purpose other than a residence, except that one (1) non-illuminated name plate not exceeding one (1) square foot (144 square inches) in area, may be attached to the building on or next to the entrance.
5. No commodities, stores, or a display of products on the premises shall be visible from the street or surrounding residential area, and no outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.

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6. No equipment shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference objectionable to the normal senses. No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
 7. No use permitted by this Section shall generate greater volumes of traffic than would otherwise be expected by normal residential uses.

526

HOTELS/MOTELS - TRANSIENT

A. DEFINITION

For the purposes of this Ordinance, Transient Hotels and Motels are defined as:

Transient Hotel: Any building containing principally sleeping rooms in which transient guests are lodged with or without meals but with no provision made for cooking in any individual room or suite. The hotel may have a dining room or restaurant as an accessory use. Such building would structurally and for purposes of safety, be obliged to conform to the laws of the State regulating hotels. Access to individual guest rooms is from inside hallways or corridors.

Transient Motel: A building or group of buildings which contains sleeping accommodations for transient occupancy, and has individual entrances from outside the building to serve each such sleeping unit. No provision shall be made for cooking in any individual room or suite of rooms. Motels may have one (1) or more dining rooms, restaurants or cafes as accessory uses.

B. SPECIAL REGULATIONS

1. Property Development Regulations

- a. Minimum area - two (2) acres
- b. Minimum lot width - 150 feet
- c. Minimum lot depth - 200 feet
- d. Side and rear yards - 20 feet for buildings up to thirty-five (35) feet in height, plus one-half ($\frac{1}{2}$) foot for every one (1) foot in excess of thirty-five (35) feet.

2. Parking

1.2 spaces per guest unit (ancillary uses located in separate buildings and available to non-guests shall meet the requirements of Section 202.13).

3. Density

The maximum allowable number of Transient Hotel/Motel units shall be determined by a minimum lot area per sleeping unit of 1700 square feet.

4. Floor Area of Guest Rooms

a. Minimum floor area for a guest room or suite shall be one hundred twenty (120) square feet.

b. Maximum floor area for a guest room or suite shall be five hundred (500) square feet.

527

HOTEL/MOTEL-EFFICIENCY UNITS

A. DEFINITION

For the purposes of this Ordinance, hotel/motel-efficiency units are defined as:

Any building or structure or group of buildings or structures, on a single parcel and under the same ownership, containing a total of ten or more rooming units which are available to the public for consideration. The facility may contain dining facilities open to persons not resident in the hotel or motel, as well as cooking facilities for use of guests within the individual rental unit.

B. APPLICABILITY

Any establishment purporting to be a hotel/motel-efficiency unit establishment shall be registered with the Department of Revenue as a bona fide hotel/motel operation, and must pay the levied tourist development tax as promulgated by the Lee County Tourist Development Authority.

Any establishment not so registered nor not paying the Tourist Development tax shall be considered to be a multiple family building and shall be subject to the property development and parking regulations for multiple family buildings.

C. SPECIAL REGULATIONS

1. Property Development Regulations

a. Minimum area: 20,000 square feet

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- b. Minimum lot width: 100 feet
- c. Minimum lot depth: 100 feet
- d. Side and rear setbacks: 20 feet for buildings up to thirty-five (35) feet in height, plus one-half (1/2) foot for every one (1) foot in excess of thirty-five (35) feet.

2. Parking

One and one-half (1 1/2) spaces per rental unit.

3. Density:

Calculated at ratio of two and one-half (2.5) rental units as the equivalent of one (1) dwelling unit. Density not to exceed the density permitted in the Lee Plan for the land use category in which the property is located.

4. Floor Area of Guest Rooms

- a. Minimum floor area for a guest room or suite shall be one hundred twenty (120) square feet.
- b. Maximum floor area for guest room or suite shall be six hundred (600) square feet.

5. Conversion

Any hotel or motel proposing to convert to dwelling units shall be required to obtain a Planned Development approval from the Board of County Commissioners and shall be required to comply with all applicable parking regulations, density limitations of the Lee Plan, and all other regulations of this Ordinance affecting residential dwelling units.

528 HOTELS-CONVENTION

A. DEFINITION

For the purpose of this Ordinance, Hotels - Convention shall be defined as:

Any building containing principally sleeping rooms in which guests are lodged with no provision for cooking in any individual room or suite and having substantial meeting room facilities and ancillary food service.

B. SPECIAL REGULATIONS

1. Property Development Regulations

- a. Minimum area: two (2) Acres
- b. Minimum lot width: 150 feet
- c. Minimum lot depth: 200 feet
- d. Side and rear yards: 20 feet for buildings up to thirty-five (35) feet in height, plus one-half (½) foot for every one (1) foot in excess of thirty-five (35) feet.

2. Parking

1.2 spaces per guest unit (ancillary uses located in separate buildings and available to non-guests shall meet the requirements of Section 202.13).

3. Density

Maximum density for Hotels - Convention shall be 50 units per acre.

4. Floor Area of Guest Rooms

- a. Minimum floor area for a guest room or suite shall be one hundred twenty (120) square feet.
- b. Maximum floor area for guest room or suite shall be five hundred (500) square feet.

5. Conversions

Any hotel or motel proposing to convert to dwelling units shall be required to obtain a Planned Development approval from the Board of County Commissioners and shall be required to comply with all applicable parking regulations, density limitations of the Lee Plan, and all other regulations of this Ordinance affecting residential dwelling units.

~~529 JUNK, SCRAP OR SALVAGE YARDS~~

A. PERMIT REQUIRED

It shall be unlawful for any person, partnership, corporation or other legal entity to operate any junk, scrap or salvage operation within unincorporated Lee County without first having obtained a Planned Development approval from the Board of County Commissioners.

B. SITE PLAN REQUIREMENTS

Any application for a junk, scrap or salvage yard shall be required to submit a detailed site plan showing the location of all buildings and the location of all storage areas designed or used for automobiles and other vehicles, parts, lubricants, fuel, and other storage.

C. FENCING AND BUFFER REQUIREMENTS

All outdoor storage areas used in connection with junk, scrap, or salvage operations shall be completely enclosed with a fence eight (8) feet in height so constructed as to provide a one hundred (100) percent visual barrier. No junk, scrap, or salvage materials shall be stored so as to be visible above said fence when viewed from ground level.

530 KENNELS, ANIMAL CLINICS, BOARDING FACILITIES

Such facilities are limited to the raising, breeding, treating, boarding, training, grooming and sale of domestic animals.

A. LOCATION

The facilities are permitted either by right or as Special Exceptions as specified in the District use regulations.

B. GENERAL REQUIREMENTS

Except as specifically provided herein, all Animal Clinics, all Animal Kennels, or Boarding Facilities shall be completely enclosed within an air-conditioned, sound-proof building and shall have no outdoor cages, pens, runs, or exercise facilities.

1. COMPLETELY ENCLOSED FACILITIES

Any Animal Clinic, Kennel, or Boarding Facility permitted by right or by Special Exception (as specified in the Zoning District Regulations), shall be required to meet the minimum lot size and setback requirements for the Zoning District in which located.

2. FACILITIES NOT COMPLETELY ENCLOSED

Any Animal Clinic, Kennel or Boarding Facility which contains outdoor pens, cages, runs or exercise facilities shall be required to meet the following minimum requirements:

- a. Minimum Lot Size - Five (5) acres

- b. Minimum Setback - no portion of any pen, cage, run, or other outdoor exercise facility shall be located closer than two hundred (200) feet from any abutting lot or parcel under separate ownership, or from any street right-of-way line or easement.

531 MARINA SANITATION FACILITIES

- A. Any marina which provides mooring for boats for live-aboard purposes with installed on-board sewer systems which are not designed and approved for overboard discharge must have:
 - 1. Public restrooms with the facilities for sewage disposal and bathing.
 - 2. A sewage disposal system to which all liveaboard vessels can pump out, and such system must be approved by Lee County.
- B. Refuse Disposal: Overboard disposal of refuse is prohibited.
- C. Collection and disposal: All garbage shall be collected at least once a week and transported in covered vehicles or covered containers. Burning of refuse in the marina is prohibited.
- D. Any Class II Marina not in conformity with this Section shall be brought into conformity by July 10, 1986.

532 MOBILE HOMES

A. TIE-DOWNS

All mobile homes shall be tied down in accordance with State and/or insurance regulations.

B. SKIRTING

All Mobile Homes shall have removable skirting around the entire perimeter

- 1. Skirting shall be of a durable material such as decorative block, concrete block, fiberglass, aluminum or vegetation. Junk doors or other scrap material is prohibited.
- 2. Skirting shall be maintained at all times by the resident.

C. MOVE-ON PERMIT

No mobile home shall be relocated or moved onto any property without first obtaining a Move-on Permit from the Division of Code Enforcement.

MODEL HOMES AND MODEL UNITS

A. USE REGULATION

1. New Developments

Model homes may be permitted within any new development consisting of ten (10) or more dwelling units or lots, upon application for, and approval of a building permit PROVIDED THAT the provisions of this Section are complied with, and the Model is being promoted for use within that development.

2. Existing Developments and Subdivisions

Model homes may be permitted by Special Exception only, in existing developments PROVIDED THAT the applicant owns or controls ten (10) or more undeveloped lots within the development; the provisions of this Section are complied with; and the Model is being promoted for use within that development.

B. LOCATION OF MODEL HOMES

1. Each model home shall be located on a single lot in accordance with the Property Development Regulations for the district in which located or in accordance with the Development Order if the development includes multiple structures on a single parcel.
2. No more than two (2) Model units shall be erected on the same side of a street within a single block of an existing development or subdivision.
3. All Model units shall be connected to water, sewer and electricity and shall receive a Certificate of Occupancy as a Model unit only, prior to its use as a Model.
4. In existing developments, Models shall be approved only in areas where the additional traffic will not adversely affect existing residents.

C. USE OF MODEL HOMES

1. No Model Home shall be used for living purposes either temporarily or permanently while being used as Model Home.
2. No Model Home shall be used for any business activities other than display of the Home. No sales are to be conducted in the Model except when Model is accessory to and a part of a multi-family structure.

D. TIME LIMITATIONS

1. Existing Developments:

- a. Special exception approval for a Model Home shall be for a period of time not exceeding two (2) years from the date of issuance of a Certificate of Occupancy. The Board of Zoning Adjustments may grant an additional specified time limit after public hearing.
- b. At the end of the two-year period, if the Board of Zoning Adjustments has not granted an extension of use as a Model, the owner shall apply for a Change of Use Permit and convert the Model to a living unit or remove the Model from the property.

2. New Developments

Model Homes constructed in new developments may continue to be used as Models until the development has reached eight (80) percent occupancy.

E. CHANGE OF USE

No Model Homes shall be converted to a living unit prior to application and approval of a Change of Use Permit from the Division of Code Enforcement.

F. PARKING

Parking for the Model unit shall be on-site in compliance with parking requirements of this Ordinance.

534 MODEL UNIT DISPLAY CENTER

A. DEFINITION

For purposes of this Section a model display center is defined as three (3) or more single-family detached homes or mobile homes, or four (4) or more duplex or two family units (not buildings) erected on a single property for purposes of promoting sales of said units.

B. PERMIT REQUIRED

Model display centers may be approved in districts zoned commercial which permit same, or by Special Exception in a residential district, provided the property is zoned for the type of unit(s) being displayed.

C. SPECIFIC REGULATIONS

1. Units within a model display center may be connected to electricity but shall not be connected to water and/or sewer.
2. Units shall not be used for permanent occupancy nor shall they be used to provide office space. All sales shall be conducted in a main sales office on or off premises.
3. Parking shall be provided adjacent to the sales office in accordance with the off-street parking regulations for offices and developed in accordance with the Land Development Code.
4. Nothing in this Section shall be interpreted to apply to, or prohibit, designating various units within a multiple family building or complex as model units during the sale of units within said building or complex.

535 OUTDOOR RECREATION FACILITIES

- A. All outdoor seating facilities including, but not limited to, bleachers and other outdoor seating areas, shall be located not less than twenty-five (25) feet from any property under separate ownership.
- B. Amusement rides, waterslides and other outdoor recreation structures shall be located not less than fifty (50) feet from any property under separate ownership, provided further, that such setback shall be one hundred (100) feet from any adjacent residentially zoned property.

536 OUTDOOR STORAGE AND DISPLAY OF MERCHANDISE FOR SALE OR RENTAL

A. SCOPE.

Except as provided in sub-section E, this section shall apply to all outdoor storage and/or display of merchandise which is incidental to a commercial or industrial use located on the premises.

B. SETBACKS

All buildings and structures shall comply with the setback requirements for the zoning district in which the use is located. No merchandise stored or displayed shall be located within ten (10) feet of any property line, or within twenty-five (25) feet of any street right-of-way or easement.

C. LIGHTING

Artificial lighting used to illuminate the premises shall be directed away from adjacent properties and streets, shining only on the subject site.

D. FENCING AND SCREENING

Where any commercial use has outdoor storage of merchandise, they shall provide a continuous visual screening of at least eight (8) feet in height along any lot line abutting a residential use, and six (6) feet in height along any street right-of-way at a distance of not less than five (5) feet from the right-of-way line (Section 202.10).

E. EXCEPTIONS

The provisions of the Section do not apply to the sale or rental of vehicles, trailers or mobile homes (Section 512) or to junk, scrap or salvage yards (Section 528); or Refuse, Trash Dumps and Sanitary Landfills (Section 542).

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PLACE OF WORSHIP AND RELIGIOUS FACILITIES

A. PROPERTY DEVELOPMENT REGULATIONS:

1. Non-Commercial or Non-Industrial Districts

All religious facilities and all places of worship located in non-commercial or non-industrial districts, shall be subject to the following property development regulations.

a. Minimum Lot Area and Dimensions

Area	2 acres
Width	100 Feet
Depth	100 Feet

b. Maximum Building Height

The building height shall be governed by the zoning district within which the use is located, provided, however, that in no zoning district shall any height limitation apply to a church spire or any single story portion of a structure.

c. Maximum Lot Coverage

40% in all districts unless a zone is less restrictive.

d. Minimum Setbacks

Front Setback	25 feet
Side Setback*	10% of lot width: Minimum 20 feet Maximum 40 feet
Rear	20 feet
Water body	25 feet

* If a structure exceeds thirty-five (35) feet in height, the required side setback shall be increased on each side by an additional one-half foot for every foot of height over thirty-five (35) feet. It is the intent of this Section that flexibility of the site design should be achieved by permitting the portion of a particular side setback in excess of thirty (30) feet to be provided for by increasing the opposite side setback in the amount of such excess.

2. Commercial and Industrial Districts

- a. All places of worship and all religious facilities, when located in commercial or industrial shall adhere to the property development regulations of the zoning district wherein the place of worship or religious facility is located.
- b. All places of worship and all religious facilities located in a zone permitting both residential and commercial uses as principal uses shall adhere to the commercial property development regulations of that district.

3. Parking

Place of Worship

Parking for Places of Worship shall be provided at the ratio of one (1) parking space for each three (3) seats within the sanctuary or main assembly hall, whichever is greater. (See Section 202.13.J.7. for computation of pew seats).

Religious Facilities

Parking for Religious Facilities shall be the same as for Places of Worship, with additional parking for ancillary facilities as required in Section 202.13, provided that where the ancillary facilities will not be used at the same time, parking shall be based upon the peak anticipated attendance at any one time, for all facilities.

B. EXPANSION OF EXISTING PLACE OF WORSHIP

Expansion of existing Places of Worship, lawfully existing as of August 1, 1986, by right or by Special Exception, are hereby declared legal uses. Additions, renovations, or other expansion of the main place of assembly may be permitted upon application for, and approval of, a building permit in accordance with all applicable County regulations without the requirement of Special Exception approval. Any expansion which would constitute a Religious Facility will require a Special Exception, except in those zoning districts where permitted by right.

538 PROPAGATING AND GROWING PLANTS

Plant nurseries for the purpose of growing plants, shrubbery and trees for commercial purposes shall be permitted in the Urban Services area provided that:

1. The area so used is set back at least twenty-five (25) feet from all street rights-of-way or easements; and
2. Fertilizer, compost, etc. shall be limited to quantities for immediate use, and kept at least one hundred (100) feet from any residential use.

539 RECREATIONAL CENTER WITHIN RESIDENTIAL DEVELOPMENTS

A. APPROVAL REQUIRED

Recreation Centers are permitted either by right or by Special Exception in most Residential Districts. However, they are permitted as accessory uses in any P.U.D. or Planned Development only when shown and approved on the site plan or the Master Concept Plan. They are also permitted in some Commercial Districts.

B. LIMITATION

Recreation centers and ancillary recreational facilities shall serve only the residents and guests of the residential development in which such facilities are located. Use by the general public shall be expressly prohibited.

C. LOCATION

Recreation centers and ancillary facilities shall be located at least forty (40) feet from any residential dwelling and situated in a manner as to encourage pedestrian and bicycle traffic.

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RETAIL ROADSIDE STANDS AND "U-PICK" OPERATIONS

A. SCOPE

The requirements of this Section shall apply to all agricultural produce stands, "u-pick" operations, and all other retail roadside stands.

B. PERMANENT PRODUCE STANDS

Permanent structures may be permitted in certain zoning districts as specified in the district use regulations subject to the following regulations:

1. All permanent structures shall be built in compliance with all applicable building codes and shall be located in accordance with all setback requirements for the district in which located.
2. Only produce grown on the premises or on other farms located within Lee County and under the control of the owner of the premises shall be sold.
3. Off-street parking shall be provided in accordance with Section 202.13. Parking areas shall have a surface type specified in 202.13.G.2.

C. TEMPORARY PRODUCE STANDS

Temporary produce stands may be permitted upon issuance of a Temporary Use Permit as specified in the district use regulations, subject to the following regulations:

1. No permanent structures shall be erected; and
2. Temporary stands shall comply with the setback requirements of the district in which located; and
3. Off-street parking for a minimum of three (3) cars shall be provided. Off-street parking areas shall have a surface type specified in 202.13.G.2; and
4. Temporary stands shall be removed whenever the stand is not in use (except short periods of forty-eight (48) hours or less.); and
5. Only produce grown on the same premises shall be sold from a temporary produce stand.

D. ALL OTHER ROADSIDE STANDS

Temporary roadside stands may be permitted upon issuance of a temporary use permit in any commercial or industrial district subject to the following regulations.

1. Applicants for temporary roadside stands shall submit a letter from the property owner authorizing the temporary use of the premises; and
2. Temporary stands may be permitted for periods of up to two (2) weeks by the Director; and
3. Off-street parking with a surface type specified in 202.13.G.2. shall be provided. If the temporary use will be on premises with existing parking facilities, no additional parking facilities shall be required, and;
4. All temporary stands shall be removed upon termination of the Temporary Use Permit.

E. "U-PICK" OPERATIONS

U-pick operations are permitted or permissible uses as specified in the district use regulations, subject to the following regulations.

1. All u-pick operations shall provide an area on premises for off-street parking of all customers and the parking surface shall be as required by Section 202.13.G.2.; and
2. Unless an existing driveway is used, a temporary driveway permit shall be requested from the Department of Transportation and Engineering Services.

541 SALE OR RENTAL OF WATER ORIENTED RECREATIONAL EQUIPMENT AND OF PARASAILS

A. SCOPE

This section shall apply to the sale or rental of any recreational equipment whereby the recreational activity may or may not take place in, or over jurisdictional Lee County waters; but, the sale or rental of the recreational equipment ~~does take place in jurisdictional Lee County. Such sale or~~ rental is hereby declared to be a commercial use of land.

B. REGULATIONS

The sale or rental of this type of recreational equipment shall be permitted only in districts permitting same in the use regulations.

542 REFUSE AND TRASH DUMPS AND SANITARY LANDFILLS

A. PERMIT REQUIRED

It shall be unlawful for any person, partnership, corporation or other legal entity to operate any landfill operation within unincorporated Lee County without first having obtained a Planned Development approval.

B. COMPLIANCE WITH OTHER REGULATIONS

All landfills shall comply with all applicable Federal, State and Local rules and regulations.

C. SITE PLAN REQUIREMENT

An application for a landfill shall include a detailed site plan showing the location of all buildings, fences, or other structures as well as the area to be used for filling.

D. REVIEW BY DEPARTMENT OF LEE COUNTY UTILITIES

All applications for a landfill shall be submitted to Lee County Utilities, Division of Solid Waste Management for review and comment prior to any action by the Board of County Commissioners.

E. FENCING AND SCREENING

Where deemed necessary to protect the general public, safety fences or walls up to a height of eight (8) feet may be required. The Board of County Commissioners may also require screening to protect neighboring property from potential loss or use or diminishment of land value or use.

F. ACCESS

An access road constructed in accordance with the Lee County Land Development Code shall be provided to the entrance of the facility. Access shall be restricted to specific entrances with gates which can be locked.

543 SATELLITE DISHES

A. RESIDENTIAL ACCESSORY USE

Satellite Dishes shall be permitted as a residential accessory use subject to the following:

1. Dishes shall maintain a ten (10) foot setback from all side and rear property lines; and,

- 2. Satellite dishes shall not be placed closer to the street right-of-way than the principal buildings; and
- 3. The height of the dish shall not extend beyond the height of the principal structure on the same lot.

B. COMMERCIAL STORAGE AND DISPLAY

All commercial storage and display of satellite dishes shall meet the requirements of Section 536.

544 SCHOOLS - NON-COMMERCIAL

A. PERMIT REQUIRED

All non-commercial schools are permitted by right or are required to obtain Special Exception approval prior to any new construction or expansion of an existing facility, in accordance with the district use regulations.

B. MINIMUM ACCESS REQUIREMENTS FOR NEW SCHOOLS

- 1. Elementary schools shall have access to a collector street and shall not be located adjacent to an arterial street; and
- 2. Secondary schools shall have access to a collector or arterial street.

C. LOCATION

No school site shall be approved which, in the opinion of the Board of Zoning Adjustments, is exposed to physical constraints, hazards or nuisances which are detrimental to the health and safety of students and to the general operation of the school.

545 SHOOTING RANGE - OUTDOOR

A. APPLICATION

In the case of an application for a Planned Development approval to establish an Outdoor Shooting Range, the basic information required in Section 800.01.B. shall be modified to the extent that the map required in Section 800.01.B.3. shall be required to show the surrounding area within one-half mile of the site, (and it shall) include any part of the downrange safety area, discussed below, which extends beyond one-half mile from the site.

B. STANDARDS

The design and operation of an Outdoor Shooting Range shall be governed by the following standards:

1. The layout of all handgun, rifle, shotgun, trap and skeet ranges shall conform to National Rifle Association standards with regard to layout and dimensions. The range proper shall be fenced off, and shall have signs posted at one-hundred (100) foot intervals warning potential intruders of the danger.
2. Ranges designed for the use of handguns and rifles shall be provided with berms at least twenty (20) feet high and six (6) feet thick at the top, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. Berms shall be located as follows:
 - a. Shotgun ranges: No berms required.
 - b. Ranges for handguns and rifles not more powerful than .22; BACKSTOP - at least one-hundred fifty (150) feet from the firing line; LATERAL not closer than thirty (30) feet from the firing line.
 - c. Ranges for rifles more powerful than .22 long rifles: BACKSTOP - at least three-hundred (300) feet from the firing line; LATERAL - not closer than thirty (30) feet from the firing line.
3. The range shall be located on a site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:
 - a. Shotgun ranges - 1,500 feet, provided that shot size is limited to #4 or smaller.
 - b. Ranges for handguns and rifles not more powerful than .22 long rifle - 7,000 feet.
 - c. Ranges for rifles more powerful than .22 long rifle - 13,500 feet.

The safety area should conform to National Rifle Association standards for the shape and width. The safety area shall have signs posted at intervals warning of the potential danger from stray bullets. If a street or road passes through the safety area, both right-of-way lines shall be posted. (NOTE: The downrange safety area requirement for handgun and rifle ranges may be waived if the firing line is provided with overhead baffling meeting the standards of the National Rifle Association).

- 4. The range shall be provided with bathroom facilities.
- 5. A sign shall be constructed on the range site listing allowable types of firearms, and stating the rules of operation of the range.
- 6. At least one range supervisor shall be present at all times when firing is taking place. The supervisor shall be certified by the National Rifle Association for the type of shooting he is supervising, and shall know and enforce all range rules.
- 7. At least one range flag shall be flown whenever firing is taking place. The flag shall be at least eighteen (18) feet high, and the flag shall be bright red, one meter long, fifty centimeters wide at the free end.
- 8. Everyone on the firing line shall be required to have hearing protection and to be wearing safety glasses.

546 SWIMMING POOLS, TENNIS COURTS AND OTHER RECREATIONAL FACILITIES -
NON COMMERCIAL

A. SCOPE

The following regulations apply to all swimming pools, tennis courts, shuffleboard courts and other similar recreational facilities which are accessory to permitted residential uses, hotels and motels, and which are not owned or operated separately as a commercial enterprise or owned or operated by a governmental agency or school.

B. LOCATION

- 1. Facilities accessory to an individual Single Family, Two Family, Duplex Dwelling, or Mobile Home.
 - a. All swimming pools and tennis courts shall comply with the side and street setback requirements for the Zoning District in which located. Provided that no such facility shall be closer to a street right-of-way or roadway than the principal building.
 - b. Unenclosed pools or pools enclosed only with openmesh screen and unenclosed tennis courts or tennis courts enclosed only with open link fencing, shall be permitted up to, but no closer than ten (10) feet from a rear property line or bay, canal or other natural body of water, whichever is the most restrictive.

- c. Swimming pools covered by a solid roof, whether attached to the principal building or free-standing, shall be permitted up to, but no closer than, ten (10) feet from a rear property line or bay, canal, or other natural body of water, whichever is the most restrictive, PROVIDED THAT at least three (3) sides of said enclosure are open-mesh screening from a height of three and one half (3 1/2) feet above grade to the roof line.
 - d. Swimming pools, roofed or unroofed, with any two (2) or more sides enclosed by opaque material, shall be required to comply with all setbacks required for a principal building.
2. Facilities accessory to a Multiple Family, Townhouse, Motel, Mobile Home or Recreational Vehicle Park.
- a. Swimming pools, tennis courts, shuffleboard courts and other similar recreational facilities may be located closer to a street right-of-way or easement than a principal building provided that:
 - 1.) They are located in compliance with the minimum setback set forth in Section 202.15.B; and
 - 2.) They are part of a Planned Development or a site plan approved in accordance with the Lee County Land Development Code.
 - 3.) They are aesthetically landscaped with berming or buffering which is adequate to screen the use from the street so as to prevent being a traffic distraction.

C. FENCING

1. In-ground Swimming Pools

Every swimming pool shall be enclosed by a fence, wall, hedge, screen enclosure or other structure, not less than four (4) feet in height, constructed or installed to prevent access to the pool by persons not residing on the property.

For purposes of this Section, the height of the structure, or hedge shall be measured from the ground level outside of the area so enclosed. Said enclosure may be permitted to contain gates provided they are lockable.

2. Above-ground Swimming Pools

Above ground pools shall fullfill either the enclosure requirements for in-ground pools or shall be so constructed that the lowest entry point (other than a ladder or ramp) is a minimum of four (4) feet above ground level. A ladder or ramp providing access shall be constructed or installed so as to prevent unauthorized use.

3. Tennis Courts

Fences used to enclose tennis courts shall not exceed twelve (12) feet in height above the playing surface

D. LIGHTING

Lighting used to illuminate a swimming pool or tennis court shall be directed away from adjacent properties and streets, and shall shine only on the subject site.

E. PROHIBITIONS

No swimming pool or tennis court permitted as a residential accessory use shall be operated as a business.

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TOWERS

A. PERMIT REQUIRED

Commercial or public radio, television, transmission or relay tower in excess of one hundred (100) feet are permitted in designated zoning district use regulations subject to the requirements of this Section.

No tower, including towers existing on August 1, 1986 shall be increased in height unless said increase is approved as a Special Exception.

B. LOCATION

1. All tower supports and peripheral anchors shall be located entirely within the boundaries of the property and in no case less than five (5) feet from the property line.

2. All towers shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Agency and the Florida Department of Transportation, Division of Aeronautics, or a municipal or other airport authority qualified by law to establish Airport Hazard Zoning Regulations.

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C. DESIGN

All towers shall be engineered so that in the event of collapse, all parts of the structure will fall within the property lines.

D. SETBACKS-ACCESSORY BUILDINGS

All accessory buildings and structures shall conform to the setback requirements for the district in which the use is located.

E. FENCING

A fence or wall not less than eight (8) feet in height from finished grade shall be provided around each tower. Access to the tower(s) shall be through a locked gate.

F. SIGNS-HIGH VOLTAGE

If high voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE-DANGER".

548 UNITS OF HIGH IMPACT

A. APPLICABILITY

The following regulations shall apply to all structures containing one (1) or more units of high impact as defined in Section 1000.

B. PURPOSE

The purpose of this section is to regulate units of high impact and to provide reasonable regulations which are related to the impacts such units have on roads, Commercial establishments, Recreational facilities and Sanitation facilities.

C. CONVERSIONS

1. Applicability

Any conversion of a dwelling unit or rooming unit to a unit of high impact constitutes a change of use and shall conform to the requirements of this Ordinance, in addition to any other county ordinances and regulations governing such use.

2. Minimum Requirements

No development involving the conversion of an existing dwelling unit or rooming unit to a unit of high impact shall be permitted unless:

- a. The dwelling unit or rooming unit is located in a zoning district which permits units of high impact.
- b. The conversion shall comply with the prescribed density range for the land use category the conversion is located in.

D. REGULATIONS CONCERNING SALES OF VACATION TIME-SHARE PLANS

The sale of time-share units, as defined in this Ordinance, may be conducted on the premises within a sales office or within model units subject to the following restrictions:

- 1. Model units shall be limited to one of each type of different unit that are being marketed by the development. Models shall display only those units available on-site. (Section 533 must be complied with.)
- 2. Sales activities shall be limited to only those units contained within the project site.
- 3. Sales activities shall be conducted on-site and within the sales office and/or model units so as not be noticeable from the outside, except for permitted graphics.
- 4. No other commercial activities shall be conducted on-site except as may be permitted by the district regulations.

549 MISCELLANEOUS TEMPORARY USES

A. PURPOSES

The purpose of this Section is to specify regulations applicable to certain temporary uses which, because of their impact on surrounding land uses, require a Temporary Use Permit.

B. PERMIT REQUIRED

No temporary use shall be established until a Temporary Use Permit has been obtained from the Department.

C. LIGHTING

No permanent or temporary lighting shall be installed without an Electrical Permit and inspection.

D. TIME PERIOD

All uses shall be confined to the dates specified in the Temporary Use Permit, provided however, that if no time period is specified, the Temporary Use Permit shall expire and the use be abated within 30 days.

E. HOURS OF OPERATION

Hours of operation shall be confined to those specified in the permit.

F. CLEAN-UP

The site shall be cleared of all debris at the end of the temporary use and all temporary structures shall be removed within forty-eight hours (48) after termination of the use. A cash bond of a minimum of twenty-five (25) dollars and not to exceed five thousand (5,000) dollars shall be posted, or a signed contract with a disposal firm shall be required as a part of the application for a Temporary Use Permit to insure that the premises will be cleared of all debris during and after the event.

G. TRAFFIC CONTROL

Traffic control arrangements required by the Lee County Sheriff's Department in the vicinity at major intersections shall be arranged by the applicant.

H. DAMAGE TO PUBLIC RIGHT-OF-WAY

A cash bond for a minimum of twenty-five (25) dollars and not to exceed five thousand (5,000) dollars shall be posted with Lee County to insure the repair of any damage resulting to any public right-of-way as a result of the event.

549.01 CARNIVALS, FAIRS AND CIRCUSES

A carnival, fair or circus shall be subject to the provisions of Lee County's Special Event Permit.

549.02 CHRISTMAS TREE SALES

A. Christmas Tree Sales may be permitted in any commercial or industrial district, provided that no parking lot shall be used, for display of trees.

B. The maximum length of time for display and open-lot sales shall be forty-five (45) days.

549.03 CONTRACTOR'S OFFICE AND EQUIPMENT STORAGE SHED

A contractor's office and/or construction equipment shed may be permitted in any district where use is incidental to an ongoing construction project with an active Building Permit or Development Order. Such office or shed shall not contain sleeping or cooking accommodations. The contractor's office and construction shed shall be removed within thirty (30) days of the date of final inspection for the project.

