

LEE COUNTY ORDINANCE NO. 22-12

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE, CHAPTERS 33 AND 34 RELATING TO SINGLE AND TWO-FAMILY DESIGN STANDARDS; CASITAS; HYBRID WAREHOUSES; AND USES WITHIN MAJOR PLANNED DEVELOPMENTS; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

THE SPECIFIC LDC PROVISIONS THAT WILL BE AMENDED ARE: SEC. 33-1205 (DEFINITIONS); SEC. 33-1262 (ACCESSORY USES); SEC. 33-1361 (LIVE-WORK UNIT PARKING); SEC. 33-1433 (PURPOSE); SEC. 33-1434 (ARCHITECTURAL STANDARDS); SEC. 33-1457 (ROOF STANDARDS); SEC. 33-1596 (USE REGULATIONS); SEC. 34-2 (DEFINITIONS); SEC. 34-341 (EMPLOYMENT OF PLANNED DEVELOPMENT DESIGNATION); SEC. 34-844 (USE REGULATIONS TABLE); SEC. 34-903 (USE REGULATIONS TABLE); SEC. 34-934 (USE REGULATIONS TABLE); SEC. 34-1177 (ACCESSORY APARTMENTS AND ACCESSORY DWELLING UNITS); SEC. 34-1179 (ACCESSORY STRUCTURES IN RECREATIONAL VEHICLE DEVELOPMENTS); SEC. 34-1923 (SKIRTING); SEC. 34-3006 (HYBRID WAREHOUSES); SEC. 34-3106 (USE OF METAL BUILDINGS IN RESIDENTIAL DISTRICTS); SEC. 34-3108 (LANDSCAPE FOR DUPLEX AND TWO-FAMILY ATTACHED UNITS).

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

WHEREAS, Goal 4 of the Lee County Comprehensive Land Use Plan (Lee Plan) states: Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources; and,

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

WHEREAS, the LDCAC has reviewed the proposed amendments to the LDC on February 11, 2022, and recommended approval of the proposed amendments as modified; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code on March 9, 2022, and recommended their adoption; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments on February 28, 2022 and March 28, 2022, 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: AMENDMENTS TO LDC CHAPTER 33**

Lee County Land Development Code Chapter 33 is amended as follows with strike through identifying deleted text and underline identifying new text.

### **CHAPTER 33 – PLANNING COMMUNITY REGULATIONS**

#### **ARTICLE IV. – PAGE PARK PLANNING COMMUNITY**

##### **DIVISION 1. – IN GENERAL**

##### **Sec. 33-1205. – Definitions.**

The following definitions are in addition to those set forth in other chapters of this Code and are applicable to the provisions set forth in this article only. If, when construing the specific provisions contained in this article, these definitions conflict with definitions found elsewhere in this Code, then the definitions set forth below will control. Otherwise the definitions contained elsewhere in this Code will control.

*Articulation through Main entry remain unchanged.*

*Main Street* means the architectural style in the Page Park Community, ~~it~~ is somewhat eclectic, having variety, diversity, and ~~of~~ no particular architectural style. Traditional architecture is favored, rather than radical design themes, structures or roof forms that would draw unnecessary attention to the buildings. Building façades that incorporate canopies or walls with mock gables ~~must~~ should provide a roof component to provide depth and give a more authentic appearance. Vernacular styles ~~must~~ should be displayed through the inclusion of extended roof overhangs, porches, covered corridors, covered walkways, and pitched roofs (where applicable), ~~(see Figures 1 through 3, 5 through 6, 10, and 13, and 15 through 17).~~

## **DIVISION 2. – DEVELOPMENT STANDARDS AND SPECIFICATIONS**

### **Subdivision I. – Basic Elements**

#### **Sec. 33-1262. – Accessory uses.**

Accessory uses consist of decks, patios, swimming pools, gazebos, sheds and other outbuildings throughout all areas of Page Park Community Overlay District. Accessory Uses are governed by the following requirements and Chapter 34.

*Gazebos, Sheds and other Outbuildings.*

- (1) The design of any gazebo, shed or other outbuilding must be ~~architecturally~~ compatible in terms of ~~design, scale, and proportion, color, finish, and~~ details with the principal building.
- (2) Temporary outside storage units must comply with section 34-3050.

