

LEE COUNTY ORDINANCE NO. 02- 20

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTERS 2, 6, 10, 30 AND 34; AMENDING CHAPTER 2 (ADMINISTRATION); AMENDING UNAUTHORIZED COMMUNICATIONS (§2-191); AND

AMENDING CHAPTER 6 (BUILDINGS AND BUILDING REGULATIONS); AMENDING AND PROVIDING FOR ADOPTION; AMENDMENTS (§6-111); AMENDING AND RENUMBERING RESERVED SECTIONS §§6-113 - 6-130 TO §§6-113 - 6-210 (§6-130); DELETING (DIVISION 4 - PLUMBING CODE) ADOPTION; AMENDMENTS (§6-131); RESERVED SECTIONS (§§6-132 - 6-150); DELETING (DIVISION 5 - MECHANICAL CODE) ADOPTION; AMENDMENTS (§6-151); RESERVED SECTIONS (§§6-152 - 6-170); DELETING (DIVISION 6 - GAS CODE) ADOPTION; AMENDMENTS (§6-171); RESERVED SECTIONS (§§6-172 - 6-190); DELETING (DIVISION 7 - ELECTRICAL CODE) ADOPTION; AMENDMENTS (§6-191); RESERVED SECTIONS (§§6-192 - 6-210); RENUMBERING (DIVISION 8 - UNSAFE BUILDING ABATEMENT CODE) ADOPTION; AMENDMENTS (§6-211); RESERVED SECTIONS §§6-212 - 6-221); RENUMBERING (DIVISION 9 - MINIMUM STANDARD HOUSING CODE) ADOPTION; AMENDMENTS §6-222); RESERVED SECTIONS (§§6-223 - 6-330); AMENDING (FLOOD HAZARD REDUCTION - DIVISION 3. STANDARDS) SPECIFIC STANDARDS (§6-472); AMENDING (ARTICLE VI - UNIFORM FIRE CODE) PURPOSE (§6-552); DELETING UNIFORM FIRE SAFETY RULES AND STANDARDS (§6-553); DELETING STANDARD FIRE PREVENTION CODE (§6-554); RENUMBERING SPECIAL APPLICATION (§6-555); DELETING LIFE SAFETY CODE N.F.P.A. #101 (§6-556); RENUMBERING MINIMUM FIRE FLOWS, HYDRANT SPACING AND WATER MAIN SIZE (§6-557); DELETING PROTECTION OF PENETRATION OF FIRE RATED ASSEMBLIES (§6-558); RENUMBERING FIRE PROTECTION FOR CONSTRUCTION LOCATED OUTSIDE ESTABLISHED FIRE DISTRICTS (§6-559); ENFORCEMENT OF LEE COUNTY FACILITIES (§6-560); APPEALS (§6-561); ENFORCEMENT AND PENALTIES (§6-562); CONFLICT (§6-563); AND

AMENDING CHAPTER 10 (DEVELOPMENT STANDARDS); AMENDING SPECIFIC REQUIREMENTS (§10-8); BIKEWAYS AND PEDESTRIAN WAYS (§10-256); REQUIRED STREET ACCESS (§10-291); STREET DESIGN AND CONSTRUCTION STANDARDS (§10-296); EXCAVATIONS (§10-329); EASEMENTS; LOCATION OF WATER AND SEWER LINES (§10-355); DEVELOPMENTS NOT PROVIDED WITH PUBLIC WATER SYSTEM (§10-386); DEVELOPMENTS LOCATED OUTSIDE OF ESTABLISHED FIRE DISTRICT OR TAXING UNIT (§10-387); OPEN SPACE (§10-415); AND

AMENDING CHAPTER 30 (SIGNS); AMENDING TEMPORARY SIGNS (§30-151); AND

AMENDING CHAPTER 34 (ZONING); AMENDING AND PROVIDING FOR GENERAL SUBMITTAL REQUIREMENTS FOR APPLICATIONS REQUIRING

PUBLIC HEARING (§34-202); AMENDING EMPLOYMENT OF PLANNED DEVELOPMENT DESIGNATION (§34-341); AMENDING AND PROVIDING PROVISIONS FOR APPLICATION (§34-373); DELETING (DIVISION 4. RESIDENTIAL PLANNED DEVELOPMENTS IN RURAL OR OUTER ISLANDS) INSTALLATION OF IMPROVEMENTS; RESPONSIBILITY FOR COSTS OF PUBLIC SERVICES (§34-441); IMPACT ANALYSIS (§34-442); RENUMBERING RESERVED PROVISIONS §§34-443 - 34-490 TO §§34-440 - 34-490 (§34-443); 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 RESIDENTIAL DISTRICTS (§34-714); USE REGULATIONS TABLE FOR MOBILE HOME DISTRICTS (§34-735); USE REGULATIONS TABLE FOR RECREATIONAL VEHICLE DISTRICTS - CONVENTIONAL RECREATIONAL VEHICLE DISTRICTS (§34-791); USE REGULATIONS TABLE FOR COMMUNITY FACILITIES (§34-813); USE REGULATIONS TABLE FOR CONVENTIONAL COMMERCIAL DISTRICTS (§34-843); USE REGULATIONS TABLE FOR MARINE-ORIENTED DISTRICTS (§34-873); USE REGULATIONS TABLE FOR INDUSTRIAL DISTRICTS (§34-903); USE REGULATIONS TABLE FOR PLANNED DEVELOPMENT DISTRICTS (§34-934); PROVIDING FOR (COMMUNITY PLAN - ESTERO SPECIAL DEVELOPMENT AREAS OF HIGH GROWTH) PURPOSE AND INTENT (§34-1042); GENERAL DESIGN STANDARDS FOR THE ESTERO COMMUNITY (§34-1043); CORKSCREW MAIN STREET OVERLAY DISTRICT PURPOSE AND AUTHORITY (§34-1044); DESIGN STANDARDS (§34-1045); DEFINITIONS (§34-1046); DEVELOPMENT REGULATIONS (§34-1047); AMENDING (ARTICLE VII - SUPPLEMENTARY DISTRICT REGULATIONS - DIVISION 8; AUTOMOTIVE BUSINESSES; DISPLAY, RENTAL, REPAIR OR STORAGE OF VEHICLES OR EQUIPMENT) DISPLAY, SALE, RENTAL OR STORAGE FACILITIES FOR MOTOR VEHICLES, BOATS, RECREATIONAL VEHICLES, TRAILERS, MOBILE HOMES OR EQUIPMENT (§34-1352); AMENDING (DIVISION 15. EXCAVATION ACTIVITIES) GENERAL REQUIREMENTS FOR ALL EXCAVATION ACTIVITIES (§34-1651); APPLICATION FOR A GENERAL MINING PERMIT; ISSUANCE OF PERMIT (§34-1674); APPLICATION FOR A MINING OPERATION PERMIT (§34-1675); DURATION OF MINING OPERATION PERMIT (§34-1676); RENEWAL OF PERMITS (§34-1677); ADDITIONAL PHASE APPROVALS (§34-1678); SITE REQUIREMENTS (§34-1680); AMENDING (DIVISION 26. PARKING) LOCATION AND DESIGN GENERALLY (§34-2015); REQUIRED SPACES (§34-2020); 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, Lee Plan Goal 19 seeks to protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses and providing greater opportunities for public participation in the land development process; and

WHEREAS, draft regulations have been prepared and submitted herein by members of the Estero community to meet the objectives and policies of Lee Plan Goal 19 and presented for consideration and possible adoption and implementation by Lee County; 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 June 5, 2002, and recommended approval, as indicated; and

WHEREAS, the Local Planning Agency reviewed the proposed amendments on June 10, 2002, 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, Article V is amended to read as follows with strike through identifying deleted language and underline identifying additional language:

CHAPTER 2 ADMINISTRATION

ARTICLE V. UNAUTHORIZED COMMUNICATIONS

Sec. 2-191. Unauthorized communications ~~with hearing examiner~~

(Change to the section title only, no other changes.)

SECTION TWO: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 6

Lee County Land Development Code Chapter 6, Articles II, IV and VI are amended to read as follows with strike through identifying deleted language and underline identifying additional language:

CHAPTER 6 BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. CODES AND STANDARDS

DIVISION 3. BUILDING CODE

Sec. 6-111. Adoption; amendments.

The Florida Building Code following chapters and sections of the 1997 Standard Building Code as published by Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, are is hereby adopted by reference and made a part of this article with the exceptions set forth, ~~in bold~~, as follows:

Chapter 1, Administration.

Exception: Section **103** relating to Powers and Duties of the Building Official is amended to read as follows:

103.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official has the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures must be in compliance with the intent and purpose of this code, and may not have the effect of waiving requirements specifically provided for in this code.

103.2 Right of entry

103.2.1 Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code. If such building or premises are occupied, he must first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he must first make a reasonable effort to locate the owner or other

persons having charge or control of such and request entry. If entry is refused, the building official has recourse to every remedy provided by law to secure entry.

103.2.2 When the building official has obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises may fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.

103.3 Stop work orders. Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner, must immediately cease. Such notice must be in writing and posted on the permit board, stating the reasons for the cease and desist. Work may only resume after lifting of the stop work order by the Building Department.

103.4 Revocation of permits. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any provisions of this code.

103.4.1 Misrepresentation of application. The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

103.4.2 Violation of code provisions. The building official may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code.

103.5 Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and must be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code or other local ordinance.

103.6 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, will be determined by the building official.

103.7 Alternate materials and methods.

103.7.1 The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the building official. The building official must approve any such alternate, provided the building official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the "SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings," or other methods approved by the building official may be used. The building official will require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

103.7.2 Accessibility. Alternate designs and technologies for providing access to and usability of a facility for persons with disabilities shall must be in accordance with 11-2.2.

Exception: Section 104.1.1 relating to when permits are required is amended as follows:

~~104.1.1~~ *When required.* Any owner, authorized agent, lessee, tenant or contractor or any other person using the land, building, or premises who desires to construct, enlarge, alter, repair, move, demolish, change or upgrade the occupancy of a building or structure as per section 3401.2.1, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to construct a sign of any description, or to install or alter fire extinguishing apparatus, elevators, engines, or to install a steam boiler, furnace, heater, incinerator, or other heat-producing apparatus, or other appurtenances, or to cause any such work to be done, must first make application to the Building Official and obtain the required permit for the proposed work.

Additionally, Pursuant to F.S. § 553.73(7 8), these regulations will not apply to non-residential farm buildings on farms, including pole barns, chicken coops, equipment sheds, and the like. These regulations do apply, however, to processing plants, offices, and the like, as may be determined by the Building Official.

~~Permits also will not be required for the following mechanical work:~~

- ~~i. Any portable heating appliances;~~
- ~~ii. Any portable ventilation equipment;~~
- ~~iii. Any portable cooling unit;~~
- ~~iv. Any steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code;~~

- v. ~~Replacement of any part which does not alter its approval or make it unsafe;~~
- vi. ~~Any portable evaporative cooler;~~
- vii. ~~Any self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.~~

Exception: ~~Section 104.1.4~~ relating to minor repairs is amended to include the following:

For purposes of this section, "ordinary minor repairs" means those repairs as may be so defined, from time to time hereafter, by the Building Official.

Exception: ~~Section 104.1.6~~ 104.1.5 relating to time limitations is amended as follows:

~~The Building Official will take all actions necessary to process an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay. All plans reviewed, which are approved by the Building Official, or his designee, are a best effort made in good faith by the Lee County Codes and Building Services staff to determine the compliance of submitted plans with all applicable Lee County codes, ordinances, rules and regulations. Any failure on the part of county staff to ascertain violations of any applicable county code, ordinance, rule or regulation on approved plans will not exonerate the contractor, builder and/or owner for their failure to comply with any and all county codes, ordinances, rules or regulations.~~

An issued permit will be construed as a license to proceed with the proposed work, but will not be construed as authority to violate, cancel, alter or set aside any of the provisions of this code, nor will issuance of a permit prevent the Building Official from thereafter requiring the timely correction of errors in plans or in construction, or of violations of this code. Although a permit issued to an owner is transferable to another owner, actual notice must be provided to the Building Official prior to transferring any permit. Building permits will be issued following the approval of site and construction plans. Building permits on multi-family projects will be issued on each individual building or structure. Multi-tenant occupancies including, but not limited to, shopping malls, may be permitted on an individual building or structure (shell), however, individual permits will be used separately for tenant spaces.

The first inspection required by the permit ~~will be made~~ must be successfully completed within a six-month period of issuance or said permit will be deemed invalid. All subsequent inspections must be made within a six-month period of the most recent passed inspection until completion of work, or the permit will become invalid. For purposes of this section, the foundation inspection will be considered the first inspection.

The entire foundation must be completed within the first six months from the date of issuance of the permit. Partial inspections due to complexity of foundation may be

made with building inspector's plans and job site plans and will be initialed by said inspector only on that portion of said plans that is inspected and these inspections are for compliance to plans and specifications and are in no way to be construed as the first inspection. Subsequent inspections may be made until the entire foundation is completed. At that time, the foundation will be signed off as the first inspection. One or more extensions of the building permit for good cause may be granted by the Building Official on a project for a period not exceeding 90 days each. Said request must be made by written notice to the Building Official at least 30 days prior to expiration of said building permit. The Building Official may require compliance with any revised building code, mechanical code, plumbing code, electrical code, gas code, swimming pool code or fire code requirements in effect at the time of granting any extension to the building permit. Any extension request denied may be appealed to the Board of County Commissioners by the Applicant on a form provided by the Building Official. The board will grant or deny the extension upon a finding of good cause or lack thereof. If granted, said extension or extensions may not exceed a period of 90 days each.

Exception: Section **104.1.11** relating to Use Permits is added as follows:

104.1.11 Use Permits. A use permit, authorizing a use in accordance with the provisions of Chapter 34 of the Lee County Land Development Code, is required prior to occupancy or a change of occupancy of commercial or industrial zoned property.

Exception: Section **104.7.2 (Delete entire exception)**

Exception: Section **106.1.2 (Delete entire exception)**

Exception: Delete text of section 108 **(Delete entire exception)**

Chapter 2, Definitions.

Exception: The following definitions are hereby adopted and made part of this section:

Farm. For the purposes of this chapter, farm means property ~~ten~~ one acres or larger in size on which crops are grown or livestock is raised for commercial purposes. A farm does not include the family garden or family pets, even though the underlying property may be classified as agricultural, for e.g., AG-1, AG-2 or AG-3.

~~*Valid Inspection.* For the purpose of this Code, valid inspection means an inspection of the structural, roofing, mechanical, electrical or plumbing components of a building by Building Department inspector and verification by said inspector that said component comply with the requirements of the applicable code.~~

~~Chapter 3, Occupancy Classification.~~

~~Chapter 4, Special Occupancy.~~

~~Chapter 5, General Building Limitations.~~

~~Chapter 6, Construction Types.~~

~~Chapter 7, Fire-Resistant Materials and Construction.~~

~~Chapter 8, Interior Finishes.~~

~~Chapter 9, Fire Protection Systems.~~

~~Chapter 10, Means of Egress.~~

~~Chapter 11, 1997 Florida Accessibility Code for Building Construction.~~

~~Chapter 12, Interior Environment.~~

~~Chapter 13, 1997 Florida Energy Efficiency Code for Building Construction.~~

~~Chapter 14, Exterior Wall Coverings.~~

~~Chapter 15, Roofs and Roof Structures.~~

~~Chapter 16, Structural Loads.~~

~~Chapter 17, Structural Tests and Inspections.~~

~~Chapter 18, Foundations and Retaining Walls.~~

~~Chapter 19, Concrete.~~

~~Chapter 20, Light Metal Alloys.~~

~~Chapter 21, Masonry.~~

~~Chapter 22, Steel.~~

~~Chapter 23, Wood.~~

~~Chapter 24, Glass and Glazing.~~

~~Chapter 25, Gypsum Board and Plaster.~~

~~Chapter 26, Plastic.~~

~~Chapter 27, Electrical Systems.~~

~~Chapter 28, Mechanical Systems.~~

~~Chapter 29, Plumbing Systems.~~

~~Chapter 30, Elevators and Conveying Systems.~~

~~Chapter 31, Special Construction.~~

~~Chapter 32, Construction in the Public Right of Way.~~

Chapter 33, Site Work, Demolition and Construction. **(Unchanged.)**

~~Chapter 34, Existing Buildings~~

~~Chapter 35, Reference Standards~~

~~Appendix A, Weights of Building Materials~~

~~Appendix B, Recommended Schedule of Permit Fees~~

Exception ~~–Delete schedule in its entirety and replace with:~~

~~User fees and charges will be those referenced in Lee County Administrative Code 3-10, as set forth in Appendix C, External Fees and Charges Manual.~~

~~Appendix C, One and Two Family Dwellings~~

Exception ~~–Delete in its entirety.~~

~~Appendix D, Standards for Demolition~~

~~Appendix E~~

Exception ~~–Delete "Energy Conservation" appendix in its entirety and replace with:~~

~~Florida Energy Efficiency Code for Building Construction referenced in Florida Statutes Chapter 553, Building Construction Standards, Part VIII, Thermal Efficiency Standards, F.S. § 553.901.~~

~~Appendix F, Fire District~~

~~Appendix G, Adobe Construction~~

~~Appendix H, Manufactured Homes Tie Down Standards~~

Secs. 6-113-6-130 - 6-210 Reserved.

(Delete all of Division 4. Plumbing Code)

~~Division 4. Plumbing Code~~

Sec. 6-131. Adoption; Amendments:

Secs. 6-132 - 6-150. Reserved:

(Delete all of Division 5 Mechanical Code)

~~Division 5. Mechanical Code~~

~~Sec. 6-151. Adoption; Amendments.~~

~~Secs. 6-152 - 6-170. Reserved.~~

(Delete all of Division 6 Gas Code)

~~Division 6. Gas Code~~

~~Sec. 6-171. Adoption; Amendments.~~

~~Secs. 6-172 - 6-190. Reserved.~~

(Delete all of Division 7 Electrical Code)

~~Division 7. Electrical Code~~

~~Sec. 6-191. Adoption; Amendments.~~

~~Secs. 6-192 - 6-210. Reserved.~~

Division 8 4. Unsafe Building Abatement Code

(Unchanged except to renumber Division.)

Sec. 6-211. Adoption; Amendments. (Unchanged.)

Secs. 6-212 - 6-221. Reserved. (Unchanged.)

Division 9 5. Minimum Standard Housing Code

(Unchanged except to renumber Division.)

Sec. 6-222. Adoption; Amendments. (Unchanged.)

Secs. 6-223 - 6-330 Reserved (Unchanged.)

ARTICLE IV. FLOOD HAZARD REDUCTION

DIVISION 1. GENERALLY

(Unchanged.)

DIVISION 2. ADMINISTRATION

(Unchanged.)

DIVISION 3. STANDARDS

Sec. 6-472. Specific standards.

(1) thru (4) Unchanged

(5) *Accessory structures.* Accessory structures may be exempted from meeting the elevation requirements only if:

- a. The structure is securely anchored to resist flotation or lateral movement; and
- b. ~~The total cost of the structure does not exceed \$16,000.00 or ten percent of the value of the principal building, whichever is greater; and~~

The building is a minimal investment and the total size of the building does not exceed 1,000 square feet in total floor area; and

c. through f. Unchanged

(6) & (7) Unchanged

ARTICLE V. RESERVED

(Unchanged)

ARTICLE VI. UNIFORM FIRE CODE

Sec. 6-552. Purpose.

The purpose of this article is to provide regulations intended to act in conjunction with the ~~Standard Building Code adopted by Lee County~~ latest version of the Florida Fire Prevention Code and to be consistent with nationally recognized practices for the reasonable protection of life and property from the hazards of fire and explosion due to storage, use or handling of hazardous materials, substances and devices, and to minimize hazards to life and property due to fire and panic.

~~Sec. 6-553. Uniform Fire Safety Rules and Standards. (DELETE ENTIRELY)~~

~~All new, existing, and proposed hospitals, nursing homes, adult congregate living facilities, correctional facilities, public schools, transient public lodging establishments, public food service establishments, elevators, migrant labor camps, mobile home parks, lodging parks, recreational vehicle parks, recreational camps, child care facilities, facilities for the developmentally disabled, and self-service gas stations are subject to Uniform Fire Safety Standards in accordance with F.S. § 633.022 and F.A.C. § 4A-1 et seq. and will be regulated as therein provided. For purposes of this section, the state fire marshal will be the final administrative authority. Uniform Fire Safety Rules and Standards are adopted by the division of the state fire marshal department of insurance from time to time. The rules and standards will be considered controlling for purposes of enforcement of this section.~~

~~Sec. 6-554. Standard Fire Prevention Code. (DELETE ENTIRELY)~~

~~The 1994 edition of the Standard Fire Prevention Code as published by the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama, is hereby adopted in its entirety by reference and incorporated herein with the following specific exceptions:~~

~~(1) Exceptions to Chapter 1:~~

~~a. Section 101.3.1 relating to applicability is amended as follows:~~

~~The provisions of this code will apply to the repair, equipment, maintenance, use and occupancy of every new and existing building or structure or any new or existing appurtenances connected or attached to such buildings or structures. Any specific requirements will take precedence over the general provisions.~~

~~b. Delete Section 105, board of appeals and adjustments and replace with chapter 6, division 2 of this Code entitled Board of Adjustment and Appeals.~~

~~(2) Except to Chapter 3. Delete N.F.P.A. standards and replace with the following N.F.P.A. standards:~~

~~The N.F.P.A. standards referenced below will be considered part of this section as though fully set forth herein. Compliance with these standards is required unless the fire official determines otherwise.~~

~~N.F.P.A. 10-1990, Portable Fire Extinguishers.~~

~~N.F.P.A. 11-1994, Low Expansion Foam.~~

~~N.F.P.A. 11A-1994, Medium and High Expansion Foam Systems.~~

~~N.F.P.A. 11C-1990, Mobile Foam Apparatus.~~

~~N.F.P.A. 12-1993, Carbon Dioxide Extinguishing Systems.~~

~~N.F.P.A. 12A-1992, Halon 1301 Fire Extinguishing Systems.~~

~~N.F.P.A. 12B-1990, Halon 1211 Fire Extinguishing Systems.~~

~~N.F.P.A. 13-1994, Installation of Sprinkler Systems.~~

N.F.P.A. 13D-1994, — Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes.

N.F.P.A. 13R-1994, — Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height.

N.F.P.A. 14-1993, Installation of Standpipe and Hose Systems.

N.F.P.A. 15-1990, Water Spray Fixed Systems.

N.F.P.A. 16-1991, — Installation of Deluge Foam-Water Sprinkler Systems and Foam-Water Spray Systems.

N.F.P.A. 16A-1994, — Installation of Closed-Head Foam-Water Sprinkler Systems.

N.F.P.A. 17-1990, Dry Chemical Extinguishing Systems.

N.F.P.A. 17A-1990, Wet Chemical Extinguishing Systems.

N.F.P.A. 18-1990, Wetting Agents.

N.F.P.A. 20-1993, Installation of Centrifugal Fire Pumps.

N.F.P.A. 22-1993, Water Tanks for Private Fire Protection.

N.F.P.A. 24-1992, — Installation of Private Fire Service Mains and Their Appurtenances.

N.F.P.A. 25-1992, Water-Based Fire Protection Systems.

N.F.P.A. 26-1988, Supervision of Valves Controlling Water Supplies.

N.F.P.A. 30-1993, Flammable and Combustible Liquids Code.

N.F.P.A. 30A-1993, Automotive and Marine Service Station Code.

N.F.P.A. 30B-1990, Aerosol Products, Manufacture and Storage.

N.F.P.A. 31-1992, Installation of Oil Burning Equipment.

N.F.P.A. 32-1990, Dry Cleaning Plants.

N.F.P.A. 33-1989, — Spray Application Using Flammable and Combustible Materials.

N.F.P.A. 34-1989, — Dipping and Coating Processes Using Flammable or Combustible Liquids.

N.F.P.A. 35-1987, Manufacture of Organic Coatings.

N.F.P.A. 36-1993, Solvent Extraction Plants.

N.F.P.A. 37-1994, Stationary Combustion Engines and Gas Turbines.

N.F.P.A. 40-1988, — Storage and Handling of Cellulose Nitrate Motion Picture Film.

N.F.P.A. 40E-1993, Storage of Pyroxylin Plastic.

N.F.P.A. 43A-1990, Storage of Liquid and Solid Oxidizers.

N.F.P.A. 43B-1993, Organic Peroxide Formulations, Storage of.

N.F.P.A. 43C-1986, Storage of Gaseous Oxidizing Materials.

N.F.P.A. 43D-1986, Storage of Pesticides in Portable Containers.

N.F.P.A. 45-1991, Fire Protection for Laboratories Using Chemicals.

N.F.P.A. 46-1990, Storage of Forest Products.

N.F.P.A. 49-1991, Hazardous Chemicals Data.

N.F.P.A. 50-1990, Bulk Oxygen Systems at Consumer Sites.

N.F.P.A. 50A-1994, Gaseous Hydrogen Systems at Consumer Sites.

N.F.P.A. 50B-1994, Liquefied Hydrogen Systems at Consumer Sites.

N.F.P.A. 51-1992, — Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes.

N.F.P.A. 51A-1989, Acetylene Cylinder Charging Plants.

N.F.P.A. 51B-1994, Cutting and Welding Processes.

N.F.P.A. 52-1992, Compressed Natural Gas (CNG) Vehicular Fuel Systems.

N.F.P.A. 53-1994, Fire Hazards in Oxygen Enriched Atmospheres.

