

THE LEE COUNTY LAND DEVELOPMENT CODE NUMBER 94-24

AN ORDINANCE AMENDING CHAPTER 1, -GENERAL PROVISIONS AND CHAPTER 34, ZONING PROVISIONS OF THE LEE COUNTY LAND -DEVELOPMENT CODE SO AS TO AMEND SECTION 1-2, RULES OF CONSTRUCTION AND DEFINITIONS; SECTION 34-2, DEFINITIONS; SECTION 34-3, RULES OF CONSTRUCTION; SECTION 34-83, BOARD OF COUNTY COMMISSION FUNCTIONS AND AUTHORITY; SECTION 34-84, BOARD OF COUNTY COMMISSION REHEARING OF DECISIONS, JUDICIAL REVIEW; SECTION 34-145, REARING EXAMINER FUNCTIONS AND AUTHORITY; SECTION 34-146, HEARING EXAMINER REHEARING OF DECISIONS, JUDICIAL REVIEW; SECTION 34-203(g)(1), MODIFICATION OF SECTION LINE OR STREET SETBACKS; SECTION 34-209, BUILDING RELOCATION PERMIT; ADD A NEW SECTION 34-268, ADMINISTRATIVE SETBACK VARIANCES; SECTION 34-341, EMPLOYMENT OF PLANNED DEVELOPMENT DESIGNATION; SECTION 34-371, GENERALLY; SECTION 34-373(b)(3), EXISTING DEVELOPMENTS SEEKING PLANNED DEVELOPMENT CLASSIFICATION; SECTION 34-377, PUBLIC HEARING; SECTION 34-412, DEVIATIONS FROM GENERAL ZONING REGULATIONS; ARTICLE V, COMPREHENSIVE PLANNING; THE LEE PLAN; SECTION 34-622, USE ACTIVITY GROUPS; SECTION 34-381, DURATION OF RIGHTS CONFERRED BY ADOPTED MASTER CONCEPT PLAN; SECTION 34-901, PURPOSE AND INTENT; SECTION 34-931, PURPOSE AND INTENT; SECTION 34-935, PROPERTY DEVELOPMENT REGULATIONS; ADD A NEW SECTION 34-940, MIXED USE PLANNED DEVELOPMENT; SECTION 34-1001, APPLICABILITY; SECTION 34-1003, DEFINITIONS; SECTION 34-1004, FLIGHT OBSTRUCTION SURFACES; SECTION 34-1006, AIRPORT NOISE ZONES; SECTION 34-1143, ZONES OF ARCHAEOLOGICAL SENSITIVITY; SECTION 34-1144, DESIGNATED HISTORICAL RESOURCES; SECTION 34-1174, LOCATION AND SETBACKS GENERALLY; SECTION 34-1177, ACCESSORY APARTMENTS; ARTICLE VII, DIVISION 4, AIRCRAFT LANDING FACILITIES, PRIVATE; SECTION 34-1264(d), TEMPORARY ONE-DAY PERMIT; SECTION 34-1297, ACTIVITIES REQUIRING SPECIAL APPROVAL; SECTION 34-1352(a), APPLICABILITY; SECTION 34-1412, DAY CARE CENTERS; SECTION 34-1413, HOSPITALS; SECTION 34-1682, SITE REQUIREMENTS; SECTION 34-1772, PERMITTED USES; OPERATION; ARTICLE VII, DIVISION 19, HOTELS AND MOTELS; SECTION 34-2017, PARKING LOT SURFACE; SECTION 34-2193, SETBACKS FROM SECTION LINES AND QUARTER SECTION LINES; SECTION 34-2381, NON-COMMERCIAL SCHOOLS; SECTION 34-2442, DEFINITIONS; SECTION 34-2443, MINIMUM REQUIRED SETBACKS FOR AGRICULTURALLY ORIENTED COMMERCIAL OR INDUSTRIAL USES; SECTION 34-3021, SUBORDINATE USES; SECTION 34-3102, NUMBER OF PRINCIPAL BUILDINGS ON LOT; ARTICLE VII, DIVISION 41, WATER-ORIENTED RECREATIONAL EQUIPMENT; USE REGULATIONS TABLES 34-653, 34-694, 34-714, 34-735, 34-791, 34-813, 34-843, 34-873, 34-903, 34-934; PROPERTY DEVELOPMENT REGULATIONS TABLES 34-654, 34-695, 34-715, 34-736, 34-792, 34-814, 34-844, 34-874, 34-904; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN CODE; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lee County Florida, has adopted the Lee County, Florida; Land Development Code, Ordinance **Number 94-12**; and

WHEREAS, the Zoning Task Force subcommittee for the Lee County **Local Planning** Agency's Development Processes Steering Committee has proposed amendments to the Land Development Code; and

WHEREAS, the Board of County Commissioners of Lee County, Florida desires to amend the Lee County Land Development Code, as set forth herein; below:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, THAT:

SECTION ONE:

The Lee County Land development Code, as amended, is hereby amended as follows, the underlined language being an addition to the previously adopted text and deleted language being shown by strikeover. Where a section of the ordinance is only being relocated it is **reprinted** herein without underline or strikeover unless changes are proposed.

Section TWO of **this** Ordinance amends a **specific subsection** of Chapter 1 of the Land Development Code. Sections THREE through FORTY of this Ordinance amend specific sections of chapter 34, of the Land Development Code and sections FORTY-ONE and FORTY-TWO address the Use regulations tables and the Property **development** regulations tables. Specific changes to the tables resulted from text amendments or additional -uses being added to **the tables**. The sections ~~addressin~~ ~~specific topics are formatted so as to provide a clearer~~ understanding of the amendments.

SECTION TWO:

Sections, 1-2, Rules of Construction and Definitions, is amended by amending the following **words** and phrases **in** subsection 1-2(c): May, Must, and **Shall as** set forth below. **The** remaining **words** and **phrases** of the section will not be changed.

**Sec. 1-2. Rules of construction and definitions.**

(c) The following words, terms and phrases, when used in this Land Development Code, ~~shall~~ will have the meanings ascribed to them **in** this subsection, except where the context clearly indicates a different meaning:

**May.** The term **'may'** shall be construed **as being** permissive and will mean "has discretion to", "is permitted to", or "is allowed to". "May not" shall be construed as being mandatory and will mean "is disallowed

from", or "is not permitted to".

**Must.** The term "must" shall be construed as being mandatory and will mean "is required to (be)".

**Shall.** The term "shall" will be construed as being mandatory and will-mean "has a duty to". "Shall not" shall be construed as being mandatory and will mean "is disallowed from", or "is not permitted to".

### SECTION THREE:

Section 34-2, Definitions, is hereby amended by adding new definitions, deleting or adding language to existing definitions terms as follows:

#### **SECTION 34-2. Definitions.**

Application, county initiated. Any application in which the Board of County Commissioners is designated as the applicant, regardless of whether Lee County is the owner of the subject parcel.

Application, owner-initiated. Any application that is not county initiated.

Automobile service station means an establishment primarily engaged in the retail sale of motor fuel ~~or and~~ lubricants, but which may also include facilities for washing, polishing, waxing, greasing, tire repair (with no recapping or vulcanizing) -and other minor incidental repairs, and emergency road service, including towing and emergency repairs and services; provided, however, such establishment is not primarily engaged in work or services listed as "automotive repair and service" (see section 34-622(c)(2)). See Self-service fuel pump station.

~~Hotel/motel, convention, see article VII, division 19, of this chapter.~~

Hotel/motel, efficiency units. See article VII, division 19, of this chapter.

Hotel/motel, transient business. See article VII, division 19, of this chapter.

~~"marina means a boating facility, chiefly for recreational boating, located on navigable water frontage, and providing all or any combination of the following: which provides a boat ramp with parking for vehicles and trailers, boat slips, or dockage, or dry boat storage (with a service to place boats in the water~~

upon request), and one or more marina accessory uses (df), to patrons other than residents of the premises. //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 will also apply to navigable fresh waters. This term may shall not be construed to apply to docks, davits, boathouses and similar facilities appurtenant to a residential land use providing only dockage or mooring to the residents, or to any county-owned boatramp or docking facility.

Marina accessory uses means uses normally ancillary to a marina, including but not limited to: sale of marine fuel and lubricants, marine supplies, boats, boat motors, and boat parts; restaurant or refreshment facility, boat rental, minor boat rigging and motor repair. However, no dredge, barge or other work dockage or service is permitted and no boat construction or reconstruction is permitted (see Boatyard).

Motor//freight//terminal//means//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/or//the/temporary storage/of/loads/prior/to/transportation/

Multi-slip docking facility means two or more docks which will provide vessel mooring slips to unrelated individuals, either for rent or for sale. A multi-slip docking facility is distinguished from a marina in that it has no commercial activity associated with it, including boat rentals or those uses or activities listed under transportation services group I (see section 34-622(c)(53)).

Trucking terminal means an area or building where cargo is stored and where trucks load and unload cargo on a regular basis. Ancillary facilities may provide for parking, storing or servicing of the trucks.

Setback means the minimum horizontal distance required between a specified line and the nearest point of a building or structure.

- (5) ~~Section line or quarter section line setback~~ means the setback measured from a section or quarter section line, as applicable. See//section//34-2193//for requirements/

SECTION FOUR:

Section 34-3. Rules of construction is hereby amended by adding and deleting language as follows:

Sec. 34-3. Rules of construction.

The following rules of construction apply to the text of this chapter:

- (1) Where the term "ordinance," "law," "statute" or "'map'" is referred to in the text, it ~~shall be~~ is meant to include the phrase "'as adopted and as amended from time to time" unless specifically stated to the contrary in the text.
- (2) In case of any difference of meaning or implication ~~between~~ the text of this chapter and any caption, illustration, summary table or illustrative table, the text ~~shall~~ will control.
- (3) Where this chapter refers to a specific federal, state or county agency, department or division, it ~~shall~~ will be interpreted to mean "'or any succeeding agency authorized to perform similar functions or duties."

SECTION FIVE:

Subsection 34-83(b)(4) is hereby-amended by adding and-deleting language as follows:

(b) Zoning actions.

- (4) ~~Appeals/~~ Judicial Review. Any decision of the Board of County Commissioners may be appealed to the circuit court. ~~(see/section/34-84)~~ Except for review of Verified Complaints filed pursuant to Section 163.3215 Florida Statutes, jurisdiction for review of any final decision of the Board of County Commissioners lies exclusively in Circuit Court. This review may only be obtained through filing a Petition for Writ of Certiorari oursuant to the Florida Rules of Appellate Procedure. Any such petition must be filed within thirty (30) calendar days after the decision has been rendered (see section 34-84).

SECTION SIX:

Subsection 34-84(c) is- hereby amended by adding language as follows:

- (c) If a rehearing request is refused, or if the request is granted but modification or rescission of the original-motion of **the** Board of County Commissioners is denied, any aggrieved person may, within 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. Except for review of Verified Complain& filed pursuant to Section 163.3215 Florida Sratutes, jurisdiction for review of any final decision of the Board of County Commissioners lies exclusively in **Circuit** Court. This review **may only** be obtained through **filing** a Petition for Writ of Certiorari pursuant to the Florida Rules of Civil Procedure. For purposes of computation of the 30-day period, the date of the decision ~~shall~~ **will** be the date of the public hearing at which the Board of County Commissioners made such decision by oral motion.

### SECTION SEVEN:

Subsection 34-145(a)(1)e. is hereby amended by deleting language as follows:

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

(a) Appeals from administrative action.

- (1) Function. The hearing examiner ~~shall~~ **will** 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 chapter or any other ordinance which provides for similar review; provided, however, that:

- e. No appeal ~~shall~~ **will** be considered by the hearing examiner for any challenge to a development order which is controlled by F.S. § 163.3215. In cases of challenges to development orders controlled by F.S. § 163.3215, no suit may be brought and no verified complaint, as explained in F.S. § 163.3215(4), ~~shall~~ **may** be filed or accepted for filing until the development order giving rise to the complaint has become final by virtue of its having been issued by the director, or by virtue of its having been ordered by the county hearing examiner on an appeal ~~reversing the director's denial of the development permit, by the Board of County Commissioners in those cases where it elects to take jurisdiction of a case decided by the hearing examiner,~~ or by the Board of County Commissioners in cases where the

Board of County Commissioners has granted planned development zoning or an extension of a development order. Once a development order has been granted, the provisions of P.S. § 163.3215 ~~shall~~ will be the sole means of challenging the approval or denial of a development order, as that term is defined in F.S. § 163.3164(6), when the ~~approval of~~ the development order is alleged to be inconsistent with the Lee Plan, in which case an action brought pursuant to F.S. § 163.3215 ~~shall~~ will be limited exclusively to the issue of comprehensive plan consistency.

**SECTION EIGHT:**

Subsection 34-145(a)(4)b. is hereby amended by deleting and adding language as follows:

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

- (a) Appeals from administrative action.
- (4) Notice of decisions; appeal of decisions.

b. ~~Appeals~~ Judicial review of final decisions of the hearing examiner with respect to administrative actions are to the circuit ~~court~~, in accordance with section 34-146.

**SECTION NINE:**

Subsection 34-145(b)(5) is hereby amended by deleting and adding language as follows:

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

- (b) Variances
- (5) Notice of decisions; appeal of decisions. ~~Appeals~~ Judicial review of final decisions of the hearing examiner with respect to variances are to the circuit court, in accordance with section 34-146. ~~ALL decisions of the hearing examiner concerning variances are final when the decision is rendered in writing by the hearing examiner. For purposes of this subsection, a decision is rendered as of the date when it is reduced to writing, signed and dated by the hearing examiner. Decisions shall be delivered or mailed by the hearing examiner to parties of record and each individual county commissioner on the day the decision is rendered or on the next regular working day~~

thereafter/

**SECTION TEN:**

Subsection 34-145(c)(5) is hereby amended by deleting and adding language as follows:

Sec. 34-145. Functions and authority.

**(c) Special Exceptions.**

- (5) Notice of decisions; appeal of decisions. Appeals Judicial review of final decisions of the hearing examiner with respect to special exceptions are to the circuit court, in accordance with section 34-146. ALL decisions of the hearing examiner concerning special exceptions are final when the decision is rendered in writing by the hearing examiner. For purposes of this subsection, a decision is rendered as of the date when it is reduced to writing, signed and dated by the hearing examiner. Decisions shall be delivered or mailed by the hearing examiner to parties or record and each individual county commissioner on the day the decision is rendered or on the next regular working day thereafter.

**SECTION ELEVEN:**

Subsection 34-145(e)(5) is hereby amended by deleting and adding language as follows:

Sec. 34-145. Functions and authority.

**(e) Special permits.**

- (5) Notice of decisions; appeal of decisions. Appeals Judicial review of final decisions of the hearing examiner with respect to special permits are to the circuit court, in accordance with section 34-146. ALL decisions of the hearing examiner concerning special permits are final when the decision is rendered in writing by the hearing examiner. For purposes of this subsection, a decision is rendered as of the date when it is reduced to writing, signed and dated by the hearing examiner. Decisions shall be delivered or mailed by the hearing examiner to parties or record and each individual county commissioner on the day the decision is rendered or on the next regular working day thereafter.

**SECTION TWELVE:**

Subsection 34-146 is hereby amended by deleting and adding language as follows: "

**Sec. 34-146. ~~Rehearing of decisions;~~ Judicial review.**

- (a) The decision of the hearing examiner ~~shall~~ will be final on applications for administrative appeals and variances, special exceptions and special permits, when such variances, special exceptions or special permits are not part of a rezoning or development of county impact request which requires final decision by the Board of County Commissioners. ~~Appeal~~ Judicial review of a final decision of the hearing examiner concerning such an administrative appeal, variance, special exception or special permit ~~shall~~ must be made to the circuit court. Except for review of Verified Complaints filed pursuant to Section 163.3215 Florida Statutes, Jurisdiction for review of any final decision of the Hearing Examiner lies exclusively in Circuit Court. This review may only be obtained through filing a Petition for Writ of Certiorari pursuant to the Florida Rules of Appellate Procedure. Any such petition must be filed within thirty (30) calendar days after the decision has been rendered.
- (b) ~~Any aggrieved person may apply to the circuit court for relief within 30 calendar days after the hearing examiner decision is final, but not thereafter, except pursuant to rule 9.100(c) of the Florida Rules of Appellate Procedure (Zoning Ord. 1993, § 902.02(b)).~~

For purposes of this subsection, a decision is "rendered" as of the date when it is reduced to writing, signed and dated by the Hearing Examiner. Decisions will be delivered or mailed by the Hearing Examiner to parties of record and each individual County Commissioner on the day it is rendered or on the next regular working day thereafter.

SECTION THIRTEEN:

Section 34-203(g), Special permits. is hereby amended by deleting language from subsection 34-203(g)(1) and subsection **34-203(g)(1)b.** and renumbering subsection **34-203(g)(1)b.** as follows:

- (g) Special permits. Except as specifically stated otherwise in this chapter, ~~all owner-initiated applications for special permits shall~~ must contain the information required by section 34-202(b), as well as the following information:

- (1) Modification of ~~section/line of~~ street setbacks.

## b. Site development plan.

1. The site plan ~~shall~~ must include all structures, easements, rights-of-way, etc., within 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, ~~shall~~ must be included.

~~2/ ALL section lines and quarter section lines within or abutting the subject property shall be shown.~~

~~3/ The extent of modification from street section or quarter section line setbacks requested shall~~ must be shown.

SECTION FOURTEEN:

Section 34-209, Building relocation permit. is hereby amended by adding and deleting language as follows:

## Sec. 34-209. Building relocation permit.

(a) Compliance with applicable regulations; time limit for leaving buildings on street.

(1) When a building is moved to any location within the unincorporated area of the 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 county regulations.

(2) Any building being moved for which a permit was granted ~~shall not be allowed to~~ may not remain in or on the streets for more than 48 hours.

(b) Contents of application. Any person desiring to relocate or move a building ~~shall~~ must first file with the director of the division of codes and building services ~~enforcement~~ a written application on an official form provided by the division. ~~The application must include which shall contain the following information furnished by the applicant and shall~~ must be accompanied by the required application fee:

(1) The present use of the building.

(2) The proposed use of the building.

- (3) The type of construction of the building as defined by the Standard Building Code.
- (4) The extreme dimensions of the length, height and width of the building.
- (35) The building's present location and proposed new location by STRAP number, as well as by street numbers.
- (4) Certified survey of the proposed site with ground elevations, flood zone and required elevation, if in a V or A flood zone area.
- (5) Plot plan showing lot dimensions, setbacks, location of existing structures and location of building drawn to scale no more than  $\frac{1}{2}$ " = 1' and no less than 1" = 50'. The plot plan should depict the roof overhang as well as the foundation.
- (6) The zoning classification of the proposed site.
- (67) Construction details, drawn to a scale of no larger than one-half inch equals one foot and no smaller than one-eighth inch equals one foot, including the following:
- Foundation layout with connection details.
  - Floor plan, existing and proposed.
  - ~~Mechanical plans, including a ir conditioning, electric system and plumbing plans, when applicable.~~
  - Elevations, front, side and rear.
  - Flood elevation, if applicable.
- (7) Current termite inspection by Licensed Pest Controller.
- (8) Water and disposal sewer approvals from appropriate agencies departments.
- (9) The county department of transportation and engineering's house moving permit and a copy of the completed department of transportation and engineering's application.
- (10) 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//one//inch//equals//20//feet//and//no  
smaller//than//one//inch//equals//50//feet//

(11)A//current//certified//survey//of//the//proposed//site//when  
located//in//a//flood//zone//w//or//a//the//survey//must  
indicate//the//ground//elevation//from//National//Geodetic  
Vertical//Datum//

(9)Z)Photographs showing all sides of the building which/is  
to/be/moved and the site where the building is proposed  
to be located.

(10)Z)Proof of notice to all owners of property located  
adjacent to the site where the building is proposed to  
be located.

(14)A//current//permit//inspection//report//signed//by//a  
licensed//pest//controller//

(15)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//

(16)Evidence//of//notification//to//the//following//agencies//of  
the//approximate//time//and//the//route//to//be//taken//for//the  
building//move//

a. The//fire//department//through//whose//district//the  
building//will//be//moved//

b. The//county//sheriff's//department//

c. The//county//emergency//medical//services//

d. The//telephone//company//

e. The//electric//company//

f. ALL//other//utilities//that//may//be//affected//

(c) Inspection of building. The director of the division of  
codes and building services enforcement/shall will have the  
building inspected to determine:

(1) If the building can be brought into compliance in all respects with this chapter and other county regulations pertaining to the area to which the building is to be moved.