## **DIVISION 3. – SPECIFIC USE STANDARDS**

### **Subdivision I. – Mixed-Use Standards**

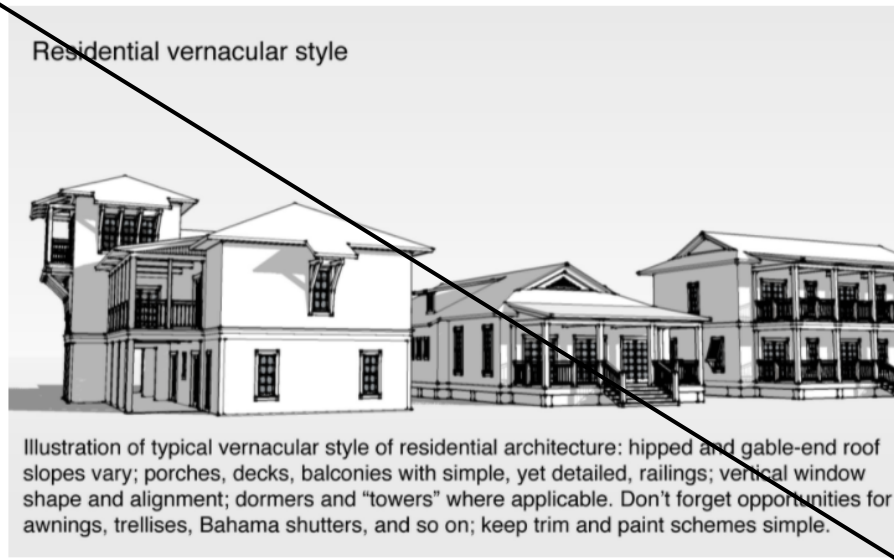
#### **Sec. 33-1361. – Live-work unit parking.**

Off-street parking for a live-work unit is determined by the number of spaces required for the non-residential use based on the square footage of the work space. The multiple-use development parking standard (see section 34-2020(b)) will be used to determine the minimum number of spaces required for each live-work unit. The minimum number of required parking spaces may be reduced up to 50 percent if a parking demand study that supports the reduction is provided pursuant to section 34-2020(c)(6) and administrative approval is obtained pursuant to section 34-2020(e).

*Figures 1 through 3 remain unchanged.*

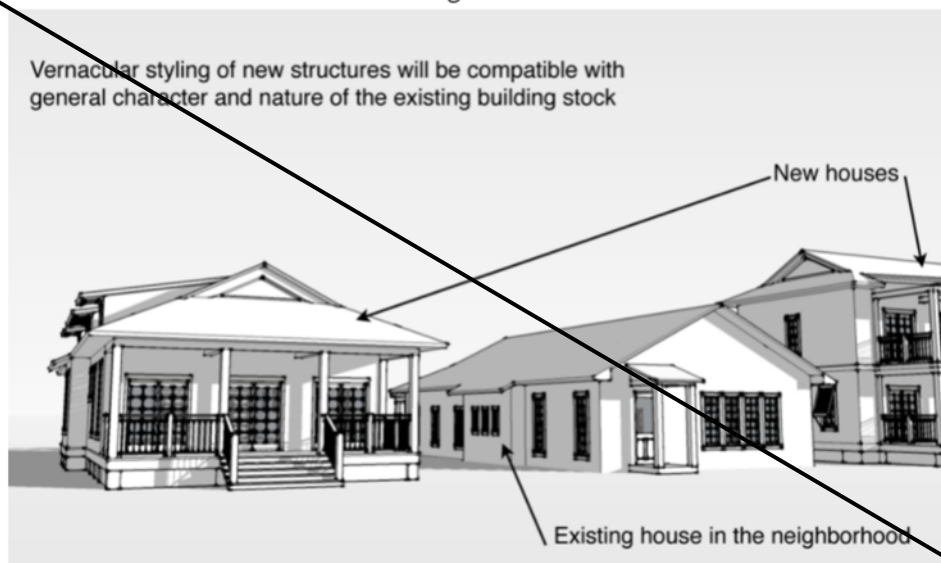
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Figure 4



