



**CPA2000-15
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

January 10, 2002

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-15**

☒

Text Amendment

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Map Amendment

	This Document Contains the Following Reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: January 8, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Amend the Future Land Use Element by modifying Policy 16.3.8.3 to clarify the setbacks from adjacent existing and planned residential uses.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. ORIGINAL STAFF RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed Lee Plan amendment with the following text changes.

POLICY 16.3.8.....

3 Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any existing or future residential use, as measured from the edge

of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:

- a) be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
- b) provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
- c) be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Policy 16.3.8.3 states that maintenance areas, outdoor storage areas, irrigation pumps, or delivery areas associated with Private Recreational Facilities in the DR/GR land use category cannot be located less than 100 feet from “any residential use.” It is unclear from the existing policy language whether this distance is measured to the residential building or the residential property line. It is also unclear whether this setback applies only to existing residential uses or if it would also apply to vacant residential parcels. The policy requires clarification.
- Chapter 34-941(d).(2).c.ii of the Lee County Land Development Code specifically states that the setbacks for accessory buildings or structures are measured from the edge of the accessory structure to the property line of the residential use. This regulation is specific to golf courses in the DR/GR.
- The intent of the maintenance facility setback in Policy 16.3.8.3 was that it would apply to existing and future residential properties.
- Any vacant parcel in the DR/GR land use category that has residential or AG-2 zoning, that is 10 acres or less, should be considered a future residential property.
- A vacant parcel in the DR/GR land use category that is greater than 10 acres could potentially be a future residential property if it is located within a cluster of smaller lots (10 acres or less) under separate ownership.

- Golf course maintenance facilities present a safety hazard to residents because of the industrial machinery and chemicals that are common to these facilities.
- Golf course maintenance facilities may present a negative visual impact to the public if such facilities are not property buffered and are not designed with any architectural features.
- The positive visual appearance of development along public rights-of-way is a legitimate public interest that should be considered by the Lee Plan.

C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on September 19, 2000. In 1999, the Lee Plan was amended to allow private recreational facilities, including golf courses, in the Density Reduction/Groundwater Resource (DR/GR) land use category. This amendment, PAT 98-08, included many specific standards for golf course development in the DR/GR. Since the time of this amendment, two golf developments have been proposed. During the review of these golf courses, staff discovered several areas where the new regulations were not entirely clear and could be improved. This amendment is an attempt to clarify and improve one of these standards.

Policy 16.3.8.3 requires that maintenance areas, outdoor storage areas, irrigation pumps, or delivery areas associated with Private Recreational Facilities in the DR/GR land use category be located no less than 100 feet from "any residential use." Policy 16.3.8.3 is reproduced below.

3. ***Setbacks for accessory buildings or structures.*** *All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any residential use. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.*

The policy does not make clear how the setback should be measured. Staff believes that the separation should be measured from the edge of the listed "development areas" (i.e. the edge of the maintenance area, outdoor storage area, irrigation pump or delivery area) to the residential property line, and that the policy should be amended to reflect this.

The policy also does not make clear whether the setback applies to existing or future residential areas, or if it applies to both. Staff believes that it should apply to both, and that the policy should be amended to reflect this.

In the review of the first golf courses in the DR/GR, staff began to scrutinize the golf course maintenance areas, and noticed that these facilities were generally located adjacent to the public right-of-way. Golf course maintenance facilities generally present a negative visual appearance. The trend is to orient the maintenance facilities toward the public roadway instead of orienting them internal to the golf course, placing the negative visual impact solely on the public rather than on the patrons of the golf course. Staff believes that the public should not have to accept the full burden of seeing these facilities, and that Policy 16.3.8.3 should be evaluated to potentially require additional visual screening of the golf course maintenance areas from public view.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

As stated above, there are three changes to Policy 16.3.8.3 that are being considered within this amendment. The first is how the maintenance facility setback is measured. The existing Lee Plan policy does not provide guidance as to how the setback should be measured. This issue was, however, clarified by the adoption of the Lee County Land Development Code (LDC) amendment that added the regulations that govern Private Recreational Facilities Planned Developments (PRFPD). The LDC amendment in question was adopted by the Board of County Commissioners on June 27, 2000, included in Ordinance 00-14.

The LDC contains a regulation that is nearly identical to Policy 16.3.8.3 of the Lee Plan, but did provide further clarification. During the plan amendment that allowed golf courses in the Density Reduction/Groundwater Resource land use category, staff maintained that additional restrictions and guidance would be provided in the LDC amendment when adding this concept to the code. That is just what happened. This regulation is contained in Chapter 34-941(d).(2).c.ii of the LDC, and is reproduced below.

ii. no maintenance, delivery, irrigation pump, or outdoor storage or delivery area may be located closer than 100 feet from any residential use under separate ownership, as measured from the edge of the above-listed area to the property line of the residential use.

The LDC section shown above clearly states that the setback is measured from the edge of the "development area" to the property line of the residential use. Staff believes that the LDC provides clear direction on how this setback is measured, and that language should be added to Lee Plan Policy 16.3.8.3 so that the regulations are consistent with each other. Staff has proposed such language with this amendment.

The second change being considered as part of this amendment is to make the maintenance facility setback apply to existing as well as future residential uses. The intent of Policy 16.3.8.3 is to protect residential properties from the adverse impacts caused by maintenance buildings, irrigation pumps, outdoor storage areas, or other golf course accessory structures. The adverse impacts caused by these uses could be a variety of factors such as: noise, odor, visual, or safety. The existing policy language states that the setback for these structures applies to "any residential use." Staff believes that the protection provided by the maintenance facility setback should be afforded to existing residential uses as well as vacant lots that will likely develop as residential uses in the future. Obviously, there is some discretion involved in determining if a property will develop with residential uses in the future, but there are some general criteria that can be used to make this determination.

The majority of the properties in the DR/GR areas of the county are fairly large properties with AG-2 zoning. There are, however, areas that contain clusters of smaller lots, also zoned AG-2, that form clearly defined residential areas. Attachments 1, 2, and 3 of this report are simple parcel maps of random areas of the county that are designated DR/GR. The purpose of these exhibits is to illustrate the difference between those areas that will likely develop with residential uses and those that will not. It is evident from looking at these maps that there is a clear difference between the large properties that will likely be used for agriculture or mining and the clusters of smaller properties that will likely be used for residences in the future. These smaller properties range from about 5 acres to 10 acres in size. Planning staff believes,

based on an examination of random parcels in the DR/GR, that any vacant lot that is 10 acres or less is a future residential property for purposes of determining whether the maintenance facility setback applies. Staff believes it is unlikely that vacant AG-2-zoned parcels that are 10 acres or less can practically develop with stand-alone bona fide agricultural or mining uses. Staff believes that parcels of this size will likely develop in a residential fashion. If many of these lots are clustered together and are under separate ownership, then it is even more likely that they will be residential in nature. Staff's review of existing uses and examining the Division of Planning's parcel inventory database confirms this.

As Attachments 1, 2, and 3 show, there are properties that are slightly greater than 10 acres in size, but are still within clearly defined residential clusters. Staff would also consider these properties residential in nature even though they might be larger than 10 acres. In these cases, however, it is necessary to examine the sizes of the surrounding lots and their existing uses, and to look at the ownership pattern in the area to determine whether or not a particular parcel is a future residential property. If the sizes of the surrounding parcels are generally 10 acres or less and they are all under separate ownership, then the subject parcel should be considered a residential property even if it is larger than 10 acres. If the parcel is larger than 10 acres, but is not surrounded by any lots that are clearly residential, then staff likely would not consider it to be a future residential property.

Planning staff believes that, for purposes of determining whether or not the maintenance facility setback applies, any vacant parcel, that is 10 acres or less in size, and is located in the DR/GR, will always be considered a potential residential lot. For vacant parcels that are slightly greater than 10 acres in size, staff would examine the existing land use in the area, the size of the surrounding parcels, and the ownership patterns in the area to make a determination of whether the parcel is a future residential property.

The final issue being considered by this proposed amendment is the issue of the location of maintenance facilities and structures within golf course developments. Staff has discovered several existing and proposed developments in which the golf course maintenance facilities are located along public rights-of-way. These maintenance facilities generally present a negative impact on the surrounding environment. They present a negative visual impact and also are a potential threat to public safety because of the large amounts of chemicals being stored and mixed in and around the facilities. Staff conducted field work to document the visual appearance and location of selected golf course maintenance facilities in Lee County. Staff photographed these facilities and included them as Attachment 4 to this amendment. The purpose of these photos is simply to illustrate the visual appearance of the typical golf course maintenance facility.

When such facilities are located in close proximity to residential uses or are located along public rights-of-way, the public is subjected to seeing the most unsightly portion of the golf course while the patrons of the golf course do not have any such burden. Staff believes that the negative impacts associated with the maintenance area should be placed upon the development itself, and not on the general public. To that end, staff has proposed a new policy which will require maintenance facilities to either be set back a minimum of 500 feet from a public right-of-way, provide completely opaque visual screening, or be located within structures that meet the current County architectural standards for commercial buildings.

Staff believes that a 500 foot setback for maintenance facilities is reasonable in light of the size of the properties in question. The minimum possible size for a golf course in the DR/GR is 250 acres. Staff believes that a 500-foot setback on a 250-acre or more property is not an unreasonable standard.

One common argument against requiring maintenance areas to be more internal to a golf course site is that it hinders the design of the development to have delivery trucks or maintenance vehicles passing through the main entrance to get to the maintenance area. Staff does not think that this is a legitimate concern because there is not a large volume of such vehicles entering or exiting the site on a daily basis, and furthermore, given the large size of the properties in question, the development could be designed in such a way as to separate the maintenance and delivery vehicles from the personal vehicles.

An additional benefit to locating golf course maintenance facilities more internal to a site is that they would then be closer to the majority of the golf holes. This would cut down on the travel distance for maintenance vehicles to get from the maintenance facility to each golf hole. When the maintenance facilities are located on the perimeter of the property, then the maintenance vehicles are forced to travel greater distances to reach each golf hole.

Staff believes that the concept of internalizing the impacts of golf maintenance facilities serves a valid public purpose that should not only be applied in the Density Reduction/Groundwater Resource areas, but in all areas of the county. Staff is currently exploring the possibility of requiring all golf course developments in Lee County to internalize the impacts of their maintenance facilities in order to reduce the visual impact that these facilities have on the public. Staff is considering initiating LDC and Lee Plan amendments in the near future to further address this issue. This amendment represents a first step in this process.

B. CONCLUSIONS

The LDC clearly states that the setback from golf course maintenance facilities to residential uses is measured from the edge of the "development area" to the residential property line. The proposed amendment to Lee Plan policy 16.3.8.3 is a reflection of the existing LDC regulation.

Certain vacant parcels in the DR/GR may be considered potential residential properties based on the property's size, use, the zoning of surrounding properties, the size of surrounding properties, and the ownership patterns in the area.

Golf course maintenance facilities present a negative visual appearance to the public when located immediately adjacent to public rights-of-way. The visual appearance along public roadways is a legitimate public interest. Additional standards for golf course maintenance areas are needed so that the public is not subjected to the negative visual impact that is brought about by these facilities. This impact should be kept internal to the development.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment. The proposed language changes are shown below in underline format.

POLICY 16.3.8.....

