

DIVISION 2. - AGRICULTURAL DISTRICTS

Sec. 34-651. - Purpose and intent.

The purpose of the agricultural districts is:

- (1) To provide areas for the establishment or continuation of agricultural operations, with residential uses being permitted as ancillary to agricultural uses; and
- (2) To accommodate those individuals who understand and desire to live in an agricultural environment.

(Ord. No. 93-24, § 7(410.01), 9-15-93; Ord. No. 10-25, § 4, 6-8-10; Ord. No. 17-11, § 1, 9-5-17)

Sec. 34-652. - Applicability of use and property development regulations.

No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in the AG districts for any purpose other than as provided in section 34-653, pertaining to use regulations for agricultural districts, and section 34-654, pertaining to property development regulations for agricultural districts, except as may be specifically provided for in article VIII (nonconformities) of this chapter, or in section 34-620.

(Ord. No. 93-24, § 7(410.02), 9-15-93; Ord. No. 98-11, § 5, 6-23-98; Ord. No. 10-25, § 4, 6-8-10; Ord. No. 17-11, § 1, 9-5-17)

Sec. 34-653. - Use regulation table.

Use regulations for agricultural districts are as follows:

TABLE 34-653. USE REGULATIONS FOR AGRICULTURAL DISTRICTS

	Special Notes or Regulations	AG-1	AG-2	AG-3
Accessory uses, buildings, and structures:	<u>34-1171</u> et seq. and <u>34-2441</u> et seq.	P	P	P
Accessory apartments and accessory dwelling unit	<u>34-1177</u> and <u>34-1180</u>	P	P	P
Amateur radio antennas and satellite earth stations	<u>34-1175</u>	Refer to <u>34-1175</u> for regulations		
Entrance gates, gatehouses	<u>34-1741</u> et seq.	P	P	P
Residential accessory uses	Note (19), <u>34-622(c)(42)</u> , <u>34-1171</u> et seq., <u>34-1863</u> , <u>34-1741</u> et seq., <u>34-2141</u> et seq.	P	P	P

Signs in compliance with <u>chapter 30</u>			P	P	P
Administrative offices			P	P	P
Agricultural uses (df)		<u>34-2441</u> et seq.	P	P	P
Agricultural accessory uses and buildings		Note (3), <u>34-1171</u> et seq., <u>34-2441</u> et seq.	P	P	P
Agritourism activity (df)		<u>34-1711</u>	P	P	P
Aircraft landing facilities, private:					
	Lawfully existing:				
	Expansion of aircraft landing strip or helistop or heliport landing pad	<u>34-1231</u> et seq.	SE	SE	SE
	New accessory buildings	<u>34-1231</u> et seq.	P	P	P
	New:				
	Aircraft landing strip and ancillary hangers, sheds and equipment	<u>34-1231</u> et seq.	SE	SE	SE
Animals, reptiles, marine life:					
	Animals (excluding exotic species)	<u>34-1291</u> et seq.	P	P	P
	Animal clinic (df) or animal kennel (df)	<u>34-1321</u> et seq.	EO/SE	EO/SE	EO/SE
	Keeping, raising or breeding of domestic tropical birds (df) for commercial purposes	Note (12), <u>34-1291</u> et seq.	SE	SE	SE

