

## **ORDINANCE NO. 13-05**

AN ORDINANCE AMENDING LEE COUNTY LAND DEVELOPMENT CODE, CHAPTERS 32 AND 33; SPECIFICALLY PROVIDING CENTRALIZED REGULATIONS FOR THE IMPLEMENTATION OF THE NORTH FORT MYERS TOWN CENTER AND TWO ACTIVITY CENTERS (DOWNTOWN AND NEIGHBORHOOD) IN LEHIGH ACRES AS COMPACT COMMUNITY DEVELOPMENTS AND ADOPTING REGULATING PLANS FOR THE IMPLEMENTATION OF THE NORTH FORT MYERS TOWN CENTER. IN ADDITION, THE AMENDMENTS WILL CREATE A VOLUNTARY ADMINISTRATIVE PROCESS UNDER CHAPTER 32 TO APPROVE COMPACT COMMUNITY DEVELOPMENTS UTILIZING ADOPTED REGULATING PLANS IN THE FORT MYERS TOWN CENTER AND THE TWO ACTIVITY CENTERS (DOWNTOWN AND NEIGHBORHOOD) IN LEHIGH ACRES.

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

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

WHEREAS, the Board of County Commissioners created the Lehigh Acres Community Overlay, codified under Goal 32 of the Lee Plan; and,

WHEREAS, Goal 32, Objective 32.2, Policy 32.2.2, Objective 32.3, Objective 33.4, Objective 33.5 and Objective 33.6 of the Lee Plan created Specialized Mixed Use Nodes, Neighborhood Mixed Use Activity Centers, Downtown Lehigh Acres, and Local Mixed Use Activity Centers within the Lehigh Acres Planning Community; and,

WHEREAS, the Board of County Commissioners created the North Fort Myers Community Overlay, codified under Goal 28 of the Lee Plan; and,

WHEREAS, Policy 28.5 of the Lee Plan created the North Fort Myers Town Center within the North Fort Myers Planning Community; and,

WHEREAS, the Lee Plan includes policies that should be implemented through amendments to the Lee County LDC; and,

WHEREAS, the Lee Plan mandates 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, the Board of County Commissioners, through creation of LDC Chapter 32 provided development regulations that will create compact, walkable neighborhoods and mixed-mixed use centers; and,

WHEREAS the Board of County Commissioners, through creation of LDC Chapter 33, centralized LDC provisions applicable to planning communities within the County; and,

WHEREAS, the amendment of LDC Chapter 32 and 33 will provide specific, centralized regulations for the implementation of two activity centers (Downtown and Neighborhood) in Lehigh Acres as compact community developments; and,

WHEREAS, the amendment of LDC Chapter 32 and 33 will provide specific, centralized regulations and adopted regulating plans for the implementation of the North Fort Myers Town Center as a compact community development; and,

WHEREAS, the regulations create an administrative process under Chapter 32 of the LDC to approve compact community developments utilizing adopted regulating plans; and,

WHEREAS, the use of the adopted regulating plans is voluntary and property owners within the boundaries of these areas may utilize the underlying zoning for current and future development or may request a rezoning in accordance with current zoning regulations; and,

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

## **SECTION ONE: AMENDMENT TO LDC CHAPTER 32- COMPACT COMMUNITIES**

Lee County LDC Chapter 32 is amended as follows with strike through identifying deleted text and underline identifying new text.

**CHAPTER 32 COMPACT COMMUNITIES**  
**ARTICLE II. FORM-BASED CODE COMPONENTS AND GENERAL REQUIREMENTS**  
**Division 2. Street Types and Parking**

**Sec. 32-222. Design of street network.**

*Subsections (1) through (2) remain unchanged.*

~~(3) Streets, alleys and lanes must be publicly dedicated. All streets proposed for acceptance for County maintenance must comply with Section 10-292 and must meet Chapter 10 construction standards for wearing surface, base and subgrade. Entrance gates, private streets, and closed or gated streets are prohibited in compact communities.~~

3) Streets, alleys, and lanes must be dedicated or conveyed for public use on a plat or within a right-of-way easement. Nothing herein may be construed as creating an obligation upon any governing body to perform any act of construction or maintenance within such dedicated areas except when the obligation is voluntarily assumed by the County in accordance with Lee County regulations. Entrance gates that restrict public access and closed or gated streets are prohibited.

*Subsections (4) through (5) remain unchanged.*

**Sec. 32-225 Design of blocks.**

The street pattern breaks compact communities into blocks. Alleys and lanes are contained within most blocks to provide access to service areas and to route utilities lines. Except as otherwise provided, block perimeters may not exceed 1,600 linear feet as measured along the inner edges of each surrounding street right-of-way. Blocks may be broken by a Civic Space Lot provided that lot is at least 50 feet wide and will provide perpetual pedestrian access between the blocks and to lots that front the Civic Space Lot. Smaller blocks are encouraged to promote walkability.

- (1) Block perimeters may exceed 1,600 linear feet, up to a maximum of 2,000 linear feet, if one or more of the following conditions apply:
  1. The block is assigned to the Core transect zone;  
The long side of a rectangular block faces an arterial street, or is located adjacent to the Caloosahatchee River or any other natural water body; or
  3. The block contains valuable wetlands or other indigenous native vegetation that should not be crossed by a street.

*Subsection (2) remains unchanged.*

**Sec. 32-228 Parking structures.**

*Subsections (1) through (4) remain unchanged.*

(5) Parking structures. Parking structures are permitted only on Pedestal Building, Lined Building, Mixed-Use Building, Apartment Building, and Courtyard Building Lots.

a. The liner building requirements in division 3 apply to all parking structures and to any story of a principal structure used to park vehicles.

b. Parking structures may contain up to five levels of parking above grade. Parking structures may contain other uses above and below the parking levels, provided the entire building does not exceed the height allowed by Table 32-243.

