

LEE COUNTY ORDINANCE NO. 01-03

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTERS 2, 10, 22, 30 AND 34; AMENDING CHAPTER 2 (ADMINISTRATION); AMENDING NOTICES AND HEARINGS (§2-98); SPECIAL MASTER PROCEEDINGS UNDER THE FLORIDA LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION ACT (§2-440); AND

AMENDING CHAPTER 10 (DEVELOPMENT STANDARDS); AMENDING AND PROVIDING DEFINITIONS OF "EXCAVATION" AND "MINING" IN DEFINITIONS AND RULES OF CONSTRUCTION (§10-1); AMENDING GENERAL REQUIREMENTS (§10-7); RENAMING, AMENDING AND PROVIDING PROVISIONS FOR EXCAVATIONS (§10-329); AMENDING STORMWATER POND DESIGN STANDARDS (§10-418); AND

AMENDING CHAPTER 22 (HISTORIC PRESERVATION); AMENDING RELIEF FROM ZONING REGULATIONS FOR DESIGNATION OF HISTORIC DISTRICTS AND RESOURCES (§22-174); AND

AMENDING CHAPTER 30 (SIGNS); AMENDING DEFINITIONS OF "RESIDENTIAL NAMEPLATE" AND "PROFESSIONAL NAMEPLATE" (§30-2); AMENDING TYPES OF PERMITTED SIGNS NOT REQUIRING A PERMIT (§30-6); RENUMBERING AND AMENDING EXCEPTIONS TO ARTICLE V AS APPLIED TO CAPTIVA ISLAND ONLY FOR PROFESSIONAL NAMEPLATES AND RESIDENTIAL NAMEPLATES (§30-224); AND

AMENDING CHAPTER 34 (ZONING); AMENDING OR DELETING DEFINITIONS OF "AGGRIEVED PERSON OR PARTY", "EXISTING ONLY", "EXCAVATION", "MINING", "MINING OPERATION PERMIT", "GENERAL MINING PERMIT", "OIL OR GAS EXPLORATION WELLS", "OIL OR GAS EXTRACTION WELLS", AND "SURPLUS MATERIAL" (§34-2); AMENDING RENUMBERING PROVISIONS FOR REHEARING OF DECISIONS BY THE BOARD OF COUNTY COMMISSIONERS (§34-84); AMENDING FINAL DECISION; JUDICIAL REVIEW - BOARD OF COUNTY COMMISSIONERS (§34-85); AMENDING FINAL DECISIONS; JUDICIAL REVIEW - LEE COUNTY HEARING EXAMINER (§34-146); AMENDING GENERAL SUBMITTAL REQUIREMENTS FOR APPLICATIONS REQUIRING PUBLIC HEARING FOR DEVELOPMENTS OF REGIONAL IMPACT (§34-202); ADDITIONAL REQUIREMENTS FOR APPLICATIONS REQUIRING PUBLIC HEARING (§34-203); AMENDING AND PROVIDING FOR STAFF PRELIMINARY REVIEW AND NOTICE CERTIFICATION (§34-233); AMENDING NOTICE REQUIREMENTS FOR PUBLIC HEARINGS (§34-236); ADMINISTRATIVE SETBACK VARIANCES (§34-268); EMPLOYMENT OF PLANNED DEVELOPMENT DESIGNATION (§34-341); AMENDING REQUIREMENTS FOR PLANNED DEVELOPMENT APPLICATIONS AND REPEALING OPTIONS (§34-373); PROVIDING FOR REVISED MASTER CONCEPT PLANS AFTER PUBLIC HEARING (§34-

377); PROVIDING FOR AMENDMENT OF APPLICABILITY OF DEVELOPMENT REGULATIONS ON EFFECT OF PLANNED DEVELOPMENT ZONING (§34-378); PROVIDING FOR PROVISION OF AMENDMENT TO APPROVED MASTER CONCEPT PLAN (§34-380); RENUMBERING, AMENDING AND PROVIDING FOR DURATION OF RIGHTS CONFERRED BY ADOPTED MASTER CONCEPT PLAN (§34-381); RESERVING §§34-382 TO 34-410; AMENDING USE AND DEVELOPMENT REGULATIONS FOR “EXISTING ONLY” USES IN CONVENTIONAL DISTRICTS (§34-621); AMENDING USE REGULATIONS TABLE FOR AGRICULTURAL DISTRICTS (§34-653); USE REGULATIONS TABLE FOR ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS (§34-694); USE REGULATIONS TABLE FOR MULTIPLE-FAMILY DISTRICTS (§34-714); USE REGULATIONS TABLE FOR MOBILE HOME DISTRICTS (§34-735); USE REGULATIONS TABLE FOR RECREATIONAL VEHICLE DISTRICTS (§34-791); AMENDING PURPOSE AND INTENT FOR COMMERCIAL DISTRICTS TO PROVIDE FOR CREATION OF CN-3 NEIGHBORHOOD COMMERCIAL DISTRICT (§34-841); AMENDING AND PROVIDING FOR ADDITION OF CN-3 NEIGHBORHOOD COMMERCIAL USE REGULATIONS TABLE FOR CONVENTIONAL COMMERCIAL DISTRICTS (§34-843); AMENDING AND PROVIDING FOR ADDITION OF CN-3 NEIGHBORHOOD COMMERCIAL TO PROPERTY DEVELOPMENT REGULATIONS TABLE FOR CONVENTIONAL COMMERCIAL DISTRICTS (§34-844); AMENDING USE REGULATIONS TABLE FOR PLANNED DEVELOPMENT DISTRICTS (§34-934); AMENDING THRESHOLD FOR MIXED USE PLANNED DEVELOPMENTS (§34-940); CORRECTING LEGAL DESCRIPTIONS FOR AIRPORT NOISE ZONES 3 AND 2 (§34-1006); AMENDING MASTER SITE PLAN INITIATION AND ADOPTION REGULATIONS FOR REDEVELOPMENT OVERLAY DISTRICTS (§34-1087); PROVIDING FOR ADDITIONAL REGULATIONS TO SUPPLEMENTARY DISTRICT REGULATIONS AFFECTING TRUCKS AND COMMERCIAL VEHICLES IN RESIDENTIALLY ZONED DISTRICTS (§34-1181), RENUMBERING AND AMENDING DEVELOPMENT STANDARDS FOR COMMUNICATION TOWERS (§34-1445); AMENDING HOUSING BONUS DENSITY CASH-CONTRIBUTION DENSITY BONUS (OPTION 2) (§34-1519); RENAMING AND AMENDING REQUIRED APPROVALS AND PROVIDING FOR GENERAL REQUIREMENTS FOR ALL EXCAVATION ACTIVITIES (§34-1651); AMENDING PURPOSE OF SUBDIVISION FOR MINING (§34-1671); REPEALING CERTAIN DEFINITIONS OF “EXCAVATION/MINING OPERATION PERMIT” AND “GENERAL EXCAVATION PERMIT” (§34-1672); REPEALING APPLICABILITY OF CERTAIN PROVISIONS FOR MINING (§34-1673); AMENDING AND PROVIDING FOR PERMIT REQUIREMENTS FOR MINING (§34-1674); RENUMBERING AND AMENDING GENERAL POLICIES FOR APPROVAL AND OPERATION OF MINING ACTIVITIES (§34-1676); RENUMBERING, RENAMING AND AMENDING APPLICATION FOR A GENERAL MINING PERMIT; ISSUANCE OF PERMIT (§34-1677); RENUMBERING AND AMENDING APPLICATION REQUIREMENTS FOR A MINING OPERATION PERMIT (§34-1678); RENUMBERING AND AMENDING

DURATION LIMITATIONS OF MINING OPERATION PERMIT (§34-1679); RENUMBERING AND AMENDING RENEWAL OF PERMITS FOR MINING OPERATION PERMITS (§34-1680); RENUMBERING AND AMENDING ADDITIONAL PHASE APPROVALS FOR MINING OPERATION PERMITS (§34-1681); RENUMBERING AND AMENDING INSPECTIONS OF MINING SITES (§34-1682); RENUMBERING AND AMENDING SITE REQUIREMENTS FOR MINING OPERATIONS (§34-1683); RESERVING §§34-1684 TO 34-1710; AMENDING AND PROVIDING FOR PROVISIONS RELATING TO CONSTRUCTION OF FENCES (§34-1742); PROVIDING FOR ADDITIONAL REGULATIONS AFFECTING CONSTRUCTION OF USE OF METAL BUILDINGS IN RESIDENTIAL DISTRICTS (§34-3106); RESERVING §§34-3107 TO 34-3130; AND

PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section 125.01(1)(h) authorizes counties to establish, coordinate, and enforce zoning regulations necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners adopted the Lee County Land Development Code, which contains regulations applicable to the development of land in Lee County; and

WHEREAS, Goal 24 of the Lee County Comprehensive Land Use Plan (Lee Plan) mandates that the county maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts, yet function in a streamlined manner; and

WHEREAS, Lee Plan Policies 14.5.3, 24.1.9, 52.1.1 and 110.6.2 require county staff and private citizen committees to review existing development regulations to determine whether the regulations can be further fine tuned and streamlined in order meet the goals, objectives and policies of the Lee Plan; and

WHEREAS, the Board of County Commissioners of Lee County, Florida has adopted a comprehensive Land Development Code; and

WHEREAS, the Land Development Code Advisory Committee was created by the Board of County Commissioners to explore amendments to the Land Development Code; and

WHEREAS, the Land Development Code Advisory Committee has reviewed the proposed amendments to the Code and recommended modifications as indicated; and

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code on January 10, 2001, and recommended modifications to them as indicated; and

WHEREAS, the Local Planning Agency reviewed the proposed amendments on January 22, 2001, and found them consistent with the Lee Plan, as indicated.

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

SECTION ONE: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 2

Lee County Land Development Code Chapter 2, Articles III and VIII are amended to read as follows with strike through identifying deleted language and underline identifying additional language:

CHAPTER 2

ARTICLE III. DEVELOPMENT AGREEMENTS

Sec. 2-98. Notices and hearings.

No statutory development agreement ~~shall~~ may be made pursuant to this article unless and until all of the requirements of F.S. § 163.3225 relating to the agreement have been satisfied. To that end, an affected property owner, as the term is used in F.S. § 163.3225, means all owners of property, as reflected on the current year's tax roll, lying within ~~375~~ 500 feet in every direction of the subject property. The Board of County Commissioners, by adopting an appropriate administrative code, may prescribe more stringent notice requirements. In addition, if a statutory development agreement is intended to rezone property, grant variances or accomplish any other approval which otherwise would be controlled by chapter 34, the notices required in Chapter 34 must also ~~shall~~ be given. The same notice and hearing requirements also should be observed when making home rule development agreements. However, failure to satisfy all of ~~such~~ notice and hearing requirements ~~shall~~ will not be grounds to invalidate a home rule development agreement.

ARTICLE VIII. SPECIAL MASTER

Sec. 2-440. Special master proceedings under the Florida Land Use and Environmental Dispute Resolution Act.

- (a) *Special master proceedings.* Special master proceedings may be requested and will be conducted in accordance with the Lee County Administrative Code designated for that purpose.
- (b) *Implementation of special master recommendation.* If the Board of County Commissioners elects to adopt the recommendation of the special master, the owner will not be required to duplicate processes in which the owner previously has participated in order to effectuate the recommendation.
- (c) *Modification of special master recommendation.* The Board of County Commissioners may elect to modify the special masters recommendation and implement it by development agreement, where applicable, or by other method in the ordinary course and consistent with the county's rules and procedures, so long as it does not require the duplication of processes in which the owner has participated in to effectuate the board's will.
- (d) In order to implement the recommendation of the special master, or a modification of that

recommendation, the board has the authority to waive any or all procedural requirements contained in county ordinances or administrative codes and to directly exercise all authority otherwise delegated to the hearing examiner, the County Manager or his designees, or any other division or agency of Lee County government.

- (e) Board consideration of the special master recommendation. The deliberations of the Board of County Commissioners regarding whether to accept, reject or modify the special master recommendation will be made at a public hearing.

SECTION TWO: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 10

Lee County Land Development Code Chapter 10, Articles I, II and III are amended to read as follows with strike through identifying deleted language and underline identifying additional language:

CHAPTER 10

ARTICLE I. IN GENERAL

Sec. 10-1(b) Definitions and rules of construction.

Excavation. Excavation means the stripping, grading or removal by any process of natural minerals or deposits, including but not limited to peat, sand, rock, shell, soil, fill dirt or other extractive materials, from their natural state and location. This definition does not include:

- a. The removal of excess spoil material resulting from the excavation of a building foundation or swimming pool in conjunction with a valid building permit: or
- b. The temporary removal of topsoil from a lot for landscaping purposes.

Mining: Mining means an excavation for the primary purpose of removing the extracted material for use off site. This does not include the removal of surplus materials defined herein.

Surplus material: Material that absolutely must be excavated in order to comply with permit requirements and which cannot reasonably be expected to be used on the same premises for any purpose.

Sec. 10-7. General requirements.

- (a) Development ~~shall occur~~ in the county must be in compliance with this chapter, as well as with local, state and federal air, water and noise pollution standards.
- (b) Development ~~shall occur~~ in the county must be in compliance with the comprehensive plan and all applicable county ordinances. No development order or permit ~~shall~~ may be issued if the development order or permit results in a further reduction in the levels of service for the affected roads below the levels of service provided for in the comprehensive plan, unless

appropriate mitigation is provided or the applicant otherwise complies with chapter 2, article II, relating to concurrency management. However, ~~notwithstanding this limitation, in no event shall a developer be required by the operation of this chapter~~ may not require a developer to mitigate impacts caused by earlier development. For purposes of applying this subsection, in the case of developments expected to add less than 300 vehicle trips during the peak hour to the adjacent road system, the developer ~~shall~~ will be presumed conclusively to have mitigated the off-site impact on roads caused by the development if the developer pays ~~whatever the roads impact fees are required by applicable~~ the county roads impact fee ordinances. In all cases, the developer ~~shall~~ will be responsible for the full cost of site-related improvements.

- (c) Except as otherwise provided for in this chapter, permits for development, including building permits, ~~shall may~~ only be issued after the issuance of, and in compliance with, a development order. No development permit, building permit, tree removal permit or notice of clearing ~~shall may~~ be issued on a parcel of land, or any portion thereof, that is the subject of existing code violations, development standards ordinance violations or other land development ordinance violations, regardless of whether the applicant or his principal owned the property at the time the violation occurred. However, this subsection ~~shall will~~ not prevent issuance of a permit for the specific purpose of resolving or abating the violation.
- (d) During development and construction activities, the developer must take every reasonable precaution to avoid dust and debris from blowing onto adjacent properties. When, in the directors opinion, conditions are such that dust or debris is adversely affecting adjacent properties, a stop work order may be issued until the conditions are mitigated. The proposed method of mitigation, which may include temporary silt fencing, sprinkling the area with water, seeding or sodding, or other similar measures, must be approved by the director.
- (e) During development and construction activities, the developer must take every reasonable precaution to avoid undue noise or activities that might cause unreasonable impacts or nuisance to adjacent properties. If, in the director's opinion, construction activities could be, or are, generating noise, nuisance, or other adverse impacts that may unreasonably affect adjacent properties, he may establish reasonable working hours or other conditions for construction activities as a condition of the development order. If the stipulated working hours or conditions are violated, a stop work order may be issued until the conditions are mitigated.

ARTICLE III. DESIGN, STANDARDS AND REQUIREMENTS

DIVISION 3. SURFACE WATER MANAGEMENT

Sec. 10-329. Excavations for water retention and detention:

- (a) *Applicability.* This section provides the permitting and development order requirements for all excavations ~~except: the construction of previously unzoned and unpermitted excavations for water retention and detention. The specific requirements for excavations for commercial~~

mining excavations are specified in sections 34-1651 through 34-1682 and are not included in this section.

- (1) The removal of surplus material generated from the construction of roads, sewer lines, storm sewers, water mains or other utilities;
- (2) Moving materials for purposes of surface water drainage, i.e., swales, ditches, dry retention, etc., provided that the excavated materials are not removed from the premises.
- (3) Excavations for mining activities regulated by sections 34-1651 through 34-1682.

~~(b) *Excavation defined.* Excavation, for the purposes of this section, means the excavation, stripping, grading or removal by any process of natural minerals or deposits, including but not limited to peat, sand, rock, shell, soil, fill dirt or other extractive materials, from their natural state and location, for use off the site or on the site from which extracted. The following activities and operations are not considered to be excavation operations; and are not subject to the provisions of this section:~~

- ~~(1) Excavation, removal or storage of rock, sand, dirt, gravel, clay or other material for the purpose of constructing the foundation of a structure.~~
- ~~(2) The removal or moving materials for construction of roads, sewer lines, storm sewers, water mains or other utilities.~~
- ~~(3) The removal or moving of materials for purposes of surface water drainage, i.e., swales, ditches, dry retention, etc.~~
- ~~(4) The temporary removal of topsoil from a lot for landscaping purposes.~~

~~(b e) *Permit required. exceptions* Except as provided in (10-329 c), it is unlawful for any person, partnership or other legal entity to engage in excavation materials within the unincorporated area of the county, or for an owner to permit such allow of excavation activities on his property, without first having obtained the approvals and permits specified in subsection (e) Table 1 (d) Table 2.~~

(c) Exceptions:

- (1) Excavations for bonafide agricultural uses in an Agricultural zoning district that will not result in the use removal of the excavated materials off-site from the premises. However, excavation activity falling within this exception must comply with the regulations set forth in subsections 10-329(d) (notice) and 10-329(e)(1) (setback) , (3) (depth) and (4) (bank slope ratio only). below, but and are not subject required to obtain a development order. to any county approval process.