Keeping, raising or breeding of American alligators, venomous reptiles or Class II animals (df)	<u>34-1291</u> et seq.	SE	SE	SE
Keeping, raising or breeding of marine life which requires the storage of brackish or saline water	<u>34-1291</u> et seq.	SE	SE	SE
Assisted living facility	Note (1), (21), <u>34-1411</u>	EO/SE	EO/SE	EO/SE
Bed and breakfast (df)	Note (16), <u>34-1494</u>	P	P	—
Boat ramps	Note (14)	EO/SE	EO/SE	EO/SE
Business Services - Group II (limited to Horticultural Services and Lawn and Garden Services	Note (23)	—	SE	—
Caretaker's residence	Note (22) and (25)	P	P	EO/SE
Cemeteries		EO/SE	EO/SE	EO
Communication facility, wireless	<u>34-1441</u> et seq.	Refer to <u>34-1441</u> et seq. for regulations		
Community residential home	Note (21)	P	P	P
Consumption on premises	<u>34-1261</u> et seq.	AA/SE	AA/SE	AA/SE
Day care center, adult or child	Notes (13), (15) & (16)	EO/SE	EO/SE	EO/SE
Dwelling unit:				
Mobile home	Note (4) & (17), <u>34-1921</u> et seq.	P	P	P
Single-family residence, conventional	Note (17)	P	P	P
Second conventional single-family residence on lot	Note (5) & (17), <u>34-1180</u>	P	P	P

EMS, fire or sheriff's station		SE	SE	SE
Essential services	<u>34-1611</u> et seq., <u>34-1741</u> et seq.	P	P	P
Essential service facilities (34-622(c) (13)):				
Group I	<u>34-1611</u> et seq., <u>34-1741</u> et seq., <u>34-2141</u> et seq.	P	P	P
Group II	<u>34-1611</u> et seq., <u>34-1741</u> et seq., <u>34-2141</u> et seq.	EO	EO	EO
Excavation:				
Oil or gas	<u>34-1651</u>	SE	SE	SE
Water retention	<u>34-1651</u> , <u>10-329(c)</u>	P	P	P
Mining	Note (24)	—	—	—
Farm labor housing	Note (20), <u>34-1891</u> et seq.	EO/SE	EO/SE	EO/SE
Feed and supply store		—	SE	—
Food and beverage service, limited (df)	Note (18), <u>34-1711</u>	P	P	P
Forestry tower		SE	SE	SE
Golf course	<u>34-2471</u> et seq.	EO	EO	EO
Health care facilities (34-622(c)(20)), groups I and II (less than 50 beds)	Note (8), (11) and (16)	EO	EO	EO
Home care facility	Note (16)	P	P	P
Home occupation:	<u>34-1771</u> et seq.			
No outside help	Note (19)	P	P	P

	With outside help	Note (19)	AA	AA	AA
	Lawn and garden supply stores	34-2081	SE	SE	SE
	Lawn and garden equipment (small engine parts and repairs)		SE	SE	SE
	LCDOT maintenance facility	Note (6)	EO	EO	EO
	Marina	<u>34-1862</u>	EO	EO	EO
	Models:	<u>34-1951</u> et seq.			
	Display center		SE	SE	SE
	Model home		AA/SE	AA/SE	AA/SE
	Paint ball range, outdoor		SE	SE	SE
	Parks (34-622(c)(32))				
	Group I	Note (9)	P	P	P
	Group II	Note (7)	EO/SE	EO/SE	EO/SE
	Place of worship	Note (16), <u>34-2051</u> et seq.	P	P	P
	Post office	Note (6)	EO	EO	EO
	Produce stands:	<u>34-1711</u> et seq.			
	Temporary		P	P	P
	Permanent		P	P	P
	Recreation facilities:				
	Commercial - Group III	<u>34-622(c)(38)</u> , Note (10)	SE	SE	SE
	Personal		P	P	P
	Private-Onsite		P	P	P

Private-Offsite		EO/SE	EO/SE	EO/SE
Religious facilities	Note (7) & (16), <u>34-2051</u> et seq.	EO/SE	EO/SE	EO/SE
Research and development laboratories, group I	<u>34-622(c)(41)</u>	P	P	P
Schools, noncommercial:				
Lee County School District	Note (16), <u>34-2381</u>	P	P	P
Other	Note (16), <u>34-2381</u>	EO	EO	EO
Social services (34-622(c)(46)), groups III and IV	Note (8), (11) & (16), <u>34-3021</u>	EO	EO	EO
Stable:				
Boarding stable or private stable	<u>34-1291</u> et seq.	P	P	P
Commercial	<u>34-1291</u> et seq.	SE	SE	SE
Temporary uses	<u>34-3041</u> et seq.	TP	TP	TP
U-pick operations	<u>34-1711</u> et seq.	P	P	—

Notes:

(1) Any expansion which will bring the number of beds to 50 or more requires a special exception.

