



Board of County Commissioners

Writer's Direct Dial # (239) 533-8322

Kevin Ruane
District One

August 14, 2023

Cecil L. Pendergrass
District Two

VIA E-MAIL ONLY

Ray Sandelli
District Three

Brian Hamman
District Four

Donald R. DeLuca, President
Central Line Properties, LLC
7340 N. US Hwy 27
Ocala, FL 34482

Mike Greenwell
District Five

Dave Harner, II
County Manager

RE: 11575 Marshwood Ln
STRAP #06-46-24-00-00003.0090
Case No. ZVL2023-00125

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

Dear Mr. DeLuca:

In response to your letter dated August 7, 2023, please be advised that the above-referenced property is zoned Commercial (C-1A) and is located in the Central Urban category according to the Future Land Use Map of Lee County (Lee Plan).

This property was rezoned to Commercial (C-1A) with a special exception for a mini-warehouse by Resolution Z-77-061. Sections 34-841 through 34-845 of the Lee County Land Development Code (LDC) establish use and property development regulations for conventionally-zoned commercial properties. Copies of this resolution and sections have been included with this response.

Please be advised, mini-warehouse is defined in LDC Section 34-2 as:

Mini-warehouse means any building designed or used to provide individual storage units with separate exterior doors as the primary means of access, to individuals or businesses for a fee. The storage units must be used solely as dead storage depositories for personal property, inventory and equipment and not for any other use. See Warehousing, public and Storage, dead.

The subject property is shown to be outside of a FEMA regulatory floodway. The property is located within the Coastal High Hazard Area. The property is located within the AE-EL10 flood zone on FIRM Panel 12071C0414G. Chapter 6, Article IV entitled "Flood Hazard Reduction" of the Land Development Code, contains provisions which regulate elevations of structures. Due to the location of this property, the regulations may affect

how you develop the property. For additional information concerning the provisions of this portion of the LDC, please call (239) 533-8585 and ask for a Plans Reviewer.

Please be advised that the information provided herein is based on current regulations and may be subject to change as ordinances are enacted or amended.

Should you have further questions, please do not hesitate to contact our office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning

Electronically signed on 8/16/2023 by
Lindsay Hickey, Planner
Lee County Department of Community Development

LMH/cab

RESOLUTION Z -77-61

The following resolution was offered by Commissioner Taylor
and seconded by Commissioner Roberts, and upon poll of the
members present the vote was as follows:

R. Doug Taylor	AYE
L. H. Bob Whan	AYE
Roland Q. Roberts	AYE
Betty Evans	AYE
R. L. Steele	AYE

WHEREAS, Marshwood, Inc. has requested a change
in zoning from AU to BU-1A and BU-3A

SUBJECT PROPERTY:

(SEE ATTACHED LEGAL DESCRIPTION)

WHEREAS, a public hearing of the Lee County Zoning Board was advertised and
held, as requested by law, and after hearing all interested parties and consider-
ing adjacent areas, the Zoning Board recommended that the petition be approved
for a change in zoning from AU to BU-1A and BU-3A.

WHEREAS, this Board after reviewing the records and recommendations of the
Zoning Board and having given an opportunity to all interested persons to be heard
after being duly sworn according to law, and upon due and proper consideration
having been given to this matter, this Board took action as hereinafter described.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County,
Florida, that the decision of the Zoning Board be set aside and approve BU-1A
zoning in lieu of BU-3A, with a special permit for mini-warehouses only, on the
back piece of property in the area requested for BU-3A.

PASSED AND ADOPTED THIS 14th DAY OF March, 1977

Heard February 28, 1977

77-2-20

Approved As
To Form.

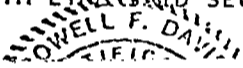
By


County Attorney

SUBJECT PROPERTY: BU-1A:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS: STARTING AT A RAILROAD SPIKE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE AFORESAID SECTION 6; THENCE N 89° 45' 41" W ALONG THE NORTH LINE OF SAID SECTION 6 AND ALONG THE CENTERLINE OF KELLY ROAD A DISTANCE OF 686.81 FEET; THENCE S 0° 06' 57" W A DISTANCE OF 25.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID KELLY ROAD, SAID POINT ALSO BEING THE PRINCIPAL PLACE OF BEGINNING; THENCE CONTINUE S 0° 06' 57" W A DISTANCE OF 1067.02 FEET; THENCE S 89° 45' 41" E A DISTANCE OF 319.40 FEET; THENCE N 0° 03' 50" E A DISTANCE OF 1067.02 FEET TO A POINT ON THE AFORESAID SOUTHERLY RIGHT-OF-WAY LINE OF KELLY ROAD; THENCE N 89° 45' 41" W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 318.43 FEET TO THE PRINCIPAL PLACE OF BEGINNING. SAID PARCEL CONTAINS 7.812 ACRES MORE OR LESS.

BEARING BASED ON NORTH LINE SAID SECTION 6 AS BEARING N 89° 45' 41" W.



BU-3A:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS: STARTING AT A RAILROAD SPIKE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE AFORESAID SECTION 6; THENCE N 89° 45' 41" W ALONG THE NORTH LINE OF SAID SECTION 6 AND ALONG THE CENTERLINE OF KELLY ROAD A DISTANCE OF 686.81 FEET; THENCE S 0° 06' 57" W A DISTANCE OF 1092.02 FEET TO A POINT AND THE PRINCIPAL PLACE OF BEGINNING; THENCE CONTINUE S 0° 06' 57" W A DISTANCE OF 236.18 FEET; THENCE S 89° 41' 17" E ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE AFORESAID SECTION 6, A DISTANCE OF 319.61 FEET; THENCE N 0° 03' 50" E A DISTANCE OF 236.59 FEET; THENCE N 89° 45' 41" W A DISTANCE OF 319.40 FEET TO THE PRINCIPAL PLACE OF BEGINNING.