~~(2) If the building will be compatible with other buildings and uses in the neighborhood to which the building is to be moved.~~

(2) If the building is structurally sound and either complies with the Standard Building Code and other codes adopted by the county or can be brought into compliance with such codes.

(d) Rejection of application. The director of the division of codes and building services ~~enforcement~~ shall must reject any application if:

(1) The building fails to meet the **inspection** criteria detailed in subsection (c) of this section;

(2) In the opinion of the director, the moving of any building will cause serious injury to persons or property ~~or serious injury to the structure or other public improvements;~~

(3) The building to be moved has deteriorated due to fire or other element to more than 50 percent of its assessed value; or

~~(4) The moving of the building will violate any of the requirements~~ of the Standard Building Code; this chapter or other applicable county regulations. Such decisions are ~~deemed to be~~ administrative decisions which may be appealed in accordance with section 34-145(a).

(e) Approval of application.

(1) Upon approval of the application for building relocation, a licensed building relocation contractor representing the applicant ~~shall~~ must:

a. Apply for and receive all required permits from the Department of Transportation, County or State a building/move and foundation permit;

b. Pay the required fees and obtain the building relocation permit and appropriate-sub-permits. for such permits; and

c. Post//performance/bonds/or/approved//security/in/the form/of/an/escrow/agreement//or/letter/of/credit payable/to/the/county//(see/subsection/(f)//of/this section)/

- (2) 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,an/plumbing//permit//and,if applicable,an/air/conditioning/permit.//No/renovation work//shall/be//commenced/until/the/permits//have/been issued.//The//owner,or/his//authorized/agent,of/any house/building/or/structure/proposed/to/be/moved/shall make//all/necessary/improvements/required//in/order/for the//house/building/or//structure/to/comply//with/the requirements/of/the/applicable/codes/within/six/months/
- (f) Performance//bond//or//security.//The//building//relocation contractor//shall//post//a//performance//bond//or//approved security//at//the//time//the//building//move//permit//is//issued which/
- (1) Indemnifies/the/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/
- (2) Guarantees//the/applicant's/compliance/in//all/respects with//this/chapter/and/other//regulations/pertaining/to the/area/to/which/such/building/is/to/be/moved, and --
- (3) Ensures//that//the//moved//building//is//completed//in agreement//with//the//improvements//as//set//forth//in//the approved//plans//within//six//months//from//the//date//of issuance//of//the//permit//and//as//conditioned//in//standard building//code//section//106.34//as//adopted//in//section//6-111/

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/

#### SECTION FIFTEEN:

Section 34-268, Administrative setback variances is hereby created by adding language as follows:

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

- (a) The director is authorized to modify the setbacks in sections 34-651 through 34-1041 and 34-1744 (residential

fences only) of this chapter under the following circumstances:

- (1) Street, rear, side or waterbody setbacks may be modified to permit remodeling of or additions to existing structures that are nonconforming with regard to setbacks so long as:
    - a. The remodelins or addition will not result in an increase in the height of the structure; and
    - b. The remodeling or addition will not result in a further diminution of the setback. The director may approve bay windows, chimneys and similar architectural features that may encroach further into the setback provided the encroachment does not protrude beyond the existing overhang of the building.
  - (2) Street, rear, side or waterbody setbacks may be modified to permit the construction of a handicapped access appurtenant to any existing structure.
  - (3) Street, rear, side or waterbody setbacks may be modified to allow the replacement of stairs or decking that provides access into an existing dwelling unit.
  - (4) Street, rear, side or waterbody setbacks may be modified to legitimize setbacks resulting from an error in the location of a structure at the time of construction.
  - (5) Rear or side setbacks for lots that qualify for a single family determination, pursuant to the Lee Plan, may be modified to permit the construction of a single-family dwelling unit so long as the proposed lot coverage does not exceed 45%.
  - (6) Buildings or structures that are not in compliance with current setback regulations and which can be proven to have been permitted may also be reviewed by the director for consideration under this section.
- (b) The director, prior to approving the modifications, must make the following findings of fact:
- (1) There are no apparent deleterious effects upon the adjoining property owners;
  - (2) The modifications will not have an adverse impact on the public health, safety and welfare; and

(3) The modifications will be the minimum required.

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

**Secs. ~~34-267~~ 34-269 - 34-300. Reserved.**

**SECTION SIXTEEN:**

Section 34-341, Employment of planned development designation is hereby amended by adding and deleting language to subsection 34-341(a); by creating a new subsection 34-341(b)(14) and adding and deleting language to subsections 34-341(c) and (d) as follows:

Sec. 34-341. Employment of **planned development designation.**

(a) The Lee Plan requires that developments of county impact must be developed as planned developments. These developmenus of county impact, defined in subsection (b) of this section, if not already zoned for the use desired, ~~shall~~ must be rezoned only to the most applicable planned development category. **Other proposed developments,** regardless of size, **may** seek a planned development designation 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 outer islands in the Lee Plan, which is for the purpose of -increasing density **over** the standard ~~chnsity~~ **permitted,** ~~shall will be required to comply w i th special regulations~~ as **set forth** in division 4 of **this** article as well as the other requirements set forth in this article.

(b) The Lee Plan provides that certain owner-initiated rezonings and special exceptions meeting specified thresholds ~~shall~~ will be reviewed as developments of county impact. The development of county impact thresholds are as follows:

(14) Any proposed hotel/motel which will contain more than 200 rental units or which will exceed the **equivalency** factors set forth in Section 34-1802(4) when divided by the Lee Plan maximum standard density for the property **in question.**

~~(c) Except // for // planned // developments // proposing // a // density // above // the // standard // density // range // in // the // rural // and // outer // islands // land // use // categories // any // application // for // a // proposed // planned // development // that // requests // no // more // than // a // single // use // and // either // one // principal // building // on // the // site // or // a // cluster // of~~

~~principal buildings totaling less than 100,000 square feet under roof shall be reviewed as a minor planned development. All applications for planned developments that do not meet or exceed the thresholds in section 34-341(b) shall be reviewed as minor planned developments. The~~  
 submittal requirements for a minor planned development are listed in section 34-373(b)(2).

- (d) An application for an existing development that requests a rezoning to a planned development ~~shall~~ will be reviewed as set forth in section 34-373(b)(3).

#### SECTION SEVENTEEN:

Article II, Division 2., APPLICATION AND PROCEDURE FOR APPROVAL is hereby amended by amending section 34-371, Generally as follows:

#### DIVISION 2. APPLICATION AND PROCEDURE FOR APPROVAL

Sec. 34-371. Generally.

All applications for planned development zoning or master concept plan approval ~~shall~~ must follow the requirements detailed in county administrative code AC-13-4 as well as sections 34-201, 34-202 and 34-203, ~~the requirements of the development of county impact supplement form provided by the department,~~ and the requirements set out in this division.

#### SECTION EIGHTEEN:

~~Section 34-373(b)(3), Existing developments seeking planned development classification is hereby amended by adding and deleting language as follows:~~

- (3) Existing developments seeking planned development classification. An existing development, such as a mobile home development, which has already been developed but does not conform to the regulations for a conventional zoning district, may request rezoning to a planned development classification. The required submittals for existing developments seeking planned development classification are set out in section 34-373(b)(2)a. through 34-373(b)(2)f.  
~~Items which may be reduced, modified or eliminated include:~~
- ~~a. The depiction of soil, vegetation, ground cover and topography as required in subsection (a)(1) of this section.~~
  - ~~b. The description of proposed development as required in subsection (a)(2) of this section, which may be modified as follows:~~

1. The description shall show all existing buildings and structures, individual lots, size of buildings or mobile homes, appurtenances, separation between units, roads and setbacks in accordance with subsection (a)(2)(a).

2. The requirements of subsection (a)(2) of this section shall be applicable as follows:

- i. Subsection (a)(2)(a)(i) as required.
- ii. Subsection (a)(2)(a)(ii) as planned or recorded, and as actually exists.
- iii. Subsection (a)(2)(a)(iii) as required.
- iv. Subsection (a)(2)(a)(iv) as required.
- v. Subsection (a)(2)(a)(v) or subsection (a)(2)(a)(2) as required.
- vi. Subsection (a)(2)(a)(vi) as required.
- vii. Subsection (a)(2)(a)(vii) as required.
- viii. Subsection (a)(2)(a)(viii) as required.
- ix. Subsection (a)(2)(a)(ix) as required.
- x. Subsection (a)(2)(a)(x) as required.
- xi. Subsection (a)(2)(a)(xi) as applicable.
- xii. Subsection (a)(2)(a)(xii) as required.
- xiii. Subsection (a)(2)(a)(xiii) as required.
- xiv. Subsection (a)(2)(a)(xiv) as required.

#### SECTION NINETEEN:

Section 34-377, Public hearing. is hereby amended by adding new subsections 34-377(a)(5) and 34-377(b)(5) as follows:

Sec. 34-377. Public hearing.

- (a) ~~Hearing before hearing examiner.~~ Subsequent to the staff prehearing conference required by this division, the application ~~shall~~ will be scheduled for a public hearing before the hearing examiner.

(5) The Hearing Examiner may recommend, as a condition of approval of the deviation, that the applicant receive administrative approval of a more specific development plan for each affected development area or parcel. Applications for administrative approval will be processed as administrative amendments in accordance with Section 34-380 of this chapter and may be granted by the director only upon a finding that public health, safety, and welfare will not be adversely affected thereby.

(b) Hearing before Board of County Commissioners.

(5) The Board of County Commissioners may require, as a condition of approval of the deviation, that the applicant receive administrative approval of a more specific development plan for each affected development area or parcel. Applications for administrative approval will be processed as administrative amendments in accordance with section 34-380 of this chapter and may be granted by the director only upon a finding that public health, safety, and welfare will not be adversely affected thereby.

SECTION TWENTY:

Section 34-412, Deviations from general zoning regulations is hereby amended by deleting subsection 34-412(c) as follows:

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

*(c) This // section // shall // also // apply // to // setbacks // from // section // and // quarter // section // lines // regardless // of // procedures // set // forth // elsewhere //*

SECTION TWENTY-ONE:

ARTICLE V., COMPREHENSIVE PLANNING; THE LEE PLAN has been deleted in its entirety and is being replaced with new language as follows:

ARTICLE V. **COMPREHENSIVE** PLANNING; **THE LEE** PLAN

34-491 THE LEE PLAN

(a) The Lee Plan is the document adopted by the Lee County Board of County Commissioners in accordance with Chapter 163 of the Florida Statutes to guide and regulate all land development activities within Lee County. All development orders (including rezonings), as defined in P.S. 163.3164(7) shall be consistent with the goals, objectives,

policies and standards in the Lee Plan. Where there are apparent conflicts between the Lee Plan and any regulations in the chapter, the Lee Plan will prevail.

(b) The Lee Plan contains a Future Land Use Map which divides the county into future urban, non-urban, and environmentally sensitive areas. All development must be consistent with the Future Land Use Map, the definitions of the land use categories in the text of the plan, and the remainder of the text of the Lee Plan.

(c) This chapter includes a list of zoning districts. Some of these zoning districts permit uses, densities, or intensities that are not permitted in particular future land use map categories. Property may not be rezoned to a district that is inconsistent with the applicable future land use map category or with the remainder of the text of the Lee Plan.

**Sec. 2A-911/ Applicability of Lee Plan**

The Lee Plan, which is the comprehensive development plan for all unincorporated areas of the county, 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.

(Zoning Ord. 1993, § 300(A))

**Sec. 2A-921/ Future Land Use Map**

(a) Part of the Lee Plan is a future 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 uses, and the levels of residential densities and nonresidential 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 provision shall take precedence.

(b) The land use plan map designates the following land use categories:

## (1) Future/urban/areas:

## a/ Urban/areas:

- 1/ Intensive/development/
- 2/ Central/urban/
- 3/ Urban/community/
- 4/ Suburban/
- 5/ Outlying/suburban/
- 6/ Industrial/development/
- 7/ Public/activities/

## b/ Southwest/Florida/Regional/Airport/areas:

- 1/ Airport/
- 2/ Airport/commerce/

## c/ Interstate/highway/interchange/areas:

- 1/ Industrial/interchange/
- 2/ General/interchange/
- 3/ General/commercial/interchange/
- 4/ Industrial/commercial/interchange/

## d/ New/community/

## (2) Nonurban/areas:

- a/ Rural/
- b/ Outer/islands/
- c/ Sensitivity/reduction/groundwater/resource/
- d/ Rural/community/preservation/

## (3) Environmentally/critical/areas:

- a/ Resource/protection/areas/
- b/ Transition/zones/

## (4) Special/treatment/areas:

- a/ Airport/noise/zones/
- b/ Community/development/
- c/ Privately/funded/infrastructure/
- d/ Urban/reserve/
- e/ Water/dependent/
- f/ Year/2010/
- g/ Public/acquisition/

(Zoning/Ord./1993./S/300(B)(1)(C))

## Sec. 17A-197, Land use categories

- (a) 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 in this section. For a more detailed explanation, the reader should refer to the Lee Plan. In cases of apparent conflict between the descriptions contained in this section and the descriptions contained in the Lee Plan, the text of the Lee Plan shall prevail. All references to density in subsections (e)(1) through (7) of this section shall be interpreted to mean gross residential densities.
- (b) 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.
- (c) Additional restrictions on development are contained in the Lee Plan and other county ordinances. Landowners should refer to these regulations for additional guidance as to the kind and extent of development permitted in each zoning district.
- (d) 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, the following districts may or may not be appropriate in a land use category depending upon the particular use and the surrounding area.

AG+14/AG+24/AG+3  
 RSC+14/RSC+2  
 TFC+14/TFC+2  
 RM+2  
 RV+14/RV+24/RV+34/RV+A  
 MHC+14/MHC+2  
 C+1A4/C+14/C+24/C+2A

The CFPD, CF+14, CF+24, CF+3 and CF+A districts are also not indicated. The intent of the CF districts is to provide for certain types of community facilities, and such districts

may//or//may//not//be//appropriate//in//a//land//use//category//  
depending//upon//the//particular//use//and//the//surrounding//area//

(e) The//descriptions//of//land//use//categories//are//as//follows//

(1) Urban//areas//

a/ Intensive//development//

1/ 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//exist//such//a//region//  
The//standard//density//range//is//from//eight//dwelling  
units//per//acre//to//14//dwelling//units//per//acre//  
Maximum//density//is//22//dwelling//units//per//acre//

2/ The//following//zoning//districts//may//be//permitted  
within//this//land//use//category//provided//all  
applicable//regulations//are//met//

UR

RFD,///MHPD,///TF+1,///RM+5,///RM+8,///RM+10,///RM+14,///MH+2

RVPD

CPD,///CM+1,///CM+2,///CC,///CC,///CS,///CH,///CT,///CP,///CA,///CM,

CI

~~IFD,///IS,///IT,///IX~~

EC

b/ Central//urban//

1/ The//central//urban//areas//are//already//heavily  
settled//and//have//or//will//have//the//greatest//range  
and//highest//level//of//urban//services//such//as  
water,///sewers,///roads,///schools,///etc//They//are//also  
the//areas//in//which//public//services//can//most  
readily//be//expanded//to//serve//the//outward  
expansion//of//development//at//urban//levels//of  
density//and//intensity//that//can//be//expected//and  
which////should//be//fostered////Residential,  
commercial,///public//and//quasipublic,///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//to//ten//dwelling//units//per  
acre//and//a//maximum//density//of//13//dwelling//units  
per//acre//

2/ The//following/zoning/districts/may//be/permitted  
within///this//land//use//category//provided//all  
applicable/regulations/are/met/

UR

RPD<sub>4</sub>//MHPD<sub>4</sub>//RSA<sub>4</sub>//RS-1<sub>4</sub>//TF-1<sub>4</sub>//RM-6<sub>4</sub>//RM-8<sub>4</sub>//RM-10<sub>4</sub>  
RM-1A<sub>4</sub>//MH-1<sub>4</sub>//MH-2

RVPD

CPD<sub>4</sub>//CN-1<sub>4</sub>//CN-2<sub>4</sub>//CC<sub>4</sub>//CB<sub>4</sub>//CS<sub>4</sub>//CH<sub>4</sub>//CT<sub>4</sub>//CP<sub>4</sub>//CA<sub>4</sub>//CM<sub>4</sub>  
CI

IPD<sub>4</sub>//IS<sub>4</sub>//IL<sub>4</sub>//IT<sub>4</sub>//IM

EC

c/ Urban/community/

XL The//urban//communities//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///predominant//land//uses//in//the//urban  
communities//will//be//residential//commercial/  
public//and/quasipublic//and//limited//light  
industry///standard/density/ranges//from//one  
dwelling/unit/per/acre/to/six/dwelling/units/per  
acre//with/a/maximum/of/ten/dwelling/units/per  
acre/

2/ The//following/zoning/districts/may//be/permitted  
within///this//land//use//category//provided//all  
applicable/regulations/are/met/

UR

RPD<sub>4</sub>//MHPD<sub>4</sub>//RSA<sub>4</sub>//RS-1<sub>4</sub>//RS-2<sub>4</sub>//RS-3<sub>4</sub>//RS-4<sub>4</sub>//RS-5<sub>4</sub>//TF-  
1<sub>4</sub>//RM-3<sub>4</sub>//RM-6<sub>4</sub>//RM-8<sub>4</sub>

RM-10

MH-1<sub>4</sub>//MH-2<sub>4</sub>//MH-3<sub>4</sub>//MH-4<sub>4</sub>//RVPD

CPD<sub>4</sub>//CN-1<sub>4</sub>//CN-2<sub>4</sub>//CC<sub>4</sub>//CB<sub>4</sub>//CS<sub>4</sub>//CH<sub>4</sub>//CT<sub>4</sub>//CP<sub>4</sub>//CA<sub>4</sub>//CM<sub>4</sub>  
CI

IPD<sub>4</sub>//IS<sub>4</sub>//IL<sub>4</sub>//IT<sub>4</sub>//IM

EC

d/ Suburban/

1/ Suburban//areas//are/or//will//be//predominantly  
residential//areas//that//are//either//on//the//fringe  
of//the//central//urban//area//or//in//areas//where//it//is  
appropriate//to//protect//existing//or//emerging  
residential//neighborhoods//Residential/densities  
range//from//one//dwelling/unit//per/acre//to/six  
dwelling/units//per/acre//These//areas//provide

housing//near//the//more//urban//areas//but//do//not  
 provide//the//full//mix//of//land//uses//typical//of  
 urban//areas//higher//densities//and//commercial  
 development//greater//than//neighborhood//centers  
 would//not//be//permitted//properties//which//were  
 zoned//for//industrial//use//prior//to//December//21/  
 1984//may//be//permitted//to//be//used//for//a//low-  
 intensity//or//light//industrial//use//of//the  
 property//provided//that//such//use//is//developed//in  
 the//form//of//a//planned//development//where  
 feasible.

2. The//following//zoning//districts//may//be//permitted  
 within//this//land//use//category//provided//all  
 applicable//regulations//are//met:

UR

RPD//MHPD//RSA//RS+1//RS+2//RS+3//RS+4//RS+5//TF/  
 1//RM+3//RM+5

MH+1//MH+3//MH+4//RVPD

CPD//CN+1//CN+2//CS//CH//CT//CP//CA//CM//CI//CR

EC

IPD//limited//to//areas//zoned//industrial//prior//to  
 adoption//of//the//Lee//Plan//as//long//as//the  
 following//criteria//are//met://(1)//only//low-  
 intensity//or//light//industrial//uses//are  
 permitted//;(2)//the//use//shall//not//be//larger  
 than//50//acres//unless//it//is//adjacent//to  
 other//existing//or//designated//industrial  
 lands//;(3)//adequate//services//and//facilities  
 must//be//available//;(4)//the//use//must//not  
 adversely//impact//surrounding//land//uses//and  
 (5)//environmental//and//natural//resources//must  
 be//protected.

e. Outlying/suburban.