3 Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any existing or future residential use, as measured from the edge of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a

future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:

- a) be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
- b) provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
- c) be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: January 22, 2001

A. LOCAL PLANNING AGENCY REVIEW

Planning staff gave a brief summary of the proposed plan amendment. One member of the public spoke in opposition to the amendment. The opposition revolved around several key issues. The first issue was that the proposed policy would place strict regulations on maintenance buildings within Private Recreational Facility Planned Developments (PRFPD), but at the same time, an adjacent residential property could have a metal warehouse holding pesticides and fertilizers, with no additional setbacks, buffers, or architectural standards. It was also suggested that in rural areas such as the DR/GR, many people keep trucks and heavy equipment anywhere on their property, which would make a golf course maintenance and equipment building generally compatible with the area. It was suggested this was unfair and unequal treatment of property owners under the same conditions. This member of the public recommended that issues related to the location and appearance of golf maintenance facilities should be addressed through Land Development Code amendments that would apply to all golf maintenance facilities, and not just those in the DR/GR.

The same member of the public questioned staff's reasoning that placing such regulations on maintenance buildings would help to preserve the aesthetics along public roadways in the DR/GR. The contention of this individual was that there is a limited number of residents that would be driving the public roadways in the DR/GR areas, and that not many people would see the maintenance facilities. This member of the public argued that it was unfair to apply strict regulations for golf maintenance facilities in the sparsely-populated DR/GR, when there are no such regulations for golf courses in the urban areas.

This member of the public also noted that staff did not consider the economic impact that the proposed regulations would have on the private recreational facility developments that would be located in the DR/GR.

The same individual also expressed an objection to the portion of the proposed policy language that states that an agriculturally-zoned property of ten acres or less would be considered a residential property for purposes of applying the 100-foot separation between a residential property and any maintenance area, outdoor storage area, irrigation pump, or delivery area. This individual argued that if a property has an agricultural zoning district, then it should be considered an agricultural use, regardless of the property's size or the size of surrounding properties.

No other public spoke on the proposed amendment.

Staff then responded to these issues and clarified some of the points raised during the public comments. Staff stated that it was their full intent to bring forward the issue of golf maintenance area location on a county-wide basis through an LDC amendment in the near future. Staff thought that since the Lee Plan language pertaining to private recreational facilities was already very detailed, that it would also be appropriate to include details such as setbacks, landscaping, and architectural standards for maintenance facilities.

Staff affirmed its belief that an agriculturally-zoned property of less than 10 acres in size should be considered residential for purposes of complying with the 100-foot setback in Policy 19.3.8.3. Staff asserted that properties in the DR/GR that are 10 acres or less are not likely to be intensely farmed, and are more likely to develop as large-lot residential areas. It is important to look at all of the surrounding properties to determine if the predominant pattern is smaller lots that would be more suitable for residential purposes, or larger lots that would be more suitable for agriculture. If the predominant pattern is many smaller lots, then staff believes that the residential setback should apply.

With regard to the additional standards for the location of maintenance facilities, staff argued that they are consistent with one of the fundamental purposes of planned development zoning, which is to internalize the impacts of a development. The placement of maintenance facilities along the perimeter of a property does not accomplish this purpose. Another point made by staff was that the golf course developments are a new use to the rural DR/GR areas. The golf courses are urban uses that are going to be moving into these areas where residents have become accustomed to a rural setting. For this reason, staff argued that the extra protection from the negative impacts of maintenance facilities was justified.

With regard to the potential economic impacts of the proposed amendment, staff argued that the new regulations would not deny property owners profitable use of their land. Staff has recommended a policy that would allow for any one of the following three options: placement of the maintenance facility in an internal location; increased buffering around the maintenance facility; or building the maintenance facility in a way that would comply with the architectural standards for commercial buildings. The provision of additional buffering around the maintenance facility or increased architectural features would increase the developer's costs, but the placement of the maintenance facility in an internal location would not require any additional expenditure by the developer.

Following staff's response, a few members of the LPA generally expressed that the issues being addressed through this proposed amendment are important issues, but would probably be better addressed in the Land Development Code rather than in the Lee Plan.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA made a motion to *not transmit* any portion of the proposed amendment, and voted in favor of the non-transmittal motion.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA did not accept all of the findings of fact as advanced by staff. The LPA did not express disagreement with any specific finding of fact as advanced by staff, but generally thought that the issues being addressed through this amendment should be addressed in the Land Development Code, and not in the Lee Plan. The LPA also suggested that it would be a case of unequal treatment for the County to limit where a golf course can place its maintenance facilities, but at the same time, allow residential properties to place accessory structures as close to the property line as the Land Development Code would allow. The LPA also suggested that if the County is going to deal with these issues, it should do so on a countywide basis, and not just for golf courses in the DR/GR areas.

C. VOTE:

NOEL ANDRESS	AYE
SUSAN BROOKMAN	AYE
BARRY ERNST	AYE
RONALD INGE	AYE
GORDON REIGELMAN	AYE
VIRGINIA SPLITT	ABSENT
GREG STUART	NAY

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW: One member of the Board moved that the amendment be transmitted. Staff pointed out that the staff recommendation on this amendment was for transmittal and the LPA recommendation was for non-transmittal. Another Board member questioned which recommendation would be voted on. One member of the Board pointed out that the LPA recommended non-transmittal of this amendment based partially on the idea that these issues would be more appropriately addressed in the Land Development Code, and questioned whether this option should be considered. Another member of the Board expressed disagreement with the LPA, and stated that it was important that staff's recommended language be included in the Lee Plan.

There was no public comment on the proposed amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners voted to transmit staff's recommended language as shown in Part I Section B of this report. The language to be transmitted is also shown in Part IV Section D below.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION	_____
	AYE
ANDREW COY	_____
	AYE
BOB JANES	_____
	AYE
RAY JUDAH	_____
	AYE
DOUG ST. CERNY	_____
	AYE

D. LANGUAGE TRANSMITTED BY THE BOCC

POLICY 16.3.8.....

3 Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any existing or future residential use, as measured from the edge of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a future residential property. Properties larger than 10 acres may be considered future residential based on the property's

size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:

- a) be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
- b) provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
- c) be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: November 21, 2001

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Department of Community Affairs provided no objections, recommendations, or comments concerning the proposed amendment.

B. STAFF RESPONSE

Adopt the amendment as transmitted by the BoCC on August 29, 2001.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: January 10, 2002

A. BOARD REVIEW: Staff provided a summary of the proposed amendment, highlighting changes to the staff recommendation that occurred since the transmittal hearing. Staff pointed out that golf course maintenance facilities are typically industrial in nature, and contain metal storage buildings, piles of landscape materials, above and below-ground fuel tanks, irrigation pumps, and fueling stations for maintenance vehicles. Staff stated that the setback for a golf maintenance facility from an adjacent residential area was currently set at 100 feet, and that this distance was inadequate to protect existing and future residences from encroachment by a potentially incompatible land use, such as a maintenance facility. Staff recommended increasing this setback to 500 feet in addition to adoption of the other provisions of the amendment that were previously transmitted.

Two members of the public spoke against the adoption of the amendment. Both individuals were concerned that there might be instances where the 500 foot setback might not be achievable due to site constraints, and that the setbacks from public roads and adjacent property lines would place a general burden on golf course developers. No other members of the public spoke on the amendment.

The Board provided general discussion on the amendment. One Commissioner was opposed to the amendment because he thought the issues that staff was attempting to address could be worked out with the individual developer through the rezoning review process. He did not see a need to place this level of detail in the Lee Plan. This Commissioner did not think the amendment was necessary, but if these new regulations were adopted, they should be placed in the Land Development Code, and not the Comprehensive Plan. This Commissioner also questioned why this type of restriction was being placed on golf courses in the DR/GR, but not on golf courses in the rest of the County. He thought this treatment was inequitable, and that if these new regulations were adopted in the DR/GR areas, then they should also be adopted in other areas of the County. This Commissioner questioned why a 500 foot setback was needed from a maintenance facility, when the setback for a commercial project abutting a residential property is significantly less. Staff responded that a maintenance facility is industrial in nature, and should be compared to the more obnoxious uses identified in the Land Development Code as requiring special setbacks from residential uses, that range from 300 feet to 600 feet.

Another Board member pointed out that golf courses are a new use in the DR/GR areas, and that previously existing uses such as individual residences, deserved extra protection from this new use. When the Lee Plan was amended to allow golf courses in the DR/GR areas, it was understood that the courses in these areas would be held to a higher standard than other golf courses, and that the preservation of the rural character was an important point. He also pointed out that the minimum size for a single golf course development in the DR/GR is 250 acres, and that a 500 foot setback on a property this large should be feasible.

The other Board members expressed that they were generally in favor of the proposed amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** This item was on the Board's Administrative Agenda. The Board voted to adopt the amendment as transmitted, with the addition of staff's recommendation to increase the residential setback from 100 feet to 500 feet. The adopted language is shown in Part VI, Item D below.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION	NAY
ANDREW COY	ABSENT
BOB JANES	AYE
RAY JUDAH	AYE
DOUG ST. CERNY	AYE

D. ADOPTED LANGUAGE: *Note: Changes since the previous transmittal are shown in bold.*

POLICY 16.3.8.....