SAID PARCEL CONTAINS 1.734 MORE OR LESS.

BEARING BASED ON NORTH LINE SAID SECTION 6 AS BEARING N 89° 45' 41" W.



SIZE OF PROPERTY: 1,303' x 319 9.546 acres

1667
236
1303

DIVISION 6. - COMMERCIAL DISTRICTS

Sec. 34-841. - Purpose and intent.

- (a) *Generally.* The purpose and intent of the conventional commercial districts is to regulate the continuance of certain land uses and structures lawfully existing as of August 1, 1986, which were originally permitted by the County Zoning Regulations of 1962, as amended, or 1978, as amended, and to encourage and guide new commercial development in accordance with the goals, objectives and policies set forth in the Lee Plan. Commercial development shall be permitted primarily in the future urban areas where requisite infrastructure exists or can feasibly be extended. Some limited commercial activities will be permitted in the nonurban areas to serve rural residents. Subsequent to August 1, 1986, with the exception of rezonings to recognize and accommodate existing developments, no parcel of land of ten or more acres in size shall be rezoned to any of the conventional commercial districts.
- (b) *C-1A, C-1 and C-2 commercial districts.* The purpose and intent of the C-1A, C-1 and C-2 districts is to regulate the continuance of commercial and select residential land uses and structures lawfully existing in the C-1A, C-1 and C-2 districts as of August 1, 1986, and as originally permitted by the County Zoning Regulations of 1962, as amended, and 1978, as amended, respectively. Subsequent to February 4, 1978, no land or water shall be rezoned into the C-1A, C-1 or C-2 districts, unless located within the mixed use overlay as identified on Lee Plan Map 1, Page 6. In no case shall new development be permitted in any existing C-1A, C-1 or C-2 district which is not consistent with the Lee Plan.
- (c) *C-2A commercial district.* The purpose and intent of the C-2A district is to recognize and provide for the continuation of most commercial and residential uses as set forth in the C-2 zoning district use regulations but prohibiting the industrial and manufacturing uses permitted by the C-2 district. This district is not available to landowners through normal procedures, but shall be used only by the Board of County Commissioners on its own initiative to achieve the purpose stated in this subsection.
- (d) *CN-1 neighborhood commercial district.* The purpose and intent of the CN-1 district is to permit the designation of suitable locations for small-scale commercial facilities within or adjacent to areas or neighborhoods which are essentially residential in nature, and to facilitate their proper development and use. It is anticipated that locating small retail and service establishments in close proximity to low- to moderate-density residential land uses will encourage pedestrian activity and otherwise reduce the number and length of automobile trips, as well as providing increased convenience to all users. It is further intended that substantial buffering and other design techniques will be used to prevent negative impacts on nearby or adjacent residential or lower-intensity land uses.
- (e) *CN-2 neighborhood commercial district.* The purpose and intent of the CN-2 district is to permit the designation of suitable locations for consumer-oriented commercial facilities of moderate scale, including neighborhood shopping centers, and to facilitate their proper development and use. The facilities include the functions of CN-1 commercial places, but the greater floor area and the broader mix of goods and services available results in a wider market or service area, a larger population served, and a greater impact on surrounding land uses. The primary uses provided for include retail trade in food, drugs, sundries, hardware and similar items, and the provision of personal services.
- (f) *CN-3 neighborhood commercial district.* The purpose and intent of the CN-3 district is to permit the designation of suitable intersection locations for a broad range of small-scale retail, office and personal service facilities adjacent to and within future residential neighborhoods without the need to obtain CPD (Commercial Planned Development) zoning. This district is especially suited to those portions of Lehigh Acres that meet the criteria found in Lee Plan Policy 25.6.2. To protect the residential character of adjoining neighborhoods, certain potentially incompatible uses such as, but not limited to, convenience stores and fuel pumps are prohibited in the CN-3 district. Hours of operation for permitted uses are restricted to minimize night-time operations.
- (g) *CC community commercial district.* The purpose and intent of the CC district is to permit the designation of suitable locations for medium- to large-scale consumer-oriented commercial facilities, particularly for multiple-occupancy complexes known as community or regional shopping centers, and to facilitate their proper development and use. In addition to the retail sale of consumer goods, this district is intended to permit a wide range of services, financial and other, including business and professional offices, all arranged in discrete commercial centers or evolving business districts. Such centers or districts differ from neighborhood commercial facilities in concentrating a greater floor area of use and a broader mix of goods and services in order to serve a wider market or service area and a larger population. This is expected to create greater impact on surrounding land uses and therefore require buffering and designed gradients of intensity adjacent to less intense uses.
- (h) *CG general commercial district.* The purpose and intent of the CG district is to permit the designation of suitable locations for and to facilitate the proper development and use of consumer-oriented commercial facilities which are of a type or scale which are not suited for and do not generally seek locations in neighborhood, community or regional shopping centers. Such uses frequently consist of a single principal building containing sales, administration, repair services or manufacture; often rely on large ground areas for storage or display of goods; and are relatively insensitive to the impacts of adjacent land uses while generating substantial impacts on their neighbors. High visual exposure and easy accessibility, usually from arterial roads or suburban highways, are important.
- (i) *CS-1 special commercial office district.* The purpose and intent of the CS-1 district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for standard office space for various purposes, and a minimum level of retail sales and personal services required to provide convenient access to goods and services for the workforce and clientele. While it is recognized that such uses will demand easy access from arterial or high-volume collector roads, this district is intended to be used to separate and buffer residential and other low- or medium-intensity land uses, such as schools or parks, from higher-intensity commercial and light industrial land uses.