**Sec. 32-243. Property development regulations.**

*Subsections (a) through (o) remain unchanged. Amendments to Table 32-243 only.*

TABLE 32-243  
PROPERTY DEVELOPMENT REGULATIONS FOR EACH LOT TYPE

Lot Type	LOT CHARACTERISTICS				SETBACKS					HEIGHT (min/max in stories; max in feet)					Accessory Apt. <sub>5</sub> [max building footprint in sf]		
	Lot Area (sq. ft)	Lot Width (ft.)	Frontage Percentage	Lot Coverage by all bldgs. (max)	Street (min/max)				Side Yard (min)	Rear Yard <sup>1,2</sup> [min]	Water Body <sup>3</sup> [min]	Core	Center <sup>2</sup>	General		<u>Civic</u>	Edge
					Core	Center	General	Edge									
Pedestal Building Lot <sup>6</sup>	no min no max	no min max 500	min 90% max 100%	100%	min 0 max 10	min 0 max 10	not permitted	not permitted	0	0	25	2 / 8 85	2 / 5 85	not permitted	<u>not permitted</u>	not permitted	not permitted
Liner Building Lot <sup>6</sup>	no min no max	no min max 500	min 90% max 100%	100%	min 0 max 10	min 0 max 10	not permitted	not permitted	0	0	25	2 / 6 65	2 / 4 65	not permitted	<u>not permitted</u>	not permitted	not permitted
Mixed-Use Building Lot	no min no max	no min max 300	min 90% max 100%	100%	min 0 max 10	min 0 max 10	min 0 max 10	not permitted	0	3	25	2 / 5 65	2 / 4 65	2 / 3 45	<u>not permitted</u>	not permitted	not permitted
Apartment Building Lot	min 10,000 no max	min 100 max 200	min 80% max 100%	100%	min 0 max 10	min 0 max 10	min 5 max 10	not permitted	0	10	25	2 / 4 55	2 / 4 55	2 / 3 45	<u>not permitted</u>	not permitted	not permitted
Courtyard Building Lot <sup>7</sup>	min 20,000 no max	min 150 max 300	min 50% max 90%	70%	min 0 max 10	min 0 max 10	min 5 max 10	not permitted	5	10	25	2 / 3½ 55	2 / 3½ 55	2 / 2½ 45	<u>not permitted</u>	not permitted	not permitted
Live-Work Building Lot	min 1,800 max 7,200	min 16 max 60	min 60% max 100%	80%	not permitted	min 0 max <u>6</u> 12	min 5 max 40 12	not permitted	0	20	25	2½ 45 not permitted	2 / 3 45	2 / 2½ 45	<u>not permitted</u>	not permitted	625
Rowhouse Lot	min 1,800 max 3,840	min 16 max 32	min 90% max 100%	80%	not permitted	min 0 max <u>6</u> 12	min 5 max 40 12	not permitted	0	20	25	2½ 45 not permitted	2 / 3 45	2 / 2½ 45	<u>not permitted</u>	not permitted	625
Apartment House Lot	min 4,800 max 18,000	min 48 max 120	min 70% max 90%	80%	not permitted	not permitted	min 10 max 25	not permitted	5	15	25	not permitted	not permitted	1 / 3 45	<u>not permitted</u>	not permitted	not permitted
Duplex Lot	min 5,000 max 10,800	min 35 max 90	min 60% max 90%	80%	not permitted	not permitted	min 10 max 20	15 no max	5	15	25	not permitted	not permitted	1 / 3 45	<u>not permitted</u>	1 1/2½ 45	not permitted
Cottage House Lot	min 2,400 max 4,800	min 24 max 40	min 70% max 90%	60%	not permitted	not permitted	min 5 max 20	10 no max	3	15	25	not permitted	not permitted	1 / 2 35	<u>not permitted</u>	1 / 2 35	not permitted
Sideyard House Lot	min 3,000 max 7,200	min 30 max 60	min 60% max 90%	50%	not permitted	not permitted	min 5 max 10	min 10 max 15	min 0 max 10 <sup>8</sup>	15	25	not permitted	not permitted	1 / 3 45	<u>not permitted</u>	1 1/2½ 45	800
House Lot	min 4,000 max 8,400	min 40 max 70	min 60% max 80%	50%	not permitted	not permitted	min 10 max 20	15 no max	5	15	25	not permitted	not permitted	1 / 3 45	<u>not permitted</u>	1 1/2½ 45	800
Civic Building Lot	no min no max	no min no max	no min no max	no min no max	no min no max	no min no max	no min no max	no min no max	0	0	15	1 / 4 \$5 65	1 / 4 \$5 65	1 / 4 55	<u>1 / 4 65</u>	1 / 4 55	1,250
Civic Space Lot	no min no max	no min no max	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	<u>n/a</u>	n/a	not permitted
Stormwater Lot	no min no max	no min no max	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	<u>n/a</u>	n/a	not permitted

(1) Minimum rear yards apply to lots with alleys or lanes and to lots with neither alleys nor lanes; rear yards do not apply to through lots or to double-frontage lots.

(2) Minimum rear yards in this column apply to principal buildings and structures. When alleys or lanes are provided, garages and accessory dwelling units must be built with one wall placed three (3) feet from the property line which is adjacent to the alley or lane.
(3) Fifty (50) feet for natural waterway buffers per LDC 10-416(d)(9)
(4) Buildings must comply with both maximum heights, as measured in stories and feet. For heights measured in feet, see section 34-2171 et seq. for details and exceptions. Mezzanines that exceed the percentage of floor area for a mezzanine defined in the Florida Building Code are counted as a story for the purpose of measuring height. <del>Habitable</del> Space within a roofline that is entirely non-habitable is not counted as a story <del>with a 12:12 pitch or less counts as 1/4 story.</del>
(5) See requirements for accessory apartments in sections 4-243 and 34-1777.
(6) <u>On pedestal buildings, one or more step-backs of at least 20 14 feet must occur between the second through the fifth floor levels; above the second floor level. Said step-backs is defined as at least shall consist of at least 70% of a pedestal building's primary facade being built at least 20 14 feet further from all streets than the story below. In addition to these heights, buildings on Pedestal Building Lots and Liner Building Lots are allowed up to four (4) additional stories provided the square footage of each additional story is less than 30% 70% of the largest lower story.</u>
(7) On Courtyard Building Lots, the longer dimension of the central garden or courtyard must be at least 30 feet long if oriented east-west or 40 feet if oriented north-south. If the longer dimension is less than 35 feet; architectural projections such as porches and balconies may only extend into the courtyard from one side. <del>Elevator access is allowed only up to the courtyard level.</del> Maximum lot coverage is measured immediately above the courtyard level.
(8) One sideyard must be 10' min; the opposite side yard may be 0' if the adjacent lot is a Sideyard House Lot or if the adjacent lot provides a maintenance easement, otherwise the side yard must be 3' min.
(9) <u>Maximum height exception: For properties located in the Center Transect and having direct frontage on the Caloosahatchee River, the maximum height on any allowable building lot is 12 stories and 120 feet</u>

## **Sec. 32-274. Requirements for detailed regulating plans.**

Submittals to obtain approval of a detailed regulating plan must meet the following criteria:

*Subsections (1) through (3) remain unchanged.*

(4) The plan must show proposed lot lines and lot types for all land to be subdivided into lots. Lot types must be allowed within the transect zones where the lots are located and must be able to meet the development standards for each lot type and other requirements in division 3, in addition to the following standards:

- a. Minimum diversity of lot types within transect zones:
  1. Edge: At least two different lot types are required within the Edge transect zone, with no one type representing more than 75 percent of the lots.  
General and Center: At least four different lot types are required within each of these transect zones, with no one type representing more than 60 percent of the lots.
  3. The minimum diversity requirements of LDC Sec. 32-274(4) a. are not applicable to regulating plans for the North Fort Myers Town Center.