Other Excavations for bona fide agricultural uses in non-agricultural zoning districts OR where the excavated material will be removed from the premises and excavations that are accessory to one single-family residence are permitted under must the following

~~conditions- obtain the approvals and permits specified in subsection (e) Table 1~~

- (2) Excavation for a pond accessory to one single-family residence. However, excavation activity falling within this exception must comply with the minimum notice requirements of section 10-329(d) (notice) and 10-329(e)(1) (setback), (3) (depth) and (4) (bank slope ratio only).
- (d) Notice requirements for excavations that are not required to obtain development orders.
- (+) The property owner must submit a notice of intent to commence excavation to the director of zoning and development services. The notice must contain the following information:
 - (1) a: The STRAP number and location of the property;
 - (2) b: The name of the owner and signature of the owner authorizing the excavation.;
 - (3) e: A site plan showing the location of the excavation relative to all property lines, easements, rights-of-way, and existing and proposed structures, the slopes of the proposed excavation, the maximum depth of the excavation and the controlled water depth. and the location of the excavation relative to all property lines, easements, controlled water depth, rights-of-way, section lines and quarter section lines;
 - (4) d: The proposed date of commencement, which may not be less than ten days from the date of the submittal. ; and
 - e: ~~The signature of the property owner.~~
- (2) ~~b. The excavation complies with subsections (e)(1), (3) and (4) (bank slope ratio only) of this section.~~

(d e) *Excavation types and required approvals.* Excavations are generally constructed either for mining operations, for stormwater retention or as a development site amenity. Table 2-1 summarizes the various types of excavations and the permits and approvals required for each excavation type.

TABLE 2-1

Excavation Type	Excavation Size	Excavated Materials Destination	Permits/Approvals Required ¹
General mining Excavation	All	Off-site	Planned Development Zoning with excavation mining listed as an approved use, or Special Exception for mining, AND a Development Order AND a SFWMD permit
Development project - stormwater retention, i.e., lakes and ponds, etc.	All	Off-site	Planned Development Zoning with excavation mining listed as an approved use, or Special Exception for mining, AND a Development Order AND a SFWMD permit
Development project - stormwater retention, i.e. lakes and ponds, etc.	All	On-site	Development Order; AND a SFWMD permit (if applicable)

¹ The requirements for planned development zoning approvals and for special exception for excavation-mining are specified in Chapter 34, Article VII, division 15, Subdivision II.

(e f) *Standards.* All new excavations for water retention and detention regulated by this section will be are subject to the following standards:

(1) *Setbacks for water retention or detention excavations.*

a. No excavations will be allowed within:

2. Fifty feet of any existing or property-owner proposed right-of-way line or easement for a collector or arterial street unless granted an administrative deviation in accordance with section 10-104. The setback may be reduced to not less than 25 feet if the developer provides ~~elements such as guardrails, berms, swales, vegetation or others as determined by the director,~~ for the protection of wayward vehicles through the use of guardrails, berms, swales, vegetation or other suitable methods as determined by the Director.

(3) *Maximum controlled water depth.* Excavations for water retention or detention permitted under this section may not penetrate through impervious soil or rock layer that prohibits intermingling of various watery strata. The controlled water depth for water retention or detention excavations may not be greater than 12 feet unless the following criteria are met:

c. Approval of a maximum excavation depth does not grant the right to achieve that depth if it creates surplus material that would not otherwise be created if the excavation was ceased at a lesser depth.

(4) *Excavation bank slopes.* The design of shorelines of retention and detention areas must be sinuous rather than straight, as described in division 6 of this article. The banks of all excavations permitted under this section must be sloped at a ratio not greater than 4 horizontal to 1 vertical from the top of the excavation to a water depth of four feet below the dry season water table. The slopes must be not greater than 2 horizontal to 1 vertical thereafter, except where the director of zoning and development services determines that geologic conditions would permit a stable slope at steeper than a two to one ratio. Excavation bank slopes must comply with the shoreline configuration, slope requirements and planting requirements for mimicking natural systems as specified in section 10-418.

(7) *Excavation or Fill material.* All large projects must provide soil displacement - cut/fill - calculations and plans certified by a registered engineer indicating:

a. the volume of material proposed to be excavated for water retention\detention purposes with plans showing the areas and cross sections associated with the excavation(s);

b. the volume of the excavated material to be used on-site, with plans showing the areas and cross sections associated with the on-site materials;

c. the volume of material (if any) to be removed from or imported to, the premises,

If the applicant proposes to remove from or import material to the premises, he must submit a map indicating the proposed access route to the nearest collector or arterial road.

If the director determines the volume of the material proposed to be removed from the premises does not meet the standard for "surplus material" as defined herein, or if more than ten percent of the total excavated material is to be removed from the premises, then the developer must apply for Planned Development Zoning and a General Mining Permit pursuant to Section 34-1671 et seq. Approval from the Board of County Commissioners must be obtained prior to the removal of any materials from the excavation site.

DIVISION 6. OPEN SPACE BUFFERING AND LANDSCAPING

Sec. 10-418. Stormwater ponds.

(a) *Design standards.* Techniques to mimic the function of natural systems in stormwater management ponds are as follows:

(2) *Plant materials.* The following are considered sufficient to mimic the function of natural systems in ponds with slopes from 6(H) to 1(V) to not more than 4(H) to 1(V):

- d. At least four species must be planted. Minimum required herbaceous plant size is a two-inch container, referred to as a liner. Trees and shrubs must meet the minimum standards in section ~~10-419~~ 10-420.
- f. *Survival of plant materials.* A minimum of 80 percent survivability of plantings at one year is required for herbaceous wetland plants. Wetland trees and shrubs must be maintained per section ~~10-417(e)~~ 10-421(b).

SECTION THREE: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 22

Lee County Land Development Code Chapter 22, Article III is amended to read as follows with strike through identifying deleted language and underline identifying additional language:

CHAPTER 22

ARTICLE III. DESIGNATION OF HISTORIC DISTRICTS AND RESOURCES

DIVISION 2. INCENTIVES

Sec. 22-174. Relief from zoning regulations.

The zoning director may, by written administrative decision, approve any relief request for designated historic resources or contributing properties to a designated historic district, for matters involving setbacks, lot width, depth, area requirements, land development regulations, height limitations, open space requirements, parking requirements and other similar zoning relief not related to a change in use of the property in question.

- (3) The procedure for granting parking relief in the Matlacha historic district ~~shall~~ must be in accordance with the administrative code duly adopted by the Board of County Commissioners. The parking relief procedure ~~shall~~ will include, but will not be limited to:
 - a. Providing notice to ~~affected property owners~~ by certified mail to property owners within ~~375~~ 500* feet, by posted notice and by advertisement in a local paper of general circulation.
 - b. Input from two three-person delegations made up of property owners, residents or registered voters of Matlacha.
 - c. Input from the district commissioners, following staff review of submitted applications for parking relief.
 - d. Availability of third party appeal of the ~~administrative decision on~~ to grant parking relief by aggrieved persons.

***NOTE: In those instances where fewer than 10 owners of property would be notified, the distance must be expanded to include all owners of property within 750 feet.**

SECTION FOUR: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 30

Lee County Land Development Code Chapter 30, Article I is amended to read as follows with strike through identifying deleted language and underline identifying additional language:

CHAPTER 30

ARTICLE I. IN GENERAL

Sec. 30-2. Definitions and rules of construction.

Residential nameplate means a an identification sign bearing only property numbers, street addresses, mailbox numbers, estate names or names of the occupants of the premises. ~~See Professional nameplate.~~

Professional nameplate means a an identification sign bearing only the name, or address or and the occupation of the occupant.

Sec. 30-6. Permitted signs.

(1) *Signs not requiring permit.*

- I. ~~*Residential Nameplates.* Any sign not exceeding $1\frac{1}{2}$ 2.25 square feet in area, and bearing only property numbers and names of occupants of any private premises, for identification purposes only.~~
- o. ~~*Professional nameplates.* Professional nameplates, not exceeding two square feet in area, on which signs the name, address and occupation of the owner may appear.~~

ARTICLE V. CAPTIVA ISLAND

DIVISION 1. GENERALLY

Sec. 30-224. Exceptions to article.

The regulations and restrictions contained in this article shall do not apply to the following signs in accordance with the following terms and conditions:

- (1) Professional nameplates not exceeding ~~two~~ 2.25 square feet in area.
- (2) Residential nameplates not exceeding 2.25 square feet in area and a height of four feet above grade may be placed in rights-of-way and must not be illuminated. The sign support must be of a suitable breakaway or yielding design. Any residential nameplate placed in an unsafe or hazardous location, as determined by the Department of Transportation, must be relocated or removed at the owner's expense.

Renumber (2) - (9) to (3) - (10).

SECTION FIVE: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 34

Lee County Land Development Code Chapter 34, Articles I, II, IV, VI, and VII are amended to read as follows with strike through identifying deleted language and underline identifying additional language:

CHAPTER 34

ARTICLE I. IN GENERAL

Sec. 34-2. Definitions.

Aggrieved person or party means anyone who has a legally recognizable interest which is or which may be adversely affected by an action of or an action requested of the Board of County Commissioners or any other person or board that has been delegated such authority by the Board of County Commissioners. ~~Property owners within 375 feet of the subject property are presumed to have a legally recognizable interest. A person or entity claiming to be aggrieved, and whose property lies outside of the 375 foot perimeter, will be required to offer proof that their interests are adversely affected. A person or entity pursuing an appeal solely out of spite shall not be presumed to have a legally recognizable interest.~~

Existing only. The use is permitted only if it lawfully existed on September 27, 1993 or was granted a special exception within the two years prior to that date and commenced the approved construction within two years after that date. A use that qualifies as “existing only” will not be classified as a nonconforming use. It and will be afforded the same privileges as a permitted use and may be expanded or reconstructed, in accordance with all applicable current regulations, but only on the specific parcel on which it is located, as that parcel was legally described on September 27, 1993.

Excavation. Excavation means the stripping, grading or removal by any process of natural minerals or deposits, including but not limited to peat, sand, rock, shell, soil, fill dirt or other extractive materials, from their natural state and location. This definition does not include:

- a. The removal of excess spoil material resulting from the excavation of a building foundation or swimming pool in conjunction with a valid building permit: or
- b. The temporary removal of topsoil from a lot for landscaping purposes:

Mining: Mining means an excavation for the primary purpose of removing the extracted material for use off site. Mining does not include the removal of surplus material.

Mining operation permit means an approval, issued by the director after staff review, evidencing compliance with all conditions of the *General mining permit* have been complied with, and providing that mining operations may commence or continue in accordance with all applicable regulations.

General mining permit means the approval, granted by the Board of County Commissioners or the hearing examiner, indicating that a proposed mining development or a specific phase of a mining development has received all necessary zoning approvals.

Oil or gas exploration wells means the sinking or driving of wells for the purpose of oil or gas exploration.

Oil or gas extraction wells means the sinking or driving of wells for the purpose of oil or gas extraction.

Surplus material: Material that absolutely must be excavated in order to comply with permit requirements and which cannot reasonably be expected to be used on the same premises for any purpose.

ARTICLE II. ADMINISTRATION

DIVISION 2. BOARD OF COUNTY COMMISSIONERS

Sec. 34-84. Rehearing of decisions.

- (a) Any person who may be aggrieved by a decision of the Board of County Commissioners made pursuant to an application for rezoning, development of regional impact, special exception that meets the criteria of a development of county impact, or special exceptions or variances heard as part of a rezoning may, ~~within 30 calendar days after the decision, but not thereafter,~~ file with the county manager or his designee a request in writing for a written request for public rehearing by the Board of County Commissioners for a modification or rescission thereof of the decision. The request must be filed with the director of community development and the county attorney's office within 15 calendar days after the decision. For purposes of computing the ~~30~~15-day period, the date of the decision is the date of the public hearing at which the Board of County Commissioners made such its decision by oral motion. ~~The county manager or his designee will forward a copy of the submitted request to the county attorney's office.~~
- (b) All requests for a public rehearing must state with particularity ~~any~~ the new evidence or the points of law or fact ~~which that~~ the aggrieved person argues the Board of County Commissioners has overlooked or misunderstood; ~~and~~ The report must include all documentation offered to support the request for ~~a~~ rehearing. The Board of County Commissioners will decide whether to grant or deny the request for ~~a~~ rehearing based exclusively upon the aggrieved person's written request and supporting documentation and the administrator's written analysis thereof. In addition, if the request is ~~made~~ filed by one other than the original applicant, the county must notify the applicant of the filing of the request for ~~a~~ rehearing and the applicant must be allowed 15 days to submit ~~his~~ an independent written analysis.
- (c) The deliberations of the Board of County Commissioners with respect to the question of whether to grant a rehearing do not constitute a public hearing, and no oral testimony will be allowed or considered by the Board of County Commissioners in the course of these deliberations.

- (d) ~~An aggrieved person need not request a~~ The pursuit of a request for rehearing is not required in order to exhaust his administrative remedies as a condition precedent to filing an appeal to seeking judicial review in the circuit court. ~~(e) *Judicial review*. The proper filing of a petition request for rehearing will not toll the 30-day time limit set forth for to file an action seeking judicial review of final decisions, in section 34-85. 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, apply for judicial review of the original motion in accordance with section 34-85. No judicial review is available to review the Board of County Commissioners' decision to refuse deny a rehearing request.~~
- (e) A request for rehearing is not an administrative appeal as that term is used in F.S. §70.51. Filing of a request for rehearing will not toll the time for filing a request for relief under F.S. §70.51.
- (f) Filing of a request for rehearing will not toll the time for seeking relief under F.S. §163.3215.
- (dg) There is no right to apply to court for relief on account of any determination or recommendation of the hearing examiner in those actions listed in section 34-83(b)(1) which require public hearing before the Board of County Commissioners.

DIVISION 4. HEARING EXAMINER

Sec. 34-85. Final decision; judicial review.

- (a) Any final decision of the Board of County Commissioners may be reviewed by the circuit court unless otherwise provided in this article. ~~Except for review of verified complaints filed pursuant to F.S. § 163.3215, 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 Appellate Procedure. ~~Any such~~ The petition must be filed within 30 calendar days after the decision has been rendered. For the purposes of computing the 30-day period, the date that the decision has been rendered is the date of the public hearing at which the Board of County Commissioners made such decision by oral motion.
- (b) The person making application to the Board of County Commissioners for any final decision ~~that is~~ entitled to judicial review, is a necessary and indispensable party to any action seeking judicial review of that final decision.
- (c) This section is not intended to preclude actions pursuant to F.S. §70.51 or §163.3215.

Sec. 34-146. Final decision; judicial review.

- (a) The decision of the hearing examiner will be final on applications for administrative appeals, and variances, and special exceptions, when such variances or special exceptions are not part of a rezoning or development of county impact request ~~which that~~ requires final decision by the Board of County Commissioners. Judicial review of a final decision of the hearing examiner concerning such an administrative appeal, variance or special exception will be in circuit court. Except for review of verified complaints filed pursuant to F.S. § 163.3215 and proceedings pursuant to F.S. ch. 70, 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~~ The petition must be filed within 30 calendar days after the decision has been rendered.

- (b) For the 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 date it is rendered or on the next regular working day thereafter. In some cases, notice of the decision may be provided pursuant to applicable administrative codes.
- (c) The person making application to the hearing examiner for ~~any~~ final decision that is entitled to judicial review, is a necessary and indispensable party to ~~any~~ action seeking judicial review.
- (d) This section is not intended to preclude actions pursuant to F.S. §70.51 or §163.3215.

DIVISION 6. APPLICATIONS AND PROCEDURES FOR CHANGES,
PERMITS, INTERPRETATIONS AND APPROVALS

Sec. 34-202. General submittal requirements for applications requiring public hearing.

- (a) *All applications.* Every request for actions requiring a public hearing under this chapter must include the following. However, upon written request, on a form prepared by the county, the director may modify the submittal requirements contained in this section where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the director's written response must accompany the application ~~submitted~~ and will become a part of the permanent file.
- (4) *Area location map.* A map, at a suitable scale, drawn on an 8½ inch by 11 inch size sheet of paper, that depicts the property described in the legal description in relation to the surrounding neighborhood. The map must be sufficiently referenced to known major streets or other physical boundaries in the surrounding area so as to be clearly identifiable to the general public.
- (6) *Surrounding property owners list.* A complete list of all property owners, and their mailing addresses, for all property within ~~375~~ *500 feet of the perimeter of the subject parcel or the portion thereof that is the subject of the request. For the purpose of this subsection, names and addresses of property owners will be deemed to be those appearing on the latest tax rolls of the county at the time of sufficiency. The applicant is responsible for the accuracy of such list. This list is for the purpose of mailing notice to property owners within ~~375~~ *500 feet of the property described. The notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail ~~such~~ the notice or failure of any affected property owner to receive mailed notice will not constitute a defect in notice or bar the public hearing as scheduled.

- (7) *Property owners map.* A map displaying all parcels of property within 375 500* feet of the perimeter of the subject parcel or the portion thereof that is the subject of the request. This map must reference by number or other symbol the names on the property owners list. The applicant is responsible for the accuracy of the map.

***NOTE: In those instances where fewer than 10 owners of property would be notified, the distance must be expanded to include all owners of property within 750 feet.**

Sec. 34-203. Additional requirements for applications requiring public hearing.

- (a) *Developments of regional impact.* Developments of regional impact must comply with the information submittal and procedural requirements of F.S. ch. 380. If the development of regional impact requires specific zoning actions (i.e., rezoning), the procedures and requirements of this section and article IV of this chapter must be met. Additionally, even if the development of regional impact does not require specific zoning action, the applicant must submit a traffic impact statement, as described in sections ~~34-373(a)(6)a.11 and 34-373(a)(6)b.10~~ 34-373(a)(7), and detailed in section 10-286. Thresholds for developments of regional impact are stated in Florida Administrative Code chapter 28-24.

DIVISION 7. PUBLIC HEARINGS AND REVIEW

Sec. 34-233. Preliminary review and notice certification.