- (j) *CS-2 special commercial office district.* The purpose and intent of the CS-2 district is to permit the designation of suitable locations for the proper development of standard office space for various purposes, as well as a number of other low-impact uses that can be allowed by special exception in particular circumstances. This district is intended to be used to separate and buffer residential and other low- or medium-intensity land uses, such as schools or parks, from higher-intensity commercial and light industrial land uses.
- (k) *CH highway commercial district.* The purpose and intent of the CH district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for the commercial provision of services and goods to the public using the major through highways of the County. Such uses require high visual exposure and ready access from major roads. The market of such uses is presumed to be made up of transient visitors rather than residents or longterm visitors to the County.
- (l) *CT tourist commercial district.* The purpose and intent of the CT district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for the commercial provision of accommodations and services for tourists and other visitors and shortterm or seasonal residents. The term "accommodations," as used in this subsection, is intended to include housing, various amenities including recreational facilities, and local retail trade in goods and service, both general and specific to the locality or attractor or principal activities. Areas designated tourist commercial are expected to be located near or adjacent to an attractor of tourism such as gulf beach frontage, theme parks, major public or private parks and other recreational or scenic resources.
- (m) *CP commercial parking district.* The purpose and intent of the CP district is to facilitate the provision of automobile parking subordinate to other land uses on other parcels of land where it is not appropriate to permit the full range of uses allowed by the zoning district under which the principal use is allowed.
- (n) *CI intensive commercial district.* The purpose and intent of the CI district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for those commercial activities which are like or which have many of the same needs as industrial land uses. Intensive commercial land uses are generally services, particularly warehousing, distribution and transportation of goods. However, in type and size of buildings, relation to modes of transportation, and demands on various services, they are often indistinguishable from industrial land uses. The CI district is and is intended to be intermediate between consumer-oriented commercial and light industrial uses.
- (o) *CR rural commercial district.* The purpose and intent of the CR district is to designate and to facilitate the proper development and use of land for limited commercial purposes in the nonurban areas of the County. In addition to the neighborhood scale provision of basic goods and services, it is the intent that the rural commercial district be used to provide other goods and services, specific to rural productive activities, such as farming or ranching, and for the rural lifestyle in general. The standard of physical development must be or closely approximate that of a minor commercial development as set forth in standard 6.1.2 of the Lee Plan.

(Ord. No. 93-24, § 7(450.01), 9-15-93; Ord. No. 96-17, § 5, 9-18-96; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 09-23, § 10, 6-23-09; Ord. No. 17-11, § 1, 9-5-17; Ord. No. 19-03, § 7, 4-2-19; Ord. No. 21-08, § 9, 6-1-21)

Sec. 34-842. - Alternative property development regulations for duplex, two-family attached, and townhouse units in C-1A, C-1, and C-2 districts.

As an alternative to developing in accordance with section 34-845, property zoned C-1A, C-1, and C-2, may be developed with duplexes, two-family attached units (where permitted by section 34-844), and townhouses on lots with a minimum lot area of 2,400 square feet per lot without compliance with minimum lot width, lot depth, side setback requirements or the requirement that lots must abut streets in section 10-291(2); provided the following conditions are met:

- (1) The overall parcel on which the lots are developed must comply with all lot coverage, area, width, and depth requirements for the district in which located;
- (2) The overall parcel on which the lots are developed complies with section 10-291;
- (3) All structures must comply with setbacks for the district in which located, as measured from the boundary of the overall parcel;
- (4) All structures must comply with street, rear, and water body setbacks for the district in which located, with the rear setback measured from individual lot lines;
- (5) All structures which exceed the maximum height requirements of the district in which located must comply with the additional setbacks specified in article VII, division 30, subdivision II, of this chapter as measured from the overall parcel boundary;
- (6) The applicant must provide adequate assurance that all areas of the overall parcel which are not developed as individual lots will remain and be maintained as common areas by an appropriate property owners' association. Such assurance may be provided in the form of maintenance and access easements or other documents or combination of documents satisfactory to the County Attorney to ensure the common areas are perpetually maintained and the common infrastructure is available for the property owners within the development; and
- (7) This section may not be utilized to authorize the subdivision of a parent parcel. Subdivision of a parent parcel must meet the requirements of chapter 10 (either through an approved lot split, plat, or replat).

(Ord. No. 13-10, § 10, 5-28-13)

Editor's note— Ord. No. 13-10, § 10, adopted May 28, 2013, renumbered the former §§ 34-842—34-844 as §§ 34-843—34-845 and enacted a new § 34-842 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 34-843. - Applicability of use and property development regulations.

No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in any conventional commercial district for any purpose other than as provided in section 34-844, pertaining to use regulations for conventional commercial districts, except as may be specifically provided for in article VIII (nonconformities) of this chapter, or in section 34-620.

(Ord. No. 93-24, § 7(450.02), 9-15-93; Ord. No. 98-11, § 5, 6-23-98; Ord. No. 13-10, § 10, 5-28-13; Ord. No. 17-11, § 1, 9-5-17)

Note— See the editor's note to § 34-842.

Sec. 34-844. - Use regulations table.