*Remaining provisions remain unchanged.*

## **ARTICLE VI. COMPACT COMMUNITIES THROUGH OPTIONAL REGULATING PLANS.**

### **Sec. 32-601 Purpose of article.**

~~(a) This article will provide an optional administrative process to create~~ develop compact communities on land designated as "Mixed Use Overlay" on Lee Plan Map 1, Page 6 and per LDC Sec. 32-602 "Applicable Areas" below. This optional process will eliminate the need to rezone land for compact communities and will provide clear standards for the development of compact walkable communities or fragments thereof. ~~This process may also create additional TDR receiving areas (See Article III). This article will also provide means to utilize adopted regulating plans for compact communities, make minor changes to adopted regulating plans administratively, and create new adopted regulating plans in the future in other areas within Lee County. Use of the adopted regulating plans is voluntary. Lands with adopted regulating plans may utilize underlying zoning prior to adoption of an "Opt-In" Resolution (See LDC Sec. 32-604).~~

Additional geographic areas in Lee County may be added through amendment of this Article and adoption by the Lee County Board of County Commission of Compact Community Regulating Plans.

~~(b) Before this article can be used by landowners, Lee County must create conceptual regulating plans for eligible property and add those plans to this article. This article must also be amended to describe the optional nature of this review process.~~

### **Sec. 32-602 Applicable Areas.**

The provisions of this article apply to the following geographic areas in addition to those properties identified on Lee Plan Map 1, page 6.

- (1) **Lehigh Acres** - Specialized Mixed Use Nodes, Downtown Lehigh Acres, Neighborhood Mixed Use Activity Center and Local Mixed Use Activity Centers within the Lehigh Acres Planning Community per the Lee Plan (See Objective 32.2, Policy 32.2.1, Objective 32.3, Objective 32.4, Objective 32.5, and Objective 32.6 of the Lee Plan).
- (2) **North Fort Myers** - The North Fort Myers Town Center within the North Fort Myers Planning Community Per the Lee Plan (See Policy 28.2.2 of the Lee Plan)

### **Sec. 32-603 Adopted Compact Community Plans.**

The plans identified in Figures 1 through 7 have been adopted and may be utilized in accordance with this Article. Minor changes may be approved per LDC Sec. 32-604(b). Additional plans may be adopted by amendments to this Article and adoption of Compact Community Regulating Plans by the Lee County Board of County Commissioners.

Figure 1 – North Fort Myers Town Center Conceptual Regulating Plan

Figure 2 – North Fort Myers Town Center Detailed Regulating Plan

Figure 3 – North Fort Myers Town Center Illustrative Site Plan (non-binding).

Figure 4 – Lehigh Acres Downtown Activity Center Conceptual Regulating Plan

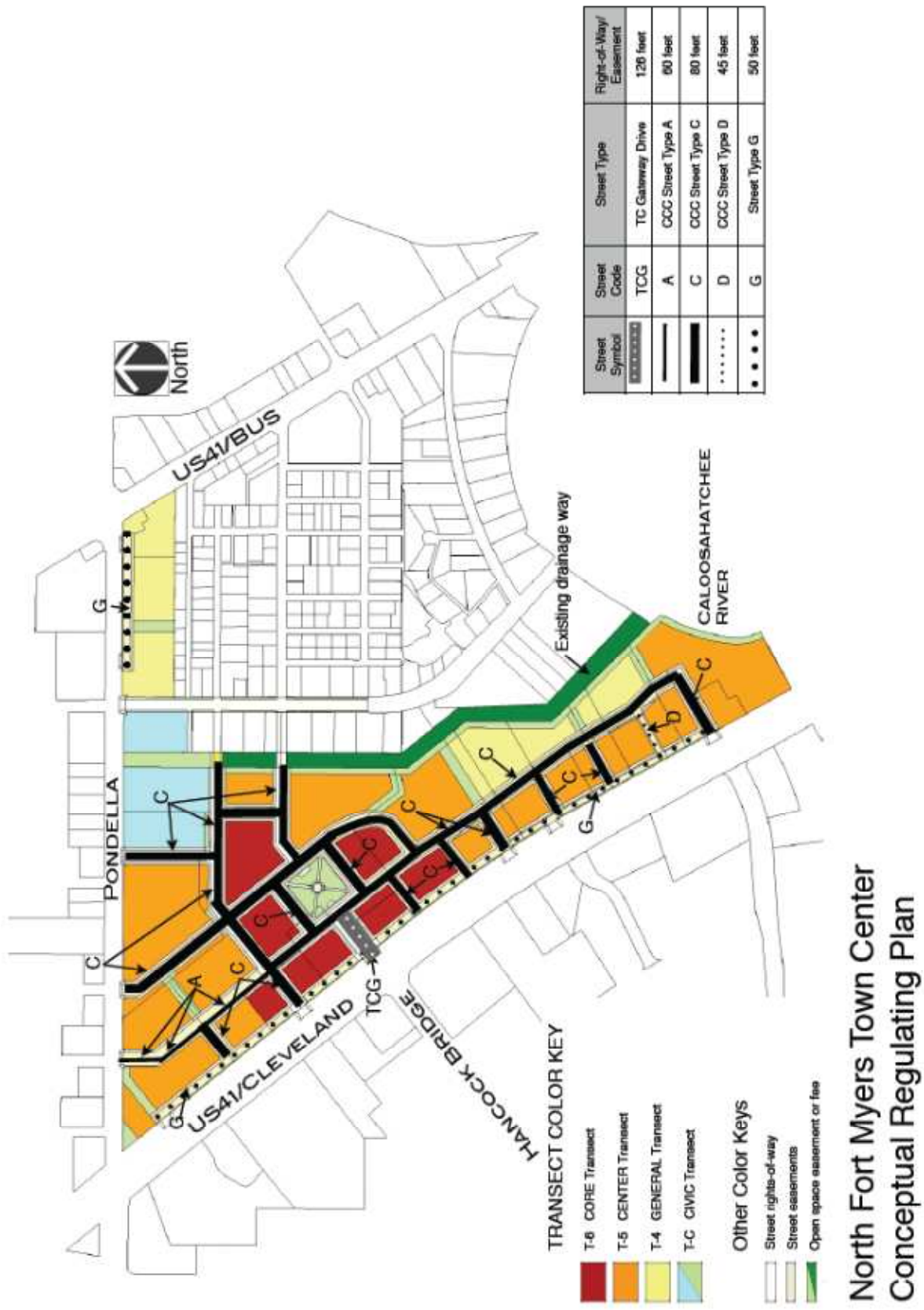
Figure 5 – Lehigh Acres Downtown Activity Center Detailed Regulating Plan