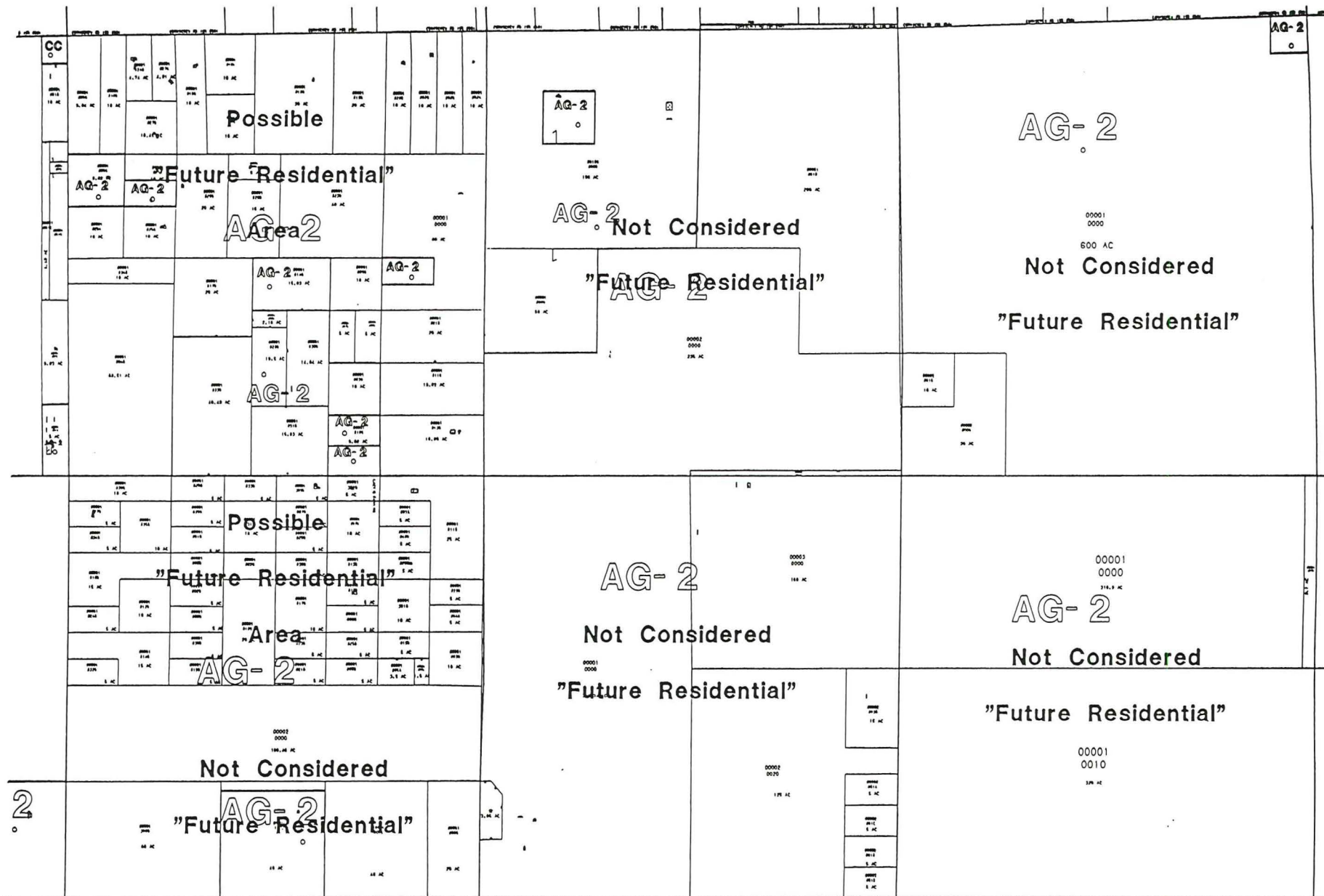
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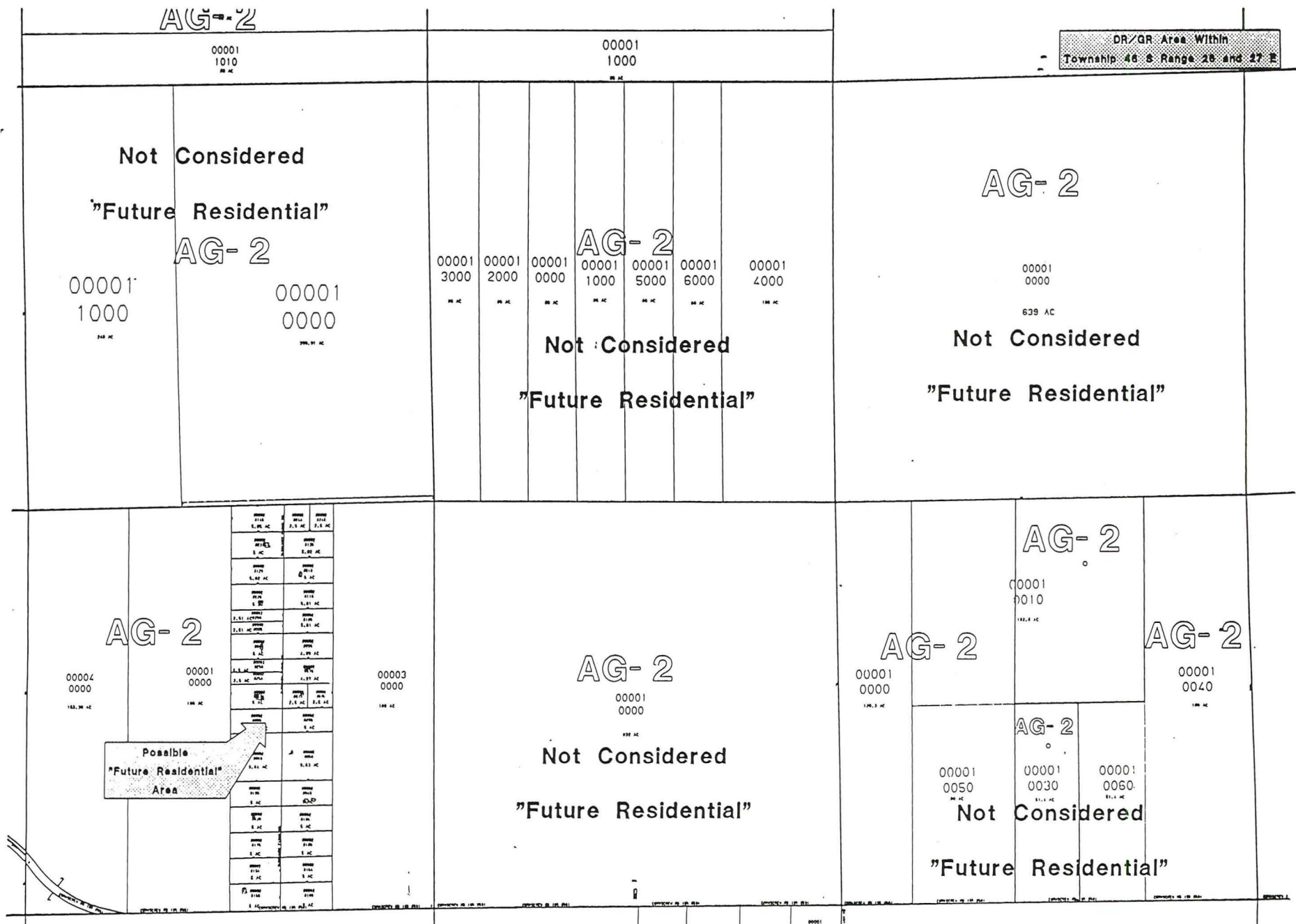
a) be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or

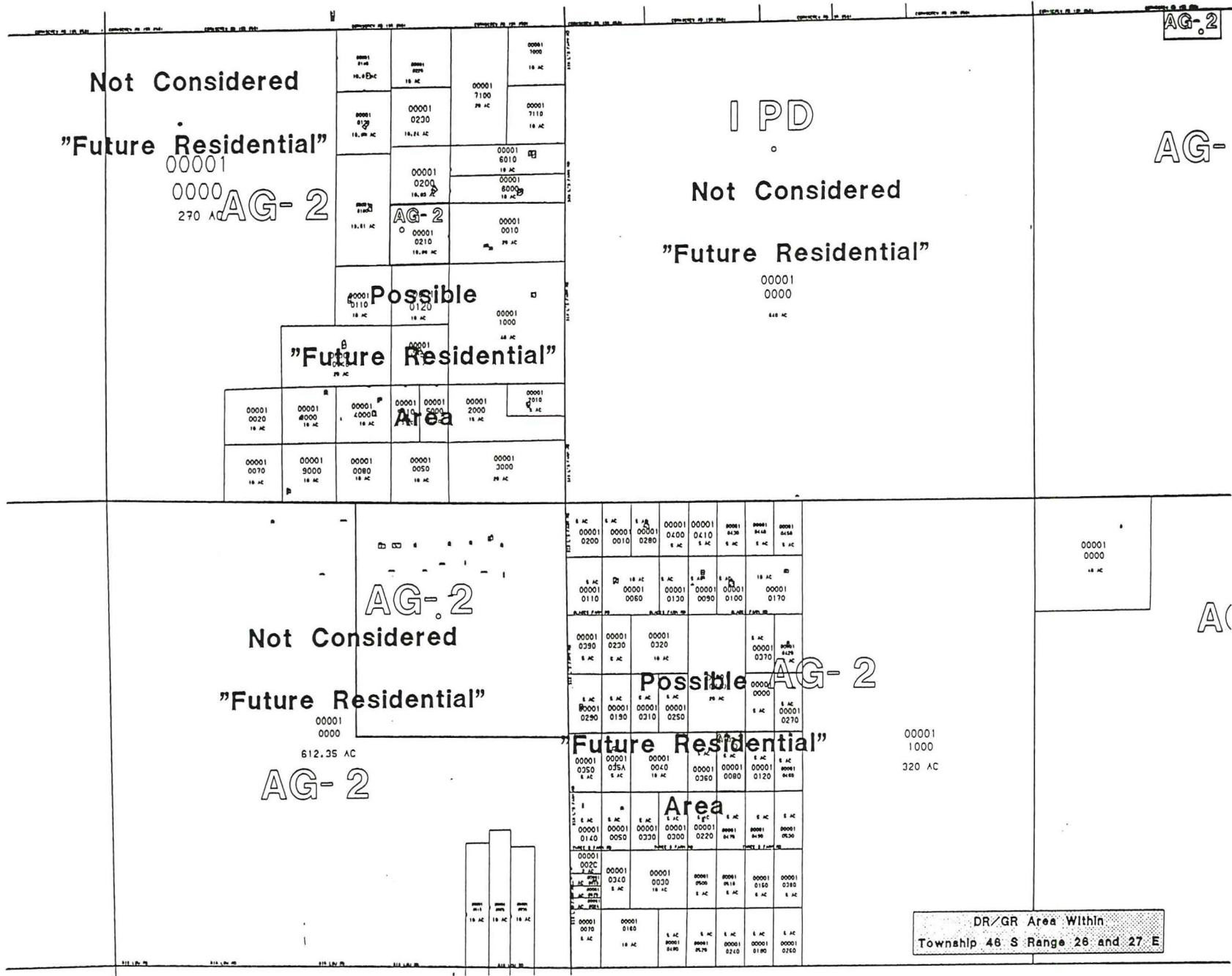
b) provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or

c) be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.



Dr/QR Area Within
Township 46 S Range 27 E





ATTACHMENT 4

**PHOTOS OF SELECTED GOLF COURSE MAINTENANCE FACILITIES
TAKEN BY PLANNING STAFF ON JANUARY 12, 2001**

PHOTOS OF SELECTED GOLF COURSE MAINTENANCE FACILITIES



Photo 1 - Heritage Palms maintenance facility, view from Winkler Avenue Extension. Note how the combination of a berm, a buffer, and a substantial setback from the road hide the facility from public view.

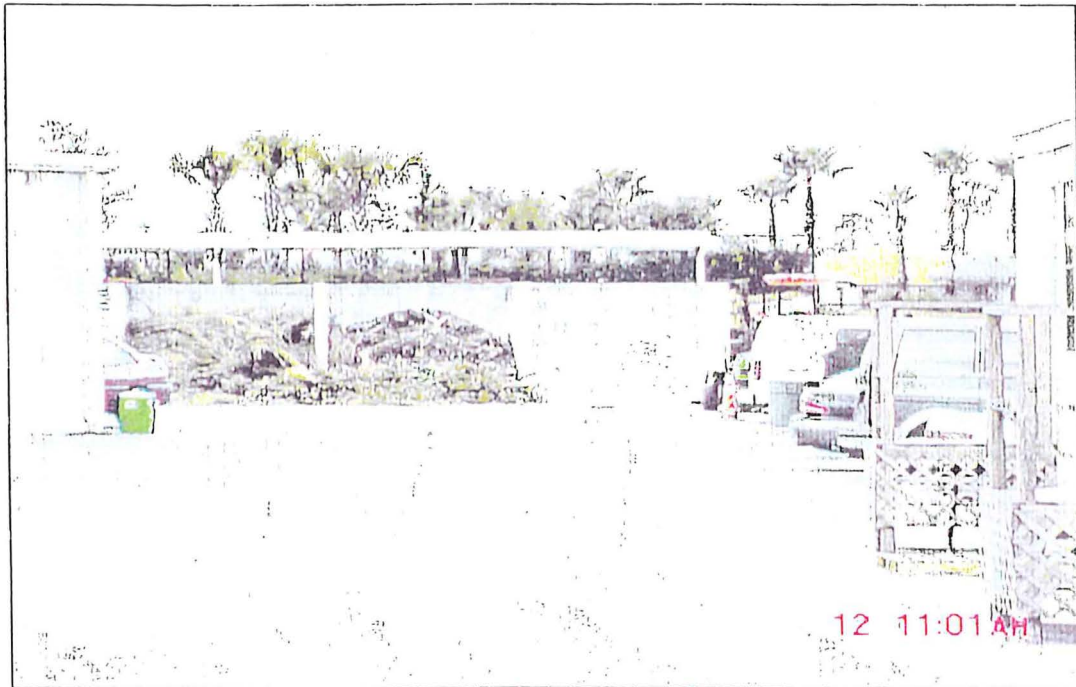


Photo 2 - Heritage Palms golf maintenance facility, interior view. Note the open storage of materials.



