

Sec. 34-904. Property development regulations table.

Property development regulations for industrial districts are as follows:

TABLE 34-904. PROPERTY DEVELOPMENT REGULATIONS FOR INDUSTRIAL DISTRICTS

	<i>Special Notes or Regulations</i>	<i>IL</i>	<i>IG</i>	<i>IR</i>
Minimum lot area and dimensions: Located in an industrial subdivision: Minimum lot size (acres unless otherwise noted) Lot width (feet) Lot depth (feet) Freestanding, not within an industrial subdivision: Minimum lot size (acres) Lot width (feet) Lot depth (feet)	34-2221, 34-2222, 34-2142	20,000 sq. ft. 100 100	20,000 sq. ft. 100 100	2 200 200
Minimum setbacks: Street (feet) Side yard (feet) Rear yard (feet) Residential property (feet) Water body (feet): Gulf of Mexico Other (feet)	34-2191 et seq. Notes (1) and (2) Note (1) 34-2443 34-2191 et seq.	Variable according to the functional classification of the street or road (see section 34-2192). 20 20 15 15 25 20 25 feet unless a greater setback is required as set forth in section 34-2443 In accordance with chapter 6, article III, or 50 feet from mean high water, whichever is the most restrictive. 25 25 25		
Special regulations: Animals, reptiles, marine life Consumption on premises Docks, seawalls, etc. Essential services Essential service facilities (34-622(c)(13)) Fences, walls, gatehouses, etc. Nonroofed accessory structures Railroad right-of-way	34-1291 et seq. 34-1261 et seq. 34-1863 34-1611 et seq. 34-1611 et seq., 34-2142 34-1741 et seq. 34-2194(c) 34-2195	Refer to the sections specified for exceptions to the minimum setback requirements listed in this table.		
Maximum height (feet)	34-2171 et seq.	35	35	35
		Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see section 34-2175).		
Maximum lot coverage (percent of total lot area)		40%	40%	40%

Notes:

- (1) Modifications to required setbacks for collector or arterial streets is permitted only by variance. Modifications for solar or wind energy purposes, are permitted only by special exception. See section 34-2191 et seq.
- (2) Special street setback provisions apply to portions of Colonial Boulevard and Daniels Road (refer to section 34-2192(b)).
(Ord. No. 93-24, § 7(table 470.B), 9-15-93; Ord. No. 94-24, § 50, 8-31-94; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 97-10, § 6, 6-10-97)

Secs. 34-905—34-930. Reserved.

DIVISION 9. PLANNED DEVELOPMENT DISTRICTS

Sec. 34-931. Purpose and intent.

(a) *Generally.* The general purpose and intent of the various planned development districts is set forth in section 34-612(2). The purpose and intent of specific planned development districts is set forth in subsections (b) through (g) of this section.

(b) *RPD residential planned development and MHPD mobile home planned development districts.*

- (1) The intent of the RPD and MHPD districts is to further the general purpose of planned developments set forth in section 34-612(2) as it relates to residential areas.
- (2) It is also the intent of these districts to provide a property owner or land developer with a development technique that can increase residential density and its ancillary development in areas designated by the Lee Plan as being in the rural or outer island categories, provided that the proposed development shall be completely independent of county-subsidized facilities and services, and that the project will not have an adverse economic, environmental, fiscal or social impact to its surrounding environs or to the county.
- (3) The principal use of any residential or mobile home planned development is human habitation in permanent yearround dwelling units. However, the RPD and MHPD districts permit some limited nonresidential uses for the convenience of the residents and the welfare of the public.

(c) *RVPD recreational vehicle planned development district.*

- (1) The purpose and intent of the RVPD district is to further the general purpose of planned developments set forth in section 34-612(2) as it relates to recreational vehicle developments.
- (2) It is the intent of this chapter that all new recreational vehicle developments and any expansion to an existing recreational vehicle development shall only be permitted if first rezoned into the RVPD district.
- (3) The principal use of a recreational vehicle planned development is recreational vehicle emplacement, although some ancillary commercial uses for the convenience of the development guests may also be permitted.

Sec. 34-934. Use regulations table.

Use regulations for planned development districts are as follows:

TABLE 34-934. USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS

	<i>Special Notes or Regulations</i>	<i>RPD</i>	<i>MHPD</i>	<i>RVPD</i>	<i>CFPD</i>	<i>CPD</i>	<i>IPD</i>	<i>AOPD</i>	<i>MPD</i>
Accessory uses and structures	Notes (1), 34-1171 <i>et seq.</i> , 34-2441 <i>et seq.</i> , 34-1863, 34-2141 <i>et seq.</i>	P	P	P	P	P	P	P	P
Accessory apartment	Note (2), (21), 34-1177	P	—	—	—	—	—	—	P
Administrative offices	Note (1)	P	P	P	P	P	P	P	P
Amateur radio towers									
Up to 50 feet in height	34-2173, 34-1175	P	P	—	—	—	—	—	P
Over 50 feet in height	34-2173, 34-1175	P(21)	P(21)	—	—	—	—	—	P(21)
Assisted living facility	34-1491 <i>et seq.</i> , 34-1411	P (3)	—	—	P	P	—	—	P
Agricultural services: office/base operations		—	—	—	—	—	P	—	P
Agricultural uses and agricultural accessory uses		—	—	—	—	—	P	—	P
Aircraft food services and catering								P	P
Aircraft landing facilities, private	34-1231 <i>et seq.</i>	P	P	P	P	P	P	P	P
Airport operations facilities		—	—	—	—	—	—	P	—
Amusement park		—	—	—	—	P	—	—	P
Animals:									
Clinic or kennel	34-1321 <i>et seq.</i>	—	—	—	—	P	P	—	P
Control center (including Humane Society)		—	—	—	P	P	—	—	P
ATM (automatic teller machine)						P	P	P	P
Auto parts store		P (4)	P (4)	—	—	P	—	—	P
Automobile service station		P (4)	P (4)	—	—	P	P	P	P
Auto repair and service (34-622(c)(2)), all groups	34-1361	—	—	—	—	P	P	—	P
Bait and tackle shop		P (4)	P (4)	—	—	P	P	—	P
Banks and financial establishments (34-622(c)(3)):									
Group I		P (4)	P (4)	—	—	P	—	P	P
Group II		—	—	—	—	P	—	—	P
Bar or cocktail lounge	34-1261 <i>et seq.</i>	—	—	—	—	P	P	P	P
Bed and breakfast		P	—	—	—	P	—	—	P
Boarding house		P	—	—	—	P	—	—	P
Boats:									
Boat parts store		P (4)	P (4)	—	—	P	P	—	P
Boat ramps and dockage (not marinas)		P	P	P	P	P	P	—	P
Boat rental		P (4)	P (4)	—	—	P	P	—	P
Boat repair and service	34-1362, 34-3001 <i>et seq.</i>	—	—	—	—	P	P	—	P
Boat sales		—	—	—	—	P	—	—	P
Boat storage, dry		—	—	—	—	P	—	—	P
Boatyard	Note (5)	—	—	—	—	—	P	—	P

	<i>Special Notes or Regulations</i>	<i>RPD</i>	<i>MHPD</i>	<i>RVPD</i>	<i>CFPD</i>	<i>CPD</i>	<i>IPD</i>	<i>AOPD</i>	<i>MPD</i>
Broadcast studio, commercial radio and television	34-1441 <i>et seq.</i>	—	—	—	—	P	P	—	P
Building material sales (34-622(c)(4))	34-3001 <i>et seq.</i>	—	—	—	—	P	P	—	P
Business services (34-622(c)(5)):									
Group I		P (4)	P (4)	—	—	P	P	—	P
Group II		—	—	—	—	P	P	—	P
Bus station/depot	34-1881 <i>et seq.</i>	—	—	—	—	P	P	P	P
Camping cabins		—	—	P (6)	—	—	—	—	P
Caretaker's residence		—	—	—	P	P	P	—	P
Car wash		—	—	—	—	P	—	—	P
Cemetery, columbarium, mausoleum		—	—	—	P	—	—	—	P
Cleaning and maintenance services (34-622(c)(7))		—	—	—	—	P	P	—	P
Clothing stores, general (34-622(c)(8))		—	—	—	—	P	—	—	P
Clubs:									
Country		P	P	P	—	P	—	—	P
Commercial		—	—	—	—	P	—	—	P
Fraternal, membership organization	34-2111	—	—	—	—	P	—	—	P
Private	34-2111	P	P	P	—	P	—	—	P
Cold storage, pre-cooling, warehouse and processing plant		—	—	—	—	—	P	—	P
Commercial fishery		—	—	—	—	P	P	—	P
Commercial use of beachfront seaward of the coastal construction control line	Note (7), 34-3151	P	P	—	—	P	—	—	P
Communication towers									
100 feet or less in height	Note (22), 34-1441 <i>et seq.</i>	—	—	—	P	P	—	P	P (25)
More than 100 feet in height	Note (22), 34-1441 <i>et seq.</i>	—	—	—	SE	SE	—	SE	SE (25)
150 feet or less in height	Note (22), 34-1441 <i>et seq.</i>	—	—	—	—	—	P	—	P (26)
More than 150 feet in height	Note (22), 34-1441 <i>et seq.</i>	—	—	—	—	—	SE	—	SE (26)
Community residential home		P	P	—	—	P	—	—	P
Computer and data processing services		—	—	—	—	—	P	—	P
Consumption on premises	34-1261 <i>et seq.</i>	P (4)	P (4)	P (8)	—	P	P (9)	P	P
Continuing care facilities	34-1414	P	—	—	P	—	—	—	P
Contractors and builders (34-622(c)(9)), all groups	34-1352, 34-3001 <i>et seq.</i>	—	—	—	—	P	P	—	P
Convenience food and beverage store		P (4), (27)	P (4), (27)	—	—	P	P	—	P(27)
Correctional facility		—	—	—	P	—	—	—	P
Cultural facilities (34-622(c)(10))		—	—	—	P	P	—	—	P
Day care center, child, adult		P (4)	P (4)	P (8)	P	P	P	—	P
Department store		—	—	—	—	P	—	—	P
Dormitory		P	—	—	—	P	—	—	P
Drive-through facility for any permitted use		P (4)	P (4)	—	—	P	P	—	P
Drugstore, pharmacy		P (4)	P (4)	—	—	P	—	—	P
Dwelling unit:									
Duplex, single-family		P	—	—	—	—	—	—	P
Two-family attached		P	—	—	—	—	—	—	P
Townhouse, multiple-family building		P	—	—	—	P (10)	—	—	P