(2) Any lot created in the rural community preserve land use category (as delineated by policy 17.1.3 of the Lee Plan) after July 9, 1991, must have a minimum area of 43,560 square feet excluding all street rights-of-way or easement areas, water management areas, and natural water bodies. Public utility easement areas may be included in the lot size calculation.

(3) Limited to uses and buildings customarily incidental to agricultural uses, including the processing and packaging of agricultural products primarily grown on the premises.

(4) Mobile home permitted provided it is the only residential unit on the property, and provided further that the property meets the same lot area and dimensions, setbacks, height and maximum lot coverage as set forth in table 34-654 for the AG-1 district.

(5) Only permitted in compliance with section 34-1180.

- (6) Expansion of facility to ten or more acres requires a special exception.
- (7) Any new facility of ten or more acres or any expansion of an existing facility to ten or more acres requires a special exception.
- (8) Any new facility of 50 or more beds, or any expansion of an existing facility which will bring the number of beds to 50 or more or which changes the use, requires a special exception.
- (9) Recreational halls require a special exception approval.
- (10) Limited to passive and active recreational and educational activities including, but not limited to, hiking and nature trails, paintball and gun ranges, zip lining, paragliding, and similar activities where little or no on site facilities or capital investment are required, and the natural environment, with little or no alteration of the nature landscape, is utilized.
- (11) Not permitted in Coastal High Hazard areas unless in compliance with section 2-485(b)(5)a.
- (12) The keeping of ostrich, cassowary, rhea, or emu for the production of meat, skins, or hides, feathers, or the progeny thereof, as part of a bonafide agricultural operation does not require a special exception.
- (13) Family day care homes are exempt pursuant to F.S. § 125.0109.
- (14) Non-commercial only.
- (15) A day care center, owned by the entity with title to the place of worship, that is operated within the building housing the place of worship is not required to obtain special exception approval.
- (16) Not permitted in Airport Noise Zone B.
- (17) Not permitted in Airport Noise Zone B. See section 34-1004 for exceptions.
- (18) Only when accessory to an agritourism activity permitted in accordance with section 34-1711.
- (19) Not permitted in Airport Noise Zone B unless accessory to a lawful mobile home or single-family residence. See section 34-1004.
- (20) Not permitted in Airport Noise Zone B. Housing units consisting of mobile homes or park trailers are also not permitted in Airport Noise Zone B.
- (21) Not permitted in Airport Noise Zone B unless pre-empted by state law.
- (22) Not permitted in Airport Noise Zones B unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in section 34-1004 as applicable.
- (23) Minimum of five acres required. Commercial site location and design standards apply.
- (24) The rights applicable to mining excavations approved prior to September 1, 2008, are set forth in section 12-121.
- (25) Only in conjunction with a bona fide agricultural use.
- (26) Minimum property size for a picnic pavilion is 10 acres. Structure is limited to 1,000 square feet with less than 100 square feet for an enclosed bathroom.

(Ord. No. 93-24, § 7(table 410.A), 9-15-93; Ord. No. 94-02, § 6, 1-19-94; Ord. No. 94-24, § 49, 8-31-94; Ord. No. 95-07, § 35, 5-17-95; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 96-17, § 5, 9-18-96; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 98-03, § 5, 1-13-98; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 01-18, § 5, 11-13-01; Ord. No. 02-20, § 5, 6-25-02; Ord. No. 03-11, § 1, 4-8-03; Ord. No. 03-16, § 6, 6-24-03; Ord. No. 05-14, § 6, 8-23-05; Ord. No. 06-06, § 1, 4-11-06; Ord. No. 07-24, § 7, 8-14-07; Ord. No. 08-21, § 3, 9-9-08; Ord. No. 09-23, § 10, 6-23-09; Ord. No. 10-25, § 4, 6-8-10; Ord. No. 11-08, § 10, 8-9-11; Ord. No. 12-01, § 6, 1-10-12; Ord. No. 13-10, § 10, 5-28-13; Ord. No. 15-11, § 1, 6-16-15; Ord. No. 17-11, § 1, 9-5-17; Ord. No. 19-03, § 7, 4-2-19)

