

# *Lee County Land Development Code*

## **Sec. 34-2. Definitions.**

**Building or structure, accessory** means a building or structure which is customarily incidental and subordinate to a principal building or to the principal use of the premises, and located on the same premises. See Building, principal .

**Building, principal** means a building in which is conducted the main or principal use of the premises on which the building is situated.

**Dwelling unit** means a room or rooms connected together, which could constitute a separate, independent housekeeping establishment for a family, for owner occupancy, or for rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping and sanitary facilities and one kitchen. The term "dwelling unit" shall not include rooms in hotels, motels or institutional facilities. See Housing unit and Living unit .

### **Dwelling unit, types.**

(1) **Duplex** means a single, freestanding, conventional building on a single lot, designed for two dwelling units under single ownership, or wherein each dwelling unit is separately owned or leased but the lot is held under common ownership.

(2) **Single-family residence** means a single, freestanding, conventional building designed for one dwelling unit and which could be used for occupancy by one family.

(3) **Two-family attached** means a single, freestanding, conventional building designed as two dwelling units attached by a common wall or roof, but wherein each unit is located on a separate lot under separate ownership.

(4) **Townhouse** means a group of three or more dwelling units attached to each other by a common wall or roof wherein each unit has direct exterior access and no unit is located above another, and each unit is completely separated from any others by a rated firewall or a fire and sound resistant enclosed separation or space, and wherein each dwelling unit is on a separate lot under separate ownership.

(5) **Mobile home** means a building, manufactured off the site in conformance with the Federal Mobile Home Construction and Safety Standards (24 CFR 3280 et seq.), subsequently transported to a site complete or in sections where it is emplaced and tied down in accordance with chapter 15C-1, Florida Administrative Code, with the distinct possibility of being relocated at a later date.

(6) **Multiple-family building** means a group of three or more dwelling units within a single conventional building, attached side by side, or one above another, or both, and wherein each dwelling unit may be individually owned or leased but the land on which the building is located is under common or single ownership. Dwelling units, other than caretaker's quarters, which are included in a building which also contains permitted commercial uses shall also be deemed to be multiple-family dwelling units.

(7) **Zero lot line** means a dwelling unit with at least one wall of a building on a side or rear line of the lot on which it stands.

**Guest house** means an accessory building which is located on the same premises as the principal building and is to be used exclusively for housing members of the family occupying the principal building, or other nonpaying guests, is not occupied year-round, can have kitchen facilities, and is not rented or otherwise used as a separate dwelling. A guest house shall not be occupied by more than one family at any time, and only one guest house is permitted for each main dwelling.

**Housing unit** means a house, apartment, mobile home or trailer, group of rooms or single room occupied or intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants do not live and eat with any other person in the structure and which have direct access from the outside of the building or through a common hall. See Dwelling unit and Living unit .

**Living unit** means any temporary or permanent unit used for human habitation. See Dwelling unit and Housing unit .

**Servants' quarters** means a dwelling unit for domestic servants employed on the premises. Such unit may be in either a principal or an accessory building, and, if in an accessory building, may be used alternatively as a guest house, but no such living quarters shall be rented, leased or otherwise made available for compensation of any kind except in the form of housing for servants. Such a unit may not be occupied by more than one family at any one time, and there shall be no more than one separate servants' quarters for each main dwelling unit.

## **Sec. 34-1801. Definitions.**

For the purposes of this division, a hotel/motel is defined as a building, or group of buildings on the same premises and under single control, consisting of ten or more sleeping rooms kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient guests or tenants. Hotels/motels must be registered with the Department of Revenue as a bona fide hotel/motel operation and are required to pay the levied tourist development tax promulgated by the county. Hotels/motels that are not registered with the Department of Revenue or do not pay the tourist tax will be subject to the density limitations and property development regulations for multiple family buildings.