549.04 HORSE SHOWS AND EXHIBITIONS

- A. A horse show or exhibition may be permitted at a boarding or commercial stable for special events, including but not limited to dressage shows, exhibitions and contests.
- B. The maximum length of time for such use shall not exceed fifteen (15) days.

549.05 TEMPORARY RETAIL ROADSIDE STANDS (Section 540)

- A. Temporary retail roadside stands may be permitted in accordance with Section 540.C. and D.

549.06 TEMPORARY MOBILE HOMES

- A. A temporary Mobile Home may be permitted to be emplaced on a lot during construction of a conventional Single Family dwelling in the Agricultural Districts.
- B. The Mobile Home shall be removed from the property within ten (10) days of the issuance of the Certificate of Occupancy, or expiration of the building permit for the conventional dwelling, whichever occurs first.

549.07 TEMPORARY SHELTERS

When fire, natural or human-caused disaster has rendered a single-family residence unfit for human habitation, the temporary use of a Mobile Home located on the Single-Family lot during rehabilitation of the original residence or construction of a new residence may be permitted subject to the following regulations.

- A. Required water and sanitary facilities must be provided.
- B. The maximum length of the use shall be six (6) months, but the Director may extend the permit once for a period not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for an extension shall be made at least fifteen (15) days prior to expiration of the original permit. Additional extensions may only be allowed by the Board of Zoning Adjustments.

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- C. The Mobile Home shall be removed from the property within ten (10) days of the issuance of the Certificate of Occupancy for the new or rehabilitated residence.
 - D. Placement or setting of the Mobile Home shall adhere to the Lee County Flood Plain Ordinance.

549.08 TEMPORARY TELEPHONE DISTRIBUTION EQUIPMENT

Telephone distribution equipment may be granted a temporary permit during planning and construction of permanent facilities provided that:

- A. The equipment is less than six (6) feet in height and three hundred (300) cubic feet in volume, and
- B. The maximum length of the use shall be six (6) months, but the Director may extend the permit once for a period not to exceed six (6) additional months in the event of circumstances beyond the control of the telephone company. Application for an extension shall be made at least fifteen (15) days prior to expiration of the original permit. Additional extensions may only be allowed by the Board of Zoning Adjustments.

CHAPTER VI - NONCONFORMING USES, LOTS, BUILDINGS AND STRUCTURES

600 PURPOSE

These regulations have or will cause some lots, structures, buildings, or uses of lots, structures, or buildings to be nonconforming. It is the purpose of this section to set forth the rules and regulations regarding those nonconforming lots, structures, or buildings, and uses which were created by the adoption of this Ordinance. Nothing contained herein is intended to preclude the enforcement of Federal, State and other local regulations that may be applicable.

601 NONCONFORMING USES

"NonConforming Use" means a use or activity which was lawful prior to the adoption, revision, or amendment of this Ordinance but which fails, by reason of such adoption, revision, or amendment to conform to the use requirements of the zoning district in which located.

601.01 NONCONFORMING USE OF LAND

A Nonconforming Use of land may be continued subject to the following provisions.

- A. No such Nonconforming Use shall be extended, or enlarged, or replaced by another use not specifically permitted in the zoning district concerned.
- B. Discontinuance of Nonconforming uses
 - 1. No land used in whole or in part for such Nonconforming Use, which hereafter becomes and remains vacant or unoccupied for a continuous period of six (6) calendar months shall again be used except in conformity with the regulations then in effect.
 - 2. Neither the intention of the owner nor that of anyone else to use a lot for any Nonconforming Use, nor the fact that a makeshift or non bona fide Nonconforming Use has been made of said lot shall be taken into consideration in interpreting the word "vacant" as used in this Section.
- C. No additional structure which does not conform to the requirements of this Ordinance shall be erected in connection with such Nonconforming Use of land.

601.02 NONCONFORMING USES OF BUILDINGS

A Nonconforming Use of a building or building and land in combination, may be continued subject to the following provisions:

A. No such Nonconforming Use of a building or building and land in combination shall be extended or enlarged, or replaced by another building or use not specifically permitted in the use regulations for the zoning district in which the building is located.

B. Discontinuance

When a Nonconforming Use of a building, land, or building and land in combination, is discontinued or abandoned for six (6) consecutive months or for any eighteen (18) months during any three year period (except when government action impedes access to the land), the building or building and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

C. Repair and Maintenance

1. Only ordinary repairs and maintenance, including repair or replacement of roof covering, walls, fixtures, wiring, or plumbing shall be permitted on any building or structure devoted to a Nonconforming Use. In no case shall such repairs include structural alterations.

2. If a nonconforming structure or portion of a structure containing a Nonconforming Use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations for the district in which located.

602 NONCONFORMING (SUBSTANDARD) LOTS

Nonconforming or substandard lot means a lot of which the area, dimension or location was lawful prior to the adoption, revision or amendment of this Ordinance and which fails by reason of such adoption, revision, or amendment to conform to the requirements for the zoning district in which the lot is located.

602.01 LOT OF RECORD

For the purposes of this section only, a lot of record is a lot which conformed to the minimum lot size for the use permitted for that lot in its zoning district at such time that the lot was created, but which lot fails to conform to the minimum lot size requirements which are established by this Zoning Ordinance.

For the purpose of this section a lot is created on such date that one of the following conditions occur.

- 1. The date that a deed for said lot is lawfully recorded in the Public Records of Lee County, Florida; or
- 2. The date that a subdivision plat has been lawfully recorded in the Public Records of Lee County, Florida; and the lot is a part of said subdivision; or
- 3. The date that a site plan for a development was approved by the Board of County Commissioners pursuant to Resolution as long as said development subsequently recorded a subdivision plat that had been approved by the Board of County Commissioners in the Public Records of Lee County, Florida and the lot is a part of said subdivision.

A. Lots of record may be developed subject to all of the following provisions:

- 1. All other regulations of this Ordinance are met;
- 2. No division of any parcel may be permitted which creates a lot with width, depth, or area below the minimum requirements stated in this Ordinance.
- 3. Contiguous lots of records may be combined and redivided to create larger dimension lots of record as long as such recombination includes all parts of all lots and existing allowable density is not increased.

B. The burden of proof that the lot is legally nonconforming and lawfully existed at the specified date, shall be with the owner.

602.02 SINGLE FAMILY RESIDENCE ZONED LOT

A single family residence may be constructed on a lot of records as long as the lot was lawfully created prior to June, 1962, and the following conditions are met:

- A. Lots existing in the AG-2 or AG-3 Zoning District require a minimum width of 75 feet, a minimum depth of 100 feet and a lot area not less than 7,500 square feet.
- B. Lots existing in any other zoning district which permits the construction of a single family residence require a minimum of 40 feet in width, 75 feet in depth, and a lot area not less than 4,000 square feet.
- C. Prohibited Uses - The use of any single lot of record for any residential use other than a single family residential use is prohibited where the area of the lot is less than 6,000 square feet. Neither a guest house nor servants quarters shall be

permitted on a single lot of record having less than 7,500 square feet, or which is occupied by any dwelling unit or units other than one (1) single family residence.

602.03 MOBILE HOME OR RECREATIONAL VEHICLE ZONED LOT

A single family mobile home or a recreational vehicle may be placed on a lot of record which lot is located within a mobile home or Recreational Vehicle Park (as applicable) provided, however, that the park was properly zoned, or approved by Special Permit for mobile home or recreational vehicle use, and provided further, that minimum requirements as set forth below were met at the time the lot was created. These are:

- A. For lots of record created prior to the effective date of the County's 1962 Zoning Regulations.
 - 1. The minimum lot area per unit shall be not less than 1,200 square feet; and
 - 2. There shall be a minimum of ten (10) feet between units;
- B. For lots of record created after the effective date of the County's 1962 Zoning Regulations but prior to the effective date of the County's 1968 Zoning Regulations.
 - 1. The minimum lot area per unit shall be not less than 2,800 square feet;
 - 2. The minimum lot width shall be forty (40) feet; and
 - 3. The minimum setbacks from all lot lines shall be five (5) feet and between units or appurtenances thereto they shall be ten (10) feet;
- C. For lots of records created after the effective date of the County's 1968 Zoning Regulations but prior to the effective date of the County's 1973 Zoning Regulations.
 - 1. Minimum lot areas shall be:
 - a. For Mobile Homes on central sewer - 3,750 square feet;
 - b. For Mobile Homes on individual septic systems - 7,500 square feet; and
 - c. For Recreational Vehicles - 1,200 square feet; and
 - 2. Minimum setbacks for both mobile homes and recreational vehicles shall be:

- a. From street right-of-way, 10 feet;
- b. From rear lot line, 10 feet;
- c. From side lot line, 5 feet or a minimum of 10 feet between units; and
- d. From park perimeter, 15 feet.

D. For lots of record recreated after the effective date of the County's 1973 Zoning Regulations but prior to the effective date of the County's 1978 Zoning Regulations.

- 1. Minimum lot areas shall be:
 - a. For Mobile Homes on central sewer - 4,000 square feet; and
 - b. For Recreational Vehicles on approved septic systems - 1,200 square feet.
- 2. Minimum setbacks for both mobile homes and recreational vehicles shall be:
 - a. From street right-of-way, 10 feet;
 - b. From rear lot line, 10 feet;
 - c. From side lot line, 5 feet or a minimum of 10 feet between units; and
 - d. From park perimeter, 15 feet.

E. For lots of record created after the effective date of the County's 1978 Zoning Regulations but prior to the effective date of this Ordinance.

- 1. Minimum lot areas shall be:
 - a. In the MH-1 District, 7,500 square feet;
 - b. In the MH-2 District, 5,000 square feet; and
 - c. In the MH-3 District, 21,000 square feet; and
 - ~~d. In the MH-4 District, 40,000 square feet; and~~
 - e. In the RV District, 2,000 square feet;
- 2. Minimum setbacks shall be as set forth in the 1978 Zoning Regulations.

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602.04 COMMERCIAL OR INDUSTRIALLY ZONED LOTS

A commercial or industrial use of land may be commenced on a single nonconforming lot of record lawfully existing on the effective date of this Ordinance, subject to the specific limitations and regulations set forth below; provided, however, that said lot is zoned for such use. However, the lot must be appropriately located and adequate in size and dimension to accommodate the use contemplated and all spatial requirements; i.e., proposed structures, setbacks, parking, access, surface water management facilities and, where required, buffers.

- A. If the lot was lawfully created prior to June 1962, it must be at least 4,000 square feet in area and have a minimum width of 40 feet and a minimum depth of 75 feet. Minimum setbacks for structures are:
1. Street - as set forth in the regulations for the applicable zoning district;
 2. Side - 20% of lot width or 15 feet, whichever is less;
 3. Rear - 1/2 of the lot depth less the street setback or 5 feet, whichever is greater, but not more than 25 feet.
- B. If the lot was created between June 1962 and January 5, 1978 and was lawfully existing on February 4, 1978, it must be at least 7,500 square feet in area and have a minimum width of 75 feet and a minimum depth of 100 feet. Minimum setbacks for structures are:
1. Street - as set forth in the regulations for the applicable zoning district;
 2. Side - 15 feet; and
 3. Rear - 1/2 the lot depth less the street setback or 5 feet, whichever is greater, but not more than 25 feet.
- C. Nothing herein shall be construed to prohibit the rezoning of nonconforming lots of record into commercial or industrial districts where the public interest is served by such a rezoning.

603 NONCONFORMING BUILDINGS AND STRUCTURES

- A. "Nonconforming building or structure" means a building or structure the size, dimension, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the property development requirements of the zoning district in which the building or structure is located.

B. A nonconforming building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1. Except as provided in Subsection 604, no such structure may be enlarged or altered in a way which, in the opinion of the Department Director, increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
- 2. Except as provided herein, any nonconforming structure damaged by fire or other natural forces, may be reconstructed at, but not to exceed, the lawful density and/or intensity existing at the time of destruction; provided, however, that the reconstruction of said structure is consistent with Federal, State and local regulations and all the other provisions of this Ordinance; and

Except further that a lawfully existing single family residence or mobile home may be repaired or replaced provided the new unit is no larger in area, width, and depth, than the size unit being replaced.

604 REGULATIONS PERTAINING TO ENLARGEMENT OR EXPANSION OF A NONCONFORMING STRUCTURE

A. Nonconforming due to Setbacks

A structure which is lawful in all respects with the exception of a setback requirement(s) may be enlarged provided that:

- 1. The addition is otherwise permitted; and
- 2. The addition itself, including any addition which increases the height of the structure, complies with all the setback requirements.

B. Nonconforming Due to Area

A structure which is lawful in all respects with the exception of lot area requirements may be enlarged provided that:

- 1. Said enlargement is otherwise permitted; and
- 2. All other property development requirements such as setbacks, height, bulk, lot coverage, parking, and open space are met; and
- 3. The enlargement does not increase the density or intensity of use.

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 C. Nonconforming due to Height

A structure which is lawful in all respects with the exception of height restrictions may be enlarged; provided, however, that:

1. Said addition or enlargement is otherwise permitted; and
2. Said addition or enlargement complies with height and setback requirements.

D. Nonconforming due to bulk or lot coverage

A structure which is lawful in all respects with the exception of bulk or lot coverage shall not be enlarged.

605 REGULATIONS PERTAINING TO MOBILE HOME/RECREATIONAL VEHICLE UNIT REPLACEMENTS AND ROOF REPAIRS

Any mobile home or recreational vehicle unit which has been lawfully placed on any rental lot within any rental park, regardless whether said park has been converted to either co-operative or condominium ownership prior to June 25, 1986, may be replaced by a unit of equal or smaller size upon proof that the placement of said unit was lawful. Said proof may consist of copies of official tax records, tag registration, County permits or by affidavit or any other competent evidence. Permits shall also be issued for re-roofing and roof repairs for any existing mobile home or recreational vehicle located within a mobile home or recreational vehicle park regardless of lot size.

These provisions shall automatically expire two (2) years from the date of adoption of this Ordinance and shall be subject to review by the Board of County Commissioners prior to its expiration date.

606 SPECIAL EXCEPTIONS AND PERMITS

Uses approved by Special Exception, or other permits which were issued or granted by the Board of County Commissioners before the effective date of this Ordinance, and which are no longer permitted in the zoning district where located, shall be considered to be nonconforming uses and subject to the provision of Section 600.

CHAPTER VII - THE OFFICIAL ZONING MAP AND INTERPRETATION

700 EXISTING OFFICIAL ZONING MAP

- A. The Existing Official Zoning Map of Lee County consists of a series of zoning maps and/or aerial photographs, adopted by the Board of County Commissioners in 1978, as amended.
- B. The Existing Official Zoning Map shall be part of the public records of Lee County and shall be made available for public inspection at reasonable hours.
- C. Vested Right

There shall be no right to rely on the Existing Zoning Map to vest rights. It shall be the responsibility of all staff members and members of the public to consult the Resolution or Ordinance which amended the zoning of the subject property in order to determine the parameters and conditions on the subject zoning.

700.01 MAP AMENDMENT

No changes or amendments to the Existing Official Zoning Map shall be made except in compliance and conformity with all the procedures of this Ordinance including the correction of errors resulting from clerical or drafting mistakes. Changes in district boundaries or other subject matter portrayed on the Official Zoning Map, shall be made promptly after official adoption of the amendment. All amendments and changes approved by the Board of County Commissioners or the Board of Zoning Adjustments shall become effective at the end of the appeal period specified in Chapter IX. The filing of an appeal stays the effectiveness of the change. If no appeal is filed the Director shall forthwith authorize the approved changes to be made on the Official Zoning Map.

700.02 MAP REPLACEMENT

- A. In the event that the Existing Official Zoning Map or any page or portion thereof becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board may adopt by resolution at an advertised public hearing a replacement page or portion of the Official Zoning Map which shall supersede the prior Official Zoning Map.
- B. Any replacement page or portions thereof may be adopted to correct drafting and clerical errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the Existing Official Zoning Map or subsequent amendment thereto without a duly noticed public hearing. A duly noticed public hearing for adoption of a replacement page shall be in accordance with Chapter IX.

- C. Unless the prior Official Zoning Map, page or portion thereof has been lost or destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption and amendment.

701 NEW OFFICIAL ZONING MAPS

The Board of County Commissioners hereby authorize the preparation of a new Official Zoning Map in conformance with the procedures set forth herein.

A. Preparation

1. New zoning maps shall be drawn on a dimensionally stable plastic film drawn at a scale of one (1) inch representing twelve hundred (1,200) feet or less. Where a section or portion thereof contains district boundary lines or other notations which are too numerous to clearly show at the above mentioned scale, separate section maps or insert maps at a larger scale may be prepared.
2. Each map, page, or insert shall designate the area depicted by the Township, Range and Section and/or quarter section as applicable.
3. The Division of Mapping and Graphics shall assign a page number to each map, page or insert, and shall retain an index of the page numbers and the Township, Range, Section or insert displayed on that page.
4. Each page of the Official Zoning Map shall bear the signature of the Chairman of the Board of County Commissioners, and shall be attested by the Clerk of the Circuit Court and shall bear the seal of Lee County under the following words:

 "This is to certify that this is Page of the Official Zoning Map referred to and adopted by reference by Ordinance of the County of Lee, Florida, adopted , ".
5. The boundaries of each district shall be shown on the Official Zoning Map and the district symbol or symbols shall be used to designate each district.
6. For mapping purposes only, a zoning district boundary line may be drawn to the centerline of a street, stream, or river, or to the shoreline of a stream, river or other body of water, and all existing streets or bodies of water within said district may be included within said district without delineation of same.

B. Public Hearing and Adoption

The new official zoning maps shall not be adopted until after due public notice and public hearings as set forth in Chapter IX.

701.01 AMENDMENTS TO NEW OFFICIAL ZONING MAPS

A. If a rezoning occurs on a parcel or parcels of property after public notice and hearings in accordance with the current Lee County Zoning Ordinance and the enabling legislation, said changes shall be noted on the Official Zoning Map in the following manner:

1. The district boundary change shall be drawn on the map indicating the new district designation and symbol. A small number in parenthesis shall also be shown which will reference the reader to a margin notation.
2. The margin notation shall read:

"Resolution , From to ".

B. All Special Permits, Special Exceptions or Variances approved by the Board of County Commissioners or Board of Zoning Adjustments (as applicable) after public hearings and notice in accordance with Chapter IX shall be noted in the margin as follows:

1. The property in question shall be marked with a reference number directing the reader to the margin notes.
2. The margin note shall read:

"Special Exception, Special Permit or Variance (as applicable) - see Resolution ".

C. If a page becomes difficult to interpret due to numerous revisions or for any other reason, the Board of County Commissioners may adopt a new page reflecting all changes approved in accordance with this Ordinance, which will supercede the original page.

702 RECORDS MANAGEMENT

The Division of Mapping and Graphics shall retain a copy of the original maps adopted under the provisions of Section 701, as well as a copy of any map reflecting the latest revisions to the Zoning Maps. The Division of Mapping and Graphics shall retain all zoning maps (or microfilmed copies) utilized prior to the adoption of new maps under Section 701.01.

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UNAUTHORIZED CHANGES PROHIBITED

No changes to zoning district boundaries, Special Exceptions, Special Permits, or variances shall be made on any Official Zoning Maps, except as provided for herein. Copies of the Official Maps may be requested and paid for by members of the public and purchased for private use. Any unauthorized change, or a change by unauthorized personnel or persons of whatever kind, shall be considered a violation of this Ordinance and said person or persons shall be subject to any and all criminal and civil sanctions provided by this Ordinance or as otherwise provided by law. No one shall acquire any interest or right in property or personally by the unauthorized change in the Official Zoning Map.

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RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

When uncertainty exists as to the boundaries of districts of the Official Zoning Map, the following rules shall apply:

LOCATION OF DISTRICT BOUNDARY LINES

A. Center Lines

Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

B. Lot, Section, Tract Lines

Boundaries indicated as approximately following lot lines, section or tract lines shall be construed as following such lot lines.

C. Municipal Boundaries

Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.

D. Railroad Lines

Boundaries indicated as approximately following railroad lines shall be construed to be the centerline of the railroad right-of-way.

E. Shorelines

Boundaries indicated as following shorelines shall be construed to follow such shorelines as indicated on the aerial photography flown for Lee County in 1984. In the event of change in the shoreline due to natural causes, land created through accretion shall automatically be classified as EC

until and unless a zoning district change is applied for and approved in accordance with procedures set forth in this Ordinance. Boundaries indicated as approximately following the center lines of streams, rivers, or canals, shall be construed to follow such center lines.

F. Parallel Lines

Boundaries that are approximately parallel to the center lines or street lines of streets, the center lines or alley lines of alleys, or the center line or right-of-way lines of highways, shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning maps. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning maps.

G. Street Abandonments

Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.

H. Excluded Areas

Where parcels of land and water areas have been excluded or de-annexed from incorporated areas or revert to Lee County in any manner, said parcels shall be classified as UR until changed by public hearing.

I. Uncertainties

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in case any other uncertainty exists, the Director shall interpret the intent of the Official Zoning Map as the location of district boundaries.

CHAPTER VIII - APPLICATION PROCEDURES AND REQUIREMENTS

800 APPLICATION PROCEDURES FOR ALL APPLICATIONS REQUIRING A PUBLIC HEARING BEFORE THE PLANNING AND ZONING COMMISSION, BOARD OF ZONING ADJUSTMENTS, OR BOARD OF COUNTY COMMISSIONERS

A. INITIATION OF APPLICATION

An application for a Rezoning, Special Exception, Special Permit, or Variance, may be initiated by:

- 1. A landowner, or his authorized agent, for his own property, provided however that:
 - a. Where the fee owner has entered into a contract for the sale of the property, whether it be an Agreement for Deed, Sales Contract, or otherwise, then the purchaser must join with the owner to initiate the application .
 - b. Where there is more than one owner, either legal or equitable, then all such owners must jointly initiate the application or petition.
 - 1.) This shall not be construed to require that both a husband and wife must initiate the application on private real property which is owned by them.
 - 2.) Where the property is subject to a land trust agreement, the trustee may initiate the application .
 - 3.) Where the fee owner is a corporation or partnership then the president or general partner may initiate the application.
 - 4.) Where the fee owner is an association, the association or its governing body may appoint an agent to initiate the application on behalf of the association.

2. The County which for purposes of this Section shall mean:

- ~~a. The Board of County Commissioners~~
- b. Planning and Zoning Commission, subject to approval by the Board of County Commissioners.
- c. Board of Zoning Adjustments, subject to approval by the Board of County Commissioners.

B. APPLICATION SUBMITTAL AND OFFICIAL RECEIPT PROCEDURE

The application procedure and requirements in this section shall apply to all applications for rezoning special exceptions, special permits and variances.

1. All properties within a single application must be contiguous. The Director may, at his discretion, allow a single application to cover non-contiguous properties where it is in the public's interest due to the size or scope and nature of the request, and there is a rational continuity to the properties in question.
2. No application shall be accepted unless it is presented on the official forms provided by the Department.
3. Before an application may be accepted, it must fully comply with all information requirements enumerated in Sections 800.01 and 800.02 (as applicable) unless specifically stated otherwise in subsequent sections.
4. The applicant shall ensure that an application is accurate and complete. Any additional expenses necessitated because of any inaccurate or incomplete information submitted shall be borne by the applicant.
5. Upon receipt of the application, the Department will review it for compliance with all requirements.
6. After review, the Department will notify the applicant if any deficiencies are apparent. If the application is satisfactory, the Department will notify the applicant of the appropriate filing fee (see Chapter XI).
7. Upon receipt of the completed application form, all required documents, and the filing fee, the Department will place the request on the appropriate agenda and inform the applicant of the hearing dates.

800.01 GENERAL INFORMATION REQUIREMENTS FOR ALL APPLICATIONS REQUIRING A PUBLIC HEARING

A. COUNTY INITIATED APPLICATIONS

Every County initiated request shall include the following:

1. Legal Description

A legal description of the property(ies) upon which the action is to be initiated, sufficiently detailed so as to locate said property on county maps or aerial photographs. The legal description shall include a copy of the plat, if any, and the County STRAP number.

2. Area Location Map

A map, at suitable scale, indicating the property described in the legal description. Said map shall be sufficiently referenced to known major streets or other physical boundaries so as to be clearly identifiable to the general public.

3. Property Owners List

A complete list of all property owners, and their mailing addresses, for all property within the area described. For the purpose of this section, names and addresses shall be deemed to be those appearing on the latest tax rolls of the County.

4. The Lee Plan land use classification for the property in question.

5. Filing Fee

All fees for County initiated applications shall be paid to the Department in accordance with the duly adopted fee schedule (see Chapter XI).

B. OWNER-INITIATED APPLICATIONS

Every application involving changes in zoning district boundaries, or a request for special exception, variance, or special permit, initiated by a landowner or his authorized agent for his own property, shall include the following:

1. Authority

The name of all parties having interest in the subject property, to include the names of stockholders owning ten (10) percent or more of outstanding stock, and the names of beneficiaries of trusts and a certification that the applicant is authorized pursuant to Section 800.A.1. to apply for a rezoning.

2. Legal Description

A legal description of the subject property sufficiently detailed so as to locate said property on county maps or aerial photographs shall be submitted. The legal description shall include a copy of the plat, if any, and the County STRAP number. A boundary sketch shall also be required.

If the application includes multiple contiguous parcels, the legal description shall describe the perimeter boundary of the total area, but need not describe each individual parcel. However, the STRAP number for each parcel must be included.

The Director shall have the right to reject any legal description, which is not sufficiently detailed so as to locate said property on section aerial maps and the director may require that a certified survey boundary sketch be submitted.

3. Area Location Map

The location of the subject property indicated on a copy of the Official Zoning Map or an aerial photograph furnished by the Department. This map shall indicate each parcel of land within three hundred seventy five (375) feet of the perimeter of the parcel to be zoned, and shall reference known major streets and geographic features with sufficient clarity as to be recognizable by the general public.

4. Property Owners List

A complete list of all property owners, and their mailing addresses, for all property within three hundred seventy five (375) feet of the perimeter of the subject parcel. For the purpose of the requirements, names and addresses of property owners shall be deemed to be those appearing on the latest tax rolls of the County. The applicant shall be responsible for the accurancy of such list.

5. Property Owners Map.

A map displaying all of the parcels of property within three hundred seventy five (375) feet of the perimeter of the subject parcel, referenced by number or other symbol to the names on the property owners list. The applicant shall be responsible for the accuracy of the map.

6. Existing State of the Parcel.

A map or visual display that depicts all existing structures, easements, rights-of-ways, platted roads, rights of ingress and egress, drainage easements, drainage swales, etc, and any other special features existing on the land in question.

7. Deed Restrictions

A copy of the deed restrictions on the subject parcel, if any, along with a statement as to how the deed restrictions may affect the requested action.

8. The Lee Plan Land Use Classification for the subject property.

9. If buildings or structures exist on the property, the applicant shall submit an affidavit that the buildings and structures will be removed or that the proposed use of the building, structures and land is, or will be, in compliance with all applicable requirements of the Land Development Code and this Ordinance.

10. Additional material, depending on the specific type of action requested shall be required as set forth in Section 800.02.A. thru 800.02.F.

C. MODIFICATIONS TO SUBMITTAL REQUIREMENTS

Upon written request, the Director may modify the herein contained submittal requirements where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

800.02 ADDITIONAL SPECIFIC INFORMATIONAL REQUIREMENTS OR PROCEDURES FOR OWNER INITIATED APPLICATIONS FOR PUBLIC HEARING

A. DEVELOPMENT OF REGIONAL IMPACT (D.R.I.)

All Developments of Regional Impact (DRI) shall comply with the information submittal and procedural requirements of Chapter 380, F.S. as administered through the Southwest Florida Regional Planning Council. Additionally, if the DRI requires specific zoning actions (i.e., rezoning), the intent of the procedures and requirements of Sections 800.01, 800.02, and 804 shall be met. Thresholds for DRI's can be found in FAC, Chapter 27F2.

B. DEVELOPMENT OF COUNTY IMPACT (PLANNED DEVELOPMENT)

1. Thresholds

A Development of County Impact (DCI) shall be any owner-initiated request for a rezoning or Special Exception that could result in:

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- a. a residential development of 100 or more dwellings at a density less than 5 dwelling units per gross acre; or
 - b. a residential development of 50 or more dwellings at a density of 5 or more dwelling units per gross acre; or
 - c. a residential development of 25 or more dwellings at a density of 8 or more dwelling units per gross acre; or
 - d. any residential development proposing a density above the standard density range when located in areas designed as Rural or Open Lands by the Lee Plan; or
 - e. a commercial development or activity on 5 or more acres; or
 - f. an industrial development or activity, including mining or solid mineral extraction on 5 or more acres of land; or
 - g. an institutional, public or quasi-public development or activity (not including health care facilities or a Place of Worship (df)) on 5 or more acres of land;
 - h. a health care facility or group home, not a part of a residential or commercial planned development, of 50 or more beds; or
 - i. any other development required to apply for Planned Development Zoning as set forth in Sections 431 (R.P.D.); 441 (R.V.P.D.); 451 (C.F.P.D.); 461 (C.P.D.); 471 (I.P.D.); 482 (A.O.P.D.); and 484 (P.U.D.)
 - j. any development on land falling within a General, General Commercial, Industrial or Industrial Commercial Interchange Area as specified by the Lee Plan and its attendant Land Use Plan Map; or
 - k. any combination of residential, commercial, institutional, or industrial land uses on 10 or more acres of land, none of the said uses, taken individually equaling or exceeding any other threshold set forth in this paragraph; or
 - l. any Development of Regional Impact (DRI) not included in a. through h. above; or

- m. at the Director's discretion, any development that may
 - 1.) exceed 80% of the thresholds set forth in a. through h. above; or
 - 2.) exceed 10% of the thresholds set forth in Chapters 27F-2, FAC, for DRI's, except where another specific threshold is set forth herein.
- n. any development proposed under the New Community section of the Land Use Element of the Lee Plan.

2. Determination of DCI (Planned Development Status)

- a. Any owner or agent wishing a determination of the DCI status of his/her property shall apply to the Director and pay a fee to cover administrative costs.
- b. For the purpose of determining whether a parcel is a DCI, all contiguous parcels, and all parcels separated from the subject property only by a right-of-way or easement of 100 feet or less in width, which are in common ownership or control shall be identified and taken into account in both determining DCI status and estimating the impacts of any proposed development.
- c. Developments of County Impact shall be zoned only to a Planned Development classification in accordance with Section 804.

C. REZONING - CONVENTIONAL DISTRICTS

- 1. All requests for rezonings, other than those determined to be a D.R.I. or a D.C.I. shall include a statement of the basis or reason for the rezoning. Said statement to be directed, at a minimum, to the guidelines for decision making embodied in Section 900.01.B. This statement may be utilized by the Board and staff in establishing a factual basis for the granting or denial of the rezoning.
- 2. Applications for rezonings are required to comply with Section 800.01.B.

D. SPECIAL EXCEPTIONS

Except as preempted under paragraph 800.02.B.2.c., every owner initiated application for a Special Exception shall, in addition to the requirements of Section 800.01.B, include the following:

- 1. A statement as to how the property qualifies for the Special Exception requested and what impact granting the request would have on surrounding properties. Said statement shall be directed, at a minimum, to the guidelines for decision making embodied in Section 900.01.B. This statement may be utilized by the Board and staff in establishing a factual basis for granting or denial of the Special Exception.
- 2. A site development plan detailing the proposed use, including, where applicable, the following
 - a. The location and current use of all existing structures on the site, as well as those on adjacent properties within one hundred (100) feet of the perimeter boundaries of the site.
 - b. All proposed structures and uses to be developed on the site.
 - c. Any existing public streets, easements or land reservations within the site and the proposed means of vehicular access to and from the site.
 - d. A traffic impact analysis of projected trip generation for the development.
 - e. Proposed fencing and screening, if any.
 - f. Any other reasonable information which may be required by the Director which is commensurate with the intent and purpose of this Zoning Ordinance.