Photo 3 - Legends Golf & Country Club maintenance facility, view from Fiddlesticks Blvd. Note how the buffering and the substantial setback partially hide the facility from public view.



Photo 4 - Legends Golf & Country Club maintenance facility, interior view. Note the industrial nature of the buildings and the open storage of equipment.



Photo 5 - Olde Hickory Golf Club maintenance facility, view from public road. Note the location of the facility adjacent to the public roadway as well as the lack of visual screening around the facility.

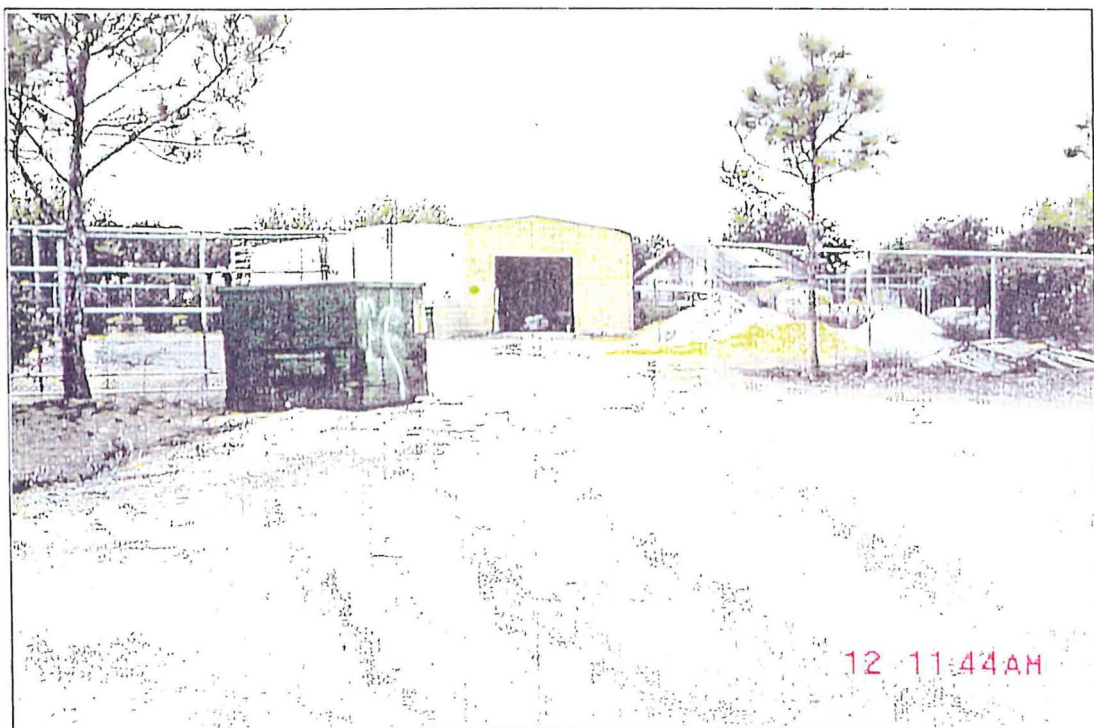


Photo 6 - Olde Hickory Golf Club maintenance facility, view from public road. Note the industrial nature of the structures and the open storage of materials.



Photo 7 - Villages of Country Creek golf maintenance facility, view from Three Oaks Parkway. Note the buffering and fence. When the gate is closed, the facility is not visible from the road. This is an example of a well-designed maintenance area.

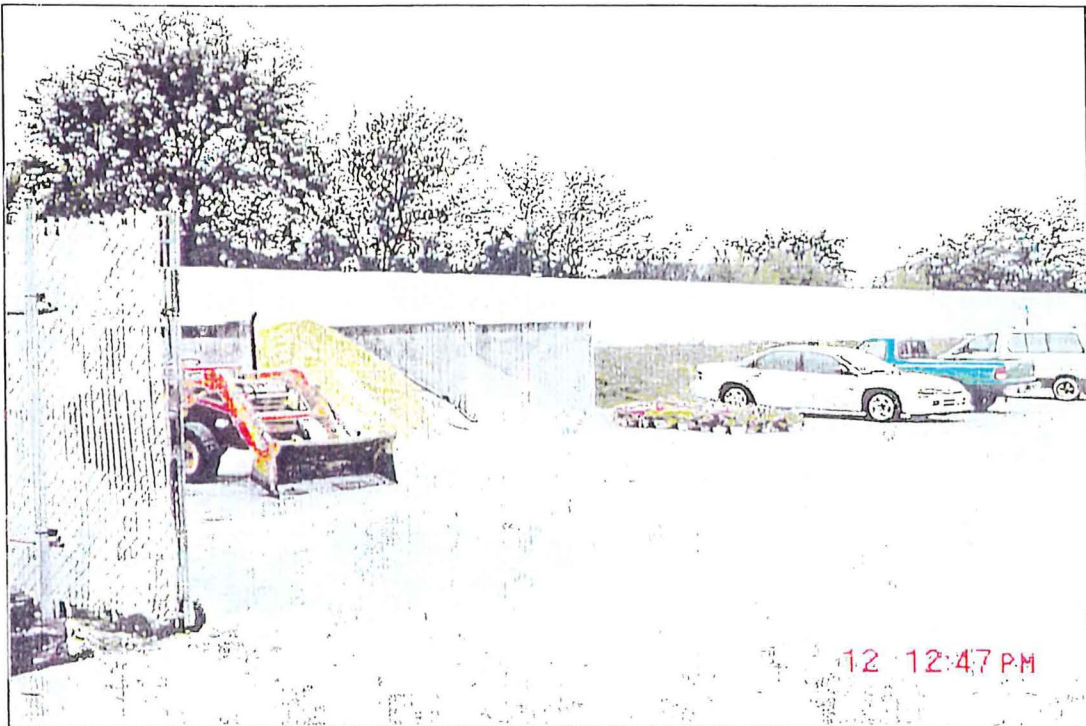


Photo 8 - Villages of Country Creek golf maintenance facility. Note the wall, tree buffer, and fence that surround the area.



Photo 9 - Grande Oak maintenance facility. Note the proximity of the facility to Corkscrew Road (to the right of the structures). A berm is being constructed, but it will only partially block the view of the structures from Corkscrew Road. This is an example of unnecessarily locating the maintenance facility adjacent to a public road.



Photo 10 - Grande Oak golf maintenance facility, interior view



Photo 11 - Stoneybrook maintenance facility (in distance). This facility is located fully internal to the development. It cannot be seen from any public roadway. Staff encourages the internalization of all golf maintenance facilities.



Photo 12 - Stoneybrook golf maintenance facility, interior view.



Photo 13 - West Bay Club golf maintenance facility (Williams Road in foreground). Note how the structure is easily visible from the public right-of-way.



Photo 14 - West Bay Club maintenance facility (Williams Road in foreground). Note how the open storage areas are visible from the public roadway. Staff believes such negative visual impacts should be internalized.



Photo 15 - Maintenance facility in Pelican Landing. Note that the industrial metal structures can be easily seen from Spring Creek Road, a public right-of-way.



Photo 16 - Golf maintenance facility within Pelican Landing, view from Spring Creek Road. Note the industrial-style metal building.



Photo 17 - Maintenance facility within Pelican Landing. Note the dumpster and surrounding debris that is visible from the public roadway.



Photo 18 - Maintenance facility within The Brooks. This facility is internal to the development, it is heavily buffered, and it is set back far enough from the road that it is not easily noticeable.



Photo 19 - Worthington Country Club maintenance facility, view from Bonita Beach Road. The facility is oriented toward the road with very little buffering or setbacks.



Photo 20 - Worthington Country Club maintenance facility. Note the industrial-style metal building that faces Bonita Beach Road.

LEE COUNTY ORDINANCE NO. 02-04

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2000-15 APPROVED IN CONJUNCTION WITH ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE ADOPTED TEXT AND MAPS; PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on January 22, 2001; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on August 29, 2001, and at that hearing approved a motion to send, and did later send, the proposed

amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the August 29, 2001 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on November 21, 2001 by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendments on January 10, 2002, moved to adopt the proposed amendments as more particularly set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt those amendments to the Lee Plan discussed at those meetings and approved by an absolute majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "2000/2001 Regular Comprehensive Plan Amendment Cycle CPA 2000-15 Ordinance."

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on January 10, 2002, known as CPA 2000-15, which amend the text of the Lee Plan as well as the Future Land Use Map series of the Lee Plan.

In addition, the above-mentioned Staff Report and Analysis, along with all attachments for this amendment are hereby adopted as "Support Documentation" for the Lee County Comprehensive Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as so amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in any joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional

by a court of competent jurisdiction, the decision of that court will not affect or impair remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had such unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administration Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Judah who moved its adoption. The motion was seconded by Commissioner St. Cerny and, when put to a vote, the vote was as follows:

ROBERT JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
JOHN ALBION	<u>NAY</u>

DONE AND ADOPTED this 10th day of January, 2002.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Patricia J. Green*
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: *[Signature]*
Chairman

DATE: January 10, 2002

Approved as to form by:

Dannan Marie Collins
County Attorney's Office



**CPA2000-15
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document
for the
January 10, 2002 Public Hearing

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

November 21, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-15**

☒

Text Amendment

☐

Map Amendment

	This Document Contains the Following Reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: January 8, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Amend the Future Land Use Element by modifying Policy 16.3.8.3 to clarify the setbacks from adjacent existing and planned residential uses.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed Lee Plan amendment with the following text changes.

POLICY 16.3.8.....

3 Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any existing or future residential use, as measured from the edge

of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:

- a) be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
- b) provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
- c) be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Policy 16.3.8.3 states that maintenance areas, outdoor storage areas, irrigation pumps, or delivery areas associated with Private Recreational Facilities in the DR/GR land use category cannot be located less than 100 feet from "any residential use." It is unclear from the existing policy language whether this distance is measured to the residential building or the residential property line. It is also unclear whether this setback applies only to existing residential uses or if it would also apply to vacant residential parcels. The policy requires clarification.
- Chapter 34-941(d).(2).c.ii of the Lee County Land Development Code specifically states that the setbacks for accessory buildings or structures are measured from the edge of the accessory structure to the property line of the residential use. This regulation is specific to golf courses in the DR/GR.
- The intent of the maintenance facility setback in Policy 16.3.8.3 was that it would apply to existing and future residential properties.
- Any vacant parcel in the DR/GR land use category that has residential or AG-2 zoning, that is 10 acres or less, should be considered a future residential property.
- A vacant parcel in the DR/GR land use category that is greater than 10 acres could potentially be a future residential property if it is located within a cluster of smaller lots (10 acres or less) under separate ownership.

- Golf course maintenance facilities present a safety hazard to residents because of the industrial machinery and chemicals that are common to these facilities.
- Golf course maintenance facilities may present a negative visual impact to the public if such facilities are not properly buffered and are not designed with any architectural features.
- The positive visual appearance of development along public rights-of-way is a legitimate public interest that should be considered by the Lee Plan.