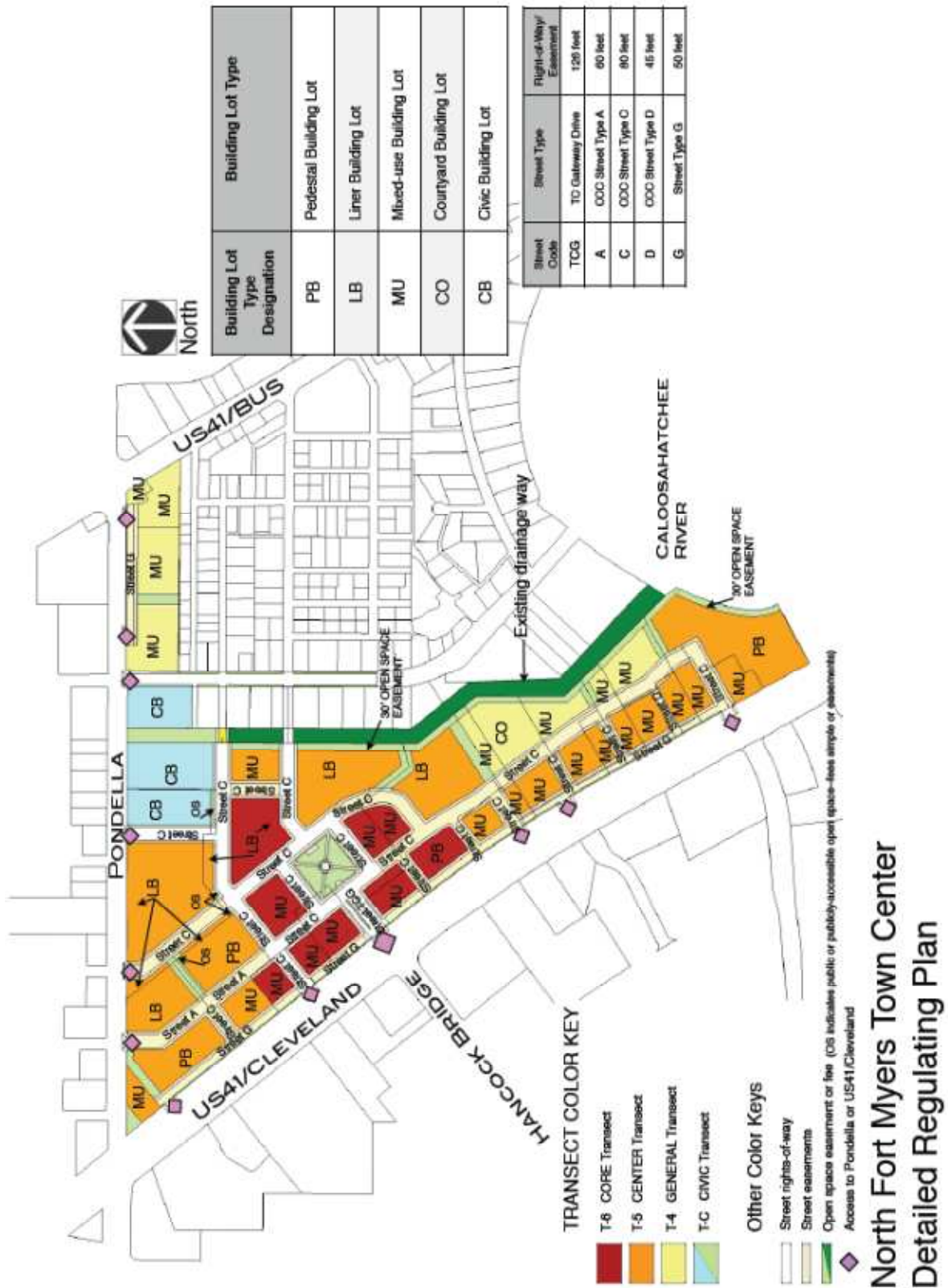
Figure 6 – Lehigh Acres Admiral Lehigh Neighborhood Activity Center Conceptual Regulating Plan.

Figure 7 – Lehigh Acres Admiral Lehigh Neighborhood Activity Center Detailed Regulating Plan.