ZONING

§ 34-934

	<i>Special Notes or Regulations</i>	<i>RPD</i>	<i>MHPD</i>	<i>RVPD</i>	<i>CFPD</i>	<i>CPD</i>	<i>IPD</i>	<i>AOPD</i>	<i>MPD</i>
Mobile home		—	P	—	—	—	—	—	P
Zero lot line		P	—	—	—	—	—	—	P
Entrance gates and gatehouse	34-1741 et seq.	P (3)	P (3)	P	P	P	P	P	P
Emergency medical service (ambulance station)		P (4)	P (4)	—	P	P	P	P	P
Emergency operations center		—	—	—	P	P	P	—	P
Essential services	Note (1), 34-1611 et seq., 34-1741 et seq.	P	P	P	P	P	P	P	P
Essential service facilities (34-622(c)(13)):									
Group I	Note (1), 34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	P	P	P	P	P	P	P	P
Group II	Note (1), 34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	P	P	P	P	P	P	P	P
Group III	Note (1), 34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	—	—	—	P	—	P	—	P
Excavation:									
Mining	34-1651, 34-1671 et seq.	P	P	P	P	P	P	—	P
Water retention	34-1651	P	P	P	P	P	P	P	P
Oil or gas	34-1651	P (4)	P (4)	P	P	P	P	—	P
Factory outlets (point of manufacture only)		—	—	—	—	P	P	—	P
Farm equipment, sales, storage, rental or service		—	—	—	—	P	P	—	P
Farm labor housing	34-1891 et seq.	P	P	—	—	—	—	—	P
Feed or fertilizer, mixing and sales		—	—	—	—	P	—	—	P
Fences, walls	Note (1), 34-1741 et seq.	P	P	P	P	P	P	P	P
Fire station		P (3)	P (3)	—	P	P	P	P	P
Fish house, wholesale		—	—	—	—	P (11)	—	—	P
Fishing piers		P (3)	P (3)	—	—	—	—	—	P
Flea market:									
Open		—	—	—	—	P	P	—	P
Indoor		—	—	—	—	P	—	—	P
Food and beverage service, limited	Note (1)	P (4)	P (4)	—	—	P	—	—	P
Food stores (34-622(c)(16)):									
Group I		P (4)	P (4)	P	—	P	P (9)	—	P
Group II		P (4)	P (4)	—	—	P	P (9)	—	P
Forestry tower		—	—	—	P	P	—	—	P
Fraternity house		P	—	—	—	P	—	—	P
Freight and cargo handling establishments (34-622(c)(17))		—	—	—	—	P	P	P (12)	P
Funeral home and mortuary (with or without a crematory)		—	—	—	P (19)	P	—	—	P
Gasoline dispensing system, special		—	—	—	—	P	P	P	P
Gift and souvenir shop		—	—	—	—	P	—	—	P
Golf course		P	P	P	—	P	—	—	P
Golf driving range		P	P	—	—	P	—	—	P
Government maintenance facility		—	—	—	P	P	P	P	P

	Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD	AOPD	MPD
Hardware store		P (4)	P (4)	—	—	P	—	—	P
Hatcheries, poultry		—	—	—	—	—	P	—	P
Health care facilities (34-622(c)(20)):									
Group I		P	—	—	P	P	—	—	P
Group II		P	—	—	P	P	—	—	P
Group III		P (4)	P (4)	—	P	P	P	P	P
Group IV		—	—	—	P	P	—	—	P
Heliport or helistop		P	P	—	P	P	P	P	P
Hobby, toy and game shops (34-622(c)(21))		P (4)	P (4)	—	—	P	—	—	P
Home care facility	Note (1)	P	P	—	—	P	—	—	P
Home occupation	Note (1), 34-1771 et seq.	P	P	—	—	P	—	—	P
Hospice		—	—	—	P	P	—	—	P
Hotel/motel	34-1801 et seq.	—	—	—	—	P	P(13)	—	P
Household and office furnishings (34-622(c)(22)), all groups		—	—	—	—	P	—	—	P
Housing units for employees only		—	—	—	P	—	—	—	P
Insurance companies (34-622(c)(23))		—	—	—	—	P	—	—	P
Laundry or dry cleaning (34-622(c)(24)):									
Group I		P (4)	P (4)	P	—	P	—	—	P
Group II		—	—	—	—	—	P	—	P
Lawn and garden supply stores	34-2081	—	—	—	—	P	—	—	P
Library		—	—	—	P	P	—	—	P
Manufacturing of:									
Apparel products (34-622(c)(1))	Note (5)	—	—	—	—	P	P	—	P
Boats	Note (5)	—	—	—	—	—	P	—	P
Chemical and allied products (34-622(c)(6)):									
Group I	Note (5)	—	—	—	—	—	P	—	—
Group II	Note (5)	—	—	—	—	—	P	—	P
Electrical machinery and equipment (34-622(c)(11))	Note (5)	—	—	—	—	P	P	—	P
Fabricated metal products (34-622(c)(14)):									
Group I	Note (5)	—	—	—	—	—	P	—	—
Group II	Note (5)	—	—	—	—	—	P	—	P
Group III	Note (5)	—	—	—	—	P	P	—	P
Food and kindred products (34-622(c)(15)):									
Group I	Note (5)	—	—	—	—	—	P	—	P
Group II	Note (5)	—	—	—	—	—	P	—	P
Group III	Note (5)	—	—	—	—	P	P	—	P
Furniture and fixtures (34-622(c)(18))	Note (5)	—	—	—	—	—	P	—	P
Leather products (34-622(c)(25)):									
Group I	Note (5)	—	—	—	—	—	P	—	—
Group II	Note (5)	—	—	—	—	P	P	—	P
Lumber and wood products (34-622(c)(26)):									
Groups I, III, IV, V and VI	Note (5)	—	—	—	—	—	P	—	—
Group II	Note (5)	—	—	—	—	P	P	—	P
Machinery (34-622(c)(27)), all groups	Note (5)	—	—	—	—	—	P	—	—

ZONING

§ 34-934

	<i>Special Notes or Regulations</i>	<i>RPD</i>	<i>MHPD</i>	<i>RVPD</i>	<i>CFPD</i>	<i>CPD</i>	<i>IPD</i>	<i>AOPD</i>	<i>MPD</i>
Measuring, analyzing and controlling instruments (34-622(c)(28))	Note (5)	—	—	—	—	P	P	—	P
Novelties, jewelry, toys and signs (34-622(c)(29)), all groups	Note (5)	—	—	—	—	P	P	—	P
Paper and allied products (34-622(c)(31))									
Group I	Note (5)	—	—	—	—	—	P	—	—
Group II	Note (5)	—	—	—	—	—	P	—	P
Group III	Note (5)	—	—	—	—	—	P	—	P
Petroleum (34-622(c)(34))	Note (5)	—	—	—	—	—	P	—	—
Primary metal industries (34-622(c)(35))	Note (5)	—	—	—	—	—	P	—	—
Rubber and plastic products (34-622(c)(44)):									
Group I	Note (5)	—	—	—	—	—	P	—	—
Group II	Note (5)	—	—	—	—	P	P	—	P
Stone, clay, glass and concrete products (34-622(c)(48))									
Group I	Note (5)	—	—	—	—	—	P	—	P
Group II	Note (5)	—	—	—	—	—	P	—	—
Group III	Note (5)	—	—	—	—	—	P	—	—
Group IV	Note (5)	—	—	—	—	—	P	—	—
Textile mill products (34-622(c)(50)), all groups	Note (5)	—	—	—	—	—	P	—	—
Tobacco products (34-622(c)(51))	Note (5)	—	—	—	—	—	P	—	P
Transportation equipment (34-622(c)(52)):									
Group I	Note (5)	—	—	—	—	—	P	P	P
Groups II, III and IV	Note (5)	—	—	—	—	—	P	—	—
Marina	34-1862	P	P	—	—	P	P	—	P
Medical office		P (4)	P (4)	—	—	P	P	—	P
Mini-warehouse		—	—	—	—	P	P	—	P
Mobile home dealers	34-1352	—	—	—	—	P	P	—	P
Models:									
Display center	34-1951 et seq.	P	P	P	—	P	—	—	P
Model home	34-1951 et seq.	AA	AA	AA	—	AA	—	—	AA
Model unit	34-1951 et seq.	AA	AA	AA	—	AA	—	—	AA
Motion picture production studio		—	—	—	—	P	P	—	P
Multislip docking facility		—	—	—	—	P	—	—	P
Nightclubs	34-1261 et seq.	—	—	—	—	P	P	P	P
Nonstore retailers (34-622(c)(30)), all groups		—	—	—	—	P	P	—	P
Parcel and express services		—	—	—	—	—	P	—	P
Package store	34-1261 et seq.	P (4)	P (4)	—	—	P	—	—	P
Paint, glass and wallpaper		—	—	—	—	P	—	—	P
Parks (34-622(c)(32)):									
Group I		P	P	P	P	P	P	P	P
Group II		—	—	—	P	—	—	—	P
Park trailers		—	—	P (6)	—	—	—	—	P
Parking lot:									
Accessory		P	P	P	P	P	P	P	P
Commercial		—	—	—	—	P	—	—	P
Garage, public parking		—	—	—	—	P	P	—	P

	<i>Special Notes or Regulations</i>	<i>RPD</i>	<i>MHPD</i>	<i>RVPD</i>	<i>CFPD</i>	<i>CPD</i>	<i>IPD</i>	<i>AOPD</i>	<i>MPD</i>
Temporary	34-2022	—	—	—	P	P	P	P	P
Personal services (34-622(c)(33)):									
Group I	34-3021	P (4)	P (4)	P (8)	—	P	P	P (18)	P
Group II		—	—	—	—	P	—	—	P
Group III		—	—	—	—	P	P	—	P
Group IV		P (4)	P (4)	—	—	P	—	—	P
Pet services		—	—	—	—	P	—	—	P
Pet shop		P (4)	P (4)	—	—	P	—	—	P
Pharmacy		P (4)	P (4)	—	—	P	—	—	P
Photofinishing laboratory	Note (5)	—	—	—	—	—	P	—	P
Place of worship	34-2051 et seq.	P	P	P	P	P	P	P	P
Plant nursery	34-2081	—	—	—	—	P	—	—	P
Police or sheriff's station		—	—	—	P	P	P	P	P
Post office		—	—	—	P	P	P	—	P
Printing and publishing (34-622(c)(36))	Note (5)	—	—	—	—	P	P	—	P
Prison		—	—	—	P	—	—	—	—
Processing or packaging of agricultural or fish products	Note (5)	—	—	—	—	—	P	—	P
Processing and warehousing		—	—	—	—	P	P	P	P
Racetracks (34-622(c)(37)):									
Group I		—	—	—	—	P	—	—	—
Group II		—	—	—	—	P	—	—	—
Real estate sales office	Note (23), 34-1951 et seq., 34-3021	P	P	P	—	P	—	—	P
Recreation facilities:									
Commercial (34-622(c)(38)) Groups I, III & IV		—	—	—	—	P	—	—	P
Group V		—	—	—	P	P	—	—	P
Personal	Note (1)	P	P	P	P	P	P	—	P
Private—On-site	Note (1)	P	P	P	P	P	P	—	P
Private—Off-site	Note (3)	P	P	P	P	P	P	—	P
Recreational vehicles		—	P (20)	P (14)	—	—	—	—	P
Recycling facility		—	—	—	P	P	P	—	P
Religious facilities	34-2051 et seq.	P (3)	P (3)	—	P	P	P	—	P
Rental or leasing establishment (34-622(c)(39)):									
Group I	34-1352, 34-3001 et seq.	P (4)	P (4)	P (8)	—	P	—	—	P
Group II	34-1201 et seq., 34-1352, 34-3001 et seq.	P (4)	P (4)	—	—	P	P	—	P
Group III	34-1352, 34-3001 et seq.	—	—	—	—	P	P	P	P
Group IV	34-1201 et seq., 34-1352, 34-3001 et seq.	—	—	—	—	P	P	P	P
Repair shops (34-622(c)(40)):									
Group I		P (4)	P (4)	—	—	P	P	—	P
Groups II, III, IV		—	—	—	—	P	P	—	P
Group V		—	—	—	—	P	P	—	P
Research and development laboratories (34-622(c)(41)):									