1. The//outlying//suburban//areas//are//characterized//by  
 their//peripheral//location//in//relation//to  
 established//urban//areas//in//general//these//areas  
 are//rural//in//nature//or//contain//existing//low-  
 density//development//some//but//not//all//of//the  
 requisite//infrastructure//needed//for//higher-  
 density//development//is//generally//planned//or//in  
 place//it//is//intended//that//these//areas//will  
 develop//at//lower//residential//densities//than//other  
 future//urban//areas//as//in//the//suburban//areas//  
 higher//densities//commercial//development//greater  
 than//neighborhood//centers//and//industrial//land  
 uses//are//not//permitted//The//standard//density

range/is/from/one/dwelling/unit/per/acre/to/three  
dwelling//units/per/acre./ Bonus/densities/are/not  
allowed///In/the/outlying/suburban/area/in/Worth  
Fort//Myers/east/of//I-75/and/in//the/Buckingham  
area// (see/goal/19/of/the//Lee/Plan),/the/maximum  
density/permitted/is/two/dwelling/units/per/acre/

2/ The//following/zoning/districts/may//be/permitted  
within///this//land//use//category//provided//all  
applicable/regulations/are/met/

OR

RPD//MHPD//RS-4//RS-5//RM-3//MH-3//MH-4

CPD//CM-1//CM-2//CR

IPD// Limited/to/areas/zoned//industrial/prior/to  
adoption//of/the//Lee//Plan//as/long//as/the  
following//criteria/are//met/// (1) only/low/  
intensity//or//light//industrial//uses//are  
permitted// (2) the/use/shall//not/be/larger  
than//50//acres//unless//it//is/adjacent//to  
other//existing//or//designated//industrial  
lands// (3) adequate/services/and/facilities  
must//be//available// (4) the//use/must//not  
adversely//impact/surrounding/land/uses//and  
(5) environmental/and/natural/resources/must  
be/protected/

3/ Industrial/development/areas/

1/ Industrial//development//areas//are//to//a/great  
extent//the/areas/to/which/the//country/must//look  
for//expanded/job//opportunities//investment//and  
production//opportunities//and//a/balanced//and  
sufficient//tax//base//Because/these//areas//have  
special//locational/requirements//which/are//more  
stringent//than/the//locational/requirements//for  
residential//areas//the//industrial//development  
areas//are/to/be//reserved/mainly//for//industrial  
activities//per/se//as/well/as//for/selective/land  
use//mixtures//such//as//the//combined//uses//of  
industrial///manufacturing///research///properly  
buffered/recreational/use/(except/where/precluded  
by//airport/hazard//zone//regulations)/and/office  
complexes//(if/specifically/related//to/adjoining  
industrial//uses)/that/constitute/a//growing/part  
of/the/state's/economic/development/sector/

2/ Ancillary/commercial/uses/designed/to/support/the  
surrounding//industrial/land/uses/may//be//allowed  
at//a/ratio/of/one/square/foot/of/commercial/uses

to 20 square feet of industrial use when within,  
and part of, an industrial planned development.

3. Ancillary/minor retail/commercial uses not part  
of an industrial/planned development shall not  
exceed 20,000 square feet.

4. Additionally, specific standards for development  
of industrial and commercial uses on San Carlos  
Island are set forth in the Lee Plan and policies  
8.1.1 and 8.1.2.

5. The following zoning districts may be permitted  
within this land use category provided all  
applicable regulations are met:

CM-1, CM-2

IPD, IS, IL, IG, IT, IM

KOPD, EC, PORT

6. Public facilities. The public facilities areas  
include the major publicly owned lands within the  
county such as schools, parks, airports and other  
government facilities. Due to the scale of mapping,  
only those facilities in excess of about 20 acres  
are so designated on the future land use map. The  
allowable uses within these areas are determined by  
the entity owning each parcel and the local  
government having zoning and permitting  
jurisdiction.

(2) Southwest Florida Regional Airport area.

a. Airport.

1. Airport lands shall include the Southwest Florida  
Regional Airport's existing facility and  
projected growth areas.

2. The following zoning districts may be permitted  
within this land use category provided all  
applicable regulations are met:

KOPD

b. Airport/commerce.

1. The airport/commerce areas are commercial and  
industrial lands adjacent to the airport. These  
areas may include mixed use developments

consisting//of/light//manufacturing/or//assembly/  
warehousing/and/distribution/facilities//offices/  
and//ground//transportation//and//airport-related  
terminals//or/transfer/facilities//hotels/motels/  
meeting/facilities/and/other/hospitality/services  
and//ancillary/commercial/uses//Because//this//area  
is//located//within//the//six//mile//Cypress//Basin//and  
is//also//a//primary//point//of//entry//into//the//county//  
special///environmental///and///design///review  
guidelines//will//be//applied//to//its//development//

2/ The//following/zoning/districts/may//be//permitted  
within///this//land//use//category//provided//all  
applicable/regulations/are/met//

CPD//CS//CH//CP//CI  
IPD//IS//IT//IL  
EC

(3) Interstate//highway//interchange//areas//Development//at  
these//interchanges/is//to//occur//as//planned//developments//  
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//However//if//a//project//can//be//developed  
using//the//existing//zoning//and//otherwise//be//consistent  
with//the//Lee//Plan//the//planned//development//rezoning  
requirement//shall//not//apply//

~~4/ Industrial//Interchange/~~

1/ Permitted//land//uses//in//the//industrial//interchange  
areas//will//be//essentially//the//same//as//those  
permitted//in//the//industrial//development//areas//  
that//is//combinations//of//light//industry//research  
and//offices//In//addition//certain//visitor//serving  
uses//such//as//restaurants//and//hotels//will//be  
appropriate//if//they//are//part//of//an//integrated  
office//park//or//industrial//center//The//Luckett  
Road//industrial//interchange//area//is//particularly  
appropriate//for//truck//terminal//transfer//points//

2/ The//following/zoning/districts/may//be//permitted  
within///this//land//use//category//provided//all  
applicable/regulations/are/met//

IPD  
EC

## b/ General/interchange/

1/ The///general///interchange///areas///are///intended primarily///for///land///uses///that///serve///the///traveling public///service///stations///hotels///moteles/ 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/Daniels/Road/general interchange/area/is/particularly/appropriate/for truck/terminal/transfer/points/

2/ 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/

1/ The//general//commercial//interchange//areas//are intended///primarily///for///general///community commercial///land///uses///retail///planned/commercial districts///shopping///office///financial///and business/

2/ The//following/zoning/districts/may//be//permitted within///this///land///use///category///provided///all applicable/regulations/are/met/

CPD  
EC

## d/ Industrial/commercial/interchange/

1/ The//industrial/commercial/interchange//areas//are designated///to///permit///a///mixture///of///light industrial///and///commercial///uses//This///category does///not///permit///heavy///industrial///uses///but///the Alico/Road/industrial/commercial/interchange/area is///particularly///appropriate///for///truck///terminal transfer/points/

2/ The//following/zoning/districts/may//be//permitted within///this///land///use///category///provided///all applicable/regulations/are/met/

CPD  
 IPD  
 EC

4. Nonurban areas. The nonurban areas of the future land use map include the rural and open lands areas. These are areas in which urban development is not anticipated.

a. Rural

1. The rural areas are intended to remain predominantly rural, that is, low density residential uses, agricultural uses and minimal nonresidential 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. Maximum density in the rural area is one dwelling unit per acre, except as permitted by the planned development district option, as described in the Lee Plan.

2. The following zoning districts may be permitted within this land use category provided all applicable regulations are met:

AG-1, AG-2

RPD, RS-A, RS-B, MH-A, RUPD, MHPD

CPD, CN-1, CN-2, CS, CU, CP, CA, CM, CR

IPD, RI

EC

b. Outer islands

1. Outer islands are sparsely settled, have minimal existing or planned infrastructure, and are very distant from major shopping and employment centers. They are not expected to be programmed to receive urban-type capital improvements in the time frame of the Lee Plan, and, as such, can anticipate a continued level of public services below that of other land use categories. The continuation of the outer islands essentially in their present character is intended to provide for a rural character and lifestyle and conserve open space and important natural upland resources. Maximum density is one dwelling unit per acre, except as may be permitted under the

planned/development/district/option/

2/ The/following/zoning/districts/may/be/permitted  
within//this//land//use//category//provided//all  
applicable/regulations/are/met/

RFD//RS/A//RS/B

CM//CPD//CT

EC

c/ Density//reduction/groundwater//resource//areas//The  
density/reduction/groundwater/resource/areas/include  
upland//areas//that//provide//substantial/recharge//to  
aquifers//most//suitable//for//future//wells/field  
development//These/areas/also/are/the/most/favorable  
locations//for//physical//withdrawal//of//water//from  
those/aquifers//Only/minimal/public/facilities/exist  
or//are//programmed//Land/uses/in/these/areas/must/be  
compatible//with//maintaining//surface//water//and  
groundwater//levels//at//their//historic//levels/  
Permitted//land/uses/include/agriculture, mineral/or  
limestone//extraction, //conservation//uses//and  
residential//uses//at//a//maximum//density//of//one  
dwelling//unit//per//ten//acres//Individual/residential  
parcels//may//contain//up//to//two//acres//of//resource  
protection/areas//and//transition/zones//without//losing  
the//right//to//have//a//dwelling//unit//provided//that//no  
alterations/are/made//to//those//wetland/areas/

d/ Rural/community/preserves/

1/ The/rural//community//preserves/are//established  
following//special//studies//of//the//county's//intact  
rural//communities//Within//these/areas, //special  
design//approaches/are//to//be//used//to//maintain//the  
existing//rural//character, //for//example,  
conservation//easements, //flexible//road//design  
standards//including//relocation//of//future  
arterials//not//serving//the//rural//community,/  
special//fencing//and//sign//standards, //and//retention  
of//historic//rural//uses//These/areas/are//not//to//be  
programmed//to//receive//urban-type//capital  
improvements//Lands//within//this//category//are//not  
intended//to//be//converted//to//any//future//urban  
areas, //rather, //they//are//to//remain//permanently  
rural//in//character//and//use//These/areas//are  
restricted//to//low-density//residential//uses,  
agricultural/uses//and//minimal//nonresidential//uses  
that//are//needed//to//serve//the//rural//community/  
Additional//goals, //objectives, //policies//and

standards/for/these/areas/may/be/included/in/this  
plan//based//on//the//special//studies//see//for  
example//goal//19//of//the//Lee//Plan//Maximum  
density/is/one/dwelling/unit/per/acre.

2/ The//following/zoning/districts/may//be/permitted  
within//this//land//use//category//provided//all  
applicable/regulations/are/met/

AG/1//AG/2

RFD//MHPD

CR

RI

EC

(B) Environmentally//critical//areas//The//environmentally  
critical//areas/shown/on/the/land/use/plan/map//as/well  
as//any//other//area//considered//environmentally//sensitive  
(see//article//VII//division//13//of//this//chapter)//  
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/  
Owners//of//land//containing//resource//protection//areas//and  
transition//zones//adjacent//to//intensive//development//  
central//urban//and//urban//community//areas//may//transfer  
density//to//developable//contiguous//uplands//at//the//same  
underlying//density//as//is//permitted//for//these//uplands//  
provided//however//that//the//maximum//density//resulting  
on//the//contiguous//uplands//shall//not//exceed//the//maximum  
bonus//density//allowed//by//the//Lee//Plan/

a/ Resource/protection/areas/

1/ 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  
any//but//extremely//low//density//development/

2/ 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//areas//critical//environmental  
character//The//construction//of//ditches//canals//  
dikes//or//additional//drainage//is//prohibited//Roads

above/grade/may/be/permitted/under/specific/limited/conditions/as/set/forth/in/chapter/II, article/IV, pertaining/to/wetlands/protection. Maximum/density/is/one/dwelling/unit/per/50/ acres/

3/ The/following/zoning/districts/may/be/permitted/within//this/land/use/category/provided/all/applicable/regulations/are/met:

RFD  
EC

b/ Transition/zones/

1/ 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/such/as/seasonal/wet/prairies, ephemeral/ponds/and/natural/flow-ways, and/are/associated//with//freshwater//and//saltwater/wetlands. Transition/zones/provide/a/hydrological/connection//between/wetlands//and/uplands//and/provide/protection/and/buffering/of/wetlands/from/fire, water/pollutants/and/exotic/vegetation/

2/ 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//areas//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/20/ acres/

3/ The/following/zoning/districts/may/be/permitted/within//this/land/use/category/provided/all/applicable/regulations/are/met:

RFD  
EC

## (B) New/Community/

- a. New/Community/areas/are/suitable/for/the/development of///large+scale///multiuse///communities//developed pursuant/to/a/comprehensive/master/plan/
- b. 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/nonresidential/uses/and//that/major impacts//of//the//development//are//internalized//or alleviated//by///existing//or///privately///funded infrastructure///New///community///areas//will//be developed//as//freestanding//economic//units/and//will not//impose/negative/fiscal/impacts/on/the/country/
- c. New/communities/shall/not/exceed/a/gross/residential density//of/six//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///and 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//freestanding 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/

5/ Off-site impacts shall be mitigated.

(7) Special treatment areas // Special treatment areas are overlaid // categories governed by the underlying land use category // and zoning // district // Special allowances or restrictions // are // associated // with // these // special treatment areas.

a/ Airport // noise // zones // The // airport // noise // zones recognize // areas // subject // to // varying // levels // of airport-related // noise // In // addition // to // meeting // the requirements // of // the // underlying // future // land // use // map categories // and // zoning // districts, // these // areas // are governed // by // other // specified // regulations // (see // article VI // division // 10, // subdivision // III, // of // this // chapter),

b/ Committed // development // The // committed // development overlaid // indicates // areas // where // past // governmental commitments, // as // set // forth // in // chapter // XIII // of // the // Lee Plan, // will // allow // development // at // densities // or intensities // greater // than // those // permitted // by // the underlying // categories // Due // to // the // scale // and // the difficulty // of // identifying // all // such // commitments // on the // future // land // use // map, // some // parcels // or // areas // that qualify // are // not // shown // However, // in // every // case, // the procedures // and // Administration // section // of // the // Lee Plan // (chapter // XIII) // governs // what, // if // any, // increased development // rights // apply // to // a // specific // parcel // of land // at // a // given // time.

c/ Privately // funded // infrastructure // Certain // lands, // which // have // high // growth // potential // but // little // existing development, // are // designated // as // future // urban // areas // Development // in // these // areas // may // occur // following // the establishment // of // a // taxing // or // benefit // district, // or equivalent // funding // mechanism, // to // finance // a // full range // of // urban // infrastructure // (refer // to // section // 34-494).

d/ Urban // reserve // The // urban // reserve // overlaid // indicates // areas // that // are // suitable // for // annexation // into // the adjoining // municipality, // but // have // no // effect // on current // land // use // regulations // until // such // time // as annexation // occurs.

e/ Water // dependent.

1/ Water // dependent // overlaid // zones // have // been designated // in // the // Lee // Plan // for // existing // ports, // commercial // fishing // ports // and // docking // sites // and

commercial//marinas//These//overlay//districts supplement/zoning/regulations/and/future/land/use map//category/regulations//so/as//to/protect//the right/of/existing/water-dependent/uses/to/rebuild and//expand/and/to/discourage//their/conversion/to nonwater-dependent/uses/

2. Objective//Bill//of//the//Lee//Plan//and//related policies//detail//specific//requirements//for//the water-dependent/overlay/zones/

3. Map//2//of//the//Lee//Plan//indicates//the/water-dependent//overlay/zones//for//San/Carlos/Island/ Other/water-related/overlay/zones//for//Pine/Island and//other//areas//of//the//county//are//mapped//in chapter/XV//of//the//Lee//Plan/

4. Year//2010//The//year//2010//overlay//depicts//the proposed//distribution//extent//and//location//of generalized//land/uses//for//the//year//2010//Acreage totals//are//provided//for//land//in//each//subdistrict//in the//unincorporated//area//of//the//county//No//final development//orders//or//building//permits//will//be issued//by//the//county//which//would//allow//the//acreage totals//for//any//land//use//category//on//these//maps//to//be exceeded//The//adopted//acreage//totals//shall//be reevaluated//every//three//years//beginning//in//1991/

g. Public//acquisition//The//public//acquisition//overlay zone//designates//areas//that//have//been//targeted//for public//acquisition//by//federal//state//regional//or local//agencies//This//overlay//does//not//restrict//the use//of//the//land//in//and//of//itself//it//shall//be utilized//for//informational//purposes//since//this//map will//represent//a//composite//of//public//acquisition activities//in//the//county/

{Zoning/Ord//1993//8/301}

Sec//24//494//Privately//funded//infrastructure//overlay//area/

(a) The//1989//revisions//to//the//Lee//Plan//mandate//the//private provision//of//a//wide//range//of//urban//infrastructure//in certain//geographic//areas//as//designated//on//the//future//land use//map//which//generally//have//high//growth//potential//but little//existing//development/

(b) The//Board//of//County//Commissioners//will//decide//exactly//which facilities//and//services//will//be//provided//in//each//designated area//as//well//as//the//most//appropriate//mechanism//to//fairly share//the//costs//of//this//infrastructure/

(c) Beginning March 1, 1989, and lasting until the Board of County Commissioners makes such a formal finding for a given designated area, all rezonings granted within that area shall be subject to the following special requirement: Further local development orders (under Chapter 10) will not be granted until the board establishes the financing mechanism to provide the needed infrastructure, or determines that a given property will be excluded from participation. Such exclusion can only be granted upon a formal finding that this action will not substantially increase infrastructure costs which must be paid by general county revenues. However, in no case shall this special requirement apply if it would preclude the constitutionally mandated reasonable use of a parcel of land.

(d) In cases where property owners have already received development approvals requiring the private provision of infrastructure through special conditions or rezonings, developments of regional impact or local development orders, the owner may apply through normal application procedures to have such conditions modified or deleted, provided that the financing mechanism which has been established under the privately funded infrastructure program will clearly provide the equivalent facility or service as the owner was required to provide.

(Zoning Ord. 1993, § 302)

Secs. ~~34-498~~ 34-492 - 34-610. Reserved.

## SECTION TWENTY-TWO:

Section 34-622, Use Activity Groups, is hereby amended by adding language to section 34-622(c)(6), Chemicals and allied products, manufacturing, GROUP II and section 34-622(c)(38), Recreational, commercial GROUPS II and IV as follows:

Sec. 34-622. Use activity groups.

(c) Use activity groups are as follows:

(6) Chemicals and allied products, manufacturing.

### GROUP II

281 Industrial inorganic chemicals

~~282 Plastics materials and synthetic resins, synthetic rubber, and synthetic and other manmade fibers, except glass~~

284 Soap, detergents and cleaning preparations, and 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 (including explosives)
- (38) Recreation, **commercial**. This group includes recreational facilities operated as a business and **open** to the public for a fee. This ~~shall~~ does not **include facilities** operated by a government unit.

## GROUP II

Billiard halls or pool halls  
 Bingo halls  
 Coin-operated amusement establishments which primarily provide coin-operated amusement devices; coin-operated includes coins, tokens or other similar devices  
Dancehalls or ballrooms

## GROUP IV. Indoor facilities.

**Bowling alleys**  
~~Dancehalls or ballrooms~~  
**Gymnasiums**  
 Health clubs  
**Racquetball**, handball, squash or tennis courts  
 Skating rinks  
 Swimming pools or aquatic centers  
~~Theaters, indoor~~

SECTION TWENTY-THREE:

Section 34-381(a) and section 34-381(b)(6) is hereby amended by adding and deleting language as follows:

Sec. 34-381. Duration of rights **conferred by adopted master concept plan.**

(a) Master concept plans approved prior to December 2, 1991, ~~shall be~~ **are** subject to the following:

- (1) An approved **master** concept plan and its **attendant** documentation ~~shall will~~ **will** be valid for no more than three 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~~ **will** be

deemed ~~to be~~ vacated and shall will 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 will remain zoned for planned development, but shall may 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/extended~~ by the Board of County Commissioners, or the property is rezoned to some other use or district. However, no vacation of the concept plan shall will result from the nonfeasance of the county.