Use regulations for conventional commercial districts are as follows:

TABLE 34-844. 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	C
Accessory apartment and accessory dwelling unit	Notes (1) & (25), <u>34-1177</u>	P	P	P	P	—	—	—	—	—	—	P	—	—	—
Administrative offices		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	<u>34-1231</u> et seq.	SE	SE	SE	SE	SE	SE	—	SE	SE	SE	SE	SE	SE	SE
New accessory buildings	<u>34-1231</u> et seq.	P	P	P	P	P	P	—	P	P	P	P	P	P	P
New:															
Helistop	<u>34-1231</u> et seq.	SE	SE	SE	SE	SE	SE	—	SE	SE	SE	SE	SE	SE	SE

Amateur radio antennas and satellite earth stations when accessory to an existing principal use	34-1175	Refer to 34-1175 for regulations.													
Animals:															
Clinic	34-1321 et seq.	—	P	P	P	—	—	—	P	P	—	—	—	—	F
Keeping and breeding of Class I or Class II(df)	34-1291 et seq.	—	SE	SE	SE	—	—	—	—	—	—	—	—	SE	-
Kennel	34-1321 et seq.	—	—	P (3)	—	—	—	—	—	P (3)	—	—	—	—	F
Control center (including Humane Society)		P	P	P	P	—	—	—	—	P	P	SE	—	—	-
Assisted living facility	Note (9), (29), 34-1411 et seq.	—	P	P	—	—	—	P	—	—	—	—	—	P(13)	-
ATM (automatic teller machine)		P	P	P	P	P	P	P(16)	P	P	P	SE	—	P	F
Auto parts store	34-1351 , 34-1353	P	P	P	P	—	P	P	P	P	—	—	—	—	-
Automobile repair and service (34-622(c)(2)):															
Group I	34-1351 , 34-1353	—	P	P	P	—	—	—	P	P	—	—	—	—	-
Group II	34-1351 , 34-1353	—	—	P	P	—	—	—	—	P	—	—	—	—	-
Automobile service station	Note (34), 34-1351 , 34-1353	—	P	P	P	—	P	—	P	P	—	—	P	SE	F

Bait and tackle shop	Note (33)	P	P	P	P	P	P	P	P	P	—	SE (5)	—	P	F
Banks and financial establishments (34-622(c)(3)):															
Group I		P	P	P	P	—	P	P(16)	P	P	P	P(16)	—	P	-
Group II		—	P	P	P	—	—	—	P	P	P	P(16)	—	—	-
	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	C
Bar or cocktail lounge	<u>34-1201</u> et seq. <u>34-1261</u> et seq.	—	AA/SE	AA/SE	AA/SE	—	—	—	AA/SE	AA/SE	—	—	AA/SE (6)	AA/SE	A
Bed and breakfast (df)	Note (25), <u>34-1494</u>	—	P	P	P	—	—	—	—	—	—	SE	—	P	-
Boarding house	Note (25)	—	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	F
Boat rental		P	P	P	P	—	P	—	P	EO	—	—	P	P (7)	-
Boat repair and service	<u>34-1352</u> , <u>34-3001</u> et seq.	—	—	—	—	—	—	—	—	—	—	—	—	—	-
Boat sales		—	P	P	P	—	—	—	—	P	—	—	—	—	-
Boat storage, dry, not exceeding 18 feet above grade	Note (32)	—	P	P	P	—	—	—	—	P	—	—	—	—	-
Boat storage, dry, exceeding 18 feet above grade	Note (32)	—	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	—	—	—	—	—	
Business services (34-622(c)(5)):																
Group I		P	P	P	P	P	P	P	P	P	P	P	P (8)	—	P	F
Group II	Note (34), 34-1352	—	P	P	P	—	—	SE	—	P	—	—	—	—	—	—
Bus station/depot	34-1381 et seq.	—	—	P	P	—	—	—	SE	P	—	—	P	—	—	
Caretaker's residence	Note (30)	—	P	P	SE	P	P	P	P	P	—	—	—	—	—	F
Car wash	34-1353	—	P	P	P	—	—	—	P	P	—	—	P	—	—	
Cleaning and maintenance services (34-622(c)(7))		P	P	P	P	—	—	SE	P	P	P	P	—	—	—	
Clothing stores, general (34-622(c)(8))		P	P	P	P	—	—	—	P	P	—	—	—	P	—	
Clubs:																
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	F	
Cold storage warehouse and processing plant (including precooling)		—	—	P	—	—	—	—	—	—	—	—	—	—	—	

Commercial fishery		—	—	EO	—	—	—	—	—	—	—	—	—	—	—
Commercial use of beachfront seaward of the water body setback line	<u>34-3151</u>	SE (7)	SE (7)	SE (7)	SE (7)	—	—	—	SE (7)	SE (7)	—	—	—	SE (7)	—
Communication facility, wireless	<u>34-1441</u> et seq.	Refer to <u>34-1441</u> et seq. for regulations.													
Community residential home	Note (29)	P	P	P	P	—	—	P	—	—	—	—	—	—	—
Consumption on premises	<u>34-1261</u> 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
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	<u>34-1353</u>	P(19)	P(19)	P(19)	P(19)	—	SE(19)	—	P	P	—	—	P	SE(19)	F
Cultural facilities (34-622(c)(10))		—	P	P	P	—	—	—	—	—	—	—	—	P	—
Day care center, adult, child	Notes (25) & (36)	P	P	P	P	P	P	P	P	P	—	—	—	P	F
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	F
Drugstore, pharmacy		P	P	P	P	—	P	P	P	P	—	—	—	—	F