E. VARIANCES

Every owner-initiated application for a Variance from the terms of this Zoning Ordinance shall in addition to the requirements of Section 800.01.B, include the following:

- 1. A document describing:
 - a. The Section number, and the particular regulation of this Ordinance, from which relief (variance) is requested; and
 - b. The reason(s) why the variance is needed; and
 - c. What effect (if any) granting of the variance would have on adjacent properties; and
 - d. The nature of the hardship which is used to justify the request for relief.

- 2. A site plan describing:
 - a. Existing public streets, easements or other reservations of land within the site;
 - b. All existing and proposed structures on the site;
 - c. All existing structures within one hundred (100) feet of the perimeter boundary of the site;
 - d. The proposed deviation from the adopted Standards.
- 3. All other information required by the official forms provided by the Department, and any other reasonable information which may be required by the Department which is commensurate with the intent and purpose of this ordinance.
- 4. It is hereby noted that Use Variances are not legally permissible, and no application for a Use Variance will be processed. Department staff will notify the applicant when a more appropriate procedure (e.g. rezoning, Special Exception, Special Permit) is required.

F. SPECIAL PERMITS

Except as specifically stated otherwise herein, all owner-initiated applications for Special Permits shall contain the information required by Section 800.01.B as well as the following information:

- 1. Section Line or Street Setbacks
 - a. The property owners list and property owners map (Section 800.01.B.4 and 5) may be modified to show only the names and locations of property owners which abut the perimeter of the subject property.
 - b. Site Development Plan (11 sets)
 - 1) The "Existing State of the Parcel" map (Section 800.01.B.6) shall be expanded to include all structures, easements, rights-of-way etc. within one hundred (100) feet of the peripheral boundary of the subject property.
 - 2) A site plan showing the location of all proposed structures, easements, rights-of-way, and vehicular access onto the property, including entrance gates or gatehouses.

- 3) All section lines and quarter section lines within or abutting the subject property.
 - 4) Extent of modification from street, section or quarter section line setbacks being requested.
2. Temporary Parking Lots
 - a. In addition to the requirements of 800.01.B. the applicant shall submit a site plan showing all existing and proposed parking spaces and drives, both paved and unpaved, vehicle access points, and lighting (if any).
 - b. An analysis indicating the need for the temporary parking lot as well as the anticipated frequency of use.
 - c. If the temporary parking lot is off the premises of the principal use, provisions for traffic control and pedestrian safety shall be provided.
 3. Consumption on Premises
 - a. The property owners list and map (Section 800.02.B.4 and 5) shall be modified to include all property within five hundred (500) feet of the perimeter of the subject property.
 - b. A site plan of the property including a detailed parking plan shall be submitted.
 - c. A written statement shall be submitted which describes the type of state liquor license to be acquired (e.g. 2 COP, SRX, 11C, etc.) and the anticipated hours of operation for the business.
 4. Activities within coastal zones requiring a special permit (Section 202.08.C.2.a.8).
 - a. A map, drawn to suitable scale, showing the location and extent of the proposed dredging, filling, excavation or alteration;
 - b. Steps which will be taken to assure that the proposed activity will not have an adverse affect on the environmental sensitivity of the area.
 5. Joint Parking
 - a. A signed agreement of the parties indicating the number and location of the parking spaces which will be jointly shared;

- b. Evidence satisfactory to the Board that the joint use of the parking facilities will occur in such a manner that the number of spaces required for each use will not be below that required by this Ordinance.
- c. A back-up plan to provide sufficient parking in the event the joint agreement is violated by either party.

6. Solar or Wind Energy Modifications

- a. Evidence that the proposed modifications are the minimum necessary to provide for the solar or wind energy proposal; and,
- b. The proposed modifications will not adversely affect adjacent properties.

802 APPLICATION PROCEDURES - OTHER

A. APPLICATION FOR DEVELOPMENT APPROVAL

All applications for development shall be in accordance with the procedures and regulations set forth in the Lee County Land Development Code.

B. APPLICATIONS FOR BUILDING PERMITS

- 1. All applications for building permits shall be in compliance with this Ordinance as well as:
 - a. The Lee County Land Development Code; and
 - b. The Lee County Building Code; and
 - c. All other applicable County or State regulations.
- 2. An application for a Building Permit for property subject to a Deed of Restrictions recorded in the office of the Clerk of Court of Lee County shall contain a statement signed by the applicant that such application complies with the applicable Deed of Restrictions.

~~C. GRADING PERMITS~~

All grading and/or contouring of property including alteration of drainage, shall be done in compliance with the procedures and regulations set forth in the Lee County Land Development Code, or other Lee County development regulation.

D. EXCAVATION/WATER RETENTION

1. Applicability

This section shall apply to any grading or excavation activities which are intended primarily to provide for the retention/detention of storm water run-off in which the excavated material is retained and used for grading of the premises.

If any of the natural materials or deposits are removed or are to be removed from the subject property, the Excavation Permit shall be issued only in conformance with Sections 202.09 and 517.

2. Excavation Permit - Water Retention

An Excavation Permit for water retention/detention shall be issued in accordance with the procedures set forth in the Lee County Land Development Code or other Lee County development regulations.

E. INTERPRETATIONS OF ORDINANCE

Where a question arises as to the meaning or intent of a section or sub-section of this Ordinance, a written request stating the area of concern and the explicit interpretation requested, shall be submitted to the Director, on forms provided by the Department.

1. The Director may render decisions of an administrative nature such as, but not limited to:

- a. Proper zoning classification for a use not specifically addressed;
- b. Procedures to follow in unusual circumstances.

2. Interpretations which, in the opinion of the Director, involve policy issues, shall be placed on a regularly scheduled meeting of the Board of County Commissioners for consideration.

- a. If the question involves clarification of the legislative intent of these regulations, the Board may render a decision as an Administrative Action item.
- b. Decisions involving policy issues or potential conflicts with the Lee Plan shall be scheduled for a Public Hearing in accordance with Section 903.

3. Annotations of all Director or Board decisions which may have an impact on future decisions shall be periodically printed and made available to the general public.

F. BUILDING RELOCATION PERMITS

1. Compliance with regulations

- a. When a building is moved to any location within the unincorporated area of Lee County, the building or part thereof shall immediately be made to conform to all the provisions of the latest adopted Zoning Ordinance and other applicable Lee County Regulations.
- b. Any building being moved for which permit was granted shall not be allowed to remain in or on the streets for more than forty-eight (48) hours.

2. Application Requirements

Any person desiring to relocate/move a building shall first file with the Director of the Division of Code Enforcement a written application on an official form provided by the division which shall contain the following information furnished by the applicant, and shall be accompanied by the required application fee:

- a. Present use of the building.
- b. Proposed use of the building.
- c. Type of construction of the building as defined by Standard Building Code.
- d. The extreme dimensions of the length, height and width of the building.
- e. Its present location and proposed new location by STRAP number, as well as by street numbers.
- f. The zoning classification of the proposed site.
- g. Construction details drawn to scale of no larger than $\frac{1}{2}'' = 1'0''$ and no smaller than $\frac{1}{8}'' = 1'0''$.
 - 1.) Foundation layout with connection details.
 - 2.) Floor plan - existing and proposed.
 - 3.) Mechanical plans - a/c, electric and plumbing (when applicable).

4.) Elevations - front, side and rear.

- h. Water and disposal approvals from appropriate departments.
 - i. Lee County DOTES house moving permit and a copy of the completed DOTES application.
 - j. A site plan indicating lot dimensions, required setbacks, location of the proposed structure and any existing structures at the site where the building is to be moved. This site plan shall be drawn to a scale of no larger than 1 inch = 20 feet and no smaller than 1 inch = 50 feet.
 - k. A current certified survey of the proposed site. When located in a flood zone V or A the survey must indicate the ground elevation from NGVD.
 - l. Photographs showing all sides of the building which is to be moved and the site where the building is proposed to be located.
 - m. Proof of notice to all owners of property located adjacent to the site where the building is proposed to be located.
 - n. Current termite inspection report signed by a licensed pest controller.
 - o. A map showing the route to be taken and the approximate time such building will be upon the street, so that a determination can be made concerning the necessity for a deputy sheriff to accompany the building move.
- If the Director of the Division of Code Enforcement has determined that it is necessary for the deputy sheriff to accompany the movement of the building over the highways and roads of the County, the applicant shall pay to the County sufficient funds to cover the cost thereof.
- p. Evidence of notification to the following agencies of the approximate time and the route to be taken for the building move:
 - 1.) Fire department through whose district the building will be moved.
 - 2. Lee County Sheriff's Department.

- 3.) Lee County Emergency Medical Services.
- 4.) Telephone company.
- 5.) Electric company.
- 6.) All other utilities that may be affected.

3. Inspection of Building

The Director of the Division of Code Enforcement shall have the building inspected to determine:

- a. If the building can be brought into compliance in all respects with this Zoning Ordinance and other Lee County regulations pertaining to the area to which the building is to be moved.
- b. If the building will be compatible with other buildings and uses in the neighborhood to which the building is to be moved.
- c. If the building is structurally sound and either complies with the Standard Building Code and other codes adopted by Lee County or can be brought into compliance with such code.

4. Rejection of Application

The Director of the Division of Code Enforcement shall reject any application which:

- a. Fails to meet the inspection criteria detailed in 3., above; or
- b. If in the opinion of the Director, the moving of any building will cause serious injury to persons or property or serious injury to the streets or other public improvements; or
- c. The building to be moved has deteriorated due to fire or other element to more than fifty (50) percent of its assessed value; or
- d. The moving of the building will violate any of the requirements of the Standard Building Code, the Lee County Zoning Ordinance or other applicable Lee County Regulations. Such decisions are deemed to be administrative decisions which may be appealed in accordance with Section 900.02.A.

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5. Approval of Application

- a. Upon approval of the application for building relocation, a licensed building relocation contractor representing the applicant shall:
- 1.) Apply for and receive a building move and foundation permit; and,
 - 2.) Pay fees for said permits; and,
 - 3.) Post performance bonds or approved security in the form of an escrow agreement or letter of credit payable to Lee County (see subsection 6, BONDS).
- b. Concurrent with the application for the moving permit, the owner of the building or his authorized agent, shall apply for a building (completion) permit, an electrical permit, a plumbing permit and, if applicable, an a/c permit. No renovation work shall be commenced until said permits have been issued. The owner or authorized agent of any house, building or structure proposed to be moved shall make all necessary improvements required in order for said house, building or structure to comply with the requirements of the applicable codes within six (6) months.

6. Performance Bonds or Securities

The building relocation contractor shall post a performance bond or approved security at the time the building move permit is issued which:

- a. Indemnifies Lee County against any damage caused by the moving of such building to streets, curbs, sidewalks, shade trees, highways and any other property which may be affected by the moving of the building; and,
- b. Guarantees the applicant's compliance in all respects with this Zoning Ordinance and other regulations pertaining to the area to which such building is to be moved; and,
- c. Insures that the moved building is completed in agreement with the improvements as set forth in the approved plans within six (6) months from the date of issuance of the permit and as conditioned in Standard Building Code Section 106.3 as amended by Lee County Ordinance 85-6.

The amount of the bond, or security in the form of an escrow agreement or letter of credit shall be set by the Director of the Division of Code Enforcement.

803 TEMPORARY PERMITS

A. SCOPE

The County, or any person desiring to conduct any of the uses described in Section 549 of this Ordinance shall be required to submit an application for a temporary use permit.

B. INITIATION OF APPLICATION

An application for a temporary use permit may be initiated by the County or any individual authorized in accordance with Section 800.A.

C. SUBMISSION OF APPLICATION

- 1. No application shall be accepted unless it is presented on the official forms provided by the Department.
- 2. Before an application may be accepted, it must fully comply with all information requirements enumerated in the application form as well as the requirements set forth in Subsection 803.D.
- 3. The applicant shall ensure that an application is accurate and complete. Any additional expenses necessitated because of any inaccurate or incomplete information submitted shall be borne by the applicant.

D. ADDITIONAL APPLICATION INFORMATION

In addition to the application information, the applicant shall submit satisfactory evidence that:

- 1. adequate sanitary facilities, meeting the approval of the County Health Department are provided;
- 2. sounds emanating from the temporary use shall not adversely affect any surrounding property;
- ~~3. all requirements as to providing sufficient parking and loading space are assured;~~
- 4. when deemed necessary, a bond is posted in addition to an agreement with a responsible person sufficient to guarantee that the ground area used during the conduct of the activity is restored to a condition acceptable to the Department.

- 5. all applications for Temporary Permits, excluding those for Mobile Homes during construction of a residence, shall provide public liability and property damage insurance. This requirement may be waived by the Board of County Commissioners at a regular meeting, after advertisement on the agenda.
- 6. Where applicable, the applicant for a proposed use has complied with Lee County Ordinance 81-48, Special Events.
- 7. the law enforcement and fire agencies who will be coordinating traffic control or emergency services have been advised of the plans for a temporary use and that they are satisfied with all aspects under their jurisdiction.

E. INSPECTIONS AND REFUND OF BONDS

Upon expiration of the temporary permit, the Department shall inspect the premises to ensure that the grounds have been cleared of all signs and debris resulting from the temporary use and shall inspect the public right-of-way for damages caused by the temporary use. Within forty-five days after a satisfactory inspection report is filed, the Department shall process a refund of the bonds. An unsatisfactory inspection report shall be sufficient grounds for the County to retain all or part of the bonds posted to cover the costs which the County would incur for cleanup or repairs.

804 INFORMATION AND REQUIREMENTS SPECIFIC TO DEVELOPMENTS OF COUNTY IMPACT (D.C.I.) - PLANNED DEVELOPMENTS

804.01 EMPLOYMENT OF PLANNED DEVELOPMENTS

- A. The Lee Plan requires that Developments of County Impact must be developed as planned developments. These Developments of County Impact (DCIs) (defined in Section 800.02.B.) if not already zoned for the use desired, shall be rezoned only to the most applicable, Planned Development category. Other proposed developments, regardless of size, may seek a planned development where the developer desires and the Department Director determines that it is in the public interest to do so.

Any request for an RPD in areas designated as Rural or Open Lands in the Lee Plan, which is for the purpose of increasing density over the standard density permitted, shall be required to comply with special regulations as set forth in Section 805 as well as the requirements set forth herein.

- B. Except for planned developments in areas designated as Rural or Open Lands, any application for a proposed planned development that requests no more than a single use and either

one principal building (see definition) on the site or a cluster of principal buildings totaling less than 50,000 square feet under roof shall be reviewed as a Minor Planned Development. For a Minor Planned Development, the required information accompanying the rezoning application may be reduced as set forth in Section 804.03.C.2.b. and confirmed by written agreement between applicant and the Department Director. However, the submittals shall never be less than those required by Chapter VIII & IX as appropriate.

- C. An application for an existing development that requests a rezoning to a Planned Development shall be reviewed as set forth in Section 804.03.C.2.c.
- D. In instances wherein a single planned development contemplates a broader mix of uses than is provided by any one planned development category, two or more planned developments categories may be combined in one application.

804.02 DESIGN STANDARDS

A. GENERAL

- 1. All planned developments shall be consistent with the provisions of the Lee Plan.
- 2. All planned developments, unless otherwise excepted, shall be designed and constructed in accordance with the provisions of all applicable Lee County development regulations in force at that time.
- 3. The tract or parcel proposed for development under this regulation shall be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and shall be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.
- 4. The tract or parcel shall have access to existing or proposed roads:
 - a. in accordance with the Lee County Land Development Code and as specified in the Lee Plan Traffic Circulation Element or the Official Trafficways Map of Lee County; and

- b. that have either sufficient existing capacity or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a Level of Service "C" or better on an annual average basis and Level of Service "D" or better during the peak season.
5. Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off-site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest, generally, through emissions of noise, glare, dust, odor, air or water pollutants.
6. Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature trees and other threatened or endangered native vegetation. Alteration of the vegetation and/or topography that unnecessarily disrupts the surface or groundwater hydrology, increases erosion of the land, or which destroys significant wildlife habitat is prohibited. That habitat is "significant" that is critical for the survival of rare, threatened or endangered species of flora or fauna.
7. A fundamental principal of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g. the preservation or conservation of environmentally sensitive land and waters.
8. Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.
9. Where a proposed planned development is surrounded by existing development and/or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.
10. Where the proposed planned development is surrounded by existing development and/or land use with which it is not compatible or is of a significant higher or lower intensity of use ($\pm 10\%$ of the gross floor area per acre

if a commercial or industrial land use, or $\pm 20\%$ of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.

11. In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities, which promote pedestrian activity and community interaction.
12. In order to enhance the viability and value of the resulting development, the designer shall assure the internal buffering and separation of potentially conflicting uses within the planned development.
13. Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.
14. Unless otherwise provided for herein, minimum parking and loading requirements shall be as set forth in Section 202.12 and 202.13. Where it can be reasonably anticipated that specified land uses are generators of occasional peak demand for parking space, a proportion of the required parking may be pervious or semi-pervious surfaces subject to conditions that it be constructed and maintained so as to prevent erosion of soil. In all cases, however, sufficient parking shall be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.
15. Joint use of parking by various land uses within the planned development may be permitted by special condition where it can be demonstrated or required that the demand for parking by said various uses will not conflict. Joint parking agreements between uses within and uses without the planned development shall be governed by agreement per general regulation (Section 202.13.H.), without exception.
16. Internal consistency through sign control, architectural controls, uniform planting schedules, and other similar controls are encouraged.

B. DENSITY OR INTENSITY OF USE

Density or intensity of use permitted in any planned development shall be determined on a case by case basis in accordance with:

- 1. The range of density or the uses permitted or encouraged under the Lee Plan at that location; and
- 2. The availability of adequate capacity of all public facilities and services (in order of precedence; roads, water, sewer, surface water management, public safety, schools, other public services); and
- 3. The level of public services to be provided by the development; and
- 4. The nature of, and the density and intensity of existing development surrounding the project.

In no case, however, shall the density of a Planned Development be permitted to exceed six (6) units per acre in areas designated as Rural or Open Lands by the Lee Plan.

C. OPEN SPACE - GENERAL

- 1. For the purpose of calculating requirements for Planned Developments, "open space" shall be defined as follows:
 - a. OPEN SPACE: That part of the development site either remaining in its natural state or which is graded and landscaped, and which may be used for passive or active recreation, conservation of natural resources, including native vegetation, wildlife habitat, historic, archaeological and scenic resources, dry retention, and for the buffering of incompatible land uses. The primary purpose of open space is to provide an architectural counterpoint to buildings and other intensely used space on the site while providing an incentive and mechanism for preserving environmentally sensitive lands and water, including valuable wildlife habitat, for providing usable area and facilities for recreation, and for preventing the overcrowding of the land.
 - b. OPEN SPACE, COMMON: Open space which is physically accessible to all residents of the development.

- c. OPEN SPACE, PRIVATE: Open space which is physically separated from the common open space and is accessible primarily from a building or unit to which it is appurtenant.
2. Wherever possible, open space shall be distributed throughout the development, particularly common open space where it provides for park and recreation amenities for residents of the development. Open space should be reasonably accessible to all dwelling units.
3. Outparcels or development parcels shall be restricted in such a manner that any subsequent development and final use is consistent with the general open space requirements of the Master Concept Plan.
4. When a planned development is to be developed in phases according to a phasing program adopted attendant to the Master Concept Plan, the cumulative amount of improved or developed open space completed at the end of each phase shall be of the same or a greater proportion of the total open space as that phase is to the whole development.
5. Unimproved open space, e.g. reserved conservation or preservation areas such as Resource Protection Areas or Transition Zones (see Lee Plan, Ord. 84-28), shall be committed at the completion of the first phase.

D. PROVISION OF FACILITIES AND SERVICES

1. If, at the time of rezoning or final plan review, a proposed planned development is found to require the creation, enlargement or extension of any road or street, any public utility system or other public service provision:
 - a. notwithstanding Concept Plan approval, no permits for occupancy or use of the development, or phase thereof, shall be issued until such additional infrastructure is in place, and/or the service is available; and
 - b. the developer shall make provisions acceptable to the appropriate agency, utility or other service provider, for off-setting any incremental increase in net cost of or premature and unprogrammed commitment of capital necessitated by the act or timing of the development; or
 - c. the developer shall provide the necessary capital facilities and services in such a manner as to assure their continuous operation and maintenance

for the near and long term, in accordance with the standards set by the appropriate local, regional, state and federal agencies.

2. The requirements set forth above shall be subject to credits and/or additional conditions as specified in other Lee County Ordinances.

E. DEVIATIONS FROM OTHER GENERAL REGULATIONS

1. Except where specifically suspended or pre-empted by alternative regulations, herein, or by special conditions adopted to the Master Concept Plan, all general provisions of this Ordinance shall apply to any planned development. However, to provide design flexibility in developing land through this regulation, deviations from the general provisions of this Zoning Ordinance, as well as from any separate land development regulation or code, may be permitted where it can be demonstrated in the process of reviewing the Concept Plan that the planned development will be enhanced and that the intent of both these regulations, to protect the health, safety and welfare, will be served. Such deviations shall be set forth in a separate schedule in the application and be accompanied by documentation including sample detail drawings illustrating how each deviation would operate to the benefit, or at least not to the detriment, of the public interest. Approved deviations shall be set forth as part of the documentation attached to the Master Concept Plan.
2. Deviations may be permitted by this procedure to general or specific standards set forth in this Ordinance, the Land Development Code when specifically requested and approved on the Master Concept Plan, and other development ordinances.
3. This section shall also apply to setbacks from section and quarter section lines regardless of procedures set forth elsewhere.

804.03 PROCEDURES SPECIFIC TO PLANNED DEVELOPMENTS

All applications for planned development zoning and/or Master Concept Plan approval shall follow the requirements detailed in the Lee County Administrative Code F-0034 as well as Sections 800 and 801 of this Ordinance, the DCI supplement form provided by the Department, and the following.

A. UNIFIED CONTROL

1. Any applicant for a rezoning or Master Concept Plan confirmation under these Planned Development regulations shall submit documentation corroborating unified control over the subject property. In addition, the applicant shall submit on a standard form a covenant with the County setting forth and agreeing to the obligation to control the development and subsequent use of the property in accordance with these regulations and any special condition attached to the Master Concept Plan in accordance with these regulations. This shall include the obligation to impose these restrictions and limitations on any subsequent owner of all or any part of the subject property, including lots, development parcels and outparcels.

2. The obligation to enforce the conditions attached to the Master Concept Plan shall remain with the original applicant until such time as all of the subject property is developed and certificated for use and occupancy or until a subsequent owner takes up that obligation for all or part of the subject property. Completion or vacation of a phase of the development, or conveyance of a development parcel or outparcel shall relieve the original applicant only insofar as that phase, development parcel or outparcel is concerned, and then only when notice per 804.03.A.3 is properly filed and recorded.

The obligation to enforce the conditions attached to a reaffirmed Master Concept Plan shall lie with whomever files the Covenant of Unified Control for that reaffirmation.

3. In such instance as the initial applicant conveys all or part of the subject property to a subsequent purchaser, said conveyance shall be subject to the original covenant of unified control and the subsequent owner shall file a document with the Department Director accepting the obligation to enforce all conditions and restrictions attached to the Master Concept Plan as if the original applicant. This document shall be filed within sixty (60) days of closing and, shall be recorded with other notice related to the subject planned development. Failure to file this document within the sixty day period shall result in the vacation of the unexecuted portion of the Master Concept Plan. This requirement shall not apply to individual home sites or units (apartments) of a residential development or to any development wherein the obligation to enforce the regulations and conditions or covenants and restrictions is delegated to a property owners' or condominium association or cooperative.

- 4. In such instance as the County discovers any noncompliance with the regulations or the Master Concept Plan and its attachments, during the period of time in which the County seeks such equitable relief as necessary to compel the enforcement of the covenant of unified control, no permit, certificate or license to occupy or use any part of the planned development shall be issued and such construction as is permitted and ongoing shall be stopped. This shall not be construed to injure the rights of tenants of previously completed and properly occupied phases.

B. PREAPPLICATION CONFERENCE

The applicant may initiate the process by requesting an optional preapplication conference with the Department staff. In this request, the applicant shall provide a description of the property in question, its location, existing use, special features and the use or uses proposed. Through this meeting, the applicant may avail himself of staff in order to be oriented to the planned development process, to determine what application materials are required (if a minor planned development), to be advised of the impacts of the Lee Plan, surrounding development and zoning, and other public policy on the development proposal.

C. PLANNED DEVELOPMENT APPLICATION

1. Information Required

Except as specifically provided in subsection 2, an applicant for a planned development proposal shall provide the following information, supplemented, where necessary, with written material and conforming to the best engineering graphic and cartographic standards, in addition to the information regularly required in an application for a rezoning, etc. (see Section 800, 801, and Chapter IX).*

a. Description of Existing Conditions:

In addition to the legal requirements of Sections 800 and 801, the application for a planned development shall be accompanied by:

- 1.) A covenant and documentation of unified control (see Definitions); and
- 2.) A map or other depiction of the existing zoning and current land uses surrounding the tract or parcel to a distance of 375 feet; and

3.) Maps or aerial photographs marked or overprinted to show soils, vegetation and ground cover, and topography at intervals of elevation of one (1) foot, with the subject property clearly outlined. Soils and vegetation, etc. should be classified in accordance with USDA/SCS system and the Florida Land Use and Cover Classification System, respectively.

b. Description of the proposed development, consisting of, as a minimum:

*Wherever this regulation calls for the "exact" or "specific" location of any thing on a map or plan, the location of that thing shall be indicated by dimensions from an acceptable reference point, survey marker or monument.

1.) a Master Concept Plan indicating:

a.) The general location of all proposed land use, specifying for each area the number and type of buildings, their height, the number of units of use (dwelling units, hotel or motel rooms, nursing or hospital beds, square feet of commercial or industrial use, or other measures of intensity), the location, area and description of proposed park and recreation facilities, the cross section and general location of excavations for on-site fill and/or water management;

b.) The location of environmentally sensitive land and waters together with the applicant's proposal for their preservation or conservation, and/or adaptation to the objectives of the planned development. The line of demarcation need not be surveyed until the Concept Plan is approved, but should be based on standard environmental data and be verified by field inspection by the Department staff:

c.) The exact* location of existing easements and rights-of-way;

d.) The exact* location of proposed points of vehicular ingress and egress; and

- e.) The general location and pattern of vehicular and pedestrian circulation and movement within the sites;
- f.) Where subdivision or resubdivision of land is a feature of the proposed development, a sketch plat shall be included, or the Concept Plan shall indicate the general location and configuration and approximate dimensions of all proposed lots, development parcels or outparcels.

*Wherever this regulation calls for the "exact" or "specific" location of any thing on a map or plan, the location of that thing shall be indicated by dimensions from an acceptable reference point, survey marker, monument, or corner of the parcel being rezoned.

- 2.) A schedule or enumeration of all uses of land desired in the planned development, setting forth the parameters of development intensity including the maximum limit of residential density, of commercial or industrial floor area, and other related factors such as the number of parking space, seats, and beds as applicable. The schedule shall be keyed to the Master Concept Plan to indicate the proposed location of the use.
- 3.) A schedule of all requested deviations including sample detail drawings illustrating each deviation. (804.02.E)
- 4.) A completed questionnaire on a form furnished by the Department detailing the conceptual surface water management program and the public infrastructure and service and facilities demands anticipated from the proposed development -- including impacts expected to fall on private-for-profit utilities and special use districts;
- 5.) A traffic impact statement in a format and to the degree of detail required by a form furnished by the County;
- 6.) A market analysis for neighborhood, community and regional shopping centers which:
 - a.) identifies the market area of the proposed center, and within that area, all existing commercial development; and

b.) estimates the current and future populations of the market area, together with their effective buying power.

7.) The text of the private covenants or restrictions (if any) proposed to insure the enforcement of the limitations on permitted uses, the enforcement of the limitations on building, the integrity of open space and common facilities and the perpetual maintenance of said open space and common facilities, keeping always aware that the County shall not be party to those covenants except as they are incorporated into the planned development documents as special conditions;

8.) A description of all proposed dedications (if any) including public beach access, boat ramps, park and recreation areas, open space, or other types of easements.

9.) A description of the program of phased construction, if the development is to be so constructed.

10.) D.R.I.s:

If a proposed planned development is also a Development of Regional Impact per Chapter 380, F.S., a complete and sufficient Application for Development Approval (ADA) per Chapter 380 and supplementary regulations of both the Florida Department of Community Affairs and the Southwest Florida Regional Planning Council may substitute for the detail of existing soils, vegetation and ground cover, and topography [Item C.1.a.(3)], schedule of proposed uses [Item C.1.b.(2)], and projection of anticipated infrastructure and service demand [Item C.1.b.(4)]. If the Master Development Plan accompanying the ADA meets or exceeds the criteria for a Master Concept Plan in Paragraph C.1.b.(1), above, it shall be deemed to be the proposed Master Concept Plan. Further, the ~~text of the proposed covenants and restrictions~~ [Item C.1.b.(7)] may be submitted no later than ten (10) working days prior to the Planning and Zoning Commission hearing (See Item E.1.).

c. Sufficiency and Completeness:

- 1.) Despite the filing of any application, no hearings shall be scheduled until the application is certified by the Department Director as complete and sufficient to evaluate the impacts of the proposed development.
- 2.) In those instances where a proposed planned development is identified by local staff as a possible DRI, the applicant shall be notified that the application will be deemed sufficient only when accompanied by either a Binding Letter of Interpretation from the Florida Department of Community Affairs or a complete and sufficient ADA. Failure by the County to notify the applicant in a timely manner (within 30 days of the applications) shall nullify any finding of insufficiency based on this requirement.

2. Exceptions

a. Planned Development Applications - Amendments

Applications for amendments to an approved Master Concept Plan and/or its attendant documentation, or for the reaffirmation of a previously vacated Master Concept Plan shall be treated procedurally as Minor Planned Developments, but will require only as much information as is needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), if any, that have occurred since the original application was made.

b. Minor Planned Developments

For minor planned developments (804.01.B), the application submittal requirements may be reduced provided said reduction is agreed to by written agreement between the applicant and the Department Director as long as, in the Director's opinion, sufficient information will be provided at the time of formal application to properly evaluate the impacts of the proposed development.

Items which may be reduced or eliminated include:

- 1. Soil, vegetation, ground cover, and topography [804.03.C.1.a.(3)]
- 2. Projections of anticipated infrastructure and service demands [804.03.C.1.b.(4).]
- 3. Phasing program [804.03.C.1.b.(9)]
- 4. Traffic Impact Statement [804.03.C.1.b.(5)]
- 5. Market analysis [804.03.C.1.b.(6)]

c. Existing Developments Seeking Planned Development

An existing development, such as a mobile home development, which has already developed but is non-conforming for conventional district zoning, may request rezoning to a Planned Development classification.

Items which may be reduced, modified or eliminated include:

- 1. Soil, vegetation, ground cover, and topography [804.03.C.1.a.(3)]

- 2. Description of proposed development (804.03.C.1.b.) may be modified as follows:

- C.1.b.(1).(a) - show all existing buildings, structures, individual lots, size of buildings (or mobile Homes), appurtenances, separation between units, roads, setbacks.

(b) - as required

(c) - as platted or recorded, and as actually exists.

(d) - as required

(e) - as required

(f) - as required

C.1.b.(2) - as required

C.1.b.(3) - as required

C.1.b.(4) - not required

C.1.b.(5) - not required

C.1.b.(6) - not required

C.1.b.(7) - if applicable

C.1.b.(8) - not required

C.1.b.(9) - not required

C.1.b.(10) - not required

D. PREHEARING CONFERENCE

Prior to the public hearing by the Planning and Zoning Commission on the application, the Department shall schedule and conduct a conference to facilitate a meeting of applicant and staff persons from all relevant County, State, sub-state regional and Federal agencies, and, special use districts to identify, discuss and/or resolve various issues and to advise the applicant of staff concerns and potential recommendations. The product of this conference shall include the staff's recommendations based upon the original or an amended application, and the applicant's written objections, if any.