Sec. 32-603 Figure 1





**Sec. 32-603 Figure 2**

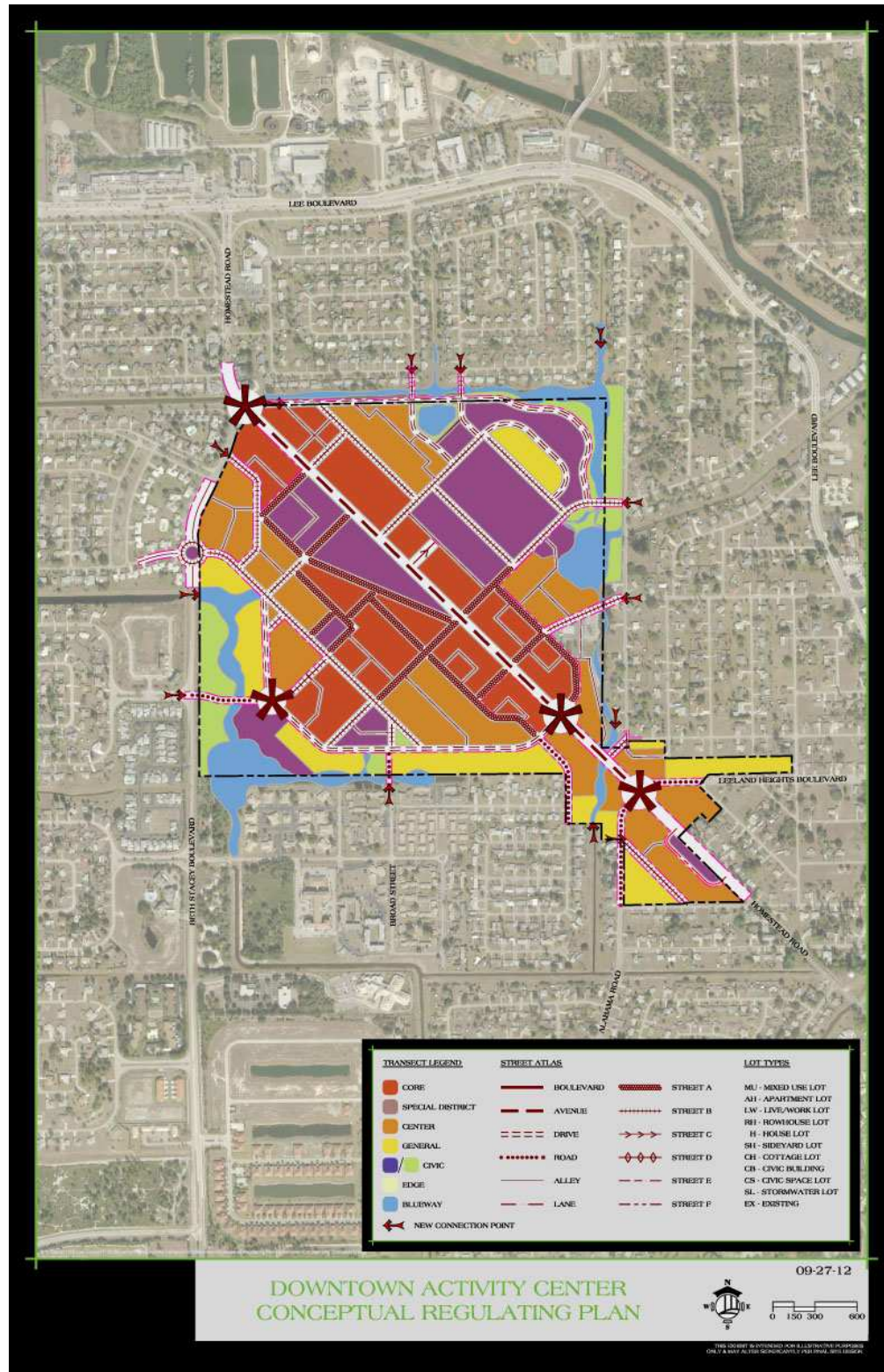




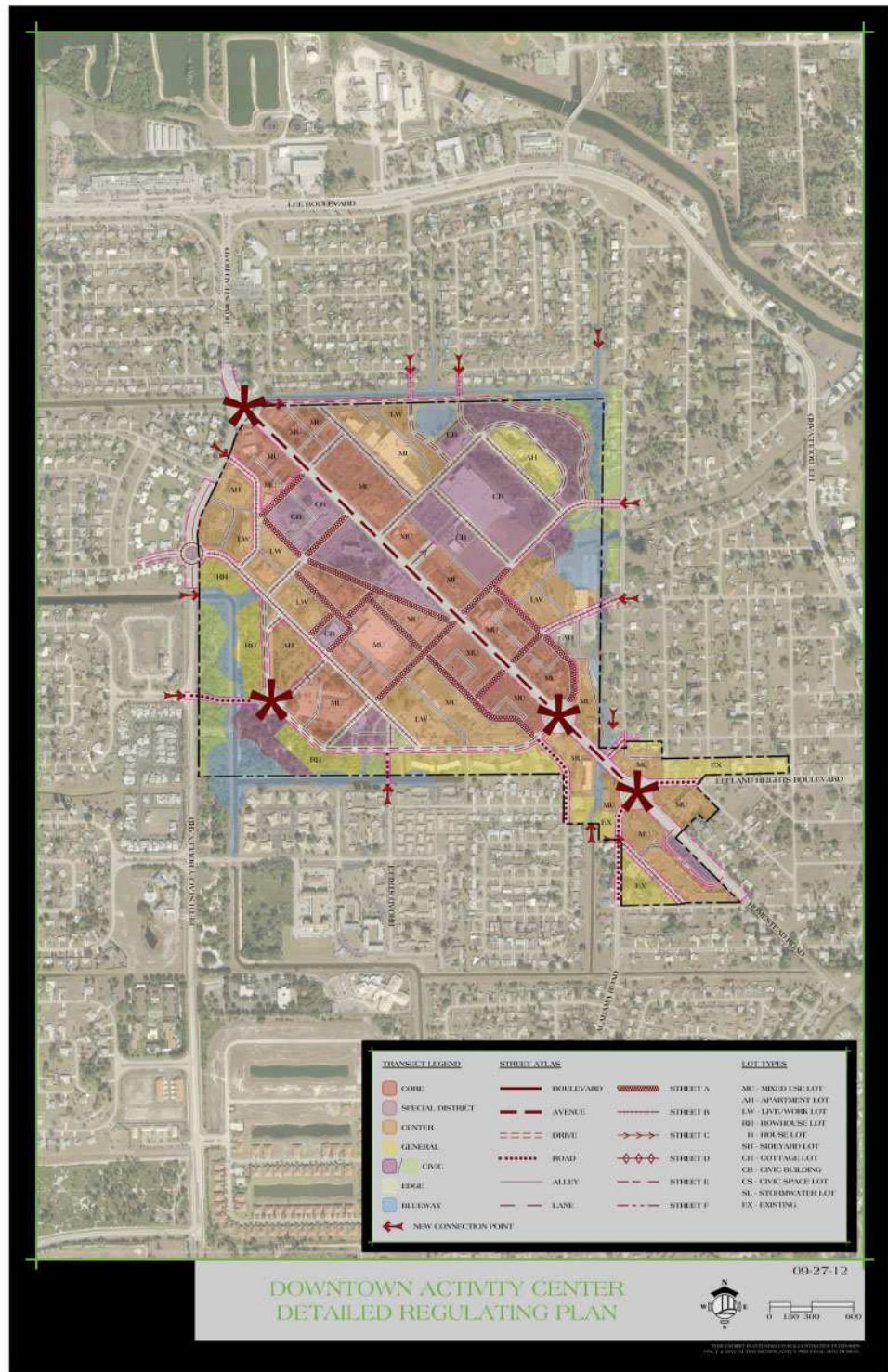
North Fort Myers Town Center  
Illustrative Site Plan