- (a) *Staff review.*

- (1) ~~No application for a rezoning, special exception, development of regional impact, variance, appeal or any other an action required by this chapter to proceed through the public hearing process may be placed on a schedule to be heard by the hearing examiner or Board of County Commissioners, until after the department staff has reviewed and prepared written comments t on the requested action.~~

a. If a Planned Development, after the department has finalized a written staff report on the requested action OR sixty days after the department finds the application sufficient, whichever comes first.

b. For other than a Planned Development, after the department has finalized a written staff report OR sixty days after submittal of the complete application, whichever comes first.

The department will produce a written (staff) report summarizing the County Staff's position regarding the subject application. In the case of a conventional or planned development zoning, the staff report must be available at least 14 days prior to the public hearing. In the case of a special exception or a variance the staff report must be available at least 7 days prior to the public hearing.

- (2) No application for an action required by this chapter may be scheduled for a public hearing before the Board of County Commissioners until after the hearing examiner has rendered a recommendation.

- (23) All staff comments will be forwarded to the hearing examiner or Board of County Commissioners prior to the scheduled public hearing.

Sec. 34-236. Notices.

(a) *Minimum required information.* A notice of public hearing under this chapter must contain the following minimum required information:

(1) *Action proposed.*

a. *Land use ordinance amendments or adoption.* The notice must describe the chapter or section of the land use ordinance to be amended, or the subject of a new ordinance, with sufficient clarity so as to advise the public of the subject to be amended or adopted, but need not describe the exact wording or change.

b. *Rezoning and developments of regional impact.* All required notices must indicate the existing zoning of the property, the proposed zoning and where applicable, the number of TDR and affordable housing bonus density units requested, and the general location of the property by reference to common street names and addresses, with sufficient ~~certainty~~ clarity so as to advise the public, but need not describe the proposed plans or details thereof, or the specific legal description of the property.

c. *Special exceptions and variances.* All required notices must indicate the existing zoning of the property; the proposed use by special exception, or the requirement from which the variance is requested and the actual degree of variance requested; and the location of the property, by reference to common street names and addresses, with sufficient ~~certainty~~ clarity so as to advise the public, but need not describe the proposed plans or details thereof or the specific legal description of the property.

d. *Appeals.* The notice ~~shall~~ must summarize the decision or action upon which the appeal is based with sufficient clarity so as to advise the public of the subject matter.

(2) *Time and place of hearing.* The notice must specify the date, time and place that the public hearing will be held by the hearing examiner, the local planning agency or the Board of County Commissioners, as applicable.

(3) *Public availability of information.* The notice must indicate where copies of the proposed amendment may be obtained or reviewed, or where the application for public hearing may be reviewed.

(4) *Location of record of notice.*

a. The copy of notices for the adoption or amendment of land use ordinances will be kept available for public inspection during regular business hours at the Minutes Department in the Office of the Clerk of the Board of County Commissioners.

b. Copies of all other notices will be kept available for public inspection during regular business hours at the office of the department of community development or hearing examiner, as appropriate.

(b) *Method of providing notice.* Notices of hearings before the Board of County Commissioners, the hearing examiner and the local planning agency will be provided in accordance with

applicable statutes and the County Administrative Code. The "surrounding property owners list and map" required by section 34-202(a) is for the purpose of mailing notice to property owners within ~~375~~ 500* feet of the property described. The notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail ~~such~~ the notice or failure of any affected property owner to receive mailed notice will not constitute a defect in notice or bar the public hearing as scheduled.

***NOTE: In those instances where fewer than 10 owners of property would be notified, the distance must be expanded to include all owners of property within 750 feet.**

DIVISION 8. ENFORCEMENT

Sec. 34-268. Administrative setback variances.

- (a) Upon written request on a form prepared by the county, the director is authorized to modify the setbacks in sections 34-651 through 34-1041 and ~~34-1744 (residential fences only)~~ 34-1741 et seq. of this chapter under the following circumstances:

ARTICLE IV. PLANNED DEVELOPMENTS

DIVISION 1. GENERALLY

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

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

(1) *Major planned developments.*

- k. Residential uses within the ~~general~~ Mixed Use interchange area as specified by Lee Plan Policy ~~1-3-2~~ 1.3.6;
- m. Any development of regional impact not included in subsections (b)(1)(~~a~~ b) through (~~h~~ i) of this section;

(2) *Minor planned developments.*

- b. A health care facility - Group I; or II, social service - Group III or IV ~~community residential home, continuing care facility (CCF), or hospice,~~ of 50 or more beds, ~~which~~ that is not a part of a residential, commercial, or community facility planned development;
- c. Any other development required to apply for planned development zoning ~~as~~ set forth in sections 34-651 through ~~34-873~~ 34-903;
- d. Except as listed below, any other application for planned development rezoning that does not meet or exceed the thresholds in section 34-341(b)(1)(~~a~~) through (~~h~~) will be reviewed as minor planned development.

2. *Amendments to application.* Applications for amendments to an approved major or minor master concept plan or its attendant documentation, or for the extension of a previously vacated master concept plan (for plans approved prior to December 2, 1991) will be treated procedurally as minor planned developments. These applications will require only as much information ,as deemed necessary by the director, ~~as is~~ needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application.

DIVISION 2. APPLICATION AND PROCEDURE FOR APPROVAL

Sec. 34-373. Application.

- (a) *Minimum required information for all planned development zoning applications.* Rezoning applications for planned developments must include the following information, supplemented, where necessary, with written material, maps, plans, or diagrams. Wherever this section calls for the exact or specific location of anything on a map or plan, the location must be indicated by dimensions from an acceptable reference point, survey marker or monument.
- (4) *Description of existing conditions.* The application for a planned development must be accompanied by:
 - e. a. A map showing the exact location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. ~~The boundary sketch or Master Concept Plan may substitute for this map if the information is contained therein.~~
 - a. b. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of ~~375~~ 500 feet.
 - c. An aerial photograph with the site clearly delineated. ~~Maps or aerial photographs marked or overprinted to show the location of any environmentally sensitive land and water, based upon standard environmental data and verified by a field inspection by the county staff. Except for PRFPDs, the director may waive this requirement upon written request by the applicant using a form prepared by the county. If the waiver is approved, this requirement will not have to be met until the plan of development has been incorporated into an application for a development order.~~
 - b. d. Maps or aerial photographs drawn at the same scale as the master concept site plan marked or overprinted to show:
 - i. soils, classified in accordance with the USDA/SCS System;
 - ii. vegetation and ground cover, classified in accordance with the Florida Land Use and Cover Classification System;
 - iii. significant areas of rare and unique upland habitats as defined in the Lee Plan; and
 - iv. a county topographic map (required if available) or a USGS quadrangle map showing the subject property. ~~Soils and vegetation, etc., should be classified in accordance with the USDA/SCS System and the Florida Land Use and Cover~~

Classification System, respectively:

- d. ~~e.~~ A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area.
 - e. ~~f.~~ The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided.
 - f. ~~g.~~ Additional submittal requirements for PRFPD district applications are set forth in section 34-941.
- (5) A narrative explanation as to how the proposed development complies with the Lee Plan, the Design Standards set forth in Section 34-411, and ~~as well as the guidelines for decision-making embodied in sections 34-145(c)(2)a and e. and 34-145(d)(3).~~
- (6) ~~Description of the proposed development.~~ The application must be accompanied by a description of the proposed development. Except for PRFPDs the applicant has the choice of describing the proposed development under Option 1 or 2 as follows. All PRFPDs must follow option 3. The applicable option must be clearly indicated on the application form. All applications described under option 1 or 2, must also comply with subsection (7):
- a. ~~Option 1.~~ The subject parcel may be divided into development areas. The applicant must include a clearly legible master concept plan, no less than 24 inches by 36 inches in size and drawn at a scale sufficient to adequately show and identify the following information for each development area. When appropriate, notes and legends may be used on the master concept plan to provide the required information:
 - 1. ~~The general size, configuration and location of each sub area of development;~~
 - 2. ~~The maximum height, in feet and number of stories, of any proposed buildings or structures;~~
 - 3. ~~The kinds of uses and the number of units proposed for each use, in terms of dwelling units by type, hotel or motel units, number of beds for health care facilities, gross square feet of commercial or industrial use, or other appropriate measures of intensity;~~
 - 4. ~~The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual sub areas of development, if the types of proposed uses requires buffer separations. References to types of buffers as described in chapter 10 are acceptable;~~
 - 5. ~~The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development, the general location of all proposed internal street rights-of-way or easements, and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into each development area~~

- ~~6. Proposed access and facilities for public transit in accordance with sections 34-411(e) and 10-442.~~
- ~~7. The percentage of open space, unless the proposed development is in a development area consisting solely of conventional single-family dwelling units on lots of no less than 6,500 square feet. For commercial and industrial developments, the percentage of open space within each lot or outparcel must be as set forth in section 34-414(c);~~
- ~~8. The general location of excavations for on-site fill and wet retention;~~
- ~~9. The location of any requested deviations, keyed to the schedule of deviations, including sample detail drawings of the effect on the site plan of the requested deviation;~~
- ~~10. Where the subdivision of land is a feature of the proposed development, indicate on the plan the proposed development regulations for each sub-area, i.e., minimum size and dimensions of all of the lots, lot coverage, as well as all of the minimum proposed setbacks for principal structures. If the property development regulations for a specific zoning district will be used, reference to the specific district shall be sufficient; and~~
- ~~11. A traffic impact statement in a format and to the degree of detail required by a form furnished by the county and in conformance with the adopted county administrative code. Upon written request, the director may waive this requirement for minor planned developments.~~

(6) Master Concept Plan. Except for PRFPDs, all applications must be accompanied by a graphic illustration (master concept plan) of the proposed development. PRFPDs must comply with Section 34-941.

- ~~b. Option 2. If the plan does not divide the subject parcel into development areas, it must indicate the general location of all proposed land uses, the general location and configuration and approximate dimensions of all proposed lots, parcels or outparcels, and the general location and pattern of vehicular and pedestrian circulation and movement within the site, for the entire site. This option requires the submittal of a~~
- ~~c. Option 3. PRFPD's only: Refer to Section 34-941.~~

Copies of the clearly legible master concept plan must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 inches in size;. Both sizes of the master concept plan must be clearly legible and drawn at an appropriate a scale sufficient to adequately show and identify the following information for each lot or on a schedule keyed to the lots. In addition, the plan must indicate;

4. a. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. If a subdivision, the plan must also show the general location of all proposed internal street rights-of-way or easements and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial, or industrial use lots.
4. b. Where the subject property ~~is~~ will be divided into lots or parcels, ~~indicate on the plan~~ must indicate the general location, configuration, and approximate dimensions ~~and use of all the lots, or parcels (including outparcels) as well as lot coverage, and the minimum proposed setbacks for principal structures. The proposed use of the lots or parcels must be keyed to the list of proposed uses submitted with the application, If the property development regulations for a specific zoning district; will be used, then~~ reference to the specific district will be sufficient.
3. c. ~~The kinds of uses and the number of units proposed for each use, in terms of dwelling units by type, hotel or motel units, number of beds for health care facilities, gross square feet of commercial or industrial use, or other appropriate measures of intensity, for the parcel or for each lot if subdivided.~~

Individual development areas (i.e. residential, retail, office, manufacturing, mixed use-listed, etc.) with detail showing:

- i. the boundary of each development area within which buildings, parking or other uses will be located;
5. ii. The maximum height, in feet and number of habitable stories ; of any proposed buildings or structures; If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the building.
- iii. if residential, the maximum number of dwelling units by type;
- iv. if a hotel or motel, the number of rooms by size;
- v. if a health care facility, the number of beds; and
- vi. if commercial or industrial, the type(s) and the total floor area of each type.
- d. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions.
- e. The general location of proposed parks and recreation areas and facilities, as well as indigenous areas to be preserved.
7. f. The percentage of open space, unless the proposed development is a development consistings solely of conventional single-family dwelling units on lots of no less than

6,500 square feet. For commercial and industrial developments, the percentage of open space within each lot or outparcel must be as set forth in section 34-414(c);

2.
 - g. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual lots-uses, if the types of proposed uses requires buffer separations. References to types of buffers as described in chapter 10 are acceptable;
 6.
 - h. Proposed access and facilities for public transit in accordance with sections 34-411(e) and 10-442.
 8.
 - i. The general location of excavations for on-site fill and wet retention. If the applicant proposes to remove excavated material from the property a planned development for mining and a general mining permit may be required. See section 10-329(f)(7).
 - (8) If the development is located within a flood plain or flow way, it is the applicant's responsibility at the time of local development order or district permitting to compensate for impacts to flood storage capacity or flow ways due to filling of the site.
 9.
 - j. The location of any requested deviations, keyed to the schedule of deviations, including sample detail drawings demonstrating of the effect the requested deviation will have on the site plan of the requested deviation;
 - (7) ~~40~~ Traffic Impact Statement. A traffic impact statement in a format and to the degree of detail required by a form furnished by the county and in conformance with the adopted county administrative code. Upon written request, the director may waive this requirement for minor planned developments.
 - (7) *Additional submittal requirements for all applications described under Option 1 or 2:*
 - (8) ~~a.~~ The master concept plan application must also include a A summary schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property with including the following information, as well as:
 - i. The types of uses proposed for the entire site. For projects with residential uses, the master concept plan summary must include the types of proposed dwelling units;
 - ii. The number of units (gross square feet for commercial/industrial uses, number of units for residential or motel/hotel uses, beds for institutional types of uses, etc.) of for each kind of proposed use.
 - iii. The proposed percentage of open space for the entire site.
 - (9) ~~b.~~ The master concept plan must also include a A schedule of deviations, including sample detail drawings, unless the drawings would merely duplicate the information shown pursuant to section 34-373(a)(5)a.10 and b.9.; and a written justification for each deviation requested deviation as part of the master concept plan. The location of each requested deviation must be indicated on the master concept plan.
- (b) *Additional required information for all major planned development zoning except PRFPDs. PRFPDs must comply with section 34-941.*

- (1) A written description of the surface water management plan that includes:
 - a. The runoff characteristics of the property in its existing state;
 - b. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained;
 - c. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance;
 - d. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate;
 - ~~e. The requirements for fill materials posed by this development for other than building pads (use, volume, etc.); and~~
 - fe. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding.
- (2) For large developments (defined in Chapter 10-1), A a protected species management plan survey as required by chapter 10, sections 10-471 to 10-476 10-473.
- (3) If the development is to be constructed in phases or if the traffic impact statement utilized phasing, then a description of the phasing program must be submitted.
- (4) *Developments of regional impact.* ~~To the extent that~~ The contents of a complete and sufficient application for development approval (ADA) per F.S. ch. 380 and supplementary regulations of both the state department of community affairs and the Southwest Florid Regional Planning Council may substitute for required submittals to the extent they duplicate or exceeds any the submittal requirements required in of this chapter; it may substitute for the required submittal.

Sec. 34-377 Public hearing.

(b) *Hearing before Board of County Commissioners.*

- (6) If the Board of County Commissioners denies or modifies the requested use(s), deviation(s), or other information shown on the master concept plan, a revised master concept plan must be submitted to the director reflecting the substance of the approved resolution prior to execution of the resolution. Legible copies of the revised master concept plan must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 inches in size.
- (7) No development order(s) may be issued until the approved resolution has been signed by the chairman.

Sec. 34-378. Effect of planned development zoning.

(b) *Applicability of development regulations.* ~~All approvals of general aspects of t~~The master

concept plan (see section 34-373(a)(6)) ~~are is~~ conceptual only, and ~~are~~ development pursuant to the master concept plan is subject to all development regulations established to protect health, safety and welfare that are in force at the time of submission of the application for a development order. ~~Reliance in detail on the approval of a general aspect of the master concept plan is not justified and is not in good faith. This section (Sec. 34-378) must be interpreted and applied such that no approved use will be vested as to density or intensity unless the proposed density or intensity is specifically reviewed and approved during the planned development process.~~

Sec. 34-380. Amendments to approved master concept plan.

- (b) ~~Amendments that may be approved by the division director include, in general, The division director may approve any change to the interior of the development which that~~ does not increase height, density or intensity (i.e., number of dwelling units or quantity of commercial or industrial floor area), ~~or decrease buffers or open space.~~ The director may not approve a change ~~which that will~~ results in the substantial underutilization of public resources and public infrastructure committed to the support of the development. In addition, the director may not approve changes ~~which that will~~ result in a reduction of total open space, buffering, landscaping and preservation areas or ~~which that will~~ adversely impacts on surrounding land uses.
- (~~dc~~) ~~Any application for an amendment that proposes a development which If a proposed amendment to an approved planned development would, if taken by itself, would constitute a major planned development (development of county impact - see sections 34-203(b) and 34-341(b)(1)) may not be treated as a minor planned development, unless it clearly meets the criteria set forth in section 34-341(b)(2). Otherwise, it then the application to amend must proceed as a new and separate major planned development.~~
- (~~ed~~) All other requests for amendments to a master concept plan or its auxiliary documentation will be treated procedurally as minor planned developments, but with application information and materials specified by section 34-373(a) ~~--(a)(7)~~.
- (e) Notice of ~~a plan~~ an amendment to a master concept plan must be recorded in the same manner as the approved master concept plan itself.

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

- (a) Duration of rights:
- (~~a~~) (1) Master concept plans approved prior to December 2, 1991, are subject to the following:
 - (~~1~~) a. An ~~approved~~ master concept plan and its attendant documentation, approved prior to December 2, 1991, will be remains 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 was~~ not been applied for by the end of the third year ~~and approved granted~~ within the following three years and six months following the original master concept plan approval, then the master concept plan will be is deemed vacated, ~~and will be~~ null, void and without effect, regardless of any the failure to revise the zoning map. ~~In such instance where a concept plan is vacated, the property in question will remain zoned for planned development, but may not be developed until such time as either a new concept plan is submitted and approved, or the original concept plan is 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 will result from the nonfeasance of the county.~~

- ~~(2) b.~~ ~~Where a~~ If the planned development is ~~was~~ proposed in two or more phases, the final development approval of the first phase ~~will be~~ is guided by subsection (a)(1)a of this section, and subsequent phases will be regulated by the adopted phasing program, except that, if a phase is ~~was~~ not commenced within one year of its programmed date, the remainder of the development will be deemed vacated. The ~~unbuilt or incomplete portion of the planned development will remain zoned for planned development, but may not be developed until such time as either a new concept plan is submitted and approved, or the original concept plan is 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 will continue to be governed by the original master concept plan and attendant documentation. However, no vacation of a concept plan will result from the nonfeasance of the county.

