

- (2) Any lot created in the rural community preserve land use category (as delineated by policy 17.1.3 of the Lee Plan) after July 9, 1991, must have a minimum area of 43,560 square feet excluding all street rights-of-way.
- (3) Modifications to required setbacks for collector or arterial streets, or for solar or wind energy purposes, are permitted only by variance. See section 34-2191 et seq.
- (4) Special street setback provisions apply to portions of Colonial Boulevard and Daniels Road. Refer to section 34-2192(b)(3) and (4).
- (5) For nonconforming lots, as defined in section 34-3271, the maximum lot coverage will be 40 percent.

(Ord. No. 93-24, § 7(table 410.B), 9-15-93; Ord. No. 94-24, § 50, 8-31-94; Ord. No. 95-07, § 36, 5-17-95; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 96-17, § 5, 9-18-96; Ord. No. 97-10, § 6, 6-10-97)

Secs. 34-655--34-670. Reserved.

DIVISION 3. RESIDENTIAL DISTRICTS

Subdivision I. In General

Sec. 34-671. General purpose and intent.

The purpose and intent of the residential districts is to permit various types of dwelling units at various densities in the urban service areas where infrastructure exists or can feasibly be extended, and to permit lower-density single-family conventional and mobile home dwelling units in nonurban areas where the services and conveniences of the urban areas are not provided.

(Ord. No. 93-24, § 7(420.01), 9-15-93)

Secs. 34-672--34-690. Reserved.

Subdivision II. One- and Two-Family Residential Districts

Sec. 34-691. Purpose and intent.

(a) *RSC-1 residential single-family conservation district.* The purpose and intent of the RSC-1 residential single-family conservation district is to recognize and protect existing single-family residential developments, lots, structures and uses, previously permitted but not conformable to the regulations for other single-family residential districts set forth in this chapter, and to accommodate residential use of lawfully existing lots nonconforming under previous zoning regulations. This district may be applied to any land use category allowing residential uses set forth under the Lee Plan. This district is not available for new developments, but may be used only by property owners in existing developments that comply with the property development regulations or by the Board of County Commissioners upon its own initiative to achieve the purpose mentioned in this section.

(b) *RSC-2 residential single-family estate district.*

- (1) The purpose of the RSC-2 residential single-family estate district is to provide for a

continuation of the uses created by Resolution No. Z-70-78, adopted June 2, 1970. This resolution created an estate category (EU-1) with minimum lot size of one acre, but also allowed a guest house and servants' quarters. All property on Captiva Island formerly zoned RS-2 and subject to Resolution No. Z-70-78 has been converted to RSC-2. Other existing developments in the unincorporated area of the county may also request to be rezoned to RSC-2, provided it is appropriate.

(2) Since this district is intended to continue the provisions of Resolution No. Z-70-78, certain use regulations and definitions will be somewhat different from the regulations found elsewhere in this chapter. For purposes of this district only, the term "family" is defined as one or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit, provided that a group of three or more persons who are not related by blood, marriage or adoption shall not be deemed to constitute a family, and further provided that domestic servants may be housed on the premises without being counted as a separate or additional family. The term "family" shall not be construed to mean a fraternity, sorority, club, monastery, convent or institutional group.

(c) *RS residential single-family districts.* The purpose and intent of the RS residential single-family district is to provide opportunities for the suitable location of detached, conventionally built single-family dwelling units and for facilitation of the proper development and protection of the subsequent use and enjoyment thereof.

(d) *TFC residential two-family conservation district.* The purpose and intent of the TFC residential two-family conservation district is to recognize and protect existing two-family residential developments, lots, structures and uses, previously permitted but not conformable to the regulations for the other two-family residential district set forth in this chapter, and to accommodate residential use of existing lots that were nonconforming under previous zoning regulations. This district is not available for new developments, but may be used only by property owners in existing developments that comply with the property development regulations or by the Board of County Commissioners upon its own initiative to achieve the purpose mentioned in this section.

(e) *TF-1 two-family district.* The purpose and intent of the TF-1 two-family district is to designate suitable locations for residential occupancy of conventionally built duplex, two-family and single-family dwelling units and to facilitate the proper development and to protect the subsequent use and enjoyment thereof. The TF district is intended for use only within the future urban areas as designated by the Lee Plan and subject to the range of densities for each land use category accommodating residential uses.