C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on September 19, 2000. In 1999, the Lee Plan was amended to allow private recreational facilities, including golf courses, in the Density Reduction/Groundwater Resource (DR/GR) land use category. This amendment, PAT 98-08, included many specific standards for golf course development in the DR/GR. Since the time of this amendment, two golf developments have been proposed. During the review of these golf courses, staff discovered several areas where the new regulations were not entirely clear and could be improved. This amendment is an attempt to clarify and improve one of these standards.

Policy 16.3.8.3 requires that maintenance areas, outdoor storage areas, irrigation pumps, or delivery areas associated with Private Recreational Facilities in the DR/GR land use category be located no less than 100 feet from "any residential use." Policy 16.3.8.3 is reproduced below.

3. ***Setbacks for accessory buildings or structures.*** *All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any residential use. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.*

The policy does not make clear how the setback should be measured. Staff believes that the separation should be measured from the edge of the listed "development areas" (i.e. the edge of the maintenance area, outdoor storage area, irrigation pump or delivery area) to the residential property line, and that the policy should be amended to reflect this.

The policy also does not make clear whether the setback applies to existing or future residential areas, or if it applies to both. Staff believes that it should apply to both, and that the policy should be amended to reflect this.

In the review of the first golf courses in the DR/GR, staff began to scrutinize the golf course maintenance areas, and noticed that these facilities were generally located adjacent to the public right-of-way. Golf course maintenance facilities generally present a negative visual appearance. The trend is to orient the maintenance facilities toward the public roadway instead of orienting them internal to the golf course, placing the negative visual impact solely on the public rather than on the patrons of the golf course. Staff believes that the public should not have to accept the full burden of seeing these facilities, and that Policy 16.3.8.3 should be evaluated to potentially require additional visual screening of the golf course maintenance areas from public view.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

As stated above, there are three changes to Policy 16.3.8.3 that are being considered within this amendment. The first is how the maintenance facility setback is measured. The existing Lee Plan policy does not provide guidance as to how the setback should be measured. This issue was, however, clarified by the adoption of the Lee County Land Development Code (LDC) amendment that added the regulations that govern Private Recreational Facilities Planned Developments (PRFPD). The LDC amendment in question was adopted by the Board of County Commissioners on June 27, 2000, included in Ordinance 00-14.

The LDC contains a regulation that is nearly identical to Policy 16.3.8.3 of the Lee Plan, but did provide further clarification. During the plan amendment that allowed golf courses in the Density Reduction/Groundwater Resource land use category, staff maintained that additional restrictions and guidance would be provided in the LDC amendment when adding this concept to the code. That is just what happened. This regulation is contained in Chapter 34-941(d).(2).c.ii of the LDC, and is reproduced below.

ii. no maintenance, delivery, irrigation pump, or outdoor storage or delivery area may be located closer than 100 feet from any residential use under separate ownership, as measured from the edge of the above-listed area to the property line of the residential use.

The LDC section shown above clearly states that the setback is measured from the edge of the "development area" to the property line of the residential use. Staff believes that the LDC provides clear direction on how this setback is measured, and that language should be added to Lee Plan Policy 16.3.8.3 so that the regulations are consistent with each other. Staff has proposed such language with this amendment.

The second change being considered as part of this amendment is to make the maintenance facility setback apply to existing as well as future residential uses. The intent of Policy 16.3.8.3 is to protect residential properties from the adverse impacts caused by maintenance buildings, irrigation pumps, outdoor storage areas, or other golf course accessory structures. The adverse impacts caused by these uses could be a variety of factors such as: noise, odor, visual, or safety. The existing policy language states that the setback for these structures applies to "any residential use." Staff believes that the protection provided by the maintenance facility setback should be afforded to existing residential uses as well as vacant lots that will likely develop as residential uses in the future. Obviously, there is some discretion involved in determining if a property will develop with residential uses in the future, but there are some general criteria that can be used to make this determination.

The majority of the properties in the DR/GR areas of the county are fairly large properties with AG-2 zoning. There are, however, areas that contain clusters of smaller lots, also zoned AG-2, that form clearly defined residential areas. Attachments 1, 2, and 3 of this report are simple parcel maps of random areas of the county that are designated DR/GR. The purpose of these exhibits is to illustrate the difference between those areas that will likely develop with residential uses and those that will not. It is evident from looking at these maps that there is a clear difference between the large properties that will likely be used for agriculture or mining and the clusters of smaller properties that will likely be used for residences in the future. These smaller properties range from about 5 acres to 10 acres in size. Planning staff believes,

based on an examination of random parcels in the DR/GR, that any vacant lot that is 10 acres or less is a future residential property for purposes of determining whether the maintenance facility setback applies. Staff believes it is unlikely that vacant AG-2-zoned parcels that are 10 acres or less can practically develop with stand-alone bone fide agricultural or mining uses. Staff believes that parcels of this size will likely develop in a residential fashion. If many of these lots are clustered together and are under separate ownership, then it is even more likely that they will be residential in nature. Staff's review of existing uses and examining the Division of Planning's parcel inventory database confirms this.

As Attachments 1, 2, and 3 show, there are properties that are slightly greater than 10 acres in size, but are still within clearly defined residential clusters. Staff would also consider these properties residential in nature even though they might be larger than 10 acres. In these cases, however, it is necessary to examine the sizes of the surrounding lots and their existing uses, and to look at the ownership pattern in the area to determine whether or not a particular parcel is a future residential property. If the sizes of the surrounding parcels are generally 10 acres or less and they are all under separate ownership, then the subject parcel should be considered a residential property even if it is larger than 10 acres. If the parcel is larger than 10 acres, but is not surrounded by any lots that are clearly residential, then staff likely would not consider it to be a future residential property.

Planning staff believes that, for purposes of determining whether or not the maintenance facility setback applies, any vacant parcel, that is 10 acres or less in size, and is located in the DR/GR, will always be considered a potential residential lot. For vacant parcels that are slightly greater than 10 acres in size, staff would examine the existing land use in the area, the size of the surrounding parcels, and the ownership patterns in the area to make a determination of whether the parcel is a future residential property.

The final issue being considered by this proposed amendment is the issue of the location of maintenance facilities and structures within golf course developments. Staff has discovered several existing and proposed developments in which the golf course maintenance facilities are located along public rights-of-way. These maintenance facilities generally present a negative impact on the surrounding environment. They present a negative visual impact and also are a potential threat to public safety because of the large amounts of chemicals being stored and mixed in and around the facilities. Staff conducted field work to document the visual appearance and location of selected golf course maintenance facilities in Lee County. Staff photographed these facilities and included them as Attachment 4 to this amendment. The purpose of these photos is simply to illustrate the visual appearance of the typical golf course maintenance facility.

When such facilities are located in close proximity to residential uses or are located along public rights-of-way, the public is subjected to seeing the most unsightly portion of the golf course while the patrons of the golf course do not have any such burden. Staff believes that the negative impacts associated with the maintenance area should be placed upon the development itself, and not on the general public. To that end, staff has proposed a new policy which will require maintenance facilities to either be set back a minimum of 500 feet from a public right-of-way, provide completely opaque visual screening, or be located within structures that meet the current County architectural standards for commercial buildings.

Staff believes that a 500 foot setback for maintenance facilities is reasonable in light of the size of the properties in question. The minimum possible size for a golf course in the DR/GR is 250 acres. Staff believes that a 500-foot setback on a 250-acre or more property is not an unreasonable standard.

One common argument against requiring maintenance areas to be more internal to a golf course site is that it hinders the design of the development to have delivery trucks or maintenance vehicles passing through the main entrance to get to the maintenance area. Staff does not think that this is a legitimate concern because there is not a large volume of such vehicles entering or exiting the site on a daily basis, and furthermore, given the large size of the properties in question, the development could be designed in such a way as to separate the maintenance and delivery vehicles from the personal vehicles.

An additional benefit to locating golf course maintenance facilities more internal to a site is that they would then be closer to the majority of the golf holes. This would cut down on the travel distance for maintenance vehicles to get from the maintenance facility to each golf hole. When the maintenance facilities are located on the perimeter of the property, then the maintenance vehicles are forced to travel greater distances to reach each golf hole.

Staff believes that the concept of internalizing the impacts of golf maintenance facilities serves a valid public purpose that should not only be applied in the Density Reduction/Groundwater Resource areas, but in all areas of the county. Staff is currently exploring the possibility of requiring all golf course developments in Lee County to internalize the impacts of their maintenance facilities in order to reduce the visual impact that these facilities have on the public. Staff is considering initiating LDC and Lee Plan amendments in the near future to further address this issue. This amendment represents a first step in this process.

B. CONCLUSIONS

The LDC clearly states that the setback from golf course maintenance facilities to residential uses is measured from the edge of the "development area" to the residential property line. The proposed amendment to Lee Plan policy 16.3.8.3 is a reflection of the existing LDC regulation.

Certain vacant parcels in the DR/GR may be considered potential residential properties based on the property's size, use, the zoning of surrounding properties, the size of surrounding properties, and the ownership patterns in the area.

Golf course maintenance facilities present a negative visual appearance to the public when located immediately adjacent to public rights-of-way. The visual appearance along public roadways is a legitimate public interest. Additional standards for golf course maintenance areas are needed so that the public is not subjected to the negative visual impact that is brought about by these facilities. This impact should be kept internal to the development.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment. The proposed language changes are shown below in underline format.

POLICY 16.3.8.....

3 Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any existing or future residential use, as measured from the edge of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a

future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:

- a) be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
- b) provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
- c) be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: January 22, 2001

A. LOCAL PLANNING AGENCY REVIEW

Planning staff gave a brief summary of the proposed plan amendment. One member of the public spoke in opposition to the amendment. The opposition revolved around several key issues. The first issue was that the proposed policy would place strict regulations on maintenance buildings within Private Recreational Facility Planned Developments (PRFPD), but at the same time, an adjacent residential property could have a metal warehouse holding pesticides and fertilizers, with no additional setbacks, buffers, or architectural standards. It was also suggested that in rural areas such as the DR/GR, many people keep trucks and heavy equipment anywhere on their property, which would make a golf course maintenance and equipment building generally compatible with the area. It was suggested this was unfair and unequal treatment of property owners under the same conditions. This member of the public recommended that issues related to the location and appearance of golf maintenance facilities should be addressed through Land Development Code amendments that would apply to all golf maintenance facilities, and not just those in the DR/GR.

The same member of the public questioned staff's reasoning that placing such regulations on maintenance buildings would help to preserve the aesthetics along public roadways in the DR/GR. The contention of this individual was that there is a limited number of residents that would be driving the public roadways in the DR/GR areas, and that not many people would see the maintenance facilities. This member of the public argued that it was unfair to apply strict regulations for golf maintenance facilities in the sparsely-populated DR/GR, when there are no such regulations for golf courses in the urban areas.

This member of the public also noted that staff did not consider the economic impact that the proposed regulations would have on the private recreational facility developments that would be located in the DR/GR.

The same individual also expressed an objection to the portion of the proposed policy language that states that an agriculturally-zoned property of ten acres or less would be considered a residential property for purposes of applying the 100-foot separation between a residential property and any maintenance area, outdoor storage area, irrigation pump, or delivery area. This individual argued that if a property has an agricultural zoning district, then it should be considered an agricultural use, regardless of the property's size or the size of surrounding properties.

No other public spoke on the proposed amendment.

Staff then responded to these issues and clarified some of the points raised during the public comments. Staff stated that it was their full intent to bring forward the issue of golf maintenance area location on a county-wide basis through an LDC amendment in the near future. Staff thought that since the Lee Plan language pertaining to private recreational facilities was already very detailed, that it would also be appropriate to include details such as setbacks, landscaping, and architectural standards for maintenance facilities.