N.F.P.A. 54-1992, National Fuel Gas Code:
 N.F.P.A. 55-1993, Compressed and Liquefied Gases in Portable Cylinders:
 N.F.P.A. 58-1992, Storage and Handling of Liquefied Petroleum Gases:
 N.F.P.A. 59-1992, — Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants.
 N.F.P.A. 59A-1994, Liquefied Natural Gas (LNG):
 N.F.P.A. 61A-1989, — Fire and Dust Explosions in Facilities Manufacturing and Handling Starch:
 N.F.P.A. 61B-1989, — Fires and Explosions in Grain Elevators and Facilities Handling Bulk Raw Agricultural Commodities:
 N.F.P.A. 61C-1989, Fire and Dust Explosions in Feed Mills:
 N.F.P.A. 61D-1989, — Fire and Dust Explosions in the Milling of Agricultural Commodities for Human Consumption:
 N.F.P.A. 65-1993, Processing and Finishing of Aluminum:
 N.F.P.A. 68-1994, Venting of Deflagrations:
 N.F.P.A. 69-1992, Explosion Prevention Systems:
 N.F.P.A. 70-1993, National Electrical Code:
 N.F.P.A. 70B-1990, Electrical Equipment Maintenance:
 N.F.P.A. 70E-1988, Electrical Safety Requirements for Employee Workplaces:
 N.F.P.A. 72-1993, National Fire Alarm Code:
 N.F.P.A. 75-1992, — Protection of Electronics Computer/Data Processing Equipment:
 N.F.P.A. 77-1993, Static Electricity:
 N.F.P.A. 79-1991, Electrical Standard for Industrial Machinery:
 N.F.P.A. 80-1992, Fire Doors and Windows:
 N.F.P.A. 80A-1993, Exterior Fire Exposure:
 N.F.P.A. 81-1986, Fur Storage, Fumigation and Cleaning:
 N.F.P.A. 82-1994, — Incinerators, Waste and Linen Handling Systems and Equipment:
 N.F.P.A. 85C-1991, — Furnace Explosions/Implosions in Multiple Burner Boiler-Furnaces:
 N.F.P.A. 86-1990, Ovens and Furnaces-Design, Location and Equipment:
 N.F.P.A. 86C-1991, — Industrial Furnaces Using a Special Processing Atmosphere:
 N.F.P.A. 86D-1990, Industrial Furnaces Using Vacuum as an Atmosphere:
 N.F.P.A. 88A-1991, Parking Structures:
 N.F.P.A. 88B-1991, Repair Garages:
 N.F.P.A. 90A-1993, Installation of Air Conditioning and Ventilating Systems:
 N.F.P.A. 90B-1993, — Installation of Warm Air Heating and Air Conditioning Systems:
 N.F.P.A. 91-1992, — Installation of Exhaust Systems for Air Conveying of Materials:
 N.F.P.A. 92A-1993, Smoke-Control Systems:
 N.F.P.A. 92B-1991, Smoke Management Systems in Malls, Atria, Large Areas:
 N.F.P.A. 96-1994, — Ventilation Control and Fire Protection of Commercial Cooking Operations:
 N.F.P.A. 99-1993, Health Care Facilities:
 N.F.P.A. 99B-1993, Hypobaric Facilities:
 N.F.P.A. 101M-1994, Alternative Approaches to Life Safety:
 N.F.P.A. 102-1992, Assembly Seating, Tents, and Membrane Structures:
 N.F.P.A. 105-1993, Smoke-Control Door Assemblies:

N.F.P.A. 110-1993, Emergency and Standby Power Systems:
N.F.P.A. 111-1993, — Stored Electrical Energy Emergency and Standby Power Systems:
N.F.P.A. 121-1990, Self-Propelled and Mobile Surface Mining Equipment:
N.F.P.A. 130-1993, Fixed Guideway Transit Systems:
N.F.P.A. 150-1991, Fire Safety in Racetrack Stables:
N.F.P.A. 170-1994, Fire Safety Symbols:
N.F.P.A. 203-1992, Roof Coverings and Roof Deck Constructions:
N.F.P.A. 204M-1991, Smoke and Heat Venting:
N.F.P.A. 211-1992, — Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances:
N.F.P.A. 214-1992, Water-Cooling Towers:
N.F.P.A. 220-1992, Types of Building Construction:
N.F.P.A. 231-1990, General Storage:
N.F.P.A. 231C-1991, Rack Storage of Materials:
N.F.P.A. 231D-1989, Storage of Rubber Tires:
N.F.P.A. 231E-1989, Storage of Baled Cotton:
N.F.P.A. 231F-1987, Roll Paper Storage:
N.F.P.A. 232-1991, Records, Protection of:
N.F.P.A. 232AM-1991, Archives and Records Centers:
N.F.P.A. 241-1993, Construction, Alteration and Demolition Operations:
N.F.P.A. 291-1988, Fire Flow Testing and Marking of Hydrants:
N.F.P.A. 302-1989, Pleasure and Commercial Motor Craft:
N.F.P.A. 303-1990, Marinas and Boat Yards:
N.F.P.A. 306-1993, Control of Gas Hazards on Vessels:
N.F.P.A. 307-1990, Marine Terminals, Piers and Wharves:
N.F.P.A. 312-1990, — Fire Protection of Vessels During Construction, Repair and Lay-up:
N.F.P.A. 318-1992, Protection of Cleanrooms:
N.F.P.A. 321-1991, — Basic Classification of Flammable and Combustible Liquids:
N.F.P.A. 325M-1991, — Fire Hazard Properties of Flammable Liquids, Gases, and Volatile Solids:
N.F.P.A. 326-1993, Safe Entry of Underground Storage Tanks:
N.F.P.A. 327-1993, — Cleaning or Safeguarding Small Tanks and Containers Without Entry:
N.F.P.A. 328-1992, — Control of Flammable and Combustible Liquids and Gases in Manholes, Sewers, and Similar Underground Structures:
N.F.P.A. 329-1992, — Handling Underground Releases of Flammable and Combustible Liquids:
N.F.P.A. 385-1990, Tank Vehicles for Flammable and Combustible Liquids:
N.F.P.A. 386-1990, — Portable Shipping Tanks for Flammable and Combustible Liquids:
N.F.P.A. 395-1993, — Storage of Flammable and Combustible Liquids on Farms and Isolated Sites:
N.F.P.A. 407-1990, Aircraft Fuel Servicing:
N.F.P.A. 408-1989, Aircraft Hand Fire Extinguishers:
N.F.P.A. 409-1990, Aircraft Hangars:
N.F.P.A. 410-1989, Aircraft Maintenance:

N.F.P.A. 415-1992, Aircraft Fueling Ramp Drainage.
 N.F.P.A. 416-1993, Construction and Protection of Airport Terminal Buildings.
 N.F.P.A. 417-1990, Construction and Protection of Aircraft Loading Walkways.
 N.F.P.A. 418-1990, Roof-Top Heliport Construction and Protection.
 N.F.P.A. 419-1992, — Master Planning Airport Water Supply Systems for Fire Protection.
 N.F.P.A. 423-1989, — Construction and Protection of Aircraft Engine Test Facilities.
 N.F.P.A. 480-1993, Storage, Handling, and Processing of Magnesium.
 N.F.P.A. 481-1987, Production, Processing, Handling and Storage of Titanium.
 N.F.P.A. 482-1987, — Production, Processing, Handling and Storage of Zirconium.
 N.F.P.A. 490-1993, Storage of Ammonium Nitrate.
 N.F.P.A. 491M-1991, Hazardous Chemical Reactions.
 N.F.P.A. 495-1992, Explosive Materials Code.
 N.F.P.A. 496-1993, — Purged and Pressurized Enclosures for Electrical Equipment in Hazardous (Classified) Locations.
 N.F.P.A. 497A-1992, — Classification of Class I Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas.
 N.F.P.A. 497B-1911, — Classification of Class II Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas.

 N.F.P.A. 497M-1991, — Classification of Gases, Vapors and Dusts for Electrical Equipment in Hazardous (Classified) Locations.
 N.F.P.A. 498-1992, Explosives Motor Vehicle Terminals.
 N.F.P.A. 501A-1992, — Fire Safety Criteria for Manufactured Home Installations, Sites and Communities.
 N.F.P.A. 501D-1993, — Fire Safety Criteria for Recreational Vehicle Parks and Campgrounds.
 N.F.P.A. 502-1992, — Fire Protection for Limited Access Highways, Tunnels, Bridges, Elevated Roadways, and Air Right Structures.
 N.F.P.A. 505-1992, — Powered Industrial Trucks Involving Type Designations, Areas of Use, Maintenance and Operations.
 N.F.P.A. 512-1994, Truck Fire Protection.
 N.F.P.A. 513-1994, Motor Freight Terminals.
 N.F.P.A. 600-1992, Industrial Fire Brigades.
 N.F.P.A. 601-1992, Guard Service in Fire Loss Prevention.
 N.F.P.A. 650-1990, — Pneumatic Conveying Systems for Handling Combustible Materials.
 N.F.P.A. 651-1993, Manufacture of Aluminum Powder.
 N.F.P.A. 654-1988, — Prevention of Fire and Dust Explosions in the Chemical, Dye, Pharmaceutical, and Plastics Industries.
 N.F.P.A. 655-1993, Sulfur Fires and Explosions.
 N.F.P.A. 664-1993, — Fires and Explosions in Wood Processing and Woodworking Facilities.
 N.F.P.A. 701-1989, — Methods of Fire Tests For Flame-Resistant Textiles and Films.
 N.F.P.A. 703-1992, — Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Material.
 N.F.P.A. 704-1990, Identification of the Fire Hazardous of Materials.
 N.F.P.A. 705-1993, Field Flame Test for Textiles and Films.

~~N.F.P.A. 780-1992, Lighting Protection Code.~~
~~N.F.P.A. 801-1991, Facilities Handling Radioactive Materials.~~
~~N.F.P.A. 802-1993, Nuclear Research and Production Reactors.~~
~~N.F.P.A. 803-1993, Light Water Nuclear Power Plants.~~
~~N.F.P.A. 820-1992, Fire Protection in Wastewater Treatment and Collection Facilities.~~
~~N.F.P.A. 850-1992, Electric Generating Plants.~~
~~N.F.P.A. 851-1992, Hydroelectric Generating Plants.~~
~~N.F.P.A. 901-1990, Uniform Coding for Fire Protection.~~
~~N.F.P.A. 910-1991, Libraries and Library Collections.~~
~~N.F.P.A. 911-1991, Museums and Museum Collections.~~
~~N.F.P.A. 912-1993, Places of Worship.~~
~~N.F.P.A. 1122-1994, Code for Model Rocketry.~~
~~N.F.P.A. 1123-1990, Outdoor Display of Fireworks.~~
~~N.F.P.A. 1124-1988, Manufacture, Transportation and Storage of Fireworks.~~
~~N.F.P.A. 1125-1988, Model Rocket Motors.~~
~~N.F.P.A. 1126-1992, Use of Pyrotechnics Before a Proximate Audience.~~
~~N.F.P.A. 1221-1991, Installation, Maintenance and Use of Public Fire Service Communications Systems.~~
~~N.F.P.A. 1231-1993, Water Supplies for Suburban and Rural Fire Fighting.~~
~~N.F.P.A. 1961-1992, Fire Hose.~~
~~N.F.P.A. 1962-1993, Care, Use and Service Testing of Fire Hose Including Connections and Nozzles.~~
~~N.F.P.A. 1963-1993, Fire Hose Connections.~~
~~N.F.P.A. 1964-1993, Spray Nozzles (Shutoff and Tip).~~
~~N.F.P.A. 2001-1994, Clean Agent Fire Extinguishing Systems.~~
~~N.F.P.A. 8501-1992, Single Burner Boiler Operation.~~
~~N.F.P.A. 8503-1992, Installation and Operation of Pulverized Fuel Systems.~~
~~N.F.P.A. 8504-1993, Atmospheric Fluidized-Bed Boiler Operation.~~

~~(3) Exception to Chapter 20, fire works. Delete in its entirety. (A separate ordinance known as the Lee County Fire Works Ordinance has been adopted to address this topic.)~~

~~(4) Exception to Chapter 36, high piled combustible storage. The first sentence of Section 3601 is amended to read as follows:~~

~~This Chapter will apply to the storage of high piled combustible materials and high-rack storage systems.~~

Sec. 6-555 6-653. Special application. (RENUMBER)

The following special application will apply to all areas of unincorporated Lee County:

Every required fire sprinkler system or other form of fire identification or suppression system installed in conjunction with, or as an alternative to, a required fire sprinkler system, must have supervisory facilities as set forth in NFPA 72, as adopted pursuant

to section 6-554. An exemption from this special application exists for sprinkler systems installed in one- and two-family homes or in manufactured homes.

~~Sec. 6-556. Life Safety Code N.F.P.A. #101. (DELETE ENTIRELY)~~

~~(a) The 1994 edition of the N.F.P.A. 101 Life Safety Code, published by the National Fire Protection Association, Battery March Park, Quincy, Massachusetts, is hereby adopted in its entirety by reference and incorporated herein with the following specific exceptions:~~

~~(b) Exceptions to Chapter 19:~~

~~(1) Section 19-3.4.1 will not apply to those structures three stories or less having access to the outside from each living unit.~~

~~(2) Section 19-3.4.4.1 is amended in accordance with F.S. § 633.025(11) to provide that battery operated smoke detectors will be considered an approved detection device for structures three stories or less having direct access to the outside from each living unit.~~

~~(c) Revision to Chapter 5, section 5-2.2.4.6 (b).~~

~~Exception to No. 3 to (b): Guards in new and existing one and two family dwellings may not be less than 36" (91 cm) high.~~

**Sec. 6-557 6-554. Minimum fire flows, hydrant spacing and water main size.
(RENUMBER)**

Requirements relating to minimum standards for fire flows, fire hydrant spacing, water main size and fire department access will be as established pursuant to chapter 10, article III, division 5.

~~Sec. 6-558. Protection of penetration of fire-rated assemblies. (DELETE ENTIRELY)~~

~~(a) All penetrations of fire rated assemblies must be protected by an approved device or by an approved system which has successfully performed under tests conducted by a recognized laboratory so as to maintain the fire resistance rating of the penetrated assembly.~~

~~(b) Compliance must be indicated by drawings or details on properly submitted plans that detail the following:~~

~~(1) Type of penetration;~~

~~(2) Means of protection for penetration; and~~

- ~~(3) Any listing and reference numbers of systems, methods and assemblies, for protection of penetrations, tested by a recognized testing facility, or other documentation, subject to fire official determination.~~
- ~~(c) Existing installations may be exempt from this section and continue in use subject to fire official determination.~~
- ~~(d) The fire official may require any occupancy undergoing renovation, remodeling, repair or any other type of construction to comply with this section.~~

Sec. 6-559 6-555. Fire protection for construction located outside established fire districts. (RENUMBER)

- (a) *Definitions.* For purposes of this section, the following definitions will be applicable:
 - (1) *Development* means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure which requires a certificate of occupancy.
 - (2) *Established fire district* means and refers to those fire districts established pursuant to special act of the legislature or pursuant to any other local law, code or ordinance. The Lee County Fire Control District, established by Special Act 23383, is specifically excluded from this definition.
- (b) *Fire protection standards.* All development outside the boundaries of an established fire district must comply with the following requirements:
 - (1) All single-family, duplex and manufactured homes must be provided with one of the following:
 - a. A fire sprinkler system and water supply meeting the requirements of N.F.P.A. 13D; or
 - b. A complete automatic fire detection system covering all areas and interconnected to a control panel with battery back up. Detectors must be placed in accordance with their listing requirements so as to afford the most effective and efficient detection as required by the latest N.F.P.A. standard adopted and referring to fire alarms.
 - (2) All multifamily, commercial and industrial buildings must be provided with one of the following:
 - a. A complete automatic fire suppression system installed in accordance with N.F.P.A. 13 or N.F.P.A. 13R, as applicable; or
 - b. Establish a volunteer fire company in accordance with N.F.P.A. 1201 and approved by the Lee County Fire Official; and provide an approved water distribution system in accordance with N.F.P.A. 1231.

- (3) *Interlocal agreement.* Nothing in this section may be construed to prohibit the county or any established fire district from entering into an interlocal agreement to provide fire protection services to and within that part of the unincorporated area of Lee County located outside the fire district's established territorial boundaries pursuant to F.S. ch. 163.

Sec. ~~6-560~~ 6-556. Enforcement of Lee County facilities. (RENUMBER)

- (a) *County inspection.* Lee County will provide for inspection of all county facilities by a certified fire inspector for the purpose of enforcing this article and any other fire safety regulations.
- (b) *Inspection frequency.* An initial inspection of all county facilities will be accomplished within two years of the date this section is adopted. Thereafter, each county facility will be inspected annually.
- (c) *Inspection report.* An inspection report must be submitted to county administration by the certified fire inspector within a reasonable time after the inspection has been completed.
- (d) *Correction of deficiencies.* The county administrator will be responsible for ensuring that the deficiencies noted in the inspection report are corrected as soon as practicable. To this end, a reasonable schedule for the correction of deficiencies will be established and funds will be budgeted annually in response to this schedule. Priority, with respect to scheduling correction, must be given to those items which pose the most immediate threat to life.

Sec. ~~6-561~~ 6-557. Appeals. (RENUMBER)

Any decision of the fire official rendered pursuant to this article may be appealed to the Lee County Board of Adjustment and Appeals.

Sec. ~~6-562~~ 6-558. Enforcement and penalties. (RENUMBER)

- (a) The provisions of this article may be enforced by the county administrator, or his designee, against any person or organization, society, association or corporation through the Lee County Hearing Examiner process or through the citation procedure.
- (b) A violation of this article is a civil infraction which will carry a maximum penalty of \$500.00 per violation.
- (c) Each day a violation continues to exist will constitute a separate offense, punishable as indicated above.
- (d) The county is entitled to seek injunctive relief or any other relief legally available in order to effectuate the purpose of this article.

Sec. ~~6-563~~ 6-559. Conflict. (RENUMBER)

Wherever the requirements or provisions of this article are in conflict with the requirements or provisions of any other lawfully adopted ordinance, code or county regulation, the provisions providing the greater degree of life safety will apply. In the event this Code conflicts with the Lee County Building Code, the provisions of F.S. § 553.73(8) will be applicable.

SECTION THREE: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 10

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

CHAPTER 10 DEVELOPMENT STANDARDS

ARTICLE I. IN GENERAL

Section 10-8. Specific requirements.

Development will be approved and a development order will be issued when the development is designed so as to reasonably achieve the following:

(1) Unchanged.

(2) *Traffic pattern.* There ~~shall~~ must be adequate ingress and egress to the development. Except for single-family and two-family developments, and certain multi-family buildings as provided in Section 34-2020(1)c, the proposed structures ~~shall~~ must be located so as to avoid backing of vehicles into streets, the intermingling of automotive and pedestrian traffic or the intermingling of traffic flow in opposite directions. Additionally, the development ~~shall~~ must also achieve the following

- a. Ingress and egress areas shall be of sufficient width to provide for servicing of utilities, refuse collection and access for emergency vehicles.
- b. Development shall not cause traffic hazards or congestion which results from narrow or poorly aligned streets or from excessive exit and entrance points along arterial and collector streets.
- c. The development shall be designed so as to minimize traffic impacts on surrounding areas, particularly to prevent traffic related to industrial land uses (see chapter 34) from traveling through predominantly residential areas. Main access points to a development will not be established where traffic is required to travel over local streets through areas with significantly lower densities or intensities, e.g., multifamily access through single-family residential areas, except where adequate mitigation can be provided.

d. The development shall be designed so as to allow for access by emergency vehicles.

(3) through (5) Unchanged.

(6) *Access roads.* Pursuant to the county comprehensive plan, there is hereby adopted as part of this chapter the access road location map for the county. The access road location map identifies the arterials and collectors where access roads may be desirable to protect the connection separation standards of this code and the health, safety and welfare of county residents. The access road location map will be maintained by the county division of transportation. Reproductions of the map will be available to the public for a nominal fee at county mapping.

Access roads may be desirable along major urban streets for the protection of the health, safety and welfare of county residents because:

- a. Access roads reduce the need for individual driveways and thereby decrease conflicting traffic movements, which in turn reduces the potential for accidents; and
- b. The use of access roads decreases traffic on the county's arterial and collector streets, thereby improving their levels of service.

Roads, whose main function is to provide for internal traffic circulation and, roads that provide frontage for newly created lots that would not otherwise have road frontage, do not qualify as access roads unless such roads are required by the county pursuant to the criteria in section 10-283 of this code.

Unless required by the county pursuant to section 10-283 of this code, roads that serve to achieve site location standards for commercial development will not be eligible for roads impact fee credit under Chapter 2.

(7) through (14) Unchanged.

ARTICLE III. DESIGN STANDARDS AND REQUIREMENTS

DIVISION 1. GENERALLY

Sec. 10-256. Bikeways and pedestrian ways.

(a) ~~Official~~ Unincorporated bikeways/walkways facilities plan. The ~~Official~~ Unincorporated bikeways/walkways facilities plan (hereinafter "the plan") shows locations of existing and proposed bikeways and pedestrian ways in the unincorporated areas of Lee County. All development proposed along the arterial and collector roadways depicted on the plan must provide for bikeways and pedestrian ways in accordance with this section. Construction of bicycle and pedestrian facilities shown on the plan along the frontage of subject property are deemed to be site-related improvements.

(b) through (f) Unchanged.

Sec. 10-291 Required Street Access.

General requirements for access are as follows:

(1) & (2) Unchanged

- (3) ~~Where practical, The director will determine whether~~ any residential development of more than five acres or any commercial or industrial development of more than ten acres must provide ~~two or more than one~~ means of ingress or egress for the development. Additional access points may be needed for continuation of an existing street pattern, to provide access to adjoining properties, or where additional access is needed to provide alternate access for emergency services. Where feasible, these alternate access points should not be onto the same roadway. For planned developments, the determination of the director should be requested concurrent with the application for sufficiency. A deviation or variance will only be required in cases where a determination of the director is sought to be changed or overturned.

DIVISION 2. TRANSPORTATION, ROADWAYS, STREETS AND BRIDGES

Section 10-296. Street design and construction standards.

(a) through (l) Unchanged.

- (m) *Privately maintained accessways.* The following privately maintained accessways are not required to meet the minimum roadway right-of-way widths specified in subsection (b) of this section:

(1) through (3) Unchanged.

- (4) Accessways which meet the following three requirements:

- a. Provide vehicle access to ~~50~~ 100 or fewer multi-family residential units;
- b. Pavement width meets the dimensional requirements for parking lot aisles at areas of back-out parking; and
- c. Provide for utility easements in accordance with section 10-355(a)(1) if utilities are to be located in or adjacent to the accessway.

(n) and (o) - Unchanged

DIVISION 3. SURFACE WATER MANAGEMENT

Sec. 10-329. Excavations.

(a) through (d) Unchanged.

(e) Violations

- (1) Where removal of excess spoil activities are commenced prior to approval of the development order required by section 10-329(b), a stop work order will be issued and all excavation and excess spoil removal activities must cease until an application to conduct the activities has been submitted and approved.
- (2) An application to remove excess spoil after removal activities have commenced in violation of this section will be charged an application fee equal to four times the established fee for the type permit required.
- (3) Submittal of the application and payment of the application fee does not protect the applicant from the remedies described in section 10-6. Any of these forms of relief can be sought or maintained by the county until the problem is abated.

DIVISION 4. UTILITIES

Sec. 10-355. Easements; location of water and sewer lines.

(a) through (e) Unchanged.

- (f) *Reduction or waiver of requirements.* The width of the utility easements specified in subsections (a) through (e) of this section may be reduced, or the requirement for the utility easements may be eliminated, or the number and location of the utility easements may be reduced or modified, if all of the applicable utility companies state, in writing, that the easement may be eliminated or reduced in width. This action must be addressed at time of development order review and platting, as applicable.

DIVISION 5. FIRE SAFETY

Sec. 10-386. Developments not provided with public water system.

- (a) Developments not provided with a public water system ~~shall~~ must have a fire protection system designed by a state-registered engineer in accordance with NFPA pamphlet #1231 #1142, Standard on Water Supplies for Suburban and Rural Fire Fighting, as modified by this section.

- (b) Water for fire protection shall must be made available on the fireground at a rate not less than the required fire flow.
- (c) When bodies of surface water are available, drafting points consisting of a dry hydrant assembly, with eight-inch pipe and fire department connections, shall must be provided unless the Fire Chief of the applicable fire district indicates, in writing, that the district will not accept a dry hydrant assembly for their use. In that event, an alternate means of fire protection in accordance with NFPA pamphlet #1142 must be provided. A dry hydrant permit approved by the Lee County Fire Official must be obtained prior to installation of a dry hydrant.
- (d) Drafting points shall must be spaced at the same intervals of length as required for fire hydrant spacing.
- (e) Extreme care shall must be taken to ensure that the water supply required by this section will always be available year-round. Means of maintaining the water supply shall must be provided prior to issuance of a development order. Means of maintenance shall must include the supply of water, the means of storage of the water, and the associated piping arrangements necessary to deliver the water to the fire department.

Sec. 10-387. Developments located outside of established fire district or taxing unit.

- (a) All new development, excluding individual, single-family, mobile home, duplex, two-family and agricultural structures, located outside of an established fire district or taxing unit shall must arrange for the extension of the service area of an existing district, obtain a charter for a new district, petition for a new district (MSTU) or community development district (CDD) as provided for in F.S. ch. 190, or have a fire protection system designed by a state-registered engineer in accordance with NFPA pamphlet ~~#1231~~ #1142, Standards on Water Supplies for Suburban and Rural Fire Fighting, current edition, as modified in section V A--E, and also in accordance with Ordinance No. 85-20 of the county.

(b) Unchanged.

