

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE, CHAPTER 30 TO ALLOW ELECTRONIC MESSAGE CENTERS (EMCs) ON COLLEGE PARKWAY FOR THE FULL LENGTH BETWEEN MCGREGOR BOULEVARD AND U.S. 41, AND CHAPTER 34, TO PERMIT COMMERCIAL USES AND REDACT SPECIFIC ACCESSORY USES AND ALLOWED STRUCTURES OF PLANNED DEVELOPMENT DISTRICTS; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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, the Board of County Commissioners adopted the Lee County Land Development Code which contains regulations applicable to the development of land in Lee County; and,

WHEREAS, the amendments to Section 30-153(6) will allow for the equitable treatment of properties along the College Parkway corridor as it relates to signage and will supersede the future land use-based restriction on EMCs currently established in the LDC only for College Parkway; and

WHEREAS, the amendments to Section 34-941(c)(2)c will allow for listed commercial uses within a Private Recreational Facility Planned Development if specifically included in the adopted zoning resolution and the general location of commercial uses are shown on an adopted master concept plan; and

WHEREAS, the amendments to Section 34-941(c)(3) will modify the list of accessory uses and structures that are permitted within a Private Recreational Facility Planned Development when specifically included in the adopted zoning resolution; and

WHEREAS, the Local Planning Agency reviewed the proposed amendments on December 9, 2019, and found them consistent with the Lee Plan, as indicated.

WHEREAS, the Land Development Code Advisory Committee reviewed the proposed amendments to the LDC on December 13, 2019, and recommended approval of the proposed amendments **as modified**; and,

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments to the Code on January 8, 2020, and recommended their adoption; and,

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 IV. Restrictions Based on Location Division 2. On-Site Signs

Sec. 30-153. - Permanent signs in commercial and industrial areas.

In order to provide fair, equal and adequate exposure to the public, and to prevent a single property owner from visually dominating neighboring properties with signs, all nonresidential uses are limited to a total permissible sign area in accordance with the provisions of this section. Signs for buildings and developments subject to a unified sign plan must be designed and constructed in accordance with the approved unified sign plan.

(1) through (4) remain unchanged

(5) *Electronic changing message centers.* Electronic message centers are permitted along I-75 and arterial streets, subject to the following limitations:

a. *Location.*

1. through 5. Remain unchanged

6. Along College Parkway between the intersection of McGregor Boulevard and the intersection of U.S. 41.

SECTION TWO: AMENDMENT TO LDC CHAPTER 34

Lee County Land Development Code Chapter 34 is amended as follows with strike through identifying deleted text and underline identifying new text.

Land Development Code Chapter 34 – Zoning Article VI. District Regulations Division 9. Planned Development Districts

Sec. 34-941. - Private recreational facilities planned developments.

(a) through (b) remain unchanged

(c) *Uses.*

(1) Remains unchanged

(2) *Permissible uses:*

a. and b. remain unchanged

c. The following commercial uses may be permitted within a Private Recreation Facility Planned Development only if specifically included in the adopted zoning resolution and the general location of commercial uses are shown on an adopted master concept plan. Commercial intensity is limited as described in Note 1 of this section:

Auto parts store (Sec. 34-1351 et seq.), no installation services

Banks and financial establishments, Group I (Sec. 34-622(c))

Business services, Group I

Clothing stores

Consumption on premises (Sec. 34-1261 et seq.)

Day care center, child, adult

Drive through facility for any permitted use

Drugstore, pharmacy

Food stores, Group I (Sec. 34-622(c))

Hardware store

Health care facilities, Group III (Sec. 34-622(c))

Insurance companies (Sec. 34-622(c))

Laundry or dry cleaning, Group I (pick up and drop off only) (Sec. 34-622(c))

Lawn and garden supply stores

Medical office

Parking lot, accessory (Sec. 34-2011 et seq.)

Personal services, Groups I and II (not including Laundromats, massage parlors, dating services, tattoo parlors and escort services) (Sec. 34-622(c))

Pet shop

Place of worship (Sec. 34-2051 et seq.)