- (2) Where a planned development is proposed in two or more phases, the final development approval of the first phase shall will be guided by subsection (a)(1) of this section, and subsequent phases shall will be regulated by the adopted phasing program, except that, if a phase is not commenced within one year of its programmed date, the remainder of the development shall will be deemed vacated. The unbuilt or incomplete portion of the planned development shall will remain zoned for planned development, but shall may 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/extended~~ by the Board of County Commissioners, or the remaining property is rezoned to some other use or district. Any phase permitted and ongoing or completed shall will continue to be governed by the original master concept plan and attendant documentation. However, no vacation of a concept plan shall will result from the nonfeasance of the county.

- (3) If all or part of a master concept plan is vacated, a notice of vacation shall will be sent to the owner of record of the affected property via certified mail, ~~and~~ and the notice, accompanied by all necessary maps and documents, shall must be recorded by the department on the official records of the 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 notice shall will not vest or extend the validity of the vacated concept plan.

- ~~(4) An approved master concept plan may be reaffirmed as follows:~~

a. An approved master concept plan for a phase of or an

entire planned development which ~~may~~ has 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 of 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.~~ may be extended by the Board of County Commissioners for a period of no more than two (2) years from the date of the extension based on the following findings of fact:

1. The Master Concept Plan is consistent with the current Lee Plan, including, but not limited to, density, intensity and concurrency requirements;
  2. The development shown by the Master Concept Plan has not become incompatible with existing and proposed uses in the surrounding area as the result of development approvals issued subsequent to the original approval of the Master Concept Plan; and
  3. The development shown by the Master Concept Plan will not, by itself or in conjunction with other development, place an unreasonable burden on essential public facilities.
- b. An application for the reaffirmation of a vacated master concept plan shall be treated procedurally as a minor planned development, but with the application and materials specified by section 3A-373(b)(1). an extension may be filed at any time after the vacation of the Master Concept Plan and must consist of the following:
1. A completed application form provided by the Department of Community Development;
  2. The approved Master Concept Plan;
  3. The applicable zoning resolution;
  4. A written statement describing how the criteria listed in subsection (a)(4)a. above have been met; and

5. A fee, in accordance with an adopted Administrative Code.

c. No more than two (2) extensions may be granted for any development or phase thereof. . .

(b) Master concept plans approved after December 2, 1991, ~~shall~~ be are subject to the following:

(6) ~~Master/concept plans that are approved subsequent to December 2, 1991, and which are subsequently vacated may not be reaffirmed. Extensions of Master Concept Plans may be granted by the Board of County Commissioners in accordance with subsection (a)(4)a. of this section.~~

SECTION TWENTY-FOUR:

Section 34-901, Purpose and intent. is hereby amended by adding and deleting language and renumbering subsections 34-901(3)c., d., e., f., g., h. and i. as follows:

Sec. 34-901. Purpose and intent.

(3) It is the intent of this chapter that any proposed industrial development which requires a rezoning, and which meets or exceeds one or more of the following ~~criteria, shall~~ must be rezoned only to an IPD industrial planned development:

~~c. Any manufacturing or industrial development involving one or more of the following activities:~~

~~1. Biological processes, other than by fermentation by common bacteria or yeast, for food or beverage processing.~~

~~2. Nuclear processes.~~

~~3. Production of industrial gas.~~

~~4. Production of explosives.~~

~~5. Production of corrosives.~~

~~6. Production of toxic materials.~~

~~d. Bulk storage of toxic, explosive or hazardous materials.~~

ce. Refuse and trash dumps.

df. Sanitary landfills.

eg. Salvage yards or junkyards. . . . .

fh. Auto wrecking yards.

gz. Resource recovery facilities to produce energy.

#### SECTION TWENTY-FIVE:

Section 34-931, Purpose and intent. is hereby amended by adding a new subsection 34-931(h), MPD mixed use planned development as follows:

Sec. 34-931. Purpose and **intent**.

(h) MPD mixed use planned development district. To permit planned developments with a mixture of uses in accordance with subsection 34-612(2) as set forth in this chapter and Objective 4.1 of the Lee Plan in order to reduce the number of vehicular trips on the County's arterial and collector road network.

#### SECTION TWENTY-SIX:

Section 34-935, Property development regulations is hereby amended by amending subsections ~~34-935(b)(1)b., 34-935(b)(2)c., 34-935(b)(4), 34-935(e)(3)~~ and by adding a new subsection 34-935(g)(5) ~~as follows:~~

Sec. 34-935. **Property development regulations.**

(b) Minimum setbacks of structures, buildings and pavement from development perimeter boundaries.

(1) If the proposed planned development is adjacent to land which is developed in a manner and for uses compatible with the uses proposed for the planned development; vacant but zoned for uses compatible with the uses proposed for the planned development; or vacant and, regardless of zoning, controlled by the applicant, then all structures and pavements, except street stubs required by chapter 10, ~~shall~~ must be set back from the development perimeter a distance equal to the greater of:

b. Fifteen feet if zoned RPD, MHPD, CFPD, or CPD or MPD; 20 feet if zoned IPD; or 25 feet if zoned AOPD;

(2) If the proposed planned development is adjacent to land which is developed in a manner and for uses not compatible with the uses proposed for the planned development; or vacant, and neither zoned for ~~compatible~~ uses nor controlled by the applicant, then all buildings ~~shall~~ must be set back from the development perimeter a distance equal to the greater of:

c. If zoned CFPD, CPD, IPD, ~~or~~ AOPD, or MPD one-half the height of the building; or

(3) The provisions of subsections (b)(1) and (2) of this section notwithstanding, ail buildings, parking areas and shipping and receiving areas and open storage areas of light industrial land uses within a commercial planned development or airport operations planned development ~~shall~~ must be set back in accordance with Division 34 or ~~no less than~~ 100 feet, whichever is greater, from the development perimeter where the planned development abuts a residential land use or land zoned exclusively for residential use.

(4) The provisions of subsections (b)(1) and (2) of this section notwithstanding, all buildings, parking areas and shipping and receiving areas and open storage areas of industrial land uses within an industrial planned development or mixed use planned development ~~shall~~ must be set back from the development perimeter in accordance with Division 34 or 100 feet whichever is greater, ~~for light industrial uses, and 600 feet for heavy industrial uses,~~ where the planned development abuts a residential land use or land zoned exclusively for residential use.

(e) Minimum lot size, dimensions and setbacks.

(3) Setbacks for buildings in commercial planned developments, and industrial planned developments and mixed use planned deveioement.

(g) Open space. See section 34-414(a) for definitions pertaining to open space.

(5) Mixed use planned developments.

All applications for development orders for parcels within mixed use planned developments must contain the amount of open space required as set forth in chapter 10.

SECTION TWENTY-SEVEN:

Article VI, Division 9, PLANNED DEVELOPMENT DISTRICTS, is hereby amended by adding a new section 34-940, Mixed use planned developments as-follows: . . . . .

Sec. 34-940. Mixed use planned developments.

(a) All mixed use planned developments must meet or exceed at least two of the following DCI thresholds:

- (1) A residential development of 300 or more dwelling units (Section 34-341(b)(1));
- (2) A commercial development or activity which is either located on a parcel of ten (10) or more acres or which may include 100,000 square feet or more of floor area (Section 34-341(b)(3)); or
- (3) An industrial development or activity which is located on a parcel of ten (10) or more acres or which may include 100,000 square feet or more of floor area (Section 34-341(b)(4)).

(b) Mixed use developments containing residential uses should be designed to capture within the development a substantial percentage of the vehicular trips that are projected to be generated by those uses at the project's buildout.

Secs. ~~34-941~~ 34-941 - 34-960. Reserved.

SECTION TWENTY-EIGHT:

Sections 34-1001, Applicability; 34-1003, Definitions by amending the definition Airport; 34-1004, Flight obstruction surfaces by amending the first paragraph; 34-1004(1)g.1.; Section 34-1006(b); Section 34-1006(b)(2)a. and; Section 34-1006(b)(3)a. are amended by deleting the word Regional and replacing it with the word International as follows:

Sec. 34-1001. Applicability.

Through the development and implementation of this subdivision, it is hereby determined that county airports consist of the Southwest Florida International ~~Regional~~ Airport, Page Field and all existing and proposed state-licensed airports and ~~helipor<sup>t</sup>s, public and private, in the county.~~

Sec. 34-1003. **Definitions.**

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

Airport means the Southwest Florida International ~~Regional~~ Airport, Page Field and any state-licensed area of the county intended to be used for the taking-off, maneuvering and landing of aircraft, including **any** state-licensed seaplane base, helistop or emergency landing area.

Sec. 34-1004. **Plight obstruction surfaces.**

In order to carry out the provisions of this subdivision, there are hereby created and established certain surfaces which include all of the land lying beneath the primary, horizontal, conical, approach and transitional surfaces as they apply to a particular airport. Such surfaces are shown on the airport **layout** plans and the approach and clear zone plans for the Southwest Florida ~~International Regional~~ Airport and Page Field, as well as those surfaces described in the Federal Aviation **Administration Terminal Approach Procedures** Manual (TERPS) and under Federal Aviation Regulations part 77, on file at Southwest Florida ~~International Regional~~ Airport. These surfaces apply to existing and proposed runway configurations. **An** area located **in more than** one of the described surfaces is considered to be only in the surface with the more restrictive height limitations. All height restrictions refer to height ~~above mean sea level (AMSL)~~

---

(1) Publicly owned, public-use county airports. The various surfaces established and defined for any publicly owned and operated, public use county airport are as follows:

g. Airport surveillance radar (ASR) surface.

1. The airport surveillance radar (ASR) surface extends radially from the airport surveillance radar (ASR) facility located adjacent to the northwestern perimeter of the Southwest Florida ~~International Regional~~ Airport. The beginning **elevation** of the **airport** surveillance radar (ASR) **conical** surface is designated as the ground **elevation at the center of the airport surveillance radar (ASR) facility.** ~~The airport surveillance radar (ASR) facility.~~ The airport surveillance radar (ASR) surface extends upward and outward from this reference point in all directions at a 125 to 1 slope (one foot

vertically for every 125 feet horizontally) until an elevation of 125 feet above mean sea level is reached.

**Sec. 34-1006. Airport noise zones.**

(b) **Noise zones defined; permitted uses.** There are **hereby** created and established four airport noise zones pertaining to land uses surrounding the Southwest Florida International ~~Regional~~ Airport based upon the Ldn contours for airport noise developed in accordance with the Federal Aviation Regulations, part 150, Noise Compatibility Study for the Southwest Florida International ~~Regional~~ Airport, as adopted by the Board of County Commissioners and on file at the county port **authority**. Three sets of conditions were forecast to prevail prior to and beyond 1992: the current unabated operating conditions, the current abated noise conditions **and the** 1992 abated noise conditions. The purpose and intent of these noise zones is to define and set forth specific regulations for all properties within the described areas. *These noise zones* are set forth as overlay zoning districts in **that** they provide regulations and restrictions in addition to those set forth in the planned **development** or **conventional zoning** districts in which the property is located, as defined in this chapter. Except as otherwise provided in this section, no land, body of water or structure ~~shall~~ **may** be used or permitted to be used and no structure ~~shall~~ **may** be hereafter erected, **constructed, moved, reconstructed or** structurally altered or maintained in any of these airport **noise zones** which is ~~designed, arranged or intended to be used or occupied for~~ any purpose **other** than as **defined** in the following:

(2) Zone 3.

- a. Zone 3 consists of that area of land encompassed by the 65 Ldn as determined in the adopted part 150 Southwest Florida International ~~Regional~~ Airport cumulative noise maps. This zone allows any use permitted by this chapter, provided that no residential living units, churches, libraries, schools, hospitals, correctional institutions or nursing homes ~~shall be~~ **are** permitted, and provided further that noise and **avigation** easements over the subject property are dedicated to the county in accordance with this subsection. As a condition of ~~approval of a subdivision plat or issuance of a~~ building permit for any property located in zone 3 and zone 2, the applicant ~~shall~~ **must** sign and record a noise and avigation easement to the county. Such

easement shall must authorize any and all aircraft noise on and overflights of the property which might occur during the operation of the Southwest Florida International Regional Airport at present and future operational levels. Any increase of the Ldn level above present and forecast levels will not void such easement or be prevented by such easement.

(3) Zone 2.

- a. Zone 2 consists of that area of land encompassed by the 60 Ldn as determined in the adopted part 150 Southwest Florida International Regional Airport cumulative noise maps. This zone allows any use permitted by this chapter provided that no mobile homes shall may not be permitted and provided further that noise and aviation easements over the subject property are dedicated to the county in accordance with subsection (b)(2)a of this section.

**SECTION TWENTY-NINE:**

Section 34-1143, Zones of archaeological sensitivity. is hereby deleted in its entirety as follows:

*Sec./34/1143/Zones/of/archaeological/sensitivity/*

*ALL/development/proposals/located/within/level/1/or/level/2/zones/of/archaeological/sensitivity/as/defined/by/the/survey/titled//An/Archaeological/Site/Inventory/and/Zone/Management/Plan/for/Lee/County,/Florida,/shall/be/required/to/obtain/a/certificate/to/describe/proposal/to/section/22/106(c),/prior/to/final/development/approval/*

**SECTION THIRTY:**

Section 34-1144, Designated historical resources. is hereby deleted in its entirety as follows:

*Sec./34/1144/Designated/historical/resources/*

*ALL/properties/that/have/been/designated/as/a/historic/resource/pursuant//to/chapter/22/shall/be/required/to/obtain/a/certificate/of/appropriateness/prior/to/the/issuance/of/a/building/permit/for/any/actions/requiring/a/building/permit/that/will/affect/the/resource/*

Secs. 34/1143 34-1143 - 34-1170. Reserved.

SECTION THIRTY-ONR:

Sections 34-1174(a), Permitted locations and 34-1174(c) are hereby amended and a new subsection 34-1174(f) is hereby added as follows: -----

Sec. 34-1174. Location and setbacks generally;

- (a) Permitted locations. Except as may be provided elsewhere in ~~this chapter~~, all accessory uses, buildings and structures ~~shall~~ must be located on the same premises and ~~shall~~ must have the same zoning classification as the principal use. For purposes of this section, the zoning classification ~~shall~~ must consist of the following groups of zoning districts:
- (1) Districts described in article VI, division 2, of this chapter (agricultural districts);
  - (2) Districts described in article VI, division 3, of this chapter (residential districts);
  - (3) Districts described in article VI, division 4, of this chapter (recreational vehicle park districts);
  - ~~(4)~~ Districts described in article VI, division 5, of this chapter (community facilities districts);
  - ~~(5)~~ Districts described in article VI, division 6, of this chapter (commercial districts);
  - (6) Districts described in article VI, division 7, of this chapter (marine-oriented districts);
  - ~~(7)~~ Districts described in article VI, division 8, of this chapter (industrial districts).
- (c) Setback from bodies of water. No building or structure ~~(except docks and seawalls, which are subject to the setback requirements as set forth in chapter 26, article II)~~ shall may be located closer to a bay, canal or other body of water than the minimum setback required in section 34-2194.
- (f) Signs. Signs are subject only to the setback requirements as set forth in chapter 30.

SECTION THIRTY-TWO:

Section 34-1177, Accessory apartments. is hereby amended by

adding and deleting language in subsection 34-1177(a) as follows:

Sec. 34-1177. Accessory apartments.

- (a) Purpose. The purpose of this section is to facilitate the provision of affordable housing ~~or~~ to strengthen the family unit ~~or and~~ to provide increased opportunities for housing the elderly and persons with special needs.

SECTION THIRTY-THREE:

Article VII, Division 4. AIRCRAFT LANDING FACILITIES, PRIVATE is hereby amended by amending section 34-1231, Permit required. by deleting language and renumbering section 34-1231 as follows:

DIVISION 4. AIRCRAFT LANDING FACILITIES, PRIVATE

Sec. 34-1231. Permit required.

~~(a) Agricultural/AG/distriicts/~~

~~(1) New/aircraft/landing/strips//heliports/or/helistops/  
Any///new///aircraft///landing/strips///heliports//or  
helistops///and/ancillary/hangars//sheds//and/other  
customary/accessory/equipment//pertinent/to//such/new  
facility///shall/only/be/permittted/after//approval/of/a  
special//permit/in/accordance//with/the/procedures//set  
forth/in/section/34-203(g)/~~

~~(a2) Existing landing strips, heliports or helistops.~~

~~a. Lawfully/existing/aircraft/landing/strips//heliports  
or//helistops//shall//not//be//expanded//unless//the  
expansion/is/first/approved/as/a/special/permit/~~

~~(1)b/ New/buildings//hangars/or/other/customary/accessory  
equipment//ancillary/to/a/lawfully/existing/aircraft  
landing//strip//or//heliport//may//be//permitted//as  
accessory//buildings/in/accordance//with//section/34-  
1231//and//other//applicable//regulations///Lawfully  
existing/buildings//hangars//and//other//customary  
accessory//equipment//may//be//rebuilt//or//repaired  
subject//to//all//applicable//regulations//However, In  
a residential subdivision platted in conjunction  
with an aircraft landing strip or heliport, no  
hangars may be constructed on the individual  
residential lots prior to construction of the  
principal residence on the lot.~~

(b) Other/districts/

(1) New//aircraft//landing//strips//or//heliports//Any//new aircraft//landing//strips//or//heliports//and//ancillary hangars//sheds//and//other//customary//accessory//equipment pertinent//to//such//new//facility//shall//only//be//permitted as//a//planned//development/

(2) New//helistops//Any//new//helistop//shall//only//be//permitted after//approval//of//a//special//permit//in//accordance//with the//procedures//set//forth//in//section//34-1264(g)//or//when approved//as//part//of//a//planned//development/

(3) Existing//landing//strips//heliports//or//helistops/

a. Lawfully//existing//aircraft//landing//strips//heliports or//helistops//shall//not//be//expanded//unless//the expansion//is//first//approved//as//a//special//permit/

b. New//buildings//hangars//or//other//customary//accessory equipment//ancillary//to//a//lawfully//existing//aircraft landing//strip//or//heliport//may//be//permitted//as accessory//buildings//in//accordance//with//section//34-1234//and//other//applicable//regulations//lawfully existing//buildings//hangars//and//other//customary accessory//equipment//may//be//rebuilt//or//repaired subject//to//all//applicable//regulations//however//in//a residential//subdivision//planned//in//conjunction//with an//aircraft//landing//strip//or//heliport//no//hangars may//be//constructed//on//the//individual//residential lots//prior//to//construction//of//the//principal residence//on//the//lot/

#### SECTION THIRTY-FOUR:

Section 34-1264(d)(1), Intent; applicability. and section 34-1264(d)(2), Procedure for approval. are hereby amended by adding and deleting language as follows:

(d) Temporary one-day permit.

(1) Intent; applicability. It is the intent of this subsection to require that nonprofit and **for-profit** organizations and establishments in the unincorporated area of the county obtain a one-day temporary alcoholic beverage permit for the sale of alcoholic beverages at ~~the specific location where an event is~~ held. This subsection ~~shall~~ will pertain to but not necessarily be limited to the **following** uses:

- a. Grand openings or open houses at residential, commercial or industrial **developments;**
- b. Special outdoor holiday or celebration events at ~~bars and restaurants which are or are not already~~ special permitted;
- c. Weddings and other special occasions at clubhouses;
- d. Political rallies or events;
- e. Block parties; and
- f. Carnivals.

Only ~~six~~ twelve temporary alcoholic beverage permits ~~may shall~~ be ~~permitted~~ issued per year to a specific location. If more than ~~six~~ twelve permits are sought per year for a specific location, then the location ~~shall seek~~ must obtain a permanent alcoholic beverage special permit. If the event for which the temporary alcoholic beverage permit is sought continues for longer than one day, the applicant may petition the director for an extended permit. ~~The maximum number of days/a~~ A temporary alcoholic beverage-permit ~~shall may~~ not be issued for ~~is~~ more than three days.

(2) Procedure for approval.

- a. Any **owner, lessee or tenant seeking approval for consumption on the premises for a temporary** alcoholic beverage permit, ~~shall~~ must submit a ~~letter~~ written request to the department of community development. The ~~letter/shall~~ written request must include:
  1. The name and address of the applicant;
  2. A general description of the exact site where alcoholic beverages are to be sold and consumed;
  3. The type of alcoholic beverages to be sold and consumed; and
  4. The payment of a fee in accordance with the adopted fee schedule.
- b. The director ~~shall~~ will make a final decision within ten working days. The decision ~~shall~~ will be in the form of approval, approval with conditions or

denial. The director may ~~refer/the/letter~~ forward the request to other appropriate agencies for comment.