DIVISION 6. OPEN SPACE, BUFFERING AND LANDSCAPING

Section 10-415. Open Space.

(a) Unchanged.

(b) *Indigenous native vegetation*

- (1) a. Large developments, with existing indigenous native vegetation communities must provide 50 percent of their open space percentage requirement through the onsite preservation of existing native vegetation communities. Refer to section 10-701
- b. If the development area does not contain existing indigenous native vegetation communities, but does contain existing indigenous native trees, then 50 percent of their open space percentage requirement must be met through the onsite

preservation of existing native trees consistent with subsection 1 through 4 below. Refer to Appendix E and section 34-373(6)(g).

1. Preservation of indigenous tree clusters is preferred over individual tree protection. Reasonable efforts to retain individual trees must be made. It is recognized that site design requirements (e.g. fill) may limit the ability to retain some individual trees, and in that case the County will allow the removal of those trees.
2. Sabal palms may be relocated in a horticulturally correct manner and clustered within open space areas.
3. Native trees (4-15 inch caliper dbh) may be relocated to open space areas when proper horticultural methods (e.g. root pruning; use of antitranspirants) are utilized to insure the survivability of the trees.
4. Effort must be made to preserve heritage trees (live oak, South Florida slash pine, or longleaf pine with minimum 20-inch caliper dbh). If a heritage tree must be removed from a site then a replacement tree with a minimum 20-foot height must be planted within an appropriate open space area.

- (2) a. For all developments with required open space, except single family subdivisions with individual lot area of 6,500 square feet or greater, As an incentive to preserve indigenous native upland plant communities or indigenous native trees in large tracts, a scaled open space credit for single contiguous preserve areas will be granted as follows:

INDIGENOUS VEGETATION CHART

Credit provided	Minimum size	Minimum width
110%	½ acre	50 feet
125%	1 acre	75 feet
150%	3 acre	100 feet

- b. An additional, maximum ten percent credit will be granted if any of the following ~~vegetation areas~~ are included:
- a1. Rare and unique uplands as defined by the Lee Plan.
 - b2. Connection to offsite public or private environmental conservation or preserve areas.
 - e3. Upland buffers to natural waterbodies.
 4. Preservation adjacent to a roadway.

5. Restoration of native shrubs, grasses, and / or groundcover plants with the native tree preservation area. A minimum planting size of one gallon plant, installed on three foot centers (3-foot o.c.).

(3) Unchanged.

(c) *Minimum dimensions*

- (1) The minimum average width of open space areas must be ten feet.
- (2) The minimum area of open space must be 180 square feet.
- (3) Indigenous open space areas must have a minimum average width of 20 feet and minimum area of 400 square feet.
- (4) Open space preservation areas must be designed with adequate widths to preserve and allow the continued growth and viability of existing native trees.
- (5) Native tree preservation areas must extend to the full drip line of slash pine, three quarter drip line for all canopy type trees, and six feet from the trunk of any native palm, -OR- other protective means such as retaining walls must be provided.

(d) thru (f) Unchanged.

SECTION FOUR: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 30

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

CHAPTER 30 SIGNS

ARTICLE IV. RESTRICTIONS ON LOCATION

DIVISION 2. ON-SITE SIGNS

Sec. 30-151. Temporary signs.

The following types of temporary signs that are in compliance with the regulations set forth in their indicated sections will not be required to obtain sign location permits:

- * residential construction signs, subsection (2)c. of this section;
- * political or campaign signs, subsection (4) of this section; and
- * real estate signs, subsection (6) of this section.

The following types of temporary signs are permitted in all zoning districts subject to the following regulations.

(1) through (6) - Unchanged.

(7) *Special occasion signs.*

a. Temporary on-site signs may be issued for special occasions such as holidays (other than Christmas and Hanukkah, which are addressed in section 30-6), car, boat or craft shows, carnivals, parking lot sales, annual and semiannual promotions or other similar events, provided:

1. A special occasion sign permit is issued by the building official;
2. The special occasion sign permit is issued for a period of time not to exceed 15 days;
3. Special occasion signs defined as animated, balloon, emitting, figure structured, or motion picture signs, must be approved by the director of community development. The director's decision is discretionary and is not subject to appeal ; and
4. No business may be permitted more than two special occasion permits in any ~~twelve-month period~~ calendar year;

b. thru d. Unchanged.

SECTION FIVE: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 34

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

CHAPTER 34 ZONING

ARTICLE II. ADMINISTRATION

DIVISION 6. APPLICATION AND PROCEDURE FOR CHANGES, PERMITS, INTERPRETATIONS AND APPROVALS

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

(a) This subsection and the “note” referenced in (a)(7) are unchanged.

- (b) Additional submittal requirements for owner-initiated applications. In addition to the submittal requirements set forth in (a), every application initiated by a property owner involving a change in the zoning district boundaries, or a request for special exception, deviation or variance, applicable to the property owner's land must include the following:

(1) through (5) Unchanged.

- (6) Information regarding proposed blasting. If blasting is proposed to excavate lakes or other site elements, the applicant must provide information and data with the application showing the location of the proposed blasting and demonstrating what measures will be implemented to ameliorate the potential negative impacts. This information must include soil borings that demonstrate the necessity for blasting, drawings showing the location(s) of proposed blasting, and other information deemed necessary by the director to allow full and complete analysis of compatibility issues associated with the proposed blasting activity.
- (7) A statement from the property owner describing the type and intensity of agricultural uses in existence on the property on the date of the application. The statement must include acreage figures for each use and must also include an exhibit depicting the location of the uses on a copy of the boundary sketch. The exhibit should be entitled "Agricultural Uses at time of Zoning Application."

ARTICLE IV. PLANNED DEVELOPMENTS

DIVISION 1. GENERALLY

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

- (a) The Lee Plan requires developments of county impact to be developed as planned developments. These developments of county impact, defined in subsection (b) of this section, if not already zoned for the use desired, must be rezoned only to the most applicable planned development category. Other proposed developments, regardless of size, may seek a planned development designation where the developer desires and the division director determines that it is in the public interest to do so.
- ~~(1) Any request for an RPD in areas designated as rural or outer islands in the Lee Plan, which is for the purpose of increasing density over the standard density permitted, will be required to comply with special regulations set forth in sections 34-441 and 34-442 as well as the other requirements set forth in this article.~~
- (2) Development of private recreational facilities in the DR/GR land use category requires Private Recreational Facility Planned Development (PRFPD) district zoning which must comply with the special regulations set forth in section 34-941 as well as the other requirements set forth in this article.

- (b) The Lee Plan provides that certain owner-initiated rezonings and special exceptions meeting specified thresholds 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.*

- a. Any request for rezoning of land to a PRFPD in the DR/GR land use category.
- b. A residential development of 300 or more dwelling units;
- c. ~~Any residential development proposing a density above the standard density range when located in areas designated as rural or outer islands by the Lee Plan;~~
- d. A commercial development or activity located on a parcel of ten or more acres or that includes 100,000 square feet or more of floor area;
- e. An industrial development or activity located on a parcel of ten or more acres or that includes 100,000 square feet or more of floor area;
- f. ~~Mining/excavation activities on a parcel of 320 or more acres;~~

Renumber “g thru p” to “f thru o”.

(2) Minor planned developments (Unchanged.)

(c) Unchanged.

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.

(1) through (3) Unchanged.

(4) “a” thru “e” Unchanged.

- f. A Florida Land Use, Cover and Classification System (FLUCCS) map at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any federal and state jurisdictional wetlands and other surface waters, including the total acreage of federal and state wetlands.

- f g. 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.
- g h. 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.
- h j Additional submittal requirements for PRFPD district applications are set forth in section 34-941.

(5) Unchanged.

- (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.

If blasting is proposed to be conducted on the property in order to excavate lakes or other site elements, the location(s) of all proposed blasting must be shown. See section 34-202(b)(6) for other required information.

Copies of the 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 a scale sufficient to adequately show and identify the following information:

a. through f. Unchanged.

- g. Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LDC Section 10-415(b). Adjustments and field corrections to the plan can be done administratively at the time of development order review provided the minimum commitments made as part of zoning approval are maintained. No changes to a indigenous or native tree preserve area can be made administratively that would negatively effect screening or buffering to an adjacent property.

Renumber “g” thru “k” to “h thru l”

(7) thru (9) Unchanged.

(b) *Additional required information for all major planned development zoning, except PRFPDs.* PRFPDs must also comply with the additional requirements contained in 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. 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 protected species survey as required by section 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.* The contents of a complete and sufficient application for development approval (ADA) per F.S. ch. 380 may substitute for required submittals to the extent they duplicate or exceed the submittal requirements of this chapter.

(c) though (d) Unchanged.

~~DIVISION 4. RESIDENTIAL PLANNED DEVELOPMENTS IN RURAL
OR OUTER ISLANDS~~

~~**Sec. 34-441. Installation of improvements; responsibility for costs of public services.**~~

~~In order for a proposed planned development in rural or outer islands to be approved at a density above the standard density range, the property owner or land developer shall demonstrate that the development is in compliance with the following performance standards:~~

- ~~(1) All internal improvements, including but not limited to water, sewer, roads, water management and recreational areas, shall be installed to county standards or specifications at the developer's expense.~~

- ~~(2) The property owner or land developer shall pay for all of the capital costs of all off-site improvements and services required by the project. This payment of capital costs may include but shall not be limited to impact fees, special taxing districts (this does not include municipal services taxing units), capital construction, operation and maintenance funds, in lieu of fees, and dedication of land and facilities.~~
- ~~(3) The property owner or land developer must clearly demonstrate that the operation and maintenance costs of the project will not be borne by the county. The establishment of a homeowners' association or other legally responsible organization or arrangement may be utilized to bear the responsibility for operation and maintenance costs.~~

~~Sec. 34-442. Impact analysis.~~

~~In addition to the requirements of division 2 of this article, applicants for residential planned developments within rural or outer islands requesting density above the standard density range for the land use classification in which located shall submit three impact analyses addressing how the proposed project will affect the environmental, fiscal and economic, and social aspects of the site, its surrounding environs and the county. The contents of each impact analysis shall be written by either a professional biologist, economist, engineer, landscape architect, market analyst, soil scientist or planner. Each analysis shall identify all methodologies, models, assumptions and standards used in obtaining or evaluating any information contained therein. Applicants shall be prepared to supply, upon request, relevant background data used to obtain any information contained in the analyses. In those instances where required items would be best delineated on a map, site plan, aerial photograph or other graphic display, the applicant may do so. The map, site plan, aerial photograph or other graphic display shall be clearly labeled to identify what particular element of the impact analysis it relates to.~~

- ~~(1) The environmental impact analysis shall include but not necessarily be limited to the following items:
 - ~~a. A master drainage plan for the proposed project delineating existing and proposed drainage areas, water retention areas, drainage structures, drainage easements, canals and other major drainage features.~~
 - ~~b. A soil survey for the proposed project indicating soil development limitations for each soil type on the site, a discussion on how these limitations will be overcome, and what site alterations will be necessary for development.~~
 - ~~c. A soil erosion control plan which delineates what temporary and permanent erosion control measures will be taken during each phase of the proposed project to prevent and control soil erosion.~~
 - ~~d. A hydrogeologic section which describes the hydrologic conditions (groundwater and surface water) of the site, including identification of potential aquifer recharge areas, and describes all geologic features of the site, including a discussion of what aspects of the proposed project will be used to compensate for or take advantage of these features.~~~~

- e. ~~A wetlands survey section which, if applicable, enumerates the acreage of wetlands on the site, what alterations or disturbances to wetlands are proposed, and what wetlands will be preserved in their natural or existing state.~~
- f. ~~If any area within the proposed project site is within a 100-year flood hazard area, as identified by the Federal Insurance Administration or any other federal, state or local agency, a discussion of the methods that will be used to compensate for the potential flood hazard.~~
- g. ~~A vegetation survey section which identifies dominant plant communities, dominant species and other unusual or unique features of the vegetation associations. The study shall specify the ecological function, health and conditions of each plant community. If there are any rare or endangered plants on the site, they shall be identified, and protection measures shall be undertaken.~~
- h. ~~A wildlife survey section which identifies all species, including aquatic life, which nest, feed, reside on or migrate to the development site. The survey shall specify what measures will be taken to protect the wildlife and their habitats. If any wildlife species are considered endangered or threatened, steps shall be taken to protect them and their breeding, nesting and feeding areas.~~
- i. ~~If applicable, identification of what agricultural resources will be lost (i.e., grazing land, acreage, crop yield, etc.) as a result of the proposed development.~~
- j. ~~An air quality analysis for each phase of the proposed development which provides the estimated average daily emissions of carbon monoxide, hydrocarbons, particulates, etc., in pounds per day by type and source, including measures that will be taken to reduce emissions and minimize adverse effects.~~
- k. ~~A wastewater management analysis which provides the average daily flow, in million gallons per day, of wastewater generated at the end of each phase of development. If on-site treatment and disposal is to be provided, the method and degree of treatment shall be indicated, and it shall also be indicated who will operate and maintain the facility. If septic tanks are to be used, the number of units to be served and any plans for their eventual phaseout shall be indicated.~~
- l. ~~A drainage analysis which describes the proposed drainage system for the development. The total number of acres in each drainage area, the total acres and storage capacity of proposed retention areas, and the total acres of proposed impervious surfaces shall be indicated. The analysis shall specify and compare the volume and quality of runoff from the development site in its existing condition to the anticipated runoff at the end of each phase of development. The provisions that will be incorporated in the design of the drainage system to minimize any increase in runoff from the site and to minimize any degradation of water quality shall be indicated.~~
- m. ~~A water supply analysis which projects the average daily potable and nonpotable water demands for each phase of the proposed development. If seasonal demands occur, anticipated peak demands and their duration shall be discussed. A breakdown of the~~

~~sources of the water supply, both potable and nonpotable, for each phase of the proposed development, shall be provided.~~

- ~~n. A projection of the average daily volumes of solid waste generated at the completion of each phase of the proposed development. The plans for disposal of such waste shall be indicated.~~
- ~~o. A noise impact analysis which indicates the estimated decibel levels for each phase of the development, and an indication of the measures that will be taken to reduce noise levels and minimize adverse effects to adjacent neighborhoods.~~
- ~~p. A hurricane evacuation plan, if applicable, which indicates what on-site provisions will be made for storm shelter space.~~
- ~~q. If there are any historical or archaeological sites on the development site, a statement indicating what steps will be taken to protect and preserve them, where appropriate.~~
- ~~r. A site plan showing the general location of buildings and infrastructure including bikeways, at the same scale as the aerial photograph depicting vegetation associations on the site as listed in the Florida Land Use and Cover Classification System.~~

~~(2) *Fiscal and economic impact analysis.* The fiscal and economic impact analysis shall include but not necessarily be limited to the following items:~~

- ~~a. The estimated annual average ad valorem tax yield from the development during each phase of the proposed development.~~
- ~~b. The estimated capital costs of the development, and the source of these funds, for all public facilities and services required by the development during each phase. This analysis should include estimated costs for water, wastewater disposal, solid waste disposal, stormwater management, recreation, roads, police, fire protection, hospitals and emergency medical services.~~
- ~~c. The estimated expenditures for development during each phase of the proposed development.~~
- ~~d. The impacts of displaced activities such as agriculture or other predevelopment land uses.~~
- ~~e. A market feasibility study for the proposed development. This study shall describe in general terms how the demand for this proposed development was determined.~~

~~(3) *Social impact analysis.* The social impact analysis shall include but not necessarily be limited to the following items:~~

- ~~a. A traffic analysis indicating how the proposed development will affect the adjacent neighborhoods and its primary impact area. Existing conditions on the road network within the primary impact area (a five-mile radius extending from the proposed development);~~

including the average daily total, peak hour trips, directional traffic load, level of service and road capacity, shall be indicated.

- b. ~~A housing supply analysis which shows the breakdown of the proposed construction of residential units by price or rental range, type of units and number of bedrooms. The analysis shall indicate the number, if any, of low- and moderate-income dwellings provided, the number and percentage of lots that will be sold without constructed dwelling units, and what will be the target group for the marketing effort for the residential units and lots.~~
- c. ~~A description of how the proposed development will procure police and fire protection services, indicating the service and its location, and specifying any conditions for dedication.~~
- d. ~~An analysis of how the proposed development will affect the local educational system. The number of school age children expected to reside at the development shall be estimated. The analysis should indicate if school facilities or sites will be dedicated or if contributions will be provided. If there are any special educational needs of the residents of the proposed development, those needs should be indicated.~~
- e. ~~A health care analysis which estimates the travel time to the nearest health care facility. This should indicate what the nearest health care facility is and briefly enumerate what services are available, and indicate if there are any special health care needs of the residents of the proposed development and what provisions will be undertaken to meet these needs.~~
- f. ~~A description of how the proposed development will impact existing public park and recreation facilities within the community planning district of the project site, and how the project will or will not offset existing demands for park and recreation services.~~

Secs. 34-443 440--34-490. Reserved.

ARTICLE VI. DISTRICT REGULATIONS

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
Accessory uses, buildings, and structures:	34-1171 et seq. and 34-2441 et seq.	P	P	P
Amateur radio antenna/tower				
Up to 50 feet in height	34-1175	P	P	P
Over 50 feet in height	34-1175	SE	SE	SE
Docks, seawalls	34-1863	P	P	P
Entrance gates, gatehouses	34-1741 et seq.	P	P	P
Fences, walls	34-1741 et seq.	P	P	P
Nonroofed accessory structures	34-2141 et seq.	P	P	P
Signs in compliance with chapter 30		P	P	P
Administrative offices		P	P	P
Agricultural uses	Note (2), 34-2441 et seq.	P	P	P
Agricultural accessory uses and buildings	Note (3), 34-1171 et seq., 34-2441 et seq.	P	P	P
Aircraft landing facilities, private:				
Lawfully existing:				
Expansion of aircraft landing strip or helistop or heliport landing pad	34-1231 et seq.	SE	SE	SE
New accessory buildings	34-1231 et seq.	P	P	P
New:				
Aircraft landing strip and ancillary hangers, sheds and equipment	34-1231 et seq.	SE	SE	SE
Animals, reptiles, marine life:				
Animals (excluding exotic species)	34-1291 et seq.	P	P	P
Animal clinic (df) or animal kennel (df)	34-1321 et seq.	EO/SE	EO/SE	EO/SE
Keeping, raising or breeding of domestic tropical birds (df) for commercial purposes	Note (12), 34-1291 et seq.	SE	SE	SE
Keeping, raising or breeding of American alligators, venomous reptiles or Class I or Class II animals (df)	34-1291 et seq.	SE	SE	SE
Keeping, raising or breeding of marine life which requires the storage of brackish or saline water in man-made ponds	34-1291 et seq.	SE	SE	SE

	Special Notes or Regulations	AG-1	AG-2	AG-3
Assisted living facility	Note (1), (21), 34-1411	EO	EO	EO
Bed and breakfast (df)	Note (16), 34-1493	SE	SE	--
Boat ramps	Note (14)	EO/SE	EO/SE	EO/SE
Caretaker's residence	Note (22)	EO/SE	EO/SE	EO
Cemeteries		EO	EO	EO
Commercial fishing equipment storage as an accessory use to a single-family or mobile home residence, Greater Pine Island only	34-1179	P	P	P
Communication tower				
50 feet or less in height	34-1441 et seq.	P	P	P
Over 50 feet in height	34-1441 et seq.	EO/SE	EO/SE	EO/SE
Community residential home	Note (21),	P	P	P
Consumption on premises	34-1261 et seq.	AA/SE	AA/SE	AA/SE
Day care center, adult or child	Note (13), (15) & (16)	EO/SE	EO/SE	EO/SE
Dwelling unit:				
Mobile home	Note (4) & (18), 34-1921 et seq	P	P	P
Single-family residence, conventional	Note (17)	P	P	P
Second conventional single-family residence on lot	Note (5) & (17), 34-1180	P	P	P
EMS, Fire or Sheriff's station		SE	SE	SE
Essential services	34-1611 et seq., 34-1741 et seq.	P	P	P
Essential service facilities (34-622(c)(13)):				
Group I	34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	P	P	P
Group II	34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	EO/SE	EO/SE	EO/SE
Excavation:				
Oil or gas	34-1651	SE	SE	SE
Water retention	34-1651, 10-329(c)	P	P	P
Mining	Note (11); 34-1651, 34-1671 et seq.	EO/SE	EO/SE	EO/SE
Farm labor housing	Note (20), 34-1891 et seq..	EO/SE	EO/SE	EO/SE
Forestry tower		SE	SE	SE
Forestry, cypress (Taxodium spp.), for sawtimber use only	34-651 et seq.	SE	SE	SE
Golf course	34-2471 et seq.	EO	EO	EO
Health care facilities (34-622(c)(18)), groups I and II	Note (8) & (16)	EO	EO	EO

	Special Notes or Regulations	AG-1	AG-2	AG-3
Home care facility	<u>Note (16)</u> .	P	P	P
Home occupation:	34-1771 et seq.			
No outside help	<u>Note (19)</u> .	P	P	P
With outside help	<u>Note (19)</u> .	AA	AA	AA
Lawn and garden supply stores	34-2081	SE	SE	SE
Lawn and garden equipment (small engine parts and repairs)		SE	SE	SE
LCDOT maintenance facility	Note (6)	EO	EO	EO
Marina	34-1862	EO	EO	EO
Models:	34-1951 et seq.			
Display center		SE	SE	SE
Model home		AA/SE	AA/SE	AA/SE
Paint ball range, outdoor		SE	SE	SE
Parks (34-622(c)(32))				
Group I	Note 9	P	P	P
Group II	Note 7	EO/SE	EO/SE	EO/SE
Place of worship	<u>Note (16)</u> , 34-2051 et seq.	P	P	P
Post office	Note (6)	EO	EO	EO
Produce stands:	34-1711 et seq.			
Temporary		P	P	P
Permanent		EO/SE	EO/SE	EO/SE
Recreational facilities:				
Commercial (34-622(c)(38)) Group III	Note 10	SE	SE	SE
Personal		P	P	P
Private - On-site		EO/SE	EO/SE	EO/SE
Private - Off-site		EO/SE	EO/SE	EO/SE
Religious facilities	Note (7) & (16), 34-2051 et seq.	EO/SE	EO/SE	EO/SE
Research and development laboratories (34-622(c)(41)), group I		P	P	P
Residential accessory uses (34-622(c)(42))	<u>Note (19)</u> , 34-1171 et seq..	P	P	P
Schools, noncommercial:				
Lee County School District	<u>Note (16)</u> , 34-2381	P	P	P
Other	<u>Note (16)</u> , 34-2381	EO	EO	EO

	Special Notes or Regulations	AG-1	AG-2	AG-3
Shredding and composting of vegetative matter	34-1831 et seq.	SE	--	--
Social services (34-622(c)(46)), groups III and IV	Note (8) & (16), 34-3021	EO	EO	EO
Stable:				
Boarding stable or private stable	34-1291 et seq.	P	P	P
Commercial	34-1291 et seq.	SE	SE	SE
Temporary uses	34-3041 et seq.	P	P	P
U-pick operations	34-1711 et seq.	P	P	--

Notes:

(1) through (10) Unchanged.

(11) **Reserved.** Any excavation/mining in excess of 320 acres requires IPD zoning unless approved as part of an RPD, MHPD, RVPD, CFPD, CPD, or MPD development. Any excavation/mining or fill dirt operations, regardless of size, proposed within the Industrial Land use category, must be approved through the Industrial Planned Development rezoning process.

(12) through (15) Unchanged.

(16) Not permitted in Airport Noise Zone 3.

(17) Not permitted in Airport Noise Zone 3. See Section 34-1006(b)(2) for exceptions.

(18) Not permitted in Airport Noise Zones 2 or 3. See Section 34-1006(b)(2) & (3) for exceptions.

(19) Not permitted in Airport Noise Zone 2 or 3 unless accessory to a lawful mobile home or single-family residence - See Section 34-1006(b)(2) & (3).

(20) Not permitted in Airport Noise Zone 3. Housing units consisting of mobile homes or park trailers are also not permitted in Airport Noise Zone 2.

(21) Not permitted in Airport Noise Zone 3 unless pre-empted by state law.

(22) Not permitted in Airport Noise Zones 2 and 3 unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in Section 34-1006(b)(2) & (3) as applicable.

DIVISION 3. RESIDENTIAL DISTRICTS

Subdivision II. One- and Two-Family Residential Districts

Sec. 34-694. Use regulations table.