E. PUBLIC HEARING

1. Public Hearing Before the Planning and Zoning Commission

Subsequent to the staff prehearing conference, the application shall be scheduled for a public hearing before the Planning and Zoning Commission.

a. The Planning and Zoning Commission shall consider the application in public hearing (per Chapter IX) prior to rendering its recommendation to the Board of County Commissioners.

b. Any recommendation made to the Board of County Commissioners by the Planning and Zoning shall be supported by a formal finding that, in addition to the appropriate guidelines set forth in Chapter IX, the following criteria are/are not met:

- 1.) the proposed use or mix of uses is appropriate at the subject location; and
- 2.) sufficient safeguards to the public interest are provided by the recommended conditions to the Concept Plan or by other applicable regulations; and

- 3.) all recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- c. Should any special condition recommended for the regulation of the proposed development be found to be insufficient, the Planning and Zoning Commission may recommend specific alternate language to the Board of County Commissioners for consideration.
- d. Should a schedule of deviations from other provisions of this Ordinance (subparagraph 804.02.E.) be a part of the planned development application, the Planning and Zoning Commission shall recommend approval, approval with modification, or rejection of each item based upon their finding that for each item:
- 1.) each item enhances the achievement of the objectives of the planned development; and
 - 2.) the general intent of these regulations, to protect the public health, safety and welfare will be preserved and promoted.

If, in the opinion of the Planning and Zoning Commission, required deviations have been overlooked in the original application, they may add the necessary deviations in their recommendation to the Board of County Commissioners without requiring an additional hearing.

2. Hearing Before the Board of County Commissioners

- a. Subsequent to the Planning and Zoning Commission's hearing, an application for a planned development, together with all attendant information, staff reports and the Planning and Zoning Commission's minutes and resolution of recommendation(s), shall be forwarded to the Board of County Commissioners who shall consider the application in public hearing per Chapter IX. After reviewing all information including staff review, and Planning and Zoning Commission recommendations, the Board may either:
- 1.) continue further consideration until additional information is provided by applicant or staff or until the applicant makes changes in the application, subject to re-review by staff and the Planning and Zoning Commission as required; or

- 2.) formally approve, approve with modification, or deny the application.
 - 3.) Should the Board of County Commissioners deny without prejudice, it may remand the proposal to staff with directions to bring the application back to the Planning and Zoning Commission once the application is amended.
 - 4.) If new or additional information, not previously provided to either staff or the Planning and Zoning Commission is supplied by the applicant subsequent to the Planning and Zoning Commission hearing, the Board may remand the application to the Planning and Zoning Commission for rehearing.
- b. Any decision made by the Board of County Commissioners shall be supported by a formal finding, that, in addition to the appropriate guidelines set forth in Chapter IX, the criteria set forth in Subsection 804.03.E.1.b. are or are not met.
 - c. In addition to adopting a Master Concept Plan for the planned development, the Board of County Commissioners may adopt such special conditions as are necessary to address unique aspects of the subject property in the interest of protecting the public health, safety and welfare. Should any recommended special condition be found to be insufficient, the Board of County Commissioners may substitute its own language for such special condition in the final resolution (see subparagraph 400.02.A.).
 - d. Should a schedule of deviations from other provisions of this Zoning Ordinance (subparagraph 804.02.E.) be a part of the planned development application, the Board of County Commissioners, may approve, approve with modification, or reject the entire schedule or specific items based upon their finding that for each item:
 - 1.) each item enhances the achievement of the objectives of the planned development; and
 - 2.) the general intent of these regulations, to protect the public health, safety and welfare will be preserved and promoted.

F. EFFECT OF PLANNED DEVELOPMENT ZONING

- a. Subsequent to the adoption of the Master Concept Plan and the conditions and auxiliary documentation that govern it, any and all development and subsequent use of land, water and structures within any planned development shall be in compliance with (in order of precedence):
 - 1.) the Lee Plan;
 - 2.) Section 804, of this Zoning Ordinance;
 - 3.) the Master Concept Plan and attendant conditions and auxiliary documentation;
 - 4.) any applicable Lee County development regulations in force at the time of final plan submission;
 - 5.) the general provisions of this Zoning Ordinance, unless otherwise excepted by an approved schedule of deviations.

- b. All approvals of general aspects of the Master Concept Plan (Section 804.03.C.1.b.) are conceptual only, and are subject to all development regulations established to protect the health, safety and welfare in force at the time of final plan review (Section 804.03.J.). Any reliance in detail on the approval of a general aspect of the Master Concept Plan is not justified and is not in good faith.

- c. Upon approval of a Master Concept Plan and the conditions and auxiliary documentation that govern it, a notice of said approval and its encumbrance of the real estate involved, all in proper form, shall be recorded by the Department on the official records of Lee County.

- d. Prohibition
 - 1.) The introduction of a use of land or water not provided for on the Master Concept Plan or ~~attendant documentation thereto is prohibited.~~

 - 2.) Creation of a development parcel or outparcel not specified on the Master Concept Plan is prohibited.

- 3.) No development parcel or outparcel shall be created that is not of sufficient size and configuration to support the principal use proposed together with all accessory land and water uses (such as open space, parking, surface water management, and the like), or that does not have permanent and irrevocable rights to such space or use on adjacent and contiguous property.

G. BINDING NATURE OF APPROVAL OF A MASTER CONCEPT PLAN

All terms, conditions, safeguards and stipulations made at the time of the approval of a Master Concept Plan shall be binding upon the applicant or any successor(s) in title or interest to all or part of the Planned Development. Departure from the approved plans or failure to comply with any requirement, condition or safeguard shall constitute a violation of this Zoning Ordinance.

H. AMENDMENTS TO AN APPROVED CONCEPT PLAN

1. Amendments to an approved Master Concept Plan and/or its attendant documentation may be requested at any time during the development of or useful life of a planned development.
2. Minor changes that may be approved by the Department Director include, in general, any change which reduces the impact of the resulting land use on surrounding land uses or the public interest generally, but that will also not result in a substantial underutilization of public resources and infrastructure committed to the support of the development; e.g.
 - a.) reduction of any parameter of intensity (i.e. number of "dwelling units" or density rate, quantity of finished commercial or industrial floor area, etc.), but not more than 10%;
 - b.) minor adjustments in the location, shape, orientation of land uses or buildings;
 - c.) increases in the amount of open space.
3. All other requests for amendments to a Master Concept Plan and/or its auxiliary documentation shall be treated procedurally as Minor Planned Developments but with application information and materials specified by Section 804.03.C.2.b.

4. Any application for amendment that proposes a development which, taken by itself, would constitute a Development of County Impact (DCI) (see Paragraph 800.02.B) shall not be treated as a minor planned development unless it clearly meets the criteria set forth in Paragraph 804.01.B. Otherwise, it shall proceed as a new and separate planned development.
5. Notice of any plan amendment shall be recorded in the same manner as the approved Master Concept Plan itself.

I. DURATION OF RIGHTS CONFERRED BY ADOPTED CONCEPT PLAN

1. an approved Master Concept Plan and its attendant documentation shall be valid for no more than three (3) years from the date that the Board of County Commissioners first approved the Master Concept Plan. If final plan approval has not been applied for by the end of the third year, and approved within the following six months, the Concept Plan shall be deemed to be vacated and shall be null, void and without effect regardless of any failure to revise the Zoning Map. In such instance where a Concept Plan is vacated, the property in question shall remain zoned for planned development, but shall not be developed until such time as either a new Concept Plan is submitted and approved, or the original Concept Plan is reaffirmed in the context of changed conditions, or the property is rezoned to some other use or district. However, no vacation of the Concept Plan shall result from the nonfeasance of the County.
2. Where a planned development is proposed in two (2) or more phases, the final development approval of the first phase shall be guided by Section 804.03.I.1. (above) and subsequent phases shall be regulated by the adopted phasing program, except that if a phase is not commenced within one (1) year of its programmed date, the remainder of the development shall be deemed vacated. The unbuilt or incomplete portion of the planned development shall remain zoned for planned development, but shall not be developed until such time as either a new Concept Plan is submitted and approved, or the original Concept Plan is reaffirmed in the context of changed conditions, or the remaining property is rezoned to some other use or district. Any phase permitted and ongoing or completed shall continue to be governed by the original Master Concept Plan, and attendant documentation. However, no vacation of a Concept Plan shall result from the nonfeasance of the County.

3. In the event that all or part of a Master Concept Plan is vacated, a notice of vacation shall be sent to the owner of record of the effected property via certified mail and said notice, accompanied by all necessary maps and documents, shall be recorded by the Department on the official records of Lee County in order to provide notice to subsequent purchasers, and others having or seeking an interest in the property. Failure to provide direct notice of a vacation or to record the same shall not vest or extend the validity of the vacated Concept Plan.
4. a.) An approved Master Concept Plan for a phase of or an entire planned development which may have been vacated due to a failure to proceed on the applicant's part, may be reaffirmed or renewed for one year. Application for reaffirmation must be filed within one year of the date of vacation. No more than two consecutive reaffirmations shall be granted any phase or development. Subsequently, that concept Plan or portion thereof, shall be deemed to be permanently vacated and the subject property will require the approval of a new application, Concept Plan and attendant documentation.
- b.) An application for the reaffirmation of a vacated Master Concept Plan shall be treated procedurally as a Minor Planned Development, but with application and materials specified by Section 804.03.C.2.a.

J. DEVELOPMENT PERMITTING

At such time as a developer of a planned development is prepared to begin initial land preparation or construction, he shall submit an application for a development permit in accordance with the Lee County Land Development Code, and the Board of County Commissioners Administrative Code Policy F-0034.

805 ADDITIONAL REQUIREMENTS FOR RESIDENTIAL PLANNED DEVELOPMENTS IN AREAS DESIGNATED AS RURAL OR OPEN LANDS BY THE LEE PLAN

A. GENERAL REQUIREMENTS

In order for a proposed Planned Development in Rural or Open Land Areas to be approved at a density above the standard density range, the property owner or land developer shall demonstrate that the development is in compliance with the following performance standards:

The environmental impact analysis shall include, but not necessarily be limited to, the following items:

1. Environmental Impact Analysis

In those instances where required items would be best delineated on a map, site plan, aerial photograph, or other graphic display the applicant may do so. The map, site plan, aerial photograph, or other graphic display shall be clearly labeled to identify what particular element of the impact analyses it relates to.

In addition to the requirements of Section 804.03.a. and b., applicants for Residential Planned Developments within Rural or Open Land Areas requesting density above the standard density range for the land use classification in which located, shall submit three (3) impact analyses addressing how the proposed project will affect: 1) the environmental; 2) fiscal/economic; and 3) social, aspects of the site, its surrounding environs and Lee County. The contents of each impact analyses shall be written by either a professional biologist, economist, engineer, landscape architect, market analyst, soil scientist or planner. Each analysis shall identify all methodologies, models, assumptions, and standards used in obtaining or evaluating any information contained herein. Applicants shall be prepared to supply, upon request, relevant background data used to obtain any information contained in the analyses.

B. ADDITIONAL SUBMITTAL REQUIREMENTS

3. The property owner or land developer must clearly demonstrate that the operation and maintenance costs of the project will not be borne by the County. The establishment of a Homeowners Association or other legally responsible organization or arrangement may be utilized to bear the responsibility for operation and maintenance costs.
2. The property owner or land developer shall pay for all of the capital costs of all off-site improvements and services required by the project. This payment of capital costs may include, but not be limited to: impact fees, special taxing districts (does not include Municipal Services Taxing Units - MSTU's), capital construction, operation and maintenance funds, in lieu of fees, and dedication of land and facilities.
- a. All internal improvements including but not limited to water, sewer, roads, water management and recreational areas shall be installed to County Standards or specifications at the developer's expense.

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- a. A master drainage plan for the proposed project delineating existing and proposed drainage areas, water retention areas, drainage structures, drainage easements, canals and other major drainage features.
 - b. A soil survey for the proposed project indicating soil development limitations for each soil type on the site, a discussion on how these limitations will be overcome and what site alterations will be necessary for development.
 - c. A soil erosion control plan which delineates what temporary and permanent erosion control measures will be taken during each phase of the proposed project to prevent and/or control soil erosion.
 - d. A hydrogeologic section which describes the hydrologic conditions (ground and surface water) of the site, including identification of potential aquifer recharge areas, and describe all geologic features of the site including a discussion of what aspects of the proposed project will be used to compensate for or take advantage of these features.
 - e. A wetlands survey section which, if applicable, enumerates the acreage of wetlands on the site, what alterations or disturbances to wetlands are proposed and what wetlands will be preserved in their natural or existing state.
 - f. If any area within the proposed project site is within a 100 year flood hazard area, as identified by the Federal Insurance Administration or any other Federal, State or local agency, discuss the methods that will be used to compensate for the potential flood hazard.
 - g. A vegetation survey section which identifies dominant plant communities, dominant species, and other unusual or unique features of the vegetation associations. The study shall specify the ecological function, health and conditions of each plant community. If there are any rare or endangered plants on the site they shall be identified and protection measures shall be undertaken.
 - h. A wildlife survey section which identifies all species, including aquatic life, which nest, feed, reside on or migrate to the development site. The survey shall specify what measures will be taken to protect the wildlife and their habitats. If any

wildlife species are considered endangered or threatened, steps shall be taken to protect them and their breeding, nesting, and feeding areas.

- i. If applicable, identify what agricultural resources will be lost (i.e., grazing land, acreage, crop yield, etc.) as a result of the proposed development.
- j. Provide an air quality analysis for each phase of the proposed development which provides the estimated average daily emissions (carbon monoxide, hydrocarbons, particulates, etc.) in pounds per day by type and source. Include measures that will be taken to reduce emissions and minimize adverse effects.
- k. Provide a wastewater management analysis which provides the average daily flow in MGD of wastewater generated at the end of each phase of development. If on-site treatment and disposal is to be provided, indicate the method and degree of treatment also, indicate who will operate and maintain the facility. If septic tanks are to be used, indicate the number of units to be served and any plans for their eventual phase out.
- l. Provide a drainage analysis which describes the proposed drainage system for the development. Indicate the total number of acres in each drainage area, the total acres and storage capacity of proposed retention areas, and the total acres of proposed impervious surfaces. Specify and compare the volume and quality of runoff from the development site in its existing condition to the anticipated runoff at the edge of each phase of development. Indicate what provisions will be incorporated in the design of the drainage system to minimize any increase in runoff from the site to minimize any degradation of water quality.
- m. Provide a water supply analysis which projects the average daily potable and non-potable water demands for each phase of the proposed development. If seasonal demands occur, discuss anticipated peak and their duration. Provide a breakdown of the sources of the water supply, both potable and non-potable for each phase of the proposed development.
- n. Provide a projection of the average daily volumes of solid waste generated at the completion of each phase of the proposed development and indicate the plans for its disposal.

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- o. Provide a noise impact analysis which indicates the estimated decibel levels for each phase of the development and indicate those measures that will be taken to reduce noise levels and minimize adverse effects to adjacent neighborhoods.
 - p. Provide a hurricane evacuation plan, if applicable, which indicates what on-site provisions will be made for storm shelter space.
 - q. If there are any historical or archaeological sites on the development site, provide a statement indicating what steps will be taken to protect and preserve them where appropriate.
 - r. Site plan showing general location of buildings and infrastructure at same scale as aerial photograph depicting vegetation associations on site as listed in the Florida Land Use and Cover Classification System.

2. Fiscal/Economic Impact Analysis

The fiscal/economic impact analysis shall include, but not necessarily be limited, to the following items:

- a. The estimated annual average ad valorem tax yield from the development during each phase of the proposed development.
- b. The estimated capital costs of the development and the source of these funds for all public facilities and services required by the development during each phase. This analysis should include estimated costs for water, wastewater disposal, solid waste disposal, stormwater management, recreation, roads, police, fire protection, hospitals, and emergency medical services (EMS).
- c. The estimated expenditures for development during each phase of the proposed development.
- d. The impacts of displaced activities such as agriculture or other pre-development land uses.
- e. A market feasibility study for the proposed development. This study shall describe in general terms how the demand for this proposed development was determined.

3. Social Impact Analysis

Social Impact Analysis - The social impact analysis shall include, but not necessarily be limited to, the following items:

- a. Provide a traffic analysis indicating how the proposed development will affect the adjacent neighborhoods and its primary impact area. Indicate existing conditions on the road network within the primary impact area (a five mile radius extending from the proposed development), including the average daily total (ADT), peak hour trips, directional traffic load, level of service and road capacity.
- b. Provide a housing supply analysis which shows the breakdown of the proposed construction of residential units by price or rental range, type of units, and number of bedrooms. The analysis shall indicate the number, if any, of low and moderate income dwellings provided, the number and percentage of lots that will be sold without constructed dwelling units, and what will be the target group for the marketing effort for the residential units and lots.
- c. Describe how the proposed development will procure police and fire protection services. Indicate the service, its location, and specify any conditions for dedication.
- d. Provide an analysis on how the proposed development will affect the local educational system. Estimate the number of school age children expected to reside at the development. The analysis should indicate if school facilities or sites will be dedicated or if contributions will be provided.

If there are any special educational needs of the residents of the proposed development, those needs should be indicated.

- e. Provide a health care analysis which estimates the travel time to the nearest health care facility. Indicate what the nearest health care facility is and briefly enumerate what services are available. Indicate if there are any special health care needs of the residents of the proposed development and what provisions will be undertaken to meet these needs.

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f. Describe how the proposed development will impact existing public park and recreation facilities within the Community Planning District of the project site and how the project will/will not offset existing demands for park and recreation services.

CHAPTER IX - THE PLANNING AND ZONING COMMISSION, LOCAL PLANNING AGENCY, AND BOARD OF ZONING ADJUSTMENTS

900 ESTABLISHMENT OF THE PLANNING AND ZONING COMMISSION, LOCAL PLANNING AGENCY, AND BOARD OF ZONING ADJUSTMENTS

The Planning and Zoning Commission (hereby designated as the Local Planning Agency), and the Board of Zoning Adjustments are hereby established having the powers and authority set forth herein.

A. MEMBERSHIP AND TERMS OF OFFICE

1. Appointment

All appointments shall require an affirmative vote of three (3) members of the Board of County Commissioners at a regularly scheduled meeting. Each term shall last for a period of one (1) year. Members may be reappointed.

a. The Planning and Zoning Commission shall be composed of seven (7) members, appointed by the Board of County Commissioners.

b. The Board of Zoning Adjustments shall be composed of five (5) members, appointed by the Board of County Commissioners.

2. Qualifications

Members of the Planning and Zoning Commission and the Board of Zoning Adjustments shall be knowledgeable in the field of comprehensive planning and shall be familiar with the Lee Plan, the Lee County Zoning Ordinance, and other applicable regulations.

3. Removal

A member of the Planning and Zoning Commission or Board of Zoning Adjustments may be removed from his position upon an affirmative vote of three (3) members of the Board of County Commissioners at a regularly scheduled meeting.

4. Vacancies

Vacancies on the Planning and Zoning Commission or Board of Zoning Adjustments shall be filled (under the procedures for appointment) for the unexpired term of any member whose term becomes vacant for any reason.

B. EXPENSES

- 1. The Planning and Zoning Commission and Board of Zoning Adjustments shall serve without compensation, but members shall be paid actual expenses incurred in performance of their duties, which shall not exceed allowances as prescribed by State law.
- 2. The Board of County Commissioners shall appropriate funds for expenses necessary for the conduct of work by the Planning and Zoning Commission. The Planning and Zoning Commission may expend all sums appropriated in order to accomplish the purposes and activities required by this Ordinance and the Local Government Comprehensive Planning and Land Development Regulation Act.

C. OFFICERS, RULES OF PROCEDURE, MEETINGS, VOTING AND RECORDS

1. Officers and Staff

- a. The Planning and Zoning Commission and the Board of Zoning Adjustments, from among their members, each shall elect a Chairman, and such other officers as they deem necessary. Each officer shall serve until his successor is elected.
- b. The Department Director shall serve as Secretary to the Planning and Zoning Commission and Board of Adjustments, but shall not be a voting member.

2. Rules of Procedure

The Planning and Zoning Commission and Board of Zoning Adjustments each shall adopt rules for the transaction of their business, and conduct meetings pursuant to the provisions of any resolution, regulation or Administrative Code of the Board of County Commissioners.

3. Meetings

- a. The Department Director shall set the time and place of the meetings of the Planning and Zoning Commissioner and Board of Zoning Adjustments. However, if a meeting, once started, exceeds the time which has been scheduled for the meeting, it may be continued to a date, time and place certain, as the Commission or Board shall determine.

- 1.) The Planning and Zoning Commission shall meet at least once a month, unless no business is pending before it. Additional meetings shall be held at the call of the Chairman or Secretary and at all such other times as the members may determine.

2.) The Board of Zoning Adjustments shall meet at least once a month, unless no business is pending before it. Additional meetings shall be held at the call of the Chairman or Secretary and at all such other times as the members may determine.

b. Any action by the Planning and Zoning Commission or the Board of Zoning Adjustments shall require the presence of a quorum.

1.) Four (4) members shall constitute a quorum of the Planning and Zoning Commission.

2.) Three (3) members shall constitute a quorum of the Board of Zoning Adjustments.

c. All meetings shall be open to the public.

d. The Planning and Zoning Commission and Board of Zoning Adjustments shall each adopt procedures for public participation. Such procedures shall comply with the criteria set forth in Section 163.3181, Florida Statutes.

4. Voting

a. Planning and Zoning Commission

1.) The majority vote of the quorum present shall be required to render a decision of approval on any matter of this Ordinance which requires action by said Commission. The minutes of the Commission shall show that the motion was called and that the matter voted upon was approved.

2.) In the event that a decision of approval is not obtained or in the event that the vote results in a tie, then the matter being considered shall be deemed to have been denied. The minutes of the Planning and Zoning Commission shall show that the motion was called and that the matter voted upon was denied.

b. Board of Zoning Adjustments

1.) The concurring vote of three (3) members of the Board of Zoning Adjustments shall be required to reverse any order, requirement, decision or determination made by the Administrative Official. The minutes of the Board of Zoning

Adjustments shall show that the motion was called and that the Administrative Official's order, requirement, decision or determination was upheld or reversed.

- 2.) A majority vote of the quorum present shall be required to render a decision of approval on any other matter of this ordinance which requires action by the Board of Zoning Adjustments. The minutes of the Board of Zoning Adjustments shall show that the motion was called and that the matter voted upon was approved.
- 3.) In the event that a decision to reverse [b.(1.)] or a decision of approval [b.(2.)] is not obtained; or, in the event that the vote results in a tie, then the matter shall be deemed to have been denied. The minutes of the Board of Zoning Adjustments shall show that the motion was called and that the matter voted upon was denied.

c. Absenteeism and Abstentions

- 1.) If a member is absent from the meeting, it shall be reflected in the minutes.
- 2.) Any request by a member to abstain from a vote shall be done only in accordance with Chapter 112 and Section 286.012, Florida Statutes.

5. Records

- a. The Secretary shall record and transcribe minutes of all proceedings. At a minimum, such minutes shall summarize testimonies, and shall reflect the motion and the votes.
- b. The Department staff shall keep indexed records of all meetings, agendas, findings, determinations, and resolutions. Said records shall be public records.

900.01 FUNCTIONS, CONSIDERATIONS, DECISIONS, AND AUTHORITY OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission serves the dual role of sitting as the Local Planning Agency and sitting as a zoning advisory committee to the Board of County Commissioners.

A. FUNCTIONS

1. Statutory Duties

The Planning and Zoning Commission shall have the following statutorily prescribed duties and responsibilities:

- a. The general responsibility for the conduct of the comprehensive planning program;
- b. Be responsible for preparation of the local comprehensive plan and make recommendations to the Board of County Commissioners regarding the adoption of such Plan or element or portion thereof;
- c. Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the Board of County Commissioners such changes in the Comprehensive Plan as may from time to time be required, including preparation of the periodic reports required by Section 163.3191, Florida Statutes;
- d. Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the Board of County Commissioners as to consistency of the proposal with the adopted comprehensive plan or element or portion thereof;
- e. Perform any other functions, duties and responsibilities which may be assigned to it by the Board of County Commissioners or general or special law.

2. Local Functions

The Planning and Zoning Commission shall have the following locally prescribed duties and responsibilities:

- a. Initiate studies and prepare recommendations for changes or amendments relating to the boundaries of the various zoning districts or to the regulations applicable thereto, to the Board of County Commissioners.
- b. Make recommendations on the following to the Board of County Commissioners:
 - 1.) Applications for Rezoning, including Developments of County Impact, Planned Unit Developments, and Planned Developments;

- 2.) Applications for Developments of Regional Impact approval which may or may not include a request for rezoning;
- 3.) Special Exceptions that meet the criteria for a Development of County Impact (DCI), as set forth in paragraph 800.02.B.;
- 4.) Other Special Exceptions and Variances which are submitted simultaneously with, and are heard in conjunction with, a rezoning;
- 5.) Variances from any Lee County ordinance which specifies that variances from said ordinance can only be granted by the Board of County Commissioners.

Except as provided in Sections 900.01.A.1. and 2. the Planning and Zoning Commission shall not be required to review any application for a building permit, zoning permit, subdivision approval, certification, special exception, variance, or any other official action of the County having the effect of permitting the development of land.

B. CONSIDERATIONS

1. Relevant Matters

In preparing their recommendation on any matter, the Planning and Zoning Commission shall consider the following, whenever applicable:

- a. Whether there exists an error or ambiguity which must be corrected;
- b. Whether there exists changed or changing conditions which make approval of a proposed Zoning Ordinance Amendment appropriate;
- c. The impact of a proposed change on the intent of this Zoning Ordinance;
- d. The testimony of any applicant;
- e. The recommendation of Staff;
- f. The testimony of the public;
- g. Whether a proposed land use change is consistent with the goals, objectives, policies, and intent of the Lee Plan;

- h. Whether a proposed land use change meets or exceeds all performance and locational standards set forth for the proposed use;
- i. Whether Urban Services, as defined in the Lee Plan, are, or will be, available and adequate to serve a proposed land use change, when proposing a change to an Urban Service category;
- j. Whether a proposed land use change is consistent with the densities, intensities, and general uses set forth in the Lee Plan;
- k. Whether a proposed land use change will protect, conserve or preserve environmentally critical areas and natural resources;
- l. Whether a proposed land use change will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property;
- m. Whether the location of a proposed land use change places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development;
- n. Whether a requested use will be in compliance with all applicable General Zoning Provisions and Supplemental Regulations pertaining to the use, as set forth elsewhere in this ordinance;
- o. Whether a proposed change is to rectify errors on the Official Zoning Map.

2. Irrelevant Matters

No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for approval of any request.

C. DECISIONS AND AUTHORITY

1. Consistency Decisions

The Planning and Zoning Commission, while sitting as the Local Planning Agency, shall make recommendations concerning determinations of Lee Plan consistency as the Lee Plan relates to proposed land development

regulations, ordinances and Developments of Regional Impact, to the Board of County Commissioners.

2. Zoning Decisions

- a. The Planning and Zoning Commission shall serve as an advisory committee to the Board of County Commissioners with respect to zoning matters relating to applications falling within the purview of said Commission, and in such capacity, may not make final determinations.
- b. The Planning and Zoning Commission shall not recommend the approval of a Rezoning, and the Board of County Commissioners shall not approve a Rezoning other than the change published in the newspaper pursuant to Section 904.02, unless such change is more restrictive and permitted within the Land Use classification as set forth in the Lee Plan.
- c. In reaching its recommendations, the Planning and Zoning Commission shall have the authority to recommend such conditions and requirements to any request for a Special Exception or variance included under subsections 900.01.A.2.b.3), 4) or 5).

900.02 FUNCTIONS, CONSIDERATIONS, DECISIONS AND AUTHORITY OF THE BOARD OF ZONING ADJUSTMENTS.

A. APPEALS FROM ADMINISTRATIVE ACTION

1. Function

The Board of Zoning Adjustments shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, determination or action of any administrative official charged with the administration and enforcement of the provisions of this ordinance, provided however, that:

- a. No appeal to the Board of Zoning Adjustments shall lie from any act by such administrative official pursuant to:
 - 1.) An order, resolution, or directive of the Board of County Commissioners directing him to perform such act; or
 - 2.) Any procedure or other requirement of this ordinance.

- b. Said appeal to the Board of Zoning Adjustments shall be in writing on forms provided by the Department, and shall be duly filed with the Department within fifteen (15) calendar days but not thereafter, after such act or decision by the administrative official. Said appeal shall specify the grounds for the appeal.
- c. No appeal shall be considered by the Board of Zoning Adjustments where it appears to be a circumvention of an established or required procedure.

2. Considerations

- a. In reaching its decision, the Board of Zoning Adjustments shall consider the following criteria as well as any other issues which are pertinent and reasonable:
 - 1.) Whether or not the appeal is of a nature properly brought to them for decision, or whether or not there is an established procedure for handling the request other than through the appeal process (i.e., a variance or special exception, etc.).
 - 2.) The intent of the ordinance.
 - 3.) The effect the ruling will have when applied generally to this ordinance.
- b. Staff recommendations, the testimony of the appellant, and testimony of the general public shall also be considered.

3. Decision and Authority

- a. In exercising its authority, the Board of Zoning Adjustments may reverse, affirm, wholly or partly, or modify any decision or action of any administrative official charged with the administration or enforcement of this ordinance. In order to reverse any decision or action of such administrative official, the concurring vote of not less than three (3) members of the Board of Zoning Adjustments shall be necessary.
- b. Subject to the limitations set forth in the immediately preceeding sentence the Board of Zoning Adjustments may make a decision to take the appropriate action which the Board of Zoning Adjustments finds the administrative official should

have taken. To that end, it shall have the powers of the administrative official from whom the appeal is taken.

4. Appeals

Appeals of the decision of the Board of Zoning Adjustments with respect to administrative actions may be made to the Board of County Commissioners within fifteen (15) calendar days of said decision, but not thereafter. (see Section 901.01.C.).

B. VARIANCES

1. Function

The Board of Zoning Adjustments shall hear and decide all requests for Variances from the terms of the regulations or restrictions of this ordinance except for Variances specifically assigned to the Planning and Zoning Commission as set forth in Section 900.01.A.2.b.(4); provided, however, that no use variance shall be considered.

2. Considerations

a. In reaching its decision, the Board of Zoning Adjustments shall consider the following criteria, recommendations, and testimony.

- 1.) Exceptional or extraordinary conditions or circumstances exist which are inherent in the land, structure, or building involved and such exceptional or extraordinary conditions or circumstances create an undue hardship on the property owner and are not generally applicable to other lands, structures or buildings; and
- 2.) The exceptional or extraordinary conditions or circumstances do not result from the actions of the applicant; and
- 3.) Without the variance the provisions of this ordinance would deprive the applicant of all reasonable use of his property; and
- 4.) The Variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure; and

- 5.) Granting the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- 6.) Staff recommendations; and
- 7.) Testimony from the applicant; and
- 8.) Testimony from the public.

b. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for granting a variance.

3. Findings

Before granting any Variance, the Board of Zoning Adjustments shall find that all of the following exist:

- a. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district; and,
- b. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of this ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding this ordinance will not be considered self-created); and
- c. That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
- d. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- e. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the ordinance.

4. Decisions and Authority

- a. The Board of Adjustments shall have the authority to grant or deny, wholly or partly, any request for a

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variance from the regulations or restrictions of this ordinance; provided, however, that no use variance shall be granted.

- b. In reaching its decision, the Board of Zoning Adjustments shall have the authority to attach such conditions and requirements as are necessary for the protection of the health, safety, comfort, convenience, and welfare of the general public. Such conditions or requirements shall be reasonably related to the variance requested.

5. Appeals

All decisions of the Board of Zoning Adjustments concerning Variances are final. Appeals of same shall be to Circuit Court (see Section 902.02).

C. SPECIAL EXCEPTIONS

1. Function

The Board of Zoning Adjustments shall hear and decide all applications for Special Exceptions permitted by the district use regulations except for Special Exceptions specifically assigned to the Planning and Zoning Commission as set forth in Sections 900.01.A.2.b.(3) and (4).

2. Considerations

- a. In reaching its decision, the Board of Zoning Adjustments shall consider the same criteria and recommendations as set forth in subsection 900.01.B.1.
- b. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for granting a Special Exception.

3. Findings

Before granting any Special Exceptions, the Board of Zoning Adjustments shall find that the applicant has proved entitlement to the Special Exception by demonstrating compliance with:

- a. The Lee Plan; and
- b. The Lee County Zoning Ordinance; and

c. Any other applicable Lee County Ordinances or Codes.