(3) moved to (b)

~~If all or part of a master concept plan is vacated, a notice of vacation will be sent to the owner of record of the affected property via certified mail. The notice, accompanied by all necessary maps and documents, will be recorded by the department in 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 will not vest or extend the validity of the vacated concept plan.~~

(4) moved to (c)

~~An approved master concept plan may be extended as follows:~~

- ~~a.~~ An approved master concept plan for a phase of or an entire planned development which has been vacated due to a failure to proceed on the applicant's part may be extended by the Board of County Commissioners for a period of no more than two 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 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 extensions may be granted for any development or phase thereof.~~

(b) (2) ~~Except for PRFPDs, Master concept plans approved after December 2, 1991, are subject to the following:~~

(1) a. ~~An approved master concept plan and its attendant documentation approved as an Option 1 type master concept plan after December 2, 1991 will be deemed vacated unless the property owner applies for either obtains a development order for a substantial portion of the project within five years of the date of the original approval or obtains administrative approval of a master concept plan that conforms to current standards.~~

Substantial portion: A substantial portion of the project consists of no less than 20 percent of the lots, dwelling units, square footage or other applicable measurements of intensity for the development in question unless a lesser percentage is approved by the Board of County Commissioners.

b. ~~A master concept plan and its attendant documentation approved as an Option 2 type master concept plan after December 2, 1991, will be deemed vacated unless the property owner obtains a development order for a substantial portion of the project within five years of the date of the original zoning approval.~~

c. ~~Any master concept plan and its attendant documentation approved other than as an Option 1 or Option 2 type master concept plan after (insert effective date of this amendment) , will be deemed vacated unless the property owner obtains a development order for a substantial portion of the project within five years of the date of the original zoning approval.~~

(b)(7) d. ~~Master concept plans for planned developments which that do not require development orders are not subject to the time frames for vacation in this section.~~

e. *Phased Plans*

(b)(2) 1. ~~Time frames for approval of subsequent portions of the development will be governed by a phasing plan, which must be included in the resolution rezoning the subject parcel. Phases may be defined by geographical areas, units of intensity, traffic impacts or any other units of measurement deemed appropriate by the Board of County Commissioners.~~

(3) 2. ~~Any phase for which a development order has not been requested by the time specified in the resolution and all subsequent phases will be deemed vacated.~~

(4) 3. ~~Any fFailure to complete development within a phase or the entire project, whichever is applicable, prior to the expiration of rights established by the development order for the phase or project will result in the vacation of the~~

applicable phase (and all subsequent phases) of the project.

4. Phasing plans may be amended in accordance with section 34-380

- (5) ~~If all or part of a master concept plan is vacated, a notice of vacation will be sent to the owner of record of the affected property via certified mail. A copy of the notice will be recorded by the division in the official records of the county to provide notice to subsequent purchasers. Failure to provide direct notice of a vacation or to record the notice will not vest or extend the validity of the vacated concept plan.~~

(b) Vacated master concept plans - Effect on Zoning

- (a)(1) ~~In such instance where~~ When a master concept plan is vacated pursuant to section 34-381(a), the property in question ~~unbuilt or incomplete portion of the planned development will remain zoned for planned development, but may not be developed until such time as either a new concept plan is submitted and approved in compliance with section 34-373, or the original concept plan is extended by the Board of County Commissioners, or the property is rezoned to some other use or district.~~

- (a)(3) ~~If all or part of a master concept plan is vacated pursuant to section 34-381(a), a notice of vacation will be sent to the owner of record of the affected property via certified mail. The notice, accompanied by all necessary maps and documents, will be recorded by the department in 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 will not vest or extend the validity of the vacated concept plan.~~

(c) Extensions approved by the Board of County Commissioners

Moved from (a)(4)

An approved master concept plan may be extended as follows:

- a. (1) ~~An approved vacated master concept plan for a or a phase of a planned development phase of planned development which has been vacated due to a failure to proceed on the applicant's part~~ may be extended by the Board of County Commissioners for a period of no more than two years from the date of the extension based on the following findings of fact:
1. a. The master concept plan is consistent with the current Lee Plan, including, but not limited to, density, intensity and concurrency requirements;
 2. b. 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. c. 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. (2) An application for an extension may be filed at any time after the vacation of the master concept plan and must consist of the following:
1. a. A completed application form provided by the department of community development;

- 2- b. The approved master concept plan (where applicable, the master concept plan must be amended to reflect the uses, deviations and other modifications set forth in the approving resolution). See section 34-377(b)(6) and (7);
 - 3- c. The applicable zoning resolution;
 - 4- d. A written statement describing how the criteria listed in subsection ~~(a)(4)~~a: (c)(1) above have been met; and
 - 5- e. A fee, in accordance with an adopted administrative code.
- e: (3) No more than two extensions may be granted for any development or phase thereof, and in no case, may extensions be approved that would extend the life of the master concept plan more than ten years from the date of original approval.

Master concept plans that have not received a development order within ten years of the original master concept plan approval date, must submit a new master concept plan for approval in compliance with section 34-373.

Secs. 34-383 ~~2~~--34-410. Reserved.

ARTICLE VI. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 34-621. Use and development regulations for conventional districts.

- (b) *Use regulations tables.* Divisions 2 through 9 of this article contain use regulations tables ~~which~~ that list specific uses or use activity groups followed by a symbol indicating whether the use is permitted by right (P), special exception (SE) or by administrative approval (AA), or not permitted at all. In all instances, unless specifically noted to the contrary, the symbols used in the use regulations tables shall have the following meaning:

EO Existing only. The use is permitted only if it lawfully existed on September 27, 1993, or was granted a special exception within the two years prior to ~~such that~~ that date, and commenced the approved construction within two years after ~~such that~~ that date. A use ~~which that~~ that qualifies as “existing only” ~~shall will~~ will not be classified as a nonconforming use. It ~~and shall will~~ will be afforded the same privileges as a permitted use and may be expanded or reconstructed, in accordance with applicable current regulations, but only on the parcel on which located, as that parcel was legally described on September 27, 1993.

DIVISION 2. AGRICULTURAL DISTRICTS

Sec. 34-653. Use regulations 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
Excavation:				
Oil or gas	34-1651	SE	SE	SE
Water retention	34-1651, <u>10-329(c)</u>	P	P	P
Excavation /Mining	Note (11), 34-1651, 34-1671 et seq.	EO/SE	EO/SE	EO/SE

DIVISION 3. RESIDENTIAL DISTRICTS

Subdivision II. One- and Two-Family Residential Districts

Sec. 34-694. Use regulations table.

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

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

	Special Notes or Regulations	RSC-1	RSC-2	RSA	RS-1	RS-2	RS-3	RS-4	RS-5	TFC-1	TFC-2	TF
Accessory uses, buildings and structures:	34-1171 et seq., 34-2441 et seq., <u>34-3106</u>	P	P	P	P	P	P	P	P	P	P	P
Excavation:												
Oil or gas	34-1651(c)	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Water retention	34-1651(b), <u>10-329(c)</u>	P	P	P	P	P	P	P	P	P	P	P
Signs in compliance with chapter 30		P	P	P	P	P	P	P	P	P	P	P

Subdivision III. Multiple-Family Districts

Sec. 34-714. Use regulations table.

Use regulations for multiple-family districts are as follows:

TABLE 34-714. USE REGULATIONS FOR MULTIPLEFAMILY RESIDENTIAL DISTRICTS

	Special Notes or Regulations	RM-2	RM-3, RM-6, RM-8, RM-10
Accessory uses, buildings, and structures:	34-1171 et seq., 34-2441 et seq., <u>34-3106</u>	P	P
Excavation:			
Oil or gas	34-1651(c)	SE	SE
Water retention	34-1651(b), <u>10-329(c)</u>	P	P

Subdivision IV. Mobile Home Residential Districts

Sec. 34-735. Use regulations table.

Use regulations for mobile home districts are as follows:

TABLE 34-735. USE REGULATIONS FOR MOBILE HOME DISTRICTS

	Special Notes or Regulations	MHC-1, MHC-2	MH-1	MH-2	MH-3	MH-4
Accessory uses, buildings, and structures:	34-1171 et seq.,34-2441 et seq., <u>34-3106</u>	P	P	P	P	P
Excavation:						
Oil or gas	34-1651(c)	SE	SE	SE	SE	SE
Water retention	34-1651(b), <u>10-329(c)</u>	P	P	P	P	P

DIVISION 4. RECREATIONAL VEHICLE PARK DISTRICTS
Subdivision II. Conventional Recreational Vehicle Districts

Sec. 34-791. Use regulations table.

Use regulations for recreational vehicle districts are as follows:

TABLE 34-791. USE REGULATIONS FOR RECREATIONAL VEHICLE DISTRICTS

	Special Notes or Regulations	RV-1	RV-2	RV-3	RV-4
Excavation:					
Oil or gas	34-1651(c)	SE	SE	SE	SE
Water retention	34-1651(b), <u>10-329(c)</u>	P	P	P	P

DIVISION 6. COMMERCIAL DISTRICTS

Sec. 34-841. Purpose and intent.

- (d) ***CN-1 neighborhood commercial district.*** The purpose and intent of the CN-1 district is to permit the designation of suitable locations for small-scale commercial facilities within or adjacent to areas or neighborhoods which are essentially residential in nature, and to facilitate their proper development and use. It is anticipated that locating small retail and service establishments in close proximity to low- to moderate-density residential land uses will encourage pedestrian activity and otherwise reduce the number and length of automobile trips, as well as providing increased convenience to all users. It is further intended that substantial buffering and other design techniques ~~shall~~ will be used to prevent negative impacts on nearby or adjacent residential or lower-intensity land uses.
- (e) ***CN-2 neighborhood commercial district.*** The purpose and intent of the CN-2 district is to permit the designation of suitable locations for consumer-oriented commercial facilities of moderate scale, including neighborhood shopping centers, and to facilitate their proper development and use. ~~Such~~ The facilities include the functions of CN-1 commercial places, but the greater floor area and the broader mix of goods and services available results in a wider market or service area, a larger population served, and a greater impact on surrounding land uses. The primary uses provided for include retail trade in food, drugs, sundries, hardware and similar items, and the provision of personal services.
- (f) ***CN-3 neighborhood commercial district.*** The purpose and intent of the CN-3 district is to permit the designation of suitable intersection locations for a broad range of small-scale retail, office and personal service facilities adjacent to and within future residential neighborhoods without the need to obtain CPD (Commercial Planned Development) zoning. This district is especially suited to those portions of Lehigh Acres that meet the criteria found in Lee Plan Policy 1.8.3(2). To protect the residential character of adjoining neighborhoods, certain potentially incompatible uses such as, but not limited to, convenience stores and fuel pumps are prohibited in the CN-3 district. Hours of operation for permitted uses are restricted to minimize night-time operations.

Sec. 34-843. Use regulations table.

Use regulations for conventional commercial districts are as follows:

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	CN-3 (21,23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
Accessory apartment	Note (1), 34-1177	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Administrative offices		P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	--
Aircraft landing facilities, private:																	
Lawfully existing:																	
Expansion of aircraft landing strip, helistop or	34-1231 et seq.	SE	SE	SE	SE	SE	SE	--	SE	SE	SE	SE	SE	SE	SE	SE	--
New accessory buildings	34-1231 et seq.	P	P	P	P	P	P	--	P	P	P	P	P	P	P	P	--
New:																	
Aircraft landing strip and ancillary hangars,	34-1231 et seq.	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Heliport	34-1231 et seq.	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Helistop	34-1231 et seq.	SE	SE	SE	SE	SE	SE	--	SE	SE	SE	SE	SE	SE	SE	SE	--
Amusement park, less than ten acres		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Animals:																	
Clinic	34-1321 et seq.	--	P	P	P	--	--	--	P	P	--	--	--	--	P	--	--
Kennel	34-1321 et seq.	--	--	P (3)	--	--	--	--	--	P (3)	--	--	--	--	P	--	--
Control center (including Humane Society)		P	P	P	P	--	--	--	--	P	P	SE	--	--	--	P	--
Assisted living facility	34-1411 et seq.	--	--	--	--	--	--	<u>P</u>	--	--	--	--	--	P (13)	--	--	--
ATM (automatic teller machine)		P	P	P	P	P	P	<u>P(16)</u>	P	P	P	SE	--	P	P	--	--
Auto parts store:																	
No installation service		P	P	P	P	--	P	<u>P</u>	P	P	--	--	--	--	--	--	--
With installation service		--	P	P	P	--	--	--	P	P	--	--	--	--	--	--	--
Automobile service station		--	P	P	P	--	P	--	P	P	--	--	P	SE	P	P	--
Auto repair and service(34-622(c)(2)):																	
Group I		--	P	P	P	--	--	--	P	P	--	--	--	--	--	P	--
Group II		--	--	P	P	--	--	--	--	SE	--	--	--	--	--	P	--
Bait and tackle shop		P	P	P	P	P	P	<u>P</u>	P	P	--	SE (5)	--	P	P	--	--
Banks & Financial Establishments (34-622(c)(3))																	
Group I		P	P	P	P	--	P	<u>P(16)</u>	P	P	P	P(16)	--	P	--	--	--
Group II		--	P	P	P	--	--	--	P	P	P	P(16)	--	--	--	--	--
Bar or cocktail lounge	34-1261 et seq.	--	AA/SE	AA/SE	AA/SE	--	--	--	AA/S	AA/SE	--	--	AA/SE	AA/SE	AA/SE	--	--
Bed and Breakfast		--	P	P	P	--	--	--	--	--	--	SE	--	P	--	--	--

	Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	<u>CN-3</u> <u>(21,23)</u>	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
Boarding house		--	P	P	P	--	--	--	--	--	--	SE	--	P	--	--	--
Boats:																	
Boat parts store		P	P	P	P	--	P	<u>P (2, 4)</u>	P	P	--	--	--	--	--	--	--
Boat ramp		EO/SE	EO/SE	P	P	--	--	--	P	P	--	--	--	P	P	--	--
Boat rental		P	P	P	P	--	P	--	P	EO	--	--	P	P (7)	--	--	--
Boat repair and service	34-1352,34-3001 et	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Boat sales		--	P	P	P	--	--	--	--	P	--	--	--	--	--	--	--
Boat storage, dry, not exceeding two tiers or 18		--	P	P	P	--	--	--	--	P	--	--	--	--	--	--	--
Boat storage, dry, exceeding two tiers or 18 feet		--	SE	SE	SE	--	--	--	--	SE	--	--	--	--	--	--	--
Broadcast studio, commercial radio and television	34-1441 et seq.	--	--	P	P	--	--	--	P	P	--	--	--	--	--	--	--
Building materials sales(34-622(c)(4))		--	--	P	P	--	--	--	--	P	--	--	--	--	--	P	--
Business services (34-622(c)(5)):																	
Group I		P	P	P	P	--	P	<u>P</u>	P	P	P	P (8)	--	P	P	P	--
Group II		--	P	P	P	--	--	<u>SE</u>	--	P	--	--	--	--	--	P	--
Bus station/depot	34-1381 et seq.	--	--	P	P	--	--	--	SE	P	--	--	P	--	--	P	--
Caretaker's residence		--	SE	SE	SE	--	--	<u>SE</u>	SE	SE	--	--	--	--	--	--	--
Car wash		--	P	P	P	--	--	--	P	P	--	--	P	--	--	--	--
Cleaning and maintenance services (34-622(c)(7))		P	P	P	P	--	--	<u>SE</u>	P	P	P	P	--	--	--	--	--
Clothing stores, general(34-622(c)(8))		P	P	P	P	--	--	--	P	P	--	--	--	P	--	--	--
Clubs:																	
Country		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Commercial		--	--	P	P	--	--	--	P	EO	--	SE	--	--	--	--	--
Fraternal	34-2111	--	P	P	P	--	--	--	P	EO	--	SE	--	P	--	--	--
Membership organization	34-2111	--	P	P	P	--	--	--	P	EO	--	--	--	--	--	--	--
Private		--	--	--	--	P	P	--	P	--	--	SE	--	P	P	--	--
Cold storage warehouse and processing plant		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Commercial fishery		--	--	EO	--	--	--	--	--	--	--	--	--	--	--	--	--
Commercial use of beachfront seaward of the water	34-3151	SE (7)	SE (7)	SE (7)	SE (7)	--	--	--	SE	SE (7)	--	--	--	SE (7)	--	--	--
Community residential home		P	P	P	P	--	--	<u>P</u>	--	--	--	--	--	--	--	--	--
Communication tower																	
100 feet or less in height	34-1441 et seq.	P	P	P	P	--	--	--	P	P	--	--	P	--	P	P	--
Over 100 feet in height	34-1441 et seq.	SE	SE	SE	SE	--	--	--	SE	SE	--	--	SE	--	SE	SE	--
Consumption on premises	34-1261 et seq.	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	<u>AA/SE</u> <u>(22)</u>	AA/S E	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	--
Contractors and builders(34-622(c)(9)):																	
Group I		P	P	P	P	--	--	<u>P</u>	P	P	--	--	--	--	--	--	--
Group II		--	P	P	P	--	--	--	P	P	--	--	--	--	--	--	--

	Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21,23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
Group III		--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	--
Convenience food and beverage store		P (19)	P (19)	P (19)	P (19)	--	SE (19)	--	P	P	--	--	P	SE (19)	P	P	--
Cultural facilities (34-622(c)(10))		--	P	P	P	--	--	--	--	--	--	--	--	P	--	--	--
Day care center, adult, child		P	P	P	P	P	P	<u>P</u>	P	EO	--	--	--	P	P	--	--
Department store		P	P	P	P	--	--	--	P	P	--	--	--	--	--	--	--
Dormitory		--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--
Drive-through facility for any permitted use		P	P	P	P	--	SE	--	P	P	SE	SE	P	P	P	P	--
Drive-in theater		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Drugstore, pharmacy		P	P	P	P	--	P	<u>P</u>	P	P	--	--	--	--	P	--	--
Dwelling unit:																	
Duplex		P	P	P	P	--	--	--	--	--	--	P	--	--	--	--	--
Single-family		P	P	P	P	--	--	--	--	--	--	P	--	--	--	--	--
Two-family attached		P	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--
Townhouse		EO	--	--	EO	--	--	--	--	--	--	--	--	--	--	--	--
Mobile home		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Multiple-family building		EO	P	P	EO	SE	SE (10)	<u>SE(10)</u>	--	--	SE (10)	SE (10)	--	P	--	--	--
Entrance gates and gatehouse	34-1749	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P
Emergency medical service(ambulance station)		P	P	P	P	--	--	--	--	P	P	SE	--	--	--	P	--
Emergency operations center		P	P	P	P	--	--	--	--	P	P	SE	--	--	P	P	--
Essential services	34-1611 et seq.	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P
Essential service facilities(34-622(c)(13)):																	
Group I	34-1611 et seq.	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P
Group II	34-1611 et seq.	SE	SE	SE	SE	SE	SE	--	SE	SE	SE	SE	SE	SE	SE	SE	SE
Excavation:																	
Mining		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Water retention	34-1651 et seq.	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P
Oil or gas		SE	SE	SE	SE	SE	SE	--	SE	SE	SE	--	SE	SE	SE	SE	--
Farm equipment, sales, storage, rental, service		--	--	--	--	--	--	--	--	P	--	--	--	--	P	--	--
Feed or fertilizer, mixing and sales		--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--
Fire station		P	P	P	P	--	--	--	--	P	P	SE	--	--	P	P	--
Fish house, wholesale		--	--	P (11)	--	--	--	--	--	--	--	--	--	--	--	--	--
Flea market:																	
Open		--	--	SE	SE	--	--	--	--	SE	--	--	--	--	--	--	--
Indoor		--	P	P	P	--	--	--	P	P	--	--	--	--	--	--	--
Food and beverage service, limited		SE	SE	SE	SE	SE	SE	SE	SE	SE	--	SE	--	--	--	--	--
Food stores (34-622(c)(16)):																	
Group I		P	P	P	P	P (12)	P	<u>P(12)</u>	P	P	--	--	--	P	P	--	--

	Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21,23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
Group II		P	P	P	P	--	P	<u>P</u>	P	P	--	--	--	--	--	--	--
Forestry tower		P	P	P	P	--	--	--	--	P	P	SE	--	--	--	P	--
Fraternity house		--	--	--	--	--	--	<u>--</u>	--	--	--	--	--	P	--	--	--
Freight and cargo handling establishments (34-		--	--	--	--	--	--	<u>--</u>	--	--	--	--	--	--	--	P	--
Funeral home or mortuary:																	
No cremation		P	P	P	P	--	--	<u>--</u>	P	P	P	SE	--	--	--	--	--
With cremation		--	--	--	--	--	--	<u>--</u>	--	P	P	SE	--	--	--	--	--
Gasoline dispensing system, special		--	--	--	--	--	--	<u>--</u>	--	--	--	--	--	--	--	P	--
Government maintenance facility		P	P	P	P	--	--	--	--	P	P	SE	--	--	--	P	--
Hardware store		P	P	P	P	P	P	<u>P</u>	P	P	--	--	--	--	P	--	--
Health care facility (34-622(c)(20)):																	
Group I		--	--	--	--	--	--	--	--	--	P (13)	SE (13)	--	--	--	--	--
Group II		--	--	--	--	--	--	<u>--</u>	--	--	P (13)	SE (13)	--	--	--	--	--
Group III		P	P	P	P	--	P	<u>P</u>	P	P	P	SE(13)	--	--	P	--	--
Group IV		--	--	--	--	--	--	<u>--</u>	--	--	P (13)	SE (13)	--	--	--	--	--
Heliport or helistop		See Aircraft landing facilities, private															
Hobby, toy, game shops(34-622(c)(21))		P	P	P	P	--	P	<u>P</u>	P	P	--	--	--	--	--	--	--
Home care facility		P	P	P	P	SE	SE	<u>--</u>	--	--	SE	SE	--	P	--	--	--
Home occupation:																	
No outside help	34-1771 et seq.	P	P	P	P	P	P	<u>P</u>	--	--	P	P	--	P	--	--	--
With outside help	34-1771 et seq.	AA	AA	AA	AA	AA	AA	<u>AA</u>	--	--	AA	AA	--	AA	--	--	--
Hotel/motel:	34-1801 et seq.	--	P	P	P	--	--	<u>--</u>	--	--	--	SE	P	P	--	--	--
Household and office furnishings(34-622(c)(22)):																	
Group I		P	P	P	P	--	--	<u>P</u>	P	P	--	--	--	--	--	--	--
Group II		P	P	P	P	--	--	<u>P</u>	P	P	--	--	--	--	--	--	--
Group III		--	--	--	--	--	--	<u>--</u>	--	P	--	--	--	--	--	--	--
Insurance companies (34-622(c)(23))		P	P	P	P	--	--	<u>--</u>	--	--	P	--	--	--	--	--	--
Laundromat		P	P	P	P	P	P	<u>P</u>	P	P	--	SE (5)	--	P	P	--	--
Laundry or dry cleaning(34-622(c)(24)):																	
Group I		P	P	P	P	--	P	<u>P</u>	P	P	--	--	--	P	P	--	--
Group II		--	--	P	--	--	--	<u>--</u>	--	--	--	--	--	--	--	--	--
Lawn and garden supply store	34-2081	P	P	P	P	--	--	<u>--</u>	P	P	--	--	--	--	P	--	--
Library		P	P	P	P	--	P	<u>P</u>	P	P	--	--	P	P	--	--	--
Manufacturing of:																	
Apparel products (34-622(c)(1))		--	--	P	--	--	--	<u>--</u>	--	--	--	--	--	--	--	--	--

	Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21,23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
Dairy products (SIC 202 only)		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Electrical machinery and equipment (34-		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Fabricated metal products(34-622(c)(14)), group		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Food and kindred products(34-622(c)(15)),		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Leather products(34-622(c)(25)), group II		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Lumber and wood products(34-622(c)(26)),		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Measuring, analyzing and controlling		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Novelties, jewelry, toys and signs (34-		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Rubber and plastic products(34-622(c)(44)),		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Marina	34-1862	EO	EO	EO	EO	--	--	--	--	EO	--	--	--	EO	--	--	--
Marina, ancillary uses		EO	EO	EO	EO	--	--	--	--	EO	--	--	--	EO	--	--	--
Mass transit depot or maintenance facility		P	P	P	P	--	--	--	--	P	P	SE	--	--	--	P	--
Medical office		P	P	P	P	--	P	P	P	P	P	P	--	P	P	--	--
Mobile home dealers		--	--	P	--	--	--	--	--	SE	--	--	--	--	--	--	--
Model:																	
Home	34-1951 et seq.	P	P	P	P	--	--	--	--	--	--	--	--	SE	--	--	--
Unit	34-1951 et seq.	P	P	P	P	--	--	--	--	--	--	--	--	SE	--	--	--
Display center	34-1951 et seq.	--	P	P	P	--	--	--	P	P	--	--	--	SE	--	--	--
Multislip docking facility		--	P	P	P	--	--	--	--	--	--	--	--	P	--	--	--
Night Clubs	34-1201 et seq; 34-	--	AA/SE	AA/SE	AA/SE	--	--	--	AA/S	AA/SE	--	--	AA/SE	AA/SE	AA/SE	--	--
Nonstore retailers (34-622(c)(30)), all groups		P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--
Package store	34-1261 et seq.	P	P	P	P	P	P	P	P	P	--	--	--	P	P	--	--
Paint, glass and wallpaper		P	P	P	P	--	--	P	P	P	--	--	--	--	--	--	--
Parks (34-622(c)(32)), Groups I		P	P	P	P	--	--	--	P	P	--	--	--	P	--	--	--
Group II		SE	SE	P	P	--	--	--	--	P	--	--	--	P	--	--	--
Parking lot:																	
Accessory		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Commercial		--	SE	SE	--	--	--	--	SE	SE	--	--	--	--	--	--	--
Garage, public parking		--	SE	SE	P	--	--	--	SE	SE	--	--	--	--	--	--	--
Temporary	Note (14),34-3049	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Personal services (34-622(c)(33)):																	
Group I		P	P	P	P	P	P	P	P	P	--	SE (5)	--	P	--	--	--
Group II		P	P	P	P	--	--	P	P	P	--	--	--	P	--	--	--
Group III		P	P	P	P	--	--	P	P	P	SE	SE (5)	--	P	--	--	--

	Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21,23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
Group IV		P	P	P	P	--	P	<u>P</u>	P	P	--	--	--	--	--	--	--
Pet services		P	P	P	P	--	--	--	--	P	--	--	--	--	--	--	--
Pet shop		P	P	P	P	--	P	<u>P</u>	P	P	--	--	--	--	--	--	--
Pharmacy		P	P	P	P	P	P	<u>P</u>	P	P	--	--	--	--	P	--	--
Place of worship	34-2051	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	--
Plant nursery	34-2081	P	P	P	P	--	--	--	--	P	--	--	--	--	P	--	--
Police or sheriff's station		P	P	P	P	--	--	--	--	P	P	SE	--	--	--	P	--
Post office		P	P	P	P	--	--	--	--	P	P	SE	--	--	--	P	--
Printing and publishing(34-622(c)(36))		--	--	P	--	--	--	--	--	EO	--	--	--	--	--	--	--
Processing and warehousing		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Racetracks (34-622(c)(37)): Group I and II	CPD only	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Recreation facilities																	
Commercial (34-622(c)(38)):																	
Group I		P	P	P	P	--	--	<u>P</u>	P	P	--	--	--	P	--	--	--
Group III	Note (20)	--	P/SE	P/SE	P/SE	--	--	--	--	--	--	--	--	P/SE	--	--	--
Group IV	Note (20)	--	--	--	--	--	--	--	P/SE	P/SE	--	--	--	P/SE	--	--	--
Personal		P	P	P	P	P	P	<u>P</u>	--	--	--	--	--	--	--	--	--
Private																	
On-site		P	P	P	P	--	--	--	P	--	--	--	--	P	--	--	--
Off-site		SE	P	P	P	--	--	--	--	--	--	--	--	P	--	--	--
Recycling facility		--	--	SE	--	--	--	--	--	SE	--	--	--	--	--	--	--
Religious facilities	34-2051 et seq.	--	--	P	--	--	P	<u>P</u>	P	P	P	SE	--	SE	--	--	--
Rental or leasing establishments(34-622(c)(39)):																	
Group I	34-1352, 34-3001 et	P	P	P	P	--	P	<u>P</u>	P	P	--	--	P	P	--	--	--
Group II	34-1201 et seq., 34-	P	P	P	P	--	P	<u>P</u>	P	P	--	--	P	P	P	--	--
Group III	34-1352, 34-3001 et	--	P	P	P	--	--	--	P	P	--	--	P	P(17)	--	--	--
Group IV	34-1352, 34-3001 et	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Repair shops (34-622(c)(40)):																	
Group I		P	P	P	P	P	P	<u>P</u>	P	P	--	--	--	P	P	P	--
Group II		P	P	P	P	--	--	<u>P</u>	P	P	--	--	--	--	P	P	--
Group III		--	--	P	P	--	--	--	--	P	--	--	--	--	--	P	--
Group IV		--	--	P	--	--	--	--	--	P	--	--	--	--	P	P	--
Group V		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Research and development laboratories (34-																	
Group II		--	--	P	--	--	--	--	P	--	P	SE	--	--	--	--	--
Group IV		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--

	Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21,23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
Residential accessory uses(34-622(c)(42))		P	P	P	P	P	P	<u>P</u>	--	P	P	P	--	P	--	--	--
Restaurant, fast food		--	P	P	P	--	--	--	P	P	--	--	P	P	SE	--	--
Restaurants (34-622(c)(43)):																	
Group I		P	P	P	P	--	P	<u>P</u>	P	P	--	SE (5)	P	P	P	--	--
Group II		P	P	P	P	--	P	<u>P(24)</u>	P	P	SE	SE (5)	P	P	--	--	--
Group III		P	P	P	P	--	P	<u>P(24)</u>	P	P	--	SE (5)	P	P	P	--	--
Group IV		--	P	P	P	--	--	--	P	P	--	SE (5)	P	P	--	--	--
Roadside stand	34-1714	TP	TP	TP	TP	TP	TP	--	TP	TP	TP	TP	TP	TP	TP	TP	TP
Rooming house		--	--	--	--	--	--	--	--	--	--	SE	--	P	--	--	--
Schools, commercial (34-622(c)(45))	34-2381	P	P	P	P	--	--	--	P	P	P	SE	--	--	--	--	--
Self-service fuel pumps	Note (18)	SE	SE	SE	SE	--	SE	--	P	P	--	--	SE	SE	SE	P	--
Signs in accordance with chapter 30		P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P
Social services (34-622(c)(46)):																	
Group I		P	P	P	P	--	--	--	P	--	P	--	--	--	--	--	--
Group II		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Group III		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Group IV		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Specialty retail shop (34-622(c)(47)):																	
Group I		P	P	P	P	P	P	<u>P</u>	P	P	SE	SE (5)	P	P	P	--	--
Group II		P	P	P	P	--	P	<u>P</u>	P	P	--	SE (5)	--	P	--	--	--
Group III		P	P	P	P	--	--	<u>P(2)</u>	P	P	--	--	--	--	--	--	--
Group IV		P	P	P	P	--	--	--	P	P	--	--	--	--	--	--	--
Stable, commercial	34-1291 et seq.	--	--	--	--	--	--	--	--	--	--	--	--	--	SE	--	--
Storage:																	
Indoor only	34-3001 et seq.	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	--
Storage, open	34-3001 et seq.	--	P	P	P	--	--	--	P	P	--	--	--	--	--	P	--
Studios (34-622(c)(49))		P	P	P	P	--	--	<u>P</u>	P	EO	--	SE	--	P	--	--	--
Supermarket		P	P	P	P	--	P	--	P	P	--	--	--	P	--	--	--
Temporary uses	34-3041 et seq.	P	P	P	P	--	P	P	P	P	P	--	P	P	P	P	P
Theater:																	
Indoor	34-2471 et seq.	--	EO	EO	--	--	--	--	P	P	--	--	--	P	--	--	--
Drive-in	CPD or MPD only	--	--	EO	--	--	--	--	--	--	--	--	--	--	--	--	--
Timeshare units	34-3071 et seq.	EO	SE	SE	SE	--	--	--	--	--	--	--	--	P	--	--	--
Transportation services(34-622(c)(53)):																	
Group I		--	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--
Group II		--	--	P	P	--	--	--	P	P	--	--	--	--	--	P	--

	Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	<u>CN-3</u> <u>(21,23)</u>	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
Group III		--	--	P	P	--	--	=	--	P	--	--	P	--	--	P	--
Group IV		--	--	P	P	--	--	--	--	--	--	--	--	--	--	P	--
Truck stop		--	--	--	--	--	--	=	--	P	--	--	P	--	--	P	--
Trucking terminal, motor, rail, air, including		--	--	--	--	--	--	=	--	--	--	--	--	--	--	P	--
Used merchandise stores(34-622(c)(54)):																	
Group I		--	P	P	P	--	P	=	P	P	--	--	--	--	--	--	--
Group I, limited to indoor display only,		P	--	--	--	--	--	<u>P</u>	--	--	--	--	--	--	--	--	--
Group II		--	P	P	P	--	--	<u>P(2)</u>	P	P	--	--	--	--	--	--	--
Group III		--	P	P	P	--	--	=	P	P	--	--	--	--	--	--	--
Group IV		--	--	P	P	--	--	=	--	P	--	--	--	--	--	--	--
Variety store		P	P	P	P	--	P	<u>P</u>	P	--	--	--	--	--	--	--	--
Vehicle and equipment dealers(34-622(c)(55)):																	
Group I	34-1352	--	P	P	P	--	--	=	--	P	--	--	--	--	--	--	--
Group II	34-1352	--	P	P	P	--	--	--	P	P	--	--	--	--	--	--	--
Group III	34-1352	--	P	P	P	--	--	--	--	P	--	--	--	--	--	--	--
Group IV	34-1352	--	P	P	P	--	--	=	--	P	--	--	--	--	--	--	--
Group V	34-1352	--	--	--	--	--	--	=	--	P	--	--	--	--	--	--	--
Warehouse:																	
Mini-warehouse		--	--	P	--	--	SE	=	SE	SE	--	--	--	--	--	P	--
Private		--	--	P	--	--	--	=	--	--	--	--	--	--	--	P	--
Public		--	--	P	--	--	--	=	--	--	--	--	--	--	--	P	--
Wholesale establishment(34-622(c)(56)):																	
Group I		--	--	--	--	--	--	=	--	--	--	--	--	--	--	--	--
Group II		--	--	--	--	--	--	=	--	--	--	--	--	--	--	--	--
Group III		--	P (15)	P	P	--	--	=	P (15)	P (15)	P (15)	P (15)	--	P (15)	P (15)	P	--
Group IV		--	P (15)	P (15)	P (15)	--	--	=	P (15)	P (15)	--	--	--	--	--	P	--

Notes:

- (1) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (2) ~~Reserved: No outdoor display of merchandise permitted.~~
- (3) Permitted only if completely enclosed within a building.
- (4) ~~Reserved: No installation service permitted.~~
- (5) Limited to 500 square feet when in conjunction with one dwelling unit on the same premises.
- (6) Use only permitted when clearly incidental to a hotel or motel.
- (7) The following uses may be permissible seaward of the water body setback line only by special exception: boat rentals (inflatables, sailboats, jet skis, windsurfers and the like), food stands, 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.
- (8) Bail bonding, blood banks, blood donor stations and caterers permitted only by special exception.
- (9) ~~Excluding fast food restaurants for which drive-through facilities are permitted by right.~~
Reserved
- (10) The total square footage of the residential uses shall not exceed the total square footage of all existing and proposed commercial uses on the subject property, and the total number of residential units shall not exceed the number of units permitted by the Lee Plan, whichever is less.
- (11) Not permitted within 500 feet of the nearest residence.
- (12) Excluding supermarkets.
- (13) New facilities of 50 or more beds, or the expansion of an existing facility that will bring the number of beds to 50 or more, requires PD zoning. See section 34-341 and Table 34-934.
- (14) Use not permitted on Captiva Island or within the Gasparilla Island conservation district.
- (15) Limited to those commodities and products which are permitted to be sold at retail, provided that parking meets the requirements for retail sales.
- (16) ~~Automatic teller machines may only be approved by special exception.~~ ATM's that are to be available to the public 24 hours a day, must be approved by Special Exception and located so that their uses will not cause a disturbance to adjacent property owners. ATM's located within a building housing a permitted use and available to the public only during normal working hours do not require a Special Exception.
- (17) Limited to rental of passenger cars, vans, and pick-up trucks less than three-quarter ton capacity. Maintenance activities limited to washing, waxing, vacuuming and minor repairs but excluding activities classified as Automotive Repair and Service-Groups I and II. See section 34-622(c)(2).
- (18) Two pumps are permissible as an accessory use to businesses (other than a convenience food and beverage store which is listed separately) to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.
- (19) Limited to eight pumps unless a greater number is approved as part of a special exception or as specifically approved in the master concept plan. An existing business with more than eight lawfully permitted pumps as of January 31, 1998 will not be considered non-conforming. Existing pumps may be modernized, replaced, or relocated on the same premises but additional new pumps will not be permitted.
- (20) Facilities proposed for ten or more acres or the expansion of an existing facility that will bring the number of acres to ten or more acres must request and be approved as a special exception.
- (21) Regular business hours limited to 7:00 A.M. to 9:00 P.M. unless extended hours are approved by Special Exception for a specific use.
- (22) Use may only be approved when clearly incidental to a permitted restaurant.
- (23) Total floor area of a single use building may not exceed 5,000 square feet. A multi use building may not exceed 7,500 square feet. If more than one building is in a development,

there must be a minimum separation between buildings of fifteen feet.
(24) No outdoor seating.