Dwelling unit:																
Duplex	<u>34-3107</u> , <u>34-3108</u> , Note (25)	P	P	P	P	—	—	—	—	—	—	P	—	—	—	
Single-family	Note (26)	P	P	P	P	—	—	—	—	—	—	P	—	—	—	
Two-family attached	<u>34-3107</u> , <u>34-3108</u> , Note (25)	P	P	P	P	—	—	—	—	—	—	—	—	—	—	
Townhouse	Note (25)	EO	P	P	EO	—	—	—	—	—	—	—	—	—	—	
Live-work	<u>34-1773</u>	—	P	P	P	SE	SE	—	—	—	SE	SE	—	—	—	
Multiple-family building	Note (25)	P (35)/ EO	P	P	EO	SE (10)	SE (10)	SE (10)	—	—	SE (10)	SE (10)	—	P	—	
Entrance gates and gatehouse	<u>34-1748</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	F
Emergency operations center		P	P	P	P	—	—	—	—	P	P	SE	—	—	—	F
EMS, fire or sheriff's station		P	P	P	P	—	—	—	P	P	P	—	—	—	—	F
Essential services	<u>34-1611</u> et seq.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	F
Essential service facilities:	<u>34-622(c)</u> (13)															
Group I	<u>34-1611</u> et seq., <u>34-1741</u> et seq.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	F
Group II	<u>34-1611</u> et seq., <u>34-1741</u> et seq., <u>34-2141</u> et seq.	EO	—	—	—	—	—	—	EO	—	—	—	—	—	—	—
Excavation:																
Water retention	<u>34-1651</u> et seq.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	F

	Oil or gas		SE	SE	SE	SE	SE	SE	—	SE	SE	SE	—	SE	SE	S
	Farm equipment, sales, storage, rental or service		—	—	—	—	—	—	—	—	P	—	—	—	—	F
	Feed or fertilizer, mixing and sales		—	—	—	—	—	—	—	—	—	—	—	—	—	F
	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	F
	Group II		P	P	P	P	—	P	P	P	P	—	—	—	—	-
	Fraternity house	Note (25)	—	—	—	—	—	—	—	—	—	—	—	—	P	-
	Freight and cargo handling establishments (34-622(c)(17))		—	—	—	—	—	—	—	—	—	—	—	—	—	-
	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		—	—	—	—	—	—	—	—	—	—	—	—	—	-

Hardware store		P	P	P	P	P	P	P	P	P	P	—	—	—	—	F
Health care facility (34-622(c)(20)):																
Group I (less than 50 beds)	Note (9) & (25)	—	—	—	—	—	—	—	—	—	—	P (13)	SE (13)	—	—	-
Group II (less than 50 beds)	Note (9) & (25)	—	—	—	—	—	—	—	—	—	—	P (13)	SE (13)	—	—	-
Group III		P	P	P	P	—	P	P	P	P	P	P	SE(13)	—	—	F
Group IV	Note (9) & (25)	—	—	—	—	—	—	—	—	—	—	P (13)	SE (13)	—	—	-
Hobby, toy and game shops (34-622(c)(21))		P	P	P	P	—	P	P	P	P	P	—	—	—	—	-
Home care facility	Note (25)	P	P	P	P	SE	SE	—	—	—	—	SE	SE	—	P	-
Home occupation:																
No outside help	Note (27), <u>34-1771</u> et seq.	P	P	P	P	P	P	P	P	—	—	P	P	—	P	-
With outside help	Note (27), <u>34-1771</u> et seq.	AA	AA	AA	AA	AA	AA	AA	AA	—	—	AA	AA	—	AA	-
Hotel/motel	Note (31), <u>34-1801</u> et seq.	—	P	P	P	—	—	—	—	—	—	—	SE	P	P	-
Household and office furnishings (34-622(c)(22)):																
Group I		P	P	P	P	—	—	P	P	P	—	—	—	—	—	-
Group II		P	P	P	P	—	—	P	P	P	—	—	—	—	—	-
Group III		—	—	—	—	—	—	—	—	P	—	—	—	—	—	-
Impound yard		—	EO	EO	—	—	—	—	EO	EO	—	—	—	—	—	-

Insurance companies (34-622(c)(23))		P	P	P	P	—	—	—	—	—	P	—	—	—	—
Laundromat		P	P	P	P	P	P	P	P	P	—	SE (5)	—	P	F
Laundry or dry cleaning (34-622(c)(24)):															
Group I		P	P	P	P	—	P	P	P	P	—	—	—	P	F
Group II		—	—	P	—	—	—	—	—	—	—	—	—	—	—
Lawn and garden supply store	34-2081	P	P	P	P	—	—	—	P	P	—	—	—	—	F
Library	Note (25)	P	P	P	P	—	P	P	P	P	—	—	P	P	—
Maintenance facility (government)		P	P	P	P	—	—	—	—	P	P	SE	—	—	—
Manufacturing of:															
Apparel products (34-622(c)(1))		—	—	P	—	—	—	—	—	—	—	—	—	—	—
Dairy products (SIC 202 only)		—	—	P	—	—	—	—	—	—	—	—	—	—	—
Electrical machinery and equipment (34-622(c)(11))		—	—	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	<u>34-1862</u>	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	—	—	—

Medical office		P	P	P	P	—	P	P	P	P	P	P	—	P	F
Mobile home dealers	<u>34-1352</u>	—	—	P	—	—	—	—	—	SE	—	—	—	—	—
Model:															
Home	<u>34-1951</u> et seq.	P	P	P	P	—	—	—	—	—	—	—	—	SE	—
Unit	<u>34-1951</u> et seq.	P	P	P	P	—	—	—	—	—	—	—	—	SE	—
Display center	<u>34-1951</u> et seq.	—	P	P	P	—	—	—	P	P	—	—	—	SE	—
Multislip docking facility		—	P	P	P	—	—	—	—	—	—	—	—	P	—
Nightclubs	<u>34-1201</u> et seq. <u>34-1261</u> et seq.	—	AA/SE	AA/SE	AA/SE	—	—	—	AA/SE	AA/SE	—	—	AA/SE(6)	AA/SE	A
Nonstore retailers (34-622(c)(30)), all groups		P	P	P	P	—	—	—	P	—	—	—	—	—	—
Package store	<u>34-1261</u> et seq.	P	P	P	P	P	P	P	P	P	—	—	—	P	F
Paint, glass and wallpaper		P	P	P	P	—	—	P	P	P	—	—	—	—	—
Parks (34-622(c)(32))															
Group 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	F
Commercial		—	SE	SE	SE	—	—	—	SE	SE	—	—	—	—	—
Garage, public parking		—	SE	SE	P	—	—	—	SE	SE	—	—	—	—	—
Park-and-ride	<u>34-1388</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	F