4. Decisions and Authority

a. The Board of Zoning Adjustments shall grant the Special Exception unless it finds that granting the Special Exception is contrary to the public interest and the public health, safety, comfort, convenience, and welfare of the citizens of Lee County, or that the request is in conflict with Section 900.02.C.3.

b. In reaching its decision, the Board of Zoning Adjustments shall have the authority to attach such conditions and requirements as are necessary for the protection of the health, safety, comfort, convenience, or welfare of the general public. Said conditions or requirements shall be reasonably related to the Special Exception requested.

5. Appeals

Effective August 1, 1986, the decision of the Board of Zoning Adjustments shall be final on applications filed on or after August 1, 1986 for special exceptions and appeals of same shall be to Circuit Court. For applications filed prior to August 1, 1986, any decision of the Board of Zoning Adjustments concerning an application for a special exception may be appealed by any aggrieved party or person to the Board of County Commissioners. Failure to request such review within twenty-one (21) days of said decision shall constitute a waiver by the aggrieved party to appeal the matter to the Board of County Commissioners, in which case the matter may be appealed by the appellant to the Circuit Court. On Board of Zoning Adjustments' decisions concerning special exceptions, appeals of said decision to the Board of County Commissioners shall not be a prerequisite to exhausting administrative remedies prior to initiating court action.

901 BOARD OF COUNTY COMMISSIONERS

901.01 GENERAL

A. APPOINTMENTS

The Board of County Commissioners shall appoint the members of the Planning and Zoning Commission and the Board of Zoning Adjustments.

B. INITIATION OF ZONING ACTIONS (See Section 800.A)

The Board of County Commissioners, or its designee, may initiate Rezoning, Special Exceptions, Variances, Special Permits, Developments of Regional Impact, and Zoning Ordinance amendments.

901.02 FUNCTIONS, CONSIDERATIONS, DECISIONS AND AUTHORITY

A. ZONING ORDINANCE AMENDMENTS

1. Function

The Board of County Commissioners shall hold public hearings on all proposed zoning ordinance amendments.

2. Considerations

When deciding whether to adopt a proposed zoning ordinance amendment, the Board of County Commissioners shall consider the same criteria, recommendations and issues as set forth in Section 900.01.B.1., as well as the recommendation of the Planning and Zoning Commission.

3. Decisions and Authority

The decision of the Board of County Commissioners on any proposed Zoning Ordinance amendment is final.

4. Appeals

Appeals of any decision concerning Zoning Ordinance amendments shall be taken in accordance with applicable State law.

B. ZONING ACTIONS

1. Function

The Board of County Commissioners shall hold public hearings (Section 903) on the following applications:

- a. Rezoning, the Special Exceptions listed in Sections 900.01.A.2.b.(3) and (4), and Special Permits, Developments of Regional Impact, and any other action in conjunction with same.
- b. All requests for Variances and Special Exceptions which are part of an application for a Rezoning shall be considered by the Board of County Commissioners with the application for Rezoning and heard together with, and at the same time as, the Rezoning.

c. All Special Permits - -

2. Considerations

In rendering its decision, the Board of County Commissioners shall consider the following:

- a. The criteria set forth in Section 900.01.B.1.
- b. The substantive recommendation of the Planning and Zoning Commission. For purposes of this section, a motion to continue a matter by the Planning and Zoning Commission shall not be considered a substantive recommendation.

3. Decisions and Authority

- a. In exercising its authority, the Board of County Commissioners shall consider the recommendation of the Planning and Zoning Commission, but may, in conformity with the provisions of this ordinance, reverse, affirm, wholly or partly, or modify the recommendation of the Planning and Zoning Commission.
- b. The Board of County Commissioners shall not approve any Rezoning other than the Rezoning published in the newspaper unless such change is more restrictive as set forth in Section 900.01.C.2.
- c. The Board of County Commissioners shall have the authority to attach such conditions and requirements to any approval of a request for a Special Permit, Special Exception, Development of Regional Impact, or Variance within their purview, as deemed necessary for the protection of the health, safety, comfort, convenience, or welfare of the general public. Said conditions or requirements shall be reasonably related to the action requested.
- d. The decision of the Board of County Commissioners on any matter listed in Section 901.02.B. is final.
- e. Any denial by the Board of County Commissioners is denial with prejudice unless otherwise specified by said Board (Section 902.01.).

4. Appeals

Any decision of the Board of County Commissioners may be appealed to Circuit Court (Section 902.02.).

C. APPEALS OF BOARD OF ZONING ADJUSTMENTS DECISIONS CONCERNING ADMINISTRATIVE DECISIONS, INTERPRETATIONS, DETERMINATIONS OR ACTIONS

1. Function

Subject to the special pre-August 1, 1986 provision of Section 900.02.C.5 regarding special exceptions, the Board of County Commissioners shall hear appeals from decisions of the Board of Zoning Adjustments only when the appeal is based on a decision by the Board of Zoning Adjustments relating to an appeal of an administrative decision, interpretation, determination, or action (refer to Section 900.02.A.), and has been properly filed in a timely manner as follows:

- a. The Director, or any person who may be aggrieved by any decision rendered by the Board of Zoning Adjustments pursuant to the review of any decision, interpretation, determination, or action of an Administrative official may, within fifteen (15) calendar days of such Board of Zoning Adjustments decision, but not thereafter, appeal said decision, in writing, on forms provided by the Department.

For purposes of computation of the fifteen (15) calendar day period, the date of the decision shall be the date of the public hearing at which the Board of Zoning Adjustments made such decision by oral motion.

- b. All requests for appeal shall state, with particularity, the points of law or fact upon which the person or persons initiating the request will argue the Board of Zoning Adjustments has overlooked or misunderstood, and shall include all documentation the aggrieved person plans to present in support of the request. Failure of the appellant to raise a point of fact or law in his request for appeal shall be presumed to be a waiver by the appellant of the right to raise the point so omitted.

2. Considerations

In reviewing an appeal from a decision of the Board of Zoning Adjustments based on the administration and enforcement of this ordinance, the Board of County Commissioners shall consider the following:

- a. The intent of the administrative action being appealed;

- b. The intent of the Board of Zoning Adjustments decision;
- c. The effect the decision will have in relation to any policies or directives set forth by the Lee Plan, this ordinance, or the Board of County Commissioners;
- d. The effect the decision will have on future similar administrative actions; and
- e. Whether the decision reflects a need to amend this ordinance.

3. Decisions and Authority

In exercising its authority, the Board of County Commissioners shall consider the decision of the Board of Zoning Adjustments but may, in conformity with this ordinance, reverse, affirm, wholly or partly, or modify the decision of the Board of Zoning Adjustments only as it relates to said administrative actions. The failure of the Board of County Commissioners to reach a majority position with respect to the decision on appeal shall be considered a denial of the appeal.

4. Appeals

The decision of the Board of County Commissioners is final. Appeals of same shall be to Circuit Court (see Section 902.02).

902 DENIALS, RESUBMISSION, AND JUDICIAL REVIEW

902.01 DENIALS AND RESUBMISSION OF APPLICATION

A. DENIAL WITH PREJUDICE

Except when specifically stated otherwise, a denial by a Hearing Board is a "denial with prejudice."

No application so denied, and no other application for rezoning, special exception, variance, or special permit covering the same property (or portion of said property) shall be resubmitted or initiated for a period of twelve (12) months from the date of denial.

B. DENIAL WITHOUT PREJUDICE

When the Hearing Board "denies without prejudice" any application, it is an indication that, although the specifically requested action is denied, the Hearing Board is willing to consider the same request after

modifications have been made, or an application for other action, without the applicant having to wait twelve (12) months before applying for consideration of the modified request or other action.

Any resubmitted application shall clearly state the modifications which have been made to the original request or other changes made in the application.

902.02 REHEARINGS AND JUDICIAL REVIEW

A. ZONING ACTIONS BY BOARD OF COUNTY COMMISSIONERS AND PLANNING AND ZONING COMMISSION.

1. Any person who may be aggrieved by any decision of the Board of County Commissioners made pursuant to an application for Rezoning, Special Permit, Development of Regional Impact, or Specified Special Exception may, within thirty (30) calendar days after such decision, but not thereafter request in writing a public rehearing by said Board for a modification or rescission thereof. For purposes of computation of this thirty (30) day period, the date of the decision shall be the date of the public hearing at which the Board of County Commissioners made such decision by oral motion.
2. All requests for a public rehearing shall state with particularity any new evidence and/or the points of law or fact which the aggrieved person argues the Board of County Commissioners has overlooked or misunderstood and must include all documentation offered to support the request for a rehearing. The Board shall decide whether to grant or deny the request for a rehearing based exclusively upon the aggrieved person's written request and supporting documentaton and the Administrator's written analysis thereof. In addition, if the request is made by one other than the original applicant, the County shall notify the applicant of the filing of the request for a rehearing and the applicant shall be allowed to submit his independant written analysis. The deliberations of the Board with respect to the question of whether to grant a rehearing do not constitute a public hearing, and no oral testimony shall be allowed or considered by the Board in the course of these deliberation. An aggrieved person need not request a rehearing in order to exhaust his administrative remedies as a condition precedent to filing an appeal to the Circuit Court.
3. If a rehearing request is refused, or if the request is granted but modification or rescission of the original Board motion is denied, any aggrieved person may, within

thirty (30) calendar days after such refusal or denial, whichever is applicable, apply to the Circuit Court for relief, but not thereafter, except pursuant to Rule 9.100(c) of the Florida Rules of Appellate Procedure. For purposes of computation of the thirty (30) day period, the date of the decision shall be the date of the public hearing at which the Board of County Commissioners made such decision by oral motion.

4. There shall be no right to apply to Court for relief on account of any determination or recommendation of the Lee County Planning and Zoning Commission.

B. ZONING ACTIONS BY THE BOARD OF ZONING ADJUSTMENT

The decision of the Board of Zoning Adjustments shall be final on applications for variances and special exceptions filed on or after August 1, 1986, and appeals of same shall be to Circuit Court. On applications for Special Exceptions filed prior to August 1, 1986, any decision of the Board of Zoning Adjustments concerning an application for a special exception may be appealed by any aggrieved party or person to the Board of County Commissioners. Failure to request such review within twenty-one (21) days of the oral announcement of said decision shall constitute a waiver by the aggrieved party to appeal the matter to the Board of County Commissioners, in which case the matter may be appealed by the appellant to the Circuit Court. On and after August 1, 1986, the director, or any person aggrieved by any decision of the Board of Zoning Adjustments made pursuant to an application for special exception or variance, may apply to the Circuit Court for relief within thirty (30) calendar days after such decision is announced orally, but not thereafter, except pursuant to Rule 9.100(c) of the Florida Rules of Appellate Procedure.

C. APPEALS OF ADMINISTRATIVE ACTION

1. There shall be no right to apply to the Court for relief on account of any order, requirement, decision, determination or action of any Administrative Official unless there shall first have been an appeal therefrom to the Board of Zoning Adjustments and subsequently to the Board of County Commissioners.
2. Any aggrieved person may apply to the Circuit Court for relief within thirty (30) calendar days after the Board of County Commissioners' decision is announced orally, but not thereafter, except pursuant to Rule 9.100(c) of the Florida Rules of Appellate Procedure.

903 PUBLIC HEARINGS

903.01 DEFINITIONS

For purposes of this section only, certain terms are defined as follows:

CONTINUANCE: An action initiated by the applicant, staff, or Hearing Board to postpone to a later time or date, a Public Hearing after the notice of said Public Hearing has been submitted to the newspaper for publication as required in Section 904.

DEFERRAL: An action initiated by the applicant or staff to postpone to a later time or date, a Public Hearing prior to the notice of said Public Hearing being submitted to the newspaper for publication.

903.02 HEARINGS REQUIRED

A. ZONING ORDINANCE AMENDMENTS

Any proposed amendment to this Zoning Ordinance shall require a minimum of two (2) public hearings by the Board of County Commissioners. Both hearings shall be held after 5:00 P.M. on a weekday.

Prior to the required hearings by the Board of County Commissioners, the Planning and Zoning Commission, serving as the Local Planning Agency, shall review said amendment at a regularly scheduled public hearing.

B. REZONING, D.R.I.s, AND SPECIFIED SPECIAL EXCEPTIONS AND VARIANCES

1. Any application requesting a rezoning, D.R.I., or a special exception or variance [as specified in Section 900.01.A.2.b.(3) or (4)] on less than five percent (5%) (26,726 acres) of the total land area of the County, shall require a minimum of one (1) public hearing before the Planning and Zoning Commission and one (1) public hearing before the Board of County Commissioners.
2. Any application listed above, which affects five percent (5%) (26,726 acres) or more of the total land area of the County shall require a minimum of one (1) public hearing before the Planning and Zoning Commission and two (2) public hearings before the Board of County Commissioners. Both hearings by the Board of County Commissioners shall be held after 5:00 P.M. on a weekday.

C. SPECIAL EXCEPTIONS, VARIANCES, APPEALS

Except for those special exceptions and variances included in subsection B above, any application for a special exception, variance, or appeal of an administrative decision, shall require a minimum of one (1) public hearing before the Board of Zoning Adjustments.

D. SPECIAL PERMITS

Any application for a Special Permit shall require a minimum of one (1) public hearing before the Board of County Commissioners.

903.03 PRELIMINARY REVIEW AND NOTICE CERTIFICATION

A. STAFF REVIEW

No application for a Zoning Ordinance Amendment, Rezoning, Special Exception, Development of Regional Impact, Special Permit, or Variance, appeal or any other action required by this Ordinance to proceed through the Public Hearing process, shall be heard by a Hearing Board until after the Department Staff has reviewed and prepared written comments on the requested action.

All staff comments shall be forwarded to the Hearing Board prior to the scheduled Public Hearing.

B. OTHER REVIEWS

No application or proposed zoning ordinance amendment, required under the provisions of this Ordinance to be reviewed by the Planning and Zoning Commission or the Board of Zoning Adjustments (as applicable) prior to review by the Board of County Commissioners, shall be heard by said Board of County Commissioners prior to receiving a substantive recommendation of said Planning and Zoning Commission or Board of Zoning Adjustments, as applicable. As used herein, a motion to continue a matter by the Planning and Zoning Commission or Board of Zoning Adjustments shall not be considered a substantive recommendation.

C. NOTICE CERTIFICATION AND AFFIDAVITS

No Public Hearing shall be commenced by the Hearing Board unless affidavit proof of required notice publication, posting, and mailing (if applicable) is presented to the Hearing Board.

903.04 PUBLIC PARTICIPATION

At the Public Hearing, all interested persons shall be heard. However, the Hearing Board shall have the right to refuse to hear testimony which is irrelevant, repetitive, defamatory, or spurious.

903.05 DEFERRAL OR CONTINUANCE OF PUBLIC HEARING

The following procedures and regulations for deferring or continuing a Public Hearing shall apply for all Hearing Boards.

A. DEFERRAL

A scheduled, but not yet advertised Public Hearing, may be deferred by the Department Staff or by the applicant as follows:

1. County Initiated

Department Staff may initiate a deferral of a scheduled Public Hearing prior to advertising, if additional or corrected information is required to permit staff to properly or adequately review a requested application, provided that notice is mailed to the applicant, or his authorized agent, stating the reason for the deferral and what additional information is required.

2. Applicant Initiated

An applicant, or his duly authorized agent, may request a deferral of the Public Hearing provided that:

- a. Said request is in writing and received by the Department prior to the Department submitting notice of the hearing to the newspaper for publication; and
- b. The applicant agrees to have his application rescheduled in accordance with the scheduling procedures in effect at that time.

3. Fees

There shall be no additional fee for either a staff-initiated or applicant-initiated deferral.

B. CONTINUANCE

A scheduled, advertised Public Hearing may be continued by the County or by the applicant as follows:

1. County Initiated

- a. The Hearing Board, upon staff request or upon its own initiative, may continue a Public Hearing when it is deemed necessary to require additional information, public testimony, or time in order to render an appropriate recommendation.
- b. The County-initiated hearing shall be continued to a date certain and the Hearing Board shall continue its consideration on the hearing matter on that date certain.
- c. There shall be no limitations on the number of County-initiated continuances.
- d. The County shall bear all re-notification costs of any County-initiated continuance.

2. Applicant Initiated

- a. The applicant, or his duly authorized agent, shall submit the request in writing to, and said request shall be received by, the Department prior to the advertised hearing date, OR the applicant or his duly authorized agent shall appear before the Hearing Board at the beginning of its scheduled agenda, and orally request the continuance.
- b. The Hearing Board may either deny or grant the request for continuance.
 - 1.) If the request for continuance is denied, the hearing shall proceed in accordance with the published agenda.
 - 2.) If the request for continuance is approved, the Hearing Board may set a date certain, for hearing the application.
- c. Not more than one (1) applicant initiated continuance shall be granted on the same application by each Hearing Board.
- d. A fee, in accordance with a duly adopted fee schedule, shall be charged for any applicant initiated continuance to cover the costs of re-notification.

904 PUBLIC NOTICE

No Public Hearing required by this Ordinance shall be held by the Planning and Zoning Commission, Board of County Commissioners, or Board of Zoning Adjustments until notice of the Public Hearing has been provided in accordance with the requirements set forth herein.

904.01 MINIMUM REQUIRED NOTICE INFORMATION

A. ACTION PROPOSED

1. Zoning Ordinance Amendments

The notice shall describe the chapter or section of the Zoning Ordinance to be amended with sufficient clarity, so as to advise the public of the subject to be amended; but, need not describe the exact wording or change.

2. Rezoning and D.R.I.s

All required notices shall indicate the existing zoning of the property, the proposed zoning, and the general location of the property (by reference to common street names and addresses) covered by the application with sufficient certainty so as to advise the public; but, need not describe the proposed plans or details thereof, or the specific legal description of the property.

3. Special Exception, Special Permits, and Variances

All required notices shall indicate the existing zoning of the property; the proposed use by special exception, special permits or the requirement from which the variance is being requested and the actual degree of variance being requested; and the location of the property (by reference to common street names and addresses) with sufficient certainty so as to advise the public; but, need not describe the proposed plans or details thereof, or the specific legal description of the property.

4. Appeals

The notice shall summarize the decision or action upon which the appeal is based with sufficient clarity so as to advise the public of the subject matter.

B. TIME AND PLACE OF HEARING

The notice shall specify the date, time and place that the public hearing will be held by the Planning and Zoning Commission and the Board of County Commissioners, or by the Board of Zoning Adjustments (as applicable).

G. PUBLIC REVIEW

The notice shall indicate where copies of the proposed amendment may be obtained or reviewed, or where the application for public hearing may be reviewed.

D. RECORD OF NOTICE

A copy of such notice shall be kept available for public inspection during the regular business hours of the Department of Community Development.

904.02 TYPES OF NOTICE REQUIRED

A. NEWSPAPER PUBLICATION

No public hearing required by this ordinance shall be held until proper notice of said public hearing has been published in a newspaper of general circulation in the county as follows:

1. Planning and Zoning Commission and Board of Zoning Adjustments: a minimum of fifteen (15) days (excluding Sundays and Holidays) in advance of the public hearing.
2. Board of County Commissioners
 - a. Actions involving less than five percent (5%) (26,726 acres) of the total land area of the County: Thirty (30) days in advance of the public hearing in accordance with Section 125.66(5)(a), Florida Statutes..
 - b. Actions involving five percent (5%) (26,726 acres) or more of the total land area of the County: In accordance with Section 125.66(5)(b), Florida Statutes.

B. MAILED NOTICES

1. Board of County Commissioner Hearing involving less than five percent (5%) (26,726 acres) of total land area of the County:

The Clerk shall mail a notice of the Board of County Commissioners Hearing date to all owners of real property included in the proposed action, a minimum of thirty (30) days in advance of the hearing.

- a. In the case of a proposed rezoning which may affect an interval ownership entity or condominium development, each owner of real property whose address is known by reference to the latest ad

valorem tax records shall be so notified; provided, however, that in cases initiated by someone other than the County, the costs of such notice shall be prepaid by the person who initiates the proposed rezoning as a condition of filing an application for such rezoning.

- b. In the case of all hearings, except a hearing on a proposed rezoning, if the subject being heard may affect an interval ownership entity or condominium development, it shall be sufficient for the Clerk to mail the notice to the interval ownership association or condominium association and it shall not be necessary to notify each interval owner or condominium owner.
2. Board of County Commissioners Hearings involving five percent (5%) (26,726 acres) or more of the total land area of the County:

No mailed notices shall be required.
 3. All Hearings: the department may mail a courtesy copy of the notice to all property owners included on the property owners list required as part of the application (Section 800.01.A.3. or B.4, as applicable), fifteen (15) days prior to a public hearing.
 - a. In the case of an interval ownership entity or condominium development, the Department may mail the notice to the interval ownership association or the condominium association but the Department will not mail notice to each interval owner nor each condominium owner.
 - b. Failure to receive a mailed courtesy notice shall not affect any action or proceedings taken hereunder.

C. POSTING

1. A sign, provided by the Department, shall be posted on the parcel covered by any owner-initiated application for a minimum of fifteen (15) days (excluding Sundays and legal Holidays) in advance of the Planning and Zoning Commission or Board of Zoning Adjustments' Public Hearing, and thirty (30) days in advance of a Board of County Commissioners Hearing.
 - a. The sign shall be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement, with an attached notation indicating generally the distance and direction to the parcel boundaries, and the dimensions of the parcel.

- b. The sign shall be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. However, in no case shall the sign be affixed to a tree or other foliage.
 - c. Said sign shall be maintained in good, readable condition by the applicant until the requested action has been heard and decided by the Board of County Commissioners, or Board of Zoning Adjustments (as applicable).
 - d. If said sign is destroyed, lost, or becomes unreadable, duplicate copies shall be obtained from the Department, and reposted immediately.
- 2. Where large parcels are involved with street frontages extended over considerable distances, the Department may require additional signs to be erected, not more than three hundred (300) feet apart.
 - 3. When a parcel abuts more than one (1) street, notices shall be posted along each street.
 - 4. When a subject parcel does not front a public road, the sign shall be posted at that point on a public road by which the property is, or can be, reached.

904.03 APPLICATIONS FOR APPEAL OF ADMINISTRATIVE DECISION

A. SITE-SPECIFIC APPEALS

In the Director's opinion, if the appeal is on a matter specific to an individual parcel or project, then the Public Notice requirements shall be identical to those described in Subsections 904.01.A.2 and 4; 904.01.B., C., and D.; 904.02.A.1 and 904.02.B.3.

B. GENERAL APPEALS

In the Director's opinion, if the appeal is on a matter general to this Zoning Ordinance and not specific to an individual parcel or project, then notice of the Public Hearing shall be identical to those described in sub-sections 904.01.A.4; 904.01.B., C., and D. and 904.02.A.1.

905 DEPARTMENT OF COMMUNITY DEVELOPMENT

905.01 APPOINTMENT OF DIRECTOR

The County Administrator shall appoint the Director of the Department of Community Development. He shall hold this position at the pleasure of the County Administrator.

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905.02 FUNCTIONS, POWERS AND DUTIES

A. ADMINISTRATION

The administration of this Zoning Ordinance shall be maintained in the Department of Community Development. The Director is hereby authorized, empowered, and directed to administer all the provisions of this Ordinance and any subsequent amendments thereto.

B. APPLICATION

No building, or structure, or part thereof, shall hereafter be erected, constructed, re-constructed, or altered, and no existing use, new use, or change of use of any building, structure or land, or part thereof shall be made or continued except in conformity with the provisions of this Zoning Ordinance.

C. PERMITS

When a permit application furnishes all of the information and fulfills all of the requirements which are conditions precedent to the granting of the permit, the Director shall issue the permit.

905.03 INTERPRETATION OF ZONING ORDINANCE

- A. The interpretation and application of the provisions of this ordinance shall be reasonably and uniformly applied to all property within the unincorporated area of Lee County. The Director in conjunction with the County Attorney's Office as necessary shall have the discretion consistent with the above provision and accepted rules of statutory construction to interpret and apply these Zoning Regulations.
- B. The provisions of this Zoning Ordinance, shall be held to be the minimum requirements adopted for the protection and promotion of the public health, safety, comfort, convenience, order, appearance, prosperity or general welfare; for securing safety from fire and other dangers, providing adequate light and air, and preventing excessive concentration of population.
- C. Whenever the regulations and requirements of this Zoning Ordinance are at a variance with the requirements of any other lawfully enacted and adopted rules, regulations, ordinances, or laws, the most restrictive shall apply.

905.04 ENFORCEMENT

A. ENFORCEMENT

The Director is hereby authorized, empowered and directed to enforce all the provisions of this ordinance and any subsequent amendments thereto, and he is hereby authorized to employ the necessary agents and assistants and said assistants shall also have the power, where directed by him, to aid in the enforcement of this Ordinance.

B. COMPLAINTS

1. Complaints on any violations of this Ordinance shall be filed with the Department.

2. Notice.

Where it is found that any of the provisions of this Ordinance are being violated, written notice shall be given to the person responsible for such violation, or if notice cannot be served in person it shall be sent by certified mail to the person charged with the violation. Such notice shall indicate the provisions or regulations being violated, and shall specify the action necessary to correct or abate the violation, and the date by which compliance with this Ordinance shall be made. Failure to receive this notice shall not affect any action or proceedings taken hereunder.

3. Penalties

For any and every violation of the provisions of this Ordinance and for each and every day that such violation continues, said violation shall be punishable as a misdemeanor as provided by state law.

4. Persons charged with violations

Persons charged with such violations(s) may include:

- a. The owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or shall exist.
- b. Any person who knowingly commits, takes part or assists in such violation.
- c. Any person who maintains any land, building, or premises in which such violation shall exist.

C. OTHER LEGAL REMEDIES

In addition to the criminal penalties and enforcement procedures provided in Section 703.B above, the violation of any of the regulations, restrictions and limitations promulgated under the provisions of this Ordinance may be restricted by injunction, including a mandatory injunction, and otherwise abated in any manner provided by law, and such suit or action may be instituted and maintained by the Board, by any citizen of Lee County or by any person affected by the violation of such regulations, restrictions or limitations.

D. OTHER ADMINISTRATIVE REMEDIES

1. Cease and desist orders

The Director shall have the authority to issue cease and desist orders in the form of written official notices given to any person referred to in Section 703.B.4.

2. Building Permits and Certificates of Occupancy.

a. Issuance

No building permit or Certificate of Occupancy shall be issued by the Director for any purpose except in compliance with the provisions of this Ordinance and other applicable ordinances and laws, decisions of the Planning and Zoning Commission, Board of Zoning Adjustments, Board of County Commissioners or court decisions.

b. Revocation

The Director may revoke a Building Permit or Certificate of Occupancy in those cases where an administrative determination has been duly made that false statements or misrepresentations existed as to material fact(s) in the application or plans upon which the permit of approval was based.

c. Suspension

The Director may suspend a Building Permit or Certificate of Occupancy where an administrative determination has been duly made that an error or omission on either the part of the permit applicant or government agency existed in the issuance of the permit or certificate. A new permit or certificate shall be issued in place of the incorrect permit or certificate after correction of the error or omission.

d. Notice and Appeal.

All Director decisions concerning the issuance, revocation, or suspension of Building Permits and Certificates of Occupancy pursuant to this Ordinance shall be stated in a written notice to the permit applicant. Any decision of the Director may be appealed to the Board of Zoning Adjustments. Such decision shall be appealed to the Board of Zoning Adjustments prior to seeking relief in the Circuit Court. (Section 900.02).

CHAPTER X - DEFINITIONS AND USE ACTIVITY GROUPS

1000 DEFINITIONS

For purposes of this Zoning Ordinance certain terms or words are defined as follows:

ABUTTING PROPERTY: Unless specifically stated otherwise within this Ordinance, "abutting property" shall mean properties having a boundary line, or point or portion thereof, in common with no intervening street right-of-way or easement, or any other easement over twenty-five (25) feet in width.

ACCESS, VEHICULAR: The principal means of vehicular ingress and egress to abutting property from a street right-of-way or easement.

ACCESSORY BUILDING OR STRUCTURE: see "BUILDING OR STRUCTURE, ACCESSORY":

ACCESSORY USE - See "USE, ACCESSORY"

ADMINISTRATIVE OFFICE: An office which is customarily ancillary and subordinate to the permitted principal use of the property and which is used for clerical and administrative functions of the principal use. This term shall be interpreted to include managers or association offices for residential rental property, subdivisions, recreation vehicle parks, and similar type activities.

ADULT CONGREGATE LIVING FACILITIES (ACLF): A residential land use, licensed under Chapter 10 A-5, F.A.C., which may be a building, a section of a building, a section of a development, a private home, special boarding home, home for the aged, or similar place, whether operated for profit or not, which undertakes through its ownership and/or management to provide, for a period exceeding twenty-four (24) hours, housing and food service plus one or more personal services for four (4) or more adults not related to the owner or administrator by blood or marriage. A facility offering such services for fewer than four (4) adults shall be construed as being within the context of this definition if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment which provides such services. These facilities are not synonymous with Nursing Home. NOTE: For purpose of this definition only, "Personal Services" means services in addition to housing and food service, which include but are not limited to: personal assistance with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating, supervision of self-administered medications, restoration therapy and assistance with securing health care from appropriate sources.

AGGRIEVED PERSON/PARTY: The Board of County Commissioners, acting pursuant to a majority vote of a quorum present at a regular or special Board meeting, or its designee, or anyone who has a legally recognizable interest which is or which may be adversely affected by an action of, or an action requested of the Planning and Zoning Commission, the Board of Zoning Adjustments, and/or the Board of County Commissioners. Property owners within 375 feet of the subject property are presumed to have a legally recognizable interest. A person or entity claiming to be aggrieved, and whose property lies outside of the 375 foot perimeter will be required to offer proof that their interests are adversely affected. A person or entity pursuing an appeal solely out of spite shall not be presumed to have a legally recognizable interest.

AIRCRAFT LANDING FACILITIES, PRIVATE: A facility, which may or may not be open to the public, whose primary purpose is to accommodate the take-off and landing of non-commercial passenger aircraft.

ALTER OR ALTERATION: Any change in size, shape, character or use of a building or structure.

AMUSEMENT PARK: Establishments known as amusement parks, kiddie parks, theme parks, etc. which operate a number of attractions such as mechanical rides, amusement devices, exhibits, refreshment stands, picnic grounds.

ANIMAL CLINIC: An establishment providing for the diagnosis and treatment of ailments of animals other than human, and which may include facilities for overnight care. See "ANIMAL KENNEL".

ANIMAL KENNEL: An establishment where more than four (4) dogs or cats (except litters of animals of not more than six (6) months of age) are kept, raised, bred, cared for or boarded, for a fee.

APPAREL, MANUFACTURING - See Section 1001.01.

APPLICANT: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity, or their duly authorized representative, commencing proceedings under this Zoning Ordinance.

APPROVED DISCHARGE DEVICE: A device which is currently listed by the United States Coast Guard as an approved marine sanitation device.

ARCHITECT: A professional architect duly registered and licensed by the State of Florida.

ATM (AUTOMATIC TELLER MACHINE): Unattended banking station located outside of, or away from, the principal bank building and in operation beyond normal lobby hours; operated by computerized equipment, and capable of carrying out specific banking transactions.

AUTO PARTS STORE: Establishments primarily engaged in the retail sale of new or used automobile, truck, trailer, motorcycle parts and accessories but not providing installation services. Establishments which provide installation service are listed as "Auto Repair & Service." This term does not include auto-wrecking yards.

AUTOMOBILE SERVICE STATION, LIMITED: An establishment primarily engaged in the retail sale of motor fuel and lubricants but which may also include facilities for washing, polishing, waxing, greasing, tire repair (no recapping or vulcanizing) and other minor incidental repairs. See also "Self-Service Fuel Pump Station".

AUTOMOBILE SERVICE STATION - FULL SERVICE: An establishment similar to an Automobile Service Station - Limited, but which also provides emergency road service, including towing, and emergency repairs and services, PROVIDED HOWEVER, such establishment is not primarily engaged in work or services listed as "Vehicle Repair - Major" or "Vehicle Repair - Limited".

AUTOMOBILE WRECKING OR WRECKING YARD: The dismantling, crushing, shredding, or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts. (See also JUNKYARD).

AUTOMOTIVE REPAIR AND SERVICE - See Section 1001.02.

BANKS AND FINANCIAL ESTABLISHMENTS - See Section 1001.03.

BAR or COCKTAIL LOUNGE: Any establishment devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages.

BOARD: The Board of County Commissioners of Lee County, Florida.