**Sec. 32-603 Figure 3**



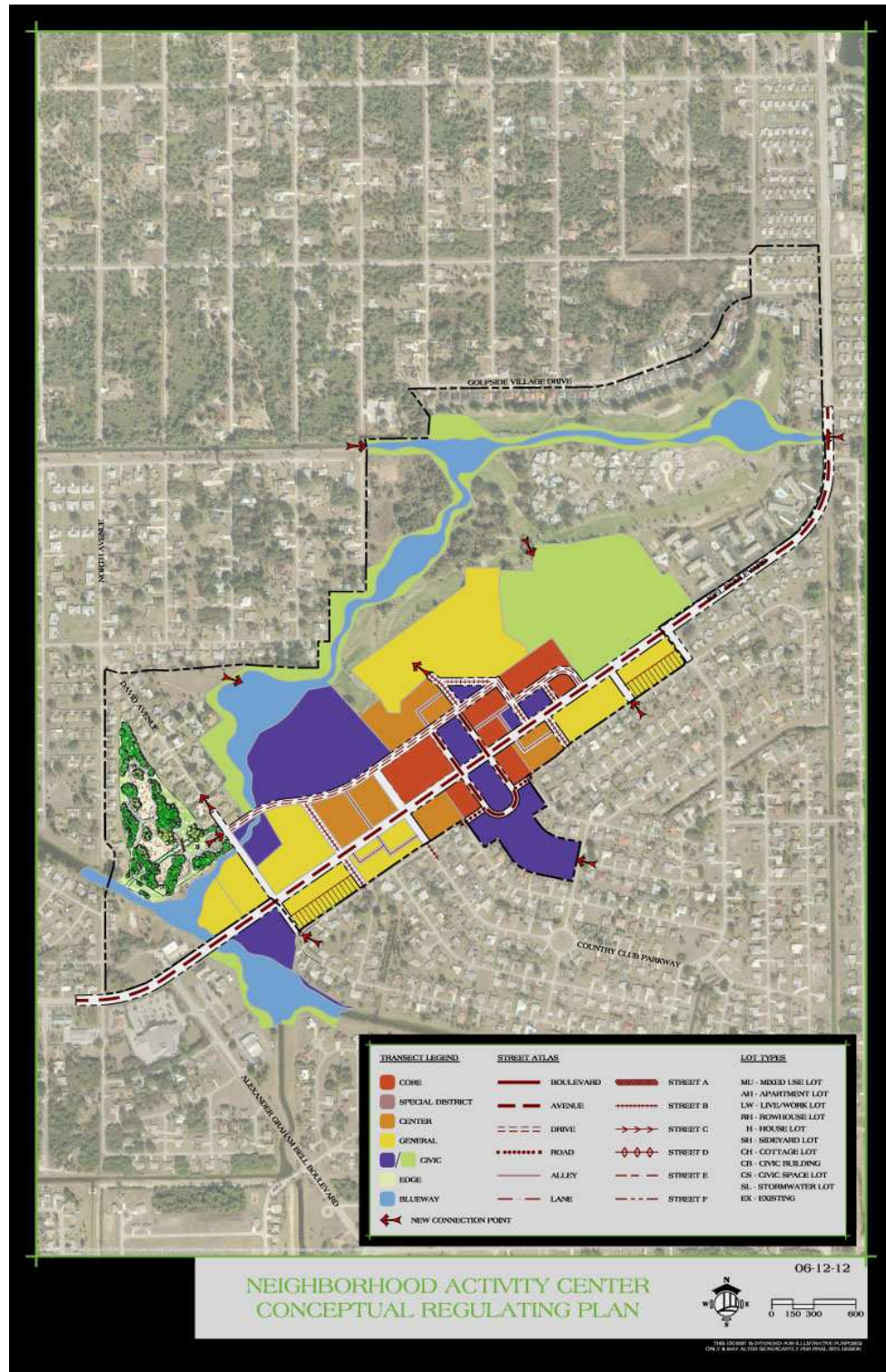


**Sec. 32-603 Figure 4**

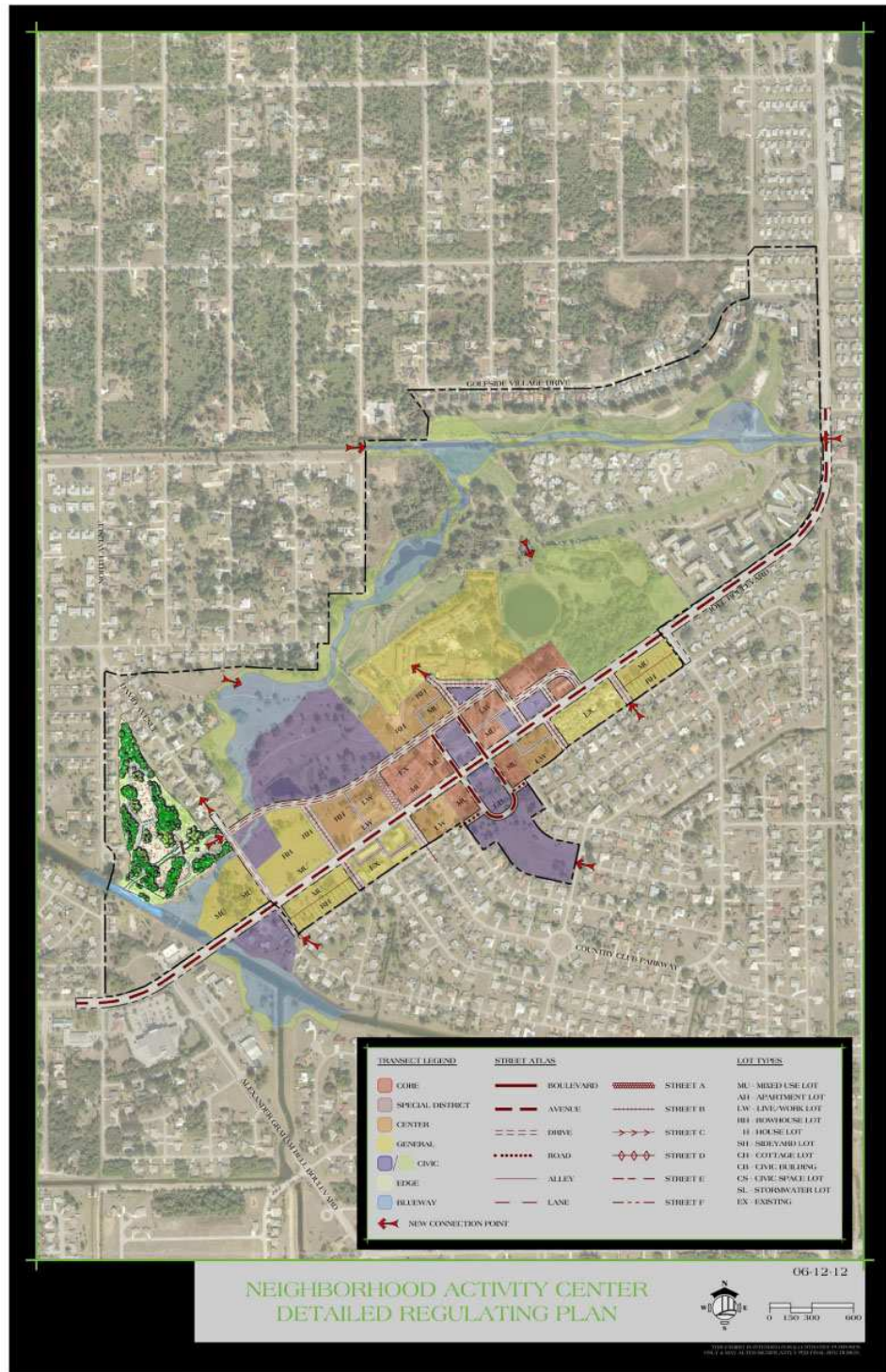


**Sec. 32-603 Figure 5**





**Sec. 33-603 Figure 6**



**Sec. 32-603 Figure 7**

## **Sec. 32-604 General approval procedures.**

**(a). Rezoning not required.** Land identified in LDC Sec. 32-603 may be developed as a Compact Community without going through the rezoning process so long as the proposed development complies with the requirements of Chapter 32 of the LDC including Articles I, II and VI.

**(1)** An application for an “Opt-in” Resolution is required to utilize the adopted regulating plans. Compliance will be confirmed by issuance of the following joint application for an “Opt-in” Resolution, development order and supporting documentation:

a. **Opt-In.** An “Opt-in” Resolution may be approved administratively consistent with this article. No public hearing will be required. An “Opt-in” Resolution application may be for a portion of or the entirety of an adopted Compact Community. The applicant must also demonstrate either substantial compliance with the adopted regulating plans per this article or utilization of “Minor Changes” to adopted regulating plans per LDC Sec. 32-604(b). below.

b. **Development Order.** A local development order using the procedures described in Chapter 10, with the modifications described in this article. The Development Services Director may authorize administrative deviations in accordance with LDC Sec. 10-104 during this process.

**(2)** A pre-application meeting to review the project with County reviewers is required.

**(3)** In addition to application requirements for a development order under Chapter 10, an application for development of an adopted Compact Community per this Article must include plans and supporting documentation that demonstrate compliance with this chapter:

a. **Regulating plans.** A conceptual and a detailed regulating plan must be submitted for the developable portion of the property. The conceptual and detailed regulating plan must be in substantial compliance with those adopted regulating plans provided in this Article.

b. **Density and Intensity.** The proposed density and intensity on the developable portion of the property must be in compliance with the applicable Future Land Use category, the Lee Plan, LDC, and any relevant or applicable transfer of development rights, and/or bonus density received.