*Figures 5 through 13 remain unchanged.*

~~Figure 14~~



*Figures 15 through 18-D remain unchanged.*

## **ARTICLE V. – LEHIGH ACRES PLANNING COMMUNITY**

### **DIVISION 3. – SPECIFIC USE STANDARDS**

#### **~~Subdivision III. – Duplex and Two-Family Attached Dwelling Units~~**

#### **~~Sec. 33-1433. – Purpose.~~**

~~The purpose of this subdivision is to modify and supplement sections 34-3107 through 34-3108 in order to enhance the appearance of duplex and two-family attached structures.~~

**~~Sec. 33-1434. - Architectural standards.~~**

- ~~(a) Primary facades must be designed with features consistent with the appearance of a single-family dwelling. A maximum of one door may directly face the adjacent street right-of-way and must have a distinct entry feature such as a porch or covered entryway.~~
- ~~(b) Mechanical equipment including, but not limited to, air conditioning units, pool pumps, generators and well tanks, must be screened from view of the public right-of-way and adjacent residential properties with landscaping, fencing, or both. Fencing must be consistent with section 34-1742.~~
- ~~(c) A minimum of one attached single car garage, accessible from the road by a paved driveway, is required for each dwelling unit. The garage and driveway must provide parking in compliance with LDC section 34-2020(a).~~
- ~~(d) Garages must be designed for side-entry so as not to face a street right-of-way, or be recessed a minimum of four feet behind the front facades or porches of the dwelling unit.~~
- ~~(e) When located on a corner lot, each individual unit must face a separate street right-of-way.~~
- ~~(f) When located on a through lot, each individual unit must face a separate street right-of-way.~~

**~~Secs. 33-1433, 1435—33-1449. – Reserved.~~**

**ARTICLE VI. – MATLACHA RESIDENTIAL OVERLAY**

**DIVISION 2. – DEVELOPMENT STANDARDS AND SPECIFICATIONS**

**~~Sec. 33-1457. - Reserved Roof standards.~~**

- ~~(a) The primary residential structure must use hip or gable roofs.~~
- ~~(b) For the primary residential structure, flat roofs and mansard roofs are prohibited; unless the building is single story.~~
- ~~(c) The use of dormers is acceptable above the vertical plane.~~

## ARTICLE VIII. – NORTH FORT MYERS PLANNING COMMUNITY

### DIVISION 3. – COMMERCIAL CORRIDOR LAND DEVELOPMENT PROVISIONS

#### Subdivision IV. – Commercial Corridor Use Regulations

##### Sec. 33-1596. - Use regulations.

The following use regulations apply to property located within the commercial corridor as defined in 33-1537:\*\*\*

*Accessory apartment through Vehicle and equipment dealers, (34-622(c)(55)): remain unchanged.*

USE DESCRIPTION	SPECIAL NOTES OR REGULATIONS	COMMERCIAL CORRIDOR
Warehouse:	—	—
<u>Hybrid</u>	<u>34-3006</u>	<u>SE*</u>
Mini-warehouse	—	SE*
Private	—	SE*
Public	—	SE*

*Wholesale establishment, (34-622(c)(56)): remains unchanged.*

#### SECTION TWO: AMENDMENTS TO LDC CHAPTER 34

Lee County Land Development Code Chapter 34 is amended as follows with strike through identifying deleted text and underline identifying new text.

### CHAPTER 34 – ZONING

#### ARTICLE I. – IN GENERAL

##### Sec. 34-2. – Definitions.

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

*Abutting property through Carport remain unchanged.*

Casita means an accessory building located on an individual recreational vehicle lot which may contain sleeping and sanitary facilities and a kitchen and is used for habitation by the occupants of the recreational vehicle occupying the lot.

*Cemetery through Live-aboard remain unchanged.*

Living area means the area of a living unit enclosed, heated or air-conditioned, and protected from the elements. Living area does not include unheated or un-air-conditioned garages, carports, or utility or storage areas contained therein, screened porches, unenclosed areas, cellars, basements and attics. Living area is determined by exterior dimensions.

*Living unit through Warehouse, high cube remain unchanged.*

Warehouse, Hybrid means any building designed or used to provide individual storage units with separate exterior doors as the primary means of access, to individuals for a fee or through individual ownership. In addition to dead storage depositories for personal property, individual storage units may also include ancillary accommodations such as restrooms, mezzanines, or other improvements to create occupiable space, as defined by the Florida Building Code, for personal hobby or recreation space for individual unit tenants or owners. See Mini-warehouse, Warehouse, public and Storage, dead.