Staff affirmed its belief that an agriculturally-zoned property of less than 10 acres in size should be considered residential for purposes of complying with the 100-foot setback in Policy 19.3.8.3. Staff asserted that properties in the DR/GR that are 10 acres or less are not likely to be intensely farmed, and are more likely to develop as large-lot residential areas. It is important to look at all of the surrounding properties to determine if the predominant pattern is smaller lots that would be more suitable for residential purposes, or larger lots that would be more suitable for agriculture. If the predominant pattern is many smaller lots, then staff believes that the residential setback should apply.

With regard to the additional standards for the location of maintenance facilities, staff argued that they are consistent with one of the fundamental purposes of planned development zoning, which is to internalize the impacts of a development. The placement of maintenance facilities along the perimeter of a property does not accomplish this purpose. Another point made by staff was that the golf course developments are a new use to the rural DR/GR areas. The golf courses are urban uses that are going to be moving into these areas where residents have become accustomed to a rural setting. For this reason, staff argued that the extra protection from the negative impacts of maintenance facilities was justified.

With regard to the potential economic impacts of the proposed amendment, staff argued that the new regulations would not deny property owners profitable use of their land. Staff has recommended a policy that would allow for any one of the following three options: placement of the maintenance facility in an internal location; increased buffering around the maintenance facility; or building the maintenance facility in a way that would comply with the architectural standards for commercial buildings. The provision of additional buffering around the maintenance facility or increased architectural features would increase the developer's costs, but the placement of the maintenance facility in an internal location would not require any additional expenditure by the developer.

Following staff's response, a few members of the LPA generally expressed that the issues being addressed through this proposed amendment are important issues, but would probably be better addressed in the Land Development Code rather than in the Lee Plan.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA made a motion to *not transmit* any portion of the proposed amendment, and voted in favor of the non-transmittal motion.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA did not accept all of the findings of fact as advanced by staff. The LPA did not express disagreement with any specific finding of fact as advanced by staff, but generally thought that the issues being addressed through this amendment should be addressed in the Land Development Code, and not in the Lee Plan. The LPA also suggested that it would be a case of unequal treatment for the County to limit where a golf course can place its maintenance facilities, but at the same time, allow residential properties to place accessory structures as close to the property line as the Land Development Code would allow. The LPA also suggested that if the County is going to deal with these issues, it should do so on a countywide basis, and not just for golf courses in the DR/GR areas.

C. VOTE:

NOEL ANDRESS	AYE
SUSAN BROOKMAN	AYE
BARRY ERNST	AYE
RONALD INGE	AYE
GORDON REIGELMAN	AYE
VIRGINIA SPLITT	ABSENT
GREG STUART	NAY

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW: One member of the Board moved that the amendment be transmitted. Staff pointed out that the staff recommendation on this amendment was for transmittal and the LPA recommendation was for non-transmittal. Another Board member questioned which recommendation would be voted on. One member of the Board pointed out that the LPA recommended non-transmittal of this amendment based partially on the idea that these issues would be more appropriately addressed in the Land Development Code, and questioned whether this option should be considered. Another member of the Board expressed disagreement with the LPA, and stated that it was important that staff's recommended language be included in the Lee Plan.

There was no public comment on the proposed amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners voted to transmit staff's recommended language as shown in Part I Section B of this report. The language to be transmitted is also shown in Part IV Section D below.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

D. LANGUAGE TRANSMITTED BY THE BOCC

POLICY 16.3.8.....

3 Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any existing or future residential use, as measured from the edge of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a future residential property. Properties larger than 10 acres may be considered future residential based on the property's

size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:

- a) be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
- b) provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
- c) be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: November 21, 2001

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Department of Community Affairs provided no objections, recommendations, or comments concerning the proposed amendment.

B. STAFF RESPONSE

Adopt the amendment as transmitted by the BoCC on August 29, 2001.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: January 10, 2002

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

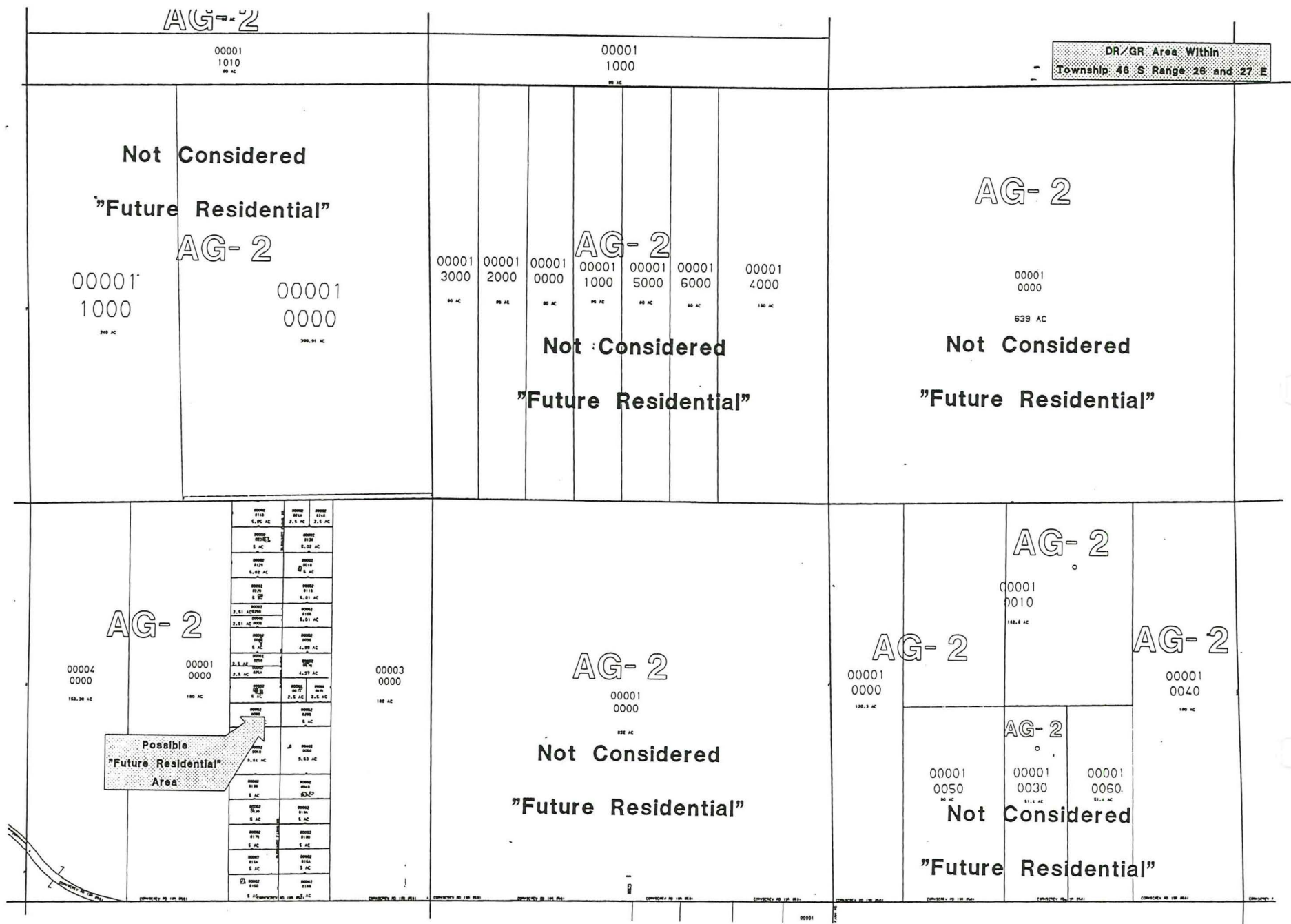
ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY





ATTACHMENT 4

**PHOTOS OF SELECTED GOLF COURSE MAINTENANCE FACILITIES
TAKEN BY PLANNING STAFF ON JANUARY 12, 2001**

PHOTOS OF SELECTED GOLF COURSE MAINTENANCE FACILITIES



Photo 1 - Heritage Palms maintenance facility, view from Winkler Avenue Extension. Note how the combination of a berm, a buffer, and a substantial setback from the road hide the facility from public view.



Photo 2 - Heritage Palms golf maintenance facility, interior view. Note the open storage of materials.



Photo 3 - Legends Golf & Country Club maintenance facility, view from Fiddlesticks Blvd. Note how the buffering and the substantial setback partially hide the facility from public view.



Photo 4 - Legends Golf & Country Club maintenance facility, interior view. Note the industrial nature of the buildings and the open storage of equipment.



Photo 5 - Olde Hickory Golf Club maintenance facility, view from public road. Note the location of the facility adjacent to the public roadway as well as the lack of visual screening around the facility.



Photo 6 - Olde Hickory Golf Club maintenance facility, view from public road. Note the industrial nature of the structures and the open storage of materials.



Photo 7 - Villages of Country Creek golf maintenance facility, view from Three Oaks Parkway. Note the buffering and fence. When the gate is closed, the facility is not visible from the road. This is an example of a well-designed maintenance area.



Photo 8 - Villages of Country Creek golf maintenance facility. Note the wall, tree buffer, and fence that surround the area.

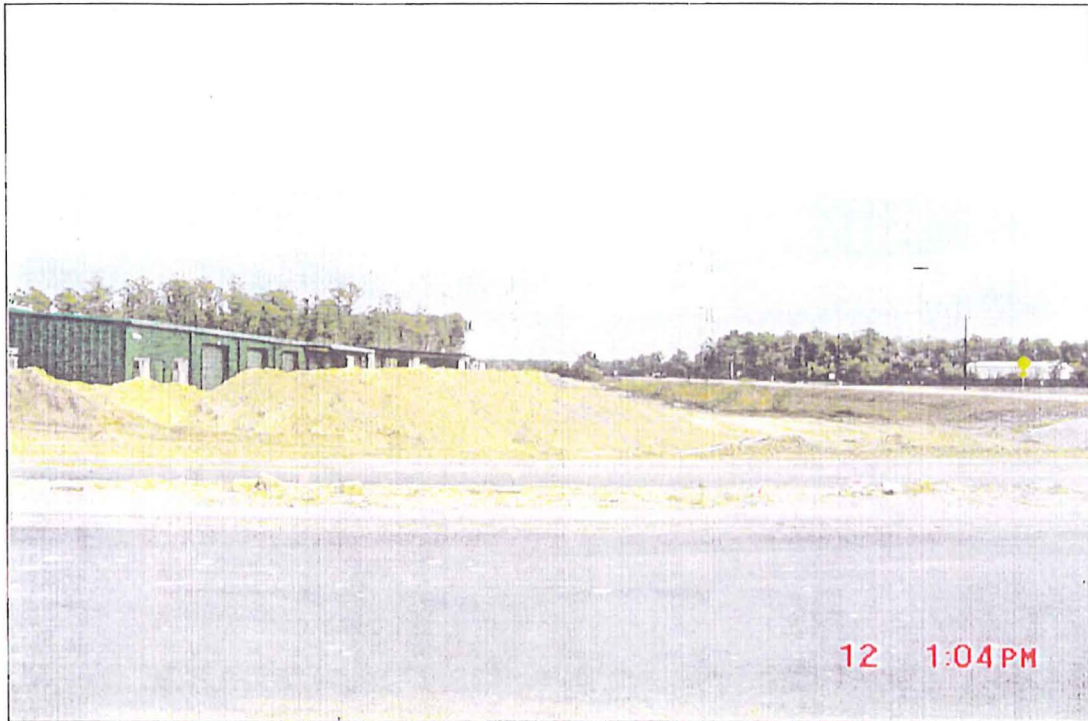


Photo 9 - Grande Oak maintenance facility. Note the proximity of the facility to Corkscrew Road (to the right of the structures). A berm is being constructed, but it will only partially block the view of the structures from Corkscrew Road. This is an example of unnecessarily locating the maintenance facility adjacent to a public road.