ZONING

§ 34-934

	<i>Special Notes or Regulations</i>	<i>RPD</i>	<i>MHPD</i>	<i>RVPD</i>	<i>CFPD</i>	<i>CPD</i>	<i>IPD</i>	<i>AOPD</i>	<i>MPD</i>
Group I		—	—	—	—	—	—	—	P
Group II		—	—	—	—	P	P	—	P
Group III		—	—	—	—	—	P	—	P
Group IV		—	—	—	—	P	P	P	P
Residential accessory uses (34-622(c)(42))	Note (1), 34-1171 <i>et seq.</i>	P	P	—	—	P	—	—	P
Restaurant, fast food		—	—	—	—	P	—	P	P
Restaurants (34-622(c)(43)):									
Groups I and III		P (4)	P (4)	—	—	P	P	P	P
Group II		P (4)	P (4)	—	P (3)	P	P	P	P
Group IV		—	—	—	—	P	P	—	P
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises		—	—	—	—	P	P	—	P
Rooming house		P	—	—	—	P	—	—	P
Salvage and disposal of materials, including auto junkyards, refuse disposal and processing plants, incinerators, landfills and similar uses		—	—	—	—	—	P (5)	—	—
Sanitary landfill	Note (5)	—	—	—	P	—	P	—	—
Schools:									
Commercial (34-622(c)(45))	34-2381	—	—	—	—	P	P	—	P
Noncommercial	34-2381	P	P	P	P	P	—	—	P
Self-service fuel pumps	Note (24)	P (4)	P (4)	—	—	P	P	—	P
Signs in accordance with chapter 30	Note (1)	P	P	P	P	P	P	P	P
Social services (34-622(c)(46)):									
Group I		—	—	—	—	P	—	—	P
Group II		—	—	—	P	P	P	—	P
Group III		—	—	—	P	P	—	—	P
Group IV		—	—	—	P	—	—	—	P
Specialty retail shops (34-622(c)(47)):									
Group I		P (4)	P (4)	—	P (1)	P	—	P (18)	P
Group II		P (4)	P (4)	—	—	P	—	P (18)	P
Group III		—	—	—	—	P	—	—	P
Group IV		P (4)	P (4)	—	—	P	—	—	P
Stable:									
Boarding	34-1291 <i>et seq.</i>	P	P	P	—	—	—	—	P
Commercial	34-1291 <i>et seq.</i>	—	—	—	—	P	—	—	P
Private	34-1291 <i>et seq.</i>	P	P	P	—	—	—	—	P
Storage:									
Indoor only	Note (1), 34-3001 <i>et seq.</i>	P (4)	P (4)	P	P	P	P	P	P
Storage, open	Note (6), 34-3001 <i>et seq.</i>	—	—	P (15)	—	P	P	P	P
Large-scale storage of noxious or hazardous materials (flammable, toxic, explosive, corrosive, etc.), including liquid petroleum, fractions and distillates thereof, and fuel gases	Note (6), 34-3001 <i>et seq.</i>	—	—	—	—	—	P	P (16)	—
Studios (34-622(c)(49))		—	—	—	—	P	—	—	P
Temporary uses	Note (1), 34-3041 <i>et seq.</i>	P	P	—	P	P	—	—	P
Tents, transient parks only		—	—	P	—	—	—	—	P
Theater, indoor or outdoor (drive-in)	34-2471 <i>et seq.</i>	—	—	—	—	P	—	—	P

	Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD	AOPD	MPD
Timeshare units		P	—	—	—	P	—	—	P
Transportation services (34-622(c)(53)):									
Group I		—	—	—	—	P	P	—	P
Group II		—	—	—	—	P	P	P	P
Group III		—	—	—	—	P	P	P	P
Group IV		—	—	—	—	P	P	—	P
Truck stop, trucking terminal		—	—	—	—	P	P	—	P
Used merchandise stores (34-622(c)(54)):									
Group I		P (4)	P (4)	—	—	P	—	—	P
Groups II, III and IV		—	—	—	—	P	—	—	P
Variety store		P (4)	P (4)	—	—	P	—	—	P
Vehicle and equipment dealers (34-622(c)(55)):									
Groups I, II, and III	34-1352	—	—	—	—	P	P	—	P
Group IV	34-1352	—	—	P (17)	—	P	P	—	P
Group V	34-1352	—	—	—	—	P	P	—	P
Warehouse:									
Mini-warehouse		—	—	—	—	P	P	—	P
Private		—	—	—	—	P	P	P	P
Public		—	—	—	—	P	P	P	P
Cold storage only		—	—	—	—	—	—	P	P
Wholesale establishments (34-622(c)(56)):									
Groups I, III and IV		—	—	—	—	P	P	—	P
Group II		—	—	—	—	P	P	—	—
Wrecking yard:									
Auto		—	—	—	—	—	P	—	—
Other		—	—	—	—	—	P	—	—

Notes:

- (1) If use or structure is customarily accessory to an approved permitted use it does not need to be shown on the master concept plan.
- (2) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (3) If not shown on the master concept plan, but included in the approved list of enumerated uses, this use may be approved administratively, at the director's discretion, or as a planned development amendment after approval of the master concept plan.
- (4) Subject to limitations for commercial uses set forth in section 34-937.
- (5) If the use or activity does not conform to the criteria set-forth in section 34-938, then it is subject to the setback requirements set forth in sections 34-935(b)(4) and 34-2441 *et seq.*
- (6) Limited to nontransient parks only.
- (7) Uses anticipated include boat rentals (inflatables, sailboats, jet skis, windsurfers and the like) food stands, rental of cabanas and beach furniture, outdoor amusements including balloonist, seaplane rides, ski tows and similar activities, fishing and sightseeing piers and towers.
- (8) Permitted as an accessory use when designed and intended primarily for use by people staying at the recreational vehicle development.

- (9) Permitted only when accessory to an airport or other transportation facility, hotel or motel, or an office complex of 50,000 or more square feet.
- (10) Permitted only in conjunction with at least 50,000 square feet or more of commercial or industrial uses.
- (11) Not permitted within 500 feet of nearest residence.
- (12) Serving air transportation or improving intermodal capabilities.
- (13) Permitted only where clearly related to highway interchange, airports, sea or river ports, or wholesale marts.
- (14) Park-trailers permitted in nontransient parks only.
- (15) Limited to recreational vehicles, trailers, boats, and other vehicles and goods belonging to park residents.
- (16) Limited to airplane fuels or other approved fuel storage terminals.
- (17) Limited to recreational vehicles only.
- (18) Permitted only when contained within the principle airport facility.
- (19) Only when clearly subordinate to a cemetery located on the same premises.
- (20) Recreational vehicle sites in mobile home planned developments (MHPD) must be designated on the approved master concept plan. All recreational vehicles approved as part of a MHPD are subject to the regulations in sections 34-762(1), 34-762(2), 34-782, 34-784 and sections 34-786 through 34-790.
- (21) In RPDs, MHPDs, and residential areas of MPDs, a special exception is required.
- (22) Communication towers must be approved on the schedule of uses for the planned development. If a communication tower will exceed the height permitted by right the exact location and height of the towers must be shown on the master concept plan. If the exact location and height is not provided but the list of uses indicates that a tower(s) will exceed the permitted height, then a special exception showing the exact location and height will be required. If the exact location and height is not shown on the approved master concept plan and if the approved list of uses does not indicate that a tower(s) will exceed the permitted height, it will be necessary to apply for a PD plan amendment.
- (23) Real estate sales offices in residential areas are limited to sales of lots, homes or units within the development, except as may be permitted in section 34-1951 *et seq.* The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the certificate of occupancy for the sales office is issued. The director may grant one two-year extension at the same location.
- (24) Two pumps are permissible as an accessory use to businesses to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.
- (25) In the MPD district, use is limited to commercial areas only.
- (26) In the MPD district, use is limited to industrial areas only.
- (27) Limited to eight self service fuel pumps (df) unless a greater number is specifically approved as part of the planned development and depicted on 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.

(Ord. No. 93-24, § 7(table 480.A), 9-15-93; Ord. No. 94-02, § 7, 1-19-94; 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. 96-18, § 5, 9-18-96; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 98-03, § 5, 1-13-98; Ord. No. 99-05, § 9, 6-29-99)

Sec. 34-935. Property development regulations.

(a) *Minimum area for planned developments.*

(1) *Recreational vehicle planned developments.* The minimum area required for a new recreational vehicle planned development is 20 acres. A minimum of five acres is required to expand an existing recreational vehicle park, a phased recreational vehicle park or an approved recreational vehicle planned development in order to provide additional recreation vehicle units to the park. However, a recreational vehicle park, a phased recreational vehicle park or an approved recreational vehicle planned development can be expanded by less than five acres, if the expansion is solely for the purpose of providing amenities to the park and will not result in creating additional recreational vehicle units.

(2) *Other planned developments.* Minimum area and dimensions are not specified for other planned developments. However, the net developable land remaining, after deleting any environmentally sensitive lands and waters, must be of such size, configuration and dimension as to adequately accommodate the proposed structures, parking, access, on-site utilities, including wet or dry runoff retention, all required open space, including buffers, and similar spatial requirements.

(b) *Minimum setbacks of structures and buildings from development perimeter boundaries.*

(1) All buildings and structures must be set back from the development perimeter a distance equal to the greater of:

- a. The width of any buffer area or landscape strip, required by chapter 10; or
- b. Fifteen feet, if the subject property is, or will be zoned RPD, MHPD, CFPD, or CPD; or
- c. Fifteen feet for residential and commercial portions of the development, if the subject property is, or will be zoned MPD; or Twenty-five feet for industrial portions of the development, if the subject property is, or will be MPD; or
- d. Twenty-five (25) feet, if the subject property is, or will be zoned AOPD or IPD; or
- e. One-half the height of the building or structure; or
- f. The setback from road, street or drive as appropriate (see section 34-2192), if the development perimeter abuts a street right-of-way or easement; or
- g. Forty feet, if the subject property is, or will be zoned RVPD unless abutting land zoned RV or RVPD.

(2) Parking or internal roads or drives may not be closer to the development perimeter than the width of any buffer area or landscape strip, required by chapter 10 or five feet, whichever is greater.

(3) Notwithstanding the provisions of subsections (b)(1) and (2) of this section all buildings, parking areas, and shipping and receiving areas and open storage areas of

industrial land uses within a CPD, IPD, MPD, or AOPD must be set back in accordance with section 34-2441 *et seq.* or 100 feet, whichever is greater, from the development perimeter where the planned development abuts a residential land use or land zoned exclusively for residential uses.

- (4) Notwithstanding the provisions of subsections (b)(1) and (2) of this section, when a proposed development will abut an existing residential subdivision or residential lots, the requirements set forth in section 10-416(d)(6) must be satisfied.
- (5) The provisions of this subsection notwithstanding, the Board of County Commissioners may require greater setbacks and buffers when, in its opinion, they are necessary for the protection of public health, welfare or safety.

(c) *Uses permitted within required perimeter setback.* Street stubs required by chapter 10, bikeways and pedestrian walks, sidewalks, jogging and equestrian paths, and park furniture, including gazebos and picnic shelters, are permitted within required perimeter setbacks.

(d) *Developments on Pine Island.* Where the proposed planned development is within the Greater Pine Island area and adjoins state-designated aquatic preserves or associated natural tributaries, a 50-foot-wide vegetated buffer area between any structure or building and the mean high-water line of the water body shall be provided. No deviation from this requirement shall be permitted except under extreme circumstances in which the requirement would have the effect of prohibiting all reasonable use of the property.

(e) *Minimum lot size, dimensions and setbacks.*

(1) *Lot size and dimensions.*

- a. In the RPD and MHPD districts, if the development contains or consists of a conventional subdivision for single-family residences, two-family or duplex structures or mobile homes, the lot dimensions and areas specified in section 34-695 for the RSA, RS-1, RS-2, RS-3, RS-4, RS-5 and TF-1 single-family and two-family districts or in section 34-736 for the MH-1, MH-2, MH-3 or MH-4 mobile home districts shall apply as appropriate, unless other lot areas and dimensions are approved by the Board of County Commissioners.
- b. Where the master concept plan calls for dwelling units on individual lots in clusters or townhouse configurations, the specific lot areas and dimensions shall be determined by the space requirements of the unit itself, the provision of private open space and the voluntary reservation of additional common open space, if any.

