

LEE COUNTY ORDINANCE NO. 12-18

AN ORDINANCE AMENDING CHAPTER 30 OF THE LEE COUNTY LAND DEVELOPMENT CODE TO AUTHORIZE THE PLACEMENT OF BILLBOARDS ON METRO PARKWAY BETWEEN BEN C. PRATT/SIX MILE CYPRESS PARKWAY AND US 41.

WHEREAS, Florida Statutes Section 125.01(1)(h) authorizes counties to establish, coordinate, and enforce zoning regulations necessary for the protection of the public; and,

WHEREAS, Florida Statutes section 163.3167(1)(a) and (c) requires Counties to adopt Comprehensive Plans to guide future development and growth and also to implement its comprehensive plan by the adoption of land development regulations; and,

WHEREAS, the Board of County Commissioners of Lee County, Florida, has adopted a comprehensive Land Development Code (LDC); and,

WHEREAS, the LDC contains regulations applicable to the development of land in Lee County; and,

WHEREAS, the Board has centralized LDC provisions that are applicable to the erection of signs in Lee County in Chapter 30 of the LDC; and,

WHEREAS, the manner of the erection, location and maintenance of signs affects the public health, safety, morals, and the public welfare of the people of Lee County; and

WHEREAS, it is the intent of the Board to provide for the placement of billboards along the section of Metro Parkway between Ben C. Pratt/Six Mile Cypress Parkway and US 41 ; and

WHEREAS, the segment of Metro Parkway, from Ben C. Pratt/Six Mile Cypress Parkway to US 41, has been identified as a road segment suitable for the placement of billboards; and

WHEREAS, the Board desires to further amend the sign regulations of LDC Section 30-183 to permit billboards to be placed on Metro Parkway between Ben C. Pratt/ Six Mile Cypress Parkway and US 41, and;

WHEREAS, the LDCAC has reviewed the proposed amendments to the LDC on July 13, 2012, and recommended modifications as indicated; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code on July 11, 2012, and recommended their adoption; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments on July 30, 2012, and found them consistent with the Lee Plan, as indicated.

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

SECTION ONE: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 30

Lee County Land Development Code Section 30-183 is amended as follows, with deleted language identified by strike-through and new language identified by underline.

Sec. 30-183. - Billboards.

Billboards are permitted along I-75; and Alico Road, west of I-75; and Metro Parkway, from Daniels Parkway to US 41 ~~Ben C. Pratt/Six Mile Cypress Parkway~~; and any arterial street within the county subject to the following limitations:

(1) *Location.*

- a. Except as otherwise provided in this section, billboards are permitted in any zoning district provided the area is shown on the county comprehensive plan as intensive development, industrial development, interchange areas or tradeport. Arterial streets must be designated on the existing functional classification map, as in effect on March 20, 1991.
- b. No billboard will be permitted along:
 1. Ben C. Pratt/Six Mile Cypress Parkway.
 2. Summerlin Road.
 3. McGregor Boulevard.
 4. Daniels Parkway/Cypress Lake Drive corridor from McGregor Boulevard to SR 82, which includes Cypress Lake Drive, Daniels Parkway, the proposed Daniels Parkway extension, Fuel Farm Road, portions of Chamberlin Parkway and any other roads which are not stated in this subsection but are located within such corridor.

5. Colonial Boulevard east of I-75.
6. Alico Road east of I-75.
7. Koreshan Boulevard.
8. Corkscrew Road.
9. Treeline Avenue Corridor from Daniels Parkway to Bonita Beach Road. This prohibition includes Ben Hill Griffin Boulevard and any other roads which are not stated in this subsection but are located within this corridor. This prohibition specifically contemplates the future renaming of Treeline Avenue.
10. Pine Ridge Road.
11. South Pointe Boulevard.

(2) *Separation.* Minimum distance separation will be as follows:

- a. Within industrial/business and intensive business areas, 2,000 feet from any other billboard on the same side of the street.
- b. Within interchange areas, 1,320 feet from any other billboard on the same side of the street.
- c. Within tradeport areas, 2,000 feet from any other billboard on the same side of the street.

No billboard may be located closer than 100 feet to any intersection with another arterial road.

- (3) *Size.* No billboard may be less than 72 square feet in area per face or more than 400 square feet in size. Embellishments may not extend more than four feet from the top edge or more than two feet from any one side edge. On Alico Road, west of I-75, billboards may not exceed 380 square feet in size.
- (4) *Height.* Billboards may not exceed a height of 20 feet when placed at the sign setback line set forth in subsection (5) of this section, except that, for every two feet the sign is placed back from the required setback line, the height of the sign may be increased by one foot, to a maximum height of 30 feet.

- (5) *Setbacks.* All billboards must be set back a minimum of ten feet from any property line and any building as measured between the closest point of the sign to the property line or building.
- (6) *Roof signs.* Billboards are prohibited on any roof portion of any building.
- (7) *Copy area.* The billboard advertisement shall cover the entire copy area of the billboard.
- (8) *Maximum number of signs per structure.* Each billboard structure shall be limited to a single sign, which may be single or double-faced, but side-by-side or vertically stacked (double-tier) signs shall be prohibited.
- (9) *Illumination.* Billboards may be illuminated provided that, if external lighting such as floodlights, thin-line or gooseneck reflectors are used, the light source shall be directed on the face of the sign and shall be effectively shielded so as to prevent beams or rays of light from being directed into any portion of the street right-of-way.
- (10) *Revolving signs.* Billboards may be a revolving sign as defined in this chapter, but shall not consist of animation or flashing devices.
- (11) *Variances and Deviations.* No variances or deviations from subsections (1) or (6) through (10) may be granted.
- (12) *Landscaping for billboards on Alico Road, west of I-75.*
 - a. Landscaping in accordance with a county-approved landscape plan must be installed prior to final inspection as follows:
 1. If the site is undeveloped, the following landscaping is required around the pole:
 - i. Eight randomly placed, staggered height native trees or Sabal palms, eight to 20 feet in height, and
 - ii. Ten large native shrubs (minimum four (4) feet in height, ten gallon container).
 2. If the site is developed, the following landscaping is required:
 - i. The equivalent amount of trees and shrubs as required in subsection 1. above must be placed on-site between the building and the road. This billboard related landscaping is in addition to any other required landscaping for the site; or

- ii. If the site is developed, the applicant has the option to provide a one-time payment of \$2,000.00 to the County for roadway landscaping on Alico Road in lieu of landscaping on-site as otherwise required in subsection 2.i. above.
- b. The director of the department of community development may administratively allow deviations from the landscaping requirements of this section when, in the opinion of the director, the proposed alternative number and type of plantings provides an equivalent degree of landscaping as otherwise required by this section.
- c. The billboard owner must maintain the required landscaping in a healthy and vigorous condition at all times. Tree and palm staking must be removed within 12 months after installation. All landscapes must be kept free of refuse, debris, disease, pests, and weeds. Ongoing maintenance to prohibit the establishment of prohibited invasive exotic species is required.

SECTION TWO: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

SECTION THREE: SEVERABILITY

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such unconstitutional provision was not included.

SECTION FOUR: CODIFICATION AND SCRIVENER'S ERRORS

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Administrator, County Manager or his designee, without the need for a public hearing.

SECTION FIVE: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

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

JOHN MANNING	Absent
BRIAN BIGELOW	Aye
RAY JUDAH	Aye
TAMMY HALL	Aye
FRANK MANN	Aye

DULY PASSED AND ADOPTED THIS 28th day of August, 2012.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
John Manning, Chair

APPROVED AS TO FORM:

By: 
Office of County Attorney