

ORDINANCE NO. 12-21

AN ORDINANCE AMENDING LEE COUNTY LAND DEVELOPMENT CODE, CHAPTERS 30 AND 33 CONCERNING SIGN REGULATIONS IN THE ESTERO PLANNING COMMUNITY.

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, Goal 24 of the Lee Plan mandates that the County maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts, yet function in a streamlined manner; and,

WHEREAS, in 2002 the Board adopted Goal 19 creating the Estero Planning Community; and

WHEREAS, Policy 19.1.1 indicates regulations pertaining to enhanced landscaping along roadway corridor, greater buffering, shading of parking areas, signage, lighting and architectural standard will be incorporated into the Land Development Code (LDC); and

WHEREAS, Policy 19.1.5 provides that a corridor management plan for the Estero US 41 corridor will be developed; and

WHEREAS, Policy 19.1.2 discourages Lee County from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards; and,

WHEREAS, Policy 19.5.3 requires an owner or agent for any Planned Development request within the Estero Planning Community to conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised; and,

WHEREAS, Lee Plan Policies 14.5.3, 24.1.9, 52.1.1 and 110.6.2 require county staff and private citizen committees to review existing development regulations to determine whether the regulations can be further fine tuned and streamlined in order to

meet the Goals, Objectives, and Policies of the Lee Plan; and,

WHEREAS, the Community plan amendments to the Lee Plan include policies that should be implemented through amendments to the Lee County Land Development Code; 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 of County Commissioners, through the creation of LDC Chapter 33, has begun to centralize LDC provisions that are applicable only to certain planning communities within the County; and,

WHEREAS, the Land Development Code Advisory Committee has reviewed the proposed amendments to the LDC on February 10, 2012 and April 13, 2012 and recommended their adoption; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code on March 14, 2012, and recommended their adoption; and,

WHEREAS, the Local Planning Agency reviewed the proposed amendments on _____, and found them consistent with the Lee Plan.

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

SECTION ONE: AMENDMENT TO LDC CHAPTER 30

Lee County Land Development Code Chapter 30 is amended as follows with strike through identifying deleted text and underline identifying new text.

CHAPTER 30 SIGNS

~~ARTICLE VI. ESTERO SIGN OVERLAY DISTRICT~~

~~**Sec. 30-400. Reserved.**~~

~~**Sec. 30-401. Definitions.**~~

~~The following definitions are in addition to the definitions set forth in section 30-2(b). Freestanding sign is a sign that is permanently affixed in or upon the ground, supported by one or more structural members, with air space between the sign and the ground space.~~

~~Monument sign or monument-style sign is a freestanding or ground sign, the structural base of which is on the ground. The height of the base must not exceed 24 inches above the adjacent ground. Unless otherwise provided for in this article, the average width of the sign structure must exceed the total height of the sign structure. The width of the top of the sign structure must not exceed 120 percent of the width of the base. The face of sign area for a monument sign is measured as a rectangle enclosing the entire width and height of the sign structure.~~

~~Pole sign is a freestanding sign composed of a single, double, or multiple pole or support structure, that is not a solid monument-style support, which pole is in excess of 12 inches in height.~~

~~Pylon sign is a ground sign having a vertical dimension greater than its horizontal dimension.~~

~~Sec. 30-402. Applicability of article; conflicting provisions.~~

~~This article is adopted as an addendum to the general sign ordinance of the county set out in articles I through IV of this chapter. The provisions of articles I through IV of this chapter remain in full force in the Estero Planning Community. In the case of conflicts between provisions of this article and other provisions of this chapter, the more restrictive will control.~~

~~Secs. 30-403, 30-404. Reserved.~~

~~Sec. 30-405. Temporary signs.~~

~~(a) — Special occasion signs.~~

~~(1) — Temporary on-site signs may be issued for special occasions such as holidays (other than Christmas and Hanukkah, which are addressed in section 30-6), carnivals, parking lot sales, annual and semiannual promotions or other similar events, provided:~~

~~a. — A special occasion sign permit is issued by the building official;~~

~~b. — The special occasion sign permit is issued for a period of time not to exceed 15 days;~~

~~c. — No business may be permitted more than two special occasion permits in any calendar year; and~~

~~d. — Any business found in violation of the time limitation in 2., above, within a calendar year is not eligible to receive a temporary sign permit.~~