(Ord. No. 93-24, § 7(421.01), 9-15-93; Ord. No. 96-17, § 5, 9-18-96)

Sec. 34-692. Applicability of use and property development regulations.

No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in any one- or two-family residential district for any purpose other than as provided in section 34-694, pertaining to use regulations for one- and two-family residential districts, and section 34-695, pertaining to property development regulations for one- and two-family residential districts, except as may be specifically provided for in article VIII (nonconformities) of this chapter, or in section 34-620.

(Ord. No. 93-24, § 7(421.02), 9-15-93; Ord. No. 98-11, § 5, 6-23-98)

Sec. 34-693. Property development regulations for nonresidential uses.

(a) All nonresidential uses in the one- and two-family residential districts shall comply with the minimum lot dimensions, setbacks, maximum lot coverage and height requirements set forth for single-family dwellings in the district in which located, and shall have sufficient lot area to satisfy all open

space, buffering, drainage, retention, parking and other development requirements of this chapter and chapter 10.

(b) Exceptions and modifications to property development regulations are set forth in article VII, division 30, of this chapter.

(Ord. No. 93-24, § 7(421.03), 9-15-93)

Sec. 34-694. Use regulations table.

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

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

TABLE INSET:

	Special Notes or Regulations	RSC-1	RSC-2	RSA	RS-1	RS-2	RS-3	RS-4	RS-5	TFC-1	TFC-2	TF-1
Accessory uses, buildings and structures:	34-1171 et seq., 34-2441 et seq. 34-3106	P	P	P	P	P	P	P	P	P	P	P
Amateur radio antennas and satellite earth stations	34-1175	Refer to 34-1175 for regulations.										
Animals (equines)	34-1291 et seq.	-	-	-	-	-	-	SE	SE	-	-	-
Docks, seawalls	34-1863	P	P	P	P	P	P	P	P	P	P	P
Fences, walls	34-1741 et seq.	P	P	P	P	P	P	P	P	P	P	P
Entrance gate, gatehouses	34-1741 et seq.	P	P	P	P	P	P	P	P	P	P	P
Nonroofed accessory structures	34-2194(c)	P	P	P	P	P	P	P	P	P	P	P
Signs in compliance with chapter 30		P	P	P	P	P	P	P	P	P	P	P
Accessory apartment	Note (1) & (10), 34-1177	-	-	SE	SE	SE	SE	SE	SE	P	P	-

Administrative offices				P	P	P	P	P	P	P	P	P	P	P
Aircraft landing facilities, private:														
Lawfully existing:														
	Expansion of aircraft landing strip, or helistop or heliport landing pad	34-1231 et seq.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
	New accessory buildings	34-1231 et seq.	P	P	P	P	P	P	P	P	P	P	P	P
New:														
	Aircraft landing strip and ancillary hangars, sheds and equipment	34-1231 et seq.	-	-	-	-	-	-	-	-	-	-	-	-
	Heliport	34-1231 et seq.	-	-	-	-	-	-	-	-	-	-	-	-
	Helistop	34-1231 et seq.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Animals and reptiles														
	Keeping, raising or breeding of american alligators or venomous reptiles	34-1291 et seq.	-	-	-	SE	SE	SE	SE	SE	-	-	-	-
Assisted living facility			Notes (2) & (14), 34-1411	-	-	-	-	-	-	-	-	-	-	P
Boat ramps			Note (8)	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Clubs, private				P	P	SE	SE	SE	SE	SE	SE	SE	SE	SE
Commercial fishing equipment storage as an accessory use to single-family or mobile home residence, Greater Pine Island only			34-1179	P	P	P	P	P	P	P	P	P	P	-
Communication facility, wireless			34-1441 et seq.	Refer to 34-1441 et seq. for regulations										