BOARD OF ZONING ADJUSTMENTS: The Board having the functions, powers and duties as set forth in Section 900.02 herein.

BOARDING HOUSE: An establishment with lodging facilities for more than four (4) but less than ten (10) persons, where meals are regularly prepared and served for compensation, and where food is placed upon the table family style, without service or ordering of individual portions from a menu. (Also see ROOMING HOUSE).

BOAT: Any vessel, watercraft, or other artificial contrivance used, or which is capable of being used, as a means of transportation, mode of habitation, or as a place of business, professional, or social association on waters of Lee County, Florida, including:

1. foreign and domestic watercraft engaged in commerce;
2. passenger or other cargo-carrying water craft;
3. privately-owned recreational watercraft;
4. airboats and seaplanes; and
5. houseboats or other floating homes.

BOAT PARTS STORE: Establishments primarily engaged in the retail sale of watercraft parts and accessories (excluding trailers), but not providing installation service. Establishments which provide installation service are listed as "Boat Repair & Service."

BOAT REPAIR AND SERVICE: Establishments primarily engaged in minor repair service to small watercraft, including the sale and installation of accessories.

BOATYARD: A boating or harbor facility located on or having direct access to, navigable water for building, maintaining and performing extensive repair on boats and small ships, marine engines and equipment, and including all uses also found in a marina. However, a boatyard shall be distinguished from a marina by the larger scale and greater extent of work done in a boatyard and by the use of dry dock, marine railway or large capacity lifts used to haul out boats for maintenance and/or repair (see MARINA).

BUILDING: Any structure, either temporary or permanent, having a roof intended to be impervious to weather, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This definition shall include tents, awnings, cabanas, or vehicles situated on private property and serving in any way the function of a building, but does not include screened enclosures not having a roof impervious to weather.

BUILDING OR STRUCTURE, ACCESSORY: A building or structure which is customarily incidental and subordinate to a principal building or to the principal use of the premises, and located on the same premises. (See BUILDING PRINCIPAL).

BUILDING, CONVENTIONAL:

1. A building, built up on site and upon its own permanent foundation, constructed of basic materials such as wood, masonry or metal or minimally prefabricated components such as roof trusses, wall panels, and bathroom/kitchen modules and conformable to the locally adopted building, electrical, plumbing and other related codes; or

2. A building manufactured off site in conformance with Chapter 553, Part IV, F.S. (or Chapter 9B-1, FAC), subsequently transported to its site complete or in modules and fixed to its own foundation with no intention to relocate.

BUILDING, FRONT OF: That side of a building that faces toward the street right-of-way or easement serving as the means of vehicular access to the property.

BUILDING, HEIGHT OF: The vertical distance measured from grade to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. Where minimum floor elevations in flood prone areas have been established by law, the building height shall be measured from such required minimum floor elevations. (Section 202.15.A.).

BUILDING MATERIALS - SALES - See Section 1001.04.

BUILDING OFFICIAL: Director, Division of Code Enforcement, or his designee.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the premises on which said building is situated.

BUSINESS OFFICE: Office space for the conduct of commercial activities excluding retail sales.

BUSINESS SERVICES - See Section 1001.05.

CAMERA SHOP: Establishment primarily engaged in the retail sale of cameras, film and other photographic supplies and equipment. Establishments primarily engaged in finishing films are listed as Photofinishing Laboratories.

CARPORT: A freestanding or attached structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two (2) sides, and designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

CAR WASH: Establishments primarily engaged in washing cars or in furnishing facilities for the self-service washing of cars.

CEMETERY: A cemetery is an area of land set apart for the sole purpose of the burial of bodies of dead persons or animals and for the erection of customary markers, monuments, and mausoleums.

CHANGE OF OCCUPANCY: The discontinuance of an existing use and the substitution therefore of a use of a different kind of class. Change of Occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

CHEMICALS AND ALLIED PRODUCTS - See Section 1001.06.

CLEANING AND MAINTENANCE SERVICES - See Section 1001.07.

CLOTHING STORES, GENERAL - See Section 1001.08.

CLUBS

CLUBS, COMMERCIAL: Clubs which are owned by individuals and operated for a profit such as tennis and racquetball clubs, golf clubs, etc.

CLUBS, COUNTRY: A large area and buildings containing recreational facilities, clubhouse and usual accessory uses, open only to members and their guests for a membership fee. Occasionally such facilities may be leased to outsiders for banquets, weddings, etc.

CLUBS, FRATERNAL: A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal membership requirements. Includes Knights of Columbus, Masons, Moose, Elks, etc.

CLUBS, MEMBERSHIP ORGANIZATION: An organization operating on a membership basis with pre-established formal membership requirements and with the intent to promote the interests of its members. Includes trade associations, professional organizations, unions, and similar political and religious organizations.

CLUBS, PRIVATE: A group of people such as a homeowners or condominium association organized for a common purpose to pursue common goals, interests or activities.

CLUSTER DEVELOPMENT: A site planning technique that concentrates two or more principal buildings, and land uses or intensities in specific areas of a development in order to provide area for open space and buffering, for recreation and other common facilities, for surface water management, for the protection of environmentally sensitive land and water and other valuable natural resources, and to reduce the cost of roads and infrastructure.

COMMERCIAL FISHERY: Land or structures, used as a commercial establishment for the receiving, processing, packaging, storage and wholesale or retail distribution and sale of food products of the sea. Such land or structures, may include facilities for the docking, loading, and unloading, fueling, icing and provisioning of vessels and for the drying and maintenance and storage of nets, traps and buoys.

COMPATIBLE: In describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another.

COMPREHENSIVE PLAN: The document, and its amendments, adopted by the Board pursuant to Chapter 163, Fla. Stat. for the orderly and balanced future economic, social, physical, environmental and fiscal development of Lee County. The terms "Comprehensive Plan" and "The Lee Plan" are synonymous.

CONDOMINIUM: That form of ownership of property under which units or improvements are subject to ownership by one or more owners, and there is appurtenant to each unit or part thereof an undivided share in common elements.

CONSULTANT: An architect, attorney, engineer, environmentalist, landscape architect, planner, surveyor or other person engaged by the developer or applicant.

CONTIGUOUS LOTS: Lots which are abutting or are separated only by a street right-of-way or easement which is sixty (60) feet or less in width.

CONTRACTORS AND BUILDERS - See Section 1001.09.

CONVENIENCE FOOD AND BEVERAGE STORE: A store which specializes in convenience products and other commodities and which normally is open to the public beyond the normal sales hours of other retail stores.

CONVERSION: The changing of use or density.

CORRECTIONAL FACILITY, COUNTY: A county-operated facility for incarceration of offenders including detention centers and jails.

COUNTY COASTAL CONSTRUCTION CONTROL LINE (ZONES): The County Coastal Construction Control Line or Zones landward of the mean high water along the Gulf of Mexico are identified on the Lee County Coastal Construction Setback Map which is on file at the Department of Community Development.

CULTURAL FACILITIES - See Section 1001.10.

DAY CARE CENTER, ADULT: A facility or establishment which undertakes through its ownership or management to provide basic services such as, but not limited to, a protective setting, social or leisure time activities, self-care training and/or nutritional services to three or more adults not related by blood or marriage to the owner or operator, who require such services. This definition shall not be interpreted to include overnight care.

DAY CARE CENTER, CHILD: A facility or establishment which provides care, protection and supervision for six (6) or more children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. This definition shall not include public or non-public schools which are in compliance with the Compulsory School Attendance Law, Chapter 232. This term is synonymous with pre-school and nursery school.

DENIAL WITH PREJUDICE: An action taken by a Hearing Board indicating that the request being acted upon is formally denied and shall not be resubmitted, except as provided for in Section 902.01.A.

DENIAL WITHOUT PREJUDICE: An action taken by a Hearing Board indicating that the specific request being acted upon is formally denied but that the Hearing Board is willing to consider a modification of said request as set forth in Section 902.01.B.

DENSITY: An existing or projected relationship between numbers of dwelling units and land area. (Refer to Sections 203.06 and 514).

DEPARTMENT: The Department of Community Development charged with the planning and administration of Zoning for the unincorporated area of Lee County. As used herein, "Department" and "Division" are synonymous.

DEPARTMENT STORE: A departmentalized retail store, generally offering in one establishment, within each department, several lines and price/quality ranges of goods and services. Such an establishment is usually part of a chainstore system and may occupy a freestanding structure or occupy a space in a shopping center within which it usually functions as an attractor or anchor store.

DETRIMENTAL USES: The use of property for adult book stores, adult exhibitions or massage parlors, defined as follows:

ADULT BOOK STORE: An establishment maintained for the sale or distribution to adults of materials, the sale of which to juveniles would be prohibited by Section 847.012, Florida Statutes.

ADULT EXHIBITION: An establishment maintained for the exhibition for a monetary consideration of motion pictures, exhibitions, shows, presentations or representations, the exhibition of which to a minor would be prohibited by Section 847.013, Florida Statutes, as that statute now exists.

MASSAGE PARLOR: A shop, establishment or place of business wherein is administered treatments with mechanical or electrical apparatus for the purpose of body slenderizing, body reducing or body contouring, or all or any one or more of

the following subjects and methods of treatment, viz.: oil rubs, salt glows, hot or cold packs, all kinds of baths including steam rooms, cabinet baths, sitz baths; irrigations, body massage either by hand or by any mechanical or electrical apparatus or device excluding fever therapy, the application of such movements as stroking, friction, rolling, vibration, kneading, cupping, pettrasage, rubbing, effleurage, tapotement. Provided, however, this definition shall not apply to the bona fide practice of the profession or business of persons authorized by the laws of the state to practice medicine, surgery, osteopathy, chiropractic, neuropathy or chiropody, or person holding a drugless practitioners certificate under the law of the State of Florida or registered nurses or barbers or beauticians, duly licensed practical nurses, orderlies or attendants or nurses aides in hospitals acting under the direction of a licensed physician, or to masseurs practicing in a bona fide gymnasium facility or to masseurs acting as trainers for a bona fide athletic team.

DEVELOPER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing development.

DEVELOPMENT OR TO DEVELOP: A development includes the construction of any new buildings or other structures on a lot, the relocation of any existing buildings, or the use of a tract of land for any new uses. To develop is to create a development.

DEVELOPMENT OF COUNTY IMPACT (D.C.I.): A development which, because of its character, magnitude, location, size, timing, density or intensity would have a substantial effect upon the health, safety and welfare of the citizens of the County. Developments of County Impact are listed in Section 800.02.B.

DEVELOPMENT OF REGIONAL IMPACT (D.R.I.): Any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one County.

DEVELOPMENT PERIMETER: The exterior lot or property lines of the original (parent) tract of any development consisting of subdivided parcels or lots.

DEVELOPMENT PARCEL: A parcel divided from an original (parent) development tract, defined by metes and bounds or by a subdivision plat, intended for conveyance to a party (developer) subsequent to the original developer or withheld by the developer for development separately from other development parcels or the remainder of the original development tract, being the principal product, together with some infrastructural support, of the original development activity.

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 DIRECTOR: Administrative Director of the Department of Community Development, or his designee. As used herein, "Division Director", "Department Director", and "Director" are synonymous.

DISTRICT: Any certain described area of Lee County to which this Ordinance applies and within which the Zoning Regulations are uniform.

DORMITORY: (includes residence halls), those facilities, used for housing students, which are owned and controlled by a public college or university and which are to be distinguished from hotels, motels, and rooming houses and boarding homes.

DRIVE-THRU FACILITY: An establishment where a patron is provided products or services without departing from his automotive vehicle. Drive-thru, drive-in, and drive-up are synonymous.

DRIVE-IN THEATRE: A place of outdoor assembly used for the showing of plays, operas, motion pictures, and similar forms of entertainment which is designed to permit the audiences to view the performance from vehicles parked within the theatre enclosure.

DRUGSTORE: An establishment wherein the principal use is the dispensing of prescription and patent medicines and drugs and related products, but where non-medical products such as greeting cards, magazines, cosmetics, photographic supplies, may also be sold. The term "Drugstore" includes "Pharmacy".

DUPLEX - See "DWELLING UNIT, TYPES".

DWELLING UNIT: A room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy, or for rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping and sanitary facilities and one kitchen. The term "dwelling unit" shall not include rooms in hotels, motels or institutional facilities. See also "HOUSING UNIT" and "LIVING UNIT".

DWELLING UNIT, TYPES:

1. DUPLEX: A single, freestanding, conventional building on a single lot, designed for two dwelling units under single ownership, or wherein each dwelling unit is separately owned or leased but the lot is held under common ownership.
2. SINGLE FAMILY RESIDENCE: A single, freestanding, conventional building designed for one dwelling unit and intended for occupancy by one family.

- 3. TWO FAMILY ATTACHED: A single, freestanding, conventional building designed as two dwelling units attached by a common wall or roof, but wherein each unit is located on a separate lot under separate ownership.
- 4. TOWNHOUSE: A group of three (3) or more dwelling units attached to each other by a common wall or roof wherein each unit has direct exterior access and no unit is located above another, and each unit is completely separated from any other(s) by a rated fire wall or a fire and sound resistant enclosed separation or space, and wherein each dwelling unit is on a separate lot under separate ownership.
- 5. MOBILE HOME: A building, manufactured off site in conformance with the Federal Mobile Home Construction and Safety Standards (24 CFR 3280, et seq), subsequently transported to a site complete or in sections where it is emplaced and tied down in accordance with Chapter 15C-1, FAC with the distinct possibility of being relocated at a later date.
- 6. MULTIPLE FAMILY BUILDING: A group of three or more dwelling units within a single conventional building, attached side by side, or one above another, or both, and wherein each dwelling unit may be individually owned or leased but the land on which the building is located is under common or single ownership.

EASEMENT: A grant of a right to use land for specified purposes. It is non-possessory interest in land granted for limited use purposes.

ENGINEER: A professional Engineer duly registered and licensed by the State of Florida.

ELECTRICAL MACHINERY AND EQUIPMENT, MANUFACTURING - See Section 1001.11.

ENLARGEMENT OR TO ENLARGE: An enlargement is an addition to the floor area of an existing building, or an increase in that portion of a tract of land occupied by an existing use.

ENTRANCE GATE: A mechanized control device which is located near the point of access to a development which serves to regulate the ingress of vehicles to the interior of the development for the purpose of security and privacy.

ENVIRONMENTAL QUALITY: The character or degree of excellence or degradation in the total essential natural resources of the area as measured by the findings and standards of the physical, natural, and social sciences, the arts and technology, and the quantitative guidelines of Federal, State, and County Governments.

ENVIRONMENTALLY SENSITIVE LAND: Any lands or waters, the development or alteration of which creates or has the potential to create a harm to the public interest due to their value as sources of biological productivity, as indispensable components of various hydrologic regimes, as irreplaceable and critical habitat for native species of flora and fauna, or as objects of scenic splendor and natural beauty. Among these types of land are those designated Resource Protection Areas and Transition Zones.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance (by a public or private utility company for the purpose of furnishing adequate service by said company for the public health, safety or general welfare) of electrical and communication cables, poles and wires, and water and sewer collection, transmission or distribution mains, drains, pipes including fire hydrants. This definition shall not be interpreted to include buildings, structures or uses listed as Essential Service Facilities (Section 1001.12).

ESSENTIAL SERVICE FACILITIES - See Section 1001.13.

EQUIVALENT: The state of correspondence or virtual identity of two land uses or zoning districts that exhibit similar levels of effects on each other and the community at large as defined by such factors as their intensities and schedules of use and activity, their demands for services and infrastructure, such as roads, and water and sewer systems, their impacts on natural resources and other similar parameters. "Equivalent" is not synonymous with "compatible".

FABRICATED METAL PRODUCTS, MANUFACTURING - See Section 1001.14.

FAMILY: One (1) or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit provided that a group of five (5) or more adults who are not related by blood, marriage or adoption shall not be deemed to constitute a family. The term "family" shall not be construed to mean a fraternity, sorority, club, monastery, convent, or institutional group.

FLOOR AREA: The usable area of each story of a building, or portion thereof, within surrounding exterior walls.

FLORIST SHOP: Establishments primarily engaged in the retail sale of cut flowers and growing plants. Stores primarily engaged in selling seeds, bulbs, and nursery stock are classified as Garden & Lawn Supply Stores and greenhouses and nurseries primarily engaged in growing listed as Plant Nurseries.

FOOD AND BEVERAGE SERVICE, LIMITED: The provision of food and/or beverages for members and guests of a private club or recreational center but not available to the general public. See also "CONSUMPTION ON PREMISES", Section 202.02.

FOOD AND KINDRED PRODUCTS, MANUFACTURING - See Section 1001.15.

FOODCART: A foodstand operated out of a vehicle or some wheeled or skid mounted structure, generally mobile or at a specific location temporarily.

FOOD STORES - See Section 1001.16.

FRATERNITY HOUSE: A dwelling used and occupied by a fraternity or sorority composed of college or university students and containing and providing domestic and social facilities and services thereto. See GROUP QUARTERS.

FURNITURE AND FIXTURES, MANUFACTURING - See Section 1001.18.

GARAGE, PRIVATE: An accessory building or a portion of the principal building which is provided for the parking of motor vehicles owned by the occupants of the principal building. For the purpose of these Zoning Regulations, a carport shall be considered as a garage.

GARAGE, PUBLIC: Any garage other than a private garage. A public parking garage may include accessory off-street parking spaces. Such garages shall not involve the repair or servicing of any motor vehicles.

GASOLINE DISPENSING SYSTEM - SPECIAL: Gasoline dispensing system which is card operated for governmental or commercial entitles only in accordance with the provisions of Chapter 4A-16, Part VI "Service Stations" of the Florida Administrative Code.

GATEHOUSE: A structure which is located near the point of access to a development in which an individual controls access to that development for the purpose of security and privacy.

GIFT, NOVELTY, AND SOUVENIR SHOPS: Establishments primarily engaged in the retail sale of combined lines of gifts and novelty merchandise, souvenirs, and miscellaneous small art goods.

GOVERNMENT AGENCY: Any department, commission, independent agency or instrumentality of the United States, Florida, Lee County, or unincorporated authority, district or other governmental unit.

GOVERNMENT SERVICES - See Section 1001.19.

GROCERY: A retail market for general food items, often, but not necessarily, self-service, smaller than a supermarket and with a far smaller range of non-food items (see "SUPERMARKET", "CONVENIENCE FOOD AND BEVERAGE STORE").

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GROUP QUARTERS: A building in which a number of unrelated individuals that do not constitute a "family" live and share various spaces and facilities for, for example, cooking, eating, sanitation, relaxation, study and recreation. Examples of Group Quarters include fraternity houses, boarding houses, adult congregate living facilities, dormitories, sororities, rooming house, and other similar uses.

GUEST HOUSE: An accessory building which is located on the same premises as the principal building and is to be used exclusively for housing members of the family occupying the principal building, or other non-paying guests, is not occupied year-round, can have kitchen facilities, and is not rented or otherwise used as a separate dwelling. Shall not be occupied by more than one family at any time and only one guest house is permitted for each main dwelling.

HARDWARE STORE: Establishments primarily engaged in the retail sale of a number of basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and small household appliances and cutlery.

HEALTH CARE FACILITY - See Section 1001.20.

HEARING BOARD: The Planning and Zoning Commission, Board of Commissioners or Board of Zoning Adjustments (whichever is applicable) responsible for conducting a public hearing.

HELIPORT: An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxillary facilities such as parking, waiting room, fueling and maintenance equipment.

HELISTOP: A heliport, but without auxillary facilities such as parking, waiting room, fueling and maintenance equipment.

HOBBY, TOY, GAME SHOPS - See Section 1001.21.

HOME CARE FACILITY: A conventional residence in which up to three (3) unrelated individuals are cared for but without provision for routine nursing and/or medical care.

HOME OCCUPATION: An occupation customarily carried on by an occupant of a dwelling unit as an accessory use which is clearly incidental to the use of the dwelling unit for residential purposes and operated in accordance with the application provisions of Section 525.

HOSPICE: A facility designed to provide comfort and relief for the emotional and physical needs of the terminally ill.

HOTEL/MOTEL, CONVENTION - See Section 526.

HOTEL/MOTEL, EFFICIENCY UNITS - See Section 527.

HOTEL/MOTEL, TRANSIENT - See Section 528.

HOUSEHOLD/OFFICE FURNISHINGS - See Section 1001.22.

HOUSING UNIT: A house, apartment, mobile home or trailer, group of rooms, or single room occupied or intended for occupancy as a separate living quarters. Separate living quarters are those in which the occupants do not live and eat with any other person in the structure and which have direct access from the outside of the building or through a common hall. See "DWELLING UNIT" and "LIVING UNIT".

INCREASE NON-CONFORMITY: Any one of an infinite number of differing combinations of change which, in effect would make a use of land or structures already not in conformance with this Ordinance, less in compliance with this Ordinance after said change than the use or structure was prior to said change. See Chapter VI.

INSURANCE COMPANIES - See Section 1001.23.

INTENSITY: A measurement of the degree of customarily non-residential uses based on use, size, impact, bulk, shape, height, coverage, sewage generation, water demand, traffic generation, or floor area ratios.

JUNKYARD: Any use on streets or private property involving the parking, storage or disassembly of junked vehicles, or wrecked or non-operable vehicles, storage, baling or otherwise dealing in waste paper, rags, scrap metal, used building materials, old household appliances and other similar matter. Such uses shall be considered junkyards whether or not all or part of such operations are conducted within a building or in conjunction with, in addition to, or accessory to, other uses of the premises. This definition shall not include pawn shops and establishments for the sale, purchase or storage of usable second-hand cars, used furniture or similar household goods and appliances.

LAND: Earth, water and air, above, below or on the surface, and includes any improvements or structures customarily regarded as land.

LAND DEVELOPMENT CODE: The Lee County Development Standards Ordinance or successor.

LAND USE: The development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under the Lee Plan or element or portion thereof, Land Development Regulations, or a Land Development Code, as the context may indicate.

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LANDSCAPE ARCHITECT: A professional landscape architect duly registered and licensed by the State of Florida. .

LAUNDROMAT: A business that provides washing, drying, dry cleaning and/or ironing machines for hire for customers to use on the premises.

LAWN AND GARDEN SUPPLY STORES: Establishments primarily engaged in selling trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products, purchased from others, but may sell some plants which they grow themselves. Establishments primarily engaged in growing are classified as Plant Nurseries.

LEE PLAN: The current Lee County Comprehensive Plan, as adopted by Ordinance No. 84-28, and any amendments thereto or succeeding Comprehensive Plan which is in effect at the time an action or decision of the Planning and Zoning Commission, Board of Zoning Adjustments, or the Board of County Commissioners is taken or rendered.

LAUNDRY OR DRYCLEANING - See Section 1001.24.

LEATHER PRODUCTS, MANUFACTURING - See Section 1001.25.

LIVE-ABOARD: The use of a boat as a living unit.

LIVING UNIT: Any temporary or permanent unit used for human habitation. (See "DWELLING UNIT" and "HOUSING UNIT".)

LOADING SPACE, OFF-STREET: A space logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled.

LOCAL PLANNING AGENCY: The Lee County Planning and Zoning Commission performing the functions set forth in Section 163.3174 Florida Statutes, as well as the functions set forth in Section 900.01.A.1.

LOCK-OFF ACCOMMODATIONS: A living unit which cannot be physically separated from another living unit; but can be separated from it by locking a door and which contains at least one (1) bedroom and one (1) bath and is accessible from a separate outside door.

LOT: A parcel of land considered as a unit.

CORNER LOT:

- a. A lot located at the intersection of two or more streets where the corner interior angle formed by the intersection of the two streets is one hundred thirty-five (135) degrees or less, OR
- b. A lot abutting a curved street if straight lines drawn between the intersections of the side lot lines and the street right-of-way or easement to the foremost point of the lot form an interior angle of less than one hundred thirty-five (135) degrees.

LOT AREA: The total horizontal area within the lot lines, excluding any street right-of-way or easement.

LOT COVERAGE: That portion of the lot area, expressed as a percentage, occupied by all buildings or structures which are roofed or otherwise covered and that extend more than three (3) feet above the surface ground level.

LOT LINE: A line which delineates the boundary of a lot.

FRONT LOT LINE: The lot line which separates the lot from a street right-of-way or easement.

REAR LOT LINE: That lot line which is parallel to or concentric with and most distant from the front lot line of the lot; in the case of an irregular or triangular lot, a line twenty (20) feet in length, entirely within the lot, parallel to or concentric with, at the maximum possible distance from the front lot line shall be considered to be the rear lot line. In the case of a through lot, there shall be no rear lot line. In the case of a double frontage lot, the line directly opposite from the front line shall be designated as either a rear line or a side line depending upon the designation of the adjacent property. In the case of corner lots, the rear lot line shall be the line most nearly parallel to or concentric with and most distant from the front lot line most prevalent along the block.

SIDE LOT LINE: Any lot line which is not a front or rear lot line.

LOT MEASUREMENT, DEPTH: The distance between the midpoints of the front lot line and the rear lot line. The midpoint of a curved front or rear lot line shall be considered to be the midpoint of a straight line connecting the points of intersection with the side lot lines.

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LOT MEASUREMENT, WIDTH: The distance between the side lot lines (or a front and side lot line for corner lots) as measured along the minimum required street setback line.

LOT OF RECORD: Means a lot which is part of a plat which has been lawfully recorded in the plat books in the office of the Clerk of the Circuit Court of Lee County, Florida, and is in compliance with Chapter 177 of the Florida Statutes OR a parcel of land, the deed of which was lawfully recorded in the office of the Clerk of the Circuit Court of Lee County, Florida on or before January 28, 1983,

MACHINERY, MANUFACTURING - See Section 1001.17.

MANUFACTURED HOUSING - See "BUILDING, CONVENTIONAL".

MANUFACTURING: Establishments which are primarily engaged in the mechanical or chemical transformation of materials or substances into new products, as well as establishments primarily engaged in assembling component parts of manufactured products if the new product is not a permanent structure or other fixed improvement.

MARINA: A boating facility, chiefly for recreational boating, located on navigable water frontage, and providing all or any combination of the following: boat slips or dockage, dry boat storage, marine fuel and lubricants, marine supplies, restaurants or refreshment facilities, boat and boat motor sales, and rentals. Minor boat, rigging and motor repair which is incidental to the principal marina use is generally allowed as an accessory use. However, no dredge, barge or other work dockage or service is permitted, and no boat construction or reconstruction is permitted (see BOATYARD). The word "marine" shall also apply to navigable freshwaters. This shall not be construed to apply to docks, davits, boathouses and similar facilities appurtenant to a residential land use providing only dockage or mooring.

MARINA, CLASS I: Any marina which allows for the mooring of boats for non-live-aboard purposes.

MARINA, CLASS II: Any marina which allows for the mooring of boats for any live-aboard purpose.

MEASURING, ANALYZING, AND CONTROLLING INSTRUMENTS, MANUFACTURING - See Section 1001.28.

MEDICAL OFFICE: Standard office space for the dispensing of medical and health related services including outpatient clinics incidental to such offices. Users may include medical doctors, osteopaths, chiropractors, naturpaths, nurse practitioners, health maintenance organizations and similar group practices, psychiatrists, clinical psychologists, counselors of all sorts and other similar licensed or professional practitioners, but not to include small animal hospitals or other veterinary clinics.

MIGRANT AND TRANSIENT FARM LABOR QUARTERS AND CAMPS: Residential building(s) located on a bona fide farm occupied by farm workers who are employed by the owner of the farm.

MINI-WAREHOUSE: Any building designed or used to provide separate storage rooms to individuals or businesses for a fee or rental, said rooms being intended solely as dead storage depositories for personal property, inventory, and equipment and not for any other commercial or industrial use. See "WAREHOUSING, PUBLIC".

MINING: The extraction of solid minerals from the ground, including, but not limited to phosphate rock, limerock, coral stone, limestone, sand, gravel and shell. (Sections 202.09, 517 and 518).

MOBILE HOME - See "DWELLING UNIT, TYPES".

MODEL: Means a residential or commercial structure or part thereof used solely for demonstration purposes or sales promotion, not occupied as a dwelling unit, and open to the public for inspection.

MOOR: To secure a vessel with lines.

MOTOR FREIGHT TERMINAL: A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment.

MODULAR HOME - See "BUILDING, CONVENTIONAL".

MULTIPLE FAMILY BUILDING - See "DWELLING UNIT, TYPES".

MULTIPLE OCCUPANCY COMPLEX: A parcel of property under one ownership or singular control, or developed as a unified or coordinated project, with a building or buildings housing more than five (5) occupants conducting a business operation of any kind.

MUSIC STORE: Establishments primarily engaged in the retail sale of musical instruments, phonograph records, sheet music, and similar musical supplies.

NEWSSTAND: Establishments primarily engaged in the retail sales of newspapers, magazines, and other periodicals including home delivery.

NIGHT CLUB: A restaurant, dining room, bar, or other similar establishment providing food or refreshments wherein paid floor shows or other forms of paid entertainment are provided for customers as a part of the commercial enterprise.

NON-CONFORMING BUILDING OR STRUCTURE, LOT, OR USE: An existing building or structure, lot or use lawful when established which fails to comply with any provisions of this Ordinance or as the result of subsequent amendments. (See Sections 600 to 606).

NON-STORE RETAILERS - See Section 1001.30.

NOVELTIES, JEWELRY, TOY, SIGN, MANUFACTURING - See Section 1001.29.

NURSERY SCHOOL - See "DAY CARE CENTER".

OUTPARCEL: A parcel divided from an original (parent) development tract, defined by metes and bounds or by a subdivision plat depicting it as an undivided tract, and intended for conveyance or conveyed to a party (developer), subsequent to the original developer or withheld by the developer for development separately from the majority of the original development tract.

PACKAGE STORE: A place where alcoholic beverages are dispensed or sold in factory sealed containers for consumption off premises.

PAINT, GLASS, AND WALLPAPER STORE: Establishments engaged in selling primarily paint, glass, and wallpaper, or any combination of these lines to the general public.

PAPER AND ALLIED PRODUCTS, MANUFACTURING - See Section 1001.31.

PARKS - See Section 1001.32.

PERSONAL SERVICES - See Section 1001.33.

PETROLEUM, MANUFACTURING - See Section 1001.34.

PET SERVICES: Establishments primarily engaged in providing grooming, obedience training, and other services for pets not requiring the services of a veterinarian and not including animal clinics or kennels.

PET SHOP: Establishments primarily engaged in the retail sale of pets and pet supplies.

PHARMACY: An establishment strictly for the preparation and/or dispensing of prescription drugs and medicines and related products.

PHOTOFINISHING LABORATORIES: Establishments primarily engaged in developing films and in making photographic prints and enlargements for the trade.

PLACE OF WORSHIP: A structure or structures designed primarily for accommodating an assembly of people for the purpose of religious worship including related religious instruction, church/synagogue ministries involving classes for 100 or less children during the week, and other church/synagogue sponsored functions, which do not exceed the occupancy limits of the building.

PLANNED DEVELOPMENT: A development that is designed and developed as a cohesive, integrated unit under single ownership or unified control which permits flexibility in building siting, mixture of housing types or land uses, clustering, common functional open space, the sharing of services, facilities and utilities and protection of environmental and natural resources.

PLANNED UNIT DEVELOPMENT (PUD): (Section 484).

PLANNING AND ZONING COMMISSION: The Board having the functions, powers, and duties as set forth in Section 900.01 herein.

PLANT NURSERY: Any lot, structure or premises used as an enterprise for the purpose of growing or keeping of plants for sale or resale.

PLAT: A plat as defined by Chapter 177 of the Florida Statutes as may be amended.

PREMISES: Any lot, area, or tract of land.

PREMISES, ON THE SAME: Shall be construed as being on the same lot or building parcel or on an abutting lot or adjacent building in the same ownership.

PRIMARY METAL INDUSTRIES, MANUFACTURING - See Section 1001.35.

PRINTING AND PUBLISHING - See Section 1001.36.

PRISON: A state or federally operated facility for incarcerating criminal offenders.

PRINCIPAL BUILDING - See "BUILDING, PRINCIPAL".

PRIVATE PARK: A park facility operated by a non-profit organization (such as a homeowners or condominium association) which is open only to bonafide members and guests of said organization. Commercially operated parks are not within this definition.