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**

		Special Notes or Regulations	AG-1	AG-2	AG-3
Minimum lot dimensions and area:		Note (1)			
	Minimum lot area:	Notes (2) and (6)			
	Interior lot	<u>34-2221</u> , <u>34-2222</u>	4.7 acres	39,500 sq. ft.	20,000 sq. ft.
	Corner lot	<u>34-2221</u> , <u>34-2222</u>	4.4 acres	33,600 sq. ft.	20,000 sq. ft.
	Minimum lot width (feet)		300	100	100
	Minimum lot depth (feet)		300	130	130
Minimum setbacks:					
	Street (feet)	Notes (3) and (4), <u>34-2191</u> et seq., <u>34-1261</u> et seq.	Variable according to the functional classification of the street or road (see <u>section 34-2192</u>), but in no case less than 50 feet in the AG-1 district.		
	Side yard (feet)		<u>25</u>	<u>15</u>	<u>15</u>
	Rear yard (feet)	<u>34-2191</u> et seq.	<u>25</u>	<u>25</u>	<u>25</u>

Water body (feet):	<u>34-2191</u> et seq.			
Gulf of Mexico		50	50	50
Other		<u>25</u>	<u>25</u>	<u>25</u>
Special regulations:				
Animals, reptiles, marine life	<u>34-1291</u> et seq.	Refer to the sections specified for exceptions to the minimum setback requirements listed in this table.		
Consumption on premises	<u>34-1261</u> et seq.			
Docks, seawalls, etc.	<u>34-1863</u> et seq.			
Essential services	<u>34-1611</u> et seq.			
Essential service facilities (34-622(c)(13))	<u>34-1611</u> et seq., 34-2142			
Fences, walls, gatehouses, etc.	<u>34-1741</u> et seq.			
Nonroofed accessory structures	<u>34-2194(c)</u>			
Railroad right-of-way	<u>34-2195</u>			
Maximum height (feet)	<u>34-2171</u> et seq.	35	35	35
		Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see <u>section 34-2175</u>).		
Maximum lot coverage (percent of total lot area)		25%	25%(5)	25%

Notes:

(1) Certain projects in agricultural districts may fall within the DR/GR land use category. In such areas, additional density and use restrictions are applicable as provided in the Lee Plan and this Code (e.g., section 34-653). New residential uses are limited to a maximum density of one dwelling unit per ten acres; however, individual residential parcels may contain up to two acres of wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetlands.

(2) Any lot created in the rural community preserve land use category (as delineated by policy 17.1.3 of the Lee Plan) after July 9, 1991, must have a minimum area of 43,560 square feet excluding all street rights-of-way.

(3) Modifications to required setbacks for collector or arterial streets, or for solar or wind energy purposes, are permitted only by variance. See section 34-2191 et seq.

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

(5) For nonconforming lots, as defined in section 34-3271, the maximum lot coverage will be 40 percent.

(Ord. No. 93-24, § 7(table 410.B), 9-15-93; Ord. No. 94-24, § 50, 8-31-94; Ord. No. 95-07, § 36, 5-17-95; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 96-17, § 5, 9-18-96; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 07-19, § 6, 5-29-07; Ord. No. 10-25, § 4, 6-8-10; Ord. No. 17-11, § 1, 9-5-17)

Secs. 34-655—34-670. - Reserved.