(2) *Setbacks for residential buildings and mobile homes.* Setbacks from lot lines and separation of buildings for residential buildings and mobile homes in residential planned developments and mobile home planned developments shall be determined as follows:

- a. If the development contains or consists of a subdivision for single-family detached or duplex structures or mobile homes, the front, side and rear setbacks specified in section 34-695 for the RSA, RS-1, RS-2, RS-3, RS-4, RS-5 and TF-1 single-family and two-family districts or in section 34-736 for the MH-1, MH-2, MH-3 or MH-4 mobile home district shall apply as appropriate, unless other lot areas and dimensions are approved by the Board of County Commissioners.
- b. Where the master concept plan calls for single-family detached or attached zero lot line housing, each dwelling unit structure may have one wall without windows

- or doors on a side lot line, may encroach with eaves or cornice no more than 36 inches into the adjacent yard, and shall maintain at least a minimum separation from the building or mobile home on the side opposite the zero setback line consistent with the standard set forth in subsection (e)(2)c of this section.
- c. Where the master concept plan calls for clustering of single-family detached structures or mobile homes, and so long as sufficient separation is maintained to prevent the spread of fire, and so long as adequate access is provided for emergency services as certified by the county fire official, the separation of buildings may be reduced to no less than ten feet.
- (3) *Setbacks for buildings in commercial planned developments, industrial planned developments and mixed use planned development.*
 - a. If the development contains or consists of a subdivision for development parcels to be sold or leased as improved land for further development for commercial, industrial or multifamily residential purposes, where permitted, side and rear setbacks for all lots shall be scheduled on the master concept plan, except that, where a lot line is congruent with the development perimeter, the setback defined in subsection (b) of this section shall have priority.
 - b. The setbacks from internal streets shall be determined by the functional classification of the streets as set forth in section 34-2192.
 - (4) *Minimum separation of buildings.* Unless otherwise specified, where there are two or more principal buildings on a development tract, the minimum separation of buildings shall be one-half of the sum of their heights, or 20 feet, whichever is greater.
- (f) *Height of buildings.*
 - (1) *Mobile home planned developments.* In the MHPD district, no building or structure shall exceed 35 feet in height, and no mobile home shall exceed one story in height.
 - (2) *Community facility planned developments.* The maximum permitted height of any building shall be 35 feet. Buildings above 35 feet may be approved by the Board of County Commissioners at the time of master concept plan approval, provided that setbacks from adjacent property not under the same ownership shall be equal to or greater than the height of the building.
 - (3) *Other planned developments.* Except as restricted by section 34-2175, height of buildings in all other planned developments will vary in accordance with the land use classification of the subject property according to the Lee Plan land use plan map as follows:
 - a. In the intensive development and central urban land use categories, buildings may be as tall as 135 feet above minimum flood elevation with no more than 12 habitable stories.
 - b. In the urban community land use category, buildings may be as tall as 95 feet above minimum flood elevation with no more than eight habitable stories.
 - c. In the airport and airport commerce land use categories, buildings may be as tall as 45 feet above minimum flood elevation with no more than three habitable stories. With the consent of the port authority, the Board of County Commissioners may approve building heights up to 95 feet above minimum flood elevation with no more than eight habitable stories.

- d. In the industrial interchange, industrial commercial interchange, general interchange and general commercial interchange land use categories, buildings may be as tall as 75 feet above minimum flood elevation with not more than six habitable stories.
 - e. In the suburban, outlying suburban and rural land use categories and in any other land use category in which a planned development is appropriate, buildings may be as tall as 45 feet above minimum flood elevation with no more than three habitable stories, except that such buildings may be as tall as 75 feet above minimum flood elevation with no more than six habitable stories when the applicant demonstrates that the additional height is required to increase common open space for the purposes of preserving environmentally sensitive land, securing areas of native vegetation and wildlife habitat, or preserving historical, archaeological or scenic resources.
- (g) *Open space.* See section 34-414(a) for definitions pertaining to open space.
- (1) *Residential and mobile home planned developments.*
 - a. In the residential or mobile home planned development districts, 40 percent of the total area of the project shall be common open space, except that this may be reduced to 30 percent when the remaining ten percent is distributed as private open space to individual dwelling units having immediate private ground floor access. Additional land or water may be reserved as open space at the developer's discretion.
 - b. No additional open space is required in the accessory commercial area beyond landscaped buffering, as required elsewhere in this chapter.
 - c. The common open space requirements set forth in subsection (g)(1)a of this section do not apply to developments consisting of a conventional subdivision for single-family detached or two-family (duplex) dwelling units or mobile homes on lots of standard dimensions.
 - (2) *Community facilities planned developments.* In the community facilities planned development district, not less than 30 percent of the total area of the project shall be common open space.
 - (3) *Commercial planned developments.* Open space shall be required in accordance with chapter 10.
 - (4) *Industrial planned developments.*
 - a. In the industrial planned development district, open space shall be provided in accordance with chapter 10. Additional land or water may be reserved as open space at the developer's discretion.
 - b. In IPD districts, where the principal uses are open, area extensive, or productive of various noxious spillovers such as dust, odors, glare, noise and vibration and visual blight, the open space requirement shall be concentrated at the perimeter and used mainly for buffering, screening and landscaping.
 - (5) *Mixed use planned developments.* All applications for development orders for parcels within mixed use planned developments must contain the amount of applicable open space set forth in sections 34-935(g)(1), (2), (3) and (4).
- (Ord. No. 93-24, § 7(480.04), 9-15-93; Ord. No. 94-24, § 26, 8-31-94; Ord. No. 95-07, § 22, 5-17-95; 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)

Sec. 34-936. General conditions for all land uses.

(a) *Compliance with use restrictions.* Only those land uses enumerated in the documentation to the master concept plan are permitted in a planned development. The conditions of approval in the applicable zoning resolution shall be incorporated into covenants, restrictions and rules of operation binding on the developer, his successors and heirs, tenants-in-fee or leasehold.

(b) *Parking.* Unless governed by alternative standards established by special conditions, parking for any use in this planned development shall be governed by article VII, division 26, of this chapter in accordance with the actual use.

(c) *Signs.* Signage for any use in a planned development, not otherwise governed by special conditions, shall be controlled by general sign regulations currently in force.

(d) *Sale of alcoholic beverages.* Package sales and sale of alcoholic beverages for on-premises consumption shall be governed by the provisions of article VII, division 5, of this chapter and other special conditions set forth at the time of planned development approval.

(e) *Outdoor display of goods.* Except in RPD and MHPD developments, all open display of goods for sale shall be set back from public rights-of-way no less than 25 feet. In the RPD and MHPD districts, the outdoor display or storage of goods for retail sale is prohibited.

(f) *Outdoor storage of goods.* Any and all storage of retail or wholesale goods shall be enclosed by a wall or opaque fence or solid hedge, not less than six feet in height, or otherwise completely visually buffered.

(g) *Lighting.* Lighting of the exterior and parking areas of the planned development uses shall be of the lowest intensity and energy use adequate for its purpose, and shall not create conditions of glare outside the area designated for commercial uses.

(h) *Bikeways and pedestrian ways.* Unless governed by alternative standards established by special conditions, bicycle paths and pedestrian ways must be located and constructed in accordance with the requirements set forth in chapter 10.
(Ord. No. 93-24, § 7(480.05(A)), 9-15-93; Ord. No. 95-12, § 10, 7-12-95)

Sec. 34-937. Commercial uses in RPD and MHPD districts.

In order to ensure that commercial uses permitted in a residential or mobile home planned development district are limited to the convenience and utility of the residents of any specific development, they must meet the following conditions:

- (1) Unless constrained by physical factors or a policy of higher priority, e.g., wetlands preservation, commercial uses must be oriented to the interior of the project, located centrally within the development, and not quickly or easily accessible from the outside perimeter.
- (2) No more than a specified maximum amount of floor area, relative to the number of dwelling units or size of an RPD or MHPD district, may be used for commercial purposes. This relationship is specified as follows:

Total Approved Dwelling Units

Gross Commercial Floor Area

Less than 150
 151 to 300
 301 to 600
 601 to 1,200
 More than 1,200

None
 2,500 square feet
 7,500 square feet
 17,500 square feet
 Additional space may be added at a rate of 5,000 square feet per 300 dwelling units to a maximum of 30,000 square feet. In no case may the commercial area exceed three percent of the gross area of the project.

- (3) The following commercial uses shall not be counted against the limitation set forth in subsection (a)(2) of this section:
 - a. Day care center (section 34-1412).
 - b. Food and beverage service, limited.
 - c. Home occupation (article VII, division 18, of this chapter).
 - d. Self-service fuel pumps, exterior area only.
 - e. Boarding stables.
- (4) Signs for commercial uses other than project sales shall not be visible from the perimeter of the project and shall comply with chapter 30.
- (5) Parking for commercial uses shall be governed by article VII, division 26, of this chapter in accordance with the actual uses, except that:
 - a. A joint use of parking program based on the requirements of section 34-2018 may be made part of the planned development approval; or
 - b. Up to but not more than one-half of the required number of parking spaces may be reduced in direct proportion (one space deleted per unit) to the number of dwelling units located within one-quarter mile of the commercial area, as measured to the geometric center of the commercial area, and served by continuous and technically adequate systems of pedestrian and bicycle paths or ways.
- (6) Outside display or storage of goods for retail sale is prohibited.
- (7) Real estate sales activity and model homes shall be limited to that project only. Such uses shall be terminated upon the sale of the last unit in the project or phase or 12 months after the issuance of the last certificate of occupancy for the project or phase, whichever occurs first.
- (8) In the RPD or MHPD district, no commercial land use or commercial occupancy of a structure may commence until a substantial proportion of the residential uses or occupancies have begun. The following table indicates the maximum proportion of the total permitted commercial floorspace that may be occupied for a minimum proportion of residential land uses commenced. This limit shall not apply to health care facilities.

PHASING LIMITS

Proportions are cumulative from left to right.

Residential use (minimum)	25%	50%	75%	100%
Commercial use (maximum)	25%	50%	100%	

These conditions are in addition to and not in lieu of any other general condition or regulation applicable to a residential or mobile home planned development. (Ord. No. 93-24, § 7(480.05(B)), 9-15-93; Ord. No. 98-11, § 5, 6-23-98)

Sec. 34-938. Industrial uses in CPD district.

(a) In the commercial planned development district, industrial uses may only be permitted in accordance with the following standards:

- (1) If producing a tangible product, the use or activity must stand at or near the end of the manufacturing process, accounting only for the last steps of preparation or assembly of components or preprocessed materials.
- (2) All operations must be conducted within a fully enclosed building.
- (3) The use may not emit dust, smoke, odor or other air or water pollutant, glare, sound or other vibration that can be perceived outside the boundaries of the development tract or industrial use area.
- (4) The use may not receive, process or create hazardous materials in sufficient quantity to constitute a danger to persons, property or activities outside the boundaries of the development parcel or industrial use area.
- (5) Open storage of raw materials, waste products or finished goods awaiting shipment is prohibited.

(b) Industrial uses not listed in section 34-934 as permitted uses in the commercial planned development (CPD) zoning district may be permitted by the Board of County Commissioners as part of an approved CPD provided the floor area of the unlisted uses does not exceed 50,000 square feet of floor area or the aggregate floor area of the other uses on the approved schedule of uses, whichever is less.