Photo 10 - Grande Oak golf maintenance facility, interior view



Photo 11 - Stoneybrook maintenance facility (in distance). This facility is located fully internal to the development. It cannot be seen from any public roadway. Staff encourages the internalization of all golf maintenance facilities.



Photo 12 - Stoneybrook golf maintenance facility, interior view.



Photo 13 - West Bay Club golf maintenance facility (Williams Road in foreground). Note how the structure is easily visible from the public right-of-way.

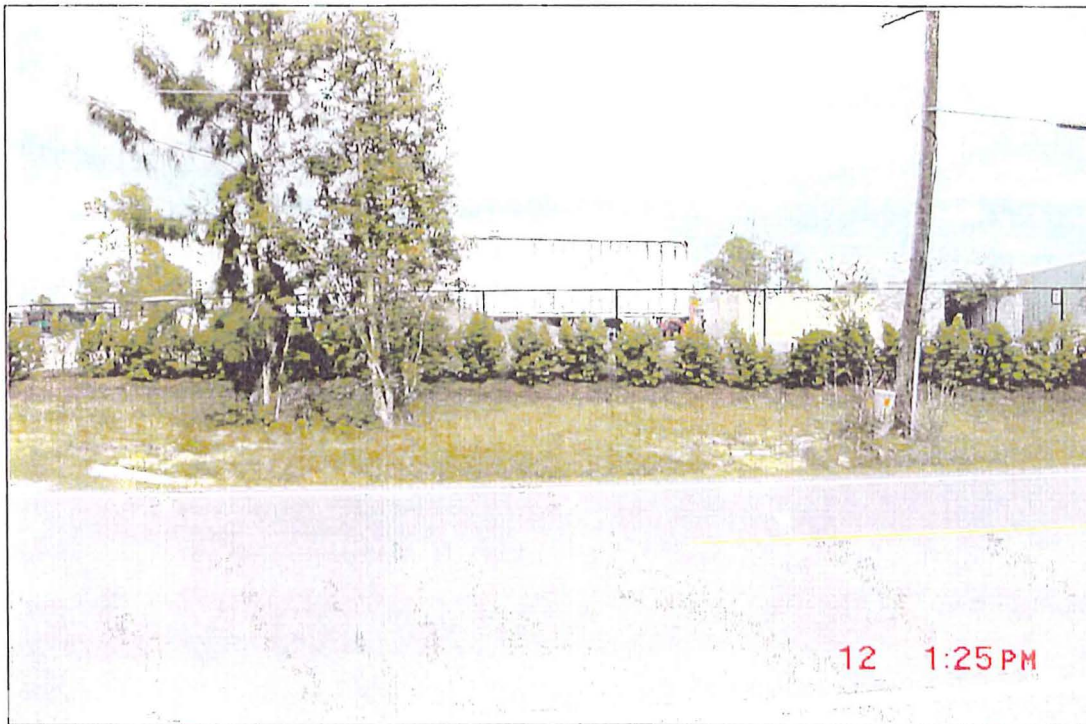


Photo 14 - West Bay Club maintenance facility (Williams Road in foreground). Note how the open storage areas are visible from the public roadway. Staff believes such negative visual impacts should be internalized.



Photo 15 - Maintenance facility in Pelican Landing. Note that the industrial metal structures can be easily seen from Spring Creek Road, a public right-of-way.



Photo 16 - Golf maintenance facility within Pelican Landing, view from Spring Creek Road. Note the industrial-style metal building.



Photo 17 - Maintenance facility within Pelican Landing. Note the dumpster and surrounding debris that is visible from the public roadway.



Photo 18 - Maintenance facility within The Brooks. This facility is internal to the development, it is heavily buffered, and it is set back far enough from the road that it is not easily noticeable.



Photo 19 - Worthington Country Club maintenance facility, view from Bonita Beach Road. The facility is oriented toward the road with very little buffering or setbacks.



Photo 20 - Worthington Country Club maintenance facility. Note the industrial-style metal building that faces Bonita Beach Road.

LEE COUNTY ORDINANCE NO. 01-__

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2000-15 APPROVED IN CONJUNCTION WITH ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE ADOPTED TEXT AND MAPS; PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on January 22, 2001; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on August 29, 2001, and at that hearing approved a motion to send, and did later send, the proposed

amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the August 29, 2001 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on November 21, 2001 by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendments on January 10, 2002, moved to adopt the proposed amendments as more particularly set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt those amendments to the Lee Plan discussed at those meetings and approved by an absolute majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "2000/2001 Regular Comprehensive Plan Amendment Cycle CPA 2000-15 Ordinance."

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on January 10, 2002, known as CPA 2000-15, which amend the text of the Lee Plan as well as the Future Land Use Map series of the Lee Plan.

In addition, the above-mentioned Staff Report and Analysis, along with all attachments for this amendment are hereby adopted as "Support Documentation" for the Lee County Comprehensive Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as so amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in any joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair remaining provisions of this ordinance. It is hereby declared to be the legislative intent of

the Board of County Commissioners that this ordinance would have been adopted had such unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administration Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner ____ who moved its adoption. The motion was seconded by Commissioner ____ and, when put to a vote, the vote was as follows:

JOHN MANNING	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
ANDREW COY	_____
JOHN ALBION	_____

DONE AND ADOPTED this 10th day of January, 2002.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Chairman

DATE: _____

Approved as to form by:

County Attorney's Office

**CPA2000-15
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

DCA Transmittal Document

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

August 29, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-15**

☒

Text Amendment

☐

Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: January 8, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Amend the Future Land Use Element by modifying Policy 16.3.8.3 to clarify the setbacks from adjacent existing and planned residential uses.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed Lee Plan amendment with the following text changes.

POLICY 16.3.8.....

3 Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any existing or future residential use, as measured from the edge

of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:

- a) be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
- b) provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
- c) be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Policy 16.3.8.3 states that maintenance areas, outdoor storage areas, irrigation pumps, or delivery areas associated with Private Recreational Facilities in the DR/GR land use category cannot be located less than 100 feet from “any residential use.” It is unclear from the existing policy language whether this distance is measured to the residential building or the residential property line. It is also unclear whether this setback applies only to existing residential uses or if it would also apply to vacant residential parcels. The policy requires clarification.
- Chapter 34-941(d).(2).c.ii of the Lee County Land Development Code specifically states that the setbacks for accessory buildings or structures are measured from the edge of the accessory structure to the property line of the residential use. This regulation is specific to golf courses in the DR/GR.
- The intent of the maintenance facility setback in Policy 16.3.8.3 was that it would apply to existing and future residential properties.
- Any vacant parcel in the DR/GR land use category that has residential or AG-2 zoning, that is 10 acres or less, should be considered a future residential property.
- A vacant parcel in the DR/GR land use category that is greater than 10 acres could potentially be a future residential property if it is located within a cluster of smaller lots (10 acres or less) under separate ownership.

- Golf course maintenance facilities present a safety hazard to residents because of the industrial machinery and chemicals that are common to these facilities.
- Golf course maintenance facilities may present a negative visual impact to the public if such facilities are not properly buffered and are not designed with any architectural features.
- The positive visual appearance of development along public rights-of-way is a legitimate public interest that should be considered by the Lee Plan.

C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on September 19, 2000. In 1999, the Lee Plan was amended to allow private recreational facilities, including golf courses, in the Density Reduction/Groundwater Resource (DR/GR) land use category. This amendment, PAT 98-08, included many specific standards for golf course development in the DR/GR. Since the time of this amendment, two golf developments have been proposed. During the review of these golf courses, staff discovered several areas where the new regulations were not entirely clear and could be improved. This amendment is an attempt to clarify and improve one of these standards.

Policy 16.3.8.3 requires that maintenance areas, outdoor storage areas, irrigation pumps, or delivery areas associated with Private Recreational Facilities in the DR/GR land use category be located no less than 100 feet from “any residential use.” Policy 16.3.8.3 is reproduced below.

3. ***Setbacks for accessory buildings or structures.*** *All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any residential use. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.*

The policy does not make clear how the setback should be measured. Staff believes that the separation should be measured from the edge of the listed “development areas” (i.e. the edge of the maintenance area, outdoor storage area, irrigation pump or delivery area) to the residential property line, and that the policy should be amended to reflect this.

The policy also does not make clear whether the setback applies to existing or future residential areas, or if it applies to both. Staff believes that it should apply to both, and that the policy should be amended to reflect this.

In the review of the first golf courses in the DR/GR, staff began to scrutinize the golf course maintenance areas, and noticed that these facilities were generally located adjacent to the public right-of-way. Golf course maintenance facilities generally present a negative visual appearance. The trend is to orient the maintenance facilities toward the public roadway instead of orienting them internal to the golf course, placing the negative visual impact solely on the public rather than on the patrons of the golf course. Staff believes that the public should not have to accept the full burden of seeing these facilities, and that Policy 16.3.8.3 should be evaluated to potentially require additional visual screening of the golf course maintenance areas from public view.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

As stated above, there are three changes to Policy 16.3.8.3 that are being considered within this amendment. The first is how the maintenance facility setback is measured. The existing Lee Plan policy does not provide guidance as to how the setback should be measured. This issue was, however, clarified by the adoption of the Lee County Land Development Code (LDC) amendment that added the regulations that govern Private Recreational Facilities Planned Developments (PRFPD). The LDC amendment in question was adopted by the Board of County Commissioners on June 27, 2000, included in Ordinance 00-14.

The LDC contains a regulation that is nearly identical to Policy 16.3.8.3 of the Lee Plan, but did provide further clarification. During the plan amendment that allowed golf courses in the Density Reduction/Groundwater Resource land use category, staff maintained that additional restrictions and guidance would be provided in the LDC amendment when adding this concept to the code. That is just what happened. This regulation is contained in Chapter 34-941(d).(2).c.ii of the LDC, and is reproduced below.

ii. no maintenance, delivery, irrigation pump, or outdoor storage or delivery area may be located closer than 100 feet from any residential use under separate ownership, as measured from the edge of the above-listed area to the property line of the residential use.

The LDC section shown above clearly states that the setback is measured from the edge of the "development area" to the property line of the residential use. Staff believes that the LDC provides clear direction on how this setback is measured, and that language should be added to Lee Plan Policy 16.3.8.3 so that the regulations are consistent with each other. Staff has proposed such language with this amendment.

The second change being considered as part of this amendment is to make the maintenance facility setback apply to existing as well as future residential uses. The intent of Policy 16.3.8.3 is to protect residential properties from the adverse impacts caused by maintenance buildings, irrigation pumps, outdoor storage areas, or other golf course accessory structures. The adverse impacts caused by these uses could be a variety of factors such as: noise, odor, visual, or safety. The existing policy language states that the setback for these structures applies to "any residential use." Staff believes that the protection provided by the maintenance facility setback should be afforded to existing residential uses as well as vacant lots that will likely develop as residential uses in the future. Obviously, there is some discretion involved in determining if a property will develop with residential uses in the future, but there are some general criteria that can be used to make this determination.