PROCESSING AND WAREHOUSING: The storage of materials in a warehouse or terminal and where such materials may be combined, broken down or aggregated for transshipment or storage purposes where the original material is not chemically or physically changed. As used herein, the term "processing and warehousing" shall mean an establishment essentially for storage and shipment as opposed to a manufacturing establishment.

PROPERTY LINE - See "LOT LINE".

PUBLIC PARK: Any park, playground, beach, parkway, or other recreation areas and open space, in which the County, State or Federal Government has an interest.

QUARTER SECTION LINE: Synonomous with half-section line and shall mean either of two lines which, used in combination, divide a section of land into four quarters.

RACE TRACKS - See Section 1001.37.

RECREATION CENTER: Buildings or facilities owned or operated by a condominium, or homeowners, association, for a social or recreational purpose, but not for profit or to render a service which is customarily carried on as a business. This definition does not include fraternities or sororities.

RECREATIONAL FACILITIES

COMMERCIAL: A recreation facility operated as a business and open to the public for a fee - see Section 1001.38.

PERSONAL: A recreation facility provided as an accessory use on the same premises as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

PRIVATE: A recreation facility operated by a non-profit organization, such as a homeowners or condominium association, and open only to bonafide members and guests of such non-profit organization. This term shall not be interpreted to include Fraternal or Membership Organization clubs.

PUBLIC: A recreation facility operated by a governmental agency and open to the general public.

RELIGIOUS FACILITIES: Religious-related facilities and activities which may include, but are not limited to: place of worship, bus storage facility or area, convents, monasterys, retreats, church/synagogue ministries involving classes for more than 100 children during the week, and home for aged.

RENTAL ESTABLISHMENTS - See Section 1001.39.

REPAIR SHOPS - See Section 1001.40.

RESEARCH AND DEVELOPMENT LABORATORIES - See Section 1001.41.

RESIDENCE - See "DWELLING UNIT", "LIVING UNIT" and "HOUSING UNIT".

RESIDENTIAL ACCESSORY USES - See Section 1001.42.

RESORT: A facility principally for the accommodation or short term residence of transient guests or vacationers, but where the primary attraction is generally recreational features or activities.

RESOURCE RECOVERY: Various techniques of recovering reuseable or recyclable materials or energy from garbage and trash.

RESOURCE PROTECTION AREA: Lands that exhibit soil types, hydrologic and vegetative characteristic of freshwater and saltwater wetlands.

RESTAURANT, FAST FOOD: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption (1) within the restaurant building, or outside the building but in an area set aside for customers, (2) within a motor vehicle parked on the premises, or (3) off the premises as carryout orders, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers. A cafeteria or delicatessen shall not be deemed a fast-food restaurant for the purpose of this Ordinance. See also "DRIVE-THRU FACILITIES".

RESTAURANT, STANDARD: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building. See Section 1001.44.

RETAIL ROADSIDE STAND, PERMANENT: A building or structure, built in accordance with all applicable Building Code requirements, which is designed, used or intended to be used for the purpose of display and retail sales of farm products, such as fruits, vegetables and flowers.

RETAIL ROADSIDE STAND, TEMPORARY: A structure (including tables, boxes or other similar type arrangement of shelving or display areas) vehicles, trailers, or other contrivance which is erected, emplaced, or parked and which is used or intended to be used for the display and/or sale of products or commodities.

RIGHT-OF-WAY LINE - See "STREET RIGHT-OF-WAY LINE".

ROOMING HOUSE: A residential building used, or intended to be used, as a place where sleeping or housekeeping accommodations are furnished or provided for pay to transient or permanent guests or tenants in which less than ten (10) and more than three (3) rooms are used for the accommodation of such guests or tenants, but which does not maintain a public dining room in the same building or in any accessory building.

ROOMING UNIT: A room or group of rooms used, or designed and intended to be used, as a living facility for a single family and which contains provisions for living, sleeping and sanitation but does not provide cooking or eating facilities.

RUBBER AND PLASTICS PRODUCTS, MANUFACTURING - See Section 1001.43

SCHOOL, COMMERCIAL - See Section 1001.45.

SELF-SERVICE FUEL PUMPS: Vehicle fuel dispensing pumps providing an accessory use to a permitted retail trade establishment but in which only "self-service" pumps are provided and no other vehicle service is provided.

SELF-SERVICE FUEL PUMP STATION: An establishment which is primarily for the purpose of retail selling of motor vehicle fuels and in which no other vehicle service is provided. Ancillary sales may include some convenience commodities such as tobacco or dairy products.

SERVANTS' QUARTERS: Dwelling unit for domestic servants employed on the premises. Such unit may be in either a principal or an accessory building, and, if in an accessory building, may be used alternatively as a guest house; but no such living quarters shall be rented, leased or otherwise made available for compensation of any kind except in the form of housing for servants. Such a unit may not be occupied by more than one family at any one time, and there shall be no more than one separate servants' quarters for each main dwelling unit.

SETBACK: The minimum distance required from a lot line to the nearest point of a building or structure.

STREET SETBACK: A setback extending across the front of a lot, being the required minimum horizontal distance between the street right-of way or easement and the front of the building.

SIDE SETBACK: A setback between any structure and the side lot line extending from the required front setback to the required rear setback and being the minimum horizontal distance between a side lot line and the side of the structure.

REAR SETBACK: A setback extending across the rear of a lot, being the required minimum horizontal distance between the rear property line and the rear of the building.

SHIELD: To establish a visual and sound barrier by the use of a berm, wall, screening, or other methods that will not permit the sound or sight of the facility in question to be apparent from adjoining property.

SHOPPING CENTER: A grouping of consumer-oriented commercial establishments, planned and developed as a single structure or under a unified architectural theme, owned and managed as a unit; and providing a range of goods and services specific to a definable market area; and providing customer and employee parking off-street and on-site.

SHORELINE: A straight or smoothly curved line which, on tidal waters, follows the general configuration of the mean high waterline; and which, on non-tidal waters, is determined by the annual average waterline. Boat slips and other man-made or minor indentations shall be construed as lying landward of the shoreline and are considered upland when computing the lot area of waterfront property.

SIC CODE: A two, three or four digit numeric code that identifies commercial or industrial activities and classifies firms according to standards set down in the Standard Industrial Classification Manual, 1972 (Washington: GPO, 1972).

SINGLE FAMILY RESIDENCE - See "DWELLING UNIT, TYPES".

SOCIAL SERVICES - See Section 1001.46

SPECIAL EXCEPTION - See "USE, SPECIAL EXCEPTION".

SPECIALTY RETAIL SHOP - See Section 1001.47.

STABLE, BOARDING: Any location where horses are kept which is not a PRIVATE or COMMERCIAL RECREATION STABLE as defined herein, for a fee.

STABLE, COMMERCIAL RECREATION: Any location where horses are kept principally for sale or hire.

STABLE, PRIVATE: Any premises where horses which are owned by, and solely for the use of, the occupants of the premises, are kept.

STONE, CLAY, GLASS, AND CONCRETE PRODUCTS, MANUFACTURING - See Section 1001.48.

STORAGE, DEAD: The storage of goods, wares, physical objects only, with no sales, conferences, chairs or other human activity other than placement, removal, and sorting of goods.

~~**STORAGE, ENCLOSED:** The keeping of any goods or products within a building or other structure, or within a completely fenced in area sufficiently screened so as not to be seen from any other property.~~

STORAGE, OPEN: The keeping of any goods or products in any area not defined as enclosed storage, for more than twenty-four hours.

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STORY (FLOOR): That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above.

STRAP NUMBER: A means of property identification which consists of the Section, Township, Range, Area, and Parcel numbers.

STREET: A public or private thoroughfare which affords vehicle access to the principal means of ingress or egress to a lot. The term "street" is synonymous with the terms "avenue", "boulevard", "drive", "lane", "place", "road", "way", or similar terms.

STREETS, FUNCTIONAL CLASSIFICATION:

FREEWAY/EXPRESSWAY: Highways and parkways having the sole purpose of carrying through traffic, and will not provide direct land/property access. Freeway access is fully controlled with carefully spaced high speed exit/entrance ramps and grade separation with intersecting roadways.

ARTERIAL: Streets primarily intended to carry large volumes of through traffic connecting major activity centers to other major traffic generators. Access to abutting properties must be limited to carefully controlled points.

MAJOR COLLECTOR: Streets having the primary purpose of collecting traffic from intersecting local streets and distributing this volume to the nearest arterial. A secondary purpose is to carry moderate volumes of through traffic. Access to abutting land uses is a secondary function which, with proper land planning, can be limited.

MINOR COLLECTOR: Streets having the primary purpose of collecting traffic from intersecting local streets and distributing this volume to the nearest major collector and/or arterial. As such it provides the linkage from neighborhoods (i.e., local streets) to the arterial system and provides intra-neighborhood access. Continuity of the minor collector beyond the nearest major collector and/or arterial is not desirable.

LOCAL: The primary function of the local street system is to serve adjacent properties. As such it provides the linkage from adjacent land uses to the collector street system. Through volume service is in conflict with these functions and must be prohibited in the design of the street network.

STREET RIGHT-OF-WAY: A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes which has been dedicated to the public.

STRUCTURE: That which is built or constructed. The term "structure" shall be construed as if followed by the words "or part thereof".

STUDIOS - See Section 1001.49.

SUPERMARKET: A retail establishment which is principally for the sale of general food items on a cash and carry basis, generally self-service in arrangement, and frequently with a wide range of non-food items including sundries, package sale of alcoholic beverages, hardware and the like, and frequently housing discrete but subordinant commercial operations such as bakeries, restaurants, pharmacies and package stores. A supermarket is to be distinguished from a grocery store on the basis of scale, being usually 25,000 square feet or larger in size, and the broader mix of goods and services.

SURVEYOR: A professional land surveyor duly registered and licensed by the State of Florida.

TEXTILE MILL PRODUCTS - See Section 1001.50.

THEATER, INDOOR: A building or part thereof devoted to showing motion pictures, or for dramatic, musical or live entertainment.

TIME-SHARE UNIT: Any dwelling unit or rooming unit for which a time sharing plan, as defined in Chapter 721 of the Florida Statutes, has been established and documented.

TOBACCO MANUFACTURING - See Section 1001.51.

TOWNHOUSE - See "DWELLING UNIT, TYPES".

TOWERS, COMMUNICATION: Any structure over fifty (50) feet in height, erected and so designed to receive or transmit electronic waves, such as telephone, television, radio or microwave transmissions. This definition shall not include satellite dishes or antennas for non-commercial use.

TRANSITION ZONE: Lands that may be seasonally inundated from one to three months as indicated by water marks, do not have depressional soils, and are characterized by a mixture of plant species typical of uplands and wetlands.

TRANSPORTATION DEPARTMENT: The Lee County Department of Transportation and Engineering Services.

TRANSPORTATION EQUIPMENT, MANUFACTURING - See Section 1001.52.

TRANSPORTATION SERVICES - See Section 1001.53.

TRAVEL TRAILER: See "RECREATIONAL VEHICLE".

TRUCK STOP: An establishment where the principal use is primarily the refueling and servicing of trucks and tractor-trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide facilities for the repair and maintenance of such equipment.

TRUCKING TERMINAL: An area or building where cargo is stored and where trucks load and unload cargo on a regular basis.

TWO FAMILY - See "DWELLING UNIT, TYPES".

UNDUE HARDSHIP: An exceptional and unique hardship unique to that parcel of property and not shared by other property owners in the area, such as peculiar physical characteristics of the particular parcel. Economic considerations and self-created problems are not undue hardship nor are common difficulties shared by all other property owners in an area.

UNIFIED CONTROL: The unrestricted right of any owner or agent to enforce whatever conditions are set on the use and development of a parcel of land through the provisions of these Regulations, by binding his heirs, assigns or other successors in title with covenants or restrictions on the development and subsequent use of the property.

UNIFIED CONTROL, COVENANT OF: The demonstration and documentation that an owner or agent has unified control over a piece of property and is competent and willing to bind his heirs, assigns or other successors in title in the public interest to whatever conditions are placed on the development and subsequent use of the property through the provisions of these Regulations.

UNIT OF HIGH IMPACT: Any dwelling unit or rooming unit:

1. located in a hotel or motel and rented or leased to guests for terms of less than thirty (30) consecutive days;
2. that is being developed and/or converted to a time-share unit as defined by the Florida Real Estate Time-Share Act, Chapter 721, and being created and divided into ten or more periods.

USE: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

USE, ACCESSORY: A Use of a structure or premises which is customarily incidental and subordinate to the principal use of the structure or premises. (See USE: PRINCIPAL)

USE, MIXED: The development of land or building or structure with two or more different but compatible uses, such as, but not limited to, residential, office, industrial and technological, retail, commercial, public, entertainment, or recreation, in a compact urban form.

USE, PERMITTED BY RIGHT: A Use or Uses which, by their very nature are allowed within the specified Zoning District provided all applicable regulations of Lee County are met. Permitted Use includes the principal use of the land or structure as well as accessory uses unless specifically stated to the contrary.

USE, PRINCIPAL: The primary purpose for which land or a structure or building is used.

USE, PUBLIC: The Use of any land, water, or building by a public agency for a public service or purpose.

USE, SPECIAL EXCEPTION: A Use that may not be appropriate generally or without restriction throughout a zoning district, but which, when controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity, and may be permitted, in accordance with all applicable regulations.

USE, SPECIAL PERMIT: A use or activity which is not permitted by right or by Special Exception and can only be permitted by a majority vote of a quorum of the Board of County Commissioners. The term Special Permit also applies to certain specified departures from the regulations of this Ordinance which are not considered variances in that the applicant is not required to prove hardship.

USE, TEMPORARY: A use or activity which is permitted only for a limited time, and subject to specific regulations and permitting procedures.

USED MERCHANDISE STORES - See Section 1001.54.

VARIANCE: A departure from the provisions of the Zoning Ordinance relating to building and other structural setbacks, lot dimensions such as width, depth or area, structure or building height, or off-street parking or loading requirements, but not involving the actual use of the property, building, or structures. This definition specifically excludes section and quarter-section line setbacks, street setbacks, and modifications for solar or wind energy. It also excludes matters addressed only by the County's Land Development Code which provides a separate variance procedure for such development code variances. If a matter is treated in both these zoning regulations and in the County's Land Development Code, it shall, except in the case of planned development districts, be excluded from the definition of "variance" herein set

forth and be treated exclusively as a development code variance request and be processed and heard in the manner prescribed in the County's Land Development Code: provided, however, that in the case of planned development districts, "variance" means all of those requests to deviate from both the provisions of the County's zoning regulations and its Land Development Code regulations.

A zoning variance may be granted when the enforcement of the zoning ordinance, as it applies to a specific lot, would work an undue hardship. It may be granted to decrease the dimension requirements, and the applicant must demonstrate that the hardship is peculiar to his property and not to other properties in the zone. The Board of Zoning Adjustments also must find that the variance can be granted without any adverse impact on the public good.

VARIETY STORE: A retail store offering a broad mix of generally non-durable goods, notions and sundries, also generally of moderate price. Durable goods (furniture, large appliances and the like) are seldom offered in a variety store.

VEHICLE AND EQUIPMENT DEALERS - See Section 1001.55.

WAREHOUSE: Any building or buildings designed or arranged for storage of goods or products and not generally accessible to the public (see "MINI-WAREHOUSE").

WAREHOUSING, PRIVATE: Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field, such as moving companies, transfer companies, freight delivery, specific retail store storage, or beverage distribution.

WAREHOUSING, PUBLIC: Terminal facilities available to the general public at a fee for the storage of farm products, furniture and other household goods or commercial or private goods of any nature (see also "MINI-WAREHOUSE").

WATER, BODY OF:

ARTIFICIAL: A depression or concavity in the surface of the earth (other than a swimming pool) created by, or that portion of a natural body of water extended or expanded by, human artifice and in which water stands or flows for more than three months of the year.

NATURAL: A depression or concavity in the part of the surface of the earth lying landward of the line of mean sea level (NGVD) which was created by natural geophysical forces and in which water stands or flows for more than three months of the year. Also, the bays and estuaries lying between Lee County mainland and the barrier islands (Gasparilla Island, Cayo

Costa, N. Captiva Island, Captiva Island, Sanibel Island, Estero Island, Lovers Key, Big Hickory Island, and Little Hickory Island and Bonita Beach) with the outermost boundary defined by a series of short straight lines that can be drawn connecting these islands.

WATERWAY: Any bay, river, lake, canal, or artificial or natural body of water, connected to navigable waters of the United States.

WETLANDS: An area that is subject to permanent or prolonged periods of inundation or saturation (i.e., water is at the soil surface at least two to seven months, seven out of ten years) and does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps and marshes and may include similar areas such as sloughs, wet meadows and natural ponds.

WHOLESALE ESTABLISHMENTS - See Section 1001.56.

ZERO-LOT-LINE DEVELOPMENT: A site planning technique which places at least one wall of a building on a side or rear line of the lot on which it stands.

ZONE - See "DISTRICT".

ZONING BOARD: The Lee County Planning and Zoning Commission or the Lee County Board of Zoning Adjustments, depending upon the issue under consideration and the provisions of this Zoning Ordinance with respect to the resolution of like issues before said Commission or Board.

1001 USE ACTIVITY GROUPS

A. PURPOSE AND INTENT

The purpose and intent of this section is to provide a method whereby lengthy lists of use activities can be categorized into simplified groups for insertion and use in the Zoning District Regulations.

B. APPLICABILITY

1. When a particular activity group is shown as a permitted or permissible use within the Use Regulations of a Zoning District, it shall be interpreted to mean any of the uses listed under that particular Use Activity Group in this Section, unless specifically noted to the contrary.

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2. When an individual use, which is included within an Activity Group, is listed specifically within the Use Regulation, it shall be interpreted to mean only that use and shall not be interpreted to mean other uses with the Activity Group in which it is located.
3. When (Section xxx.xx) follows a particular activity, it is an indication that supplemental regulations affect said use and the reader should refer to the indicated Section.
4. When (df) follows a particular activity, it indicates that the activity is defined in Section 1000.00.
5. When a number precedes or follows a use activity, it is a reference to the Standard Industrial Classification Manual (1972 Ed.) and all uses listed within said SIC code are permitted unless specifically indicated to the contrary.

1001.01 APPAREL, MANUFACTURING

- 231 Men's, Youths, and Boys Suits, Coats, and Overcoats
- 232 Men's, Youths', and Boys Furnishings, Work Clothing, and Allied Garments
- 233 Women's, Misses', and Juniors' Outerwear
- 234 Women's, Misses', Childrens and Infants Undergarments
- 235 Hats, Caps, and Millinery
- 236 Girl's, Children's, and Infants Outerwear
- 237 Fur Goods
- 238 Miscellaneous Apparel & Accessories
- 239 Miscellaneous Fabricated Textile Products

1001.02 AUTOMOTIVE REPAIR AND SERVICE (Section 507)

GROUP I

- Automotive air conditioning equipment, sales & installation
- Automotive interior shops
- Automotive paint shops
- Automotive tops (canvas or plastic) installation or repair
- Automotive trim shops
- Brake linings, sale and installation
- Brake repairing
- Carburetor repair
- Diagnostic centers
- Electrical service, automotive (battery and ignition repair)
- Exhaust system service (muffler shops)
- Fuel system repair, motor vehicle
- Generator and starter repair
- Inspection service
- Glass replacement and repair

Mufflers, automotive; sale and installation
 Radiator repair shops
 Radio, sales & installation
 Tire repair shops - no vulcanizing
 Transmission repair
 Undercoating cars
 Upholstery repair
 Wheel alignment

GROUP II

Automotive body shops
 Automotive repair shops, not listed in Group I
 Automotive springs, rebuilding and repair
 Automotive top (other than canvas or plastic) and body repair
 Axle straightening
 Bump shops (automotive repair)
 Diesel engine repair
 Engine repair
 Frame repair shops
 Front end repair
 Garages, general automotive repair and service
 Motor repair
 Rebuilding and retreading tires for the trade
 Retreading tires
 Tire recapping
 Vulcanizing tires and tubes (repair service)

1001.03 BANKS AND FINANCIAL ESTABLISHMENTS

GROUP I

ATM's - Automatic Teller Machines
 602 Commercial & Stock Savings Banks
 603 Mutual Savings Banks
 605 Establishments Performing Functions Closely Related to Banking
 612 Savings & Loan Associations
 613 Agricultural Credit Institutions
 614 Personal Credit Institutions
 615 Business Credit Institutions
 616 Mortgage Bankers & Brokers

GROUP II

601 Federal Reserve Banks
 604 Trust Companies not engaged in Deposit Banking
 611 Rediscount and financing institutions for credit agencies
 other than banks
 621 Security brokers, dealers, and Flotation companies
 622 Commodity contracts brokers and dealers
 623 Security and commodity Exchanges
 628 Services allied with the exchange of securities or commodities

- 456
- 671 Holding Offices
 - 672 Investment Offices
 - 673 Trusts
 - 674 Misc. Investing

1001.04 BUILDING MATERIALS - SALES (Section 536)

Establishments engaged in selling primarily lumber, or lumber and a general line of building materials, to the general public. While these establishments may also sell to contractors, they are known as "retail" in the trade. The lumber which they sell may include rough and dressed lumber, flooring, molding, doors, sashes, frames and other millwork. The building materials may include roofing, siding, shingles, wallboard, paint, brick, tile, cement, sand, gravel and other building materials and supplies. Hardware is often an important line of retail lumber and building materials dealers. Asphalt and concrete batch plants are specifically excluded.

- Brick and tile dealers
- Building materials, dealers
- Buildings, prefabricated
- Cabinets, kitchen; to be installed
- Cement dealers
- Concrete and cinder block dealers
- Fallout shelters
- Fencing dealers
- Flooring, wood
- Garage doors, sale and installation
- Insulation material, building
- Jalousies
- Lime and plaster dealers
- Lumber and building material dealers
- Lumber and planing mill product dealers
- Millwork and lumber dealers
- Roofing material dealers
- Sand and gravel dealers
- Storm windows and sash, wood or metal
- Structural clay products
- Wallboard (composition) dealers

1001.05 BUSINESS SERVICES

Establishments primarily engaged in providing business services to other businesses or individuals, which are not classified elsewhere in this Ordinance.

GROUP I

Business service establishments which customarily occupy standard office space and do not require outdoor storage of supplies or the use of vehicles other than cars or small vans. Establishments of this type include, but are not limited to:

Advertising Agencies (excluding sign construction)
 Appraisers
 Attorneys
 Bail Bonding
 Blood banks
 Blood Donor Stations
 Blue Printing & Photocopying Services
 Business Agents & Brokers
 Caterer
 Clerical Services
 Collection Agencies
 Commercial Photography, Art and Graphics
 Computer or Data Processing Services
 Consulting Services such as architects, attorneys, engineers,
 planners, etc.
 Credit Reporting Services
 Detective Agencies and Protective Services but not including
 armored car or animal (guard dog) rental
 Drafting Services
 Employment Agencies
 Insurance Agents
 Interior Decorators (not painters or paperhangers)
 Management, Consulting & Public Relations Services
 Map Making
 Medical photography and Art
 Message Answering Services
 Microfilm recording & developing services
 Notary Public
 Oxygen Tent Service
 Personal Investigation Services
 Real Estate Agents, Brokers
 Sign Painting & lettering (not construction)
 Stenographic Services
 Telephone Solicitation Services
 Visiting Nurse Associations
 Welcome Wagon Service

GROUP II

Business services which, due to equipment and vehicle storage or to processes used, usually require facilities in addition to standard office space. Included in this group are services similar to:

Armored Car Service
 Automobile Claims Adjusters
 Automobile Repossessing Service
 Messenger Services
 Packaging Services
 Parcel and Express Services
 Pest Control (Exterminators)
 Swimming Pool Cleaning & Maintenance Service
 Water Softening Services

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1001.06 CHEMICALS AND ALLIED PRODUCTS, MANUFACTURING

GROUP I

283 Drugs

GROUP II

281 Industrial Inorganic Chemicals

282 Plastics Materials and Synthetic Resins, Synthetic Rubber, Synthetic and Other Man-Made Fibers, Except Glass

284 Soap, Detergents, and Cleaning Preparations, Perfumes, Cosmetics, and Other Toilet Preparations

285 Paints, Varnishes, Lacquers, Enamels, and Allied Products

286 Industrial Organic Chemicals

287 Agricultural Chemicals excluding 2875 Fertilizers, Mixing Only

289 Miscellaneous Chemical Products

1001.07 CLEANING AND MAINTENANCE SERVICES (no repairs)

Establishments primarily engaged in providing a service to individual homes or businesses on a contract or fee basis, and wherein the particular service is performed at the individual home or business.

Building cleaning (interior)
 Floor waxing
 Housecleaning
 Janitorial services on contract basis
 Office cleaning
 Window cleaning
 Lawn and Garden services
 Carpet cleaning (not laundry)
 Upholstery cleaning

1001.08 CLOTHING STORES, GENERAL

Establishments primarily engaged in selling a variety of new clothing, shoes, hats, underwear, and related articles for personal wear and adornment.

Children's and Infants' Wear Stores
 Family Clothing Stores
 Men's and Boys' Clothing
 Shoe Stores
 Women's Ready-to-Wear Stores

1001.09 CONTRACTORS & BUILDERS

This group includes all general, operative and special trade contractors and builders, including:

- General Contractors
- Operative Builders
- Highway & Street Construction
- Heavy Construction
 - Bridge, Tunnel & Elevated Highway
 - Water, sewer, pipe line, communication & power line
 - Other
- Plumbing, Heating, Air Conditioning
- Painting, Paperhanging, Decorating
- Electrical
- Masonry, Stone Setting & Other Stonework
- Carpentering & Flooring
- Roofing & Sheet Metal
- Concrete Work
- Water Well Drilling
- Special Trade
 - Structural Steel Erection
 - Glass & Glazing
 - Excavation & Foundation
 - Wrecking & Demolition
 - Installation or Erection of Building Equip.
 - Other

GROUP I

Permits offices and indoor storage facilities but specifically excludes any Fabrication work or outdoor storage, other than parking of cars.

GROUP II

Permits offices, indoor storage and light fabrication work. Outdoor storage of materials and equipment is permitted if enclosed. Specifically prohibited is any heavy construction equipment such as cement trucks, cranes, bulldozers, well-drilling trucks and other similar heavy equipment, or wrecking/demolition debris.

GROUP III

Permits offices, storage (indoor or outdoor), fabrication work, and outdoor storage of heavy construction equipment. Storage of wrecking debris is prohibited.

1001.10 CULTURAL FACILITIES

Facilities of historic, educational or cultural interest:

- Animal or reptile exhibits
- Art Galleries
- Aquariums
- Botanical or Zoological gardens

Historical Sites
 Libraries
 Museums
 Planetaria
 Zoos

1001.11 ELECTRICAL MACHINERY AND EQUIPMENT MANUFACTURING

361 Electric Transmission and Distribution Equipment
 362 Electrical Industrial Apparatus
 363 Household Appliances
 364 Electric Lighting and wiring equipment
 365 Radio and Television Receiving Equipment. Except
 Communication Types
 366 Communication Equipment
 367 Electronic Components & Accessories
 369 Miscellaneous Electrical Machinery, Equipment and Supplies

1001.12 ESSENTIAL SERVICES

Electrical and communication wires, poles, transformers, switching
 equipment and cables less than twenty-seven (27) cubic feet in
 size
 Water and sewer mains, pipes and drains
 Fire hydrants
 Similar construction and maintenance of utility systems

1001.13 ESSENTIAL SERVICE FACILITIES

Buildings or above-ground structures (exceeding twenty-seven (27)
 cubic feet in volume) required to provide essential services
 including electricity, telephone, cable TV, gas, water, sewage,
 solid waste, and resource recovery

GROUP I (Section 516)

Natural gas or water regulation stations
 Pumping stations
 Telephone and electrical distribution systems
 Transmission or metering stations

GROUP II

Sewage Disposal or Treatment Facilities
 Electric Substations
 Water Treatment Facilities
 Solid Waste Transfer Station

GROUP III

Electric Power Generating Plants
Sanitary landfill (Section 542)
Resource Recovery Facilities such as incinerators or
generation of energy from waste materials

1001.14 FABRICATED METAL PRODUCTS/MANUFACTURING

GROUP I

346 Metal Forgings and Stampings
347 Coating, Engraving, and Allied Services
348 Ordinance and Accessories, Except Vehicles and Guided Missiles

GROUP II

341 Metal Cans & Shipping Containers
342 Cutlery, Hand Tools, and General Hardware
343 Heating Equipment, Except Electric and Warm Air; and Plumbing
Fixtures
344 Fabricated Structural Metal Parts Excluding 3444 Sheet Metal
Work and 3448 Prefabricated Metal Buildings and Components
345 Screw Machine Products, and Bolts, Nuts, Screws, Rivets, and
Washers
349 Miscellaneous Fabricated Products

GROUP III

3448 Prefabricated Metal Buildings and Components

1001.15 FOOD AND KINDRED PRODUCTS, MANUFACTURING

GROUP I

2011 Meat Packing Plants (slaughtering)
2016 Poultry Dressing Plants (slaughtering)
2017 Poultry and Egg Processing
2026 Fluid Milk (pasturizing, homogenizing, bottling)
2041 Flour and Other Grain Mill Products
2044 Rice Milling
2046 Wet Corn Milling
2047 Dog, Cat and Other Pet Food (slaughtering)
2048 Prepared Foods and Feed Ingredients for Animals and Fowls
2061 Cane Sugar, Except Refining Only
2062 Cane Sugar, Refining
2063 Beet Sugar

GROUP II

2013 Sausages & Other Prepared Meat Products
 202 Dairy Products (excluding 2026 Fluid Milk)
 203 Canned & Preserved Fruits & Vegetables
 2043 Cereal Breakfast Foods
 2045 Blended and Prepared Flour
 207 Fats and Oils
 2082 Malt Beverages
 2083 Malt
 2084 Wines, Brandy, and Brandy Spirits
 2085 Distilled, Rectified, and Blended Liquors
 2087 Flavoring Extracts and Flavoring Syrups
 2091 Canned and Cured Fish and Seafoods
 2092 Fresh or Frozen Packaged Fish and Seafoods
 2098 Macaroni, Spaghetti, Vermicelli, and Noodles
 2099 Food Preparations, Not Elsewhere Classified

GROUP III

205 Bakery Products*
 2065 Candy and Other Confectionary Products*
 2066 Chocolate and Cocoa Products
 2067 Chewing Gum
 2086 Bottled and Canned Soft Drinks and Carbonated Waters
 2095 Roasted Coffee
 2097 Manufactured Ice

*Not including establishments manufacturing primarily for direct retail sale on premises to household consumers.

1001.16 FOOD STORES:

Retail stores primarily engaged in selling food for home preparation and consumption. This group shall not be interpreted to include establishments primarily engaged in selling prepared foods or drinks for consumption on premises or stores primarily engaged in selling packaged beers, ales or other liquors.

GROUP I:

Grocery
 Supermarkets
 Delicatessens
 Fish (seafood) Market (enclosed)
 Meat or Poultry Market (no slaughtering)
 Fruit and/or Vegetable Market (enclosed)
 Confectionery store including candy, nuts, sweetmints, popcorn, and other confections.
 Dairy Products but not including ice cream or frozen custard stands.
 Bakeries, retail including bakery products prepared on the premises, for sale on the same premises.

Specialty Food Stores including specialty food items such as, but not limited to, health foods, spices, herbs, coffee, tea, vitamins, dietetic foods, mineral water.

GROUP II:

Freezer and Locker Meat Provisioners

- primarily the retail sale, on a bulk basis, of meat products for freezer storage.

1001.17 FREIGHT AND CARGO HANDLING ESTABLISHMENTS:

Establishments primarily engaged in undertaking the packaging for, or the transportation of, freight or cargo.