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	<u>CN-3</u>	CC, CG	CS-1	CS-2	CH	CT	CR	CI	CP
Maximum density	Note (1)				(2)	(2)	<u>(2)</u>		(2)	(2)					
Minimum lot area and dimensions:	34-2221, 34-2222, 34-2142														
Minimum lot size:															
Residential uses (square feet):															
First two units in same building		7,500	7,500	7,500	--	--	<u>7,500</u>	--	--	5,000	--	7,500	--	--	--
Each additional unit in same building		--	3,000	2,000	--	--	<u>2,000</u>	--	--	--	--	2,000	--	--	--
Nonresidential uses (square feet):															
Corner lot		7,500	7,500	10,000	10,000	10,000	<u>10,000</u>	20,000	20,000	5,000	10,000	20,000	39,500	2 acres	None
Interior lot		7,500	7,500	10,000	10,000	10,000	<u>7,500</u>	20,000	20,000	5,000	10,000	20,000	33,600	2 acres	None
Lot width (feet)		75	75	75	75	100	<u>75</u>	100	100	50	100	100	100	150	--
Lot depth (feet)		100	100	100	100	100	<u>100</u>	100	100	100	100	100	100	150	--
Minimum setbacks:	34-1174 et seq. & 34-2191 et seq.												(10)		
Street (feet)	Notes (3) and (4)	Variable according to the functional classification of the street or road (see section 34-2192).													
Side yard (feet)	Notes (3) and (5)	15	15	15	15	15	<u>10</u>	15	20	10	15	20	15	15(10)	Note (6)
Rear yard (feet)		25	25	25	20	20	<u>20</u>	25	20	20	20	25	20	25(10)	Note (7)
Water body (feet):	34-2191 et seq.														
Gulf of Mexico		In accordance with chapter 6, article III, or 50 feet from mean high water, whichever is the most restrictive.													
Other		25	25	25	25	25	<u>25</u>	25	25	25	25	25	25	25	25
Special Regulations		Refer to the sections specified for exceptions or additions 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 service facilities (34-622(c)(13))	34-1611 et seq., 34-2142														
Fences, walls, gatehouses, etc.	34-1741 et seq.														

	Special Notes or Regulations	C-1A	C-1	C-2, C-2A	CN-1	CN-2	<u>CN-3</u>	CC, CG	CS-1	CS-2	CH	CT	CR	CI	CP
Fertilizer mixing	34-2443														
Hotel/motel	34-1801 et seq.														
Nonroofed accessory structures	34-2194(c)														
Railroad right-of-way	34-2195														
Outdoor storage or display of merchandise	34-3001 et seq. <u>Note 8.</u>														
Maximum height (feet)	34-2171 et seq.	35	35	35	35	35	<u>35</u>	35	35	35	35	35	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 height limitations (see section 34-2175).													
Maximum lot coverage (percent of total lot area)		40%	40%	40%	40%	40%	<u>40%</u>	40%	40%	50%	40%	40%	40%	40%	40% (9)

Notes:

- (1) Residential development shall not exceed that density permitted by the Lee Plan for the land use category in which the property is located.
- (2) The minimum lot area required for nonresidential uses shall be applicable to combined commercial and residential living units approved by special exception in the same manner as if the residential use did not exist.
- (3) Modifications to required setbacks for arterial or collector streets are permitted only by variance. Modifications for solar or wind energy purposes, are permitted only by special exception. See section 34-2191 et seq.
- (4) Special street setbacks apply to portions of Colonial Boulevard and Daniels Road. See section 34-2192(b).
- (5) No side yard setback is required from common lot line for two-family attached or townhouse.
- (6) 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 any side lot line and 25 feet from any rear lot line.
- (7) 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.
- (8) No outdoor display or storage of merchandise ~~shall be~~ is permitted in the CN-1, ~~or~~ CN-2, or CN-3 district.
- (9) 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.

Sec. 34-934. Use regulations table.

Use regulations for planned development districts are as follows:

TABLE 34-934. USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS

	Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD	AOPD	MPD
Accessory uses and structures	Note (1), 34-1171 et seq., 34-2441 et seq., 34-1863, 34-2141 et seq., <u>34-3106</u>	P	P	P	P	P	P	P	P

DIVISION 9. PLANNED DEVELOPMENT DISTRICTS

Sec. 34-940. Mixed use planned developments.

- (a) All mixed use planned developments must meet or exceed at least two of the following ~~DG~~ thresholds:
 - (1) A residential or mobile home development of ~~300~~ 150 or more dwelling units. (~~section 34-341(b)(1)~~);
 - (2) A commercial development or activity which is either located on a parcel of ~~ten~~ five or more acres or which may include ~~100,000~~ 50,000 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~~ five or more acres or which may include ~~100,000~~ 50,000 square feet or more of floor area (~~section 34-341(b)(4)~~).
- (4) A community facility development of five or more acres.
- (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.
- (c) The master concept plan for a mixed use development must clearly indicate the land area to be used for each of the qualifying thresholds, as well as the uses proposed within each of the designated areas.

Subdivision III. Airport Hazard Districts

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 Airport based upon the DNL contours for airport noise developed in accordance with the Federal Aviation Regulations, Part 150, Noise Compatibility Study for the Southwest Florida International Airport, as adopted by the Board of County Commissioners and on file at the county port authority. 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 may be used or permitted to be used and no structure 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.*

- b. Zone 3 is legally defined as the following area:

A tract or parcel of land lying in Lee County, Florida, more particularly described as follows:

Within Township 46 South, Range 25 East:

All of Section 1;

All of Section 2;

All of Section 3;

All of Section 4;

All of Section 5: less and except:

the North Two-Thirds (N-2/3) of the Northwest Quarter (NW-1/4) lying North of the North line of the easement for the Briarcliff Canal;

All of Section 6: less and except:

the North Half (N-1/2) of the North Half (N-1/2) lying North of the North line of the easement for the Briarcliff Canal;

The North Half (N-1/2) of Section 10; and

The Northwest Quarter (NW-1/4) and the West Half (W-1/2) of the Northeast Quarter (NE-1/4) of Section 11.

TOGETHER WITH:

Within Township 45 South, Range 25 East:

The West Half (W-1/2) of the Southwest Quarter (SW-1/4) of Section 26; the Southeast Quarter (SE-1/4) of Section 27; all of Section 34; less and except:

the Northwest Quarter (NW-1/4); the West Half (W-1/2) of the West Half (W-1/2) of Section 35;

TOGETHER WITH:

Within Township 46 South, Range 26 East: the Northwest Quarter (NW-1/4) of Section 5; the North Half (N-1/2) and the west 915 feet of the South Half (S-1/2) of Section 6;

TOGETHER WITH:

Within Township 45 South, Range 26 East:

That portion of the Southwest Quarter (SW-1/4) of Section 4 lying south of State Road No. 82;

That portion of the Southeast Quarter (SE-1/4) of Section 5 lying south of State Road No. 82;

That portion of the Southwest Quarter (SW-1/4) of Section 11 lying south of State Road No. 82;

That portion of Section 10 lying south of State Road No. 82;

All of Section 9: less and except:

that portion of the Northeast Quarter (NE-1/4) of Section 9 lying north of State Road No. 82;

The East Half (E-1/2) of the East Half (E-1/2) together with the Southwest Quarter (SW-1/4) of the Southeast Quarter (SE-1/4) of Section 8;

All of Section 14: less and except:

that portion of the Northeast Quarter (NE-1/4) of Section 14 lying north of State Road No. 82;

All of Section 15;

All of Section 16;

All of Section 17: less and except:

that portion of the Southwest Quarter (SW-1/4) described as follows:

Beginning at the southwest corner of the Southwest Quarter (SW-1/4) of said Section 17 run N 89° 27' 32" E along the south line of the Southwest Quarter (SW-1/4) a distance of 2643.37 feet to the southeast corner of the Southwest Quarter (SW-1/4) of Section 17; thence run N 01° 00' 03" W along the east line of the Southwest Quarter (SW-1/4) a distance of 2663.49 feet to the northeast corner of the Southwest Quarter (SW-1/4) of Section 17; thence run S 89° 30' 50" W along the north line of the Southwest Quarter (SW-1/4) of Section 17 a distance of 2110.98 feet; thence run S 54° 00' 00" W a distance of 649.21 feet to a point lying along the west line of the Southwest Quarter (SW-1/4) of Section 17; thence run S 00° 58' 41" E along the west line of the Southwest Quarter (SW-1/4) of Section 17 a distance of 2288.89 feet to the Point of Beginning;

All that part of the Southeast Quarter (SE-1/4) of Section 18 lying north of Daniels Parkway: less and except:

those portions as described in the Parcel C and Parcel D descriptions included in the Zone 4 Noise Overlay Description;

Together with the South Half (S-1/2) of the South Half (S-1/2) of the Southwest Quarter (SW-1/4) of Section 18;

All that part of the Northwest Quarter (NW-1/4) of Section 19 lying north of Daniels Parkway;

That portion of Section 20 as described and recorded in Official Record Book 1535 at page 1480 in the Lee County Public Records;

All of Section 21;

All of Section 22;

All of Section 23;

All of Section 26;

All of Section 27;

All of Section 28;

All of Section 33;

All of Section 34.

(3) *Zone 2:*

b. Zone 2 is legally defined as the following area:

A parcel or tract of land lying in Lee County, Florida, more particularly described as follows:

Within Township 44 South, Range 26 East:

The Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of Section 27;

The South Half (S-1/2) of Section 28: less and except:

the Northeast Quarter (NE-1/4) of the Southeast Quarter (SE-1/4) of Section 28;

The Southeast Quarter (SE-1/4) of Section 29; less and except:

the Northwest Quarter (NW-1/4) of the Southeast Quarter (SE-1/4) of Section 29;

The East Half (E-1/2) of Section 32;

All of Section 33;

The West Half (W-1/2) of the West Half (W-1/2) of Section 34;

TOGETHER WITH:

Within Township 45 South, Range 26 East:

The West Half (W-1/2) of the West Half (W-1/2) of Section 3;

All of Section 4: less and except:

that portion lying south of State Road No. 82

All of Section 5: less and except:

the North Half (N-1/2) of the Northwest Quarter (NW-1/4) of Section 5;

and less and except: that portion of the East Half (E-1/2) of the Southeast Quarter (SE-1/4) of Section 5 lying south of State Road No. 82;

All of Section 8: less and except:

the East Half (E-1/2) of the East Half (E-1/2) of Section 8;

and less and except: the Southwest Quarter (SW-1/4) of the Southeast Quarter (SE-1/4) of Section 8;

All that portion of Section 9 lying north of State Road No. 82;

All that portion of Section 10 lying north of State Road No. 82;

All of Section 11: less and except:

that portion of the Southwest Quarter (SW-1/4) lying south of State Road No. 82;

All that portion of the North Half (N-1/2) of Section 14 lying north of State Road No. 82;

All of Section 35;

TOGETHER WITH:

Within Township 46 South, Range 26 East:

All of Section 2;

All of Section 3;

All of Section 4;

All of Section 5: less and except:

the Northwest Quarter (NW-1/4) of Section 5;

The South Half (S-1/2) of Section 6: less and except:

the west 915 feet thereof;

That portion of Section 7 lying north of Alico Road and the West Half (W-1/2) of the West Half (W-1/2) of the North Half (N-1/2);

That portion of Section 8 lying north of Alico Road;

TOGETHER WITH:

Within Township 45 South, Range 25 East:

The South Half (S-1/2) of the South Half (S-1/2) of Section 33;

The South Half (S-1/2) of the South Half (S-1/2) of Section 32;

The South Half (S-1/2) of the South Half (S-1/2) of Section 31;

TOGETHER WITH:

Within Township 46 South, Range 25 East:

The North Two-Thirds (N-2/3) of the Northwest Quarter (NW-1/4) of Section 5 lying North of the North line of the easement for the Briarcliff Canal;

The North Half (N-1/2) of the North Half (N-1/2) of Section 6 lying North of the North line of the easement for the Briarcliff Canal;

The North Half (N-1/2) of Section 12; and

The East Half (E-1/2) of the Northeast Quarter (NE-1/4) of Section 11.

DIVISION 11. REDEVELOPMENT OVERLAY DISTRICTS

Subdivision I. General Requirements

Sec. 34-1087. Master site plan initiation and adoption.

(f) *Public hearings; notice required.*

- (2) After the local planning agency hearing, the redevelopment overlay district and master site plan must be reviewed at public hearings before the Board of County Commissioners. Notice of the hearings will be provided to all property owners within the proposed redevelopment overlay district and within ~~375~~ 500 feet of the boundaries of the proposed redevelopment overlay district, consistent with current regulations for zoning use changes. ~~Such notice will be as required under current regulations consistent with § 125.66, F.S. All interested parties will be afforded, a~~At the public hearings; all interested parties will be afforded an opportunity to express their views respecting the proposed redevelopment overlay district and master site plan.

ARTICLE VII. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 2. ACCESSORY USES, BUILDINGS AND STRUCTURES

Section 34-1181. Trucks and Commercial Vehicles in Residentially Zoned Districts.

Except for daytime deliveries or service calls, the following types of trucks or commercial vehicles may not be parked or stored on any lot zoned RS, RSA, RSC, TFC, TF, RM, MH, RV, PUD, RPD, RVPD, MHPD, or the residential portion of a MPD:

1. A tractor-trailer or semi-trailer truck; or
2. A truck with two or more rear axles; or
3. A truck with a Gross Vehicle Weight Rating (GVWR) in excess of 12,000 pounds; or

4. Any truck and trailer combination resulting in a combined Gross Vehicle Weight Rating (GVWR) in excess of 12,000 pounds.

DIVISION 11. COMMUNICATION TOWERS

Sec. 34-1445. Development standards.

(a) *Accessory buildings and structures:*

~~1. Accessory buildings and structures meeting the requirements set forth for Essential Services (df) or Essential Service Facilities - Group I are allowed by right when located on the same site as a communication tower. However, Essential Service Facilities - Group I are limited to a maximum total pad and ground cover area of 500 square feet unless specifically shown on a site plan for a communication tower approved as a special exception.~~

1. ~~2. Special Exception Required: Unless specifically shown on a site plan for a communication tower approved as a special exception, any accessory building or structure meeting the requirements set forth for Essential Service Facilities - Group I that would cause the total pad and ground cover area on the site to exceed 500 square feet must be approved as a separate special exception. Except for industrially zoned property, accessory structure(s) or building(s) that exceed 500 square feet in floor area must be approved as a separate special exception unless specifically approved as part of the communication tower special exception.~~

~~3. Buildings or structures classified as Essential Service Facilities - Group II and constructed in conjunction with a communication tower must be approved as a separate special exception.~~

~~4. A separate special exception required under this subsection may be approved as part of a special exception or rezoning for an associated communication tower.~~

2. Setbacks for accessory buildings.

Accessory buildings and structures that are located on the same parcel of land as described for the communication tower, must be set back from the property line as follows:

a. if less than six feet in height: minimum setback is ten feet.

b. if six feet or more in height: must comply with all setback requirements of the zoning district in which located or ten feet, whichever is greater.

~~(c) Setbacks for accessory buildings. All accessory buildings and structures for a communication tower must conform to the setback requirements for the district in which they are located, including the provisions of section 34-2174(a).~~

~~(d) Fencing. A fence or wall not less than eight feet in height from finished grade must be provided around each communication tower. Access to the tower must be through a locked gate.~~

~~(e) Signs. No advertising will be permitted on communication towers, accessory building or structures, equipment, or antenna support structures. However, the name of the facility owner with an emergency contact number and one or more "No Trespassing" signs must be affixed to the security fence with signs not exceeding one square foot in area. If high voltage is used, one or more warning signs indicating "High Voltage - Danger" not exceeding one square foot~~

in area each must be located on the tower and accessory structure. Placement of signs, other than those described, is strictly prohibited.