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

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

	Special Notes or Regulations	RSC-1	RSC-2	RSA	RS-1	RS-2	RS-3	RS-4	RS-5	TFC-1	TFC-2	TF-1
Accessory uses, buildings and structures:	34-1171 et seq., 34-2441 et seq., 34-3106	P	P	P	P	P	P	P	P	P	P	P
Amateur radio antenna/tower												
Under 50 feet in height	34-1175	P	P	P	P	P	P	P	P	P	P	P
Over 50 feet in height	34-1175	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Animals (equines)	34-1291 et seq.	--	--	--	--	--	--	SE	SE	--	--	--
Docks, seawalls	34-1863	P	P	P	P	P	P	P	P	P	P	P
Fences, walls	34-1741 et seq.	P	P	P	P	P	P	P	P	P	P	P
Entrance gate, gatehouses	34-1741 et seq.	P	P	P	P	P	P	P	P	P	P	P
Nonroofed accessory structures	34-2194(c)	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
Accessory apartment	Note (1) & (10), 34-1177	--	--	SE	SE	SE	SE	SE	SE	P	P	--
Administrative offices		P	P	P	P	P	P	P	P	P	P	P
Aircraft landing facilities, private:												
Lawfully existing:												
Expansion of aircraft landing strip, or helistop or heliport landing pad	34-1231 et seq.	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
New:												
Aircraft landing strip and ancillary hangars, sheds and equipment	34-1231 et seq.	--	--	--	--	--	--	--	--	--	--	--
Heliport	34-1231 et seq.	--	--	--	--	--	--	--	--	--	--	--
Helistop	34-1231 et seq.	SE	SE	SE	SE	SE	SE	P	SE	SE	SE	SE

	Special Notes or Regulations	RSC-1	RSC-2	RSA	RS-1	RS-2	RS-3	RS-4	RS-5	TFC-1	TFC-2	TF-1
Animals and reptiles												
Keeping, raising or breeding of Class I animals (df)	34-1291	--	--	--	--	--	SE	SE	SE	--	--	--
Keeping, raising or breeding of American alligators, venomous reptiles or Class II animals (df)	34-1291	--	--	--	SE	SE	SE	SE	SE	--	--	--
Assisted living facility	Notes (2 & 14), 34-1411	--	--	--	--	--	--	--	--	--	--	P
Boat ramps	Note (8)	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Clubs, private		P	P	SE	SE	SE	SE	SE	SE	SE	SE	SE
Commercial fishing equipment storage as an accessory use to single-family or mobile home residence, Greater Pine Island only	34-1179	P	P	P	P	P	P	P	P	P	P	--
Community residential home	Note (14)	P	P	P	P	P	P	P	P	P	P	P
Consumption on premises	34-1261 et seq.	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE
Day care center, adult or child	Note (7), and (9), & (10)	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Dwelling unit:												
Duplex	Note (10)	--	--	--	--	--	--	--	--	P	P	P
Mobile home	Note (12)	EO	EO	EO	EO	EO	EO	EO	EO	EO	EO	EO
Multiple-family building	34-3021	--	--	--	--	--	--	--	--	--	--	--
Single-family residence, conventional	Note (11)	P	P	P	P	P	P	P	P	P	P	P
Two-family attached	Note (10)	--	--	--	--	--	--	--	--	--	--	P
Townhouse		--	--	--	--	--	--	--	--	--	--	--
Zero lot line		--	--	--	--	--	--	--	--	--	--	--
Essential services	34-1611 et seq., 34-1748	P	P	P	P	P	P	P	P	P	P	P
Essential service facilities (34-622(c)(13)):												
Group I	34-1611 et seq., 34-1741 et seq., 34-2142	P	P	P	P	P	P	P	P	P	P	P
Group II	34-1611 et seq., 34-1741 et seq., 34-2142	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Excavation:												
Oil or gas	34-1651(c)	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Water retention	34-1651(b), 10-329(c)	P	P	P	P	P	P	P	P	P	P	P

	Special Notes or Regulations	RSC-1	RSC-2	RSA	RS-1	RS-2	RS-3	RS-4	RS-5	TFC-1	TFC-2	TF-1
Golf course	34-2471 et seq.	EO	EO	EO	EO	EO	EO	EO	EO	EO	EO	EO
Guest house	Note (10), 34-1178	--	P	--	--	--	--	--	--	--	--	--
Home care facility	Note (10)	P	P	P	P	P	P	P	P	P	P	P
Home occupation:												
No outside help	Note (13) 34-1772(c)	P	P	P	P	P	P	P	P	P	P	P
With outside help	Note (13) 34-1772(c)	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA
Library	Note (10)	--	--	--	--	EO	--	--	--	--	--	--
Marina	34-1862	--	--	EO	EO	EO	EO	EO	EO	EO	EO	EO
Models:												
Display center	34-1951 et seq.	--	--	SE	SE	SE	SE	SE	SE	SE	SE	SE
Model home	34-1951 et seq.	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE
Model unit	34-1951 et seq.	--	--	--	--	--	--	--	--	--	--	--
Parks (34-622(c)(32)), group I	Note (5)	P	P	P	P	P	P	P	P	P	P	P
Place of worship	Note (10) 34-2051	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Real estate sales office	Note (6)	SE	SE	SE	SE	SE	SE	SE	SE	--	--	--
Recreational facilities:												
Personal		P	P	P	P	P	P	P	P	P	P	P
Private - On-site		EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Private - Off-site		EO	EO	EO	EO	EO	EO	EO	EO	EO	EO	EO
Religious facilities	Note (3) & (10), 34-2051 et seq.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Residential accessory uses (34-622(c)(42))	Note (13), 34-1171 et seq.	P	P (4)	P	P	P	P	P	P	P	P	P
Schools, noncommercial:												
Lee County School District	Note (10), 34-2381	P	P	P	P	P	P	P	P	P	P	P
Other	Note (10) 34-2381	--	--	SE	SE	SE	SE	SE	SE	--	--	SE
Servant's quarters	Note (10)	--	P	--	--	--	--	--	--	--	--	--
Stable, private	34-1292	--	--	--	--	--	--	SE	SE	--	--	--
Temporary uses	34-3041 et seq.	P	P	P	P	P	P	P	P	P	P	P

[See Notes on next page.]

Notes:

(1) through (9) Unchanged

(10) Not permitted in Airport Noise Zone 3.

(11) Not permitted in Airport Noise Zone 3. See Section 34-1006(b)(2) for exceptions.

(12) Not permitted in Airport Noise Zones 2 or 3. See Section 34-1006(b)(2) & (3) for exceptions.

(13) Not permitted in Airport Noise Zone 2 or 3 unless accessory to a lawful mobile home or single-family residence -See Section 34-1006(b)(2) & (3).

(14) Not permitted in Airport Noise Zone 3 unless pre-empted by state law.

Subdivision III. Multiple-Family Districts

Sec. 34-714. Use regulations table.

Use regulations for multiple-family districts are as follows:

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

	Special Notes or Regulations	RM-2	RM-3, RM-6, RM-8, RM-10
Accessory uses, buildings, and structures:	34-1171 et seq., 34-2441 et seq., 34-3106	P	P
Amateur radio antenna/tower	34-1175		
Under 50 feet in height		P	P
Over 50 feet in height		SE	SE
Docks, seawalls	34-1863	P	P
Fences, walls	34-1741 et seq.	P	P
Entrance gate, gatehouses	34-1741 et seq.	P	P
Nonroofed accessory structures	34-2194(c)	P	P
Signs in compliance with chapter 30		P	P
Accessory apartment	Note (1) & (10), 34-1177	P	P
Administrative offices		P	P
Aircraft landing facilities, private:			
Lawfully existing:			
Expansion of aircraft landing strip or helistop landing pad	34-1231 et seq.	SE	SE
New accessory buildings	34-1231 et seq.	P	P
New:			
Aircraft landing strip and ancillary hangars, sheds and equipment	34-1231 et seq.	--	--
Heliport	34-1231 et seq.	--	--
Helistop	34-1231 et seq.	SE	SE
Assisted living facility	Note (2) & (14), 34-1493, 34-1411	P	P
Bed and Breakfast	Note (10)	P	P
Boarding house	Note (10)	P	P
Boat ramps	Note (7)	EO/SE	EO/SE
Clubs:			
Country		EO	EO
Private		SE	SE
Community residential home	Note (14)	P	P
Consumption on premises	34-1261 et seq.	AA/SE	AA/SE

	Special Notes or Regulations	RM-2	RM-3, RM-6, RM-8, RM-10
Day care center:			
Adult	<u>Note (10)</u>	SE	SE
Child	Note (6), (9) , & (10)	SE	SE
Dormitory	<u>Note (10)</u>	SE	SE
Dwelling unit:	34-1493, 34-1494		
Duplex	<u>Note (10)</u>	P	P
Mobile home	<u>Note (12)</u>	EO	EO
Multiple-family building	<u>Note (10)</u> , 34-3021	P	P
Single-family residence, conventional	<u>Note (11)</u>	P	P
Two-family attached	<u>Note (10)</u>	P	P
Townhouse	<u>Note (10)</u>	P	P
Zero lot line	<u>Note (10)</u>	--	--
Essential services	34-1611 et seq., 34-1748	P	P
Essential service facilities (34-622(c)(13)):			
Group I	34-1611 et seq., 34-1741 et seq., 34-2142	P	P
Group II	34-1611 et seq., 34-1741 et seq., 34-2142	SE	SE
Excavation:			
Oil or gas	34-1651(c)	SE	SE
Water retention	34-1651(b), 10-329(c)	P	P
Fraternity house	<u>Note (10)</u>	SE	SE
Golf course	Note (5), 34-2471 et seq.	EO	EO
Health care facilities (34-622(c)(20)), groups I and II (less than 50 beds)	Note (2) & <u>Note (10)</u>	P	P
Heliport or helistop	34-1231 et seq.	See Aircraft landing facilities, private.	
Home care facility	<u>Note (10)</u>	P	P
Home occupation:			
No outside help	<u>Note (13)</u> , 34-1772(c)	P	P
With outside help	<u>Note (13)</u> , 34-1772(c)	AA	AA
Hotels/motels	<u>Note (15)</u> , 34-1801 et seq.	EO	--
Marina	34-1862	EO	EO
Models:			
Display center	34-1951 et seq.	AA/SE	AA/SE
Model home	34-1951 et seq.	AA/SE	AA/SE
Model unit	34-1951 et seq.	P	P
Parks (34-622(c)(32)), group I	Note (8)	P	P

	Special Notes or Regulations	RM-2	RM-3, RM-6, RM-8, RM-10
Personal services (34-622(c)(33)), groups I and II ancillary use only)	34-3021	P	P
Place of worship	<u>Note (10)</u> , 34-2051 et seq.	P	P
Real estate sales office	Note (4), 34-1951 et seq.	P	P
Recreational facilities: Personal Private - On-site Private - Off-site		P EO/SE EO/SE	P EO/SE EO/SE
Religious facilities	Note (3) & (10), 34-2051 et seq.	SE	SE
Residential accessory uses (34-622(c)(42))	<u>Note (13)</u> , 34-1171 et seq.	P	P
Rooming house	<u>Note (10)</u>	P	P
Schools, noncommercial: Lee County School District Other	<u>Note (10)</u> , 34-2381 Note (3) & (10), 34-2381	P SE	P SE
Specialty retail store (34-622(c)(47)), group I (ancillary use only)	34-3021	P	P
Temporary uses	34-3041 et seq.	P	P
Timeshare units	<u>Note (10)</u> , 34-1494, 34-2020(1)g	P	--

Notes:

(1) through (9) Unchanged.

(10) Not permitted in Airport Noise Zone 3.

(11) Not permitted in Airport Noise Zone 3. See Section 34-1006(b)(2) for exceptions.

(12) Not permitted in Airport Noise Zone 2 or 3. See Section 34-1006(b)(2) & (3) for exceptions.

(13) Not permitted in Airport Noise Zone 2 or 3 unless accessory to a lawful mobile home or single-family residence - See Section 34-1006(b)(2) & (3).

(14) Not permitted in Airport Noise Zone 3 unless pre-empted by state law.

(15) Sound attenuating insulation should be considered for hotels and motels in Airport Noise Zone 3.

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., 34-3106	P	P	P	P	P
Amateur radio antenna/tower						
Under 50 feet in height	34-1175	P	P	P	P	P
Over 50 feet in height	34-1175	SE	SE	SE	SE	SE
Animals (equines)	34-1291 et seq.	--	--	--	--	SE
Docks, seawalls	34-1863	P	P	P	P	P
Fences, walls	34-1741 et seq.	P	P	P	P	P
Gatehouses, entrance gates	34-1741 et seq.	P	P	P	P	P
Nonroofed accessory structures	34-2194(c)	P	P	P	P	P
Signs in compliance with chapter 30		P	P	P	P	P
Administrative offices		P	P	P	P	P
Aircraft landing facilities, private:						
Lawfully existing:						
Expansion of aircraft landing strip or helistop landing pad	34-1231 et seq.	SE	SE	SE	SE	SE
New accessory buildings	34-1231 et seq.	P	P	P	P	P
New:						
Aircraft landing strip and ancillary hangars, sheds and equipment	34-1231 et seq.	--	--	--	--	--
Heliport	34-1231 et seq.	--	--	--	--	--
Helistop	34-1231 et seq.	SE	SE	SE	SE	SE
Animals and reptiles:						
Keeping, raising or breeding of Class I animals (df)	34-1291	--	--	--	SE	SE
Keeping, raising or breeding of American alligators, venomous reptiles or Class II animals (df)	34-1291	SE	SE	SE	SE	SE
Boat ramps	Note (6)	--	EO/SE	EO/SE	EO/SE	EO/SE
Clubs, private		SE	SE	SE	SE	SE
Commercial fishing equipment storage as an accessory use in residential areas, Greater Pine Island only	34-1179	P	P	P	P	P
Community Residential Home	Note (13)	P	P	P	P	P

	Special Notes or Regulations	MHC-1, MHC-2	MH-1	MH-2	MH-3	MH-4
Consumption on premises	34-1261 et seq.	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE
Day care center, adult or child:						
Adult	<u>Note (8)</u>	SE	SE	SE	SE	SE
Child	<u>Note (5), (6) (7), & (8)</u>	SE	SE	SE	SE	SE
Dwelling unit:						
Mobile home	<u>Note (11)</u> , 34-1921 et seq.	P	P	P	P	P
Single-family residence, conventional	<u>Note (10)</u>	EO	EO	EO	EO/SE	EO/SE
Essential services	34-1611 et seq.	P	P	P	P	P
Essential service facilities(34-622(c)(13)):						
Group I	34-1611 et seq., 34-1741 et seq., 34-2142 et seq.	P	P	P	P	P
Group II	34-1611 et seq., 34-1741 et seq., 34-2142 et seq.	--	SE	SE	SE	SE
Excavation:						
Oil or gas	34-1651(c)	SE	SE	SE	SE	SE
Water retention	34-1651(b), 10-329(c)	P	P	P	P	P
Golf course	34-2471 et seq.	EO	EO	EO	EO	EO
Heliport or helistop	34-1231 et seq.	See Aircraft landing facilities, private.				
Home care facility	<u>Note (8)</u>	P	P	P	P	P
Home occupation:						
No outside help	<u>Note (12)</u>	P	P	P	P	P
With outside help	<u>Note (12)</u> 34-1772(c)	AA	AA	AA	AA	AA
Laundromat	34-3021	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Models:						
Display center	34-1951 et seq.	SE	SE	SE	SE	SE
Model home	34-1951 et seq.	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE
Parks (34-622(c)(32)) group I	<u>Note (4)</u>	P	P	P	P	P
Park trailer	<u>Note (8, 9)</u>	--	--	P	--	--
Place of worship	<u>Note (8)</u> , 34-2051 et seq.	--	EO/SE	EO/SE	EO/SE	EO/SE
Real estate sales office	<u>Note (2)</u> , 34-1951 et seq., 34-3021	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Recreational facilities:						
Personal		P	P	P	P	P
Private - On-site		EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Private - Off-site		<u>EO</u>	<u>EO</u>	<u>EO</u>	<u>EO</u>	<u>EO</u>

	Special Notes or Regulations	MHC-1, MHC-2	MH-1	MH-2	MH-3	MH-4
Religious facilities	Note (1) & (8), 34-2051 et seq.	--	SE	SE	SE	SE
Residential accessory uses (34-622(c)(42))	Note (12), 34-1171 et seq.	P	P	P	P	P
Signs in compliance with chapter 30		P	P	P	P	P
Stable, private	34-1292	--	--	--	--	SE
Subordinate commercial uses:	Note (3), 34-3021					
Food stores, group I (34-622(c)(16))		EO	EO/SE	EO/SE	EO/SE	EO/SE
Parts and supplies for mobile homes or RV's		EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Personal services (34-622(c)(33)):						
Group I		EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Group II		EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Specialty retail store(34-622(c)(47)), group I		EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Temporary uses	34-3041 et seq.	P	P	P	P	P

Notes:

(1) through (7) Unchanged.

(8) Not permitted in Airport Noise Zone 3.

(9) Not permitted in Airport Noise Zone 2.

(10) Not permitted in Airport Noise Zone 3. See Section 34-1006(b)(2) for exceptions.

(11) Not permitted in Airport Noise Zones 2 or 3. See Section 34-1006(b)(2) & (3) for exceptions.

(12) Not permitted in Airport Noise Zone 2 or 3 unless accessory to a lawful mobile home or single-family residence - See Section 34-1006(b)(2) & (3).

(13) Not permitted in Airport Noise Zone 3 unless pre-empted by state law.

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
Accessory uses, buildings, and structures:	34-1171 et seq., 34-2441 et seq.	P	P	P	P
Amateur radio antenna/tower					
Under 50 feet in height	34-1175	P	P	P	P
Over 50 feet in height	34-1175	SE	SE	SE	SE
Carports	34-784 et seq.	P	P	P	P
Docks, seawalls	34-1863	P	P	P	P
Enclosures, utility rooms	34-787	P	P	P	P
Fences, walls	34-1741 et seq.	P	P	P	P
Gatehouses, entrance gates	34-1741 et seq.	P	P	P	P
Nonroofed accessory structures	34-2194(c)	P	P	P	P
Storage facility for unoccupied RV's	34-789	P	P	P	P
Storage sheds, unattached	34-786	P	P	P	P
Administrative office or residence	<u>Note (8)</u>	P	P	P	P
Boat ramps	<u>Note (5)</u>	EO/SE	EO/SE	EO/SE	EO/SE
Camping cabins, transient parks only	<u>Note (9, 10)</u> , 34-790	P	P	P	P
Consumption on premises	34-1261 et seq.	AA/SE	AA/SE	AA/SE	AA/SE
Commercial uses:	<u>Note (1)</u>				
Sale or rental of recreational vehicle units		P	P	P	P
Laundromat	<u>Note (2)</u>	P	P	P	P
Store for the sale of convenience items for park residents, including groceries, tobacco products, novelties, sundries, and parts and supplies for recreational vehicles	<u>Note (2)</u>	P	P	P	P
Day care center					
Adult	<u>Note (9)</u> ,	EO/SE	EO/SE	EO/SE	EO/SE
Child	<u>Note (3)</u> , & (6), & (9)	EO/SE	EO/SE	EO/SE	EO/SE

	Special Notes or Regulations	RV-1	RV-2	RV-3	RV-4
Essential services	34-1611 et seq.	P	P	P	P
Essential service facilities (34-622(c)(13)):					
Group I	34-1611 et seq., 34-1741 et seq., 34-2142	P	P	P	P
Group II	34-1611 et seq., 34-1741 et seq., 34-2142	EO/SE	EO/SE	EO/SE	EO/SE
Excavation:					
Oil or gas	34-1651(c)	SE	SE	SE	SE
Water retention	34-1651(b), 10-329(c)	P	P	P	P
Models:					
Display center	34-1951 et seq.	SE	SE	SE	SE
Model home	34-1951 et seq.	AA/SE	AA/SE	AA/SE	AA/SE
Parks (34-622(c)(32)), group I		P	P	P	P
Real estate sale office	Note (4), 34-1951 et seq. 34-3021	EO/SE	EO/SE	EO/SE	EO/SE
Recreational facilities					
Personal		P	P	P	P
Private - On-site		EO/SE	EO/SE	EO/SE	EO/SE
Private - Off-site		EO	EO	EO	EO
Recreational vehicle, transient	<u>Note (9, 10).</u>	P	P	P	P
Recreational vehicle, permanent	<u>Note (9, 10).</u>	P	P	P	P
Service building		P	P	P	P
Signs in accordance with chapter 30		P	P	P	P
Tents, transient parks only	<u>Note (9,10).</u>	P	P	P	P

Notes:

(1) through (6) Unchanged

(7) Not permitted in Airport Noise Zone 2 or 3. See Section 34-1006(b)(2) & (3) for exceptions.

(8) In Airport Noise Zone 3, an administrative residence is not permitted

(9) Not permitted in Airport Noise Zone 3.

(10) Not permitted in Airport Noise Zone 2.

DIVISION 5. COMMUNITY FACILITIES DISTRICTS

Sec. 34-813. Use regulations table.

Use regulations for the community facilities districts are as follows:

TABLE 34-813. USE REGULATIONS FOR COMMUNITY FACILITIES DISTRICTS

	Special Notes or Regulations	CF-1	CF-2	CF-3	CF-4
Administrative offices		P	P	P	P
Assisted living facility	Note (1) & (11), 34-1411	--	P	--	--
Animal control facility (Humane Society)	Note (2)	--	--	EO/SE	--
Animal or reptile exhibits		SE	--	--	--
Art galleries, noncommercial		P	--	--	--
Aquariums		SE	--	--	--
Boat ramps	Note (5)	EO/SE	EO/SE	EO/SE	--
Botanical gardens		P	P	--	--
Caretaker's residence	Note (9)	SE	SE	SE	SE
Cemetery, columbarium, mausoleum		P	P	--	--
Clubs:					
Country		P	P	--	--
Fraternal		--	SE	SE	--
Private		P	P	P	--
Communication tower					
100 feet or less in height	34-1441 et seq.	SE	SE	P	P
Over 100 feet in height	34-1441 et seq.	SE	SE	SE	SE
Consumption on premises	34-1261 et seq.	--	AA/SE	AA/SE	--
Day care center:					
Adult	Note (7)	--	P	P	--
Child	Note (4), (6), & (7)	--	SE	P	--
Emergency operations center	Note (2)	--	--	P	--
EMS, Fire or Sheriff's station		---	---	P	---
Entrance gates and gatehouse	34-1741 et seq.	P	P	P	P
Essential services		P	P	P	P
Essential service facilities (34-622(c)(13)):					
Group I	34-1611 et seq.	P	P	P	P
Group II	34-1611 et seq.	SE	SE	SE	--

	Special Notes or Regulations	CF-1	CF-2	CF-3	CF-4
Excavation:					
Oil or gas		SE	SE	SE	SE
Water retention	34-1651 et seq.	P	P	P	P
Forestry tower		--	--	P	--
Government agencies, offices only, restricted to maximum of 500 square feet of floor area		--	P	P	--
Gun Range	Note 7 <u>12</u>	---	---	P	---
Health care facilities (34-622(c)(20)):					
Group I	Note (1) & (7)	--	P	--	--
Group II	Note (1) & (7)	--	P	--	--
Group III	Note (1)	--	--	EO	P
Group IV	Note (1) & (7)	--	--	EO	P
Helistop	34-1231 et seq.	SE	SE	SE	--
Historical sites		P	P	P	--
Hospice	Note (1) & (7), 34-1411	--	P	--	P
Library	Note (7)	P	P	--	--
Maintenance facility (government)	Note (2)	--	--	EO/SE	--
Mass transit depot or maintenance facility		--	--	EO/SE	--
Museums		P	--	P	--
Parking lot:					
Accessory		P	P	P	P
Temporary		P	P	P	--
Parks (34-622(c)(32))					
Group I	Note (2)	P	P	P	P
Group II	Note (2)	P	P	P	--
Place of worship	Note (7), 34-2051 et seq.	--	P	--	--
Planetarium		SE	--	--	--
Post office	Note (2)	--	--	P	--
Recreational facilities					
Personal		P	P	P	--
Private - On-site		EO/SE	EO/SE	EO/SE	--
Private - Off-site		EO/SE	EO/SE	EO/SE	--
Religious facility	Note (2) & (7), 34-2051 et seq.	--	SE	--	--

	Special Notes or Regulations	CF-1	CF-2	CF-3	CF-4
Restaurants (34-622(c)(43)), group II	Note (3)	P	P	P	--
Sanitary landfill	IPD only, 34-1831 et seq.	--	--	EO	--
Schools, noncommercial:					
Lee County School District	Note (7), 34-2381	--	P	--	--
Other	Note (2) & (7), 34-2381	--	P	--	--
Signs in accordance with chapter 30		P	P	P	P
Social services (34-622(c)(46)):					
Group III	Note (1) & (7)	--	P	--	P
Group IV	Note (1) & (7)	EO	P	--	--
Specialty retail shops (34-622(c)(47)), group I	Note (3)	P	P	P	--
Storage, indoor only		P	P	P	--
Temporary uses		P	P	P	--
Zoos		SE	--	--	--

Notes:

(1) through (6) Unchanged

(7) Not permitted in Airport Noise Zone 3.

(8) Limited to active recreation only (ballfields and tennis courts, for example) in Airport Noise Zone 3.

(9) Not permitted in Airport Noise Zones 2 and 3 unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in Section 34-1006(b)(2) & (3) as applicable.

(10) Not permitted in Airport Noise Zone 3. See Section 34-1006(b)(2) for exceptions.

(11) Not permitted in Airport Noise Zone 3 unless pre-empted by state law. _

(~~7~~) (12) Limited to indoor gun range owned or operated by a government agency.