- c. ~~In//extraordinary//situations//where//an//event//runs longer//than//three//days//but//no//longer//than//ten//days//the//Board//of//County//Commissioners//shall//review//these exceptions/~~

The Board of County Commissioners will review all requests for temporary alcoholic beverage permits where an event will run longer than three days. Under no circumstances will a temporary alcoholic beverage permit be issued for more than ten days.

### SECTION THIRTY-FIVE:

Section 34-1297, **Activities requiring special approval**, is hereby amended by adding and deleting language to subsection 34-1297(a) and (b) and adding a new subsection 34-1297(c) as follows :

#### **Sec. 34-1297. Activities requiring special approval.**

- (a) Due to possible adverse effects on the natural environment, or ~~to~~ the potential hazard to surrounding property or ~~to~~ the general public, the following activities are authorized only by **Special** Permit in certain zoning districts.

(1) The keeping, raising or breeding of:

- ~~(1) a. The//keeping,//raising,//or//breeding//of American alligators or venomous reptiles;~~
- ~~(2) b. The//keeping,//raising//or//breeding//of marine life which requires the storage of brackish or saline water in man-made ponds.~~
- ~~(3) c. The//keeping,//raising//or//breeding//of domestic tropical birds for commercial purposes; and~~
- ~~(4) d. The//keeping,//raising,//or//breeding//of Class I and II animals (df).~~

- (b) All Special Permits authorizing the keeping, raising, or breeding of -American alligators, venomous reptiles, Class I Animals, ~~or C~~ I must specify the number and type of animals ~~that/are/thereby~~ permitted thereby.

(c) Class I animals maintained on a lot in accordance with state oermits issued pursuant to Chapter 372 of the Florida Statutes prior to (effective date of this ordinance), but which were not oermitted by right or by soecial permit in the zoning district in which the lot is located, are considered non-conforming uses.

NO new, additional, or replacement Class I animals will be permitted on such lots so long as the possession of these animals therwise oermitted by the operation of these zoning regulations.

SECTION THIRTY-SIX:

Section 34-1352(a), Applicability. is hereby amended by adding language as follows:

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

(a) **Applicability.** This section applies to all establishments engaged in the outdoor display, sale, rental or storage of motor vehicles, boats, recreational vehicles, trailers, mobile homes, construction or farm equipment, or other similar items; except water oriented rental establishments: outdoors, regulated by section 34-3151.

SECTION THIRTY-SEVEN:

~~Section 34-1412, Day care centers. is hereby amended by deleting the section in its entirety:~~

~~Sec 34-1412 / Day care centers /~~

~~Day care centers (child and adult) are listed in the district use regulations as permitted by right or special exception.~~

~~(Zoning Ord. 1993, § 506)~~

SECTION THIRTY-EIGHT:

Section 34-1413, Hospitals. is hereby amended by deleting the section in its entirety:

~~Sec 34-1413 / Hospitals /~~

~~Hospitals (health care facilities group IV) shall be subject to the following:~~

- (1) Planned/development/approval/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/signaling/signals//for/the/access/may/be/required/by/the Board/of/County/Commissioners.
- (3) Minimum/building/site./The/minimum/building/site/shall not/be/less/than/five/feet.
- (4) Frontage./The/minimum/frontage/for/the/building/site shall/be/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 40/36//patient/rooms/per/gross/acre./Density/shall/be computed/as/follows:/one/patient/room/for/every/14,000 square/feet/of/lot/area.
- (7) Buffer/yards./Buffer/yards/as//required/for/commercial activities/(see/chapter/10)/shall/be/provided.
- ~~Zoning/Ord./1997/8/PLZ Secs. 34-1412 - 34-1413. Reserved.~~

#### SECTION THIRTY-NINE:

Section 34-1682(2), Setbacks for excavation site. is hereby amended by deleting subsection 34-1682(2)a.3. and renumbering subsection 34-1682(2)a.4. as follows:

Sec. 34-1682. Site requirements.

All excavation/mining activities shall will be subject to the following standards. The Board of **County** Commissioners or hearing examiner, as may be provided for in this subdivision, 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.

- (2) Setbacks for excavation site.

- a. No excavation ~~shall~~ may be allowed within:
1. One hundred fifty feet of an existing street right-of-way line or easement;
  2. One hundred feet of any private property line under separate ownership; or
  - ~~3. Seventy-five feet of a section line and 60 feet from a quarter section line for those areas subject to the minimum setbacks described in section 34-2183(a) of~~
  34. One hundred fifty feet of any corridor shown on the county trafficways map.

In all cases, the most restrictive setback ~~shall~~ will apply.

SECTION FORTY:

Article VII, Division 18, HOME OCCUPATIONS is hereby amended by adding a new subsection 34-1772(h) to section 34-1772, Permitted uses; operation. as follows:

DIVISION 18. HOME OCCUPATIONS

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

(h) No use that attracts customers to the dwelling unit may be permitted under this section.

SECTION FORTY-ONE:

Article VII, Division 19, HOTELS AND MOTELS is hereby amended by adding and deleting language to section 34-1801, Definitions; section 34-1802, Property development regulations; section 34-1803, Conversions; and section 34-1805, Density limitations for Captiva Island as follows:

DIVISION 19. HOTELS AND MOTELS

Sec. 34-1801. Definitions.

For the purposes of this division, a hotel/motel is defined as a building, or group of buildings on the same premises and ~~under single control, consisting of ten or more sleeping rooms~~ which are kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient guests or tenants. Hotels/motels

are further categorized as efficiency or business transient/efficiency or convention. Hotels/Motels must be registered with the Department of Revenue as a bona fide hotel/motel operation and will be required to pay the levied tourist development tax as promulgated by the County. Hotels/Motels which are not registered with the Department of Revenue or hotels/motels not paying the tourist tax will be subject to the density limitations and property development regulations for multiple family buildings.

(1) Transient//hotel/motel//means//a//hotel/motel//normally located/near/major/highways/so/as/to/conveniently/serve the//auto/travelling/public/seeking//overnight/sleeping accommodations//individual/rental/units/may/be/equipped with//a/hot/plate,/microwave/oven,/coffee/maker,/small refrigerator//and/other/similar//portable/conveniences, but//shall//not//contain//full-size//refrigerators//or cooking//ranges/or//ovens//requiring/special/electrical wiring/exceeding/110/115/volts/

(1Z) Efficiency hotel/motel means a hotel/motel normally located/near/a/tourist/attraction/area/and/intended/for guests which provides accommodations primarily for tourists and vacationing families staying several days or weeks. Individual rental units may consist of one or more sleeping rooms and a sitting room, as well as an area (but not a separate room) with kitchen facilities (df). be//equipped//with/standard//kitchen/facilities, including//a//refrigerator//and//range//however//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/county/tourist//development authority//Any/establishment/not/so//registered/or/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/

(2) Business hotel/motel means a hotel/motel which does not meet the definition of an efficiency hotel/motel as defined in this division.

(3) Convention//hotels/motels//are//part//of//a/complex//of facilities//having/substantial/meeting/room/facilities/ restaurants//and/recreational/conveniences//for/guests/ individual//rental//units//may//be//equipped//with conveniences/as/set/forth/for/transient/units/

- (3) Kitchen facilities, when used in conjunction with a hotel/motel, will be interpreted to mean any sinks other than bathroom sinks or small bar-sinks, and/or one or more of the following appliances: Stove, oven, electric hot plates, or range; microwave ovens or other cooking facilities, garbage disposal unit; dish washer and/or dryer; clothes washer and/or dryer; full-size refrigerator. Coffee makers, pop corn makers and other similar small portable appliances may not be considered as kitchen facilities.

Sec. 34-1802. Property development regulations.

Property development regulations for uses subject to this division are as follows:

**Sec. 34-1802. Property development regulations.**

Property development regulations for uses subject to this division are as follows

	<u>Transient Business</u>	<u>Efficiency</u>	<u>Convention</u>
<p>1) Minimum lot dimensions:</p> <p>a. Area</p> <p>b. Lot width</p> <p>c. Lot depth</p>	<p>2 acres</p> <p>150 feet</p> <p>200 feet</p>	<p>20,000 square feet</p> <p>100 feet</p> <p>100 feet</p>	<p><del>2-acres</del></p> <p><del>150 feet</del></p> <p><del>200 feet</del></p>
<p>2) Setbacks:</p> <p>a. Street</p> <p>b. Water body</p> <p>c. Side and rear yards</p>	<p>In accordance with section 34-2192</p> <p>in accordance with section 34-2194</p> <p>20 feet for buildings up to 35 feet in height, plus one-half foot for every one foot in excess of 35 feet</p>		
<p>3) Parking:</p> <p>a. spaces per rental unit</p> <p>b. Ancillary uses located in separate buildings and available to <del>nonguests shall</del> <u>must meet the requirements of division 26 of this article.</u></p> <p>c. <u>Where lock-off accommodations (df) are provided, each "keyed room" will be calculated as a separate unit</u></p> <p>4 <u>Where a development proposes to have both types of rental units, the number of parking spaces will be prorated.</u></p>	<p>12</p>	<p>1.5</p>	<p><del>1.2</del></p>
<p>4) <u>Density Rental units permitted</u></p> <p>a. <u>For Lee Plan future land use map categories which have maximum density limits</u></p> <p>b. <u>Except as provided below, in categories which do not have density limits, the number of permitted hotel/motel rental units will be determined by design and compliance with all applicable property development regulations including open space, setbacks, and height restrictions</u></p>	<p><u>Note-1</u></p> <p><u>3 0 units equal one dwelling unit</u></p>	<p><u>Note-2</u></p> <p><u>2 0 units equal one dwelling unit</u></p>	<p><u>Note-3</u></p>

<p><u>c.</u> Any proposed hotel/motel which will contain more than 200 rental units or which will exceed the equivalency factors in (4)a when divided by the Lee Plan maximum standard density for the property in question will be permitted only as a planned development.</p> <p><u>d.</u> A hotel/motel development submitted for approval as a Planned Development may exceed the equivalency factors in (4)a, without the need for a deviation, provided all other aspects of the development (height, traffic, intensity of use, etc ) are found to be compatible with the surrounding area.</p> <p><u>e.</u> Where a development proposes to have both types of rental units, the number of units will be prorated.</p>			
(5) Minimum floor area per unit	120 square feet	120 square feet	<del>120</del> -square feet
(6) Maximum floor area per unit	<del>600</del> 350 square feet	<del>600</del> 550 square feet	500-square feet

## Notes:

- 1/ Twenty-five // rental // units // per // acre, // calculated // at // 1,700 // square // feet // per // unit.
- 2/ Calculated // at // ratio // of // 2 // 1 // 2 // rental // units // as // the // equivalent // of // one // dwelling // unit. // Density // not // to // exceed // the // density // permitted // in // the // Lee // Plan // for // the // land // use // category // in // which // the // property // is // located, // or // 20 // units // per // acre // if // the // land // use // category // does // not // have // a // specified // density.
- 3/ Fifty // rental // units // per // acre, // calculated // at // 800 // square // feet // per // unit.

## Sec. 34-1803. Conversions.

Any hotel or motel proposing to convert to dwelling units, or any residential building proposing to convert to motel/hotel units, // shall // be // required // to // obtain // a // planned // development // approval // from // the // Board // of // County // Commissioners // and // shall // will // be // required // to // comply // with // all // applicable // parking // regulations // density // limitations // of // the // Lee // Plan, // all // applicable // parking // regulations // and // all // other // regulations // of // this // chapter // affecting // the // proposed // use // residential // dwelling // units.

## Sec. 34-1804. Subordinate uses.

For regulations pertaining to subordinate uses, refer to section 34-3021.

## Sec. 34-1805. Density limitation for Captiva Island.

The permitted density for hotels and motels as set forth in this division shall will not apply to for any hotel or motel units on Captiva Island. The maximum permitted density for hotels or motels on Captiva Island shall not exceed three units per gross acre.

SECTION FORTY-TWO:

Section 34-2017, PARKING LOT SURFACE, is hereby amended by adding a new subsection 34-2017(e) as follows:

## Sec. 34-2017. Parking lot surface.

(e) Director discretion.

- (1) The zoning director is authorized to permit high turnover parking lots (including parking lot aisles),

to meet the surfacing standards for low turnover parking lots (section 34-2017(b), above) under the following circumstances:

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

SECTION FORTY-THREE:

Section 34-2193., Setbacks from section lines and quarter section lines is hereby amended by deleting Section 34-2193 in its entirety and reserving the section as follows:

~~Sec//34/2193//setbacks//from//section//lines//and//quarter//section//lines/~~

~~(a) Minimum//setbacks//The//following//minimum//setbacks//from//section//lines//and//quarter//section//lines//shall//be//required//in//any//area//designated//as//nonurban//on//the//Lee//Plan//land//use//map/~~

~~(1) Setbacks//from//section//lines//75//feet/~~

~~(2) Setbacks//from//quarter//section//lines//50//feet/~~

~~(b) Modifications//Upon//determination//that//a//required//setback//from//a//section//line//or//quarter//section//line//is//not//needed//for//future//public//purposes//the//setbacks//may//be//modified//by//the//Board//of//County//Commissioners//when//specifically//requested//in//an//application//for//a//planned//development//district//or//by//the//hearing//examiner//when//requested//as//a//special//permit//pursuant//to//section//34-203(g)//or//by//the~~

~~director/as stated/in subsection (c) of this section.~~

~~(c) Administrative//waiver///The//director//may//grant//an administrative//waiver//of//any//required//section/line//of quarter//section//line//setback//upon//a//showing//that//the applicable//setback//area//has//been//encroached//upon//by//a lawfully//existing//structure//within//SSB//feet//of//the//subject parcel.~~

Sec. 34-2193. Reserved.

SECTION FORTY-FOUR:

Section 2381, Noncommercial schools. is hereby amended by adding and deleting language as follows:

Sec. 34-2381. Noncommercial schools.

- (a) Permitted districts. All noncommercial schools constructed by the district school board on land owned by the district school board are **permitted** by right in any zoning district. Also permitted by right in any zoning district is Florida Gulf Coast University, located in the Lee Plan University Campus category, including all facilities normally associated with a public university. Development of Florida Gulf Coast University will be in accord with a campus master plan adopted pursuant to section 240.155, Florida Statutes. All other noncommercial 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) Access. Access requirements for new schools are as follows:
- (1) Whenever possible, elementary schools, whenever possible, shall will have access to local or collector streets; and
  - (2) Secondary schools **shall must** have access to a collector or arterial **street.**
- (c) Location. No school site **shall will** be approved which, in the opinion of **the** hearing **examiner,** 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.

SECTION FORTY-FIVE:

ARTICLE VII, DIVISION 34, SPECIAL SETBACK REGULATIONS is hereby

amended by adding and deleting language to section 34-2442, Definitions and section--34-2443 as follows:

DIVISION 34. SPECIAL SETBACK REGULATIONS FOR SPECIFIC USES\*

**Sec. -34-2442. Definitions.**

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

~~Residential//use//means//any//dwelling//unit//living//or//rooming  
unit//health/care/facilities//or//social/service/facilities/~~

Residentially zoned property means any property zoned ~~AG/2//or  
AG/3/~~ RSC, RS, TFC, TF, RM, RV, RVPD, MB, RPD or MHPD, and those portions of property zoned CPD indicating residential use.

**Sec. 34-2443. Minimum required setbacks ~~Agriculturally/oriented  
commercial/or/industrial/uses.~~**

- (a) The following uses ~~shall~~ must be set back a minimum of 660 feet from any residentially zoned property under separate ownership. ~~zoned//other//than//AG//IG//RI/~~ The setback-applies to all buildings and structures, and all areas used for parking of trucks or equipment, shipping, receiving, or storage.

~~(1) Flour//rice//grain/and/sugar/mills/~~

~~(2) Meat/packing/plants/(slaughtering)/(SIC/2011)/~~

~~(3) Poultry/dressing/plants/(slaughtering)/(SIC/2018)/~~

(1) Dumps, refuse and trash

(2) Essential service facilities, group III (section 34-622(c)(13))

(3) Junkyard (df) or salvage yard

(4) Landfills, sanitary

(5) Manufacturing of:

a. Chemicals and allied products, group I (section 34-622(c)(6))     ..     ...

b. Chemicals and allied products, group II (section 34-622(c)(6))- All except drugs, perfumes, toilet articles, etc.

- c. Fabricated metal products, group I (section 34-622(c)(14))
  - d. Lumber and wood products, groups III, V, and VI (section 34-622(c)(26))
  - e. Machinery, group III (section 34-622(c)(27))
  - f. Paper and allied products, group I (section 34-622(c)(31))
  - g. Petroleum (section 34-622(c)(34))
  - h. Primary metal industries (section 34-622(c)(35))
  - i. Stone, clay, glass and concrete products, group II and IV (section 34-622(c)(48))
  - j. Textile mill products, group III (section 34-622(c)(50))
  - k. Tobacco (section 34-622(c)(51))
  - l. Transportation equipment, groups I, III, and IV (section 34-622(c)(52))
- (6) Research and development laboratories, group III (section 34-622(c)(41))
- (7~~8~~) Sawmills//and/planing/mills//(SIC/242) Lumber and Wood Products, group I (section 34-622(c)(26) excluding woodchipping operations.
- (8~~4~~) Stockyards
- (9) Wrecking yard - auto and other
- (b) The following uses must be set back a minimum of three hundred thirty (330) feet from any residentially zoned property under separate ownership. The setback applies to all buildings and structures, and all areas used for parking of trucks or equipment, shipping, receiving, or storage.
- (1) Hatcheries, poultry
  - (2) Manufacturing of:
    - a. Food and kindred products, group I (section 34-622(c)(15))
    - b. Leather products, group I (section 34-622(c)(25))
    - c. Lumber and wood products, group I (section 34-622(c)(26) excluding sawmills and planing mills (SIC 242).)
  - (3) Research and development laboratories, group I (section 34-622(c)(41))
  - (4) Wholesale establishments, group I and II (section 34-622(c)(56))

(cb) The following uses ~~shall~~ must be set back a minimum of 300 feet from any property under separate ownership zoned other than **AG, IG** or ~~KI~~ **IR**. The setback applies to all buildings and structures, and all areas used for parking of trucks or equipment, shipping, receiving, or storage.

(1) Feedlots.

(2) Milk processing plants.

(3) Fertilizer mixing.

(4) Bulk chemical storage for crop dusting.

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

(1) Blacksmith shop

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

(3) Manufacturing of:

a. Boats

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

c. Fabricated metal products, group II (section 34-622(c)(14))

d. Food and kindred products, group II (section 34-622(c)(15))

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

f. Leather products, group II (section 34-622(c)(25))

g. Lumber and wood products, group IV (section 34-622(c)(26))

h. Machinery, group I and II (section 34-622(c)(27))

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

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

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

l. Transportation equipment, group II (section 34-622(c)(52))

(4) Motion picture studio

- (5) Photofinishing laboratory (df)
- (6) Rental or leasing establishment, Group IV (section 34-622(c)(39))
- (7) Repair shops, group V (section 34-622(c)(40))
- (8) Social services, group II (section 34-622(c)(46))
- (e) Except when located in the C-2 district, the following uses must be setback a minimum of one hundred (100) feet from any residentially zoned property under separate ownership. If located in the C-2 district, the setback must be as required for other uses in the same district.

(1) Manufacturing of:

- a. Apparel (section 34-622(c)(1))
- b. Electrical machinery and equipment (section 34-622(c)(11))
- c. Fabricated metal products, group III (section 34-622(c)(14))
- d. Food and kindred products, group III (section 34-622(c)(15))
- e. Lumber and wood products, group II (section 34-622(c)(26))
- f. Measuring, analyzing, and controlling instruments (section 34-622(c)(28))
- g. Novelties, jewelry, toys, signs, groups I, II, and III (section 34-622(c)(29))
- h. Rubber and plastics products, group II (section 34-622(c)(43))

(fz) The minimum setbacks set forth in subsections (a), and (b), (d), and (e) of this section shall be not be applicable to those facilities legally in existence and operation, or to an industrial subdivision legally in existence, prior to a residential zoning or use being approved closer than the required setbacks.