~~(b) — Signs must be located on-site only and in such a manner as to not create any traffic or pedestrian hazard;~~

~~(c) — Signs illuminated by electricity must comply with all electrical and safety codes; and~~

~~(d) — Signs must be constructed and secured in accordance with all applicable standards.~~

~~Sec. 30-406. Permanent signs in commercial and industrial areas.~~

~~(a) — Identification sign. A nonresidential subdivision or a multiple-occupancy complex of more than five establishments will be permitted one monument style identification sign along any street which provides access to the property as follows:~~

~~(1) — Sign area. One square foot of sign area per face will be permitted for every one linear foot of frontage, provided that:~~

~~a. — Every parcel will be allowed one monument-style identification sign but no sign may exceed 200 square feet in area per sign face.~~

~~b. — Only one monument style identification sign will be permitted along any street frontage of less than 330 linear feet. A second monument-style identification sign may be permitted if the frontage along any one street exceeds 330 linear feet, provided that the total combined sign area of both signs does not exceed 300 square feet.~~

~~c. — On corner lots, the developer may either place one monument-style identification sign on both streets providing access as stipulated in subsections (2)a.1.i and ii of this section, or he may place one sign in the corner with a total sign area based upon the total frontage of both streets provided the maximum sign area does not exceed 300 square feet per face.~~

~~d. — Where a nonresidential subdivision has more than one entrance from the same street, one additional monument-style identification sign not exceeding 16 square feet in area, not illuminated, and displaying only the name of the development may be permitted at each additional entrance.~~

~~e. — The total height of the sign structure may exceed the average width of a monument style identification sign.~~

~~(2) — Except as provided in subsection (4), below, the maximum height of any identification sign will be 24 feet.~~

~~(3) — Lighting.~~

~~a. — Permissible lighting. Except as provided in subsection (2)a.1.iv of this section, the monument-style identification sign may be illuminated by:~~

~~1. — Individual internally illuminated letters and logo on an unlit background;~~

~~2. — Lighting behind the letters and logo that illuminates the sign background;~~

~~3. — A combination of 1. and 2., above; or~~

~~4. — Edge-lit letters using concealed neon or remotely lit fiber optics.~~

~~b. — Prohibited lighting. Monument-style identification signs must not be animated and must not be illuminated by:~~

~~1. — Visible external floodlighting.~~

~~2. — Exposed neon, unless integral to the architectural feature design.~~

~~3. — Exposed raceways.~~

~~c. — All electrical connections, wiring, etc., must be concealed.~~

~~(4) — Except as provided herein, monument style identification signs must be set back a minimum of 15 feet from any street right-of-way or easement, and 10 feet from any other property line. In no case will a monument-style identification sign be permitted between a collector or arterial street and a frontage road.~~

~~Exception: Where the building is within 15 feet of the street right of way or road easement the sign may be placed closer than 15 feet to the right of way or easement provided it does not project over any right-of-way or easement, the height does not exceed seven feet, and the sign is not located within ten feet of any overhead electrical supply.~~

~~(5) — All monument style identification signs must display the street address of the property. Street numbers must measure between a minimum of four inches and a~~

~~maximum of six inches, in height. The copy area of the street address will not be counted toward the allowable sign copy area.~~

~~(6) Copy area may not exceed 75 percent of the total sign area and 25 percent of the sign area must be devoted to architectural features.~~

~~(7) Signs identifying individual businesses must be easily read from the pedestrian level.~~

~~(8) Signs must match the architectural style of the building or development.~~

SECTION TWO: AMENDMENT TO LDC CHAPTER 33

Lee County Land Development Code Chapter 33 is amended as follows with strike through identifying deleted text and underline identifying new text.

CHAPTER 33 PLANNING COMMUNITY REGULATIONS

Sec. 33-56. Definitions.

The following definitions are in addition to those set forth in other chapters of this Code and are applicable to the provisions set forth in this article only. If, when construing the specific provisions contained in this article, these definitions conflict with definitions found elsewhere in this Code, then the definitions set forth below will control. Otherwise the definitions contained elsewhere in this Code will control.

Monument sign or monument-style sign is a ground sign, the structural base of which is on the ground. The height of the base must ~~not exceed~~ be at least 24 but no more than 36 inches above the adjacent ground. The average width of the sign structure must exceed the total height of the sign structure. The width of the top of the sign structure must not exceed 120 percent of the width of the base. ~~The face of sign copy area for a monument sign is measured as a rectangle enclosing the entire width and height of the sign structure.~~ will shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of the supporting structures provided that the supporting structures are not used for advertising purposes.