## **ARTICLE IV. - PLANNED DEVELOPMENTS**

### **DIVISION 1. - GENERALLY**

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

*Subsection (a) remains unchanged.*

- (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. A PRFPD in Southeast Lee County;
- b. A residential development of 500 or more dwelling units;
- c. A commercial development or activity on 15 or more acres or that includes 150,000 square feet or more of floor area;
- d. An industrial development or activity on 20 or more acres or that includes 200,000 square feet or more of floor area;
- e. Any mining excavation;
- f. Non-commercial schools (except Lee County School District and religious facility schools) proposed to have over 100 students;

- g. Any cultural facility (section 34-622(c)(10)), recreational facility, commercial (section 34-622(c)(38)), or park, group II (34-622(c)(32)) on ten or more acres of land;
- h. A health care facility, Group IV (hospital) that is not a part of a commercial or community facility planned development;
- i. Any combination (mixed use) of the above-listed land uses where the sum of the percentages of each applicable individual threshold is equal to or greater than:
  - 1. one hundred percent for two land uses; or
  - 2. One hundred twenty-five percent for three or more land uses;
- j. Any development of regional impact not included in subsections (b)(1)b. through j. of this section;
- k. Any development which includes the above ground storage of more than 40,000 gallons of petroleum;
- l. Any development proposed under the new community land use element of the Lee Plan;
- m. Any proposed hotel/motel that will contain more than 200 rental units.

*(2) Minor planned developments.*

- a. Any proposed planned development that does not meet or exceed the thresholds in section 34-341(b)(1) for a major planned development.
- b. Any proposed ~~industrial development on less than 20 acres or with less than 200,000 square feet of floor area,~~ which requires a rezoning, and ~~which meets or exceeds~~ includes one or more of the following uses ~~criteria~~, must be rezoned only to a ~~an industrial~~ planned development:
  - 1. ~~Any development involving the m~~Manufacturing of the following products, regardless of the land area involved:
    - (a) Chemicals and allied products groups I and II (excluding cosmetics, perfumes, etc.) (section 34-622(c)(6)).
    - (b) Fabricated metal products group I (section 34-622(c)(14)).



- (c) Lumber and wood products groups V and VI (section 34-622(c)(26)).
- (d) Paper and allied products group I (section 34-622(c)(31)).
- (e) Petroleum manufacturing (section 34-622(c)(34)).
- (f) Primary metal industries (section 34-622(c)(35)).
- (g) Research and development laboratories group III (section 34-622(c)(41)).
- (h) Rubber and plastic products group I (section 34-622(c)(44)).
- (i) Stone, clay, glass and concrete products group IV (section 34-622(c)(48)).
- (j) Textile mill products group III (section 34-622(c)(50)).

~~2. Refuse and trash dumps.~~

~~23. Sanitary landfills~~

~~3. The shredding and composting of vegetative matter (section 34-1831).~~

~~4. Salvage yards or junkyards.~~

~~5. Auto wrecking yards.~~

~~6. Resource recovery facilities to produce energy.~~

~~7. Impound yards.~~

~~8. New sports/amusement parks and recreational facilities pursuant to section 34-2472.~~

- c. An existing development, such as a mobile home development, that has already been developed but does not conform to the regulations for a conventional district, that requests a rezoning to a planned development classification, will be reviewed in the same manner as a minor planned development except that a traffic impact statement will not be required.

- d. Amendments to an approved major or minor master concept plan or its attendant documentation will be treated procedurally as minor planned developments. These applications will require only as much information, as deemed necessary by the Director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application.