Recreation facilities, Groups I and IV (Sec. 34-622(c))

Religious facilities (Sec. 34-2051 et seq.)

Repair shops, Groups I and II (Sec. 34-622(c))

Restaurant, fast food (Sec. 34-1353)

Restaurants, all groups (Sec. 34-622(c))

Social services, Groups I through II (Sec. 34-622(c))

Temporary contractor's office and equipment storage shed (Sec. 34-3044)

Used merchandise stores, Group I (Sec. 34-622(c))

Variety store

(3) *Accessory uses and structures.* The following uses and structures may be permitted as accessory uses and structures when specifically included in the adopted zoning resolution:-

Administrative offices (see note 1)-

~~Bait and tackle shops.~~

Bed and breakfast establishment- (Sec. 34-1494)

Boat ramps and docks-
 Boat rental—Motorized boats limited to a-trolling motors-
~~Consumption on premises (see note 2)-~~
 Dwelling unit: One caretakers residence ~~OR resident manager's unit~~
 Entrance gates and gatehouse- (Sec. 34-1748)
Essential services (Sec. 34-1611 et seq.)
Essential service facilities, Group I (Secs. 34-1611 et seq. and 34-1741 et seq.)
 Fishing piers-
 Fences, walls (see note 5)-
 Food and beverage service, limited (see ~~N~~note 2)-
 Fractional ownership, dwelling unit-
 Golf course driving range and practice area-
 Parking lots—Accessory to a permitted use-
~~Personal services—Group II (see note 2)-~~
 Play areas—"Elementary school age" and "teenage and young adults" as discussed in "Park Planning Guidelines, 3rd Ed."
 Service/maintenance areas ancillary to approved permissible uses (see note 1)-
~~Restaurants—Only if located within the clubhouse-~~
~~Sewage package plant-~~
~~Signs in accordance with Chapter 30-~~
~~Specialty retail—Groups I, II and III (see note 3)-~~
 Timeshare, dwelling unit

NOTES:

(1) The following uses are subject to the stated limitation(s):

Clubhouse/administrative area:	Maximum: 20,000 SF <u>square feet</u> /18-hole golf course. <u>Clubhouse square footage includes uses subordinate and ancillary to the golf course. Other commercial uses in the clubhouse will be considered in the calculation for commercial uses.</u>
Golf course restrooms:	Not to exceed two structures per 18-hole golf course, limited to a maximum of 150 square feet per structure. One additional structure, limited to a maximum of 150 square feet per structure, may be added for each additional nine holes.
Wireless communication facilities:	Maximum height: 35 feet. Wireless communication facilities must be listed on the approved schedule of uses for the planned development; however, approval of a specific facility must be in accordance with section 34-1441, et seq.
Maintenance area:	Maximum: 25,000 SF <u>square feet</u> /18-hole golf course. An additional 12,500 square feet of

	maintenance area may be added for each additional nine holes.
Horse stable:	Maximum: 40,000 SF <u>square feet</u> of stable building/ten acres.
Camping restrooms:	Maximum: One toilet per four camp units, clustered in structures not to exceed 500 square feet per structure. Maximum: One shower per four toilets.
Camping area office:	Maximum: 1,000 SF <u>square feet</u> per campground.
<u>Commercial Uses:</u>	<u>Total commercial gross floor area for the entire area of the PRFPD may not exceed 100,000 square feet, not including clubhouse square footage except as noted herein. No uses that would require the storage of any toxic substances, hazardous substances, or sanitary hazards as defined in Sec. 14-203 may be permitted.</u>

Remainder of section unchanged.

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: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION SEVEN: 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 development order application for such project is complete or the zoning request is found sufficient before the effective date.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

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

John Manning	_____
Cecil Pendergrass	_____
Ray Sandelli	_____
Brian Hamman	_____
Frank Mann	_____

DULY PASSED AND ADOPTED this ____ day of ____, 20__.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Brian Hamman, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

By: _____
Office of the County Attorney