(f e) *Parking.* A minimum of one parking space per tower is required. If the site includes office space or other facilities with employees, then parking for the office or other facilities will be ~~as set forth in~~ consistent with section 34-2020 et seq.

(g f) *Shielding, buffering, and landscaping.*

1. The antenna and associated electrical and mechanical equipment must be of a neutral color that is identical to, or compatible with, the color of the supporting structure so that the antenna and equipment is as visually unobtrusive as possible.
2. Towers and supporting structures must be a neutral non-glare color or finish, to reduce visual obtrusiveness, and to blend with the natural environment, or be compatible with the scale, color and architectural character of the building environment while meeting applicable standards of the FAA.
3. A landscaped buffer area no less than ten feet wide must be developed around the perimeter of each new tower that requires security fencing. Where any part of the telecommunication facility abuts a residential property line, a minimum landscaped buffer width of 15 feet must be provided.

The buffer must surround all new structures including the tower base. At least one row of native vegetation must be planted within the buffer to form a continuous hedge at least three feet in height at planting. A three foot high hedge must also be planted around any ground level guy anchors. The buffer must be maintained in good condition.

(h g) *Construction of towers.*

1. Any tower not engineered to withstand category 5 hurricane force winds must be engineered so that, in the event of collapse, all parts of the structure will fall within the area owned or leased by the tower owner.
2. Antenna structures and communication towers, including rooftop towers, must be constructed, installed, and maintained in accordance with applicable building and associated codes and engineering specifications, including the Electronic Industries Association and Telecommunication Industry Association EIA/TIA standards (currently EIA/TIA 222-E).
3. Forty-eight hours before commencing construction of a communication tower, and within 48 hours after the communication tower construction reaches its maximum height, the Lee County Port Authority, Sheriff's office, Emergency Medical Services, the local fire district and the Lee County Mosquito Control District must be notified by the entity constructing the tower. Notice must include the specific location of the tower tied to the state plane coordinate system for the Florida West Zone (North American Datum of 1983/1990 Adjustment)

4. *Lighting.*

- b. ~~As~~ If the height of a structure under construction equals or exceeds the height at which permanent obstruction lights are required by the FAA or the division of development services, temporary high or medium intensity flashing lights must be installed at that level in accordance with Advisory Circular 70/7460-1J, Chapter 40, Section 42.

DIVISION 12. DENSITY

Subdivision III. Housing Bonus Density for Provision of Very Low and Low Income Housing

Sec. 34-1519(b)(3)(1):

- (1) The ~~final~~ first development order following the approval of bonus density, or building permit if a development order is not required, will not be issued until the required contribution is paid in full. Developments that will be completed under multiple development orders, regardless of whether or not the first development order includes bonus units, must pay the required contribution prior to the issuance of the first development order. Contributions will not be refunded once made, even if the development in question fails to occur for any reason. Density bonuses for which contributions are made will run with the specific development plan submitted and approved by the county concurrent with the request for bonus density units.

DIVISION 15. EXCAVATION ACTIVITIES

Subdivision I. Generally

Sec. 34-1651. ~~Required approvals.~~ General requirements for all excavation activities.

- (a) Certificate to dig: ~~No stripping, grading, excavating or removal by any process of natural deposits of solid minerals from their natural location or state for use off of the premises may be commenced prior to applying for and receiving approval as a special exception in the AG districts or as a permissible use in a planned development district as set forth in Tables 34-653 and 34-934. A certificate to dig must be obtained prior to granting receiving approval to excavate properties located within Level 1 or Level 2 zones of archaeological sensitivity pursuant to chapter 22.~~

(a b) *Excavation for mining purposes. Mining*

- (1) ~~No Mining (def) activities stripping, grading, excavating or removal by any process of natural deposits of solid minerals from their natural location or state for use off of the premises may be permitted: commenced prior to in accordance with section 34-1671 et seq. applying for and receiving approval as a special exception in the AG districts or as a permissible use in a planned development district as set forth in Tables 34-653 and 34-934. A certificate to dig must be obtained prior to granting approval to excavate properties located within Level 1 or Level 2 zones of archaeological sensitivity pursuant to chapter 22.~~
- (2) ~~Excavations for construction of roads, drainage ways, buildings or similar activities, that have received a development order or building permit where no material is removed from the premises except surplus not required for backfill or grading are excluded from the requirements of this subsection.~~

(c.c) Excavations Driving or sinking of wells for purpose of oil or gas exploration or extraction.

(1) No oil or gas exploration wells or test wells may be commenced prior to ~~application for and approval of~~ obtaining a special exception for gas and oil exploration in accordance with the procedures set forth in article II of this chapter. ~~A certificate to dig must be obtained prior to granting approval to excavate properties located within Level 1 or Level 2 zones of archaeological sensitivity pursuant to chapter 22.~~

(2) No oil or gas exploration wells may be used for or converted to production wells prior to ~~application for and approval of another~~ obtaining a special exception for gas and oil extraction in accordance with the procedures set forth in article II of this chapter

(b d) Excavations for purpose of water retention. No manmade water detention or retention body may be commenced prior to receiving approval in accordance with the provisions of Section 10-329. ~~A certificate to dig must be obtained prior to approval to excavate properties located within Level 1 or Level 2 zones of archaeological sensitivity pursuant to chapter 22.~~

(e) Excavations for land development. ~~Except as provided in (d), no excavation activities, including removal of surplus material, may be commenced except as set forth in a valid development order.~~

Secs. 34-1652--34-1670. Reserved.

Subdivision II. Mining

Sec. 34-1671. Purpose of subdivision.

The purpose of this subdivision is to set forth the procedures, requirements and regulations pertaining to application for ~~and approval of any excavation/~~ mining activities.

Sec. 34-1672. Definitions.

~~For purposes of this subdivision only, certain terms are defined as follows:~~

~~*Excavation/mining operation permit* means an approval, issued by the director after staff review, that all conditions of the zoning approval have been complied with, and that excavation operations may commence or continue in accordance with all applicable regulations.~~

~~*General excavation permit* means the approval, granted by the Board of County Commissioners or the hearing examiner, indicating that a proposed phase of an excavation\ mining development has received all necessary zoning approval.~~

Sec. 34-1673. Applicability of subdivision.

(a) ~~The requirements of this subdivision apply to the excavation, stripping, grading or removal by any process of natural materials or deposits from their natural state and location, for use off of the premises from which extracted. These natural materials and deposits include, but are not limited to peat, sand, rock, shell, soil, fill dirt or other extractive materials.~~

(b) ~~The provisions of this subdivision are not applicable to any of the following activities:~~

~~(1) Excavation, removal or storage of rock, sand, dirt, gravel, clay or other material for the~~

~~purpose of constructing the foundation of a structure.~~

- ~~(2) The removal or moving of materials for construction of roads, sewer lines, storm sewers, water mains or other utilities.~~
- ~~(3) The removal or moving of materials for purposes of surface water drainage or conservation purposes (see chapter 10).~~
- ~~(4) The temporary removal of topsoil from a lot for landscaping purposes.~~

Sec. ~~34-1674~~ 34-1672. Permit required.

It is unlawful for any person to ~~engage in excavation for~~ commence mining, quarries or borrow pits ~~activities~~ within the unincorporated area of the county, or for an owner to ~~permit such excavation~~ allow the conduct of mining activities on his property, without first obtaining a general ~~excavation~~ mining permit and an ~~excavation/~~ mining operation permit. All permits required by this section must be posted by the applicant at the ~~excavation~~ mining site.

Sec. ~~34-1675~~. Reserved.

Sec. ~~34-1676~~ 34-1673. General policies for approval and operation.

The following Lee Plan policies, ~~set forth in the Lee Plan~~, must be adhered to in applying for and conducting ~~excavation/~~ mining activities:

- ~~(1) Applications for general excavation permits for new or expanding areas must include an environmental assessment. The assessment must include, but not be limited to, consideration of air emissions, impact on environmental, historical and natural resources, a protected species survey as required by chapter 10, article III, division 8, effect on nearby land uses, degradation of water quality, depletion of water quantity, drainage, fire and safety, noise, odor, visual impacts, transportation, including access roads, sewage disposal and solid waste disposal. (Policy 10.1.2)~~
- ~~(2) Applications for general excavation permits for new or expanding sites must include a reclamation plan which provides assurance of implementation (see section 34-1677(c)(2)b.).~~
- (1) Mining activities and mining reclamation plans in or near important groundwater resource areas must be designed to minimize the possibility of contamination of the groundwater during mining and after completion of the reclamation.
- ~~(3) Mineral extraction operations intending to withdraw groundwater for any purpose must provide a monitoring system to measure groundwater impacts. (Policy 10.1.1)~~
- (4) 2) Excavation/ Mining operations must meet or exceed local, state and federal standards for noise, air and water quality, and vibration. (Lee Plan Policy 7.1.1)
- (5) 3) Excavation/ Mining activities must be located and designed so as to minimize adverse environmental impacts.
- (6) 4) Excavation/ Mining activities, and industrial uses ancillary to mineral extraction mining activities, must: may be permitted in areas indicated on the future land use map as rural, and density reduction/groundwater resource, provided they

- a. have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they
- b. have no significant adverse effects such as dust and noise on surrounding land uses and natural resources. In order to reduce transport costs and minimize wear on the county's roadways, extraction and transport of fill material may also be permitted as an interim use in future urban areas, provided the requirements of this subsection are met. However, special restrictions, to be determined during the rezoning process, may also be applied to protect other land uses. (Policy 10.1.4)

Sec. ~~34-1677~~ 34-1674. Application for a general mining permit; issuance of permit.

(a) *General procedure.*

(1) A general mining permit may be issued either:

- a. By Special Exception in an AG Zoning District. The Hearing Examiner may approve a Special Exception general mining permit for areas under 320 acres when located in an AG zoning district; OR. A general excavation permit may be issued as part of a planned development or special exception zoning resolution following:
 - a: Submission of the required information; and
 - b: Approval, after public hearings before the hearing examiner or Board of County Commissioners in accordance with article II of this chapter as a planned development or special exception.
- b. As a planned development or part of a planned development . Any request for areas exceeding 320 acres or in any zoning district other than AG, may only be approved by the Board of County Commissioners as a planned development or as part of a planned development.

(2) A general excavation mining permits may be issued with or without conditions if necessary to protect the public health, safety and welfare or to ensure compliance with the plan or other applicable regulations. An excavation/ mining operations permit is also required prior to any activity on the site (see subsection (c) 34-1675 of this section).

(b) Application for public hearing. In addition to the public hearing requirements set forth in articles II and IV for special exceptions or planned developments (as applicable), all applications for a planned development or special exception and general excavation mining permits must follow the procedures set forth in articles II and IV of this chapter. In addition to the information required in articles II and IV of this chapter, the following additional information must be submitted include the following information:

~~(1) Applicant information:~~ The application must include:

(1) a. The Names, addresses and telephone numbers of:

- a. the owner of the property and its agents located in the county upon which service of any papers under this chapter may be made.
- b. ~~The names, addresses and telephone numbers of the applicant or operator, if other than the owner, and its agent residing in the county upon which service of any papers under this chapter may be made. The application must state the applicant's legal interest in the lands comprising the project tract.~~
- c. ~~The name, address and telephone number of the Florida registered professional engineer of record for the project, who has prepared and signed all engineering documents submitted to the county.~~

(2) ~~Historical and archaeological data:~~ The applicant must indicate information on whether the property:

- a. is located within a Level 1 or Level 2 zone of archaeological sensitivity pursuant to the survey titled "An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida," or
- b. contains an archaeological site that is listed on the Florida Master Site File.

If either is the case, a certificate to dig, pursuant to chapter 22, will be required prior to issuance of ~~approval~~ a mining operation permit.

(3) ~~Environmental assessment report.~~ An environmental assessment report ~~must be submitted~~ including consideration of:

- a. air emissions;
- b. impact on environmental, historical and natural resources;
- c. a protected species survey as required by Section 10-471 et seq. chapter 10, article III, division 8;
- d. effect on nearby land uses;
- e. degradation or depletion of water quality and quantity;
- f. drainage;
- g. fire and safety;
- h. noise, odor, visual impacts;
- i. sewage disposal and solid waste disposal.

(4) ~~Traffic Impact Statement:~~ In lieu of the traffic impact statement required by section ~~34-373(a)(6)a.11 and 34-373(a)(6)b.10~~ 34-373(a)(7), the following information must be submitted:

- a. Projected yearly volume and the total amount of excavated material to be removed from the site;
- b. Projected number of peak hour and annual average daily truck trips;
- c. Ownership, condition and maintenance plans for access routes from the actual excavation to the nearest county-maintained road; and
- d. Projected distribution of truck trips on the county and state road network.

(4 5) *Test boring data.* ~~Data from test borings must be~~ conducted on each proposed excavation site at intervals determined by the division of natural resources. Information submitted must include the: ~~The description must specify~~

- a. ~~the~~ locations of the test borings;
- b. ~~the~~ nature and depth of overburden;
- c. ~~the~~ likely yield of extractive material; and
- d. ~~the~~ complete chemical characteristics of water in each water-bearing strata to be penetrated.

After evaluation by the division of natural resources, the test borings must be plugged from bottom to top with cement under the supervision of that division.

(5 6) *Site map.* ~~A registered engineer or surveyor must~~ Prepared and certified by a registered engineer or surveyor ~~a site map~~ showing:

- a. the date map(s) were prepared;
- b. a north directional arrow;
- c. ~~and~~ the names and locations of all streams, water bodies, percolation ponds and drainfields, roads, railroads, utility lines, buildings, cemeteries and easements within ~~375~~ 500 feet of the property line.

The certification of ~~n~~ the map(s) ~~shall read~~ must state: "I, the undersigned, hereby certify that this map is correct, and shows to the best of my knowledge and belief all information required by the requirements of this Land Development Code."

(6 7) *Proposed mining plan.* ~~The applicant must submit~~

a. A site plan, drawn to scale, showing:

a. 1. The proposed area to be excavated, as follows:

1. i. Projects anticipated to be completed within ten years must show areas to be excavated in two-year increments; and

2. ii. Long duration projects (ten or more years) with projected annual production in excess of 500,000 cubic yards must show areas to be excavated in ten-year increments.

d. 2. The general location and description of all physical plant facilities or other facilities for the operation.

e. 3. Location and description of all existing and proposed monitoring wells.

f. 4. Location and description of all vehicle access routes, to the nearest county-maintained road.

b. A ~~proposed~~ profile plan showing the proposed depth of excavation and slope of banks during excavation operations and after reclamation.

c. A description of the excavation operation, including a description of methods to be employed in removing extractive materials from the ground and from the premises.

(7 8) *Rehabilitation and reclamation plan.* Plans and other appropriate documents ~~must be~~

~~submitted that accurately depicting~~ the plan of reclamation for each increment of the mining plan as outlined in the proposed mining plan submitted pursuant to subsection (b)(~~67~~)a.1. of this section. The plans must include:

- a. ~~The plans must include~~ a typical section indicating the steepness of side slopes and depth of excavation;
- b. ~~The plans must indicate~~ the type of reclamation to take place along the perimeter of the excavation;
- c. ~~A~~ statement ~~must be submitted~~ that reclamation will begin within six months after completion in any area that will not be disturbed by future operations, and will be completed within 12 months or whenever the operations have been abandoned or the general excavation permit expires, whichever comes first; and
- d. ~~The applicant must submit~~ an estimated cost for the reclamation program for each increment of the mining plan, including breakdowns for the cost of revegetation, resloping of lake banks and any other required site work.

(~~8-9~~) Other permits. ~~The applicant must provide~~

- a. copies of all local, state and federal permits issued for the project, or any applications for any such pending permits;
- b. ~~The applicant must also file~~ a summary listing of all required project permits by agency, identification number, date of issuance and date of expiration.

Sec. 34-1675 (e) Application for excavation/ a mining operation permit.

(~~a1~~) Upon approval of the general ~~excavation/ mining~~ permit, the applicant ~~must~~ may proceed to file for an ~~excavation/ mining~~ operation permit. The ~~zoning and~~ development services staff will issue the ~~excavation/ a mining~~ operation permit after reviewing the application for compliance with the conditions placed on the general ~~excavation~~ mining permit.

(b2) In addition to the submittal requirements of ~~chapter 10,~~ set forth in Section 10-174, - the applicant must submit the following information:

- (1) a. A list of the conditions placed on the mining operation by the Board of County Commissioners or hearing examiner for the approved phase, as well as specific proposals to comply with the conditions.
- (2) b. A performance bond, cash in escrow or letter of credit in an amount to be determined by the director but not less than 110 percent of the amount calculated pursuant to subsection (b)(~~7 8~~)d. of this section, or other agreement acceptable to the county attorney to ensure the applicant's compliance in all respects with the conditions of the general ~~excavation~~ mining permit for the phase or portion thereof covered by the ~~excavation/ mining~~ operation permit.
- (3) c. ~~An engineer must submit a certified survey of the area and depth of the excavation site certified by a professional surveyor and mapper (PSM) to the division of zoning and development services,~~ as part of each renewal application for an excavation/ mining operation permit.

Sec. 34-1678 1676. Duration of Mining Operation permit.

- (a) ~~excavation/~~ Mining operation permits for the area or phase approved in the general ~~excavation mining~~ permit will be valid for two years from the date of issuance unless a lesser period of time has been stipulated by the Board of County Commissioners or the hearing examiner.

Applications for renewal must be made at least 90 days prior to expiration.

- (b) Long duration projects, which qualify under section 34-1677~~4(b)(6)a.2~~: (7)a.1.ii, will be valid for five years from the date of permit issuance unless a lesser time has been stipulated by the Board of County Commissioners or the hearing examiner.
- (c) The Board of County Commissioners and the hearing examiner have the authority to issue a general ~~excavation mining~~ permit for all increments of ~~large projects~~ long duration projects ~~as defined in section 34-1677(b)(6)a.2~~ after the public hearings required by article II of this chapter.