## ARTICLE VI. – DISTRICT REGULATIONS

### DIVISION 6. – COMMERCIAL DISTRICTS

#### Sec. 34-844. - Use regulations table.

Use regulations for conventional commercial districts are as follows:

**TABLE 34-844. USE REGULATIONS FOR CONVENTIONAL COMMERCIAL DISTRICTS**

*Accessory apartment and accessory dwelling unit through Vehicle and equipment dealers (34-622(c)(55)): remain unchanged.*

	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
Warehouse:																	
Hybrid	34-3006	--	--	P	--	--	SE	--	SE	SE	--	--	--	--	--	P	--
Mini-warehouse		--	--	P	--	--	SE	--	SE	SE	--	--	--	--	--	P	--
Private		--	--	P	--	--	--	--	--	--	--	--	--	--	--	P	--
Public		--	--	P	--	--	--	--	--	--	--	--	--	--	--	P	--

### 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 Note (14)	IG Note (14)	IR Note (14)
<i>“Administrative offices” through “Maintenance facility (government)” remain unchanged.</i>						
Manufacturing, repair or wholesale sales of:						
	Apparel (34-622(c)(1))		Note (9)	P	P	—
	Boats		Note (9)	SE	P	—

			Special Notes or Regulations	IL Note (14)	IG Note (14)	IR Note (14)
		Chemicals and allied products (34-622(c)(6)):				
		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 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)	P	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	IPD only, Note (9)	—	EO	EO
		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 II	Note (9)	P	P	—
		Group III	Note (9)	P (7)	P	—
		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	—
		Textile mill products (34-622(c)(50)):				
		Groups I and II	Note (9)	P	P	—
		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	—

				Special Notes or Regulations	IL Note (14)	IG Note (14)	IR Note (14)
<i>"Marina" through "Vehicle and equipment dealers (34-622(c)(55)):" remain unchanged.</i>							
Warehouse:							
	Hybrid		34-3006	P	P		—
	Mini-warehouse			P	P		—
	Private			P	P		—
	Public			P	P		—
<i>"Wholesale establishment:" remains unchanged.</i>							

## 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 (37)	MPD	MEPD
<i>"Accessory uses and structures" through "Maintenance facility (Government)" remain unchanged.</i>											
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	<del>—P</del>	—
	Group II		Note (5)	—	—	—	—	—	P	P	—
	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	<del>—P</del>	—
	Group II		Note (5)	—	—	—	—	—	P	P	—
	Group III		Note (5)	—	—	—	—	P	P	P	—

		Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	MPD	MEPD
	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	— <u>P</u>	—
	Group II	Note (5)	—	—	—	—	P	P	P	—
	Machinery (34-622(c)(27)), all groups	Note (5)	—	—	—	—	—	P	— <u>P</u>	—
	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	—	—

		Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	MPD	MEPD
	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	<del>—</del> 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	—
	Transportation equipment (34-622(c)(52)):									
	Group I	Note (5)	—	—	—	—	—	P	P	—
	Groups II, III and IV	Note (5)	—	—	—	—	—	P	<del>—</del> P	—
<i>“Marina” through “Vehicle and equipment dealers (34-622(c)(55))” remain unchanged.</i>										
	Warehouse:									
	High Cube		—	—	—	—	—	P	P	—
	Hybrid		34-	—	—	—	P	P	P	—

		Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	MPD	MEPD
			<u>3006</u>							
	Mini-warehouse		—	—	—	—	P	P	P	—
	Private		—	—	—	—	P	P	P	—
	Public		—	—	—	—	P	P	P	—
	Cold storage only		—	—	—	—	—	—	P	—
<i>"Wholesale establishments (34-622(c)(56)):" through "Wrecking yard:" remain unchanged.</i>										

## ARTICLE VII. – SUPPLEMENTARY DISTRICT REGULATIONS

### DIVISION 2. – ACCESSORY USES, BUILDINGS AND STRUCTURES

#### Sec. 34-1177. – Accessory apartments and accessory dwelling units.

*Subsection (a) remains unchanged.*

(b) *Development standards.*

- (1) *Off-street parking.* In addition to the requirements of section 34-2020(a), one additional space is required. All required parking must be provided on the site.
- (2) *Maximum floor area.* The maximum floor area for the accessory apartment or accessory dwelling unit is 50 percent of the living area of the principal, single-family residence.
- (3) *Maximum lot coverage.* The maximum lot coverage permitted for the zoning district in which the property is located may not be exceeded.
- (4) *Minimum lot size.* The property must be a lawfully existing lot of record that conforms to the minimum lot area, width, and depth of the zoning district in which it is located.
- (5) ~~*Appearance.* An attached accessory apartment or accessory dwelling unit must be designed to retain the appearance of a single-family residence.~~

#### Sec. 34-1179. – Accessory structures in recreational vehicle developments.

- (a) Storage sheds, ~~and carports, and casitas~~ on individual recreational vehicle

sites are prohibited in transient parks.