Temporary	Note (14), <u>34-3049</u>	P	P	P	P	P	P	P	—	P	P	P	P	P	P	F
Personal services (34-622(c)(33)):																
Group I		P	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	P	—	—	—	—	—	-
Pet shop		P	P	P	P	—	P	P	P	P	—	—	—	—	—	-
Pharmacy		P	P	P	P	P	P	P	P	P	—	—	—	—	—	F
Place of worship	Note (25), <u>34-2051</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	F
Plant nursery	34-2081	P	P	P	P	—	—	—	—	P	—	—	—	—	—	F
Post office		P	P	P	P	—	—	—	—	P	P	SE	—	—	—	-
Printing and publishing (34-622(c)(36))		—	—	P	—	—	—	—	—	EO	—	—	—	—	—	-
Processing and warehousing		—	—	P	—	—	—	—	—	—	—	—	—	—	—	-
Produce stand	<u>34-1713</u>	—	—	—	—	—	—	—	—	—	—	—	—	—	—	F
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	—	—	—	—	—	—	—	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	-
	Recycling facility		—	—	SE	—	—	—	—	—	SE	—	—	—	—	-
	Religious facilities	Note (25), <u>34-2051</u> et seq.	—	—	P	—	—	P	P	P	P	P	SE	—	SE	-
	Rental or leasing establishments (34-622(c)(39)):															
	Group I	<u>34-1352</u> , <u>34-3001</u> et seq.	P	P	P	P	—	P	P	P	P	—	—	P	P	-
	Group II	<u>34-1352</u> , <u>34-3001</u> et seq.	P	P	P	P	—	P	P	P	P	—	—	P	P	F
	Group III	<u>34-1352</u> , <u>34-3001</u> et seq.	—	P	P	P	—	—	—	P	P	—	—	P	P(17)	-
	Group IV	<u>34-1352</u> , <u>34-3001</u> et seq.	—	—	—	—	—	—	—	—	—	—	—	—	—	-
	Repair shops (34-622(c)(40)):															
	Group I		P	P	P	P	P	P	P	P	P	—	—	—	P	F
	Group II		P	P	P	P	—	—	P	P	P	—	—	—	—	F
	Group III		—	—	P	P	—	—	—	—	P	—	—	—	—	-
	Group IV		—	—	P	—	—	—	—	—	P	—	—	—	—	F
	Group V		—	—	—	—	—	—	—	—	—	—	—	—	—	-
	Research and development laboratories (34-622(c)(41)):															
	Group II		P	P	P	—	—	—	—	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	34-1353	—	P	P	P	—	—	—	P	P	—	—	P	P	S
Restaurants (34-622(c)(43)):															
Group I		P	P	P	P	—	P	P	P	P	—	SE (5)	P	P	F
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	F
Group IV		—	P	P	P	—	—	—	P	P	—	SE (5)	P	P	—
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	S
Signs in accordance with chapter 30		P	P	P	P	P	P	P	P	P	P	P	P	P	F
Social services, group I	34-622(c)(46)	P	P	P	P	—	—	—	P	P	P	—	—	—	—
Specialty retail shop (34-622(c)(47)):															
Group I		P	P	P	P	P	P	P	P	P	SE	SE (5)	P	P	F
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.	—	—	—	—	—	—	—	—	—	—	—	—	—	S

Storage:																
Indoor only	<u>34-3001</u> et seq.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	F
Storage, open	<u>34-3001</u> et seq., <u>34-1352</u>	—	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	<u>34-3041</u> et seq.	TP	TP	TP	TP	—	TP	TP	TP	TP	TP	—	TP	TP	T	
Theater:																
Indoor	<u>34-2471</u> et seq.	—	EO	EO	—	—	—	—	P	P	—	—	—	P	—	
Drive-in	Note (25), CPD or MPD only <u>34-2471</u> et seq.	—	—	EO	—	—	—	—	—	—	—	—	—	—	—	
Timeshare units	Note (25)	EO	SE	SE	SE	—	—	—	—	—	—	—	—	P	—	
Transportation services (34-622(c)(53)):																
Group I		—	—	P	P	—	—	—	—	—	—	—	—	—	—	
Group II		—	—	P	P	—	—	—	P	P	—	—	—	—	—	
Group III		—	—	P	P	—	—	—	—	P	—	—	P	—	—	
Group IV		—	—	P	P	—	—	—	—	—	—	—	—	—	—	
Truck stop		—	—	—	—	—	—	—	—	P	—	—	P	—	—	

Trucking terminal, motor, rail, air, including warehousing of goods awaiting shipment, parking, and storage of rolling stock		—	—	—	—	—	—	—	—	—	—	—	—	—	—
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	<u>34-1352</u>	—	P	P	P	—	—	—	—	P	—	—	—	—	—
Group II	<u>34-1352</u>	—	P	P	P	—	—	—	P	P	—	—	—	—	—
Group III	<u>34-1352</u>	—	P	P	P	—	—	—	—	P	—	—	—	—	—
Group IV	<u>34-1352</u>	—	P	P	P	—	—	—	—	P	—	—	—	—	—
Group V	<u>34-1352</u>	—	—	—	—	—	—	—	—	P	—	—	—	—	—
Warehouse:															
Mini-warehouse		—	—	P	—	—	SE	—	SE	SE	—	—	—	—	—
Private		—	—	P	—	—	—	—	—	—	—	—	—	—	—