DIVISION 6. COMMERCIAL DISTRICTS

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) & (25.) 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 heliport landing pad	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, sheds and equipment	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	Note (29), 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	34-1351	P	P	P	P	--	P	P	P	P	--	--	--	--	--	--	--
With installation service	34-1351	--	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
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	--	--
Banks and financial establishments (34-																	
Group I		P	P	P	P	--	P	P	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/SE	AA/SE	--	--	AA/SE	AA/SE	AA/SE	--	--
Bed and Breakfast	<u>Note (25)</u>	--	P	P	P	--	--	--	--	--	--	SE	--	P	--	--	--
Boarding house	<u>Note (25)</u>	--	P	P	P	--	--	--	--	--	--	SE	--	P	--	--	--
Boats:																	
Boat parts store		P	P	P	P	--	P	P (2,4)	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 seq.	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Boat sales		--	P	P	P	--	--	--	--	P	--	--	--	--	--	--	--
Boat storage, dry, not exceeding 18 feet above natural grade	<u>Note 25 32</u>	--	P	P	P	--	--	--	--	P	--	--	--	--	--	--	--
Boat storage, dry, exceeding 18 feet above natural grade	<u>Note 25 32</u>	--	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	P	P	P	P	P (8)	--	P	P	P	--
Group II		--	P	P	P	--	--	SE	--	P	--	--	--	--	--	P	--
Bus station/depot	34-1381 et seq.	--	--	P	P	--	--	--	SE	P	--	--	P	--	--	P	--
Caretaker's residence	<u>Note (30)</u>	--	SE	SE	SE	--	--	SE	SE	SE	--	--	--	--	--	--	--
Car wash		--	P	P	P	--	--	--	P	P	--	--	P	--	--	--	--
Cleaning and maintenance services (34-		P	P	P	P	--	--	SE	P	P	P	P	--	--	--	--	--
Clothing stores, general(34-622(c)(8))		P	P	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
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 (including precooling)		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Commercial fishery		--	--	EO	--	--	--	--	--	--	--	--	--	--	--	--	--
Commercial use of beachfront seaward of the water body setback line	34-3151	SE (7)	SE (7)	SE (7)	SE (7)	--	--	--	SE (7)	SE (7)	--	--	--	SE (7)	--	--	--
Community residential home	Note (29)	P	P	P	P	--	--	P	--	--	--	--	--	--	--	--	--
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	AA/SE (22)	AA/SE	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	--	--	P	P	P	--	--	--	--	--	--	--
Group II		--	P	P	P	--	--	--	P	P	--	--	--	--	--	--	--
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	Note (25)	P	P	P	P	P	P	P	P	EO	--	--	--	P	P	--	--
Department store		P	P	P	P	--	--	--	P	P	--	--	--	--	--	--	--
Dormitory	Note (25)	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--
Drive-through facility for any permitted use		P	P	P	P	--	SE	--	P	P	SE	SE	P	P	P	P	--
Drive-in theater	Note (25)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Drugstore, pharmacy		P	P	P	P	--	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
Dwelling unit:																	
Duplex	Note (25)	P	P	P	P	--	--	--	--	--	--	P	--	--	--	--	--
Single-family	Note (26)	P	P	P	P	--	--	--	--	--	--	P	--	--	--	--	--
Two-family attached	Note (25)	P	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--
Townhouse	Note (25)	EO	--	--	EO	--	--	--	--	--	--	--	--	--	--	--	--
Mobile home		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Multiple-family building	Note (25)	EO	P	P	EO	SE (10)	SE (10)	SE (10)	--	--	SE (10)	SE (10)	--	P	--	--	--
Entrance gates and gatehouse	34-1749	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Emergency operations center		P	P	P	P	--	--	--	--	P	P	SE	--	--	P	P	--
EMS, Fire or Sheriff's station		P	P	P	P	---	---	---	P	P	P	---	---	---	P	P	---
Essential services	34-1611 et seq.	P	P	P	P	P	P	P	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	P	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	P	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	--	--
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	P (12)	P	P	--	--	--	P	P	--	--
Group II		P	P	P	P	--	P	P	P	P	--	--	--	--	--	--	--
Fraternity house	Note (25)	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--
Freight and cargo handling establishments (34-		--	--	--	--	--	--	--	--	--	--	--	--	--	--	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
Funeral home or mortuary:																	
No cremation		P	P	P	P	--	--	--	P	P	P	SE	--	--	--	--	--
With cremation		SE	SE	SE	SE	--	--	--	SE	P	P	SE	--	--	--	--	--
Gasoline dispensing system, special		--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--
Government maintenance facility		P	P	P	P	--	--	--	--	P	P	SE	--	--	--	P	--
Hardware store		P	P	P	P	P	P	P	P	P	--	--	--	--	P	--	--
Health care facility (34-622(c)(20)):																	
Group I	<u>Note (25)</u>	--	--	--	--	--	--	--	--	--	P (13)	SE (13)	--	--	--	--	--
Group II	<u>Note (25)</u>	--	--	--	--	--	--	--	--	--	P (13)	SE (13)	--	--	--	--	--
Group III		P	P	P	P	--	P	P	P	P	P	SE(13)	--	--	P	--	--
Group IV	<u>Note (25)</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	P	P	P	--	--	--	--	--	--	--
Home care facility	<u>Note (25)</u>	P	P	P	P	SE	SE	--	--	--	SE	SE	--	P	--	--	--
Home occupation:																	
No outside help	<u>Note (27)</u> , 34-1771 et seq.	P	P	P	P	P	P	P	--	--	P	P	--	P	--	--	--
With outside help	<u>Note (27)</u> , 34-1771 et seq.	AA	AA	AA	AA	AA	AA	AA	--	--	AA	AA	--	AA	--	--	--
Hotel/motel:	<u>Note (31)</u> , 34-1801 et seq.	--	P	P	P	--	--	--	--	--	--	SE	P	P	--	--	--
Household and office furnishings(34-																	
Group I		P	P	P	P	--	--	P	P	P	--	--	--	--	--	--	--
Group II		P	P	P	P	--	--	P	P	P	--	--	--	--	--	--	--
Group III		--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	--
Insurance companies (34-622(c)(23))		P	P	P	P	--	--	--	--	--	P	--	--	--	--	--	--
Laundromat		P	P	P	P	P	P	P	P	P	--	SE (5)	--	P	P	--	--
Laundry or dry cleaning(34-622(c)(24)):																	
Group I		P	P	P	P	--	P	P	P	P	--	--	--	P	P	--	--
Group II		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Lawn and garden supply store	34-2081	P	P	P	P	--	--	--	P	P	--	--	--	--	P	--	--
Library	<u>Note (25)</u>	P	P	P	P	--	P	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
Manufacturing of:																	
Apparel products (34-622(c)(1))		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Dairy products (SIC 202 only)		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Electrical machinery and equipment (34-		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Fabricated metal products(34-622(c)(14)), group III		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Food and kindred products(34-622(c)(15)), group III		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Leather products(34-622(c)(25)), group II		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Lumber and wood products(34-622(c)(26)), group II		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Measuring, analyzing and controlling instruments (34-622(c)(28))		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Novelties, jewelry, toys and signs (34-622(c)(29)), all groups		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Rubber and plastic products(34-622(c)(44)), group II		--	--	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 (government-operated)		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; 34-1261 et seq.	--	AA/SE	AA/SE	AA/SE	--	--	--	AA/SE	AA/SE	--	--	AA/SE (6)	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	--	--

	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
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
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	--	--	--
Group IV		P	P	P	P	--	P	P	P	P	--	--	--	--	--	--	--
Pet services		P	P	P	P	--	--	--	--	P	--	--	--	--	--	--	--
Pet shop		P	P	P	P	--	P	P	P	P	--	--	--	--	--	--	--
Pharmacy		P	P	P	P	P	P	P	P	P	--	--	--	--	P	--	--
Place of worship	Note (25), 34-2051	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--
Plant nursery	34-2081	P	P	P	P	--	--	--	--	P	--	--	--	--	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	--	--	P	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	P	--	--	--	--	--	--	--	--	--
Private																	
On-site		P	P	P	P	--	--	--	P	--	--	--	--	P	--	--	--
Off-site		SE	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
Recycling facility		--	--	SE	--	--	--	--	--	SE	--	--	--	--	--	--	--
Religious facilities	Note (25), 34-2051 et seq.	--	--	P	--	--	P	P	P	P	P	SE	--	SE	--	--	--
Rental or leasing establishments(34-																	
Group I	34-1352, 34-3001 et seq.	P	P	P	P	--	P	P	P	P	--	--	P	P	--	--	--
Group II	34-1352, 34-3001 et seq.	P	P	P	P	--	P	P	P	P	--	--	P	P	P	--	--
Group III	34-1352, 34-3001 et seq.	--	P	P	P	--	--	--	P	P	--	--	P	P(17)	--	--	--
Group IV	34-1352, 34-3001 et seq.	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Repair shops (34-622(c)(40)):																	
Group I		P	P	P	P	P	P	P	P	P	--	--	--	P	P	P	--
Group II		P	P	P	P	--	--	P	P	P	--	--	--	--	P	P	--
Group III		--	--	P	P	--	--	--	--	P	--	--	--	--	--	P	--
Group IV		--	--	P	--	--	--	--	--	P	--	--	--	--	P	P	--
Group V		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Research and development laboratories (34-622(c)(41)):																	
Group II		--	--	P	--	--	--	--	P	--	P	SE	--	--	--	--	--
Group IV		--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--
Residential accessory uses(34-622(c)(42))	Note (27)	P	P	P	P	P	P	P	--	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	P	P	P	--	SE (5)	P	P	P	--	--
Group II		P	P	P	P	--	P	P (24)	P	P	SE	SE (5)	P	P	--	--	--
Group III		P	P	P	P	--	P	P (24)	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	Note (25)	--	--	--	--	--	--	--	--	--	--	SE	--	P	--	--	--
Schools,																	
commercial (34-622(c)(45))	34-2381	P	P	P	P	--	--	--	P	P	P	SE	--	--	--	--	--
Non-commercial	Note (25), 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	P	P	P	P	P	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
Social services (34-622(c)(46)):																	
Group I		P	P	P	P	--	--	--	P	--	P	--	--	--	--	--	--
Group II		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Group III	<u>Note (25)</u>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Group IV	<u>Note (25)</u>	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Specialty retail shop (34-622(c)(47)):																	
Group I		P	P	P	P	P	P	P	P	P	SE	SE (5)	P	P	P	--	--
Group II		P	P	P	P	--	P	P	P	P	--	SE (5)	--	P	--	--	--
Group III		P	P	P	P	--	--	P (2)	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	P	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	--	--	P	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	<u>Note (25)</u> , CPD or MPD only 34-2471 et seq.	--	--	EO	--	--	--	--	--	--	--	--	--	--	--	--	--
Timeshare units	<u>Note (25)</u>	EO	SE	SE	SE	--	--	--	--	--	--	--	--	P	--	--	--
Transportation services (34-622(c)(53)):																	
Group I		--	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--
Group II		--	--	P	P	--	--	--	P	P	--	--	--	--	--	P	--
Group III		--	--	P	P	--	--	--	--	P	--	--	P	--	--	P	--
Group IV		--	--	P	P	--	--	--	--	--	--	--	--	--	--	P	--
Truck stop		--	--	--	--	--	--	--	--	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
Trucking terminal, motor, rail, air, including warehousing of goods awaiting shipment, parking, and storage of rolling stock		--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--
Used merchandise stores(34-622(c)(54)):																	
Group I		--	P	P	P	--	P	--	P	P	--	--	--	--	--	--	--
Group I, limited to indoor display only,		P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--
Group II		--	P	P	P	--	--	P (2)	P	P	--	--	--	--	--	--	--
Group III		--	P	P	P	--	--	--	P	P	--	--	--	--	--	--	--
Group IV		--	--	P	P	--	--	--	--	P	--	--	--	--	--	--	--
Variety store		P	P	P	P	--	P	P	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) through (24) Unchanged

(25) Not permitted in Airport Noise Zone 3.

- (26) Not permitted in Airport Noise Zone 3. See Section 34-1006(b)(2) for exceptions.
- (27) Not permitted in Airport Noise Zone 2 or 3 unless accessory to a lawful mobile home or single-family residence - See Sec. 34-1006(b)(2) & (3).
- (28) Limited to active recreation only (ballfields and tennis courts, for example) in Airport Noise Zone 3.
- (29) Not permitted in Airport Noise Zone 3 unless pre-empted by state law.
- (30) Not permitted in Airport Noise Zones 2 and 3 unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in Section 34-1006(b)(2) & (3) as applicable.
- (31) Sound attenuating insulation should be considered for hotels and motels in Airport Noise Zone 3.
- ~~(25)~~ (32) For purposes of this use only, grade is the average elevation of the street or streets abutting the property measured along the centerline of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage.

DIVISION 7. MARINE-ORIENTED DISTRICTS

Sec. 34-873. Use regulations table.

Use regulations for marine-oriented districts are as follows:

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

	Special Notes or Regulations	CM	IM	PORT
Administrative offices		P	P	P
Bait and tackle shop		P	P	--
Bar or cocktail lounge	34-1261 et seq.	AA/SE	--	--
Boat parts store		P	P	--
Boat ramps		P	P	P
Boat rental		P	P	--
Boat repair and service	34-1352, 34-3001 et seq.	P (1)	P	--
Boat storage:				
Dry: Not exceeding eighteen feet above natural grade	Note (§ 12)	P	P	P
Dry: Exceeding eighteen feet above natural grade	Note (§ 12)	SE	SE	SE
Boatyard		--	P	P
Bulk storage for on-site consumption (use) or distribution of explosives, corrosives, liquid or liquified gaseous fuels, or toxic materials		--	--	SE
Clubs, private		P (2)	--	--
Commercial fishery, including land support		--	P	SE
Communication tower, accessory to a permitted use:				
100 feet or less in height	34-1441 et seq.	P	P	P
Over 100 feet in height	34-1441 et seq.	SE	SE	SE
Consumption on premises	34-1261 et seq.	AA/SE	AA/SE	AA/SE
Docking or mooring facilities	34-1863	P	P	P
Entrance gates and gatehouse	34-1741 et seq.	P	P	P
Essential services	34-1611 et seq.	P	P	P
Essential service facilities (34-622(c)(13)):				
Group I	34-1611 et seq.	P	P	P
Group II	34-1611 et seq.	SE	SE	SE
Excavation:				
Water retention	34-1651	P	P	--
Oil or gas		SE	SE	--
Fire station		--	--	P

	Special Notes or Regulations	CM	IM	PORT
Fish market, enclosed		--	SE	--
Freight and cargo handling establishments(34-622(c)(17))		--	P	P
Gift and souvenir shop		P	--	--
Heliport for emergency medical services		--	--	P
Hotel/motel	<u>Note (11)</u> , 34-1801 et seq.	SE	--	--
Laundromat		P	--	--
Marina	34-1862	P	P	P
Offices, marine-oriented government		--	P (3)	--
Offices and commercial activities directly related to port activities and port personnel		--	--	P
Parks (34-622(c)(32)): Groups I & II		P	P	P
Parking lot:				
Accessory		P	P	P
Temporary	34-2022	P (5)	P (5)	P (5)
Place of worship	<u>Note (8)</u> , 34-2051 et seq.	P	P	SE
Recreational facilities				
Commercial ((34-622(c)(38))		--	--	--
Personal		P	P	P
Private - On-site		P	P	P
Private - Off-site		--	--	--
Rental establishments, group I (34-622(c)(39))		P	--	--
Residential uses	<u>Note (9)</u> ,	P (6)	P (6)	SE (6)
Residential accessory uses (34-622(c)(42))	<u>Note (10)</u> ,	P (7)	P (7)	P (7)
Restaurant (34-622(c)(43)):				
Group I		P	P	P
Group II		P	SE	--
Group III		P	--	--
Sale of fuel and lubricants		P	P	P
Sanitary facilities (restrooms and showers for transient persons; pump-out facilities for onboard sanitation, wastewater holding pretreatment or treatment)		P	P	P
School, commercial (34-622(c)(45))	34-2381	P (4)	P (4)	--
Signs in accordance with chapter 30		P	P	P
Storage:				
Indoor only	34-3001 et seq.	P	P	P
Open	34-3001 et seq.	P	P	P
Temporary uses	34-3041 et seq.	P	--	--

	Special Notes or Regulations	CM	IM	PORT
Transportation equipment, manufacturing(34-622(c)(52)), group II		--	P	P
Transportation services (34-622(c)(53)), group I		P	P	--
Vehicle and equipment dealers (34-622(c)(55)), group III	34-1352	P	P	--
Warehouse, private		--	--	P

Notes:

(1) through (7) Unchanged

(8) Not permitted in Airport Noise Zone 3.

(9) Not permitted in Airport Noise Zone 3. See Section 34-1006(b)(2) for exceptions.

(10) Permitted in Airport Noise Zone 3 only when ancillary to lawful mobile home or single-family residence - See Section 34-1006(b)(2) & (3)

(11) Sound attenuating insulation should be considered for hotels and motels in Airport Noise Zone 3.

(12) For purposes of this use only, grade is the average elevation of the street or streets abutting the property. Average elevation of the street is measured along the centerline of the streets, at the points of intersection of the streets with the lot lines (as extended) and the midpoint of the lot frontage.

DIVISION 8. INDUSTRIAL DISTRICTS

Sec. 34-903. Use regulations table.

Use regulations for industrial districts are as follows:

TABLE 34-903. USE REGULATIONS FOR INDUSTRIAL DISTRICTS

	Special Notes or Regulations	IL <u>Note (14)</u>	IG <u>Note (14)</u>	IR <u>Note (14)</u>
Administrative offices		P	P	P
Agricultural services: office/base operations	Note (9)	--	--	P
Aircraft landing facility, private:				
Lawfully existing:				
Expansion of aircraft landing strip or helistop or heliport landing pad	34-1231 et seq.	SE	SE	SE
New accessory buildings	34-1231 et seq.	P	P	P
New:				
Aircraft landing strip or heliport, ancillary hangers, sheds and equipment	34-1231 et seq.	SE	SE	SE
Helistop	34-1231 et seq.	SE	SE	SE

	Special Notes or Regulations	IL Note (14)	IG Note (14)	IR Note (14)
Animals:				
Animal clinic	34-1321 et seq.	P	P	P
Animal kennel, when completely enclosed within a building	34-1321 et seq.	P	P	P
Control center (including Humane Society)	34-1321 et seq.	P	P	--
ATM (automatic teller machine)		P	P	--
Automobile repair and service (34-622(c)(2)):				
Group I	34-1351	P	P	--
Group II	34-1351	P	P	--
Bar or cocktail lounge	34-1261 et seq.	SE	SE	—
Blacksmith shop	Note (9)	P	P	P
Boat ramps		EO/SE	EO/SE	--
Broadcast studio, commercial radio and television	34-1441 et seq.	P	P	--
Building materials sales (34-622(c)(4))	34-3001 et seq.	P	P	--
Business services (34-622(c)(5)):				
Group I		P	--	--
Group II		P	P	--
Bus station/depot	34-1381 et seq.	P	P	--
Caretaker's residence	<u>Note (17)</u>	SE	SE	--
Caterers		P	P	--
Cleaning and maintenance services (34-622(c)(7))		P	P	--
Cold storage warehouse and processing plant (including pre-cooling)		P	P	P
Communication tower:				
100 feet or less in height	34-1441 et seq.	P	P	P
More than 100 feet in height	34-1441 et seq.	SE	SE	SE
Computer and data processing services		P	P	--
Consumption on premises	34-1261 et seq.	AA/SE	AA/SE	--
Contractors and builders (34-622(c)(9)):				
Group I		P (1)	P	--
Group II		P (1)	P	--
Group III	34-1352, 34-2443, 34-3001 et seq.	P (1)	P(12)	--
Day care center, child	Note (10), – & (13), & 16	SE	--	--

	Special Notes or Regulations	IL Note (14)	IG Note (14)	IR Note (14)
Dumps, refuse and trash	IPD only, 34-1831 et seq., Note (9)	--	--	--
Emergency operations center		P	P	--
EMS, Fire or Sheriff's station		P	P	P
Entrance gates and gatehouses	34-1741 et seq.	P	P	P
Essential services	34-1611 et seq.	P	P	P
Essential service facilities (34-622(c)(13)):				
Group I	34-1611 et seq.	P	P	P
Group II	34-1611 et seq.	SE	SE	SE
Group III	34-1611 et seq. CFPD, IPD or MPD only	EO	--	--
Excavation:				
Mining	34-1671 et seq.	--	--	--
Water retention	34-1651	P	P	P
Oil or gas		SE	SE	SE
Farm equipment, sales, storage, rental or service	34-1352, 34-3001 et seq.	--	--	P
Farm machinery and tractor repair		--	--	P
Flea market, open		SE	--	--
Freight and cargo handling establishments (34-622(c)(17))	34-3001 et seq., Note (9)	SE	P	P (3)
Gasoline dispensing system, special		P	P	--
Government maintenance facility	Note (2)	P	P	--
Hatcheries, poultry	Note (9)	--	--	P
Health care facility, group III (34-622(c)(20))	Note (4)	SE	SE	--
Health club or spa		P	P	--
Heliport or helistop	34-1231(b)	See aircraft landing facilities, private		
Junkyard or salvage yard	IPD only, 34-1831 et seq., Note (9)	--	--	--
Landfills, sanitary	IPD only, 34-1831 et seq., Note (9)	--	--	--
Laundry or dry cleaning (34-622(c)(24)), group II		P	P	--
Machine shop		P	P	--
Manufacturing, repair or wholesale sales of:				
Apparel (34-622(c)(1))	Note (9)	P	P	--
Boats	Note (9)	SE	P	--
Chemicals and allied products (34-622(c)(6)):				

	Special Notes or Regulations	IL Note (14)	IG Note (14)	IR Note (14)
Group I	IPD only, Note (9)	EO	EO	--
Group II:				
Cosmetics, perfumes, etc.	Note (9)	P (5)	P (5)	--
All other chemicals	IPD only, Note (9)	--	EO	--
Electrical machinery and equipment(34-622(c)(11))	Note (9)	P	P	--
Fabricated metal products (34-622(c)(14)):				
Group I	IPD only, Note (9)	--	--	--
Group II	Note (9)	SE	P	--
Group III	Note (9)	--	P	--
Food and kindred products (34-622(c)(15)):				
Group I	Note (9)	--	P	P
Group II	Note (9)	SE	P	P
Group III	Note (9)	P	P	--
Furniture and fixtures (34-622(c)(18))	Note (9)	P	P	--
Leather products (34-622(c)(25)):				
Group I	Note (9)	--	P	P
Group II	Note (9)	P	P	P
Lumber and wood products (34-622(c)(26)):				
Group I	Note (9)	--	P	P
Groups II and IV	Note (9)	P	P	--
Group III	Note (9)	--	P	--
Group V	IPD only, Note (9)	--	EO	--
Group VI	IPD only, Note (9)	--	EO	--
Machinery (34-622(c)(27)):				
Group I	Note (9)	P (6)	P	--
Group II	Note (9)	P (6)	P	--
Group III	Note (9)	--	P	--
Measuring, analyzing and controlling instruments (34-622(c)(28))	Note (9)	P	P	--
Novelties, jewelry, toys and signs(34-622(c)(29)), groups I, II and III	Note (9)	P	P	--
Paper and allied products (34-622(c)(31)):				
Group I	IPD only, Note (9)	--	--	--
Group II	Note (9)	P	P	--
Group III	Note (9)	P (7)	P	--

	Special Notes or Regulations	IL Note (14)	IG Note (14)	IR Note (14)
Petroleum (34-622(c)(34))	IPD only, Note (9)	--	--	--
Primary metal industries (34-622(c)(35))	IPD only, Note (9)	--	--	--
Rubber and plastic products (34-622(c)(44)):				
Group I	IPD only, Note (9)	--	EO	--
Group II	Note (9)	P	P	--
Stone, clay, glass or concrete products(34-622(c)(48)):				
Group I	Note (9)	P	P	--
Group II	Note (9)	--	P	--
Group III	Note (9)	P (8)	P	--
Group IV	IPD only, Note (9)	--	--	--
Textile mill products (34-622(c)(50)):				
Groups I and II	Note (9)	P	P	--
Group III	IPD only, Note (9)	--	--	--
Tobacco (34-622(c)(51))	Note (9)	--	P	--
Transportation equipment (34-622(c)(52)):				
Group II	Note (9)	SE	P	--
Groups I, III and IV	Note (9)	--	P	--
Marina	34-1862	EO	EO	--
Mass transit depot or maintenance facility (government)		P	P	--
Message answering service		P	P	--
Mini-warehouse		P	P	--
Mobile home dealers	34-1352	P	P	--
Motion picture production studios	Note (9)	P	P	--
Night club	34-1201 et seq., 34-1261 et seq.	SE	SE	--
Nonstore retailers (34-622(c)(30)), all groups		P	P	--
Oxygen tent services		P	P	--
Parcel and express services		P	P	--
Parking:				
Accessory		P	P	P
Commercial	Note (15)	P	P	P
Garage, public		--	--	--
Temporary	34-2022	P	P	P
Parks (34-622(c)(32)), groups I	Note (2)	P	P	--

	Special Notes or Regulations	IL Note (14)	IG Note (14)	IR Note (14)
Personal services (34-622(c)(33)), group III		P	P	--
Photofinishing laboratory	Note (9)	P	P	--
Place of worship	Note (16), 34-2051 et seq.	P	P	P
Post office	Note (2)	P	P	--
Printing and publishing (34-622(c)(36))		P	P	--
Processing and warehousing		P	P	--
Recreational facilities				
Commercial ((34-622(c)(38))				
Group I		--	--	P
Group III & IV		P	P	--
Personal		P	P	P
Private - On-site		P	P	P
Private - Off-site		SE	SE	SE
Recycling facility (df)		P	P	--
Religious facilities	Note (2) & (16), 34-2051 et seq.	P	P	--
Rental or leasing establishments (34-622(c)(39)):				
Group II	34-1201 et seq. 34-1352, 34-3001 et seq.,	P	P	--
Group III	34-1352, 34-3001 et seq.,	P	P	--
Group IV	34-1352, 34-3001 et seq., Note (9)	P	P	--
Repair shops (34-622(c)(40))				
Groups I, II, III and IV		P	P	--
Group V	Note (9)	P	P	--
Research and development laboratories(34-622(c)(41)):				
Group I	Note (9)	--	--	P
Groups II and IV		P	P	--
Group III	IPD only, Note (9)	--	--	--
Restaurant (34-622(c)(43)):				
Group I		P	P	P
Group II	34-1261 et seq.	P	P	--
Resource recovery facilities:				
Recovery facilities to produce energy	IPD only	--	EO	--
Recovery facilities, other	34-3001 et seq.	SE	SE	--

	Special Notes or Regulations	IL Note (14)	IG Note (14)	IR Note (14)
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises		P	P	P
Roadside stand (defined in section 34-1712)	34-1711 et seq.	TP	TP	TP
Schools, commercial (34-622(c)(45))		P	P	--
Schools, noncommercial:				
Lee County School District	<u>Note (16)</u> , 34-2381	P	P	P
Other	<u>Note (16)</u> , 34-2381	--	--	--
Self-service fuel pumps		--	P(11)	--
Signs in compliance with chapter 30		P	P	P
Social services (34-622(c)(46)), group II	Note (9)	P	P	--
Storage:				
Indoor	34-3001 et seq.	P	P	P (3)
Open	34-3001 et seq.	P	P	P (3)
Studios (34-622(c)(49))		P	P	--
Transportation services (34-622(c)(53)), groups II, III and IV		P	P	--
Trucking terminal	34-1352	SE	P	P (3)
Vehicle and equipment dealers (34-622(c)(55)):				
Group III	34-1352	P	--	--
Group IV	34-1352	P	P	--
Group V	34-1352	P	P	--
Warehouse:				
Mini-warehouse		P	P	--
Private		P	P	--
Public		P	P	--
Wholesale establishment (34-622(c)(56)):				
Group I	34-3001 et seq., Note (9)	--	--	P
Group II	34-3001 et seq., Note (9)	--	--	P
Group III	34-3001 et seq.	P	P	--
Group IV	34-3001 et seq.	P	P	--
Wrecking yard:				
Auto	IPD only, 34-1831 et seq., Note (9)	--	--	--
Other	IPD only, 34-1831 et seq., Note (9)	--	--	--

[SEE NEXT PAGE FOR NOTES]

NOTES:

(1) through (15) Unchanged.