## **(b) Minor Changes.**

**(1)** Minor changes may be approved as part of the “Opt In” Resolution application per LDC Sec. 32-604 (a).(1) a. Criteria for administrative approval for minor changes to the adopted regulating plans will be per the following:



- a. Modifications must be consistent with the Lee Plan and with the intent and the regulations of this chapter.
- b. Modifications may not significantly change transect zones; increase allowable building heights; increase overall density; exceed allowable block sizes; add an access point through the Edge transect zone; or reduce the diversity of lot types or street types per the approved regulating plan per this Article. However, modifications may substitute similar lot types or street types that are allowed in the designated transect zone and may make adjustments to comply with regulatory actions of the Florida Department of Transportation or the South Florida Water Management District.
- c. Modifications may not increase the intensity of any block in the Edge transect zone.
- d. The cumulative effect of multiple modifications to an adopted regulating plan will be evaluated using the same standards per LDC Sec. 32-604(b)(1)a.–c. that apply to individual modifications.

- (2) If proposed minor changes exceed the thresholds above or are deemed by the Zoning Director to be material changes that are not in substantial compliance with the adopted regulating plans per this Article, the proposed Minor Changes can only be approved by the Lee County Board of County Commissioners through the rezoning process.

(c) **Existing Zoning and Development Orders.** Property located within the geographical areas identified under Sec. 32-602, may continue to be developed in accordance with existing zoning and development approvals on the property or may acquire development permits and rezoning approvals in accordance with Chapters 10 and 34. Development of property in accordance with this Article through an application for an “Opt-in” Resolution is voluntary. Nothing within this Article may be construed to require a property owner to develop property as a Chapter 32 Compact Community.

**Sec. 32-605 Property Development Regulations.** Property development regulations for Compact Communities per this article will conform with the regulations established in Chapter 32, Table 32-243.

**Sec. 32-606 Permitted Uses.** Permitted uses for Compact Communities per this article will conform with the use regulations established in Chapter 32, Table 32-244.

## **ARTICLE VIII. COMPACT COMMUNITY REGULATIONS FOR PLANNING COMMUNITIES DIVISION 1 NORTH FORT MYERS**

### **Sec. 32-802. Property Development Regulations.**

*Dimensions for each lot type.* Table 32-802 provides property development regulations that apply to each designated lot type utilizing Chapter 32 “Compact Communities”. ~~These requirements~~

~~supersede contradictory requirements in this code including the property development regulations for individual zoning districts in chapter 34. Use of Chapter 32 “Compact Communities” is voluntary, not mandatory in the properties identified under LDC Sec. 32-801.~~

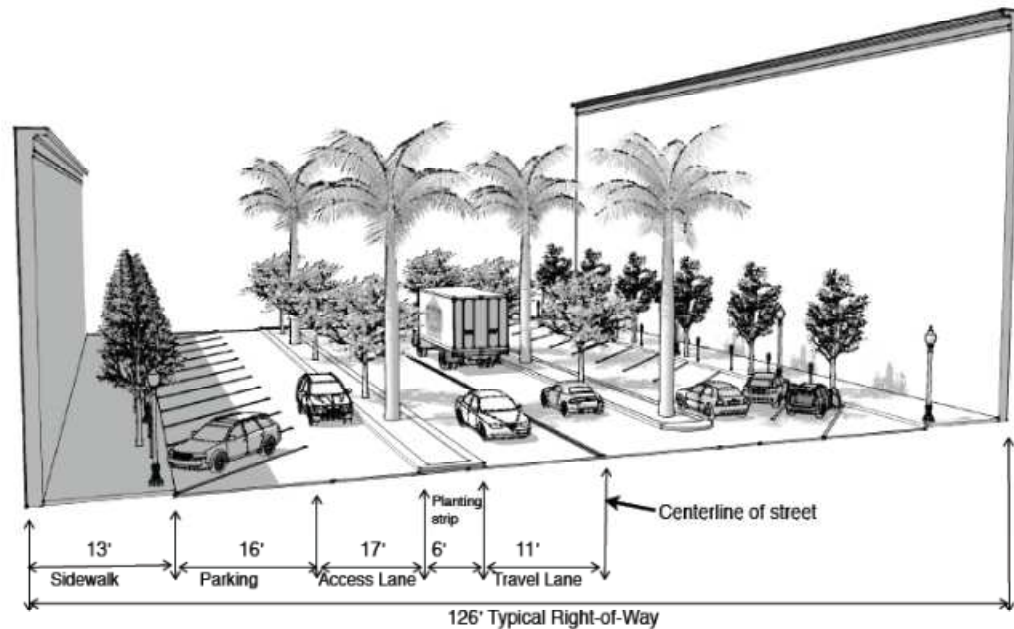
*Property Development Regulations Table (Table 32-802 remains unchanged).*

**Sec. 32-806. Street types.** In addition to the regulations contained in LDC Sec. 32-221, the following street types are permissible in the North Fort Myers Town Center.

- (a) TC Gateway Drive is permissible in the Core transect zone.
- (b) Street G is permissible as an access roadway parallel to an arterial roadway in any transect in the Town Center.

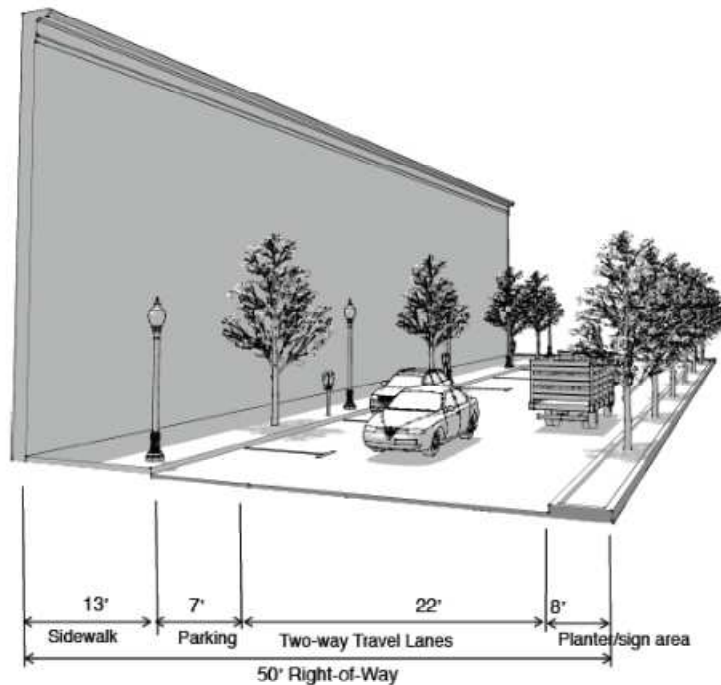
**Sec. 32-807 Street Cross-sections.** In addition to the regulations and illustrations contained in LDC Sec. 32-226, the following cross-sections apply to Streets TC and G, respectively.