Sec. 34-1679 1677. Renewal of permits.

- (a) An application for an excavation to renew a mining operation permit renewal must contain the same information required in section ~~34-1677(e)~~ 34-1675, updated to reflect ~~actual~~ current conditions. Other information, sufficient to demonstrate compliance with ~~all~~ the conditions of the original approval, must be submitted upon request by the department.
- (b) Renewal of a excavation mining operation permits may be issued by the director after a determination of compliance with the provisions of:
- (1) the original mining operation permit approval, including any conditions placed on the general mining permit operation by the Board of County Commissioners or the hearing examiner;
 - (2) compliance with the provisions of the reclamation plan; and
 - (3) an analysis of any supplemental relevant information.
- (c) Renewal permits will be valid for two years or until the expiration date of the general ~~excavation mining~~ permit, whichever occurs first. Renewal permits for long duration projects, ~~which that~~ that qualify under section 34-1677~~4(b)(6)a.2~~: (7)a.1.ii will be valid for five years or until the expiration date of the general ~~excavation mining~~ permit, whichever occurs first.
- (ed) Mining operation permits may be modified by making application to the director stating the reason for the modification and by providing a necessary documentation for the change.

Sec. 34-1680 1678. Additional phase approvals.

If a project subject to this subdivision has not received a general mining operation permit for each increment shown in accordance with section 34-16774(b)(6)a.2., (7)a.1.ii, the developer must submit a detailed mining plan and reclamation plan in accordance with the procedures for a minor planned development (if the project was approved as a planned development) or for a special exception (if the project was approved as a special exception) prior to obtaining the ~~general excavation~~ mining operation permit for the next increment.

Sec. 34-1681 1679. Inspections.

The county's designated representatives have the right to enter ~~excavation~~ mining sites at all reasonable hours, whenever entry is necessary for the proper discharge of their duties under this subdivision.

Sec. 34-1682 1680. Site requirements.

~~All excavation/ m~~ Mining activities 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 circumstances.

- (1) *Minimum land area.* All uses permitted under this subdivision must have a minimum lot size of five acres.
- (2) *Setbacks for excavation site.*
 - a. No excavation 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.In all cases, the most restrictive setback will apply.
 - b. The Board of County Commissioners may allow lesser setbacks in a planned development approval provided:
 1. The reclamation plan indicates how access will be made to future development;
 2. The reclamation plan indicates that the setback area will not be developed after restoration; or
 3. A closer setback will not be injurious to other property owners and the applicant agrees to fence the ~~excavation~~ mining site nearest private property under separate ownership if deemed necessary by the Board of County Commissioners.

(3) *Setbacks for accessory buildings or structures.*

- a. ~~All~~ Setbacks for accessory buildings or structures must be shown on the site plan required as part of the application for a general excavation mining permit and a ~~excavation/~~ mining operation permit.
- b. No crusher, mixing plant, bin, tank or structure directly involved in the production process may be located less than:
 1. 600 feet from any residentially zoned area or district under separate ownership, or
 2. 250 feet from all ~~other~~ nonresidential areas under separate ownership or zoning districts.

To allow flexibility, the general area of ~~any~~ accessory buildings, structures and processing facilities must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

(4) *Security.* All entrances to ~~excavation and removal~~ mining activity areas must be restricted from public access during working hours and locked at all other times.

(5) *Observation wells.* Refer to South Florida Water Management District Water Use permit for these requirements.

- a. ~~Where dewatering is proposed and permitted by the Board of County Commissioners or the hearing examiner, shallow observation wells must be installed at regular intervals along the periphery of the proposed site, as prescribed by the division of natural resources.~~
- b. ~~The division of natural resources will monitor observation wells monthly to determine the effect on the water table in adjacent areas. The applicant must pay a fee established by the county to cover costs of the monitoring. In lieu of monitoring by the division of natural resources, monitoring may be performed by private consultants retained by the operator, provided the results are forwarded to the division. The division may also perform its own monitoring at random.~~

(6) *Maximum depth.* The Board of County Commissioners or the hearing examiner will establish maximum excavation depths after reviewing ~~any~~ the findings and recommendations of the South Florida Water Management District ~~and the division of environmental services~~ or county staff, as applicable. The permitted controlled water depth may not exceed the depth permitted by the South Florida Water Management District ~~or county staff, as applicable~~ and may not penetrate through any impervious soil or other confining layer ~~which~~ that presently prohibits intermingling of two or more aquifers.

(7) *Bank slope.*

- a. After excavation is complete and upon reclamation of the site, the banks of the excavations must be sloped at a ratio not greater than 6 horizontal to 1 vertical from the top of the finished grade to a water depth of four feet below the dry season depth. The excavation banks must also have a revegetated linear edge of at least 150 feet along the perimeter when abutting a residentially zoned area or district; or
- b. The bank may be sloped a minimum of 4 horizontal to 1 vertical to four feet below the dry season water table if planted with suitable native wetland vegetation according to a plan approved by the Board of County Commissioners or the hearing examiner. Requests for 4 to 1 slopes must be included in the schedule of deviations (see section 34-412).

Secs. 34-1683-34-1681-- 34-1710. Reserved

DIVISION 17. FENCES, WALLS AND GATEHOUSES

Sec. 34-1742. Construction of fences.

- (a) Except for fences used for bona fide agricultural uses, all fences and walls that are over 25 inches in height must comply with established building permit procedures.
- (b) All fences and fence walls on each property must be of uniform materials, design and color, must be of sound construction and not detract from the surrounding area. Any additions to existing fences or walls that do not exceed the length of the existing fence or wall shall maintain a uniformity of materials, design and color with that of the existing fence or wall.
- (c) All fences and fence walls must be constructed and maintained in a manner that will not detract from the neighborhood or community. Fences must not contain missing materials or components of which it was built and must remain substantially vertical so that it serves the function or aesthetic purpose for which it was built and has not been compromised to the point that the fence would present a danger of flight or destruction during severe weather.
- (d) Fences and fence walls must be constructed of conventional and traditional building materials including, but not limited to, concrete block, brick, wood, decorative aluminum, iron or steel, chain link or composite products manufactured specifically for fences and walls. Non-traditional materials, including but not limited to, tires, mufflers, hubcaps, etc., are prohibited. Fabric sheets or nets, or plastic, metal or vinyl sheets or slats may not be used as part of the fence or attached to a fence for the purpose of effecting required screening or privacy.
- (e) Fences and walls must be constructed to present the finished side of the fence or wall to the adjoining lot or any abutting right-of-way. Where, there is an existing fence, wall or continuous landscape hedge on the adjoining parcel, this provision may be administratively waived upon written request.
- (e-f) Except as provided below, no barbed wire, spire tips, sharp objects or electrically charged fences- may be erected within 100 feet of any residential area or residential zoning district under separate ownership:
 - (1) bona fide agricultural uses may use barbed wire or electrically charged fences to control livestock when located in districts permitting the raising, keeping or breeding of livestock.
 - (2) the use of barbed wire for temporary security fences around construction materials or equipment in conjunction with an active construction project may be permitted when

approved by the director.

- (3) The use of chain-link fence with three strands of barbed wire on top of the fence with six-inch spacing between the strands of barbed wire may be required or approved by the director around structures or equipment of potential hazard to residents or passersby not otherwise protected.

(d g) Electrical fences must comply with National Electrical Safety Code requirements.

DIVISION 39. USE, OCCUPANCY AND CONSTRUCTION REGULATIONS

Sec. 34-3106. Use of metal buildings in residential districts.

Effective December 12, 2000, the construction or use of buildings with an exterior surface of corrugated or galvanized steel or similar materials (excluding aluminum lap or clapboard-style siding), exceeding 240 square feet in total floor area or twelve (12) feet in height above finished floor, for storage of merchandise, produce, or commodities, or for the parking of vehicles (garages) is prohibited, unless approved as a special exception, in the following residential districts: RS, RSA, RSC, TFC, TF, RM, RPD and the residential portions of an MPD.

Secs. ~~34-3105~~ 3107--34-3130. Reserved.

SECTION SIX: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

SECTION SEVEN: SEVERABILITY

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will be considered a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such invalid or unconstitutional provision was not included.

SECTION EIGHT: CODIFICATION AND SCRIVENER'S ERRORS

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager, or his designee, without the need for a public hearing.

SECTION NINE: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State. The provisions of this ordinance will apply to all projects or applications subject to the LDC unless the application for such project is complete and found sufficient before the effective date hereof.

THE FOREGOING ORDINANCE was offered by Commissioner Ray Judah, who moved its adoption. The motion was seconded by Commissioner Robert P. Janes and, being put to a vote, the vote was as follows:

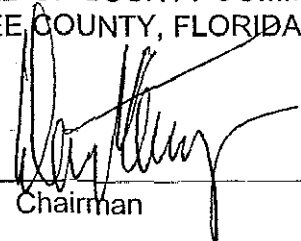
ROBERT P. JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW W. COY	<u>AYE</u>
JOHN E. ALBION	<u>AYE</u>

DULY PASSED AND ADOPTED THIS 27th day of February, 2001.

ATTEST:
CHARLIE GREEN, CLERK

By: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: 
Chairman

APPROVED AS TO FORM:

By: 
Office of County Attorney

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

March 9, 2001

Honorable Charlie Green
Clerk of Circuit Court
Lee County
Post Office Box 2469
Ft. Myers, Florida 33902-2469

Attention: Ruth Frymier, Deputy Clerk

Dear Mr. Green:

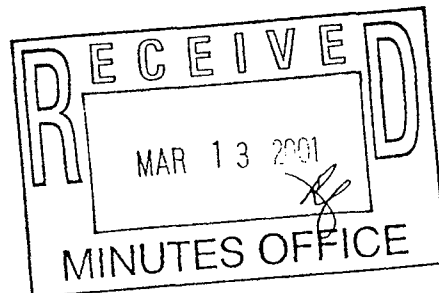
Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 7, 2001 and certified copies of Lee County Ordinance Nos. 01-02 and 01-03, which were filed in this office on March 8, 2001.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp



BUREAU OF ADMINISTRATIVE CODE

The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427
FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 335-2236
Fax (941) 335-2606

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

April 6, 2001

Ms. Liz Cloud, Chief
Bureau of Administrative Code
401 South Monroe Street
Tallahassee, FL 32399-0250

Re: Lee County Ordinance No. 01-03
(filed in your office on March 8, 2001)

Dear Ms. Cloud:

On March 8, 2001 the original of Lee County Ordinance No. 01-03, having been adopted by the Lee County Board of County Commissioners on February 27, 2001, was filed in your office. Subsequent to Lee County's filing of this ordinance with your office, an error has been discovered in the final copy of the ordinance produced, signed and directed to your office. The error was a result of a final printing of the document from draft form into a format acceptable for signature by the appropriate officials of Lee County, Florida.

Page 35 of the Ordinance begins Lee County Development Code Section 34-843, Use Regulations Table, setting forth the use regulations for conventional commercial districts. This section includes Table 34-843. The use "Banks & Financial Establishments (34-622(c)(3))" was unintentionally omitted just beneath the use category "Bait and tackle shop" on page 35. It is necessary for this use category to be inserted at this location as "Bait and tackle shop" uses do not have a Group I or Group II subcategory; these subcategories belong to the use group "Banks & Financial Establishments."

This error was the result of a repagination and printing of the final document once it had been approved by the Board, but prior to signature by any of the County officials. The error was not discovered until after the ordinance had been submitted to your office. A replacement page is enclosed for your use.

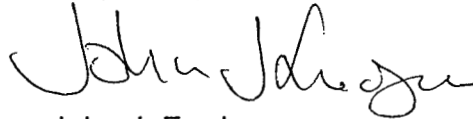
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Ms. Liz Cloud, Chief
April 6, 2001
Page 2

Re: Lee County Ordinance No. 01-03 (filed in your office on March 8, 2001)

I believe you will find this to be satisfactory; however, please do not hesitate to call if you have any questions.

Very truly yours,



John J. Fredyma
Assistant County Attorney

JJF/mme
Enclosure

cc: Robert Gurnham, Principal Planner, Development Services Div.
Lisa Pierce, Minutes Department

Sec. 34-843. Use regulations table.

Use regulations for conventional commercial districts are as follows:

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	CN-3 (21,23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP
Accessory apartment	Note (1), 34-1177	P	P	P	--	--	--	=	--	--	--	--	--	=	--	--	--
Administrative offices		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--
Aircraft landing facilities, private:																	
Lawfully existing:																	
Expansion of aircraft landing strip, helistop or	34-1231 et seq.	SE	SE	SE	SE	SE	SE	=	SE	SE	SE	SE	SE	SE	SE	SE	--
New accessory buildings	34-1231 et seq.	P	P	P	P	P	P	=	P	P	P	P	P	P	P	P	--
New:																	
Aircraft landing strip and ancillary hangars,	34-1231 et seq.	--	--	--	--	--	--	=	--	--	--	--	--	--	--	--	--
Heliport	34-1231 et seq.	--	--	--	--	--	--	=	--	--	--	--	--	--	--	--	--
Helistop	34-1231 et seq.	SE	SE	SE	SE	SE	SE	=	SE	SE	SE	SE	SE	SE	SE	SE	--
Amusement park, less than ten acres		--	--	--	--	--	--	=	--	--	--	--	--	--	--	--	--
Animals:																	
Clinic	34-1321 et seq.	--	P	P	P	--	--	--	P	P	--	--	--	--	P	--	--
Kennel	34-1321 et seq.	--	--	P (3)	--	--	--	--	--	P (3)	--	--	--	--	P	--	--
Control center (including Humane Society)		P	P	P	P	--	--	=	--	P	P	SE	--	--	--	P	--
Assisted living facility	34-1411 et seq.	--	--	--	--	--	--	P	--	--	--	--	--	P (13)	--	--	--
ATM (automatic teller machine)		P	P	P	P	P	P	P(16)	P	P	P	SE	--	P	P	--	--
Auto parts store:																	
No installation service		P	P	P	P	--	P	P	P	P	--	--	--	--	--	--	--
With installation service		--	P	P	P	--	--	=	P	P	--	--	--	--	--	--	--
Automobile service station		--	P	P	P	--	P	=	P	P	--	--	P	SE	P	P	--
Auto repair and service(34-622(c)(2)):																	
Group I		--	P	P	P	--	--	=	P	P	--	--	--	--	--	P	--
Group II		--	--	P	P	--	--	=	--	SE	--	--	--	--	--	P	--
Bait and tackle shop		P	P	P	P	P	P	P	P	P	--	SE (5)	--	P	P	--	--
Group I		P	P	P	P	--	P	P(16)	P	P	P	P(16)	--	P	--	--	--
Group II		--	P	P	P	--	--	=	P	P	P	P(16)	--	--	--	--	--
Bar or cocktail lounge	34-1261 et seq.	--	AA/SE	AA/SE	AA/SE	--	--	=	AA/S	AA/SE	--	--	AA/SE	AA/SE	AA/SE	--	--
Bed and Breakfast		--	P	P	P	--	--	=	--	--	--	SE	--	P	--	--	--

Sec. 34-843. Use regulations table.

Use regulations for conventional commercial districts are as follows:

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	CN-3 (21,23)	CC	CG	CS-1	CS-2	CH	CT	CR	CI	CP	
Accessory apartment	Note (1), 34-1177	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	
Administrative offices		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Aircraft landing facilities, private: Lawfully existing: Expansion of aircraft landing strip, heli-stop or New accessory buildings New: Aircraft landing strip and ancillary hangars, Heliport Heli-stop Amusement park, less than ten acres	34-1231 et seq. 34-1231 et seq. 34-1231 et seq. 34-1231 et seq. 34-1231 et seq.	SE P - - SE	SE P - - SE	SE P - - SE	SE P - - SE	SE P - - SE	SE P - - SE	SE P - - SE	SE P - - SE	SE P - - SE	SE P - - SE	SE P - - SE	SE P - - SE	SE P - - SE	SE P - - SE	SE P - - SE	SE P - - SE	SE P - - SE
Animals:		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Clinic	34-1321 et seq.	-	P	P	P	-	-	-	P	P	-	-	-	-	P	-	-	-
Kennel	34-1321 et seq.	-	-	P(3)	-	-	-	-	-	P(3)	-	-	-	-	P	-	-	-
Control center (including Humane Society)		P	P	P	P	-	-	-	-	P	P	SE	-	-	-	P	-	-
Assisted living facility	34-1411 et seq.	-	-	-	-	-	-	-	-	-	-	-	-	P(13)	-	-	-	-
ATM (automatic teller machine)		P	P	P	P	P	P	P(16)	P	P	P	SE	-	P	P	-	-	-
Auto parts store: No installation service With installation service		P	P	P	P	-	P	P	P	P	-	-	-	-	-	-	-	-
Automobile service station		-	P	P	P	-	P	-	P	P	-	-	P	SE	P	P	-	-
Auto repair and service(34-622(C)(2)): Group I Group II		-	P	P	P	-	-	-	P	P	-	-	-	-	-	P	-	-
Bait and tackle shop		P	P	P	P	P	P	P	P	P	-	SE(5)	-	P	P	-	-	-
Banks & Financial Establishments (34-622(C)(3)) Group I Group II		P	P	P	P	-	P	P(16)	P	P	P	P(16)	-	P	-	-	-	-
Bar or cocktail lounge	34-1261 et seq.	-	AA/SE	AA/SE	AA/SE	-	-	-	AA/SE	AA/SE	-	-	AA/SE	AA/SE	AA/SE	-	-	-
Bed and Breakfast		-	P	P	P	-	-	-	-	-	-	SE	-	P	-	-	-	-

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
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Preservation Board
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

April 10, 2001

Honorable Charlie Green
Clerk of Circuit Court
Lee County
Post Office Box 2469
Ft. Myers, Florida 33902-2469

Attention: Ruth Frymier, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 6, 2001 and correction to Lee County Ordinance No. 01-03, which was filed in this office on April 10, 2001.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