Community residential home	Note (14)	P	P	P	P	P	P	P	P	P	P	P	P
Consumption on premises	34-1261 et seq.	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE
Day care center, adult or child	Note (7), (9) & (10)	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Dwelling unit:													
Duplex	Note (10)	-	-	-	-	-	-	-	-	-	P	P	P
Mobile home	Note (12)	EO	EO	EO	EO	EO	EO	EO	EO	EO	EO	EO	EO
Multiple-family building	34-3021	-	-	-	-	-	-	-	-	-	-	-	-
Single-family residence, conventional	Note (11)	P	P	P	P	P	P	P	P	P	P	P	P
Two-family attached	Note (10)	-	-	-	-	-	-	-	-	-	-	-	P
Townhouse		-	-	-	-	-	-	-	-	-	-	-	-
Zero lot line		-	-	-	-	-	-	-	-	-	-	-	-
Essential services	34-1611 et seq., 34-1748	P	P	P	P	P	P	P	P	P	P	P	P
Essential service facilities (34-622(c)(13)):													
Group I	34-1611 et seq., 34-1741 et seq., 34-2142	P	P	P	P	P	P	P	P	P	P	P	P
Group II	34-1611 et seq., 34-1741 et seq., 34-2142	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Excavation:													
Oil or gas	34-1651(c)	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE

	Water retention	34-1651(b), 10-329(c)	P	P	P	P	P	P	P	P	P	P	P
	Golf course	34-2471 et seq.	EO	EO	EO	EO	EO	EO	EO	EO	EO	EO	EO
	Guest house	Note (10), 34-1178	-	P	-	-	-	-	-	-	-	-	-
	Home care facility	Note (10)	P	P	P	P	P	P	P	P	P	P	P
Home occupation:													
	No outside help	Note (13), 34-1772(c)	P	P	P	P	P	P	P	P	P	P	P
	With outside help	Note (13), 34-1772(c)	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA
	Library	Note (10)					EO						
	Marina	34-1862	-	-	EO	EO	EO	EO	EO	EO	EO	EO	EO
Models:													
	Display center	34-1951 et seq.	-	-	SE	SE	SE	SE	SE	SE	SE	SE	SE
	Model home	34-1951 et seq.	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE
	Model unit	34-1951 et seq.	-	-	-	-	-	-	-	-	-	-	-
	Parks (34-622(c)(32)), group I	Note (5)	P	P	P	P	P	P	P	P	P	P	P
	Place of worship	Note (10), 34-2051	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
	Real estate sales office	Note (6)	SE	SE	SE	SE	SE	SE	SE	SE	-	-	-
Recreation facilities:													
	Personal		P	P	P	P	P	P	P	P	P	P	P
	Private-On-site		EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE

Private-Off-site			EO	EO	EO	EO	EO	EO	EO	EO	EO	EO	EO
Religious facilities	Note (3) & (10), 34-2051 et seq.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Residential accessory uses (34-622(c)(42))	Note (13), 34-1171 et seq.	P	P (4)	P	P	P	P	P	P	P	P	P	P
Schools, noncommercial:													
Lee County School District	Note (10), 34-2381	P	P	P	P	P	P	P	P	P	P	P	P
Other	Note (10), 34-2381	-	-	SE	SE	SE	SE	SE	SE	-	-	-	SE
Servant's quarters	Note (10)	-	P	-	-	-	-	-	-	-	-	-	-
Stable, private	34-1292	-	-	-	-	-	-	-	SE	SE	-	-	-
Temporary uses	34-3041 et seq.	P	P	P	P	P	P	P	P	P	P	P	P

Notes:

- (1) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (2) New facilities of 50 or more beds, or the expansion of an existing facility that will bring the number of beds to 50 or more, requires PD zoning. See section 34-341 and Table 34-934.
- (3) Any new facility of ten or more acres or any expansion of an existing facility to ten or more acres, requires PD zoning. See section 34-341 and Table 34-934.
- (4) Accessory buildings and uses (to the main building) may be located closer to the front of the property than the main building but must comply with all other setback requirements for accessory buildings and uses.
- (5) Recreational halls require a special exception approval.
- (6) Real estate sales are limited to sales of lots, homes or units within the development. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding three years from the date the certificate of occupancy for the sales office is issued. The director may grant one two-year extension. Additional time will require a new special exception approval.
- (7) Family day care home exemption. The operation of a family day care home under F.S. § 125.0109 requires an exemption from the special exception requirements for child day care facilities. See section 34-203(e)(9).
- (8) Non-commercial only.
- (9) A day care center, owned by the entity with title to the place of worship, that is operated within the building housing the place of worship is not required to obtain special exception approval.
- (10) Not permitted in Airport Noise Zone 3.
- (11) Not permitted in Airport Noise Zone 3. See section 34-1006(b)(2) for exceptions.
- (12) Not permitted in Airport Noise Zones 2 or 3. See section 34-1006(b)(2) & (3) for exceptions.