*Subsections (b) through (d) remain unchanged.*

(e) Casitas are permissible only on non-transient Recreational Vehicle (RV) lots in Recreational Vehicle Planned Developments (RVPDs) and must be a use listed in the approved schedule of uses for the RVPD. Casitas are subject to the following provisions:

(1) Casitas may only be occupied in conjunction with a parked recreational vehicle on the lot. The use or occupancy of a casita as a separate dwelling unit is prohibited.

(2) Casitas are subject to the following development regulations:

a. Minimum setback requirements:

1. Street: 25 feet or RV pad setback, whichever is greater

2. Side: 5 feet

3. Rear: 5 feet

4. Waterbody: in accordance with section 34-2194

b. A minimum separation of 10 feet must be provided between casitas and the parking pad for a recreational vehicle on an abutting lot.

(3) Casitas may contain living area including sleeping and sanitary facilities, a kitchen, laundry facilities, and indoor storage space.

(4) Prior to the issuance of a building permit, a covenant must be recorded in the public records that clearly indicates the occupancy restrictions set forth in this section. This covenant may not be amended without the written consent of the Director of Lee County Community Development.

(5) A non-transient Recreational Vehicle (RV) lot is limited to either one (1) cabana or one (1) casita.

(6) Recreational Vehicle Planned Developments (RVPDs) approved prior to the effective date of this section where cabanas or coach cabanas are listed in the approved schedule of uses may administratively amend the planned development to add casitas as



an approved use in lieu of cabanas or coach cabanas in accordance with section 34-174.

## **DIVISION 23. – MOBILE HOMES**

### **Sec. 34-1923. – Skirting.**

~~All mobile homes must have skirting around the entire perimeter.~~

- ~~(1) Skirting must be of a durable material such as decorative block, concrete block, fiberglass, aluminum or vegetation. Junk doors or other scrap material is prohibited.~~
- ~~(2) Skirting must be maintained at all times by the resident.~~

### **Secs. 34-1923, 1924-34-1950. - Reserved.**

## **DIVISION 36. – STORAGE FACILITIES AND OUTDOOR DISPLAY OF MERCHANDISE**

### **Sec. 34-3006. – Hybrid Warehouses.**

- ~~(a) Hybrid warehouse use restrictions. Hybrid warehouses are permitted only in zoning districts that specifically list the use as permitted by right or special exception, subject to the following use and occupancy restrictions.~~
  - ~~(1) Permitted uses in individual units are limited to:~~
    - ~~a. Storage of personal property such as automobiles, boats, recreational vehicles, furniture and other personal possessions;~~
    - ~~b. Minor maintenance of personal property which does not create noise, vibration, glare, fumes, odors or electrical interference objectionable to the normal senses as measured from the property line of the development; and~~
    - ~~c. Personal hobby and recreation activities.~~
  - ~~(2) Prohibited uses in individual units:~~
    - ~~a. Dwelling units, housing units, living units, temporary living, or overnight sleeping;~~
    - ~~b. Installation and use of stoves, cooktops, ranges, or ovens;~~

- c. Operation of a business;
- d. Manufacturing or construction;
- e. Storage or use of hazardous material; and
- f. Gun ranges, discharging a firearm with an explosive ignition.

(3) Prohibited uses and activities on the property include:

- a. Open storage as defined in section 34-2, unless permitted in the respective zoning district and located in a distinctly separate area with dividing fencing/wall and gates;
- b. Overnight outdoor parking;
- c. Using outdoor areas for uses identified in subsection (1); and
- d. Using outdoor areas for events, festivities or gatherings without a valid temporary use permit or special event permit issued in accordance with section 34-3041 et seq.

(b) Units used for purposes other than dead storage must comply with the applicable occupiable space standards of the Florida Building Code.

(c) Covenants required:

- a. Prior to building permit approval the property owner must record a covenant in the public records that clearly indicates the uses allowed or prohibited within the hybrid warehouse development. This covenant must be consistent with this section and may not be amended without the written consent of the Director of the Department of Community Development; and
- b. The use restrictions established in this section must be reflected in property owners' association documents or lease documents affecting the property.