**North Fort Myers Town Center Street Types - New**



**TC Gateway Drive**

Two-lane, two-way travel lanes with medians and access drives and 45-degree angle parking on both sides of street



**Street G Two-way parallel parking one side (with 50' ROW/Easement)**

**Sections 32-808-32-810 Reserved.**

**SECTION TWO: AMENDMENT TO LDC CHAPTER 33**

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

**CHAPTER 33 PLANNING COMMUNITY REGULATIONS.**

**Article VIII. North Fort Myers Planning Community**  
**Division 1. Generally**

**Sec. 33-1536. Compact Communities/Planned Developments.**

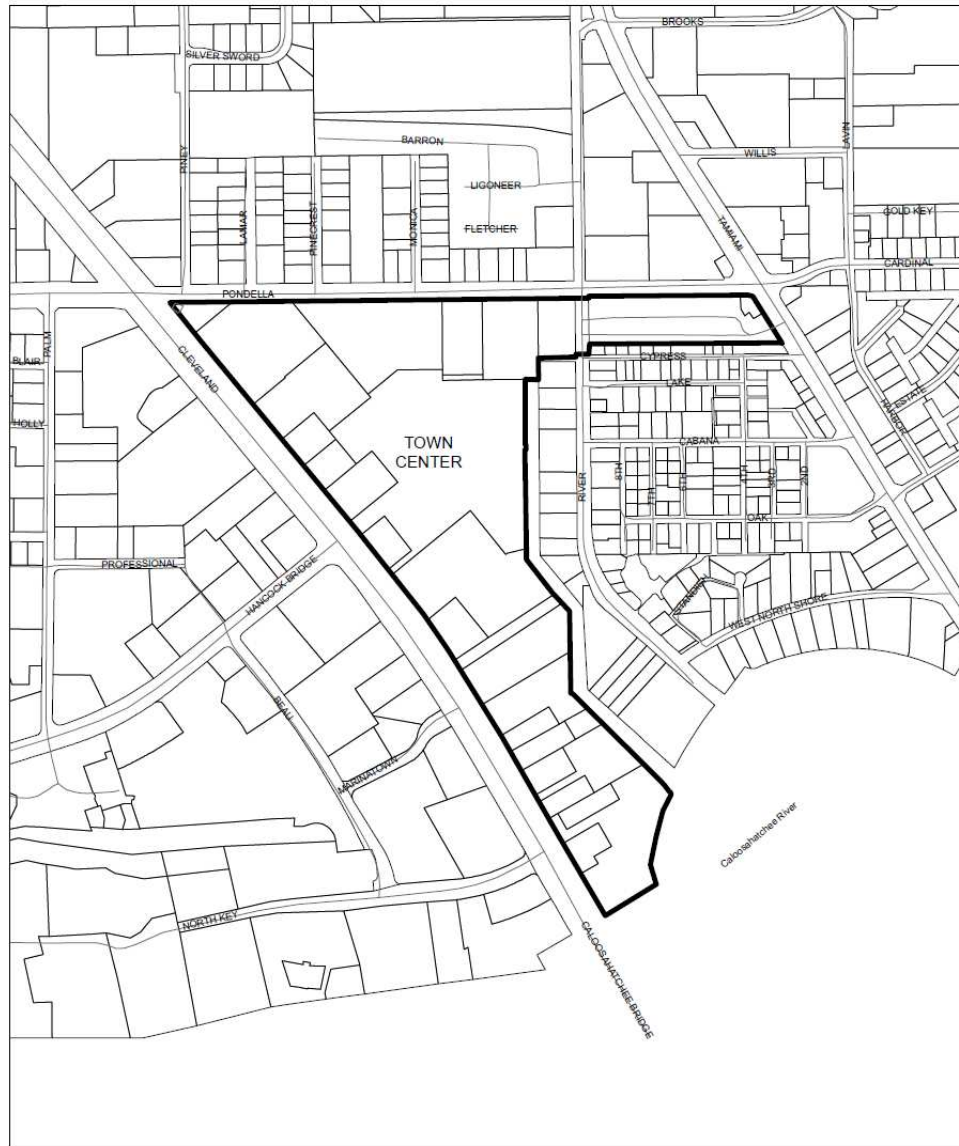
~~Rezoning zoning amendments, and planned development amendments within the centers and corridors listed in Chapter 32, Article VII, Section 32-801, are limited to Compact Communities per Chapter 32 or Planned Developments or amendments to existing Planned Developments per Chapter 34. All development activities and zoning actions, with the exception of variances and special exceptions, must utilize the process and requirements of Chapter 32. Special exceptions, deviations, and variances may be pursued utilizing the process per Chapter 10 or Chapter 34 of the LDC.~~

**DIVISION 4. TOWN CENTER LAND DEVELOPMENT PROVISIONS**

**Sec. 33-1602. Applicability**

The provisions of Division 4 apply to all properties located within the North Fort Myers Town Center as identified in Map 33-1602(a).

Map 33-1602(a)



### **Sec. 33-1603 Architectural standards**

In addition to the requirements of LDC Sec. 10-620, all commercial, public and vertical or horizontal mixed-use buildings or development within the North Fort Myers Town Center must comply with "Urban Design Guidelines" applicable to Neighborhood Centers in North Fort Myers (LDC Sec. 32-805). These standards are applicable utilizing conventional zoning, planned development zoning, and/or Compact Communities per Chapter 32.

### **Sec. 33-1604 Use Regulations**

In addition to uses permitted per LDC Table Sec. 32-244 for Compact Communities, the following uses per Table 32-1604 are permitted when utilizing Compact Communities per LDC Chapter 32 within the North Fort Myers Town Center. Live-Work units are also a permitted use in the North Fort Myers Town Center.

Development utilizing conventional zoning or planned development zoning may utilize uses per Subdivision IV "Commercial Corridor Use Regulations" LDC Sec. 33-1596.

**TABLE 32-1604**

**LIST OF ADDITIONAL ALLOWABLE COMMERCIAL TYPE USES**

<b>DESCRIPTION OF USE</b>	<b>Special Notes or Regulations</b>	<b>Permissibility Status*</b>
Boat sales		P
Building materials sales (34-622(c)(4))		P
Business services (34-622(c)(5)): Group II		SE
Cultural facilities (34-622(c)(10))		P
Insurance companies (34-622(c)(23))		P
Marina	34-1862	SE (Riverfront property only)
Marina, ancillary uses		SE (Riverfront property only)
Mass transit depot (government operated)		P
Multislip docking facility		SE (Riverfront property only)
Post Office		P
Recreation facilities: Commercial (34-622(c)(38)): Group III		P, Less than 10 acres SE, 10 or more acres
Transportation services, (34-622(c)(53)): Group I		SE (Riverfront property only)
Transportation services, (34-622(c)(53)): Group III		SE

Vehicle and equipment dealers, (34-622(c)(55)):Group I	34-1352	P
Vehicle and equipment dealers, (34-622(c)(55)):Group III	34-1352	P
Vehicle and equipment dealers, (34-622(c)(55)):Group IV	34-1352	SE
* Uses allowed by special exception may also be requested through PD zoning.		

**Sections 33-1605--33-1610. 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: 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 a development order for such project is complete or the zoning application has been found sufficient before the effective date hereof.

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

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 26<sup>th</sup> day of February, 2013.

ATTEST:  
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

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

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

Approved as to form by:

\_\_\_\_\_  
Michael D. Jacob  
County Attorney's Office