

### **Sec. 33-332. Awnings.**

- (a) If an awning is over a public sidewalk, it must project from the surface of the building at a minimum height of eight feet. No awnings may be placed in or over any public right-of-way.
- (b) The design, materials and color of the awnings must complement the architecture of the building and not obscure its features.
- (c) Awnings must be consistent with the visual scale of the building.
- (d) Awnings must be placed at the top of openings. The awning shape must correspond with the shape at the top of the opening. Flat canopies are discouraged except in circumstances where it is accompanied by a valance. (Refer to Figure 5).

**GRAPHIC LINK: [Click here](#)**

- (e) Materials must be of high quality, durable and weather resistant. Plastic or shiny materials are prohibited.

(Ord. No. 05-29, § 5, 12-13-05)

### **Subdivision II. Height**

#### **Sec. 34-2171. Measurement.**

- (a) Except as provided in this subdivision, the height of a building or structure is measured as the vertical distance from grade\* to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs, and to the highest point of any other structure (excluding fences and walls).

\* For purposes of this subdivision, grade is the average elevation of the street or streets abutting the property measured along the centerline of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage.

- (1) In areas within the Coastal Building Zone and other flood prone areas (as defined in Chapter 6 Articles III and IV of the LDC), height of a building is the vertical distance from the minimum required flood elevation to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof, to the mean height level between eaves and ridge of gable, hip and gambrel roofs.
- (2) Fences, walls, and buffers are measured in accordance with section 34-1744 and section 10-416.

(Zoning Ord. 1993, § 202.18(A)1; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 99-05, § 9, 6-29-99)

#### **Sec. 34-2172. Reserved.**

**Editor's note:** Ordinance No. 97-10, § 6, adopted June 10, 1997, repealed § 34-2172. Formerly, such section pertained to determination of grade and derived from Zoning Ord. 1993,

§ 202.18(A)2.

**Sec. 34-2173. Exception to height limitations for certain structural elements.**

(a) The following structural appurtenances may exceed the height limitations stipulated in the applicable districts for authorized uses, without increasing setbacks as required in section 34-2174:

- (1) Purely ornamental structural appurtenances such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles or monuments.
- (2) Appurtenances necessary to mechanical or structural functions such as chimneys and smokestacks, water tanks, elevator and stairwell enclosures, ventilators, and bulkheads; AM and FM radio and television masts, aeriels, and antennas; fire and hose towers, utility transmission and distribution structures, cooling towers, aircraft control towers or navigation aids, forest fire observation towers, and barns, silos, windmills or other farm structures when located on farms.

For satellite earth stations and amateur radio antennas - refer to section 34-1175.

For wireless communication facilities, refer to section 34-1441 et seq.

(b) The permitted exceptions to the height limitations may be authorized only when the following conditions can be satisfied:

- (1) The portion of the building or structure permitted as an exception to a height limitation may not be used for human occupancy or for commercial purposes.
- (2) Structural exceptions to height limitations may only be erected to the minimum height necessary to accomplish the purpose it is intended to serve, and no higher.
- (3) If the roof area of the structural elements permitted to exceed the height limitations equals 20 percent or more of the total roof area, they will be considered as integral parts of the whole structure, and therefore not eligible to exceed the height limitations.

(Zoning Ord. 1993, § 202.18(A)3; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 03-11, § 1, 4-8-03)

**Sec. 34-2174. Additional permitted height when increased setbacks provided.**

(a) Subject to conditions set forth in section 34-2175, any building or structure may be permitted to exceed the height limitations specified by the zoning district regulations in which the property is located provided every required street, side, waterbody, and rear setback is increased by one-half foot for every one foot by which the building or structure exceeds the specified height limitation.

(b) In zoning districts that do not specify a maximum height limitation, the increase to setbacks stated in this section will apply to all buildings or structures exceeding 35 feet in height.

(c) The height increases described in section 34-2174(a) and (b) may not be used in

Greater Pine Island.

(Zoning Ord. 1993, § 202.18(A)4; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 07-19, § 6, 5-29-07; Ord. No. 07-24, § 7, 8-14-07)

**Sec. 34-2175. Height limitations for special areas and Lee Plan land use categories.**

The following areas have special maximum height limitations applicable to all conventional and planned development districts:

(a) *Special areas.*

- (1) *Upper Captiva Island.* The height of a structure may not exceed 35 feet above grade (base flood elevation). The provisions of section 34-2174(a) do not apply to Upper Captiva Island. No variance or deviation from the 35-foot height restriction may be granted.

In addition to compliance with all applicable building codes (including Fire and Life Safety Codes), any building with two or more stories or levels must provide an exterior stairway from the uppermost levels (including "widow's walks" or observation decks) to the ground OR a one-hour fire rated interior means of egress from the uppermost levels (including "widow's walks" or observation decks) to the ground.

- (2) *Captiva Island.* No building or structure may be erected or altered so that the peak of the roof exceeds 35 feet above the average grade of the lot in question or 42 feet above mean sea level, whichever is lower. The provisions of section 34-2174(a) do not apply to Captiva Island. No variance or deviation from this height restriction may be granted; provided however, one communication tower, not to exceed 170 feet in height, may be constructed in accord with Lee Plan Policy 13.1.14.
- (3) *San Carlos Island.* The height of a structure may not exceed 35 feet above grade, except as provided for in section 34-2174. If seaward of the coastal construction control line, elevations may exceed the 35-foot limitation by three feet for nonconforming lots of record.
- (4) *Gasparilla Island conservation district.* No building or other structure may be erected or altered so that the peak of the roof is more than 38 feet above the average grade of the lot or parcel on which the building or structure is located, or is more than 42 feet above mean sea level, whichever is lower.
- (5) *Greater Pine Island.* See section 33-1088.
- (6) *All other islands:* The height of a structure may not exceed 35 feet above grade (base flood elevation). Except as provided in subsections 34-2175(3), (4), and (5), the provisions of section 34-2174(a) do not apply to islands. No variance or deviation from the 35-foot height restriction may be granted.
- (7) *Airport hazard zone.* Height limitations for the airport hazard zone are set forth in article vi, division 10, subdivision III, of this chapter.

(b) *Lee Plan land use categories.*

- (1) *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.
- (2) *Urban community land use category.* Buildings may be as tall as 95 feet above minimum flood elevation with no more than eight habitable stories.
- (3) *Airport lands and tradeport 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.
- (4) *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.
- (5) *Suburban, outlying suburban and rural land use categories.* 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.

(Zoning Ord. 1993, § 202.18(A)5; Ord. No. 93-24, § 6, 9-15-93; 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. 98-17, § 1, 8-25-98; Ord. No. 99-13, § 1, 10-4-99; Ord. No. 01-18, § 5, 11-13-01; Ord. No. 05-14, § 6, 8-23-05; Ord. No. 07-19, § 6, 5-29-07; Ord. No. 09-05, § 2, 2-25-09; Ord. No. 09-23, § 10, 6-23-09)

Secs. 34-2176--34-2190. Reserved.