**Secs. 34-300634-3007.—34-3020. - Reserved.**

**DIVISION 39. – USE, OCCUPANCY AND CONSTRUCTION REGULATIONS**

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

The construction of enclosed or partially enclosed metal buildings, exceeding 240 square feet in total floor area or 12 feet in height above finished floor, must provide residential exterior cladding, as defined in section 34-2(df), unless approved as a special

exception, in the following residential districts: RS, RSA, RSC, TFC, TF, RM, RPD and the residential portions of an MPD. Single-family, duplex, two-family attached, and zero lot line dwelling units are exempt from this section.

**~~Sec. 34-3108. - Landscape for duplex and two-family attached units.~~**

- (a) ~~Prior to issuance of a certificate of occupancy for duplex or two-family attached units, the following minimum landscaping must be installed:~~

~~(1) — Plants.~~

- a. ~~*Trees.* Four native canopy trees per lot must be installed in landscape mulch beds. Two of these trees must be planted in front of the duplex or two-family attached structure. The trees must be a minimum of ten feet in height at time of planting with a two-inch caliper (measured at 12 inches above the ground) and a four-foot spread. Two cabbage palms (Sabal palmetto) grouped together with a minimum of ten feet of clear trunk may be used to replace one canopy tree. Adequate space must be provided between the building structure and the plantings to allow for future growth of the trees or palms. The trees must be installed to avoid impacts to the septic drainfields and any utilities (overhead or underground).~~
- b. ~~*Shrubs.* Thirty native shrubs per lot must be installed in landscape mulch beds. The shrubs must be a minimum of 24 inches in height at time of planting and a minimum of three-gallon container size. The required shrubs must be planted in front and on the sides of the duplex structure.~~
- c. ~~*Plant quality.* Plant materials used must meet the standards for Florida No. 1 or better, as set forth in the "Grades and Standards for Nursery Plants", Parts I and II, Department of Agriculture and Consumer Services, State of Florida.~~
- d. ~~*Easements.* Plants must be installed outside of any easements, including but not limited to, public utility easements, drainage easements and access or road easements.~~

- (2) ~~*Mulch.* A minimum of a two-inch layer, measured after watering, of mulch or other recycled woody material must be placed and maintained around all newly installed trees, palms and shrubs. Each tree must have a ring of mulch no less than 36 inches beyond its trunk in all directions. The use of cypress mulch is strongly discouraged.~~

- (3) ~~*Irrigation.* To ensure landscape plant establishment, all required landscaping must be irrigated by the use of an automatic irrigation system with a controller set to conserve water. Moisture detection devices (i.e. rain sensor switch) must be installed in all automatic sprinkler systems to override the sprinkler activation mechanism during periods of increased rainfall. Irrigation systems must be designed to avoid impacts on existing native vegetation and eliminate the application of water to impervious areas, including roads, drives and other vehicle areas.~~
- (4) ~~*Certificate of occupancy.* The required plants, mulch and irrigation system must be installed and inspected prior to the issuance of a certificate of occupancy.~~
- (5) ~~*Maintenance.* The owner is responsible for maintaining the required landscaping in a healthy and vigorous condition at all times during the existence of the duplex or two-family attached structure. Tree and palm staking must be removed within 12 months after installation. All landscapes must be kept free of refuse, debris, disease, pests, weeds, and exotic pest plants (listed in LDC Section 10-420(h)).~~

**Secs. 34-~~3108.3109~~—34-3130. - Reserved.**

### **SECTION THREE: 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 FOUR: 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 become 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 unconstitutional provision was not included.

### **SECTION FIVE: CODIFICATION AND SCRIVENER'S ERRORS**

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code. Sections of this ordinance can be renumbered or relettered and the word "ordinance" can be changed to "section," "article," or 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 Administrator, County Manager or his designee, without the need for a public hearing.

#### **SECTION SIX: MODIFICATION**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

#### **SECTION SEVEN: 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 development order application for such project is complete or the zoning request is found sufficient before the effective date.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

Commissioner Hamman made a motion to adopt the foregoing ordinance, seconded by Commissioner Ruane. The vote was as follows:

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 17<sup>th</sup> day of May 2022.

ATTEST:  
KEVIN KARNES, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Cecil L Pendergrass, Chair

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

By: \_\_\_\_\_  
Office of the County Attorney