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

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

(Ord. No. 93-24, § 7(table 421.A), 9-15-93; Ord. No. 94-02, § 6, 1-19-94; Ord. No. 94-24, § 49, 8-31-94; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 96-17, § 5, 9-18-96; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 98-03, § 5, 1-13-98; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 02-20, § 5, 6-25-02; Ord. No. 03-11, § 1, 4-8-03; Ord. No. 03-16, § 6, 6-24-03

Sec. 34-695. Property development regulations table.

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

TABLE 34-695. PROPERTY DEVELOPMENT REGULATIONS FOR ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS

TABLE INSET:

		Special Notes or Regulations	RSC-1	RSC-2	RSA	RS-1	RS-2	RS-3	RS-4	RS-5	TFC-1	TFC-2	T
Minimum lot area and dimensions:		34-2221, 34-2222, 34-2142											
Single-family detached:													
	Lot area (square feet)		4,000	43,560	6,500	7,500	12,500	20,000	40,000	2 acres	6,000	7,500	7
	Lot width (feet)		40	100	65	75	100	100	100	130	50	75	7
	Lot depth (feet)		75	200	75	100	100	100	100	130	100	100	11
Duplex:													
	Lot area (square feet)		-	-	-	-	-	-	-	-	6,000	7,500	11
	Lot width (feet)		-	-	-	-	-	-	-	-	50	75	7

	Lot depth (feet)												100	100	1'
	Two-family attached:														
	Lot area (square feet)														1'
	Lot width (feet)														1'
	Lot depth (feet)														1'
Minimum setbacks:															
	Street (feet)	Notes (1) and (2), 34-2191 et seq.	10	(3)	Variable according to the functional classification of the street or road (see section 3 502192).										
	Side yard (feet):	Notes (1) and (4), 34-2191 et seq.													
	Single-family or duplex		5	10	6.5	7.5	10	12	15	15	6	7.5	7		
	Two-family													1'	
	Rear yard (feet)	Note (1), 34-2191 et seq.	10	20	20	20	20	20	20	20	20	20	20	20	2'
	Water body (feet):	34-2191 et seq.													
	Gulf of Mexico		50	50	50	50	50	50	50	50	50	50	50	50	5'
	Other		10	25	25	25	25	25	25	25	25	25	25	25	2'

Special regulations:													
	Animals, reptiles, marine life	34-1291 et seq.											
	Consumption on premises	34-1261 et seq.											
	Docks, seawalls, etc.	34-1863 et seq.											
	Essential services	34-1611 et seq.											
	Essential service facilities (34-622(c)(13))	34-1611 et seq., 34-2141 et seq.	Refer to the section specified for exceptions or additions to the minimum setback requirements listed in this table.										
	Fences, walls, gatehouses	34-1741 et seq.											
	Nonroofed accessory structures	34-2194(c)											
	Railroad right-of-way	34-2195											
Maximum height (feet)	34-2171 et seq.	35	35	35	35	35	35	35	35	35	35	35	3
			Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and area within the airport hazard zone have special limitations (see section 34-2171 et seq.)										
Maximum lot coverage (percent of total lot area)		45%	25%	45%	40%	40%	40%	40%	40%	40%	45%	40%	4

Notes:

- (1) Modifications to required setbacks for collector or arterial streets, or for solar or wind energy purposes, are permitted by variance only. See section 34-2191 et seq.
- (2) Special street setbacks apply to portions of Colonial Boulevard and Daniels Road. Refer to section 34-2192(b).
- (3) Accessory buildings and uses can be located closer to the front of the property than the main building, but must comply with all other setback requirements for accessory building uses.
- (4) No side yard setback required from common side lot line for two-family attached.

(Ord. No. 93-24, § 7(table 421.B), 9-15-93; Ord. No. 94-24, § 50, 8-31-94; Ord. No. 96-06, § 5, 3-20-96)

Secs. 34-696--34-710. Reserved.