(16) Not permitted in Airport Noise Zone 3.

(17) Not permitted in Airport Noise Zones 2 and 3 unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in Section 34-1006(b)(2) & (3) as applicable.

DIVISION 9. PLANNED DEVELOPMENT DISTRICTS

Sec. 34-934. Use regulations table.

Use regulations for planned development districts are as follows:

TABLE 34-934. USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS

	Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (28 37)	AOPD	MPD
Accessory uses and structures	Note (1), 34-1171 et seq., 34-2441 et seq., 34-1863, 34-2141 et seq., 34-3106	P	P	P	P	P	P	P	P
Accessory apartment	Note (2) (21) & (28), 34-1177	P	--	--	--	--	--	--	P
Administrative offices	Note (1)	P	P	P	P	P	P	P	P
Amateur radio towers									
Up to 50 feet in height	34-2173, 34-1175	P	P	--	--	--	--	--	P
Over 50 feet in height	34-2173, 34-1175	P(21)	P(21)	--	--	--	--	--	P(21)
Agricultural services: office/base operations		--	--	--	--	--	P	--	P
Agricultural uses and agricultural accessory uses		--	--	--	--	--	P	--	P
Aircraft food services and catering								P	P
Aircraft landing facilities, private	34-1231 et seq.	P	P	P	P	P	P	P	P
Airport operations facilities		--	--	--	--	--	--	P	--
Amusement park		--	--	--	--	P	--	--	P
Animals:									
Clinic or kennel	34-1321 et seq.	--	--	--	--	P	P	--	P
Control center (including Humane Society)		--	--	--	P	P	--	--	P
Assisted living facility	Note (35) 34-1491 et seq., 34-1411	P (3)	--	--	P	P	--	--	P
ATM (automatic teller machine)						P	P	P	P
Auto parts store		P (4)	P (4)	--	--	P	--	--	P
Automobile service station		P (4)	P (4)	--	--	P	P	P	P
Auto repair and service (34-622(c)(2)), all groups	34-1351	--	--	--	--	P	P	--	P
Bait and tackle shop		P (4)	P (4)	--	--	P	P	--	P

	Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (28 37)	AOPD	MPD
Banks and financial establishments(34-622(c)(3)):									
Group I		P (4)	P (4)	--	--	P	--	P	P
Group II		--	--	--	--	P	--	--	P
Bar or cocktail lounge	34-1261 et seq.	--	--	--	--	P	P	P	P
Bed and Breakfast	Note (28)	P	--	--	--	P	--	--	P
Boarding house	Note (28)	P	--	--	--	P	--	--	P
Boats:									
Boat parts store		P (4)	P (4)	--	--	P	P	--	P
Boat ramps and dockage (not marinas)		P	P	P	P	P	P	--	P
Boat rental		P (4)	P (4)	--	--	P	P	--	P
Boat repair and service	34-1352, 34-3001 et seq.	--	--	--	--	P	P	--	P
Boat sales		--	--	--	--	P	--	--	P
Boat storage, dry		--	--	--	--	P	--	--	P
Boatyard	Note (5)	--	--	--	--	--	P	--	P
Broadcast studio, commercial radio and television	34-1441 et seq.	--	--	--	--	P	P	--	P
Building material sales (34-622(c)(4))	34-3001 et seq.	--	--	--	--	P	P	--	P
Business services (34-622(c)(5)):									
Group I		P (4)	P (4)	--	--	P	P	--	P
Group II		--	--	--	--	P	P	--	P
Bus station/depot	34-1381 et seq.	--	--	--	--	P	P	P	P
Camping cabins	Note (28)	--	--	P (6)	--	--	--	--	P
Caretaker's residence	Note (34)	--	--	--	P	P	P	--	P
Car wash		--	--	--	--	P	--	--	P
Cemetery, columbarium, mausoleum		--	--	--	P	--	--	--	P
Cleaning and maintenance services (34-622(c)(7))		--	--	--	--	P	P	--	P
Clothing stores, general (34-622(c)(8))		--	--	--	--	P	--	--	P
Clubs:									
Country		P	P	P	--	P	--	--	P
Commercial		--	--	--	--	P	--	--	P
Fraternal, membership organization	34-2111	--	--	--	--	P	--	--	P
Private	34-2111	P	P	P	--	P	--	--	P
Cold storage, pre-cooling, warehouse and processing plant		--	--	--	--	--	P	--	P
Commercial fishery		--	--	--	--	P	P	--	P
Commercial use of beachfront seaward of the coastal construction control line	Note (7), 34-3151	P	P	--	--	P	--	--	P
Communication towers									
100 feet or less in height	Note (22) 34-1441 et seq.	--	--	--	P	P	P	P	P (25)
More than 100 feet in height	Note (22), 34-1441 et seq.	--	--	--	SE	SE	SE	SE	SE (25)
Community residential home	Note (35)	P	P	--	--	P	--	--	P
Computer and data processing services		--	--	--	--	--	P	--	P

	Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (28 37)	AOPD	MPD
Consumption on premises	34-1261 et seq.	P (4)	P (4)	P (8)	--	P	P (9)	P	P
Continuing care facilities	Note (28) 34-1414	P	--	--	P	--	--	--	P
Contractors and builders (34-622(c)(9)), all groups	34-1352,34-3001 et seq.	--	--	--	--	P	P	--	P
Convenience food and beverage store		P (4), (27)	P (4), (27)	--	--	P	P	--	P(27)
Correctional facility	Note (28)	--	--	--	P	--	--	--	P
Cultural facilities (34-622(c)(10))		--	--	--	P	P	--	--	P
Day care center, child, adult	Note (28)	P (4)	P (4)	P (8)	P	P	P	--	P
Department store		--	--	--	--	P	--	--	P
Dormitory	Note (28)	P	--	--	--	P	--	--	P
Drive-through facility for any permitted use		P (4)	P (4)	--	--	P	P	--	P
Drugstore, pharmacy		P (4)	P (4)	--	--	P	--	--	P
Dwelling unit:									
Duplex, single-family	Note (29)	P	--	--	--	--	--	--	P
Two-family attached	Note (28)	P	--	--	--	--	--	--	P
Townhouse, multiple-family building	Note (28)	P	--	--	--	P (10)	--	--	P
Mobile home	Note (30)	--	P	--	--	--	--	--	P
Zero lot line	Note (28)	P	--	--	--	--	--	--	P
Entrance gates and gatehouse	34-1741 et seq.	P (3)	P (3)	P	P	P	P	P	P
Emergency operations center		--	--	--	P	P	P	--	P
EMS, Fire or Sheriff's station		P(3)(4)	P(3)(4)	--	P	P	P	P	P
Essential services	Note (1),34-1611 et seq.,34-1741 et seq.	P	P	P	P	P	P	P	P
Essential service facilities (34-622(c)(13)):									
Group I	Note (1), 34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	P	P	P	P	P	P	P	P
Group II	Note (1), 34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	P	P	P	P	P	P	P	P
Group III	Note (1), 34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	--	--	--	P	--	P	--	P
Excavation:									
Mining	34-1651,34-1671 et seq.	P	P	P	P	P	P	--	P
Water retention	34-1651	P	P	P	P	P	P	P	P
Oil or gas	34-1651	P (4)	P (4)	P	P	P	P	--	P
Factory outlets (point of manufacture only)		--	--	--	--	P	P	--	P
Farm equipment, sales, storage, rental or service		--	--	--	--	P	P	--	P
Farm labor housing	Note (33) 34-1891 et seq.	P	P	--	--	--	--	--	P
Feed or fertilizer, mixing and sales		--	--	--	--	P	--	--	P
Fences, walls	Note (1), 34-1741 et seq.	P	P	P	P	P	P	P	P
Fish house, wholesale		--	--	--	--	P (11)	--	--	P
Fishing piers		P (3)	P (3)	--	--	--	--	--	P
Flea market:									
Open		--	--	--	--	P	P	--	P
Indoor		--	--	--	--	P	--	--	P

	Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (28 37)	AOPD	MPD
Food and beverage service, limited	Note (1)	P (4)	P (4)	--	--	P	--	--	P
Food stores (34-622(c)(16)):									
Group I		P (4)	P (4)	P	--	P	P (9)	--	P
Group II		P (4)	P (4)	--	--	P	P (9)	--	P
Forestry tower		--	--	--	P	P	--	--	P
Fraternity house	<u>Note (28)</u>	P	--	--	--	P	--	--	P
Freight and cargo handling establishments (34-622(c)(17))		--	--	--	--	P	P	P (12)	P
Funeral home and mortuary (with or without a crematory)		--	--	--	P(19)	P	--	--	P
Gasoline dispensing system, special		--	--	--	--	P	P	P	P
Gift and souvenir shop		--	--	--	--	P	--	--	P
Golf course		P	P	P	--	P	--	--	P
Golf driving range		P	P	--	--	P	--	--	P
Government maintenance facility		--	--	--	P	P	P	P	P
Hardware store		P (4)	P (4)	--	--	P	--	--	P
Hatcheries, poultry		--	--	--	--	--	P	--	P
Health care facilities (34-622(c)(20)):									
Group I	<u>Note (28)</u>	P	--	--	P	P	--	--	P
Group II	<u>Note (28)</u>	P	--	--	P	P	--	--	P
Group III		P (4)	P (4)	--	P	P	P	P	P
Group IV	<u>Note (28)</u>	--	--	--	P	P	--	--	P
Heliport or helistop		P	P	--	P	P	P	P	P
Hobby, toy and game shops (34-622(c)(21))		P (4)	P (4)	--	--	P	--	--	P
Home care facility	Note (1) & <u>(28)</u>	P	P	--	--	P	--	--	P
Home occupation	Note (1) & <u>Note (31)</u> , 34-1771 et seq.	P	P	--	--	P	--	--	P
Hospice	<u>Note (28)</u>	--	--	--	P	P	--	--	P
Hotel/motel:	<u>Note (36)</u> , 34-1801 et seq.	--	--	--	--	P	P (13)	--	P
Household and office furnishings (34-622(c)(22)), all groups		--	--	--	--	P	--	--	P
Housing units for employees only	<u>Note (33)</u>	--	--	--	P	--	--	--	P
Insurance companies (34-622(c)(23))		--	--	--	--	P	--	--	P
Laundry or dry cleaning (34-622(c)(24)):									
Group I		P (4)	P (4)	P	--	P	--	--	P
Group II		--	--	--	--	--	P	--	P
Lawn and garden supply stores	34-2081	--	--	--	--	P	--	--	P
Library	<u>Note (28)</u>	--	--	--	P	P	--	--	P
Manufacturing of:									
Apparel products (34-622(c)(1))	Note (5)	--	--	--	--	P	P	--	P
Boats	Note (5)	--	--	--	--	--	P	--	P
Chemical and allied products(34-622(c)(6))									
Group I	Note (5)	--	--	--	--	--	P	--	--
Group II	Note (5)	--	--	--	--	--	P	--	P

	Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (28 37)	AOPD	MPD
Electrical machinery and equipment (34-622(c)(11))	Note (5)	--	--	--	--	P	P	--	P
Fabricated metal products(34-622(c)(14)):									
Group I	Note (5)	--	--	--	--	--	P	--	--
Group II	Note (5)	--	--	--	--	--	P	--	P
Group III	Note (5)	--	--	--	--	P	P	--	P
Food and kindred products(34-622(c)(15)):									
Group I	Note (5)	--	--	--	--	--	P	--	P
Group II	Note (5)	--	--	--	--	--	P	--	P
Group III	Note (5)	--	--	--	--	P	P	--	P
Furniture and fixtures (34-622(c)(18))	Note (5)	--	--	--	--	--	P	--	P
Leather products (34-622(c)(25)):									
Group I	Note (5)	--	--	--	--	--	P	--	--
Group II	Note (5)	--	--	--	--	P	P	--	P
Lumber and wood products(34-622(c)(26)):									
Groups I, III, IV, V and VI	Note (5)	--	--	--	--	--	P	--	--
Group II	Note (5)	--	--	--	--	P	P	--	P
Machinery (34-622(c)(27)), all groups	Note (5)	--	--	--	--	--	P	--	--
Measuring, analyzing and controlling instruments (34-622(c)(28))	Note (5)	--	--	--	--	P	P	--	P
Novelties, jewelry, toys and signs(34-622(c)(29)), all groups	Note (5)	--	--	--	--	P	P	--	P
Paper and allied products(34-622(c)(31))									
Group I	Note (5)	--	--	--	--	--	P	--	--
Group II	Note (5)	--	--	--	--	--	P	--	P
Group III	Note (5)	--	--	--	--	--	P	--	P
Petroleum (34-622(c)(34))	Note (5)	--	--	--	--	--	P	--	--
Primary metal industries(34-622(c)(35))	Note (5)	--	--	--	--	--	P	--	--
Rubber and plastic products(34-622(c)(44)):									
Group I	Note (5)	--	--	--	--	--	P	--	--
Group II	Note (5)	--	--	--	--	P	P	--	P
Stone, clay, glass and concrete products (34-622(c)(48))									
Group I	Note (5)	--	--	--	--	--	P	--	P
Group II	Note (5)	--	--	--	--	--	P	--	--
Group III	Note (5)	--	--	--	--	--	P	--	--
Group IV	Note (5)	--	--	--	--	--	P	--	--
Textile mill products (34-622(c)(50)), all groups	Note (5)	--	--	--	--	--	P	--	--
Tobacco products (34-622(c)(51))	Note (5)	--	--	--	--	--	P	--	P

	Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (28 37)	AOPD	MPD
Transportation equipment(34-622(c)(52)):									
Group I	Note (5)	--	--	--	--	--	P	P	P
Groups II, III and IV	Note (5)	--	--	--	--	--	P	--	--
Marina	34-1862	P	P	--	--	P	P	--	P
Medical office		P (4)	P (4)	--	--	P	P	--	P
Mini-warehouse		--	--	--	--	P	P	--	P
Mobile home dealers	34-1352	--	--	--	--	P	P	--	P
Models:									
Display center		P	P	P	--	P	--	--	P
Model Home	34-1951 et seq.	AA	AA	AA	--	AA	--	--	AA
Model Unit	34-1951 et seq.	AA	AA	AA	--	AA	--	--	AA
Motion picture production studio		--	--	--	--	P	P	--	P
Multislip docking facility		--	--	--	--	P	--	--	P
Night Clubs	34-1261 et seq.	--	--	--	--	P	P	P	P
Nonstore retailers (34-622(c)(30)), all groups		--	--	--	--	P	P	--	P
Parcel and express services		--	--	--	--	--	P	--	P
Package store	34-1261 et seq.	P (4)	P (4)	--	--	P	--	--	P
Paint, glass and wallpaper		--	--	--	--	P	--	--	P
Parks (34-622(c)(32))									
Groups I		P	P	P	P	P	P	P	P
Group II		--	--	--	P	--	--	--	P
Park trailers	Note (28)	--	--	P (6)	--	--	--	--	P
Parking lot:									
Accessory		P	P	P	P	P	P	P	P
Commercial		--	--	--	--	P	--	--	P
Garage, public parking		--	--	--	--	P	P	--	P
Temporary	34-2022	--	--	--	P	P	P	P	P
Personal services (34-622(c)(33)):									
Group I	34-3021	P (4)	P (4)	P (8)	--	P	P	P (18)	P
Group II		--	--	--	--	P	--	--	P
Group III		--	--	--	--	P	P	--	P
Group IV		P (4)	P (4)	--	--	P	--	--	P
Pet services		--	--	--	--	P	--	--	P
Pet shop		P (4)	P (4)	--	--	P	--	--	P
Pharmacy		P (4)	P (4)	--	--	P	--	--	P
Photofinishing laboratory	Note (5)	--	--	--	--	--	P	--	P
Place of worship	Note (28), 34-2051 et seq.	P	P	P	P	P	P	P	P
Plant nursery	34-2081	--	--	--	--	P	--	--	P
Post office		--	--	--	P	P	P	--	P
Printing and publishing (34-622(c)(36))	Note (5)	--	--	--	--	P	P	--	P
Prison	Note (28)	--	--	--	P	--	--	--	--

	Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (28 37)	AOPD	MPD
Processing or packaging of agricultural or fish products	Note (5)	--	--	--	--	--	P	--	P
Processing and warehousing		--	--	--	--	P	P	P	P
Racetracks (34-622(c)(37)):									
Group I		--	--	--	--	P	--	--	--
Group II		--	--	--	--	P	--	--	--
Real estate sales office	Note (23), 34-1951 et seq., 34-3021	P	P	P	--	P	--	--	P
Recreational facilities:									
Commercial (34-622(c)(38))									
Groups I, III & IV		--	--	--	--	P	--	--	P
Group V		--	--	--	P	P	--	--	P
Personal	Note (1)	P	P	P	P	P	P	--	P
Private - On-site	Note (1)	P	P	P	P	P	P	--	P
Private - Off-site	Note (3)	P	P	P	P	P	P	--	P
Recreational vehicles	Note (28)	--	P(20)	P (14)	--	--	--	--	P
Recycling facility		--	--	--	P	P	P	--	P
Religious facilities	Note (28), 34-2051 et seq.	P (3)	P (3)	--	P	P	P	--	P
Rental or leasing establishment(34-622(c)(39)):									
Group I	34-1352, 34-3001 et seq.	P (4)	P (4)	P (8)	--	P	--	--	P
Group II	34-1201 et seq., 34-1352, 34-3001 et seq.	P (4)	P (4)	--	--	P	P	--	P
Group III	34-1352, 34-3001 et seq.	--	--	--	--	P	P	P	P
Group IV	34-1352, 34-3001 et seq.	--	--	--	--	P	P	P	P
Repair shops (34-622(c)(40)):									
Group I		P (4)	P (4)	--	--	P	P	--	P
Groups II, III, IV		--	--	--	--	P	P	--	P
Group V		--	--	--	--	P	P	--	P
Research and development laboratories(34-622(c)(41)):									
Group I		--	--	--	--	--	--	--	P
Group II		--	--	--	--	P	P	--	P
Group III		--	--	--	--	--	P	--	P
Group IV		--	--	--	--	P	P	P	P
Residential accessory uses (34-622(c)(42))	Note (1) & (31), 34-1171 et seq.	P	P	--	--	P	--	--	P
Restaurant, fast food		--	--	--	--	P	--	P	P
Restaurants (34-622(c)(43)):									
Groups I and III		P (4)	P (4)	--	--	P	P	P	P
Group II		P (4)	P (4)	--	P (1)	P	P	P	P
Group IV		--	--	--	--	P	P	--	P
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises		--	--	--	--	P	P	--	P
Rooming house	Note (28)	P	--	--	--	P	--	--	P

	Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (28 37)	AOPD	MPD
Salvage and disposal of materials, including auto junkyards, refuse disposal and processing plants, incinerators, landfills and similar uses		--	--	--	--	--	P (5)	--	--
Sanitary landfill	Note (5)	--	--	--	P	--	P	--	--
Schools:									
Commercial (34-622(c)(45))	34-2381	--	--	--	--	P	P	--	P
Noncommercial	Note (28), 34-2381	P	P	P	P	P	--	--	P
Self-service fuel pumps	Note (24)	P (4)	P (4)	--	--	P	P	--	P
Signs in accordance with chapter 30	Note (1)	P	P	P	P	P	P	P	P
Social services (34-622(c)(46)):									
Group I		--	--	--	--	P	--	--	P
Group II		--	--	--	P	P	P	--	P
Group III	Note (28)	--	--	--	P	P	--	--	P
Group IV	Note (28)	--	--	--	P	--	--	--	P
Specialty retail shops (34-622(c)(47)):									
Group I		P (4)	P (4)	--	P (1)	P	--	P (18)	P
Group II		P (4)	P (4)	--	--	P	--	P (18)	P
Group III		--	--	--	--	P	--	--	P
Group IV		P (4)	P (4)	--	--	P	--	--	P
Stable:									
Boarding	34-1291 et seq.	P	P	P	--	--	--	--	P
Commercial	34-1291 et seq.	--	--	--	--	P	--	--	P
Private	34-1291 et seq.	P	P	P	--	--	--	--	P
Storage:									
Indoor only	Note (1), 34-3001 et seq.	P (4)	P (4)	P	P	P	P	P	P
Storage, open	Note (5), 34-3001 et seq.	--	--	P (15)	--	P	P	P	P
Large-scale storage of noxious or hazardous materials (flammable, toxic, explosive, corrosive, etc.), including liquid petroleum, fractions and distillates thereof, and fuel gases	Note (5), 34-3001 et seq.	--	--	--	--	--	P	P (16)	--
Studios (34-622(c)(49))		--	--	--	--	P	--	--	P
Temporary uses	Note (1), 34-3041 et seq.	P	P	--	P	P	--	--	P
Tents, transient parks only	Note (28)	--	--	P	--	--	--	--	P
Theater, indoor or outdoor (drive-in)	Note (32) 34-2471 et seq.	--	--	--	--	P	--	--	P
Timeshare units	Note (28) 34-1494, 34-2020(1)g	P	--	--	--	P	--	--	P
Transportation services (34-622(c)(53)):									
Group I		--	--	--	--	P	P	--	P
Group II		--	--	--	--	P	P	P	P
Group III		--	--	--	--	P	P	P	P
Group IV		--	--	--	--	P	P	--	P
Truck stop, trucking terminal		--	--	--	--	P	P	--	P
Used merchandise stores (34-622(c)(54)):									
Group I		P (4)	P (4)	--	--	P	--	--	P
Groups II, III and IV		--	--	--	--	P	--	--	P

	Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (28 37)	AOPD	MPD
Variety store		P (4)	P (4)	--	--	P	--	--	P
Vehicle and equipment dealers(34-622(c)(55)):									
Groups I, II, and III	34-1352	--	--	--	--	P	P	--	P
Group IV	34-1352	--	--	P (17)	--	P	P	--	P
Group V	34-1352	--	--		--	P	P	--	P
Warehouse:									
Mini-warehouse		--	--	--	--	P	P	--	P
Private		--	--	--	--	P	P	P	P
Public		--	--	--	--	P	P	P	P
Cold storage only		--	--	--	--	--	--	P	P
Wholesale establishments (34-622(c)(56)):									
Groups I, III and IV		--	--	--	--	P	P	--	P
Group II		--	--	--	--	P	P	--	--
Wrecking yard:									
Auto		--	--	--	--	--	P	--	--
Other		--	--	--	--	--	P	--	--

Notes:

(1) through (27) Unchanged.

(28) Not permitted in Airport Noise Zone 3.

(29) Not permitted in Airport Noise Zone 3. See Section 34-1006(b)(2) for exceptions.

(30) Not permitted in Airport Noise Zones 2 or 3. See Section 34-1006(b)(2) & (3) for exceptions.

(31) Not permitted in Airport Noise Zone 2 or 3 unless accessory to a lawful mobile home or single-family residence - See Section 34-1006(b)(2) & (3).

(32) Indoor theater only in Airport Noise Zone 3

(33) Not permitted in Airport Noise Zone 3. Housing units consisting of mobile homes or park trailers are also not permitted in Airport Noise Zone 2.

(34) Not permitted in Airport Noise Zones 2 and 3 unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in Section 34-1006(b)(2) & (3) as applicable.

(35) Not permitted in Airport Noise Zone 3 unless pre-empted by state law.

(36) Sound attenuating insulation should be considered for hotels and motels in Airport Noise Zone 3.

(~~28~~ 37) In the Industrial Development land use category, offices and office complexes are only permitted when specifically related to adjoining industrial use(s). Prior to issuance of any local development order, the developer must record covenants and restrictions for the property that limit any office uses to those that are specifically related to adjoining industrial uses consistent with Policy 1.1.7 of the Lee County Comprehensive Plan.

Subdivision V. Estero Special Development Areas of High Growth

Sec. 34-1042. Purpose and Intent.