SECTION FORTY-SIX:

Subsection 34-3021(b), Subordinate commercial uses for mobile home or recreational vehicle developments is hereby amended by deleting language as follows:

~~Sec. 34-3021. Subordinate uses.~~

(b) Subordinate commercial uses for mobile home or recreational vehicle developments. The following uses, lawfully existing, are permitted uses provided they are in

compliance with the regulations set forth in this section. Uses established subsequent to August -1, 1986, ~~shall~~ may be permitted only by special exception except when approved as part of an MHPD or **RVPD**.

- (1) Food store group I (**section 34-622(c)(16)**).
- (2) Laundromat.
- (3) **Personal** services group I (**section 34-622(c)(33)**).
- (4) Specialty retail store groups I and II (**section 34-622(c)(47)**).
- (5) Real estate office for sale or rental of units within the development-only.
- (6) Parts and supplies for mobile homes or recreational vehicles.

All uses, except the real estate office, ~~shall~~ must be located within a permanent building which complies with the **Southern** Standard Building Code. The total land area for the uses listed in this subsection ~~shall~~ may not exceed ten percent of the total land area of the development.

#### SECTION FORTY-SEVEN:

Subsection **34-3102(a)** is hereby amended by deleting and adding language as follows:

#### **Section 34-3102. Number of principal buildings on lot.**

- (a) Except as provided in this section for the AG ~~and~~, RM-2 and **CS-2** districts, no more than one principal building? structure ~~shall~~ may be erected on a single or two-family residential lot.

Subsection 34-3102(d) is **hereby added** as follows:

#### **Sec. 34-3102. Number of principal buildings on lot.**

- (d) In the CS-2 district, two principal structures may be permitted in accordance with note (5) in section 34-843.

#### SECTION FORTY-EIGHT:

Article VII, Division 41, WATER-ORIENTED RECREATIONAL EQUIPMENT is hereby amended by adding and deleting language as follows:

DIVISION 41. WATER-ORIENTED ACTIVITIES RECREATIONAL/EQUIPMENT

Sec. 34-3151. Location of sale or rental; setback from water bodies. Water oriented rental establishments: outdoors

- (a) Applicability. 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. This section is to provide specific standards for those outdoor rental activities that occur on commercially zoned property adjacent to the Gulf of Mexico and are not located in a building.
- (b) Permitted districts; setbacks from water bodies.
- (1) The sale or rental of this type of recreational equipment shall be permitted only in districts permitting such sale or rental in the use regulations. These activities are permitted only in commercial zoning districts that permit boat rentals and leasing or rental establishments, group I.
- (2) No establishment engaged in the commercial rental of boats, jet skis, windsurfing equipment, or cabins or other beach furniture, or providing amusements such as boat, balloon, seaplane, or water ski tows, parasail tows or other similar activities shall be permitted on any land seaward of the minimum water body setback required for principal buildings as set forth in section 34-2194 without a special permit, except for marinas permitting such use.
- (c) Location. The activity or activities must be located on developed properties, landward of the water body setback line for the Gulf of Mexico, unless approved by special permit, and must be situated so that they are not readily visible from any public street right-of-way or easement. There may not be any indication from any street that this activity is occurring.
- (d) Setbacks. The activity may be located no closer than ten feet to the side property lines and may not be aennitted scaward of the minimum waterbody setback for the Gulf of Mexico as set forth in section 34-2194 without a special permit.

- (e) Time limitations. The rental **activity** may not occur after sunset **or** before **sunrise**. Artificial lighting is prohibited.
- (f) Storage. The equipment not being displayed for rent must be stored in **an** enclosed structure or removed from the **property** when not in use.
- (g) **Signage**. Signage visible from any **street** right-of-way or street easement is prohibited. **Only** one on-site identification **sign** will be **permitted**. The sign must be located on the beach side of the building, **facing** the beach and may not exceed 25 square feet.
- (h) Parking. A minimum of five parking **spaces** will be provided for the outdoor water oriented rental establishments. **Any** other use of the property must comply with the off-street parking requirements set forth in article VII, division 25 of **this chapter**.

SECTION FORTY-NINE:

Use regulations tables 34-653, 34-694, 34-714, 34-735, 34-791, 34-813, 34-843, 34-873 and 34-903 are hereby amended by adding and deleting language to specific uses and adding new uses which will be inserted alphabetically into the appropriate tables and **including** the addition or deletion of specifically numbered notes relating to the tables. Table 34-934 is included in it's entirety to show additions **and** deletion and **the** creation of the new **MPD** mixed use planned development district as follows:

## Sec. 34-653. Use regulations table.

Use regulations for agricultural districts are as follows:

TABLE 34-653. USE REGULATIONS FOR AGRICULTURAL DISTRICTS

	<i>Special notes or regulation</i>	<i>AG-1</i>	<i>AG-2</i>	<i>AG-3</i>
Health care facilities (34-622(c)(18)), groups I and II	Note (8), 34-1413	EO	EO	EO
<u>Recreation, outdoor</u>	Note (10)	<u>SE</u>	<u>SE</u>	<u>SE</u>

Notes:

- (10) Outdoor recreation means passive and active recreation and educational activities which include but are not limited to hiking, nature trails, where the activities require little or no on site facilities, capital investment, and utilize the natural environment and require little or no alteration of the nature landscape.

## Sec. 34-694. Use regulations table.

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

TABLE 34-694. USE REGULATIONS FOR ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS

	<i>Special Notes or Regulations</i>	<i>RSC-1</i>	<i>RSC-2</i>	<i>RSA, RS-1, RS-2, RS-3</i>	<i>RS-4, RS-5</i>	<i>TFC-1, TFC-2</i>	<i>TF-1</i>
Day care center, adult or child	34-1412	SE	SE	SE	SE	SE	SE

## Sec. 34-714. Use regulations table.

Use regulations for multiple-family districts are as follows:

TABLE 34-714. USE REGULATIONS FOR MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

	<i>Special Notes or Regulations</i>	<i>RM-2</i>	<i>RM-3, RM-6, RM-8, RM-10</i>
Day care center:			
Adult	34-1412	SE	SE
Child	34-1412	SE	SE
Hotels/motels			
Convention	34-1951 et seq.	EO	-
Efficiency	34-1951 et seq.	EO	-
Transient Business	34-1951 et seq.	EO	-

**Sec. 34-735. Use regulations table.**

Use regulations for mobile home districts are as follows:

**TABLE 34-735. USE REGULATIONS FOR MOBILE HOME DISTRICTS**

	<i>Special Notes or Regulations</i>	<i>MHC-1 MHC-2</i>	<i>MH-1</i>	<i>MH-2</i>	<i>MH-3</i>	<i>MH-4</i>
Day care center, adult or child.						
Adult	34-1413	SE	SE	SE	SE	SE
Child	34-1413	SE	SE	SE	SE	SE

**Sec. 34-791. Use regulations table.**

Use regulations for recreational vehicle districts are as follows:

**TABLE 34-791. USE REGULATIONS FOR RECREATIONAL VEHICLE DISTRICTS**

	<i>Special Notes or Regulations</i>	<i>RV-1</i>	<i>RV-2</i>	<i>RV-3</i>	<i>RV-4</i>
Day care center, adult or child.					
Adult	34-1412	EO/SE	EO/SE	EO/SE	EO/SE
Child	34-1412	EO/SE	EO/SE	EO/SE	EO/SE

**Sec. 34-813. Use regulations table.**

Use regulations for community facilities districts are as follows:

**TABLE 34-813. USE REGULATIONS FOR COMMUNITY FACILITIES DISTRICTS**

	<i>Special Notes or Regulations</i>	<i>CF-1</i>	<i>CF-2</i>	<i>CF-3</i>	<i>CF-4</i>
Day care center:					
Adult	34-1413		P	P	
Child	34-1412		SE	P	
Health care facilities (34-622(c)(20))					
Group I	Note (1), 34-1413		P		
Group II	Note (1), 34-1413		P		
Group III	Note (1), 34-1413			E O	P
Group N	Note (1), 34-1413			EO	P

## Sec. 34-873. Use regulations table.

Use regulations for marine-oriented districts are as follows:

TABLE 34-873. USE REGULATIONS FOR MARINE-ORIENTED DISTRICTS

	<i>Special notes or regulations</i>	<i>CM</i>	<i>IM</i>	<i>PORT</i>
Hotel/motel				
<u>Convention Business</u>	34-1801 et seq	EO	-	-
Efficiency	34-1801 et seq	SE	-	-
Residential uses		<u>P (6)</u>	<u>P (6)</u>	SE (6)
Residential accessory uses (34-622(c)(42))		<u>P (7)</u>	<u>P (7)</u>	P (7)

## Sec. 34-903. Use regulations table.

Use regulations for industrial districts are as follows:

TABLE 34-903. USE REGULATIONS FOR INDUSTRIAL DISTRICTS

	<i>Special notes or regulations</i>	<i>IL</i>	<i>IG</i>	<i>IR</i>
Agricultural services: (excluding crop dusting, spraying or other applications of herbicides and pesticides), office/base operations	Note (9)	-	-	P
Blacksmith shop	Note (9)	P	P	P
Biological processes, use of (other than by fermentation by common bacteria or yeast) for food or beverage processing	IPD only	EO	EO	-
Cold storage, precooling		P	P	P
Cold storage warehouse and processing plant (including pre-cooling)		P	P	P
Corrosives, production of	IPD only	-	EO	-
Day care center, child	34-1412	SE	-	-
Dumps, refuse and trash	IPD only, 34-1831 et seq, Note (9)	-	-	-
Essential service facilities (34-622(c)(13)). Group I Group II Group III	34-1611 et seq. 34-1611 et seq. 34-1611 et seq., con. w/CFR, IPD only	P SE -	P SE SE EO	P SE -
Explosives, production or bulk storage of	IPD only, 34-3001 et seq.	-	EO	-
Freight and cargo handling establishments (34-622(c)(17))	34-3001 et seq, Note (9)	SE	P	P (3)
Hatcheries, poultry	Note (9)			P

	<i>Special notes or regulations</i>	IL	IG	IR
Junkyard or salvage yard	IPD only, 34-1831 et seq., <u>Note (9)</u>			
Landfills, sanitary	IPD only, 34-1831 et seq., <u>Note (9)</u>			
Manufacturing, repair or wholesale sales Of				
Apparel (34-622(c)(1))	<u>Note (9)</u>	P	P	
Boats	<u>Note (9)</u>	SE	P	
Chemicals and allied products (34-622(c)(6))				
Group I	IPD only, <u>Note (9)</u>	EO	EO	
Group II				
Cosmetics, perfumes, etc	<u>Note (9)</u>	P (5)	P (5)	
All other chemicals	IPD only, <u>Note (9)</u>		ED	
Electrical machinery and equipment (34-622(c)(11))	<u>Note (9)</u>	P	P	
Fabricated metal products (34-622(c)(14)).				
Group I	IPD only, <u>Note (9)</u>			
Group II	<u>Note (9)</u>	SE	P	
Group III	<u>Note (9)</u>		P	
Food and kindred products (34-622(c)(15))				
Group i	<u>Note (9)</u>		P	P
Group II	<u>Note (9)</u>	SE	P	P
Group III	<u>Note (9)</u>	P	P	
Furniture and fixtures (34-622(c)(18))	<u>Note (9)</u>	P	P	
Leather products (34-622(c)(25))				
Group I	<u>Note (9)</u>		P	P
Group II	<u>Note (9)</u>	P	P	P
Lumber and wood products (34-622(c)(26)):				
Group I	<u>Note (9)</u>		P	P
Group II and IV	<u>Note (9)</u>	P	P	
Group III	<u>Note (9)</u>		P	
Group V	IPD only, <u>Note (9)</u>		EO	
Group VI	IPD only, <u>Note (9)</u>		EO	
Machinery (34-622(c)(27)).				
Group I	<u>Note (9)</u>	P (6)	P	
Group II	<u>Note (9)</u>	P (6)	P	

	<i>Special notes or regulations</i>	<i>IL</i>	<i>IG</i>	<i>- IR</i>
<i>Group III</i>			P	-
Measuring, analyzing and controlling instruments (34-622(c)(28))	<u>Note (9)</u>	P	P	-
Novelties, jewelry, toys and signs (34-622(c)(29)), groups I, II and III	<u>Note (9)</u>	P	P	-
Paper and allied products (34-622(c)(31))				
Group I	<u>IPD only, Note (9)</u>			-
Group II	<u>Note (9)</u>	P	P	-
Group III	<u>Note (9)</u>	P (7)	P	-
Petroleum (34622(c)(3))	<u>IPD only, Note (9)</u>			-
Primary metal industries (34-622(c)(35))	<u>IPD only, Note (9)</u>			-
Rubber and plastic products (34-622(c)(44))				
Group I	<u>IPD only, Note (9)</u>		EO	-
Group II	<u>Note (9)</u>	P	P	-
stone, clay, glass or concrete products (34-622(c)(48))				
Group I	<u>Note (9)</u>	P	P	-
Group II	<u>Note (9)</u>		P	-
Group III	<u>Note (9)</u>	P (8)	P	-
Group IV	<u>IPD only, Note (9)</u>			-
Textile mill products (34-622(c)(50)):				
Groups I and II	<u>Note (9)</u>	P	P	-
Group III	<u>IPD only, Note (9)</u>			-
Tobacco (34-622(c)(51))	<u>Note (9)</u>		P	-
Transportation equipment (34-622(c)(52))				
Group II	<u>Note (9)</u>	SE	P	-
Groups I, III and IV	<u>Note (9)</u>		P	-
motion picture production studios	<u>Note (9)</u>	P	P	-
motor freight terminal	34-3001 et seq.	P	P	-
nuclear processes, use of	<u>IPD only</u>	-	EO	-
photofinishing laboratory	<u>Note (9)</u>	P	P	-
production of industrial gas, explosives, reserves or toxic materials	<u>IPD only</u>		EO	-
rental or leasing establishments (34-622(c)(39))				
Group II	34-1352, 34-3001 et seq., 34-1201 et seq.	P	P	-

	<i>Special notes or regulations</i>	<i>IL</i>	<i>IG</i>	<i>IR</i>
Group III	34-1352, 34-3001 et seq, 34-1201 et seq	P	P	
Group IV	34-1352, 34-3001 et seq, 34-1201 et seq, <u>Note (9)</u>	-	P	-
Repair shops (34-622(c)(40)), all groups <u>Groups I, II, III and IV</u> <u>Group V</u>	<u>Note (9)</u>	<u>P</u> <u>P</u> <u>P</u>	<u>P</u> <u>P</u> <u>P</u>	
Research and development laboratories (34-622(c)(41))				
Group I	<u>Note (9)</u>	-	-	P
Group II and IV		P	P	
Group III	IPD only, <u>Note (9)</u>	-		
Social services (34-622(c)(46)), group II	<u>Note (9)</u>	P	P	
Storage				
Bulk storage-				
Agricultural produce	34-3001 et seq.	-		P
Bulk storage, mixing or blending (without chemical reaction), distribution of fertilizers, feed and seed, herbicides and pesticides	34-3001 et seq.	-		P
Bulk storage for on-site consumption (use) or distribution of explosives or corrosives, or liquid or liquefied gaseous fuels, or toxic materials	IPD only, 34-3001 et seq.	-	EO	
Indoor	34-3001 et seq.	P	P	P (3)
Open	34-3001 et seq.	P	P	P (3)
Open storage of construction equipment and material	34-1352, 34-3001 et seq.	EO	P	
Toxic materials, production or bulk storage	IPD only, 34-3001 et seq.	-	EO	
Trucking terminal	34-1352	SE	P	<u>P (3)</u>
Wholesale establishment (34-622(c)(56)).				
Group I	34-3001 et seq, <u>Note (9)</u>	-		P
Group II	34-3001 et seq, <u>Note (9)</u>	-		P
Group III	34-3001 et seq.	P	P	
Group IV	34-3001 et seq.	P	P	
Wrecking yard.				
Auto	PD only, 34-1831 et seq, <u>Note (9)</u>	-		

	<i>Special notes or regulations</i>	<i>IL</i>	<i>IG</i>	<i>IR</i>
Other	IPD only, 34-1831 et seq., Note (9)	-	-	-

Notes:

- (9) The use is subject to the special setback regulations as set forth in section 34-2443. Minimum required setbacks.

Sec. 34-843. Use regulations table.

Use regulations for conventional commercial

TABLE 34-843. USE REGULATIONS FOR CONVENTIONAL COMMERCIAL DISTRICTS

	Special Notes or Regulations	C-1A	C 1	C-2	C-2A	CN-1	CN-2	CC	CG	CS 1	CS 2	CH	CT	CR	CI	CA	CP
Cold storage warehouse and processing plant (including precooling)		-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-
Commercial use of beach front seaward of the water body setback coastal construction control line	34-315	SP(7)	SP(7)	SP(7)	SP(7)	-	-	SP(7)	SP(7)	-	-	-	SP(7)	-	-	SP(7)	-
Day care center, adult, child	34-1412	P	P	P	P	P	P	P	EO	-	-	-	P	P	-	-	-
Health care facility (34 622(C)(20))																	
Group I	34-1413	-	-	-	-	-	-	-	-	P(13)	SE(13)	-	-	-	-	-	-
Group II	34-1413	-	-	-	-	-	-	-	-	P(13)	SE(13)	-	-	-	-	-	-
Group III	34-1413	P	P	P	P	-	P	P	P	P	SE(13)	-	-	P	-	-	-
Group IV	34-1413	-	-	-	-	-	-	-	-	P(13)	SE(13)	-	-	-	-	-	-
Hotel/motel																	
Convention	34-1801 et seq.	-	E	E	E	-	-	-	-	-	-	-	E	-	-	-	-
Efficiency	34-1801 et seq.	-	P	P	P	-	-	-	-	-	SE	-	P	-	-	-	-
Transient Business	34-1801 et seq.	-	P	P	P	-	-	-	-	-	-	P	P	-	-	-	-
Motor freight terminal		-	-	-	-	-	-	-	-	-	-	-	-	-	E	-	-
Religious facilities	34 2051 et seq	-	-	P	-	-	P	P	P	P	SE	-	SE	-	-	-	-

Notes:

(5) Limited to 500 square feet when in conjunction with one on the same premises.

- (7) The following uses may be permissible seaward of the water body setback ~~coastal construction control~~ line only by special permit: boat rentals (inflatables, sailboats, jet skis, windsurfers and the like), foodstands, rental of cabanas and beach furniture, outdoor amusements including boat balloonist, and seaplane rides, water ski tows, parasail tows and similar activities, fishing and sightseeing piers and towers.

Sec. 34-934. Use regulations table.