Public		—	—	P	—	—	—	—	—	—	—	—	—	—	—	—
Wholesale establishment (34-622(c)(56)):																
Group I		—	P(15)	P	P	—	—	—	P(15)	P(15)	P(15)	P(15)	—	P(15)	F	
Group III		—	P(15)	P	P	—	—	—	P(15)	P(15)	P(15)	P(15)	—	P(15)	F	
Group IV		—	P(15)	P(15)	P(15)	—	—	—	P(15)	P(15)	—	—	—	—	—	

Notes:

- (1) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (2) No outdoor display of merchandise permitted.
- (3) Permitted only if completely enclosed within a building.
- (4) No installation service permitted.
- (5) Limited to 500 square feet when in conjunction with one dwelling unit on the same premises.
- (6) Use only permitted when clearly incidental to a hotel or motel.
- (7) The following uses may be permissible seaward of the water body setback line only by special exception: boat rentals (inflatables, sailboats, jet skis, windsurfers and the like), foodstands, rental of cabanas and beach furniture, outdoor amusements including boat balloonist, and seaplane rides, water ski tows, parasail tows and similar activities, fishing and sightseeing piers and towers.
- (8) Bail bonding, blood banks, blood donor stations and caterers permitted only by special exception.
- (9) Not permitted in Coastal High Hazard areas unless in compliance with [section 2-485\(b\)\(5\)a](#).
- (10) The total square footage of the residential uses shall not exceed the total square footage of all existing and proposed commercial uses on the subject property, and the total number of residential units shall not exceed the number of units permitted by the Lee Plan, whichever is less.
- (11) Not permitted within 500 feet of the nearest residence.
- (12) Excluding supermarkets.
- (13) New facilities of 50 or more beds, or the expansion of an existing facility that will bring the number of beds to 50 or more, requires a special exception.
- (14) Use not permitted on Captiva Island or within the Gasparilla Island conservation district.
- (15) Limited to those commodities and products which are permitted to be sold at retail, provided that parking meets the requirements for retail sales.
- (16) ATM's that are to be available to the public 24 hours a day, must be approved by Special Exception and located so that their uses will not cause a disturbance to adjacent property owners. ATM's located within a building housing a permitted use and available to the public only during normal working hours do not require a Special Exception.
- (17) Limited to rental of passenger cars, vans, and pick-up trucks less than three-quarter ton capacity. Maintenance activities limited to washing, waxing, vacuuming and minor repairs but excluding activities classified as Automotive Repair and Service-Groups I and II. See [section 34-622\(c\)\(2\)](#).
- (18) Two pumps are permissible as an accessory use to businesses (other than a convenience food and beverage store which is listed separately) to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.
- (19) Limited to eight pumps unless a greater number is approved as part of a special exception or as specifically approved in the master concept plan. An existing business with more than eight lawfully permitted pumps as of January 31, 1998 will not be considered non-conforming. Existing pumps may be modernized, replaced, or relocated on the same premises but additional new pumps will not be permitted.
- (20) Facilities proposed for ten or more acres or the expansion of an existing facility that will bring the number of acres to ten or more acres must request and be approved as a special exception.
- (21) Regular business hours limited to 7:00 a.m. to 9:00 p.m. unless extended hours are approved by Special Exception for a specific use.

- (22) Use may only be approved when clearly incidental to a permitted restaurant.
- (23) Total floor area of a single use building may not exceed 5,000 square feet. A multi-use building may not exceed 7,500 square feet. If more than one building is in a development, there must be a minimum separation between buildings of fifteen feet.
- (24) No outdoor seating.
- (25) Not permitted in Airport Noise Zone B.
- (26) Not permitted in Airport Noise Zone B. See section 34-1004 for exceptions.
- (27) Not permitted in Airport Noise Zone B unless accessory to a lawful mobile home or single-family residence. See section 34-1004.
- (28) Limited to active recreation only (ball fields and tennis courts, for example) in Airport Noise Zone B.
- (29) Not permitted in Airport Noise Zone B unless pre-empted by state law.
- (30) Not permitted in Airport Noise Zones B unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in section 34-1004 as applicable.
- (31) Sound attenuating insulation should be considered for hotels and motels in Airport Noise Zone B.
- (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.
- (33) Limited to four pumps, unless a greater number is approved as part of a special exception.
- (34) Automobile auctions, on-site or internet, are permitted only when all vehicles are stored inside. Projects with outdoor storage will be considered vehicle and equipment dealers, group I, and must comply with section 34-1352.
- (35) New multiple-family buildings are permitted on properties zoned C-1A only within the mixed use overlay.
- (36) Family day care homes are exempt pursuant to F.S. § 125.0109.

(Ord. No. 93-24, § 7(table 450.A), 9-15-93; Ord. No. 94-02, § 16, 1-10-94; Ord. No. 94-24, § 49, 8-31-94; Ord. No. 95-07, § 35, 5-17-95; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 96-17, § 5, 9-18-96; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 98-03, § 5, 1-13-98; Ord. No. 98-11, § 5, 6-23-98; Ord. No. 99-05, § 9, 6-29-99; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 01-18, § 5, 11-13-01; Ord. No. 02-20, § 5, 6-25-02; Ord. No. 03-11, § 1, 4-8-03; Ord. No. 03-16, § 6, 6-24-03; Ord. No. 04-05, § 1, 4-27-04; Ord. No. 05-14, § 6, 8-23-05; Ord. No. 06-10, § 1, 6-12-06; Ord. No. 07-24, § 7, 8-14-07; Ord. No. 09-23, § 10, 6-23-09; Ord. No. 11-08, § 10, 8-9-11; Ord. No. 13-10, § 10, 5-28-13; Ord. No. 14-13, § 7, 6-17-14; Ord. No. 16-19, § 10, 11-15-16; Ord. No. 17-11, § 1, 9-5-17; Ord. No. 19-03, § 7, 4-2-19; Ord. No. 21-08, § 9, 6-1-21)

Note— See the editor's note to § 34-842.