The purpose of this subdivision is to create standards for areas of rapid commercial growth in the Estero Planning Community (see map in Appendix I), described in Goal 19 of the Lee County Comprehensive Plan. Specific high growth corridors may be designated as overlay districts subject to the provisions of this Subdivision. The policies contained within this Subdivision are intended to encourage mixed-use developments, interconnectivity and pedestrian activity. The purpose of each overlay district is to achieve and maintain a unique, unified and pleasing aesthetic/visual quality in landscaping, architecture, signage.

These regulations will apply to all Development Orders and type 1, 2, 8, 10, and 12 Limited Review Development Orders requested within the Estero Planning Community. The owner or agent for any of the referenced Development Orders must conduct one public informational session within the Estero Planning Community where the agent will provide an overview of the project for interested citizens. This meeting must be conducted before the application is submitted. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and, a proposal for how the applicant will respond to any issues that were raised.

- (a) *Design Guidelines.* The design guidelines included in this Subdivision establish standards for the creation of a distinguished architectural style and appearance within the Estero Community Planning Boundary and specific overlay districts. The guidelines provide design criteria intended to stimulate creative project designs, while fostering compatibility with surrounding developments.
- (b) *Existing Planned Developments.* Existing planned developments may voluntarily bring a master concept plan into compliance with the Estero Plan or any regulation contained in this Subdivision administratively. No public hearing will be required if the sole intention is for existing planned developments to comply with these regulations.
- (c) *Sunset of these regulations.* The provisions of Sections 34-1042, 2nd paragraph, requiring the applicant to conduct a public informational session within the Estero Planning Community prior to the submission of a development order application will sunset 24 months from June 25, 2002, unless the Lee County Board of County Commissioners takes specific action to extend the sunset date.

Sec. 34-1043. Definitions.

[After the first public hearing this section was renumbered from being Sec. 34-1046 to become Sec. 34-1043.]

The following words, terms or phrases, when used in this subdivision, will have the following meaning ascribed to them. Definitions contained within Section 10-601 will also apply to this Subdivision.

Articulation refers to shapes and surfaces having joints or segments which subdivide the area or elements; the joints or members add scale and rhythm to an otherwise plain surface.

Columns/pillars are free standing vertical supports that can generate unique features through the composition of the base, shaft and capital arrangement of column parts.

Fully shielded light fixture means a light fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.

Human scale and proportion means the adequate positioning of building details and attributes that takes into consideration the approximate eye level and average human height, in order to create a sense of its presence, or simply for it to be perceived and appreciated when encountered.

Street Furniture means objects that are constructed or placed aboveground such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains, and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to, and used by, the public.

Vernacular means building structure whose design is determined by an informal local tradition. A vernacular building is one that possesses attributes common to other building in the region in terms of it's appearance, use of materials, dimensions, exterior decoration and its approximate age. While there may be differences in attributes, it should 'belong' and not seemed out of place.

Sec. 34-1044. General Design Standards for the Estero Community.

[After the first public hearing this section was renumbered from being Sec. 34-1043 to become Sec. 34-1044.]

- (a) Scope. The following standards apply for all developments located in the Estero Community Planning Area, as defined in Goal 19 of the Lee County Comprehensive Plan.
- (b) Landscaping Buffers. The following landscape buffer requirements substitute for LDC Sections 10-416(d)(3) and (4) within the Estero Planning Community. The purpose of this section is to create buffers that are more functional to the creation of pedestrian environments, mixed-use developments and buffering of incompatible uses.

Proposed Uses	SF-R	MF-R	COM	ROW	IND	STP	AG	WOR
SF-R	-	A	-	- ⁴	-	-	-	-
MF-R	B	A	-	D ³	A	A	-	-
COM	C/F ¹	C/F ¹	A ²	D ³	A	-	A	A
WOR	B	B	A	D ³	A	A	-	A
IND	E	E	B	D	A	A	A	B
STP	E	E	E	C	C/F	A	C/F	C

Notes:

¹ Commercial projects that are part of mixed use developments as defined in LDC Section 34-2 are not required to provide buffers between uses.

- ² Type “A” buffers required between commercial uses must be designed to allow for pedestrian, bicycle, and automobile connections through adequate spacing between required trees.
- ³ The Type “D” buffers required between commercial uses and Right-of-ways may be waived, or reduced if the proposed building setback is within 25 feet of the ROW, this is not intended to allow for a reduction in LDC general tree requirements or building perimeter tree requirements.
- ⁴ All Residential Planned Developments adjacent to I-75 are required to plant a buffer 40’ in width and must contain 15 trees, 50 shrubs and 60 ground cover plants per 100 linear feet. If a berm is constructed, the 40’ setback must include a minimum of 8 feet from the toe of the berm to the right-of-way to allow for both state and private property maintenance of the edge of the right-of-way and for maintenance of the berm.

Buffer Types (per 100 linear Feet) ¹						
Buffer Types	A	B	C	D	E	F
Minimum Width in Feet	<u>5</u>	<u>15</u>	<u>20</u>	<u>20</u>	<u>30</u>	<u>50</u>
Minimum # of trees	<u>4</u>	<u>5</u>	<u>10</u>	<u>5⁴</u>	<u>10</u>	<u>15</u>
Minimum # of shrubs	=	<u>Hedge³</u>	<u>30</u>	<u>Hedge³</u>	<u>30</u>	<u>Hedge³</u>
Wall Required²	=	=	<u>8’ht. solid</u>	=	<u>8’ht. Solid</u>	=

Notes:

- ¹ All landscape buffer designs should compliment adjacent project buffers to help aid in establishing a continuous landscape theme within the Estero Community.
- ² A solid wall, berm or wall and berm combination, not less than eight feet in height. All trees and shrubs required in the buffer must be placed on the residential side of the wall. The height of the wall must be measured from the average elevation of the street or streets abutting the property as measured along the centerline of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage. Walls must be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with the SFWMD requirements.
- ³ Hedges must be planted in double staggered rows and be maintained so as to form a 36-inch high (F type buffers must be 48 inches at installation and be maintained at 60 inches high) continuous visual screen within one year after time of planting. In situations where the elevation of the ROW is higher than the elevation of the adjacent property, hedges must be planted 36-inch in height measured from the highest elevation within the buffer area. Clustering of shrubs, which would not create a continuous visual screen, but add interest to the landscape design is allowed on a review basis by Development Review staff.

⁴ Trees within the ROW buffer must be appropriately sized in mature form so that conflicts with overhead utilities, lighting and signs are avoided. The clustering of trees and use of palms within the ROW buffer will add design flexibility and reduce conflicts.

(c) Automobile Service Stations and Convenience Food and Beverage Stores selling motor fuels.

The following regulations apply to the location, layout, drainage, operation, fencing, landscaping, parking, architectural features and permitted sales and service activities of automobile service stations and also convenience food and beverage stores selling motor fuels.

For purposes of this section only, the term “automobile service station” will be interpreted to also include the use “convenience food and beverage stores” selling motor fuels.

(1) Purpose and intent. Ensure that automobile service stations do not adversely impact adjacent land uses, especially residential land uses. The high levels of traffic, glare, and intensity of use associated with automobile service stations, particularly those open twenty-four hours, are incompatible with surrounding uses, especially residential uses. Therefore, in the interest of protecting the health, safety and general welfare of the public, the following regulations apply.

(2) Location and Site Standards. All automobile service stations must meet the following criteria:

- a. Minimum frontage: An automobile service station may not be located on a lot with less than one hundred fifty (150) feet of frontage on a vehicular right-of-way.
- b. Minimum depth: One hundred eighty (180) feet.
- c. Minimum lot or parcel area: 30,000 square feet.
- d. Separation requirements: There must be a minimum distance of 500* feet, between the nearest points on any lot or parcel of land to be occupied by automobile service stations, and any lot or parcel for such use already occupied by an automobile service station, or for which a building permit has been issued.

* unless waived by the director in compliance with subsection p. below.

- e. Minimum yard requirements: All structures.
 - 1. Front yard setback – Fifty (50) feet.
 - 2. Side yard setback – Forty (40) feet.
 - 3. Rear yard setback – Forty (40) feet.
- f. Landscaping: The following landscape requirements are in addition to the requirements set forth in Section 34-1044(b).

1. Right-of-Way buffer landscaping:

- i. Landscaping adjacent to rights-of-way external to the development project must be located within a landscape buffer easement that is a minimum of twenty-five (25) feet in width.
- ii. A horizontal undulating berm with a maximum slope of 3:1 must be constructed along the entire length of the landscape buffer. The berm must be constructed and maintained at a minimum average height of three (3) feet. The berm must be planted with ground cover (other than grass), shrubs, hedges, trees and palms.
- iii. The required trees and palms must be clustered in double rows with a minimum of three (3) trees per cluster. Canopy trees must be planted a maximum of twenty (20) feet on center within a cluster. The use of palms within the right-of-way buffer must be limited to landscaped areas adjacent to vehicular access points. Palms must be planted in staggered heights to a minimum of three (3) palms per cluster, spaced at a maximum of eight (8) on center, with a minimum of a four (4) foot difference in height between each tree. Exceptions will be made for *Roystonea spp.* and *Phoenix spp.* (not including *roebelenii*), which may be planted one (1) palm per cluster. A maximum distance of twenty-five (25) feet between all types of tree clusters must be maintained.
- iv. All trees must be a minimum of fourteen (14) feet in height at installation. Trees must have a minimum of a 3 ½ inch caliper at 12 inches above the ground and a six (6) foot spread. At installation, shrubs must be a minimum of ten (10) gallon, five (5) feet in height with a three (3) foot spread, planted four (4) feet on center.

2. Landscaping adjacent to all other property lines:

- i. Side property boundaries must be planted with single row hedges consistent with the minimum Landscaping and Buffering requirements of this subdivision.
 - ii. Rear property boundaries must be planted with a single row hedge. The hedge must be a minimum height of four (4) feet at planting, planted at three (3) feet on center and must be maintained at a height of five (5) feet.
- g. Curbing: Curbing must be installed and constructed consistent with minimum code requirements, between all paved areas and landscape areas.
- h. Perimeter walls: Automobile service station sites must be separated from adjacent residentially zoned or residentially developed properties by an architecturally designed eight-foot high masonry wall or fence utilizing materials similar in color, module and texture to those utilized for the building. Landscaping must be planted on the residential side of the fence or wall.

- i. Lighting:
 - 1. All lighting must be directed away from adjoining properties.
 - 2. All outdoor light fixtures must be fully shielded. Lighting must be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares. On site lighting must be of low level, indirect diffused type and must not exceed a height of greater than 20 feet above finished grade. Utilization of high efficiency/lower wattage lighting is encouraged.
 - 3. Lighting located underneath a canopy must be of low level, indirect diffused type designed to provide light only to the pump island areas located underneath the canopy.
- j. Trash storage: An eight-foot high, enclosed trash area must be integrated with the design of the service station.
- k. Storage tanks: Motor vehicle fuel storage tanks must be located below grade.
- l. Outside display or storage of products: Outside display or storage of products is prohibited.
- m. Building colors and color banding on canopy structures: Color accent banding on fuel pump canopy structures and all other structures is prohibited. Canopies must be of one color, consistent with the predominant color of the principal structure, if applicable. The color of all structures on site must be of soft earth tones or pastels.
- n. Infrastructure for generators: Each automobile service station must provide the necessary infrastructure and pre-wiring to provide the capability for generator service in case of emergencies.
- o. Entrance and exit: No automobile service station may have an entrance or exit for vehicles within 200 feet along the same side of a street as a school, public playground, child care center, church, hospital, public library.
- p. Waiver of distance requirements. The Director of Community Development may grant a waiver of part or all of the minimum separation requirements set forth in section 34-1044(c)(2)(d). if it is demonstrated by the applicant that the site proposed for development of an automobile service station is separated from another automobile service station by natural or man-made boundaries, structures or other features which offset or limit the necessity for such minimum distance requirements. The Director's decision to waive part or all of the distance requirements must be based, in part, upon whether or not:
 - 1. the nature and type of natural or manmade boundary, structure, or other feature lying between the proposed establishment and an existing automobile service station is determined by the board Director to lessen the impact of the proposed automobile service station. Such boundary, structure or other feature may include, but not be limited to, lakes, marshes, nondevelopable wetlands, designated preserve areas, canals and a minimum of a four-lane arterial or collector right-of-way.

2. the automobile service station is only engaged in the servicing of automobiles during regular, daytime business hours, or if in addition to or in lieu of servicing, the station sells food, gasoline and other convenience items during daytime, nighttime, or on a 24-hour basis.
3. the automobile service station is located within a shopping center and has access only from the a shopping center parking lot aisle or is not within a shopping center and has access directly to a platted road right-of-way.
4. the granting of the distance waiver will have an adverse impact on adjacent land uses, especially residential land uses.

Sec. 34-1045. Corkscrew Main Street Overlay District Purpose and Authority.

[After the first public hearing this section was renumbered from being Sec. 34-1044 to become Sec. 34-1045.]

- (a) *Purpose.* This overlay district will transition from mostly vacant land to a fully developed mixed-use district over the next decade. The purpose of the overlay district is to encourage and direct development in the district toward the achievement and maintenance of a unified and pleasing aesthetic / visual quality in landscaping, architecture, lighting and signage. The design of buildings and the development of sites within the district must be regulated and approved in accordance with the provisions of this Subdivision. The district will be developed as Estero's Main Street, a corridor of architecturally appealing and attractively landscaped retail, office, residential and institutional developments that cater to the needs of the community. All uses established within the district are to be compatible with surrounding uses and interrelated with the other properties in the district through an integrated pedestrian walkway and greenway system. Where applicable, joint or centralized parking is encouraged to reduce hard landscaping surfaces within the district. The district will be known as the Corkscrew Main Street Overlay District and encompasses the area depicted by the map in Appendix I.
- (b) *Scope.* The character of the Corkscrew Main Street Overlay District will be determined by the provisions of Sections 34-1044 thru 34-1047. Properties developed within this overlay district must be designed using the following provisions and any other regulations contained within Section 34-1044.
- (c) *Applicability of these regulations and Conflicts.* Whenever the requirements of the overlay district impose a different standard than the provisions of the Land Development Code, the requirements of the overlay district will govern. Except where specifically modified by the provisions of this subdivision, all other requirements of the Land Development Code will apply.

Sec. 34-1046. Design Standards.

[After the first public hearing this section was renumbered from being Sec. 34-1045 to become Sec. 34-1046.]

- (a) *Architectural Design.* Architectural design of all commercial, industrial, public and mixed use buildings within the Corkscrew Main Street Overlay District must comply with the following performance guidelines:

- (1) Architectural style. The preferred architectural style within the Corkscrew Main Street Overlay District is Mediterranean, with Old Florida where appropriate, and other styles of architecture that are deemed compatible with these styles. Distinct vernacular styles must be displayed through the inclusion of extended roof overhangs, porches, decorative columns, covered corridors, covered walkways, and pitch roofs (where applicable). Buildings of less than 5,000 square feet of gross floor area must be designed with roofs having a minimum pitch of 30 degrees (4:12). (Refer to **Figure 1**).



Figure 1: Buildings with less than 5,000 square feet must be designed with minimum 30° pitch roof

- (2) Complement surrounding development. In addition to the requirements of section 10-620, all proposed commercial, industrial, public and mixed use buildings must blend with and complement existing architectural features of adjacent structures constructed under these standards.
- (3) Facade treatment. In addition to the requirements of section 10-620(c), projects must use architectural relief, articulation or landscaping on building facades to reduce the bulk of buildings with walls longer than seventy-five (75) feet that are either parallel to the street or perpendicular to and readily visible from the street. Buildings must be designed to be visually appealing from all directions. Buildings that are visible from more than one right-of-way, or an exit ramp must use facade treatments on all viewable walls. Methods for providing architectural relief of blank walls must include one or more of the following:
- a. Recessed or clearly defined entryways;
 - b. Varying rooflines, pitches and shapes;
 - c. Dormers, balconies, porches and staircases;
 - d. Transparent window or door areas or display windows, that provide visibility into the building interior. No reflective or darkly tinted glass may be used on ground level;
 - e. Overhangs, awnings and marquees;

- f. Building ornamentation and varying building materials, colors, decorative tiles, edifice detail such as trellises, false windows or recessed panels reminiscent of window, door or colonnade openings and wall murals;
 - g. Shrubs or vines trained to grow upright on wire or trellises next to blank walls;
 - h. Architectural features such as cornices, articulated roof parapets, porticos, towers or other details that alter the building height;
 - i. Application of a contrasting base that is a minimum one (1) foot high and extends along the entire front of the building and at least ten feet along the sides of the building.
- (4) Infill developments. Buildings planned for infill developments must be designed to relate to adjacent property structures so as to create an overall visually pleasing effect. In developing an infill development, consideration must be given to existing adjacent building heights, roof structures, colors, cornices and other architectural elements (Refer to **Figure 2**).

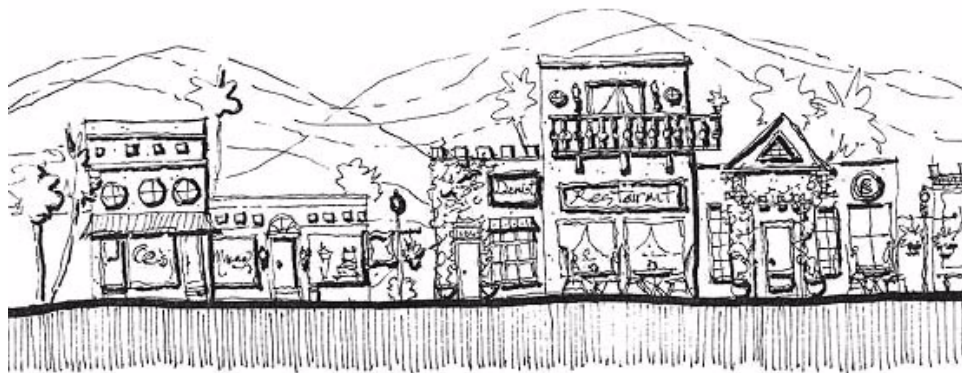


Figure 2: Application of the varied architectural elements that present a composite of Mediterranean streetscape and texture:

- i) Varying roof heights;
- ii) Application of decorative building ornamentations;
- iii) Integration of landscaping features into building facades
 - hanging plants, shrubs, vines;
- iv) Street-lighting with distinctive communal characteristics; and
- v) Awnings which complement building façade, placed at a height that appeals to the human scale

- (5) Multi-tenant buildings. For multi-tenant buildings, roof parapets must be varied in depth and height. Roof parapets must be articulated to provide visual diversity. Parapets must include architectural relief or features at least every 75 feet. The minimum height of the architectural features must be one foot, and may be provided in height offset or facade projections such as porticoes or towers.

- (6) Maximum Height. Buildings outside of the Interstate Highway Interchange Areas are limited to a maximum of three stories or 45 feet, whichever is less, in height. Elements that enhance visibility, create focal points or amenities, such as turrets, sculpture, clock tower and corner accentuating rooflines, may exceed this height limitation with an approved variance or deviation from this section. (Refer to **Figure 3.**)

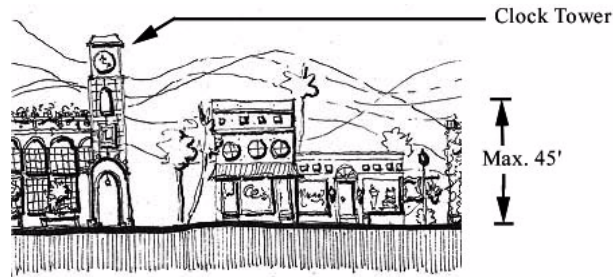


Figure 3: Elements that enhance visibility or create interesting focal points, are permitted to exceed given height requirements on a review basis.

- (7) Out-parcels. Exterior facades of out-parcel buildings must be treated as primary facades and must employ architectural, site, and landscaping design elements that are common to the theme used on the main development on-site including colors and materials associated with the main building. The purpose of this requirement is to assure a unified architectural theme and site planning between out-parcels and the main building(s) on site, enhance visual impact of the building(s) and to provide for a safe and convenient vehicular and pedestrian access and movement on site.

- (8) Corner Lots. In addition to the requirements of section 10-620(c)(3), create visually and attractive street corners using distinctive building entryways in combination with landscaping or artwork. Buildings on corner lots must be designed with a maximum setback of 25 feet from each adjacent right-of-way and must provide pedestrian access from the street intersection (Refer to **Figure 4.**)

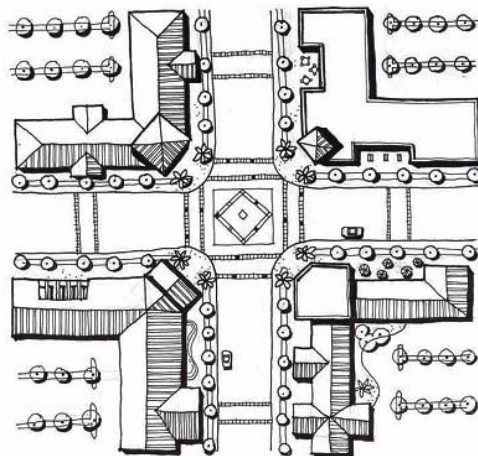


Figure 4: Create visually and attractive street corners using distinctive building entryways in combination with landscaping or artwork.

- (9) Areas of public interest. Create people-oriented spaces along the street that are visually attractive, take into consideration the human scale and proportion, and provide for pedestrian connections.
 - (10) Street front activity. Create public spaces to allow for activity to take place along the street front, such as sidewalks and open areas.
 - (11) Landscaping. In lieu of building perimeter plantings required by section 10-416(b), buildings may incorporate live plant material growing immediately on the building, by providing window boxes, planter boxes or hanging flowers. However, development must preserve and maintain indigenous existing plants on site wherever possible.
 - (12) Window treatment. Place display windows at the street level around the exterior of commercial buildings and provide windowsills and ledges. Windows must not appear to be false and applied.
 - (13) Bicycle racks. Bicycle racks are required for all retail and office developments within overlay districts. Parking requirements set forth in LDC Section 34-2020 for retail and office developments may be reduced by one automobile space for every two bicycle spaces above 10 with a maximum reduction of 5% of the total required parking.
 - (14) Street furniture and public amenities. Developments must provide are encouraged to include street furniture and other pedestrian amenities in their design. All accessories such as railings, trash receptacles, street furniture and bicycle racks must complement the building design and style.
- (b) Development Provisions. These development provisions are intended to create an integral distinct community image, one that will enhance, unify, and harmonize properties throughout the Corkscrew Main Street Overlay. The provisions are as follows:
- (1) Awnings.
 - a. If an awning is over a public sidewalk, it must project from the surface of the building at a minimum height of 8 feet. No awnings may be placed in or over the right of way of Corkscrew Road, Sandy Lane or Three Oaks Parkway.
 - b. The design, materials and color of the awnings must complement the architecture of the building and not obscure its features.
 - c. Awnings must be consistent with the visual scale of the building.

- d. Awnings must be placed at the top of openings. The awning shape must correspond with the shape at the top of the opening. Flat canopies are discouraged except in circumstances where it is accompanied by a valance (Refer to **Figure 5**).



Figure 5: The utilization of flat canopies is discouraged except in circumstances where it is accompanied by a valance

- e. Materials must be of high quality, durable and weather resistant. Plastic or shiny materials are prohibited.

(2) Building Color.

- a. The colors for commercial structures must be neutral, warm earth tones or subdued pastels. Where applicable, commercial buildings may use brightly colored trims, cornices, columns that may be reinforced to create a special effect or setting. However, these contrasts must create a harmonious impact, complementing the principal structure as well as existing surrounding building structures.
- b. Brighter colors can be utilized to create focal points of interest in locations including on doors, windows and architectural details. Buildings should not exceed three colors on one architectural detail in composite. Contrasting accent colors of any wall, awning or other feature must be limited to no more than 10% of the total area for any single facade.

(3) Columns.

Create aesthetic details in columns/pillars. (Refer to **Figure 6**).

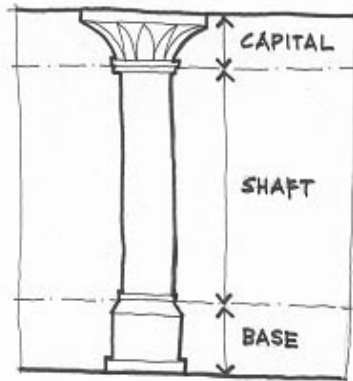


Figure 6: Column detailing through base, shaft and capital configuration.

(4) Landscape Design.

- a. Developments must provide separation between pedestrian and vehicular movement by using plantings as space defining elements.
- b. Developments must utilize both soft and hard landscape features as space defining elements (Refer to **Figure 7**), including, where possible:

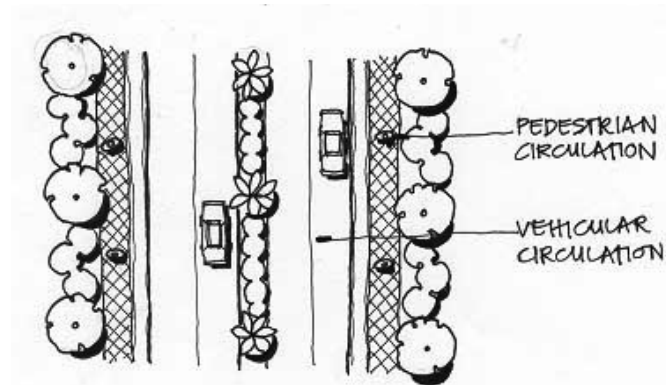


Figure 7: Soft and hard landscape features as space defining elements between vehicular and pedestrian circulation

1. Provide distinctive paving or painting to define the appropriate location for pedestrian and vehicular traffic;

2. Provide plantings such as street trees, hedges and screening;
 3. Replicate landscaping patterns and materials to visually unify a development. Create focal points through design diversification where possible;
 4. Plant materials must be suited to the climate and at their mature, natural size, be suitable for their planting location; and
 5. Select trees for parking lots and sidewalk areas that do not interfere with the visibility and movement of vehicles or pedestrians or cause pavement or other hard surfaces to heave. Material selection must be designed to survive the effects of building or large paved areas (in terms of heat, shade, wind, etc.).
- (5) Lighting (These requirements are in addition to the requirements of Section 10-610(b)).
- a. Provide pedestrian level lighting of building entryways.
 - b. Lighting must be given a distinct architectural theme that complements the building's exterior. Light fixtures must complement the overall building development.
 - c. Where possible, lighting can create focal points within projects.
 - d. Provide lighting throughout all parking areas utilizing decorative light poles/fixtures. Other than pedestrian light fixtures, all other outdoor light fixtures must be fully shielded. Lighting must be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.
- (6) Natural and man-made bodies of water.
- a. The shape of a stormwater ponds must be designed to appear natural by having a meandering shoreline. Stormwater pond configurations that are generally rectangular or triangular in shape are prohibited. (Refer to **Figure 8**).