Use regulations for planned development districts are as follows:

TABLE 34-934. USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS

	<i>Special Notes or Regulations</i>	<i>RPD</i>	<i>MHDE MHPD</i>	<i>RVPD</i>	<i>CFPD</i>	<i>CPD</i>	<i>IPD</i>	<i>AOPD</i>	<i>MPD</i>
Accessory uses and structures	Note (1), 34-1171 et seq., 34-2441 et seq., 34-1863, 34-2141 et seq	P	P	P	P	P	P	P	P
Accessory apartment	Note (2), 34-1177	P	-	-	-	-	-	-	P
Administrative offices	Note (1)	P	P	P	P	P	P	P	P
Adult congregate living facility	34-1491 et seq., 34-1411	P(3)	-	-	P	P	-	-	P
Agricultural services office/base operations		-	-	-	-	-	P	-	P
Agricultural uses and agricultural accessory uses		-	-	-	-	-	P	-	P
Aircraft food services and catering		-	-	-	-	-	-	P	-
Aircraft landing facilities, private	34-1231 et seq	P	P	P	P	P	P	P	P
Airport operations facilities		-	-	-	-	-	-	P	-
Amusement park		-	-	-	-	P	-	-	P
Animals: Clinic or kennel Control center (including Humane Society)	34-1321 et seq	-	-	-	-	P	P	-	P
ATM (automated teller machine)		-	-	-	-	P	P	P	P
Auto parts store		P(4)	P(4)	-	-	P	-	-	P
Automobile service station		P(4)	P(4)	-	-	P	P	P	P
Auto repair and service (34-622(c)(2)), all groups	34-1337	-	-	-	-	P	P	-	P
Bait and tackle shop		P(4)	P(4)	-	-	P	P	-	P
Banks and financial establishments (34-622(c)(3)): Group I Group II		P(4) -	P(4) -	- -	- -	P P	- -	P -	P P
Bar or cocktail lounge	34-1261 et seq	-	-	-	-	P	P	P	P
Boarding house		P	-	-	-	P	-	-	P
Boats: Boat parts store Boat ramps and dockage (not marinas) Boat rental Boat repair and service  Boat sales Boat storage, dry Boat Yard	34-1352, 34-3001 et seq	P(4) P(3) P(4) - - - -	P(4) P(3) P(4) - - - -	- - - - - - -	- - - - - - -	P P P P - P -	P P P P - - -	- - - - - - -	P P P P - P -
Broadcast studio, commercial radio and television	34-1441 et seq	-	-	-	-	P	P	-	P
Building material sales (34-622(c)(4))	34-3001 et seq	-	-	-	-	P	P	-	P
Business services (34-622(c)(5)) Group I Group II		P(4) -	P(4) -	- -	- -	P P	P P	- -	P P
Camping cabins		-	-	P(6)	-	-	-	-	P
Caretaker's residence		-	-	-	P	P	P	-	P

	Special Notes or Regulations	RPD	MHDP-MHPD	RVPD	CFPD	CPD	IPD		APD
Car wash		-				P			P
Cemetery columbarium, mausoleum		-			P	-			P
Cleaning and maintenance services (34-622(c)(7))		-				P	P		P
Clothing stores, general (34-622(c)(8))		-				P			P
Clubs									
Country		P	P	P		P			P
Commercial		-				P			P
Fraternal, membership organization	34-2111	-				P			P
Private	34-2111	P	P	P		P			P
Cold storage, pre-cooling, warehouse and processing plant		-		-	-	-	P	-	
Commercial fishery		-		-	-	P	P	-	P
Commercial use of beach front seaward of the Coastal construction control line	Note (7), 34-3151	P	P	-	-	P	-	-	P
Community residential home		P	P	-	-	P	-	-	P
Computer and data processing services		-			-	-	P		P
Consumption on premises	34-1261 et seq	P(4)	P(4)	P(8)		P	P(9)	P	P
Continuing care facilities		-			P	-	-		P
Contractors and builders (34-622(c)(9)), all groups	34-1352, 34-3601 et seq	-				P	P		P
Convenience food and beverage store		P(4)	P(4)			P	P		P
Correctional facility		-	-		P	-			P
Cultural facilities (34-622(c)(10))		-	-		P	P			P
Day care center, child, adult	34-1412	P(4)	P(4)	P(8)	P	P	P		P
Department store		-	-			P			P
Dormitory		P	-			P	-		P
Drive-thru facility for any permitted use		P(4)	P(4)		-	P	P		P
Drugstore, pharmacy		P(4)	P(4)			P			P
Dwelling unit:									
Duplex, single-family		P	-			-			P
Two-family attached		P	-			-			P
Townhouse, multiple-family building		P	-			P(1)			P
Mobile home		-	P			-			P
Zero lot line		P	-			-			P
Entrance gates and gatehouse	34-1741	P(3)	P(3)	P	P	P	P	P	P
Emergency medical service (ambulance station)		P(4)	P(4)		P	P	P		P
Emergency operations center		-	-		P	P	P		P
Essential services	Note (1), 34-1611 et seq., 34-1741 et seq	P	P	P	P	P	P	P	P
Essential service facilities (34-622(c)(13))									
GROUP I	Note (1), 34-1611 et seq., 34-1741 et seq., 34-2141 et seq	P	P	P	P	P	P	P	P
GROUP II	Note (1) 34-1611 et seq., 34-1741 et seq., 34-2141 et seq	P	P	P	P	P	P	P	P
GROUP III	Note (1), 34-1611 et seq., 34-1741 et seq., 34-2141 et seq	-	-		P	-	P		P

	<i>Special Notes or Regulations</i>	<i>RFD</i>	<i>MHDE MHPD</i>	<i>RVPD</i>	<i>CFPD</i>	<i>CPD</i>	<i>IPD</i>	<i>AOPD</i>	<i>MPD</i>
Excavation									
Mining	34-1651, 34-1671 et seq	P	P	P	P	P	P	-	P
Water retention	34-1651	P	P	P	P	P	P	P	P
Oil or gas	34-1651	P(4)	P(4)	P	P	P	P	-	P
Factory outlets (point of manufacture only)		-	-	-	-	P	P	-	P
Farm equipment, sales, storage, rental or service		-	-	-	-	P	P	-	P
Feed or fertilizer, mixing and sales		-	-	-	-	P	-	-	P
Fences, walls	Note (1), 34-1741 et seq	P	P	P	P	P	P	P	P
Fire station		P(3)	P(3)	-	P	P	P	P	P
Fish house, wholesale		-	-	-	-	P(11)	-	-	-
Fishing piers		P(3)	P(3)	-	-	-	-	-	P
Flea market									
Open		-	-	-	-	P	P	-	P
Indoor		-	-	-	-	P	-	-	P
Food and beverage service, limited	Note (1)	P(4)	P(4)	-	-	P	-	-	P
Food stores (34-622(c)(16))									
Group I		P(4)	P(4)	P	-	P	P(9)	-	P
Group II		P(4)	P(4)	-	-	P	P(9)	-	P
Forestry tower		-	-	-	P	P	-	-	P
Fraternity house		P	-	-	-	P	-	-	P
Freight and cargo handling establishments (34-622(c)(17))		-	-	-	-	P	P	P(12)	P
Funeral home and mortuary (with or without crematory)		-	-	-	P(19)	P	-	-	P
Gasoline dispensing system, special		-	-	-	-	P	P	P	P
Gift and souvenir shop		-	-	-	-	P	-	-	P
Golf course		P	P	P	-	P	-	-	P
Golf driving range		P	P	-	-	P	-	-	P
Government maintenance facility		-	-	-	P	P	P	P	P
Hardware store		P(4)	P(4)	-	-	P	-	-	P
Hatcheries, poultry		-	-	-	-	-	P	-	P
Health care facilities (34-622(c)(20))									
Group I	34-1413	P	-	-	P	P	-	-	P
Group II	24-1413	P	-	-	P	P	-	-	P
Group III	34-1413	P(4)	P(4)	-	P	P	P	P	P
Group IV	34-1413	-	-	-	P	P	-	-	P
Heliport or helistop		P	P	-	P	P	P	P	P
Hobby, toy, game shops (34-622(c)(21))		P(4)	P(4)	-	-	P	-	-	P
Homecare facility	Note (1)	P	P	-	-	P	-	-	P
Home occupation	Note (1), 34-1771 et seq	P	P	-	-	P	-	-	P
Hospice		-	-	-	P	P	-	-	P
Hotel/motel									
Convention, Efficiency	34-1801 et seq	-	-	-	-	P	-	P	P
Transient Business	34-1801 et seq.	-	-	-	-	P	P(13)	P	P
Household and office furnishings (34-622(c)(22)), all groups		-	-	-	-	P	-	-	P
Housing units for employees only		-	-	-	P	-	-	-	P

	<i>Special Notes or Regulations</i>	<i>RF</i>	<i>MHL MHP</i>	<i>RVF</i>	<i>CFP</i>	<i>CI</i>	<i>IPL</i>	<i>AOI</i>	<i>MPD</i>
Insurance companies (34-622(c)(23))						I			P
Laundry or drycleaning (34-622(c)(24))									P
Group I		P(4)	P(4)	P		F			P
Group II							P		P
Lawn and garden supply stores	34-2081	-		-		F	-	-	P
Library		-		-	P	F	-	-	P
Manufacturing of:									
Apparel products (34-622(c)(1))			-	-		F	P(5)	-	P
Boats			-	-		-	P	-	P
Chemical and allied products (34-622(c)(6)), all groups			-	-		-	P	-	P
Group I			-	-		-	P	-	P
Group II			-	-		-	P	-	P
Electrical machinery and equipment 34-622(c)(11))			-	-		F	P(5)	-	P
Fabricated metal products (34-622(c)(14))			-	-		-	P(5)	-	P
Group I and II			-	-		P	P(5)	-	P
Group III			-	-		-	P(5)	-	P
Food and kindred products (34-622(c)(15))			-	-		-	P(5)	-	P
Group I and II			-	-		P	P(5)	-	P
Group III			-	-		-	P	-	P
Furniture and fixtures (34-622(c)(18))			-	-		-	P	-	P
Leather products (34-622(c)(25))			-	-		-	P(5)	-	P
Group I			-	-		P	P(5)	-	P
Group II			-	-		-	P(5)	-	P
Lumber and wood products (34-622(c)(26) )			-	-		-	P(5)	-	P
Group I, III, IV, V and VI			-	-		P	P(5)	-	P
Group II			-	-		-	P(5)	-	P
Machinery (34-622(c)(27)), all groups			-	-		-	P(5)	-	P
Measuring, analyzing, and controlling instruments (34-622(c)(28))			-	-		P	P(5)	-	P
Novelty, jewelry, toys, signs (34-622(c)(29)), all groups			-	-		P	P(5)	-	P
Paper and allied products (34-622(c)(31)), all groups			-	-		-	P	-	P
Group I			-	-		-	P	-	P
Group II			-	-		-	P	-	P
Group III			-	-		-	P	-	P
Group IV			-	-		-	P	-	P
Petroleum (34-622(c)(34))			-	-		-	P	-	P
Primary metal industries (34-622(c)(35))			-	-		-	P	-	P
Rubber and plastic products (34-622(c)(44))			-	-		-	P	-	P
Group I			-	-		-	P(5)	-	P
Group II			-	-		P	P(5)	-	P
Stone, clay, glass and concrete products (34-622(c)(48)), all groups			-	-		-	P	-	P
Group I			-	-		-	P	-	P
Group II			-	-		-	P	-	P
Group III			-	-		-	P	-	P
Group IV			-	-		-	P	-	P
Textile mill products (34-622(c)(50)), all groups			-	-		-	P	-	P
Tobacco (34-622(c)(51))			-	-		-	P	-	P
Transportation equipment (34-622(c)(52))			-	-		-	P	-	P
Group I			-	-		-	P	P	P
Group II, III and IV			-	-		-	P	-	P
Marina	4-1862	P	P			P	P		P
Medical office		P(4)	P(4)			P	P		P
Migrant/transient farm labor quarters and camps	4-1891 et seq	P	P			-	-		P
Mini-warehouse						P	P		P
Mobile home dealers			-			P	P		P
Model-home-unit, display center	4-1951 et seq	P	P	P		P	-		P
Motion picture production studio						-	P		P
Motor freight terminal						P	-		P
Multislp docking facility						P	-		P

	<i>Special Notes or Regulations</i>	<i>RPD</i>	<i>MHDE MHPD</i>	<i>RVPD</i>	<i>CFPD</i>	<i>CPD</i>	<i>IPD</i>	<i>AOPD</i>	<i>MPD</i>
Nonstore retailers (34-622(c)(30)), all groups		-	-	-	-	P	P	-	<u>P</u>
Parcel and express services		-	-	-	-	-	P	-	<u>P</u>
Package store	34-1261 et seq	P(4)	P(4)	-	-	P	-	-	<u>P</u>
Paint, glass, and wallpaper		-	-	-	-	P	-	-	<u>P</u>
PARKS (34-622(c)(32)), public or private GROUP I and II GROUP III		P -	P -	P -	P P	P -	P -	P -	<u>P</u> <u>P</u>
Park trailers		-	-	P(6)	-	-	-	-	<u>P</u>
Parking Lot Accessory Commercial Garage, public parking Temporary	34-2022	P - - -	P - - -	P - - -	P - - P	P P P P	P - P P	P - - P	<u>P</u> <u>P</u> <u>P</u> <u>P</u> <u>P</u>
Personal services (34-622(c)(33)) GROUP I GROUP II GROUP III GROUP IV	34-3021	P(4) - - P(4)	P(4) - - P(4)	P(8) - - -	- - - -	P P P P	P - P -	P(18) - - -	<u>P</u> <u>P</u> <u>P</u> <u>P</u>
Pet services		-	-	-	-	P	-	-	<u>P</u>
Pet shop		P(4)	P(4)	-	-	P	-	-	<u>P</u>
Pharmacy		P(4)	P(4)	-	-	P	-	-	<u>P</u>
Photofinishing laboratory		-	-	-	-	-	P(5)	-	<u>P</u>
Place of worship	34-2051 et seq	P	P	P	P	P	P	P	<u>P</u>
Plant nursery	34-2081	-	-	-	-	P	-	-	<u>P</u>
Police or sheriff's station		-	-	-	P	P	P	<u>P</u>	<u>P</u>
Post office		-	-	-	P	P	P	-	<u>P</u>
Printing or publishing (34-622(c)(36))		-	-	-	-	P	P(5)	-	<u>P</u>
Prison					P				
Processing or packaging of agricultural or fish products		-	-	-	-	-	P(5)	-	-
Processing and warehousing		-	-	-	-	P	P	P	<u>P</u>
Race tracks (34-622(c)(37)) Group I Group II		- -	- -	- -	- -	P P	- -	- -	- -
Real estate sales office	34-1951 et seq., 34-3021	-	-	P	-	P	-	-	<u>P</u>
Recreational commercial (34-622(c)(38)), All groups		-	-	-	-	P	-	-	<u>P</u>
Recreational facilities Commercial (34-622(c)(38)) Personal Private Public	Note (1) Note (1)	- P P P	- P P P	- P P P	- P P -	P P P P	- - - -	- - - -	<u>P</u> <u>P</u> <u>P</u> <u>P</u>
Recreational vehicles		-	-	P(14)	-	-	-	-	<u>P</u>
Recycling facility		-	-	-	P	P	P	-	<u>P</u>
Religious facility	34-2051 et seq	P(3)	P(3)	-	P	P	P	-	<u>P</u>

	<i>Special Notes or Regulations</i>	<i>RPD</i>	<i>MHDP MHPD</i>	<i>RVPD</i>	<i>CFPD</i>	<i>CP</i>	<i>IPL</i>	<i>AOP</i>	<i>MPI</i>
Rental or leasing establishments (34-622(c)(39))									
Group I	34-1201 et seq., 34-1352, 34-3001 et seq	P(4)	P(4)	P(8)	-	P	-	-	P
Group II	34-1201 et seq., 34-1352, 34-3001 et seq	P(4)	P(4)	-	-	P	P	-	P
Group III	34-1201 et seq., 34-1352, 34-3001 et seq	-	-	-	-	P	P	P	P
Group IV	34-1201 et seq., 34-1352, 34-3001 et seq	-	-	-	-	P	P	P	-
Repair shops (34-622(c)(40))									
Group I		P(4)	P(4)	-	-	P	P	-	-
Groups II, III and IV		-	-	-	-	P	P	-	-
Group V		-	-	-	-	P	P	-	-
Research and development laboratories (34-622(c)(41))									
Group I		-	-	-	-	-	-	-	P
Group II		-	-	-	-	P	P	-	P
Group III		-	-	-	-	-	-	-	P
Group IV		-	-	-	-	P	P	P	P
Residential accessory uses (34-622(c)(42))	Note (1), 34-1171 et seq	P	P	-	-	P	-	-	P
Resort		P	-	-	-	P	-	-	P
Restaurant, fastfood		-	-	-	-	P	-	P	P
Restaurants (34-622(c)(43))									
Group I and III		P(4)	P(4)	-	-	P	P	P	P
Group II		P(4)	P(4)	-	P(1)	P	P	P	P
Group IV		-	-	-	-	P	P	-	P
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises.		-	-	-	-	P	P	-	P
Rooming house		P	-	-	-	P	-	-	P
Storage and disposal of materials, including auto junkyards, refuse disposal and processing plants, incinerators, landfills, and similar uses.		-	-	-	-	-	P(5)	-	-
Sanitary landfill		-	-	-	P	-	P(5)	-	-
Schools									
Commercial (34-622(c)(45))	34-2381	-	-	-	-	P	P	-	P
Noncommercial	34-2381	P	P	P	P	P	-	-	P
Self-service fuel pumps		P(4)	P(4)	-	-	P	P	-	P
Self-service fuel pump station		-	-	-	-	P	-	-	P
Signs in accordance with chapter 30	Note (1)	P	P	P	P	P	P	P	P
Social services (34-622(c)(46))									
Group I		-	-	-	-	P	-	-	P
Group II		-	-	-	P	P	P	-	P
Group III		-	-	-	P	P	-	-	P
Group IV		-	-	-	P	-	-	-	P
Specialty retail shops (34-622(c)(47))									
Group I		P(4)	P(4)	-	P(1)	P	-	P(18)	P
Group II		P(4)	P(4)	-	-	P	-	P(18)	P
Group III		-	-	-	-	P	-	-	P
Group IV		P(4)	P(4)	-	-	P	-	-	P
Stables:									
Boarding	34-1291 et seq.	P	P	P	-	-	-	-	P
Commercial	34-1291 et seq	-	-	-	-	P	-	-	P
Private	34-1291 et seq	P	P	P	-	-	-	-	P

	<i>Special Notes or Regulations</i>	<i>RPD</i>	<i>MUDE MHPD</i>	<i>RVPD</i>	<i>CFPD</i>	<i>CPD</i>	<i>IPD</i>	<i>AOPD</i>	<i>MPL</i>
Storage Indoor only	Note (1), 34-3001 et seq.	P(4)	P(4)	P	P	P	P	P	P
Storage, open	34-3001 et seq	-	-	P(15)	-	P	P(5)	P	P
Large Scale storage of noxious/hazardous materials (flammable, toxic, explosive, corrosive, etc.) including liquid petroleum, fractions and distillates thereof and fuel gases.	34-3001 et seq	-	-	-	-	-	P(5)	P(16)	-
Structures (34-622(c)(49))		-	-	-	-	P	-	-	P
Temporary uses	Note (1), 34-3041 et seq	P	P	-	P	P	-	-	P
Tents, transient parks only		-	-	P	-	-	-	-	P
Theater, indoor or outdoor (drive-in)	34-2471 et seq	-	-	-	-	P	-	-	P
Towers, communication	34-1441 et seq	-	-	-	P	P	P	P	P
Transportation services (34-622(c)(53))									
Group I		-	-	-	-	P	P	-	P
Group II		-	-	-	-	P	P	P	P
Group III		-	-	-	-	P	P	P	P
Group IV		-	-	-	-	P	P	-	P
Truck stop, trucking terminal		-	-	-	-	P	P	-	-
Unit of high impact, including timeshare units	34-3071 et seq	P	-	-	-	P	-	-	P
Used merchandise stores (34-622(c)(54))									
GROUP I		P(4)	P(4)	-	-	P	-	-	P
GROUP II, III and IV		-	-	-	-	P	-	-	P
Variety store		P(4)	P(4)	-	-	P	-	-	P
Vehicle and equipment dealers (34-622(c)(55))									
GROUP I, II, III and IV	34-1352	-	-	-	-	P	P	-	P
Group IV	34-1352	-	-	P(17)	-	P	P	-	P
Group V	34-1352	-	-	-	-	P	P	-	P
Warehouse									
Mini-warehouse		-	-	-	-	P	P	-	P
Private		-	-	-	-	P	P	P	P
Public		-	-	-	-	P	P	P	P
Cold storage only		-	-	-	-	-	-	P	P
Wholesale establishments (34-622(c)(56))									
All groups		-	-	-	-	P	P	-	P
Group I, III and IV		-	-	-	-	P	P	-	P
Group II		-	-	-	-	P	P	-	P
Wrecking yard									
Auto		-	-	-	-	-	P	-	-
Other		-	-	-	-	-	P	-	-

Notes:

- (1) If use or structure is customarily accessory to an approved permitted use it does not need to be shown on the master concept plan.
- (2) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (3) If not shown on the master concept plan, but included in the approved list of enumerated uses, this use may be approved by special exception after approval of the master concept plan.
- (4) Subject to limitations for commercial uses set forth in section 34-937.