Sec. 34-845. - Property development regulations table.

No structure may hereafter be erected, constructed, moved, altered or maintained in any conventional commercial district in a manner inconsistent with the property development regulations for conventional commercial districts, except as provided in article VIII (nonconformities) of this chapter, or in section 34-620.

Properties located within the mixed use overlay as delineated on Map 1, page 6 of the Lee Plan and described in Objective 11.2 may apply the alternative property development regulations under the "MUO" category.

Property development regulations for conventional commercial districts are as follows:

TABLE 34-845. PROPERTY DEVELOPMENT REGULATIONS FOR COMMERCIAL DISTRICTS

	Special Notes or Regulations	C-1A	C-1	C-2, C-2A	CN-1	CN-2	CN-3	CC, CG	CS-1	CS-2	CH	CT	CR	CI
Maximum density	Note (1)				(2)	(2)	(2)		(2)	(2)				
Minimum lot area and dimensions:	<u>34-1611</u> et seq., <u>34-2221</u> , <u>34-2222</u>													

Minimum lot size:															
Residential uses (square feet):															
First two units in same building			7,500	7,500	7,500	—	—	7,500	—	—	5,000	—	7,500	—	—
Each additional unit in same building			—	3,000	2,000	—	—	2,000	—	—	—	—	2,000	—	—
Nonresidential uses (square feet):															
Corner lot			7,500	7,500	10,000	10,000	10,000	10,000	20,000	20,000	5,000	10,000	20,000	39,500	2 acres
Interior lot			7,500	7,500	10,000	10,000	10,000	7,500	20,000	20,000	5,000	10,000	20,000	33,600	2 acres
Lot width (feet)			75	75	75	75	100	75	100	100	50	100	100	100	150
Lot depth (feet)			100	100	100	100	100	100	100	100	100	100	100	100	150
Minimum setbacks:		34-1174 et seq. & 34-2191 et seq.												(10)	
Street (feet)		Notes (3) and (4)	Variable according to the functional classification of the street or road (see section 34-2192).												
Side yard (feet)		Notes (3) and (5)	15	15	15	15	15	10	15	20	10	15	20	15	15(10)
Rear yard (feet)			25	25	25	20	20	20	25	20	20	20	25	20	25(10)
Water body (feet):		34-2191 et seq.													
Gulf of Mexico			In accordance with chapter 6 , article III, or 50 feet from mean high water, whichever is the most restrictive.												
Other			25	25	25	25	25	25	25	25	25	25	25	25	25

Special regulations:		Refer to the sections specified for exceptions or additions to the minimum setback requirements listed in this table.												
Animals, reptiles, marine life	34-1291 et seq.													
Consumption on premises	34-1261 et seq.													
Dairy products (sic 202)	34-2443													
Docks, seawalls, etc.	34-1863													
Essential services	34-1611 et seq.													
Essential service facilities (34-622(c)(13))	34-1611 et seq.													
Fences, walls, gatehouses, etc.	34-1741 et seq.													
Fertilizer mixing	34-2443													
Hotel/motel	34-1801 et seq.													
Nonroofed accessory structures	34-2194(c)													
Railroad right-of-way	34-2195													
Outdoor storage or display of merchandise	34-3001 et seq. Note (8)													
Maximum height (feet)	34-2171 et seq.	35	35	35	35	35	35	35	35	35	35	35	35	35
		Note: Bonita Beach, Captiva, San Carlos Islands, Gasparilla Island conservation district, Greater Pine Island and within the airport hazard zone have special height limitations (see section 34-2175).												

Maximum lot coverage (percent of total lot area)		40%	40%	40%	40%	40%	40%	40%	40%	40%	50%	40%	40%	40%	40%
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Notes:

- (1) Residential development shall not exceed that density permitted by the Lee Plan for the land use category in which the property is located.
- (2) The minimum lot area required for nonresidential uses shall be applicable to combined commercial and residential living units approved by special exception in the same manner as if the residential use did not exist.
- (3) Modifications to required setbacks for arterial or collector streets are permitted only by variance. Modifications for solar or wind energy purposes, are permitted only by special exception. See section 34-2191 et seq.
- (4) Special street setbacks apply to portions of Colonial Boulevard and Daniels Road. See section 34-2192(b).
- (5) No side yard setback is required from common lot line for two-family attached or townhouse.
- (6) Parking areas shall be ten feet from any residential land use and five feet from any other. Any structure in the CP district shall be set back a minimum of 15 feet from any side lot line and 25 feet from any rear lot line.
- (7) Where a parking lot permitted under CP zoning is adjacent to a residential land use, an opaque fence shall be erected and maintained to protect the latter from noise, glare and intrusion.
- (8) No outdoor display or storage of merchandise is permitted in the CN-1, CN-2, or CN-3 district.
- (9) Lot coverage applies to structures only.
- (10) Truck terminals shall be required to comply with the setback requirements as set forth in table 34-904.

(Ord. No. 93-24, § 7(table 450.B), 9-15-93; Ord. No. 94-24, § 50, 8-31-94; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 96-17, § 5, 9-18-96; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 98-03, § 5, 1-13-98; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 13-10, § 10, 5-28-13; Ord. No. 17-11, § 1, 9-5-17; Ord. No. 19-03, § 7, 4-2-19)

Note— See the editor's note to § 34-842.

Secs. 34-846—34-870. - Reserved.