(Ord. No. 93-24, § 7(480.05(C)), 9-15-93; Ord. No. 95-07, § 23, 5-17-95)

Sec. 34-939. Recreational vehicle planned developments.

(a) *Location.* No new recreational vehicle park shall be developed and no existing recreational vehicle park shall be expanded if on barrier islands or in coastal high-hazard areas (V zones) as designated on the adopted flood insurance rate maps (FIRM) for the county.

(b) *Design criteria.*

- (1) *Compatibility.* A recreational vehicle park shall be designed and developed in a manner compatible with and complimentary to existing and potential development in the immediate vicinity of the project site. Site planning shall give consideration to protection of the property from adverse environmental influences within the development, such as drainage problems or potential insect breeding sites. Further consideration shall be given to ensuring that the development will not adversely affect surrounding areas.

- (2) *Utilities.* Each recreational vehicle park shall be connected to a public or private central water system and a public or private central sewage disposal system. Peak loadings determined in the development of county impact or development of regional impact review shall be the minimum capacity required.
- (3) *Buffers.* All recreational vehicle parks are required to have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, except along that portion of a boundary abutting a parcel of land zoned RV or RVPD. All recreational vehicle parks created or additions added to the existing parks after September 19, 1985, must provide an eight foot high vegetative visual screen within the 40-foot perimeter buffer area. No roads or streets may be placed within the buffer area. However, roads and streets may cross over the perimeter buffer. The natural vegetation in the buffer area may not be removed except as follows:
- a. Exotic species such as Melaleuca, Brazilian pepper and Australian pine shall be removed.
 - b. Natural vegetation may be removed to provide adequately sized grass swales adjacent to the points of access to the park.
 - c. Natural vegetation may be removed to provide a bikepath in the buffer area.
 - d. A minimum of 50 percent of all trees and shrubs used in buffers and landscaping shall be native varieties.
- (4) *Streets.* Except as may be specifically approved to the contrary as part of the recreational vehicle planned development approval, all streets and access drives within a recreational vehicle planned development shall meet the following minimum criteria:
- a. *Transient parks.*
 1. The minimum street right-of-way or easement is 50 feet.
 2. The minimum pavement width is 20 feet.

Parking on streets shall be prohibited unless pavement width is increased eight feet on each side of the street where parking will be permitted.
 - b. *Nontransient parks.* Streets shall be in compliance with the requirements for streets as set forth in chapter 10.
- (5) *Recreational facilities.* Every recreational vehicle park shall have at least one outdoor recreation area, which shall be easily accessible from all sites. Such recreation area shall contain at least 250 square feet for each acre contained within the park, and no single recreation area within the park shall be less than 3,000 square feet in size.
- (6) *Maximum density.* All new recreational vehicle parks shall be limited to maximum densities as follows:
- a. *Transient parks.* Transient parks shall have a minimum recreational vehicle site size of 5,000 square feet per unit, excluding all internal roads or access drives, and shall have a maximum of eight recreational vehicle sites per acre.
 - b. *Nontransient parks.* Nontransient parks shall have a minimum lot size of 5,000 square feet per unit, excluding street rights-of-way or easements and buffers. Maximum density shall not exceed the standard density permitted by the Lee Plan for the land use category in which located.

(7) *Separation of structures.*

- a. *All parks.* Unless otherwise provided in this section, no common-use permanent buildings may be placed within:
 - 1. The required 40 foot perimeter buffer;
 - 2. 25 feet of any park boundary not required to have a 40-foot buffer; or
 - 3. 25 feet of any recreational vehicle site.
- b. *Transient parks.* There shall be a minimum separation of ten feet between the closest walls of any recreational vehicles or appurtenances thereto, and any other recreational vehicle or appurtenance thereto.
- c. *Nontransient parks.* There shall be a minimum setback of ten feet from each side and rear recreational vehicle site (lot) line, and 25 feet from any interior street right-of-way or easement.

- (8) Completion of lots prior to occupancy; minimum occupancy prior to initiation of commercial use. A minimum of 30 lots must be completed and ready for occupancy before the first occupancy is permitted in a recreational vehicle park. No accessory commercial use will be issued an occupancy permit prior to a minimum of 30 lots being completed and ready for occupancy.

(c) *Accessory structures and additions.* Individual accessory structures, additions or free-standing storage sheds shall be permitted only in nontransient parks, and only when in compliance with the regulations set forth in sections 34-784 through 34-790. (Ord. No. 93-24, § 7(480.05(D)), 9-15-93; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 99-05, § 9, 6-29-99)

Sec. 34-940. Mixed use planned developments.

(a) All mixed use planned developments must meet or exceed at least two of the following DCI thresholds:

- (1) A residential development of 300 or more dwelling units (section 34-341(b)(1));
- (2) A commercial development or activity which is either located on a parcel of ten or more acres or which may include 100,000 square feet or more of floor area (section 34-341(b)(3)); or
- (3) An industrial development or activity which is located on a parcel of ten or more acres or which may include 100,000 square feet or more of floor area (section 34-341(b)(4)).

(b) Mixed use developments containing residential uses should be designed to capture within the development a substantial percentage of the vehicular trips that are projected to be generated by those uses at the project's buildout.

(Ord. No. 94-24, § , 8-31-94)

Secs. 34-941—34-960. Reserved.

DIVISION 10. SPECIAL PURPOSE DISTRICTS

Subdivision I. In General

Sec. 34-961. Purpose and intent.

The purpose and intent of the special purpose districts is to recognize and provide for certain types of uses and conditions which do not fall within the broader generalized categories set forth in this article. There are three special purpose districts as provided in subdivisions II through IV of this division.

(Ord. No. 93-24, § 7(490), 9-15-93)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE With Conditions a rezoning from the IL and IT districts to Industrial Planned Development, to permit the continued development of a mixed industrial center with buildings not to exceed 35 feet above average grade or three (3) stories above parking, on 62.1 total acres of land. The proposed development will also include ancillary and free standing commercial retail uses, automobile service station, building materials sales, and vehicle and equipment dealers.

The rezoning and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development and use of the subject property shall be in accordance with the one-page Master Concept Plan for Airport Woods Commerce Center (dated September, 1991, last revised March, 1992, Job No. 91-10, stamped received March 16, 1992) as prepared by Pokorny & Karsh, Inc., except as may be modified by the conditions herein. This project shall be developed in accordance with all applicable state and local development regulations, except as may be granted by deviation as part of this planned development. No deviations are granted, unless specifically approved herein.
2. The approved Schedule of Uses within this development shall be as follows:

ALL LOTS

All uses permitted by Right and Special Exception within the IL - LIGHT INDUSTRIAL - DISTRICT

All uses permitted by Special Permit within the IL - LIGHT INDUSTRIAL DISTRICT are hereby permitted within this district provided that a Special Permit is applied for and approved for this use in accordance with the zoning regulations

Essential Service Facilities - Group II (limited to sewage disposal or treatment facilities only)

Freight and Cargo Handling Establishments (Section 1001.17)

Rental Establishments - Groups III (Section 1001.39)

Tower, Communication (as approved and conditioned by Special Exception, Case 91-9-26-SE-4)

Ancillary Retail Sales when incidental and subordinate to a permitted principal use on the same premises

Free-Standing Retail Sales of Consumer Goods and Services, as limited in Section 471.B.1 to:

- Automobile Service Station (df)
- Building Material Sales (1001.04)
- Factory Outlets (point of manufacture only)
- Self Serve Fuel Pumps (df)
- Vehicle and Equipment Dealers - All Groups (1001.55)

A maximum of 700,000 square feet shall be permitted within this planned development. No more than 150,000 square feet shall be used for Offices, and no more than a total of 30,000 square feet shall be used for Retail Sales - Free Standing and/or Ancillary.

3. In the event that Treeline Avenue is redesignated or improved to other than a local road for the purpose of determining consistency with the commercial site location standards of the Lee Plan, then the following use can be approved on Lot 1 Block "A", Lots 1 and 7 Block "C", or Lot 7 Block "D" as depicted on the Master Concept Plan:

Household/Office Furnishings, Groups I & II (1001.22)

4. The minimum property development regulations (lot area, width, depth, setbacks) shall be in accordance with those standards for the IL zoning district (Zoning Ordinance Section 472.02.G).
5.
 - a. All invasive exotic vegetation shall be removed from common open space areas, including the cypress preserve, lakes and mitigation areas. Invasive exotics by definition shall include Melaleuca Species (Punk Tree, Cajuput Tree, Paperbark Tree), Casuarina Species (Australian Pines), and Schinus Species (Brazilian Pepper). Removal of this vegetation shall be completed as approved in the Mitigation and Compliance Plan described in Condition 5.b through e.
 - b. Removal of the exotic vegetation in these areas shall be performed by hand unless prior approval is obtained from the Division of Environmental Sciences. These areas shall be maintained to prevent regrowth of any invasive exotic species.
 - c. The exotic removal and maintenance plan shall be in effect in perpetuity.
 - d. The project shall be developed in accordance with the approved Airport Woods Commerce Center Revised Mitigation and Compliance Plan, dated August 7, 1991 and map, dated August 10, 1991, both as amended. This mitigation and compliance plan is (as of this date) undergoing minor revision by W. Dexter Bender & Associates and the final plan will be subject to approval by the Division of Environmental Sciences, Department of Community Development.
 - e. To insure compliance with the mitigation plan, each phase of the plan shall be completed and verified prior to the issuance of the Certificate of Compliance for that phase of the project.
6.
 - a. The property owner shall contact the Lee County Division of Emergency Management, Hazardous Material, prior to the occupancy of any unit or building to discuss the development in relation to the potential type, use, and storage of hazardous materials which could be located on the premises.
 - b. If required by federal, state, and/or local regulations:
 - 1) The property owner shall prepare and or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of MSDS chemicals to the appropriate fire department or district and to the Lee County Department of Public Safety.
 - 2) The owner shall establish, prior to approval of a Certificate of Occupancy for any structure, an emergency notification system to be used in the event of a hazardous material release. This system shall be approved by the Department of Public Safety.
7. Approval of this rezoning does not give the developer the undeniable right to receive approval for development in accordance with the Development Standards Ordinance which exceeds the 2010 Overlay use allocation for the applicable subdistrict.
8. This zoning approval does not signify that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a Local Development Order, per the Development Standards Ordinance or other Lee County Ordinance.
9. No lot shall be permitted direct access to Treeline Avenue.
10. Deviation (1) is a request to deviate from the minimum setback between structures and a section line of 75 feet (Zoning Ordinance Section 202.18.B.3.a.1.), to zero (0) feet for the section line of Sections 14 and 15, Township 45 South, Range 25 East. This deviation is APPROVED.

Deviation (2) is a request to deviate from the minimum water retention excavation setbacks to a section line of 75 feet (Zoning Ordinance Section 509.C.1.), to zero (0) feet between Sections 14 and 15. This deviation is APPROVED.

Deviation (3) is a request to deviate from the minimum water retention excavation setbacks to a private property line of 50 feet (Zoning Ordinance Section 509.C.4.), to zero (0) feet. This deviation is APPROVED.