All other definitions remain unchanged.

Sec. 33-54. Community review.

(a) Applications requiring review. The owner or agent applying for the following types of county approvals must conduct one public informational session in accord with section 33-54(b) within the Estero Planning Community prior to obtaining a finding of sufficiency.

(1) Development orders. This includes all applications for development orders and Type 1, 2, 8, 10 and 12 limited review development orders requested within the Estero Planning Community.

- (2) Planned development zoning actions. This includes administrative deviations amending the approved master concept plan or other provisions of the applicable zoning resolution.
- (3) Special exception and variance requests. This includes all requests that will be decided by the hearing examiner.
- (4) Conventional rezoning actions.
- (5) Permanent monument-style identification sign permits requested from the Building Department.

Subsection (b) remains unchanged.

Sec. 33-385. Permanent signs in commercial and industrial areas.

(a) Identification sign. A nonresidential subdivision or parcel will be permitted one monument-style identification sign along any street that provides access to the property in accordance with section 30-153.

(1) Except as provided in subsection (3) below, the maximum height of any identification sign will be 17 feet.

(2) Lighting.

a. Permissible lighting. Except as provided in section 30-153(2)a.1.iv., the monument-style identification or wall sign may be illuminated by:

- 1. Individual internally illuminated letters and logo on an unlit background (i.e. channel lit lettering);
- 2. Lighting behind the letters and logo that illuminates the sign background (i.e. reverse channel lit lettering);
- 3. A combination of 1. and 2., above; or
- 4. Edge-lit letters using concealed neon or remotely lit fiber optics.

b. Prohibited lighting. Monument-style identification or wall signs ~~may~~ will not be animated or illuminated by:

- 1. A visible source of external lighting;
- 2. Exposed neon; or
- 3. Exposed raceways; or
- 4. Internally illuminated box signs (as defined by a sign comprised of translucent surfaces electronically illuminated from within), unless face and side of sign are opaque except for letters and/or logo being translucent.

c. All electrical connections, wiring, etc., must be concealed.

(3) Except as provided herein, monument-style identification signs must be set back a minimum of 15 feet from any street right-of-way or easement, and ten

feet from any other property line. In no case will a monument-style identification sign be permitted between a collector or arterial street and a frontage road.

Exception: Where the building is within 15 feet of the street right-of-way or road easement the sign may be placed closer than 15 feet to the right-of-way or easement provided it does not project over any right-of-way or easement, the height does not exceed seven feet, and the sign is not located within ten feet of any overhead electrical supply.

(4) All monument-style identification signs must display the street address of the property. Street numbers must measure between a minimum of four inches and a maximum of six inches, in height. The copy area of the street address will not be counted toward the allowable sign copy area.

(5) Copy area of a monument sign ~~may~~ will not exceed 75 percent of the total sign structure area and a minimum 25 percent of the sign structure area must be devoted to architectural features.

(6) Signs identifying individual businesses must be easily read from the pedestrian level.

(7) Signs must match the architectural style of the building or development.

(8) Wall signs are permitted ~~on any wall facing a collector or arterial street or parking lot~~ in accordance with section 30-153(2)(c)1. and section 30-153(3)d., with a maximum area of 300 square feet per wall per tenant. This area is to be determined by the sum of ~~all reasonable rectangles that enclose the sign parts~~ any and all signs on the tenant's wall. Wall signs ~~are limited to business name and logo, and may~~ will not contain advertising messages or sales item names.

SECTION THREE: 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 FOUR: 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 FIVE: CODIFICATION AND SCRIVENER'S ERRORS

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code. Sections of this ordinance can be renumbered or relettered and the

word "ordinance" can be changed to "section", "article," or 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 SIX: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State. The provisions of this ordinance will apply to all projects or applications subject to the LDC unless the application for such project is complete and found sufficient before the effective date hereof.

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

John Manning	<u>Aye</u>
Brian Bigelow	<u>Aye</u>
Ray Judah	<u>Aye</u>
Tammara Hall	<u>Aye</u>
Frank Mann	<u>Aye</u>

DONE AND ADOPTED this 11th day of September, 2012.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
John Manning, Chair

Approved as to form by:

County Attorney's Office