Agents, shipping
 Brokers, Custom House
 Brokers, shipping
 Brokers, transportation
 Cargo checkers and surveyors, marine
 Crating goods for shipping
 Customs clearance of freight
 Domestic forwarding
 Foreign forwarding
 Freight agencies
 Freight consolidation
 Freight forwarding
 Freight rate information service
 Inspection services connected with transportation
 Packing goods for shipping
 Shipping documents preparation
 Transport clearinghouse
 Transportation rate services
 Weighing services connected with transportation

1001.18 FURNITURE AND FIXTURES, MANUFACTURING

251 Household Furniture
 252 Office Furniture
 253 Public Building and Related Furniture
 254 Partitions, Shelving, Lockers, and Office and Store Fixtures
 259 Miscellaneous Furniture and Fixtures

1001.19 GOVERNMENT SERVICES

GOVERNMENT SERVICES AND FACILITIES not classified elsewhere, including:

Animal Control Facility - including Humane Society
 Emergency Medical Services Station
 Emergency Operations Center
 Fire Station/Forestry Tower

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Maintenance Facility
Navigational Structures, safety devices
Police Station
Post Office
Sheriff Stations

Mass Transit Depot or maintenance facility

1001.20 HEALTH CARE FACILITIES (Section 524)

Establishments primarily engaged in furnishing medical, surgical, and/or nursing care to persons, as well as certain related activities.

GROUP I - Nursing and Personal Care Facility

Establishments primarily engaged in providing some nursing and health-related personal care, but not continuous nursing services. These establishments have at least one (1) shift with a licensed or registered nurse to provide routine health care and observation.

GROUP II - Skilled Nursing Care Facility

Establishments primarily engaged in providing care and treatment for patients who require continuous health care, but not hospital services. These establishments have an organized medical staff, including physician and continuous nursing services.

Convalescent Care Center

GROUP III - Outpatient Care Facility

Establishments primarily engaged in outpatient care with permanent facilities and with medical staff to provide diagnosis, treatment, or both for patients who are ambulatory and do not require inpatient care.

GROUP IV - HOSPITALS

Establishments primarily engaged in providing diagnostic services, extensive medical treatment including surgical services, and other hospital services, as well as continuous nursing services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care.

1001.21 HOBBY, TOY, GAME SHOPS

Establishments primarily engaged in the retail sale of toys, games, hobby kits and supplies, artist supplies, collectors items, cameras, sewing and piece goods, etc.

Architectural supplies
 Art dealers
 Artificial flowers
 Artists supplies & materials
 Autograph supplies
 Banner shops
 Binoculars
 Camera shops
 Coin shops (numismatist)
 Fabric shops
 Flag shops
 Game shops
 Gem stones
 Hobby shops
 Knitting and yarn shops
 Mill end stores
 Needlework supplies
 Photographic supplies
 Piece goods
 Remnant stores
 Rock & Stone specimens
 Rubber stamp stores
 Stamp (philatelist) stores
 Stones, crystalline: rough
 Telescopes
 Toy and game stores
 Trophy shops
 Yard goods
 Yarn shops

1001.22 HOUSEHOLD/OFFICE FURNISHINGS:

Establishments primarily engaged in the retail sale of household or office furniture, appliances, floor coverings and miscellaneous furnishings.

GROUP I

Air conditioners
 Appliances
 Awnings & awning products
 Beds, Mattresses, Bed Springs
 Cabinets
 Carpets, Rugs
 Computers
 Floor Tile
 Freezers, household
 Furniture
 Garbage Disposals
 Kitchen sinks, cabinets, counters
 Linoleum
 Office machines

Organs, Pianos
 Radios, Television, video equipment
 Ranges or stoves
 Refrigerators
 Sewing machines
 Tape recorders, audio, video
 Trading Stamp Redemption Center
 Typewriters
 Vacuum cleaners

GROUP II

Aluminumware, Metalware, Enamelware, tinware
 Bedding (sheets, blankets, spreads, pillows, linen, etc.)
 Brooms, brushes
 China, Cookware, Crockery, pottery
 Curtains, draperies
 Cutlery, glassware, housewares
 Electric razor shops
 Fireplace accessories
 Kitchenware
 Lamps, shades, lights
 Luggage
 Mirrors, pictures
 Musical Instruments, Records, Sheet music
 Slipcovers, upholstery materials
 Venetian blinds
 Window shades

GROUP III (Section 536)

Swimming pools - prefabricated
 Hot Tubs, Spas

1001.23 INSURANCE COMPANIES

631 Life Insurance
 632 Accident and health insurance and medical services plans
 633 Fire, marine and casualty insurance
 635 Surety Insurance
 636 Title Insurance
 637 Pension, health, and welfare funds
 639 Insurance carriers, not elsewhere classified

1001.24 LAUNDRY OR DRYCLEANING

Establishments primarily engaged in laundering or drycleaning on the premises. It does not include Laundry agents or coin-operated laundries classified as a personal service Group I, nor shall it include agencies which provide pick-up and delivery service only, but do not perform the actual laundering or drycleaning on the same premises.

Uses include, but are not limited to:

Laundries
 Dry Cleaning
 Diaper Service
 Linen Supply
 Uniform Supply
 Carpet Cleaning
 Upholstery Cleaning

1001.25 LEATHER AND LEATHER PRODUCTS, MANUFACTURING

GROUP I

311 Leather Tanning and Finishing

GROUP II

313 Boot and Shoe Cut Stock & Bindings
 314 Footwear, Except Rubber
 315 Leather Gloves and Mittens
 316 Luggage
 317 Handbags and Other Personal Leather Goods
 319 Leather Goods, Not Elsewhere Classified

1001.26 LUMBER AND WOOD PRODUCTS, MANUFACTURING

GROUP I

242 Sawmills and Planing Mills

GROUP II

2431 Millwork
 2434 Wood Kitchen Cabinets
 2499 Wood Products not Elsewhere Classified

GROUP III

2435 Hardwood Veneer and Plywood
 2436 Softwood Veneer and Plywood
 2492 Particleboard

GROUP IV

2439 Structural Wood Members, Not Elsewhere Classified
 244 Wood Containers

GROUP V

2451 Mobile Homes
 2452 Prefabricated Wood Buildings & Components

GROUP VI

2491 Wood Preserving

1001.27 MACHINERY, MANUFACTURING

GROUP I

3524 Garden Tractors and Lawn and Garden Equipment

GROUP II

3546 Power Driven Hand Tools

357 Office, computing, and accounting machines

GROUP III

351 Engines and Turbines

3523 Farm Machinery and Equipment

353 Construction, Mining, and Materials Handling Machinery and Equipment

354 Metalworking Machinery and Equipment excluding 3546 Power Driven Hand Tools

355 Special Industry Machinery, Except Metalworking Machinery. Excluding 357 Office, Computing and Accounting Machines

356 General Industrial Machinery and Equipment

358 Refrigeration and Service Industry Machinery

359 Miscellaneous Machinery, Except Electrical

1001.28 MEASURING, ANALYZING, AND CONTROLLING INSTRUMENTS, MANUFACTURING

381 Engineering, Laboratory, Scientific, and Research Instruments and Associated Equipment

382 Measuring and Controlling Instruments

383 Optical Instruments and Lenses

384 Surgical, Medical, and Dental Instruments and Supplies

385 Ophthalmic Goods

386 Photographic Equipment and Supplies

387 Watches, Clocks, Clockwork operated devices, and parts

1001.29 NOVELTIES, JEWELRY, TOYS, SIGNS, MANUFACTURING

GROUP I

391 Jewelry, Silverware, and Plated ware

3961 Costume Jewelry and Costume Novelties, Except Precious Metal

GROUP II

393 Musical Instruments

394 Toys and Amusements, Sporting, and Athletic Goods

3993 Signs and Advertising Displays

GROUP III

- 395 Pens, Pencils, and Other Office and Artists Materials
- 3962 Feathers, Plumes, and Artificial Trees and Flowers
- 3963 Buttons
- 3964 Needles, Pins, Hooks and Eyes, and similar notions
- 3991 Brooms and Brushes

1001.30 NON-STORE RETAILERS

GROUP I - Mail Order Houses

Establishments primarily engaged in the retail sale of products by catalog and mail order.

- Book clubs, not publishing
- Books, mail order
- Catalog (order taking) office of mail order houses
- Coins, mail order
- Fruit in fancy baskets, mail order
- Jewelry, mail order
- Mail order houses
- Novelty merchandise - mail order
- Order taking, offices of mail order houses
- Record clubs, mail order
- Stamps, mail order

GROUP II - Automatic Merchandising Machine Operators

Office or storage facilities for establishments primarily engaged in the retail sale of products by means of automatic merchandising units, also referred to as vending machines.

- Coin operated machines selling merchandise
- Merchandising, automatic (sale of products through vending machines)

GROUP III - Direct Selling Establishments

Offices or storage facilities for establishments primarily engaged in the retail sale of merchandise by telephone or house-to-house canvass. Included are individuals who sell products by this method and who are not employees of the organization which they represent, and establishments which are retail sales offices from which employees operate to sell merchandise from door-to-door.

- Bakery goods (purchased), house-to-house
- Canvassers (door-to-door), headquarters for retail sale of merchandise
- Dairy products, house-to-house
- Direct selling organizations (headquarters of door-to-door canvassers)

Food Carts
 House delivery of purchased milk
 House-to-house distribution of coffee, soda, beer & bottled
 water
 Hucksters
 Ice cream wagons
 Lunch wagons, mobile
 Magazines, house-to-house selling
 Newspapers, home delivery - not by newspaper printers
 or publishers
 Party-plan merchandising

1001.31 PAPER AND ALLIED PRODUCTS, MANUFACTURING

GROUP I

261 Pulp Mills
 262 Paper Mills, except Building Paper Mills
 263 Paperboard Mills
 266 Building Paper and Building Paper Mills

GROUP II

2642 Envelopes
 2643 Bags, except Textile Bags
 2647 Sanitary Paper Products
 2648 Stationery, Tablets and Related Products

GROUP III

2641 Paper Coating and Glazing
 2645 Die-cut Paper and Paperboard and Cardboard
 2646 Pressed and Molded Pulp Goods
 2649 Converted Paper and Paperboard Products, Not Elsewhere
 Classified
 265 Paperboard Containers and Boxes

1001.32 PARKS

Parks owned, leased or operated by a governmental agency or other not-for-profit organization or foundation.

GROUP I

Beach Access
 Beaches
 Boat ramps
 Fishing piers
 Heliport for County use when approved as Special Permit
 Highway rest stop
 Neighborhood park

GROUP II

Community Parks
 Fairgrounds
 Golf Course
 Nature Center
 Nature Preserve or Wildlife Preserve
 Regional Park
 State or Federal Park

GROUP III

Arena
 Civic Center
 Convention/Exhibition Hall

1001.33 PERSONAL SERVICES

This major group includes establishments primarily engaged in providing services generally involving the care of the person or his apparel, such as laundries, dry cleaning plants, portrait photographic studios, and beauty and barber shops.

GROUP I

A.T.M.'s - Automatic Teller Machines
 Barber or Beauty Shops
 Clothing alterations and repair, including
 dressmakers, seamstresses, tailors
 Laundry Agents wherein the establishment may do
 their own pressing and finish work but the laundering or
 drycleaning is performed elsewhere
 Coin-operated Laundries wherein coin-operated or
 other facilities are provided for self-service laundering
 or dry cleaning
 Laundromat
 Photo Agents, wherein drop-off and pick-up film
 processing services are provided, but the actual
 processing and developing is done elsewhere.
 Shoe Repair Services wherein shoe repair or shoe
 shining for individual customers is performed.

GROUP II

The following uses are permitted provided that lodging facilities or resort are not included:

Beauty spas
 Reducing or Slenderizing salons
 Massage Parlors (Section 502)
 Health Clubs or spas
 Steam or Turkish Baths

GROUP III

Establishments primarily engaged in the sale, rent or service of health-related devices such as:

- Artificial limbs
- Crutches
- Hearing Aids
- Hospital beds
- Optical supplies
- Orthopedic supplies
- Wheelchairs

GROUP IV

Personal Service Agencies: Establishments primarily engaged in providing a personal service not classified elsewhere, including but not limited to:

- Babysitting Bureaus
- Dating Service
- Debt counseling or adjustment service to individuals
- Escort Service
- Portrait Copying
- Shopping Service
- Tattoo Parlors
- Tax return preparation service

1001.34 PETROLEUM MANUFACTURING

- 291 Petroleum Refining
- 295 Paving and Roofing Materials not including asphalt batch plants
- 299 Miscellaneous Products of Petroleum and Coal

1001.35 PRIMARY METAL INDUSTRIES, MANUFACTURING

- 331 Blast Furnaces, Steel Works, and Rolling and Finishing Mills
- 332 Iron and Steel Foundries
- 333 Primary Smelting and Refining of Nonferrous Metals
- 334 Secondary Smelting and Refining of Nonferrous Metals
- 335 Rolling, Drawing and Extending of Nonferrous Metals
- 336 Nonferrous Foundries (castings)
- 339 Miscellaneous Primary Metal Products

1001.36 PRINTING AND PUBLISHING

Newspapers: Publishing, Publishing & Printing
 Periodicals: Publishing, Publishing & Printing
 Books
 Miscellaneous Publishing
 Commercial Printing
 Manifold Business Forms
 Greeting Card Publishing
 Blankbooks, Looseleaf Binders, and Bookbinding
 and Related Work
 Service Industries for the Printing Trade

1001.37 RACE TRACKS (Section 506)

GROUP I - Auto-Oriented

Dragstrip
 Go Cart Track
 Motorcycle racing
 Race Cars
 Race Track
 Speedway
 Stock Car

GROUP II - Non-auto-oriented

Dog Track
 Horse Racing

1001.38 RECREATION, COMMERCIAL

A recreational facility operated as a business and open to the public for a fee. This shall not include facilities operated by a government unit.

GROUP I

Any use listed as a cultural facility which is operated as a commercial establishment.

GROUP II

Coin Operated Amusement Establishments which primarily provide coin-operated amusement devices, coin-operated includes coins tokens or other similar devices.
 Billiard or Pool Hall

GROUP III - Outdoor Facilities

- Golf Courses - miniature
- Golf pitch or putt
- Water slides
- Pools, tennis courts, and other similar outdoor activities not grouped elsewhere.

GROUP IV - Indoor Facilities

- Bowling Alley
- Dance Hall or Ballroom
- Gymnasium
- Racquetball, handball, squash, tennis courts
- Skating Rink
- Swimming Pool or aquatic center
- Theatre, indoor

1001.39 RENTAL OR LEASING ESTABLISHMENTS (Section 512, 536, and 541)

Establishments primarily engaged in renting or leasing machinery, tools and other equipment and supplies to individuals or businesses for use off premises. This shall not include businesses which rent items for use in conjunction with an on-premise activity such as golf carts, clubs, etc.

GROUP I - Recreation

- Beach chairs, umbrellas, & similar facilities
- Bicycles
- Pleasure craft such as canoes, rowboats, sail boats, surf-boards, motorboats (without driver)

GROUP II - Household

- Appliances
- Bicycles
- Costumes
- Furniture
- Garden Equipment
- Movies, video tapes & similar home entertainment
- Party or banquet supplies
- Tools and equipment primarily for home use

GROUP III - Automotive

- Passenger Cars
- Small vans or trucks
- Recreation Vehicles
- Utility Trailers

GROUP IV - Construction Equipment, Trucks

Construction equipment (cranes, bulldozers, etc.)
Trucks, truck tractor, semi-trailer
Portable toilets

1001.40 REPAIR SHOPS

Establishments primarily engaged in performing miscellaneous repair work not elsewhere grouped.

GROUP I:

Establishments primarily engaged in repairing small household appliances and equipment, excluding furniture and gasoline-driven motorized items. This group includes, but is not limited to the following:

- Small appliances such as radios, television, stereo, video equipment, electric razors, microwave ovens, sewing machines, typewriters, home computers, etc.
- Clocks, watches, jewelry
- Hand tools, motorized and other (excluding gasoline-driven equipment)
- Key duplicating (not locksmith)
- Sharpening & repair of knives, saws, tools
- Bicycles (non-motorized)
- Picture framing
- Misc. repairs such as fountain pens, luggage, leather goods, mirrors, pocketbooks, umbrellas, venetian blinds
- Musical Instruments including piano/organ tuning

GROUP II:

Establishments primarily engaged in repairing laboratory, office, and other precision instruments and equipment, excluding furniture. This group includes, but is not limited to:

- Computers
- Cameras & photographic equipment
- Gunsmith
- Optical devices and instruments such as binoculars, microscopes, telescopes, etc.
- Precision Instruments such as drafting, laboratory, measuring and control, navigational, nautical, scientific, surgical, surveying, thermostat
- Mechanical Instruments
- Locksmith
- Calculators, adding machines, typewriters
- Window shades, etc.
- Taxidermists

GROUP III:

Establishments primarily engaged in repairing household appliances and furniture, office furniture, and other similar equipment not elsewhere classified. This group includes, but is not limited to:

- Air conditioning, Heating
- Antique repair, refurbishing
- Furniture repair or refinishing
- Reupholstering inc. mattress renovating
- Large Appliances such as refrigerators, stoves, washers and dryers

GROUP IV:

Establishments primarily engaged in repairing gasoline driven motorized equipment (not automotive) or which are engaged in welding, electric motor rewinding, or other similar major repair work.

- Armature rewinding
- Blacksmith Shop
- Welding repair (not automotive)
- Gasoline-driven motorized tools or equipment such as lawnmowers, motorcycles, dune buggies, etc.
- Tinsmithing (other than construction)
- Coppersmithing other than construction
- Engine repair, except automotive

GROUP V:

Establishments primarily engaged in repair or services not elsewhere classified, such as:

- Boiler repair
- Bowling pin refinishing or repair
- Brick cleaning
- Farm machinery
- Replating ships
- Mirror resilvering
- Septic Tank cleaning service
- Sewer cleaning & rodding
- Tank & boiler cleaning
- Tank truck cleaning
- Tractor repair

1001.41 RESEARCH AND DEVELOPMENT LABORATORIES

Establishments or other facilities primarily engaged in laboratory or field research and development in the natural, physical or social sciences, or engineering and development as an extension of investigation.

GROUP I - Agricultural Research

Primarily concerned with improving soil, crops, livestock, or other agricultural products.

GROUP II - Medical and Dental Laboratories

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

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

GROUP III - Chemical

Primarily concerned with research and development of chemicals or other hazardous materials.

GROUP IV - General

Primarily concerned with research and development of computer, engineering, food, general industry, and other type projects excluding those listed in Group III

1001.42 RESIDENTIAL ACCESSORY USES (Section 501)

USES CUSTOMARILY ACCESSORY to residents including:

Carport/garage
 Docks, personal (Section 202.07)
 Fences (Section 202.10)
 Gazebos
 Garden sheds
 Recreational facilities - personal, such as pools,, spas,
 jacuzzi, hot tub, swings, sand box and similar equipment.

1001.43 RUBBER AND PLASTICS PRODUCTS, MANUFACTURING

GROUP I

301 Tires and Inner Tubes
 302 Rubber and Plastics Footwear

- 303 Reclaimed Rubber
- 304 Rubber and Plastics Hose and Belting
- 306 Fabricated Rubber Products, Not Elsewhere Classified

GROUP II

- 307 Miscellaneous Plastics Products

1001.44 RESTAURANTS - STANDARD (df)

Establishments primarily engaged in the retail sale of prepared food and drinks for consumption on premises.

GROUP I - Refreshment Stands

Establishments which do not normally provide indoor seating, such as:

- Box lunch stand
- Dairy Bar
- Frozen Custard Stand
- Hot Dog Stand
- Ice Cream Stand
- Soft Drink Stands

GROUP II - Convenience Restaurants

Establishments primarily pedestrian-oriented. These facilities are usually located in business or recreational areas for the convenience of walk-in customers.

- Automats (eating)
- Beaneries
- Cafes
- Cafeterias
- Commissary
- Diners
- Foodstand
- Grills
- Lunch Bar
- Lunch Counter
- Lunch Rooms
- Luncheonettes
- Oyster Bars
- Sandwich Bar or Shop
- Soda Fountain
- Tea Room

GROUP III - Restaurants Standard

Establishments wherein customers usually arrive via automobile and are seated within the establishment. Service may be provided or may be by the customer himself.

Buffets
Pizzerias
Restaurants, standard

GROUP IV - Dinner Theaters

Establishments which provide participant or paid entertainment (such as singers, dancers, comedians, theater plays), along with food service.

Dinner Theaters

1001.45 SCHOOL, COMMERCIAL

Art Schools and Academy
Aviation, ground school only
Bartending
Business, General
Clerical, including Court Reporting, Secretarial, and similar areas
Computer and Data Processing
Crafts
Dance Instruction including folk, tap, ballet, modern, and ballroom
Driving School (automobile and motorcycle only)
Gymnastics
Law, including Para-legal
Oriental Martial Arts
Real Estate, including appraisal
Sailing and Marine Oriented Outdoor Lifestyle

1001.46 SOCIAL SERVICES

This major group includes establishments providing social services and rehabilitation services to those persons with social or personal problems requiring special services and to the handicapped and the disadvantaged.

GROUP I

Establishments primarily engaged in providing counseling and guidance services to individuals or families, but which do not provide resident facilities.

Adoption Services

Child Guidance Agencies
Disaster Services
Family location services
Family (marriage) counseling Services
Helping Hand Services: e.g. Big Brother, Big Sister, etc.
Job Counseling
Public Welfare Centers (offices)

Referral Services for personal and social problems
 Traveler's Aid Centers
 Other Social Services of a similar type not specifically
 listed elsewhere.

GROUP II

Establishments primarily engaged in providing training or
 rehabilitation services such as:

Job training
 Manpower training
 Offender rehabilitation agencies
 Offender self-help organizations
 Self-help organizations: e.g. alcoholics and gamblers
 anonymous
 Skill training centers
 Vocational rehabilitation agencies and counselling
 Vocational training agencies
 Work experience centers: e.g., OIC, Goodwill, Job Corps,
 Lighthouse for the Blind, etc.

GROUP III

Establishments primarily engaged in providing temporary living
 facilities for individuals with personal or social problems.

Homes for destitute men and women
 Juvenile correctional homes
 Settlement houses
 Social service centers: e.g. Salvation Army, etc.
 Training schools for delinquents
 Child/wife abuse centers
 Halfway or self help group homes for persons with social or
 personal problems
 Halfway homes for delinquents and offenders

GROUP IV

Establishments primarily engaged in providing long term living
 facilities for individuals and in which health care is incidental.

Homes for the aged
 Homes for Children
 Homes for the deaf or blind
 Homes for the emotionally disturbed
 Homes for the physically handicapped
 Homes for retarded
 Orphanages
 Rehabilitation centers
 Rest homes

1001.47 SPECIALTY RETAIL SHOPS

GROUP I

- Antique or Curio Shop
- Bait and tackle shop
- Book Store (Section 502)
- Cigar store
- Clock/Watch shop
- Florist
- Fishing Equipment (exc. boats, motors, trailers)
- Gift shop
- Golfing Equipment
- Jewelry Store
- Music Store
- Newstand
- Novelty Shop
- Souvenir Shop
- Tennis Equipment
- Tobacco Store

GROUP II - CLOTHING & ACCESSORY SPECIALTY RETAIL SHOPS

- Apparel accessory stores - retail
- Bathing suit stores
- Belts, apparel: custom
- Blouse stores
- Bridal Shops, except custom
- Clothing, ready to wear: women's
- Corset and lingerie stores
- Cosmetic shops
- Costume jewelry stores
- Custom Tailors
- Dressmakers' shops, custom
- Dress shops
- Foundation garments
- Fur apparel made to custom order
- Fur shops
- Furriers
- Glove stores
- Haberdashery stores
- Handbag stores
- Hat stores
- Hosiery stores
- Knit, dresses, made to order
- Knitwear stores
- Maternity shops
- Millinery stores
- Raincoat stores
- Riding apparel stores
- Shirts, custom made
- Sports apparel stores

482, 102

Tie shops
 Umbrella stores
 Uniforms
 Wig, toupee and wiglet stores (including custom made)

GROUP III

Ammunition
 Auto Parts Store
 Bicycle & bicycle parts - except gasoline motors
 Bowling equipment & supplies
 Camping equipment
 Firearms
 Hunters equipment
 Riding goods & equipment
 Saddlery stores
 Skiing equipment
 Sporting goods - general
 Tent shops

GROUP IV

Gymnasium equipment
 Playground equipment
 Pool & billard tables
 Swimming pool supplies

1001.48 STONE, CLAY, GLASS AND CONCRETE PRODUCTS, MANUFACTURING

GROUP I

323 Glass Products, Made of Purchased Glass

GROUP II

3273 Ready-Mix Concrete

GROUP III

3271 Concrete Block and Brick
 3272 Concrete Products, Except Block & Brick

GROUP IV

321 Flat Glass
 322 Glass and Glassware, pressed or blown
 324 Cement, Hydraulic
 325 Structural Clay Products
 326 Pottery and Related Products but not to include
 pouring of molds or firing of greenware which is done
 ancillary to a hobby shop
 3274 Lime

- 3275 Gypsum Products
- 328 Cut Stone and Stone Products
- 329 Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products

1001.49 STUDIOS

- Artists
- Enamalist
- Interior Decorator
- Modeling
- Painter
- Photographer
- Potter
- Recording
- Sculptor
- Weaver

1001.50 TEXTILE MILL PRODUCTS, MANUFACTURING

GROUP I

- 221 Broad Woven Fabric Mills, Cotton
- 222 Broad Woven Fabric Mills, Man-Made Fiber and Silk
- 224 Narrow Fabrics and other small wares mills; cotton, wool, silk, and man made fiber
- 225 Knitting Mills
- 228 Yarn and Thread Mills
- 2292 Lace Goods

GROUP II

- 223 Broad Woven Fabric Mills, Wool (including Dyeing and Finishing)
- 226 Dyeing and Finishing Textiles, Except Wool Fabric and Knit Goods

GROUP III

- 227 Floor Covering Mills
- 2291 Felt Goods, Except Woven Felts and Hats
- 2293 Paddings & Upholstery Filling
- 2294 Processed Waste and Recovered Fibers and Flock

1001.51 TOBACCO MANUFACTURING

- 211 Cigarettes
- 212 Cigars
- 213 Tobacco (chewing & smoking) and Snuff
- 214 Tobacco Stemming and Redrying

1001.52 TRANSPORTATION EQUIPMENT, MANUFACTURING

GROUP I

3714 Motor Vehicle Parts and Accessories
 3724 Aircraft Engines and Engine Parts
 3728 Aircraft parts & Auxilliary Equipment, not elsewhere classified

GROUP II

3732 Boat Building

GROUP III

3751 Motorcycles, Bicycles & Parts
 3799 Transportation Equipment, Not Elsewhere Classified Excluding Trailers

GROUP IV

3711 Motor Vehicles and Passenger Car Bodies
 3713 Truck and Bus Bodies
 3715 Truck Trailers
 3721 Aircraft
 3731 Ship Building
 3743 Railroad Equipment
 376 Guided Missiles and Space Vehicles
 3792 Travel Trailers and Campers
 3795 Tanks and Tank Components
 3799 Car or Boat Trailers

1001.53 TRANSPORTATION SERVICES

Establishments which provide land or water transportation services to individuals and in which the driver or instructor is provided by the leasing agency.

GROUP I - Water Oriented

Airboats
 Boat Charter
 Boat, party fishing
 Excursion rides
 Fishing charter
 Sailing, Boating classes
 Sightseeing boats
 Water Taxis

GROUP II - Automobile

Automobile rental with driver provided
 Ambulance (non-emergency transport)

Cabs
Hearse or limosine with driver provided
Taxi cabs

GROUP III - Bus

Charter Buses - Terminal
Interstate Buses - Terminal
Sightseeing Buses - Terminal

GROUP IV - Trucking

Local Trucking - without storage facilities
Interstate Trucking - without storage facilities

1001.54 USED MERCHANDISE STORES

Establishments primarily engaged in the retail sale of used merchandise, antiques, and secondhand goods such as clothing and shoes, furniture; musical instruments; office furniture or equipment; store fixtures, and similar items. This group does not include dealers selling used motor vehicles, trailers, boats, or mobile homes which are separately grouped, nor does it include scrap, waste, or junk dealers.

GROUP I - Household

Antique stores (furniture, glassware, home furnishings, art)
Book stores
Clothing stores
Home furnishing stores
Musical instrument stores
Pawnshops
Phonograph and phonograph record stores, secondhand
Shoe stores

GROUP II - Office & Business

Office furniture stores
Store fixture and equipment stores

GROUP III - Automotive (not junkyard or auto-wrecking yard)

~~Automobile accessories and parts~~
Batteries, automotive
Tire (automobile) dealers

GROUP IV - Building Materials

Brick
 Building materials
 Lumber

1001.55 VEHICLE AND EQUIPMENT DEALERS (Section 512)

Establishments primarily involved in the retail sale or storage of motor vehicles, trailers, boats and other similar equipment. Incidental servicing and repairs and the stocking of replacement parts is a normal ancillary function.

GROUP I - Auto/Truck

Establishments primarily engaged in the retail sale, storage or leasing of automobiles, small trucks and vans.

GROUP II - Motorcycle/Lawnmower Dealers

Establishments primarily engaged in the retail sale of new or used lawnmowers, motorcycles, motor bikes, dune buggies, go carts, golf carts, and other similar type small vehicles.

GROUP III - Boat/Yacht Dealers

Establishments primarily engaged in the retail sale of new or used motorboats, yachts and other watercraft, including boat trailers.

GROUP IV - Recreational Vehicle/Bus Dealers

Establishments primarily engaged in the retail sale of new or used recreational vehicles or campers, or utility trailers.

GROUP V - Construction Equipment

Establishments primarily engaged in the retail sale of large trucks, bull dozing cranes, semi-trailers, earthmovers and other similar large transportation, construction, or hauling equipment.

1001.56 WHOLESALE ESTABLISHMENTS

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

GROUP I - Farm Produce

Establishments primarily engaged in buying and/or marketing farm produce other than livestock.

GROUP II - Livestock

Establishments primarily engaged in buying and/or marketing livestock.

GROUP III - Indoor Storage

Establishments primarily engaged in buying and/or selling, on a wholesale basis, durable or non-durable goods excluding hazardous chemicals, petroleum products, or explosives which are stored totally within a building.

GROUP IV - Open Storage

Establishments primarily engaged in buying and/or selling, on a wholesale basis, durable or non-durable goods, excluding hazardous chemicals, petroleum products, or explosives, which because of their size, are normally stored out-of-doors or under a roofed shed.

GROUP V - Hazardous Chemicals, Petroleum Products, or Explosives

Establishments primarily engaged in buying and/or selling, on a wholesale basis, hazardous chemicals or explosives.

GROUP VI - Scrap and Waste Materials

Establishments primarily engaged in assembling, breaking-up, sorting, and wholesale distribution of scrap and waste materials.

CHAPTER XI - FEES RELATED TO ZONING MATTERS

The schedule of fees and charges for matters pertaining to this Ordinance shall be posted in the office of the Department of Community Development. The charges listed may be changed by Resolution of the Board of County Commissioners.

No permit shall be issued and no inspection, public notice or other action relative to a zoning matter shall be instituted until after such fees and charges have been paid.

SECTION II - SEVERABILITY

The provisions of this Ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this Ordinance would have been adopted had such unconstitutional provisions not be included therein.

SECTION III - CONFLICT

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this Ordinance conflicts with any other part, it shall be administratively appealed to the Board of County Commissioners for a final determination of intent. The remainder of the Ordinance shall have the full force and effect and be liberally construed in favor of preservation of public health, safety, and welfare. Further, Lee County Resolution Z-1, which enacted the 1978 Zoning Regulations, is hereby repealed and declared null and void.

SECTION IV - INCLUSION IN CODE, CODIFICATION, AND SCRIVENORS ERRORS

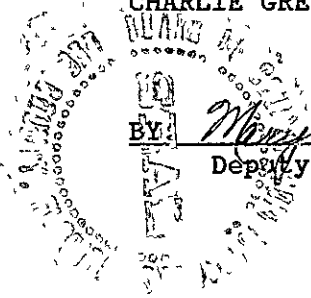
It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lee County Code; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, Sections of this Ordinance may be renumbered or relettered, and typographical errors which do not affect the intent, may be authorized by the County Administrator, or his designee, without need of Public Hearing, by filling a corrected or recodified copy of same with the Clerk of the Circuit Court.

SECTION V - EFFECTIVE DATE

After action from the Secretary of State that the Ordinance has been duly filed, this Ordinance shall take effect on the 15th day of August, 1986.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA



BY: Mary Armentrout
Deputy Clerk

BY: [Signature]
Chairman

APPROVED AS TO FORM:

[Signature]
BY: _____
County Attorney's Office