Site Plan 92-021 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

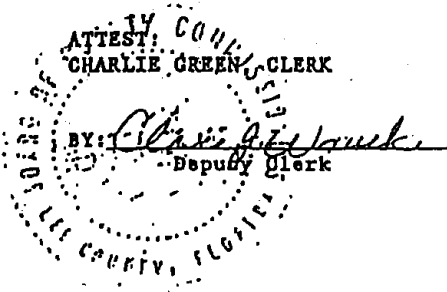
The following findings of fact were made in conjunction with this approval of Industrial Planned Development zoning:

- A. That the rezoning, as conditioned, will have no adverse impact on the intent of the Zoning Ordinance.
- B. That the rezoning, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.
- C. That the rezoning, as conditioned, meets or exceeds the applicable performance and locational standards set forth for the proposed uses.
- D. That the rezoning, as conditioned, will protect, preserve, conserve environmentally critical areas and natural resources.
- E. That the rezoning, as conditioned, will not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development.
- F. That the rezoning, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the uses, as set forth elsewhere in the Zoning Ordinance.
- G. That the rezoning, as conditioned, will be compatible with existing or planned uses, and will not cause damage, hazard, nuisance or other detriment to persons or property.
- H. That the approved deviations, as conditioned, will enhance the achievement of the objectives of the planned development, and will preserve and promote the protection of the public health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Judah, and seconded by Commissioner Hanning and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Vicki Lopez-Wolfe	Absent
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 29th day of June, A.D., 1992.



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

JUL 9 1992

CLERK CIRCUIT COURT
BY [Signature], D.C.

AMENDED DECLARATION
OF
PROTECTIVE COVENANTS
FOR
AIRPORT WOODS COMMERCE CENTER
LEE COUNTY
FORT MYERS, FLORIDA

This Declaration of Protective Covenants ("Declaration") is made on _____, 1983 by AIRPORT WOODS PARTNERSHIP, a general partnership, (the "Partnership"), as owner of the real property depicted in Exhibit "A" attached hereto and incorporated herein by reference (the "Property"). The Property shall be known as AIRPORT WOODS COMMERCE CENTER. The Partnership shall be hereinafter referred to as a "Declarant".

ARTICLE I

GENERAL PROVISIONS

1.01 Establishment of Restrictions

Declarant, as the owner in fee simple of the Property, hereby declares that the Property is now held, and shall hereafter be held, sold, leased, conveyed, encumbered, occupied, or otherwise transferred, developed, improved, and built upon, subject to the restrictions herein set forth, which restrictions shall run with the Property and shall inure to the benefit of and be binding upon each Property Owner (as hereinafter defined) and his heirs, assignees and successors in interest.

1.02 Purpose of Restrictions

The purpose of these restrictions is to assure reasonable development and use of the Property as a whole, to protect each Property Owner (as hereinafter defined) against such unreasonable development or use of the Property or any part thereof, to prevent the erection on the Property of structures built of undesirable design or materials, to encourage the erection of attractive Improvements (as hereinafter defined) at appropriate locations, to prevent haphazard and inharmonious Improvements, to secure and maintain proper setbacks from streets and adequate free spaces between Improvements, and in general to provide adequately for quality Improvements on the Property in accordance with a general plan.

This Declaration is designed to complement the Lee County Zoning Regulations, to the end that the more rigid requirement of the Lee County Zoning Regulations or of this Declaration, as the case may be, shall prevail.

1.03 Definitions

Unless the context otherwise specifies or requires, each term defined in this Article I shall, for all purposes of this Declaration, have the meaning herein respectively set forth:

A. Declarant: The term "Declarant" shall mean AIRPORT WOODS PARTNERSHIP, a general partnership, its successors or assigns, or any group of persons, association, entity or other organization to whom one or more of the rights, powers or reservations reserved unto Declarant hereunto are transferred or assigned.

B. Protective Covenants: The term "Protective Covenants" shall mean all covenants, restrictions and easements set forth in

this Declaration, as they may, from time to time, be amended or supplemented.

C. Property Owner: The term "Property Owner" shall mean the legal or beneficial owner (whether a person, group of persons, entity, association or other organization (hereinafter referred to as a "person") of the fee simple title to any Lot (as hereinafter defined) situated on the Property together with anyone claiming a right of possession or use by or through such person of a part or all of the Property, for so long as such person remains an owner.

D. Lot: The term "Lot" shall mean and refer to any subplot (whether or not improved with an Improvement) shown upon any recorded subdivision plat of the Property.

E. Improvements: The term "Improvements" shall mean any building, out-building, underground installation, slope alteration, road, driveway, parking area, fence, screening wall or barrier, retaining wall, stairs, deck, windbreak, plantings, hedges, trees and shrubs, poles, signs, loading areas and all other structures or landscaping improvements of every type and kind.

F. Building: The term "Building" shall include any structure whatsoever and all projections or extensions thereof, including garages, outside platforms and decks, carports, canopies, porches and outbuildings.

G. Declaration: The term "Declaration" shall mean this Declaration as the same may be supplemented or amended from time to time in the manner prescribed herein.

H. Property: The term "Property" shall mean the property described on Exhibit "A" attached hereto and made a part hereof.

I. Zoning Regulations: The term "Zoning Regulations" shall mean the Zoning Regulations of Lee County, Florida, as amended or supplemented from time to time.

J. Street: The term "Street" shall mean any dedicated road right-of-way within the Property.

Any term not herein otherwise specifically defined shall have the meaning ascribed to it in the Zoning Regulations.

ARTICLE II

ADDITIONS, TERMINATIONS, MODIFICATIONS, ASSIGNMENT OF DECLARANT'S RIGHT, DUTIES, TERM

2.01 Termination and Modification

This Declaration, or any provision hereof, or any covenant, condition or restriction contained herein, may be terminated, extended, modified or amended as to the whole of the Property or any portion or portions thereof, with the written consent of the record owners in fee simple of more than fifty percent (50%) of the Lots, based on the square feet of the Lots owned as compared to the total number of square feet of all Lots; provided, however, that so long as Declarant owns at least twenty percent (20%) of the Lots comprising the Property on a square foot basis in relation to all of the Lots, no such termination, extension, modification or amendment shall be effective without the written approval of Declarant thereto. No termination, extension, modification or amendment to this Declaration shall be effective until a proper instrument in writing has been executed and recorded in the office of the Clerk of the Circuit Court, Lee County, Florida. Notwithstanding the foregoing, no such amendment or modification shall operate to subject any Lot to more onerous restrictions without the consent of the owner of such Lot.

2.02

Assignment of Declarant Rights and Duties

Any and all of the rights, powers and reservations of Declarant herein contained may be assigned to any person who assumes the duties of Declarant pertaining to the particular right, power or reservation assigned, and upon such person's evidencing his or its consent in writing to accept such assignment and assume such duties, and the recording of such consent with the Clerk of the Circuit Court, Lee County, Florida, such person shall, to the extent of such assignment, have the same rights and powers and be subject to the same obligations and duties as are given to and assumed by Declarant herein. If at any time Declarant ceases to exist and has not made such an assignment or Declarant shall no longer own property covered by this Declaration, then in that event the obligations and duties hereunder shall vest in Airport Woods Commerce Center Property Owner's Association, Inc., a non-profit corporation. Effective as of the effective date of any such assignment, the assigning Declarant hereunder shall be fully discharged from all responsibilities, liabilities, duties and obligations imposed by this Declaration relating to the rights, powers or reservations assigned, or resulting or arising out of the prior exercise of such duties.

2.03

Term

Subject to Section 2.01 of this Article II, every covenant, condition and restriction contained herein shall continue in full force and effect for a period commencing on the date hereof and expiring on January 1, 2003.

ARTICLE III

REGULATION OF IMPROVEMENTS

3.01

Minimum Setback Lines

A. General - Except as hereinafter provided, no Building of any kind, nor any part thereof, shall be placed closer to a property line of a Lot than provided in this Article III. Notwithstanding the foregoing, the following Improvements are specifically excluded from these setback provisions:

- (1) Steps and walks and open and enclosed stairways.
- (2) Paving and associated curbing.
- (3) Fences, and screening walls, except that no fence or screening wall shall be placed within the Street setback area unless specific prior approval is given by Declarant in writing.
- (4) Landscaping.
- (5) Signs identifying the Property Owner, subject to the Zoning Regulations and Section 3.05 of this Declaration.
- (6) Planters, not to exceed three (3) feet in height.

B. Setback from Property Lines - All setbacks shall be in accordance with Lee County Zoning Regulations.

3.02

Commencement, Completion and Maintenance During Construction; Right to Repurchase.

A. Construction of Improvements on any Lot without Improvements shall be commenced by the Property Owner within twelve (12) months after the transfer of title of such Lot by Declarant to the Property Owner. Upon commencement of construction of any

structure or Improvement, the Property Owner shall diligently prosecute the work thereon, to the end that the Improvements shall not remain in a partly finished condition longer than reasonably necessary for completion thereof, and under no circumstances longer than twelve (12) months from the date construction commences. Commencement of construction shall herein be defined as the date grading is initiated on the Lot.

B. Declarant reserves the right, but shall not be obligated, to repurchase any Lot which construction of approved Improvements has not been commenced within three (3) years of transfer of title to the Property Owner. The consideration for the repurchase by Declarant shall be the amount of the purchase price originally paid by the Property Owner for the Lot, net of any existing indebtedness on the Lot which must be assumed by Declarant in connection with the repurchase. The Property Owner shall submit into escrow an appropriate warranty deed conveying the Lot to Declarant, within thirty (30) days following receipt of written notice of Declarant's intent to repurchase.

C. During and prior to construction, the Property Owner shall be responsible for keeping the Lot in reasonably neat condition, shall prevent the accumulation of mud, trash or debris on the Lot or on the portion of the street on which the Lot abuts and shall prevent runoff of surface water and soil from the Lot onto adjacent property, Lots or streets. All Lots without structural Improvements shall be mowed not less than (3) times a year. Upon the failure by the Property owner to meet its maintenance obligations in the foregoing paragraph, Declarant shall have the right, upon three (3) days' written notice to the Property Owner, to perform such maintenance and charge the Property Owner for the reasonable cost thereof.

3.03 Excavating and Grading

No excavation shall be made except in connection with construction of an Improvement, and upon completion thereof, exposed openings shall be backfilled and disturbed ground shall be graded, leveled and, if appropriate, landscaped. Declarant reserves the sole and exclusive right to establish grades and slopes as to each Lot within the Property, and to fix the grade at which any Improvement on any Lot may be erected or placed, to the end that the final grading shall conform to the general plan for development of the Property.

3.04 Landscaping

A. Every Lot on which a Building shall have been placed shall be landscaped according to plans approved as specified herein. The Property Owner shall cause the approved landscaping to be installed and maintained thereafter in a sightly and well-kept condition. Said landscaping and maintenance shall include all unpaved areas between the property lines and setback lines, including those areas between the Street fronting a Lot and the property line; and said landscaping shall include any embankments or slopes located within the Lot.

B. The landscape plan submitted by the Property Owner to the Declarant for approval shall indicate the general plan and location for the planting of trees, shrubs and grass and installation of earth berms and screens. Landscaping, as approved by the Declarant, shall be installed within one hundred twenty (120) days of occupancy or substantial completion of the Building, whichever occurs first, or as soon thereafter as weather permits.

C. Every Property Owner shall provide sufficient sprinkler systems within the area of the landscaped areas to adequately water the landscaped areas.

3.05 Signs

A. No billboard or advertising sign shall be permitted, other than the following:

(1) A sign identifying the name, business, building number, street address, and product of the Property Owner.

(2) A sign offering the Lot for sale or lease, when specifically approved by Declarant in writing.

B. Signs shall conform to setback lines unless specific prior approval to the contrary is granted by Declarant in writing.

C. Signs may be erected on parapets which are built above roof level of Buildings within the Property, but shall not be erected on the roofs of Buildings or on structures built above the roofs.

D. Signs, graphics, and other identification material on Building sites shall only be of such size, design, color or location as is specifically approved by Declarant in writing. Declarant shall have the right to approve any signs which compost with the first-class quality of the Property even though not in technical conformity with the standards set forth in this Section.