- (5) if the **use** or activity does not **conform** to section 34-938, then it is subject to the “heavy **use**” setback requirements set **forth** in section 34-935(b)(4).
- (6) **Limited** to **nontransient** parks **only**.
- (7) Uses anticipated include boat rentals (**inflatables, sailboats, jet skis, windsurfers** and the like) food stands, **rental** of **cabanas** and **beach furniture**, outdoor **amusements including balloonist, seaplane rides, ski tows** and similar activities, **fishing** and sightseeing piers and towers.
- (8) Permitted as an accessory use **when designed and** intended primarily for use by people staying at **the** recreational vehicle development.
- (9) Permitted **only** when accessory to **an** airport or other transportation facility, hotel or motel, or an office complex of 50,000 or more square feet.
- (10) Permitted **only in** conjunction **with** at least **50,000** square feet or more of commercial or industrial **uses**.
- (11) Not permitted within **500** feet **of nearest** residence.
- (12) **Serving** air transportation or improving **intermodal** capabilities.
- (13) Permitted only where **dearly** related to highway interchange, airports, sea or river ports, or wholesale marts
- (14) Park-trailers permitted in **nontransient** parks **only**.
- (15) **Limited** to **recreational** vehicles, trailers, boats, **and** other vehicles and goods **belonging** to park residents.
- ~~(16) **Limited to airplane fuels only or other approved fuel storage terminals.**~~
- (17) **Limited** to recreational vehicles only.
- (18) Permitted only when contained **within** the **principle** airport facility,
- (19) Only when **dearly** subordinate to a **cemetery** located **on** the same premises.

SECTION FIFTY:

Property development regulations tables 34-654, 34-695, 34-715 are hereby amended by adding and deleting language to the Minimum setbacks section and specifically numbered notes of these tables; table 34-736, is hereby amended by adding and deleting language to the All uses section and specifically numbered notes of this table; table 34-792, is hereby amended by adding and deleting language to a specific note with no change to the table; tables 34-814, 34-874, and 34-904 are hereby amended by adding and deleting language to the Minimum setbacks section and specifically numbered notes of these tables; table 34-844 is hereby amended by adding and deleting language to the Minimum setbacks, Special regulations, Maximum lot coverage sections and specifically numbered notes of the table as follows :

Sec. 34-654. Property development regulations table.

Property development regulations for agricultural districts are as follows.

TABLE 34-654. PROPERTY DEVELOPMENT REGULATIONS FOR AGRICULTURAL DISTRICTS

	<i>Special notes or Regulations</i>	<i>AG-1</i>	<i>AG-2</i>	<i>AG-3</i>
Minimum setbacks				
Section lines (feet)	Notes (3) and (4), 34-2193	75	75	75
Quarter section lines (feet)	Notes (3) and (4), 34-2193	60	60	60
Street (feet)	Notes (4) and (35), 34-2191 et seq, 34-1261 et seq	Variable according to the functional classification of the street or road (see section 34-2192), but in no case less than 50 feet in the AG -1 district		
Side yard (feet)		25	15	15
Rear yard (feet)	34-2191 et seq	25	25	25
water body (feet)				
Gulf of Mexico	34-2194(a), (c)	50	50	50
Other (feet)	34-2194(a), (c)	25	25	25

Notes:

~~(3) Setbacks from section and quarter section lines are only required in areas designated as nonurban on the Lee Plan land use map.~~

(34) Modifications to required setbacks for ~~section lines, quarter section lines, or collector or arterial~~ streets, or for solar or wind energy purposes, are permitted only by special permit. See section 34-2141 et seq.

(45) Special street setback provisions apply to portions of Colonial Boulevard and Daniels Road. Refer to section 34-2192(b)(3) and (4).

Sec. 34-695. Property development regulations table.

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

TABLE 34-695. PROPERTY DEVELOPMENT REGULATIONS FOR ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS

	<i>Special notes or Regulations</i>	<i>RSC-1</i>	<i>RSC-2</i>	<i>RSA</i>	<i>RS-1</i>	<i>RS-2</i>	<i>RS-3</i>	<i>RS-4</i>	<i>RS-5</i>	<i>TFC-1</i>	<i>TFC-2</i>	<i>TF-1</i>
Minimum setbacks												
Section lines (feet)	Notes (1) and (2)	25	25	25	25	25	25	25	25	25	25	25
Quarter section lines (feet)	Notes (1) and (2)	60	60	60	60	60	60	60	60	60	60	60
Street (feet)	Notes (2) and (12), 34-2191 et seq	10	50 (34)	Variable according to the functional classification of the street or road (see section 34-2192).								
Side yard (feet)	Notes (12) and (45), 34-2191 et seq											
Single-family or duplex		5	10	6.5	7.5	10	12	15	15	6	7.5	7.5
Two-family		-	-	-	-	-	-	-	-	-	-	10 (34)
Rear yard (feet)	Note (12), 34-2191 et seq	10	20	20	20	20	20	20	20	20	20	20
Water body (feet)	34-2191 et seq											
Gulf of Mexico		50	50	50	50	50	50	50	50	50	50	50
Other (feet)		10	25	25	25	25	25	25	25	25	25	25

Notes:

- (1) ~~Setbacks from section and quarter section lines are only required in areas designated as nonurban on the Lee Plan land use map.~~
- (12) Modifications to required setbacks for ~~section lines, quarter section lines, or collector or arterial streets, or for solar or wind energy purposes, are permitted by special permit only. See section 34-2141 et seq.~~
- (23) Special street setbacks apply to portions of Colonial Boulevard and Daniels Road. Refer to section 34-2192(b).
- (34) 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.
- (45) ~~No side yard~~ whack required from common side lot line for two-family attached.

**Sec. 34-715. Property development regulations table.**

Property development regulations for multiple-family districts are as follows:

**TABLE 34-715. PROPERTY DEVELOPMENT REGULATIONS FOR MULTIPLE-FAMILY RESIDENTIAL DISTRICTS**

	<i>Special notes or Regulations</i>	<i>RM-2</i>	<i>RM-3</i>	<i>RM-6</i>	<i>RM-8</i>	<i>RM-10</i>
<b>Minimum setbacks:</b>						
Section lines (feet)	Notes (4) and (5), 34-2101 et seq.	75	75	75	75	75
Quarter section lines (feet)	Notes (4) and (5), 34-2191 et seq.	60	60	60	60	60
street (feet)	Notes (45) and (56), 34-2191 et seq	Variable according to the functional classification of the street or road (see section 34-2192)				
Side yard (feet)	Notes (45) and (67), 34-2191 et seq.					
Single-family, duplex, two-family attached, townhouse		7	7	7	7	7
Multiple-family and all other uses		20	20	20	20	20
Rear yard (feet)	34-2191 et seq	20	20	20	20	20
Water body (feet)	34-2191 et seq					
Gulf of Mexico		50	50	50	50	50
Other (feet)		25	25	25	25	25

Notes:

- (4) ~~Setbacks from the section and quarter section lines are only required in areas designated as nonurban on the Lee Plan land-use map.~~
- (45) Modifications to required setbacks for ~~section lines, quarter section lines, or~~ arterial or collector streets, or for solar or wind energy purposes, are **permitted only** by special permit. See section 34-2141 et seq.
- (56) **Special** street setbacks apply to portions of **Colonial** Boulevard and **Daniels** Road Refer to section 34-~~2192~~<sup>2191</sup>.
- (67) No side setback is required from common lot **line** for two-family attached or **townhouse**.

Sec. 34-736. Property development regulations table.

Property development regulations for mobile home districts are as follows:

TABLE 34-736. PROPERTY DEVELOPMENT REGULATIONS FOR MOBILE HOME RESIDENTIAL DISTRICTS

	Special notes or Regulations	MHC-1	MHC-2	MH-1 (2)	MH-2 (1), (2)	MH-3 (2)	MH-4 (2)
All uses:							
Setbacks:							
Section lines (feet)	Notes (3) and (6), 34-2193	25	25	25	25	25	25
Quarter-section lines (feet)	Notes (3) and (6), 34-2193	60	60	60	60	60	60
Street (feet)	Notes (3) and (6 <sup>7</sup> ), 34-2191 et seq			Variable according to the functional classification of the street or road (see section 34-2192). street or road (see section 34-2192)			
Internal park street (feet)		5	10				
Off-site street		30	15				
Water body (feet)	34-2191 et seq						
Gulf of Mexico		50	50		50	50	50
Other (feet)		5	10		25	25	25
Maximum height (feet)	34-2171 et seq	25	25	35	35	35	35
Note: Bonita Beach, Captiva, Estero and San Carlos Islands, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see section 34-2175)							
Maximum lot coverage (percent of total lot)		65% (7 <sup>8</sup> )	60% (7 <sup>8</sup> )	40%	40%	40%	40%

Notes:

- (3) Modifications to required setbacks for ~~section lines, quarter-section lines or~~ collector or arterial streets, or for solar or wind energy purposes, are permitted only by special permit. See section 34-2141 et seq.
- (6) ~~Setbacks from section and quarter section lines are only required in areas designated as nonurban on the Lee Plan land use map.~~
- (6<sup>7</sup>) Special street setbacks apply to portions of Colonial Boulevard and Daniels Road. See section 34-2192(b).
- (7) Lot coverage includes parking spaces unless off-street parking is provided elsewhere.

**Sec. 34-792. Property development regulations table.**

Property development regulations for recreational vehicle districts are as follows.

**TABLE 34-792. PROPERTY DEVELOPMENT REGULATIONS FOR RECREATIONAL VEHICLE DISTRICTS**

	<i>Special notes or Regulations</i>	<i>RV-1 (Pre-1962)</i>	<i>RV-2 (1968-1978)</i>	<i>RV-3 (1978-7/31/86)</i>	<i>RV-4 (1962-1968)</i>
NO CHANGES TO THIS TABLE					

Notes:

- (2) ~~Setbacks from section and quarter section lines are only required in areas designated as nonurban on the Lee Plan land use map.~~ Modifications to rewired setbacks for collector or arterial streets are permitted only by special petit. See section 34-2191 et seq.

**Sec. 34-814. Property development regulations table.**

Property development regulations for **community facilities districts** are as follows:

**TABLE 34-814 PROPERTY DEVELOPMENT REGULATIONS FOR COMMUNITY FACILITIES DISTRICTS**

	<i>Special notes or Regulations</i>	<i>CF-1</i>	<i>CF-2</i>	<i>CF-3, CF-4</i>
<b>Minimum setbacks:</b>				
Section lines (feet)	Notes (1) and (2), 34-2193 et seq.	75	75	75
Quarter section lines (feet)	Notes (1) and (2), 34-2193 et seq.	60	60	60
Street (feet)	Notes (12) and (23), 34-2191 et seq., 34-1261 et seq.	Variable according to the functional classification of the street or road (see section 34-2192).		
Side yard (feet)		15	15	15
Rear yard (feet)	34-2191 et seq.	25	25	25
Water body (feet)				
Gulf of Mexico	34-2194(a), (c)	50	50	50
Other (feet)	34-2194(a), (c)	25	25	25

Notes:

- (1) ~~Setbacks from section and quarter section lines are only required in areas designated as nonurban on the Lee Plan land use map.~~

(12) Modifications to required setbacks for ~~section lines, quarter section lines, or~~ collector or arterial streets, or for solar or wind energy purposes, are permitted only by special permit. See section 34-2191 et seq.

(23) Special street setback provisions apply to portions of Colonial Boulevard and Daniels Road. Refer to section 34-2192(b)(3) and (4).

**Sec. 34474. Property development regulations table.**

Property development regulations for marine-oriented districts are as follows:

TABLE 34474. PROPERTY DEVELOPMENT REGULATIONS FOR MARINE-ORIENTED DISTRICTS

	<i>Special notes or Regulations</i>	<i>CM</i>	<i>IM</i>	<i>PORT</i>
Minimum setbacks				
Side yard (feet)	34-2191 et seq	20	20	Note (1)
Rear yard (feet)	34-2191 et seq.	20	20	25
<del>Section lines (feet)</del>	<del>Notes (2) and (3), 34-2193 et seq.</del>	<del>75</del>	<del>75</del>	<del>75</del>
<del>Quarter section lines (feet)</del>	<del>Notes (2) and (3), 34-2193 et seq.</del>	<del>60</del>	<del>60</del>	<del>60</del>
Street (feet)	Notes (2), 34-2191 et seq	Variable according to the functional classification of the street or road (see section 34-2192)		
Water body (feet)	Note (34), 34-2191 et seq			
Gulf of Mexico		50	50	50
Other (feet)		25	2s	2.5
Fmm residential property lines (feet)				100

**Notes:**

(2) Modifications to **required** setbacks for ~~section lines, quarter section lines, or collector~~ or arterial streets, or for solar or wind energy purposes, are permitted only by special permit. See section 34-2191 et seq.

(23) ~~Setbacks from section and quarter section lines are only required in areas designated as nonurban on the Lee Plan land use map.~~

(34) Boat service buildings or boat service structures may be built up to the mean high-water line.

Sec. 34-904. Property development regulations table.

Property development regulations for industrial districts are as follows:

TABLE 34-904. PROPERTY DEVELOPMENT REGULATIONS FOR INDUSTRIAL DISTRICTS

	<i>Special notes or Regulations</i>	<i>IL</i>	<i>IG</i>	<i>IR</i>
Minimum setbacks:	34-2191 et seq.			
Section lines (feet)	Notes (1) and (2)	75	75	75
Quarter section lines (feet)	Notes (1) and (2)	60	60	60
Street (feet)	Notes (12) and (23)	Variable according to the functional classification of the street or road (see section 34-2192)		
Side yard (feet)	Note (13)	20	20	15
Rear yard (feet)		15	25	20
Residential property (feet)	Notes (4) and (5) 34-2443	100	660	220
		<u>25 feet unless a greater setback is required as set forth in section 34-2443</u>		
Water body (feet):		In accordance with chapter 6, article III, or 50 feet from mean high water, whichever is the most restrictive.		
Gulf of Mexico				
Other (feet)		25	25	25

Notes:

- (1) ~~Setbacks from section and quarter section lines are only required in areas designated as nonurban on the Lee Plan land use map.~~
- (12) ~~Modifications to required setbacks for section lines, quarter section lines, or collector or arterial streets, or for solar or wind energy purposes, are permitted only by special permit (see section 34-2191 et seq.).~~
- (23) ~~Special street setback provisions apply to portions of Colonial Boulevard and Daniels Road (refer to section 34-2192(b)).~~
- (4) ~~The required setback shall be measured from the boundary of any portion zoned AG 2, AG 3, RPD, RSC, RS, RSA, TF, TFC, RM, RV, RVPD, MH and MHPD, or from any living unit under separate ownership, whichever distance is greater, for the following: all buildings and structures, and all areas used for parking of trucks or equipment, shipping, receiving, storage or any other industrial or commercial activity. Note: Automobile parking, retention ponds, buffer zones, fences and other similar uses may be permitted within this setback as long as other setbacks as applicable are met.~~
- (5) ~~Development on property initially zoned IU (pursuant to the 1962 zoning regulations) or IL prior to August 17, 1988, shall be subject to the residential setback that was required at the time of the initial zoning.~~

Sec. 34-844. Property development regulations table.

Property development regulations for conventional commercial districts are as follows:

TABLE 34-844. PROPERTY DEVELOPMENT REGULATIONS FOR COMMERCIAL DISTRICTS

	Special notes or Regulations	C-1A	C-1	C-2, C-2A	CN-1	CN-2	CC, CG	CS-1	CS-2	CH	CT	CR	CI	CA	CP
Minimum setbacks	34-2191 et seq												(10)		
Section lines (feet)	Notes (3) and (4)	25	25	25	25	25	25	25	25	25	25	25	25	25	25
Quarter section lines (feet)	Notes (3) and (4)	60	60	60	60	60	60	60	60	60	60	60	60	60	60
Street (feet)	Notes (34) and (45)	Variable according to the functional classification of the street or road (see section 34-2192)													
Side yard (feet)	Notes (34) and (45)	15	15	15	15	15	15	20	10	15	20	15	15 (10)	25	Note (62)
Rear yard (feet)		25	25	25	20	20	25	20	20	20	25	20	25 (10)	25	Note (74)
Water body (feet)		In accordance with chapter 6, article III, or 50 feet from mean high water, whichever is the most restrictive													
Gulf of Mexico															
Other (feet)	34-2194(a), (c)	25	25	25	25	25	25	25	25	25	25	25	25	25	25
Special regulations		Refer to the sections specified for exceptions to the minimum setback requirements listed in this table													
Animals, reptiles, marine life	34-1291 et seq														
Consumption on premises	34-1261 et seq														
Dairy products (sic 202)	34-2443														
Docks, seawalls, etc	34-1863														
Essential services	34-1611 et seq														
Essential services facilities (34-622(c)(13))	34-1611 et seq, 34-2142														
Fences, walls, gatehouses, etc.	34-1741 et seq														
Fertilizer mixing	34-2443														

	<i>Special notes or Regulations</i>	<i>C-1A</i>	<i>C-1</i>	<i>C 2, C-2A</i>	<i>CN 1</i>	<i>CN-2</i>	<i>CC, CG</i>	<i>CS-1</i>	<i>CS-2</i>	<i>CH</i>	<i>CT</i>	<i>CR</i>	<i>CI</i>	<i>CA</i>	<i>CP</i>
Nonroofed accessory structures Outdoor storage or display of merchandise Railroad right-of-way	34-2194(e) <u>34-3001 et seq</u> 34-2195														
Maximum lot coverage (percent of total lot area)		40%	40%	40%	40%	40%	40%	40%	50%	40%	40%	40%	40%	40%	40%(34)

Notes

- ~~(3) Setbacks from section and quarter section lines are only required in areas designated as nonurban on the Lee Plan land use map.~~
- (34) Modifications to required setbacks for section lines, quarter section lines, or arterial or collector streets, or for solar or wind energy purposes, are permitted only by special permit. See section 34-2191 et seq.
- (45) Special street setbacks apply to portions of Colonial Boulevard and Daniels Road. See section 34-2192(b).
- ~~(56) No side yard setback is required~~ from common lot line for two-family attached or townhouse.
- (67) Parking areas shall be ten feet from any residential land use and five feet from any other. Any structure in the CP district shall be set back a minimum of 15 feet from my side lot line and 25 feet from any, rear lot line
- (78) Where a parking lot permitted under CP zoning is adjacent to a residential land use, an opaque fence shall be erected and maintained to protect the latter from noise, glare and intrusion.
- ~~(89) No outdoor display or storage of merchandise shall be permitted in the~~ CN-1 or CN-2 district.
- ~~(910) Lot coverage applies to structures only.~~
- (10) Truck terminals shall be required to comply with the setback requirements as set forth in table 34-904.

SECTION FIFTY ONE:

The Table Of Contents ~~shall~~ will be amended so as to reflect section and subsection identification numbering or lettering and pagination resulting from adoption of the provisions of this Ordinance.

SECTION FIFTY-TWO: SEVERABILITY:

In the event that any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion ~~shall~~ will be deemed a separate, distinct and independent provision, and such holding ~~shall~~ will not affect the validity of the remaining portions of this Ordinance.

SECTION FIFTY-THREE - CONFLICT:

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted-ordinances or-Codes, the most restrictive ~~shall~~ will apply.

SECTION FIFTY-FOUR - INCLUSION IN CODE, CODIFICATION, AND SCRIVENERS ERRORS:

It is the intention of the Board of County Commissioners that the provisions of this Ordinance ~~shall~~ will become and be made a part of the Lee County Land Development 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 filing a corrected or recodified copy of same with the Clerk of the Circuit Court.

SECTION FIFTY-FIVE - EFFECTIVE DATE:

This Ordinance ~~shall~~ will become effective immediately upon receipt of official acknowledgment from the Secretary of the State of Florida that said Ordinance has been has been duly filed,

THE FOREGOING ORDINANCE was offered by Commissioner John Manning, who moved its adoption. The motion was seconded by Commissioner John Albion and, upon being put to a vote, the vote -was as follows:

RAY JUDAH	Aye
JOHN MANNING	Aye
DOUGLAS ST. CERNY	Aye
FRANKLIN MANN	Aye
JOHN ALBION	Aye

DONE AND ADOPTED this 31st day of August, 1994.

ATTEST:  
 CHARLIE GREEN, CLERK  
 BY: *Charlie Green*  
 Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
 OF LEE COUNTY, FLORIDA  
 BY: *Ray Judah*  
 Chairman

APPROVED AS TO FORM:  
 BY: *[Signature]*  
 Office of The County Attorney

(10288)