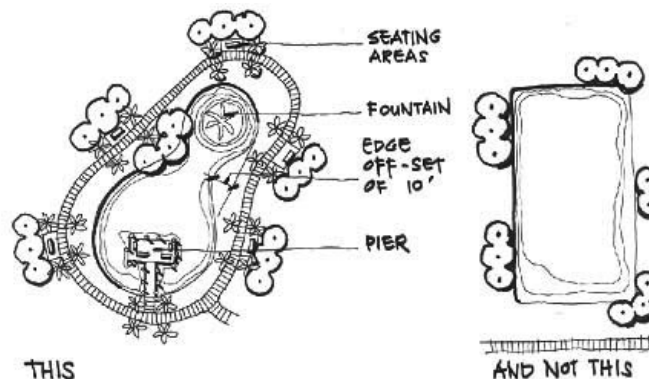


Figure 8: Treatment of all bodies of water to appear natural and to incorporate landscaping features where possible.

- b. Bodies of water, including wet and dry retention areas, exceeding 20,000 square feet in cumulative area, and that are located adjacent to a public right of way are considered park area and an attractor for pedestrian activity. As such, these areas, must incorporate into the overall design of the project at least two (2) of the following items:
 - 1. A five-foot wide walkway with trees an average of 50 feet on center; shaded benches a minimum of six feet in length located on average every 150 feet;
 - 2. A public access pier with covered structure and seating;
 - 3. An intermittent shaded plaza/courtyard, a minimum of 200 square feet in area, with benches and/or picnic tables adjacent to the water body; and/or
 - 4. A permanent fountain structure.

(7) Parking.

- a. Developments with frontage onto Corkscrew Road must follow these general requirements:
 - 1. Developer/owners must design parking areas to minimize hard landscaped areas, visually and physically.
 - 2. Parking areas must be well configured with pedestrian links, buffers and visually pleasing landscaped areas.
 - 3. Joint/collaborative parking is encouraged within areas with pedestrian links.
- b. Parking must be to the rear or side of buildings.
- c. Side parking areas must be adequately screened from pedestrian and vehicular travel along the frontage road.
- d. Parking area configurations must promote interconnections between adjacent project parcels. (This should be accomplished by providing an interconnected vehicular circulation route to the rear of properties fronting onto Corkscrew Road.)
- e. Sixty (60) percent of any primary facade of a parking structure or covered parking facility must incorporate the following:
 - 1. Transparent windows, with clear or lightly tinted glass, where pedestrian oriented businesses are located along the facade of the parking structure;
 - 2. Display windows;
 - 3. Decorative metal grille-work or similar detailing, which provides texture and partially or fully covers the parking structure opening(s); and
 - 4. Vertical trellis or other landscaping or pedestrian plaza area.

(8) Transportation, Roadways, Streets, Bridges and Utilities.

- a. Inter-parcel vehicle access points between contiguous commercial and office tracts must be provided. Properties that have frontage or other means of access to a side street parallel or perpendicular to Corkscrew Road must connect to the side street.
- b. All utility lines must be located underground except when located within a public street or road right-of-way.
- c. Closed drainage is encouraged for storm water management systems along arterial and collector streets. If swales are utilized, sidewalks must be located on the development side of the swale, and pedestrian and bicycle connections must be provided at intersections and entryways into the development.
- d. Use of shared accessways is encouraged.

(9) Pedestrian walkways/linkages. The following requirements are in addition to the requirements of Section 10-610(d):

- a. Pedestrian walkways must be provided for each public vehicular entrance to a project, excluding ingress and egress points intended primarily for service, delivery or employee vehicles.
- b. In order to accentuate and highlight pedestrian areas, wherever possible, materials must include specialty pavers, concrete, colored concrete or stamped concrete patterns.
- c. Pedestrian walkways/links must be incorporated into, within and through a project in a way that addresses both site security concerns and pedestrian safety. The following are examples of design techniques that should be applied:
 - 1. Incorporate cross-site pedestrian connections within projects.
 - 2. Define walkways with vertical plantings, such as trees or shrubs. Pedestrian walkways may be incorporated within a required landscape perimeter buffer, in compliance with section 10-416(d)(4), Note 11.
- d. Sidewalks or pedestrian ways must connect the on-site pedestrian systems to pedestrian systems on adjacent developments.
- e. Traffic calming devices at the discretion of the developer must be provided at points where conflicting pedestrian and vehicular movements exist.

(10) Places of Public Interest/Open Space.

- a. Places of public interest/open space must be provided where possible. Areas designated as such must be equipped with amenities such as seating areas, structures that provide shade, drinking fountains and other amenities.
- b. Umbrellas and open shopping carts are encouraged within these areas to stimulate informal activities. Open-air restaurants and cafes are encouraged.

- c. Landscaping elements such as plantings, fencing, changes of paving material are encouraged to demarcate change in function of a public area and adjacent street. Where necessary, traffic calming devices must be applied to slow down traffic. (Refer to Figure 9.)

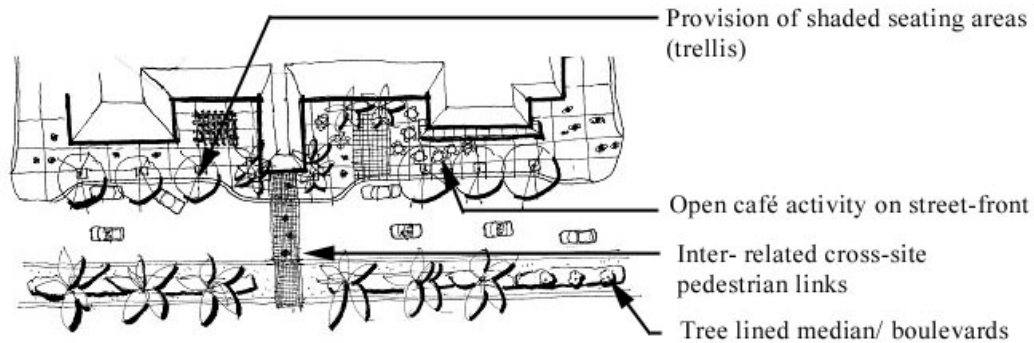


Figure 9: Where necessary, traffic calming device must be applied to slow down traffic.

(11) Service Areas.

Service areas including loading docks, trash receptacles, mechanical equipment, outdoor storage areas and utility vaults must be located in areas where traffic impacts are minimized, and public visibility is diminished, and in areas that are accessible and functional. Smaller trash receptacles must be decorated or screened and placed in visible locations.

(12) Transit facilitation.

Provide for convenient access to public transportation, ride-share and passenger drop off areas. The following examples are design techniques that are encouraged to meet this requirement:

- a. Accommodate public transportation vehicles on the road network that services the development.
- b. Provide passenger loading/unloading facilities.
- c. For streets adjacent to a development, provide sidewalks and other pedestrian facilities such as bus shelters.
- d. Provide a convenient and safe access between building entrances and a transit or bus area, such as walkways or painted pedestrian crosswalks.

(13) Tree Preservation.

- a. In an effort to preserve expansive open spaces and native vegetative communities, development must be clustered to reserve large areas of open space;

- b. The existing natural vegetation must be preserved whenever possible except invasive exotic plant species; and
- c. Infrastructure design must integrate existing trees and the natural character of the land to the greatest extent possible.

Section 34-1047. Development regulations.

Property development regulations. Setbacks for the Corkscrew Road Main Street Overlay District are shown in the following Table 1. With the exception of setbacks set forth within Table 1, the property development regulations set forth in Section 34-935 will apply. Table 1 specifically modifies and supercedes the provisions set forth in Section 34-935(b)(1).

To ensure conformity and development consistent with the goals and requirements of this Section, developments that were approved prior to June 25, 2002, as part of a Planned Development must also comply with the setback requirements contained in Table 1 that were not specifically addressed as part of the Planned Development. Specific property development regulations that were approved as part of a Planned Development prior to June 25, 2002, are exempt from this section. Because property development regulations for planned developments are reviewed during the rezoning process, the following regulations for development will only be subject to review by the community where a development is within a conventional zoning district.

Table 1

<u>Dimensional Regulations</u>	<u>Special Notes</u>	<u>Corkscrew Road Main Street</u>	
<u>Setbacks</u> ^{1:}	<u>34-2191 et seq.</u>		
		<u>Min.</u>	<u>Max.</u>
<u>Street (feet)</u> ²		<u>0'</u>	<u>25'</u>
<u>Side yard (feet)</u> ³		<u>0'</u>	<u>N/A</u>
<u>Rear yard (feet)</u>		<u>25'</u>	<u>N/A</u>
<u>Water body (feet)</u>		<u>25'</u>	<u>N/A</u>

Notes:

- 1) Building set back requirements must follow these General Requirements (See Figure 9):
 - a. Setbacks will be established to facilitate the creation of uniform streetscape.
 - b. Maximum right-of-way Setbacks will be 0' to 25'. This must allow for buildings to front directly onto the adjacent sidewalks, while providing for slight undulation (Variety) in the definition and character of the corridor. The flexibility in this setback will also allow for the creation of small use areas (i.e. limited outdoor seating for restaurants and coffee shops, display of goods being sold, and small landscaped entrances) and enhance opportunities for activity. Automobile Service Stations and Convenience Food and Beverage uses with fuel pumps may deviate from the maximum setback requirement per landscape requirements in section 34-1043 (c). Interior lots are permitted for developments provided that there is a minimum 75-foot setback for all parking lots.

- c. Minimum of 40% of the building frontage will be required at the setback.
 - d. These setback requirements do not apply to properties fronting Corkscrew Road east of I-75.
- 2) The provisions of Section 34-3131(a) "Vehicle Visibility at Intersections" is amended for the purposes of the Corkscrew Main street Overlay District to read as follows:
- Corner lots. On a corner lot, no obstruction may be planted or erected that materially obstructs traffic visibility within the triangular space bounded by the two intersecting right-of-way lines and a straight line connecting the two points on the street right-of-way lines fifty (50) feet from their intersection. No structural and planting masses will be permitted between one and one-half feet and eight feet above the average grade of each street.
- 3) Developments are encouraged to provide side setbacks of 5 feet or less to create a continuous "street wall" of building frontage where possible. Where side setbacks are less than 5 feet, evidence must be presented that the land owner will be able to maintain the exterior wall. The exterior walls of buildings must meet fire protection standards.

ARTICLE VII. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 8; AUTOMOTIVE BUSINESSES; DISPLAY, RENTAL, REPAIR OR STORAGE
OF VEHICLES OR EQUIPMENT

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

Purpose and intent. The purpose of this section is to ensure that all establishments engaged in the outdoor display, sale, rental or storage of motor vehicles, boats, recreational vehicles, trailers, mobile homes, construction or farm equipment, or other similar items do not adversely impact adjacent land uses, especially residential land uses. The high levels of traffic, glare, and intensity of use associated with these uses may be incompatible with surrounding uses, especially residential uses. Therefore, in the interest of protecting the health, safety and general welfare of the public, the following regulations will apply to the location, layout, drainage, operation, landscaping, and permitted sales and service activities:

(a) & (b) Unchanged.

(c) Minimum Setbacks.

(1) All buildings and structures must comply with the following setbacks:

- (a) Street Setback: 50 feet
- (b) Side yard Setback: 40 feet
- (c) Rear yard Setback: 40 feet

(2) & (3) Unchanged.

(d) thru (i) Unchanged.

DIVISION 15. EXCAVATION ACTIVITIES

Subdivision I. Generally

Sec. 34-1651. General requirements for all excavation activities.

(a), (b) & (c) Unchanged.

(d) Excavations for purpose of water retention or other land development. ~~No manmade water detention or retention body~~. No excavation activities, including removal of surplus material may be commenced prior to receiving approval in accordance with the provisions of Section 10-329.

~~(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. (Unchanged)

Subdivision II. Mining

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

(a) General procedure.

(1) A New general mining permits ~~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.~~

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 mining permit 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. A mining operation permit is also required prior to any activity on the site (see section 34-1675).

(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 general mining permit must include the following information:

(1) thru (6) Unchanged.

(7) *Proposed mining plan.*

a. & b. Unchanged.

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. If blasting is to be used, the type of blasting material as well as the frequency and hours of blasting contemplated. See section 34-202(b)(6) for other required information.

(8) & (9) Unchanged.

Sec. 34-1675. Application for a mining operation permit..

- (a) Upon approval of the general *mining* permit, the applicant may proceed to file for a *mining* operation permit. The development services staff will issue a *mining* operation permit after reviewing the application for compliance with the conditions placed on the general mining permit.
- (b) In addition to the submittal requirements of set forth in Section 10-174, the applicant must submit the following information:
 - (1). 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) 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)(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 mining permit for the phase or portion thereof covered by the mining operation permit.
 - (3) A survey of the area and depth of the excavation site certified by a professional surveyor and mapper (PSM) to the division of development services as part of each renewal application for a mining operation permit.

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

- (a) Mining operation permits for the area or phase approved in the general 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 34-1674(b)(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~~ has the authority to issue a general mining permit for all increments of long duration projects after the public hearings required by article II of this chapter.

Sec. 34-1677. Renewal of permits.

(a) Unchanged.

- (b) Renewal of a 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 by the Board of County Commissioners ~~or the hearing examiner~~;
- (2) the reclamation plan; and
- (3) an analysis of any supplemental relevant information.

(c) & (d) Unchanged.

Sec. 34-1678. 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 34-1674(b)(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 mining operation permit for the next increment.

Sec. 34-1679. Inspections. (Unchanged.)

Sec. 34-1680. Site requirements.

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 necessary and in the public interest, or where they deem a particular requirement unnecessary due to unusual circumstances.

(1) thru (5) Unchanged.

- (6) *Maximum depth.* The Board of County Commissioners ~~or the hearing examiner~~ will establish maximum excavation depths after reviewing the findings and recommendations of the South Florida Water Management District or county staff, as applicable. The permitted 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 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 revegetate 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).

DIVISION 26. PARKING

Sec. 34-2015. Location and design generally.

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

(1) Location. (Unchanged.)

(2) Design.

a. & b. Unchanged.

- c. All individual parking spaces must be accessible from a parking aisle intended to provide access to the space. Stacking of vehicles (one behind the other) will be permitted only for single-family, duplex, two-family, and townhouses where each dwelling unit has a specific garage or driveway appurtenant to it and in valet parking facilities wherein parking is performed only by employees of the facility. Stacked parking may be permitted for multiple-family buildings when in compliance with the regulations set forth in section 34-2020 (1)c.

d. & e. Unchanged.

Sec. 34-2020. Required Spaces.

(1) a. & b. Unchanged

c. Multiple-family buildings.

(i) Where dwelling units within a multi-family building share a common parking lot, stacking of vehicles will not be permitted. .

(ii) Where a dwelling unit within a multi-family building is provided with a private attached garage and private driveway, the occupant of the dwelling unit or his guest may park (stack) vehicle(s) in the private driveway. provided that the

driveway, or portion thereof where the stacking will occur, is not designed or intended to be shared or used by any other dwelling unit; and the length of the parking area is a minimum of 18 feet.

- (iii) if the vehicles will back directly onto an internal roadway or accessway, the driveway must be designed so that:
- (a) the driveway connects to a private internal local road or accessway with a design and posted speed limit of 25 miles per hour, or less;
 - (b) the visual clear zone sight distance (considering vehicles which may be parked nearby) is a minimum of 200 feet and in conformance with the visibility triangle criteria set forth in Section 34-3131;
 - (c) traffic calming devices, approved by the director, are provided; and
 - (d) the length of the driveway, as measured from the garage structure or the end of the stacked parking space farthest from the street or accessway, as applicable, must be a minimum of 22 feet to the edge of a private street right-of-way or easement line OR 27 feet to the edge of pavement of an accessway.

However, this section is not to be interpreted as allowing any buildings or structures closer to a street right-of-way or easement than permitted by the setback regulations set forth in Section 34-2192 - Street Setbacks.

Minimum parking requirements are as follows:

1. Studio or efficiency:	1.25 spaces per unit.
2. One bedroom:	1.5 spaces per unit.
3. Two bedrooms:	1.75 spaces per unit.
4. Three or more bedrooms:	2.0 spaces per unit.

Renumber d. through g. to e. thru h.

(2) thru (7) Unchanged.

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 John E. Albion, who moved its adoption. The motion was seconded by Commissioner Ray Judah and, being put to a vote, the vote was as follows:

ROBERT P. JANES	AYE
DOUGLAS ST. CERNY	Absent
RAY JUDAH	AYE
ANDREW W. COY	AYE
JOHN E. ALBION	AYE

DULY PASSED AND ADOPTED THIS 25th day of June, 2002.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Michelle S. Cooper
Deputy Clerk

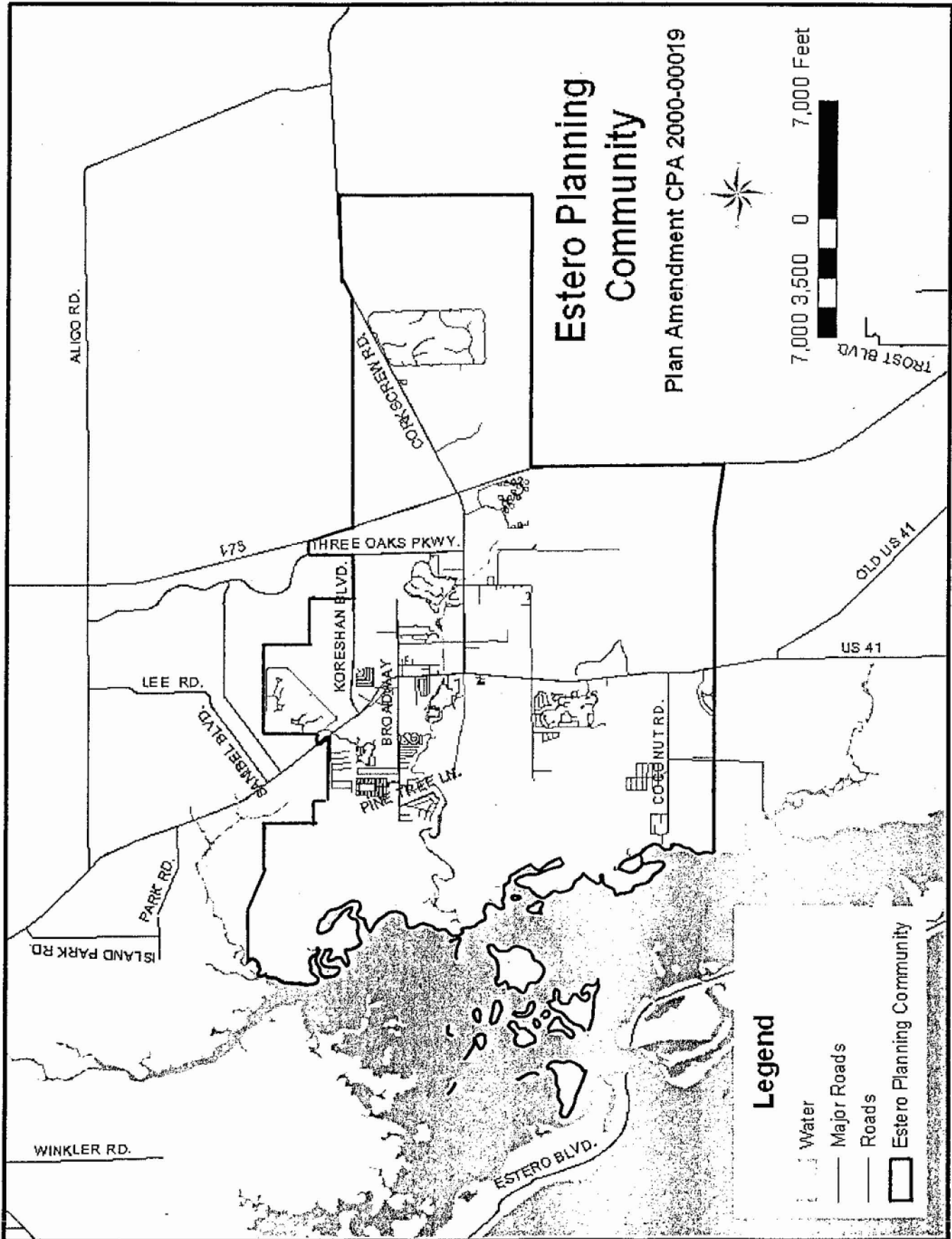
By: [Signature]
Chairman

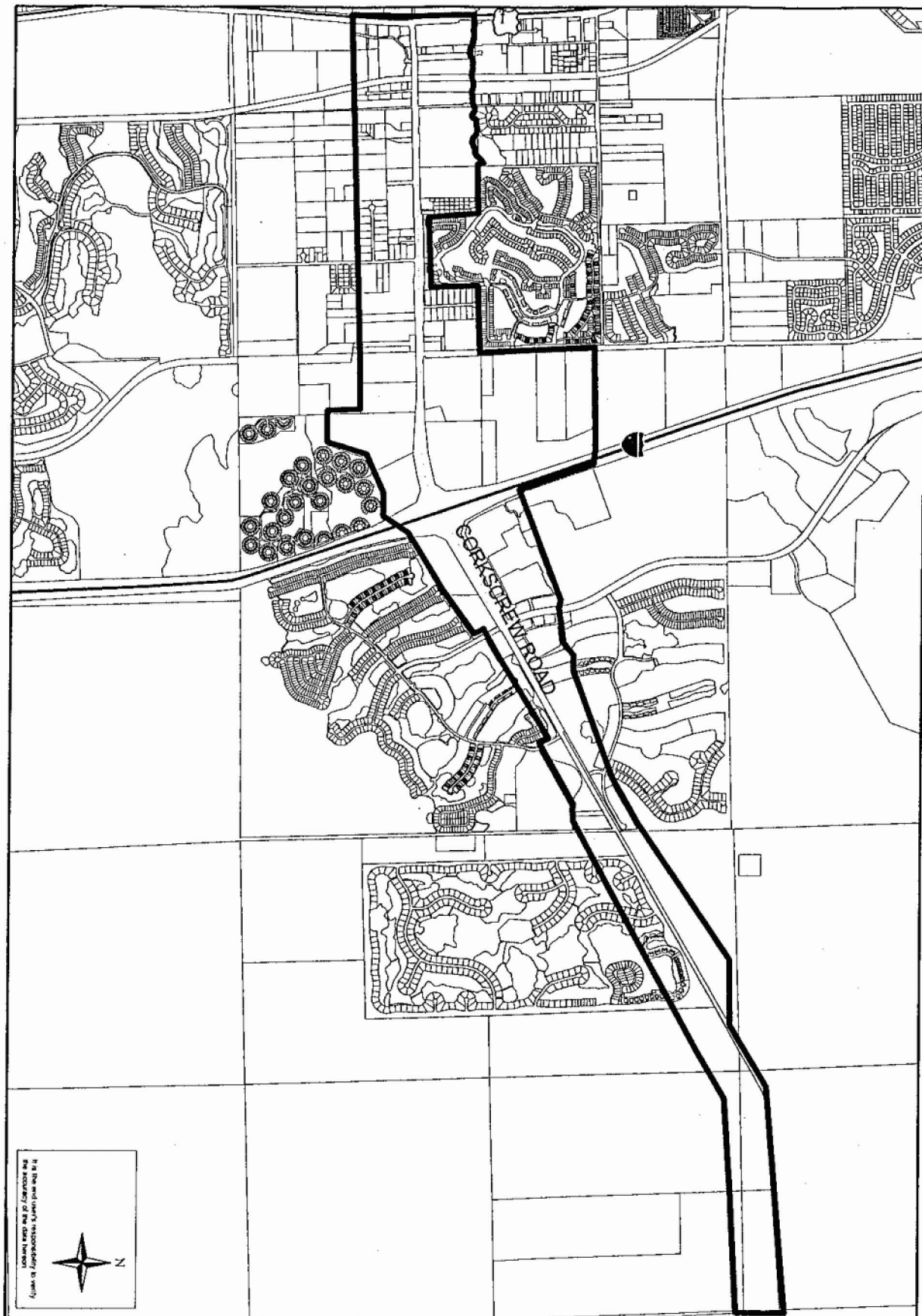
APPROVED AS TO FORM:

By: [Signature]
Office of County Attorney



Lee County Land Development Code
Appendix I - Estero Planning Community Map
Map 1 of 2





**Lee County Land Development Code
Appendix I - Corkscrew Main Street Overlay District
Map 2 of 2**

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

July 2, 2002

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 July 1, 2002 and certified copies of Lee County Ordinance Nos. 02-19 and 02-20, which were filed in this office on July 2, 2002.

Sincerely,

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

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