3.06 Parking Areas

A. General - Adequate off-street parking shall be provided by the Property Owner to accommodate all present and future parking needs for employee, visitor, customer and company vehicles on the Property Owner's Lot. The intent of this provision is to eliminate the present and future need for on-street parking. To that end, this Section requires (1) that a Property Owner install sufficient off-street parking areas to accommodate its present needs, based on current employment rolls, and (2) that the site plan for each Building include sufficient area for the later expansion of parking areas to accommodate future growth in parking needs.

B. Zoning Regulations Apply - Parking requirements by land use, including size of spaces, aisle width, etc., shall conform to the provisions of the Lee County Zoning Regulations.

C. Subsequent Additions or Modifications of Buildings - In the event that a Property Owner wishes to expand an existing Building, the Building, as expanded, must meet the foregoing requirements for parking needs.

D. Parking Area Specifications - Parking areas shall be paved with asphalt or concrete or other approved surface and shall be striped to indicate locations and size of parking areas. Paved parking areas larger than twenty thousand (20,000) square feet shall have landscaped islands intermittently spaced, as approved by Declarant.

E. On-Street Parking Prohibited - Property Owners shall notify and instruct their employees, visitors, customers and operators of company vehicles to park only within the Lot and shall prohibit parking on the public streets within the Property and shall enforce said parking regulations upon said parties.

F. Parking on Unpaved Surfaces Prohibited - No vehicles shall be parked at any time on unpaved surfaces after construction on a Lot is completed.

3.07 Fences and Screening Walls

Except as otherwise provided herein, fences or screening walls may be constructed of evergreen shrubbery, masonry, metal panel system or other materials approved by Declarant. When a storage or

refuse collection area (built in accordance with Sections J.09 or J.11 hereof) is designed as a continuation of the front wall of the Building, the screening material used for said area shall be identical to or consistent with the material used in the construction of the front wall of the Building. When such storage or refuse collection area is not built flush with the front wall but is built attached to and as an extension of the side wall of the Building, the screening material used for said area shall be identical to or consistent with the material used in the construction of the side wall of the Building to which said area is attached.

3.08 Exterior Lighting

All exterior lighting shall be designed, erected, altered, and maintained in accordance with plans and specifications submitted to and approved by Declarant in writing. Lighting sources shall be screened from view. If automobile and truck parking areas are illuminated, the light sources shall be screened to prevent visible glare to the Street or adjacent Lots.

3.09 Storage and Loading Areas

A. No materials, supplies or equipment, including trailers, junk or derelict vehicles, and Property Owner- or supplier-owned or operated trucks, tractors or mobile lifts, shall be stored or parked over night in any area on a Lot except inside a closed Building or behind a visual barrier screening such area from view.

B. Loading areas shall not encroach onto setback areas unless specifically approved by Declarant in writing.

C. Except during the process of loading or unloading, trucks shall not be parked outside the Building of any Property Owner, unless parked in suitably screened area.

D. Storage shall not be permitted between the street and the Building line of any Lot.

E. Loading docks and overhead doors shall be located in the rear area of the Building.

3.10 Telephone and Electrical Services

All "on-site" telephone and electrical lines shall be placed underground. Transformer or terminal equipment shall be screened from view of adjacent streets.

3.11 Refuse Collection Areas

A. All outdoor refuse collection containers and areas shall be visually screened so that materials contained therein shall not be visible from the Street or adjacent Lots and all such containers shall be enclosed or protected in such a manner so as to prevent the overspill or blowing about of the refuse contained therein.

B. Refuse containers or collection areas shall not be permitted between the Street and the Building line of a Lot.

3.12 Building Regulations

A. Exterior Walls - Materials shall be approved by Declarant and shall be one or more of the following:

(1) Metal Siding - Only sidings with long life finishes (20 year minimum) may be utilized.

(2) Brick - Shall be hard burned clay; color and texture to be approved by Declarant.

(3) Stone - Shall have a weathered face or shall be polished, fluted, or broker faced. No quarry face stone shall be used except in retaining walls.

(4) Concrete Masonry - Units shall be those generally described by the National Concrete Masonry Association as "Customized Architectural Concrete Masonry Units" or shall be broken faced brick-type units. There shall be no exposed concrete on the exterior wall of any Building except painted or finished, and then only as approved in writing by Declarant. Any concrete masonry units that have a grey cement color shall be coated with a coating approved in writing by Declarant.

(5) Concrete - May be poured in place, tilt-up or precast. Poured in place and tilt-up walls shall have a finish texture, as well as method and quality of construction techniques, approved in writing by Declarant. Textured finishes, except in special cases approved in writing by Declarant, shall be coated. Precast units which are not uniform in color shall be coated. Coating shall be approved cementations or an epoxy type with a minimum life expectancy of ten (10) years.

(6) Wood - Shall be exterior grade wood siding that is stained, painted, or appropriately treated for exterior uses.

(7) Other Materials - Any other material that may be deemed appropriate and aesthetically acceptable by the Declarant.

(8) Wall Systems - Wall systems using insulation board, a synthetic plaster material and mix, with Portland cement base, with imbedded reinforcing fabric and a synthetic plaster finish coat, will be accepted.

B. Front Walls. No more than six (6) feet from the top of the front wall of a Building may be constructed of metal siding, unless specifically otherwise approved by Declarant.

C. Rooftop Equipment - Any rooftop equipment, including, without limitation, heating, ventilating and air conditioning equipment, which is constructed on any Building shall be screened from view by appropriate screening or enclosure. The point of reference to determine adequate screening shall be a person standing on grade level at the front property line of the Lot on which the particular Building is constructed.

3.13 Maintenance of Buildings and Landscaped Areas

It is the responsibility of the Property Owner to insure that:

A. All Improvements are maintained in a neat and orderly manner, including regular pick-up of litter from the Property Owner's Lot.

B. All permitted signs shall be maintained in a neat and orderly manner and repainted or repaired when faded or otherwise defaced, scarred or in need of repair.

C. All paved areas, driveways and concrete aprons shall be kept in good repair, swept, and free from dirt and silt.

D. All banks or slopes shall be maintained with suitable grasses, trees and shrubs to prevent erosion, exposure of dirt and clay, and/or any unsightly appearance. All bank and slope grasses

shall be planted and maintained so as not to exceed a height of eight (8) inches.

E. No Improvement on or to the Property Owner's Lot shall be permitted to fall into disrepair, and each such Improvement shall at all times be kept in good condition and repair, properly maintained and adequately or otherwise finished.

F. All planted grasses, trees, shrubs or other living material shall consistently be maintained in a neat, level cut, healthy condition. All plantings and grass shall be kept reasonably weed-free and adequately fertilized, watered and cared for so as to maintain a "manicured" like appearance.

ARTICLE IV

OPERATIONAL STANDARDS

4.01 Standards

A. Unless otherwise specifically prohibited herein or restricted by Lee County, any industrial operation and use shall be permitted which is consistent with Light Industrial use (as that term is defined in the Zoning Regulations), so long as such operation and use is performed or carried out entirely within a Building that is designed and constructed so that the enclosed operations and uses do not cause

or produce a nuisance to adjacent Lots, such as, but not limited to, vibration, sound, electro-mechanical disturbance, pollution of the air and water pollution, dust, emission of odorous, toxic or nontoxic matter. All lighting shall be shielded and confined within the property lines of the Property Owner's Lot.

D. An exception shall be made during periods when breakdown in equipment occurs in such a manner as to make it evident that the effect was not reasonably preventable.

C. No Property Owner shall use machinery or equipment which continuously emits noise which exceeds 60 decibels or intermittently emits noise which exceeds 70 decibels, when measured from any property line of the Lot on which the Building is situated.

D. No Property Owner shall emit particulates or fumes from the Building which could deface or alter the visual appearance of other Buildings within the Property, which are noxious or harmful to other uses of the Property or which violate any applicable standards of Federal, state or local authorities.

E. The sanitary sewer and storm water system for the Property has been designed on the assumption that no Buildings within the Property will be designed with basements. Therefore, no Building shall be constructed with a basement unless the plans and specifications for the Building provide for the installation of a pumping system, approved by Declarant, which is sufficient to accommodate sanitary sewer and storm water needs.

F. Any Improvements damaged in whole or in part by casualties such as, but not limited to, fire, windstorm, tornado, vandalism, strike or civil disorder, shall be repaired or replaced by the Property Owner with due diligence including the removal of debris. Should any Property Owner determine not to repair or replace any Improvement, then such Property Owner shall demolish and remove the damaged Improvement from the Lot and thereafter shall maintain the Lot in a graded, maintained condition. Under no circumstances shall any Improvement remain unrepaired or unremoved for a period in excess of ninety (90) days from the date of said casualty.

G. No Property Owner shall create a nuisance to a Lot or to any other property within the vicinity of a Lot. No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any Lot, except in approved waste containers which shall be shielded from view from the Street and adjoining Lots.

H. During reasonable hours and subject to reasonable security requirements, Declarant or its authorized representatives, shall have the right to enter any part of any Lot (but not the inside of Buildings), for the purpose of ascertaining whether the Protective Covenants have been or are being complied with. Any such entry shall constitute an authorized entry and Declarant or its authorized agents and representatives shall not be deemed guilty of trespass by reason thereof.

I. Declarant is hereby authorized and empowered to grant reasonable variances from the provisions of this Declaration or any portion hereof, in order to overcome practical difficulties and to prevent unnecessary hardships in the application of the provisions contained herein; provided, however, that said variances shall not materially injure the Property or Improvements on any Lot. No variances granted pursuant to the authority retained herein shall constitute a waiver of any provision of this Declaration as applied to any other Property Owner or Lot.

4.02 Approval of Plans

A. No Improvements shall be erected, placed, altered, maintained or permitted to remain on any Lot until plans and specifications showing plot layout and all exterior elevations, with materials and colors therefor, structural design, signs and landscaping, shall have been submitted to and approved in writing by Declarant. Such plans and specifications shall be submitted in writing over the signature of the Property Owner or his authorized agent. Two (2) sets of plans and specifications shall be submitted to Declarant; one (1) set with the approval or disapproval endorsed thereon shall be returned and the other shall be retained by the Declarant for its permanent files. Changes in plans previously approved by Declarant which materially affect Improvement size, placement, or external appearance, shall be similarly submitted to Declarant for its prior written approval.

B. Declarant's approval (or refusal to approve) shall be based, among other things, on adequacy of site dimensions; adequacy of present and future parking plans; adequacy and soundness of structural design; conformity and harmony of external design with Improvements on the neighboring Lots; proposed operations and uses; relation of topography, grade and finished ground elevation of the Lot being improved to those of neighboring Lots; proper facing of main elevation with respect to the Street; and conformity of the plans and specifications to the purpose and intent of this Declaration. Declarant shall not arbitrarily or unreasonably withhold its approval of such plans and specifications.

C. If Declarant fails either to approve or to disapprove such plans and specifications within thirty (30) days after the same have been submitted to it, it shall be conclusively presumed that Declarant has approved said plans and specifications, subject, however, to the restrictions contained herein.

D. Neither Declaration nor its successors or assigns shall be liable in damages to anyone submitting plans to Declarant for approval, or to any Property Owner by reason of mistake in judgment, negligence or nonfeasance arising out of or relating to the approval, disapproval or failure to approve any such plans. Every person who submits plans to Declarant for approval agrees, by submission of such plans, and every Property Owner agrees, by acquiring title to any Lot, that he will not bring any action or suit against Declarant to recover any such damages.

E. Notwithstanding anything to the contrary herein contained, upon the expiration of one year from the date of issuance of a building permit by Lee County for any Improvement or the completion of said Improvement, said Improvement shall be deemed to be in compliance with all provisions of this Article IV, unless actual notice of such noncompliance or noncompletion shall be given in writing by Declarant to the Property Owner, or unless legal proceedings shall have been instituted to enforce compliance or completion.

F. If construction of any approved Improvements is not commenced within one year from the date of Declarant's approval thereof, and thereafter diligently prosecuted to completion, then such approval given pursuant to this Section shall be deemed revoked by Declarant, unless Declarant extends the time for commencing work. In any event, all work covered by such approval shall be completed within one year of the commencement thereof, except for such periods as such completion is rendered impossible due to strikes, fires, national emergencies, critical material shortages, or other supervening forces beyond the control of the Property Owner.

G. Declarant may charge an approval fee, not to exceed \$500.00 for each set of plans reviewed, which shall be non-refundable and due and payable in advance. The 30-day automatic approval provision of Section 4.02(C) of this Article IV shall commence to run on the later of receipt of plans or collection of any such fee.

H. Declarant's approval of the plans and specifications for any Improvement shall be final and determinative; and no Property Owner shall have the right or authority to contest or otherwise challenge such approval.

ARTICLE V

ENFORCEMENT

5.01 Abatement and Suit

Violation or breach of any restriction herein contained shall give to Declarant and every Property Owner subject to these restrictions the right to prosecute a proceeding at law or in equity against the Property Owner who has violated or is attempting to violate any of these restrictions, to enjoin to prevent such Property Owner from doing so, to cause said violation to be remedied or to recover damages for said violation.

5.02 Deemed to Constitute a Nuisance

The result of every action or omission whereby any restriction herein contained is violated in whole or in part is hereby declared to be and to constitute a nuisance, and every remedy allowed by law or in equity against a Property Owner, either public or private, shall be applicable against every such result and may be exercised by Declarant or by any Property Owner.

5.03 Attorney's Fees

In any legal or equitable proceeding for the enforcement of or to restrain the violation of, this Declaration or any provision hereof, the losing party or parties shall pay the attorney's fees of the prevailing party or parties, in such amount as may be fixed by the Court in such proceedings. All remedies provided herein or at law or in equity shall be cumulative and not exclusive.

5.04 Failure to Enforce Not a Waiver of Rights

The failure of Declarant or of any Property Owner to enforce any restriction herein contained shall in no event be deemed

to be a waiver of the right to do so thereafter, nor of any right to enforce any other restriction.

5.05 Cumulative Remedies

The remedies herein specified are cumulative, and specification thereof shall not be deemed to preclude any aggrieved person's resort to any other remedy at law, in equity or under any statute, now or hereafter available.

ARTICLE VI

MISCELLANEOUS PROVISIONS

6.02 Constructive Notice and Acceptance

Each Property Owner, by acceptance of a deed conveying title to a Lot or the execution of a contract for the purchase thereof or the acceptance of a lease or license therefor, or the taking possession thereof, whether from Declarant or a subsequent Property Owner, shall accept such deed, contract, lease, license or possession upon and subject to each and all of the Protective Covenants, and subject also to the jurisdiction, rights and powers of Declarant and its successors and assigns, and by such acceptance shall for himself, his heirs, personal representatives, successors and assigns, be deemed to covenant, consent and agree to and with Declarant, its successors and assigns, and to and with every other Property Owner, to keep, observe, comply with and perform the Protective Covenants, whether or not any reference to this Declaration is contained in the instrument by which such person or entity acquired said interest. Every person or entity who now or hereafter owns or acquires any rights, title, or interest in or to any Lot, is and shall conclusively be deemed to have consented and agreed to the Protective Covenants, whether or not any reference to this Declaration is contained in the instrument by which such person or entity acquired any interest in said Lot. Notwithstanding the foregoing, such Property Owner agrees to refer to the Protective Covenants in any deed, lease or license covering any Lot and to make the Protective Covenants binding upon all subsequent Property Owners. No Property Owners shall be subject to any claim hereunder for any act occurring after such Property Owner shall have divested himself of all his right, title and interest to any Lot.

6.02 Waiver

Neither the Declarant nor its successors or assigns shall be liable to any Property Owner of real property subject to the Protective Covenants by reason of any mistake in judgment, negligence, nonfeasance, action or inaction or for the enforcement or failure to enforce the Protective Covenants or any part thereof. Every Property Owner, by acquiring his interest in the Property, agrees that he will not bring action or suit against Declarant, its successors or assigns, from time to time, to recover any such damages or to seek equitable relief.

6.03 Mutuality, Reciprocity; Runs With Land

This Declaration, as originally recorded and as amended from time to time and recorded in the public records of Lee County, Florida, is made for the direct, mutual and reciprocal benefit of each and every Lot on the Property; shall apply to all Property Owners; shall create mutual, equitable servitudes upon each Lot on the Property in favor of every other Lot on the Property; shall create reciprocal rights and obligations between the respective Property Owners and privity of contract and estates between all Property Owners and their respective heirs, successors and assigns; and shall operate as covenants running with the land, for the benefit of all other Lots on the Property, the Declarant and the Property Owners.

6:04

Reservation of Utility Easements

Declarant expressly reserves perpetual easements and rights of way in, over, under and across the strips of land as designated on the Record Plat of Airport Woods Commerce Center as recorded.

The aforesaid reservation of easements and rights-of-way shall include the further right of ingress to and egress from any of the described areas for any of the purposed herein specified.

Declarant hereby reserves the right to assign the use of any, all, or a portion of said easements and rights-of-way to any person, firm or corporation, whether public or private, furnishing any one or more of the aforesaid facilities or utilities.

Declarant further reserves the right to partially assign or convey its easement rights reserved herein as an appurtenance to land within the Property without it being considered by any Property Owner as an additional burden on or a diminution of said easement, or the Property or any Lot within the Property, or any beneficial rights thereto.

It is understood and agreed between the Declarant and any Property Owner, their respective heirs, successors and assigns, that no liability shall attach to the Declarant for failure to improve any part of the Property over which easement rights and right-of-way are hereby reserved or granted or for failure to maintain any Improvements on or to be made thereon by Declarant or others.

6.05 Resubdivision and Vacation of Street

Declarant reserves the right to re-subdivide or change any Lot size or shape, to extend or relocate any Street within the Property (provided that the consent of any abutting Property Owners affected by such change is secured) and to add additional land to the Property. Each Property Owner does, by the acceptance of a deed or by entering into occupancy of any Lot, grant to Declarant the power (which is deemed to be coupled with an interest) to execute any and all documents necessary to effectuate the purpose of this Section and, if requested by Declarant or any public authority, the right and power to execute, acknowledge and deliver any and all documents necessary to effectuate the purposes of this Section.

6.06 Agreement Not to Apply for Rezoning

The Property is zoned as a Light Industrial Use District. Each Property Owner, by acquiring his interest in the Property, agrees that he will not bring any action or suit, except with the written approval of the Declarant, its successors or assigns, to change the zoning of any portion of the Property other than to conform to the zoning described above.

6.07 Effect of Invalidation

If any provision of this Declaration is held to be invalid by any Court, the invalidity of such provision shall not affect the validity of the remaining provisions of this Declaration, and all remaining provisions shall continue unimpaired, in full force and effect, to the fullest extent permitted by law.

6.08 Notice

Any and all notices or other communication required or permitted by this Declaration or by law to be served on or given to Declarant shall be in writing and shall be deemed duly served and given when personally delivered to the person to whom it is directed or in lieu of such personal service, when deposited in the United States Mail, registered or certified mail, return receipt requested, postage prepaid, addressed to Declarant as follows:

Airport Woods Commerce Center

Attention: Manager

For the purposes of this paragraph, Declarant may change its address by recordation of a notice of change of address in the Clerk of the Circuit Court's Office of Lee County. Notice to any Property Owner shall be deemed duly served when delivered or deposited in the United States Mail, registered or certified mail, return receipt requested, postage prepaid, addressed to the address of the Lot so owned or occupied.

6.09 All Property Owners in Airport Woods Commerce Center shall upon the recording of a deed, or other instrument, vesting title in such Owner shall become a member of Airport Woods Commerce Center Property Owner Association, a corporation not for profit (the "Corporation"). In addition to the Corporation's other responsibilities it shall be responsible for the enforcement and maintenance of the drainage and surface water management system over and across the development as permitted by South Florida Water Management District. The Corporation shall be empowered to levy assessments against the members and to collect same for the purpose of providing funds with which to operate and maintain the drainage and surface water management system. Any such assessment remaining unpaid for more than thirty (30) days shall constitute a lien on such member's Property, and may be enforced in accordance with Florida lien laws.

ARTICLE VII

PROVISIONS RELATED TO SURFACE WATER MANAGEMENT

7.01 Responsibility of the Airport Woods Commerce Center Property Owners' Association, Inc.

It is the responsibility of the Airport Woods Commerce Center Property Owners' Association, Inc. a Florida nonprofit corporation to operate and maintain the surface water management system serving the Airport Woods Commerce Center as described in these restrictions.

7.02 Ownership of the Water Management System

The surface water management system serving the Airport Woods Commerce Center as described in these restrictions is owned by the Airport Woods Commerce Center Property Owners' Association, Inc. a Florida nonprofit corporation.

7.03 Lien for Assessment

In order to pay the cost of operating and maintenance of the surface water management system of the Airport Woods Commerce Center, the Airport Woods Commerce Center Property Owners' Association, Inc. is hereby granted the right to levy and collect an assessment against the individual properties covered by these restrictions and by accepting deeds to the property within the Airport Woods Commerce Center. All future owners acknowledge that right on behalf of the association and recognize and agree to the assessment and to the collection of said assessment by means of the imposition of a lien against the property so assessed in the event the assessment is not paid when due. The method of assessment shall be by the establishment of a budget by the Airport Woods Commerce Center Property Owners' Association, Inc. for the operation and maintenance of the surface water management system of the Airport Woods Commerce Center on a no less than annual basis. From said budget there shall then be established by the association an individual assessment for each parcel within the Airport Woods Commerce Center. The assessment

shall be based solely on a per-square-foot-of-ownership basis. In the event the assessment is not paid when due, the Airport Woods Commerce Center Property Owners' Association, Inc. is hereby granted and authorized to file a lien against the property within the Airport Woods Commerce Center of the defaulting property owner, and to file and enforce said lien in accordance with the forms and procedures by Florida Statute for the filing, imposition and collection of mechanics lien against real property.

7.04 Amendment Regarding Surface Water Management

Any amendment of these restrictions which would affect the surface water management system of the Airport Woods Commerce Center, including the water management portion of the common areas, must have the prior approval of the South Florida Water Management District.

7.05 Termination of Restrictions

Insofar as this Article VII of this restrictions is concerned, the restrictions shall continue in effect for at least 25 years from the date hereof and shall continue automatically in effect thereafter unless affirmative action is taken by Airport Woods Commerce Center Property Owners' Association, Inc. and the property owners is taken after due notice to the South Florida Water Management District.

IN WITNESS WHEREOF, Declarant has executed this Declaration the day and year first above written.

WITNESS:

AIRPORT WOODS PARTNERSHIP,
A General Partnership

Managing partner

STATE OF _____

COUNTY OF _____

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the above named AIRPORT WOODS PARTNERSHIP, a General Partnership, by _____, Managing Partner, and _____, Managing Partner, and that the same is their free act and deed and he free act and deed of said corporation and partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at _____, this _____ day of _____, 19_____.

MY COMMISSION EXPIRES:

Notary Public