The majority of the properties in the DR/GR areas of the county are fairly large properties with AG-2 zoning. There are, however, areas that contain clusters of smaller lots, also zoned AG-2, that form clearly defined residential areas. Attachments 1, 2, and 3 of this report are simple parcel maps of random areas of the county that are designated DR/GR. The purpose of these exhibits is to illustrate the difference between those areas that will likely develop with residential uses and those that will not. It is evident from looking at these maps that there is a clear difference between the large properties that will likely be used for agriculture or mining and the clusters of smaller properties that will likely be used for residences in the future. These smaller properties range from about 5 acres to 10 acres in size. Planning staff believes,

based on an examination of random parcels in the DR/GR, that any vacant lot that is 10 acres or less is a future residential property for purposes of determining whether the maintenance facility setback applies. Staff believes it is unlikely that vacant AG-2-zoned parcels that are 10 acres or less can practically develop with stand-alone bone fide agricultural or mining uses. Staff believes that parcels of this size will likely develop in a residential fashion. If many of these lots are clustered together and are under separate ownership, then it is even more likely that they will be residential in nature. Staff's review of existing uses and examining the Division of Planning's parcel inventory database confirms this.

As Attachments 1, 2, and 3 show, there are properties that are slightly greater than 10 acres in size, but are still within clearly defined residential clusters. Staff would also consider these properties residential in nature even though they might be larger than 10 acres. In these cases, however, it is necessary to examine the sizes of the surrounding lots and their existing uses, and to look at the ownership pattern in the area to determine whether or not a particular parcel is a future residential property. If the sizes of the surrounding parcels are generally 10 acres or less and they are all under separate ownership, then the subject parcel should be considered a residential property even if it is larger than 10 acres. If the parcel is larger than 10 acres, but is not surrounded by any lots that are clearly residential, then staff likely would not consider it to be a future residential property.

Planning staff believes that, for purposes of determining whether or not the maintenance facility setback applies, any vacant parcel, that is 10 acres or less in size, and is located in the DR/GR, will always be considered a potential residential lot. For vacant parcels that are slightly greater than 10 acres in size, staff would examine the existing land use in the area, the size of the surrounding parcels, and the ownership patterns in the area to make a determination of whether the parcel is a future residential property.

The final issue being considered by this proposed amendment is the issue of the location of maintenance facilities and structures within golf course developments. Staff has discovered several existing and proposed developments in which the golf course maintenance facilities are located along public rights-of-way. These maintenance facilities generally present a negative impact on the surrounding environment. They present a negative visual impact and also are a potential threat to public safety because of the large amounts of chemicals being stored and mixed in and around the facilities. Staff conducted field work to document the visual appearance and location of selected golf course maintenance facilities in Lee County. Staff photographed these facilities and included them as Attachment 4 to this amendment. The purpose of these photos is simply to illustrate the visual appearance of the typical golf course maintenance facility.

When such facilities are located in close proximity to residential uses or are located along public rights-of-way, the public is subjected to seeing the most unsightly portion of the golf course while the patrons of the golf course do not have any such burden. Staff believes that the negative impacts associated with the maintenance area should be placed upon the development itself, and not on the general public. To that end, staff has proposed a new policy which will require maintenance facilities to either be set back a minimum of 500 feet from a public right-of-way, provide completely opaque visual screening, or be located within structures that meet the current County architectural standards for commercial buildings.

Staff believes that a 500 foot setback for maintenance facilities is reasonable in light of the size of the properties in question. The minimum possible size for a golf course in the DR/GR is 250 acres. Staff believes that a 500-foot setback on a 250-acre or more property is not an unreasonable standard.

One common argument against requiring maintenance areas to be more internal to a golf course site is that it hinders the design of the development to have delivery trucks or maintenance vehicles passing through the main entrance to get to the maintenance area. Staff does not think that this is a legitimate concern because there is not a large volume of such vehicles entering or exiting the site on a daily basis, and furthermore, given the large size of the properties in question, the development could be designed in such a way as to separate the maintenance and delivery vehicles from the personal vehicles.

An additional benefit to locating golf course maintenance facilities more internal to a site is that they would then be closer to the majority of the golf holes. This would cut down on the travel distance for maintenance vehicles to get from the maintenance facility to each golf hole. When the maintenance facilities are located on the perimeter of the property, then the maintenance vehicles are forced to travel greater distances to reach each golf hole.

Staff believes that the concept of internalizing the impacts of golf maintenance facilities serves a valid public purpose that should not only be applied in the Density Reduction/Groundwater Resource areas, but in all areas of the county. Staff is currently exploring the possibility of requiring all golf course developments in Lee County to internalize the impacts of their maintenance facilities in order to reduce the visual impact that these facilities have on the public. Staff is considering initiating LDC and Lee Plan amendments in the near future to further address this issue. This amendment represents a first step in this process.

B. CONCLUSIONS

The LDC clearly states that the setback from golf course maintenance facilities to residential uses is measured from the edge of the "development area" to the residential property line. The proposed amendment to Lee Plan policy 16.3.8.3 is a reflection of the existing LDC regulation.

Certain vacant parcels in the DR/GR may be considered potential residential properties based on the property's size, use, the zoning of surrounding properties, the size of surrounding properties, and the ownership patterns in the area.

Golf course maintenance facilities present a negative visual appearance to the public when located immediately adjacent to public rights-of-way. The visual appearance along public roadways is a legitimate public interest. Additional standards for golf course maintenance areas are needed so that the public is not subjected to the negative visual impact that is brought about by these facilities. This impact should be kept internal to the development.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment. The proposed language changes are shown below in underline format.

POLICY 16.3.8.....

3 Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any existing or future residential use, as measured from the edge of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a

future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:

- a) be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
- b) provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
- c) be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: January 22, 2001

A. LOCAL PLANNING AGENCY REVIEW

Planning staff gave a brief summary of the proposed plan amendment. One member of the public spoke in opposition to the amendment. The opposition revolved around several key issues. The first issue was that the proposed policy would place strict regulations on maintenance buildings within Private Recreational Facility Planned Developments (PRFPD), but at the same time, an adjacent residential property could have a metal warehouse holding pesticides and fertilizers, with no additional setbacks, buffers, or architectural standards. It was also suggested that in rural areas such as the DR/GR, many people keep trucks and heavy equipment anywhere on their property, which would make a golf course maintenance and equipment building generally compatible with the area. It was suggested this was unfair and unequal treatment of property owners under the same conditions. This member of the public recommended that issues related to the location and appearance of golf maintenance facilities should be addressed through Land Development Code amendments that would apply to all golf maintenance facilities, and not just those in the DR/GR.

The same member of the public questioned staff's reasoning that placing such regulations on maintenance buildings would help to preserve the aesthetics along public roadways in the DR/GR. The contention of this individual was that there is a limited number of residents that would be driving the public roadways in the DR/GR areas, and that not many people would see the maintenance facilities. This member of the public argued that it was unfair to apply strict regulations for golf maintenance facilities in the sparsely-populated DR/GR, when there are no such regulations for golf courses in the urban areas.

This member of the public also noted that staff did not consider the economic impact that the proposed regulations would have on the private recreational facility developments that would be located in the DR/GR.

The same individual also expressed an objection to the portion of the proposed policy language that states that an agriculturally-zoned property of ten acres or less would be considered a residential property for purposes of applying the 100-foot separation between a residential property and any maintenance area, outdoor storage area, irrigation pump, or delivery area. This individual argued that if a property has an agricultural zoning district, then it should be considered an agricultural use, regardless of the property's size or the size of surrounding properties.

No other public spoke on the proposed amendment.

Staff then responded to these issues and clarified some of the points raised during the public comments. Staff stated that it was their full intent to bring forward the issue of golf maintenance area location on a county-wide basis through an LDC amendment in the near future. Staff thought that since the Lee Plan language pertaining to private recreational facilities was already very detailed, that it would also be appropriate to include details such as setbacks, landscaping, and architectural standards for maintenance facilities.

Staff affirmed its belief that an agriculturally-zoned property of less than 10 acres in size should be considered residential for purposes of complying with the 100-foot setback in Policy 19.3.8.3. Staff asserted that properties in the DR/GR that are 10 acres or less are not likely to be intensely farmed, and are more likely to develop as large-lot residential areas. It is important to look at all of the surrounding properties to determine if the predominant pattern is smaller lots that would be more suitable for residential purposes, or larger lots that would be more suitable for agriculture. If the predominant pattern is many smaller lots, then staff believes that the residential setback should apply.

With regard to the additional standards for the location of maintenance facilities, staff argued that they are consistent with one of the fundamental purposes of planned development zoning, which is to internalize the impacts of a development. The placement of maintenance facilities along the perimeter of a property does not accomplish this purpose. Another point made by staff was that the golf course developments are a new use to the rural DR/GR areas. The golf courses are urban uses that are going to be moving into these areas where residents have become accustomed to a rural setting. For this reason, staff argued that the extra protection from the negative impacts of maintenance facilities was justified.

With regard to the potential economic impacts of the proposed amendment, staff argued that the new regulations would not deny property owners profitable use of their land. Staff has recommended a policy that would allow for any one of the following three options: placement of the maintenance facility in an internal location; increased buffering around the maintenance facility; or building the maintenance facility in a way that would comply with the architectural standards for commercial buildings. The provision of additional buffering around the maintenance facility or increased architectural features would increase the developer's costs, but the placement of the maintenance facility in an internal location would not require any additional expenditure by the developer.

Following staff's response, a few members of the LPA generally expressed that the issues being addressed through this proposed amendment are important issues, but would probably be better addressed in the Land Development Code rather than in the Lee Plan.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA made a motion to *not transmit* any portion of the proposed amendment, and voted in favor of the non-transmittal motion.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA did not accept all of the findings of fact as advanced by staff. The LPA did not express disagreement with any specific finding of fact as advanced by staff, but generally thought that the issues being addressed through this amendment should be addressed in the Land Development Code, and not in the Lee Plan. The LPA also suggested that it would be a case of unequal treatment for the County to limit where a golf course can place its maintenance facilities, but at the same time, allow residential properties to place accessory structures as close to the property line as the Land Development Code would allow. The LPA also suggested that if the County is going to deal with these issues, it should do so on a countywide basis, and not just for golf courses in the DR/GR areas.

C. VOTE:

NOEL ANDRESS	AYE
SUSAN BROOKMAN	AYE
BARRY ERNST	AYE
RONALD INGE	AYE
GORDON REIGELMAN	AYE
VIRGINIA SPLITT	ABSENT
GREG STUART	NAY

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW: One member of the Board moved that the amendment be transmitted. Staff pointed out that the staff recommendation on this amendment was for transmittal and the LPA recommendation was for non-transmittal. Another Board member questioned which recommendation would be voted on. One member of the Board pointed out that the LPA recommended non-transmittal of this amendment based partially on the idea that these issues would be more appropriately addressed in the Land Development Code, and questioned whether this option should be considered. Another member of the Board expressed disagreement with the LPA, and stated that it was important that staff's recommended language be included in the Lee Plan.

There was no public comment on the proposed amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners voted to transmit staff's recommended language as shown in Part I Section B of this report. The language to be transmitted is also shown in Part IV Section D below.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

D. LANGUAGE TRANSMITTED BY THE BOCC

POLICY 16.3.8.....

3 Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any existing or future residential use, as measured from the edge of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a future residential property. Properties larger than 10 acres may be considered future residential based on the property's

size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:

- a) be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
- b) provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
- c) be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**
- B. STAFF RESPONSE**

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

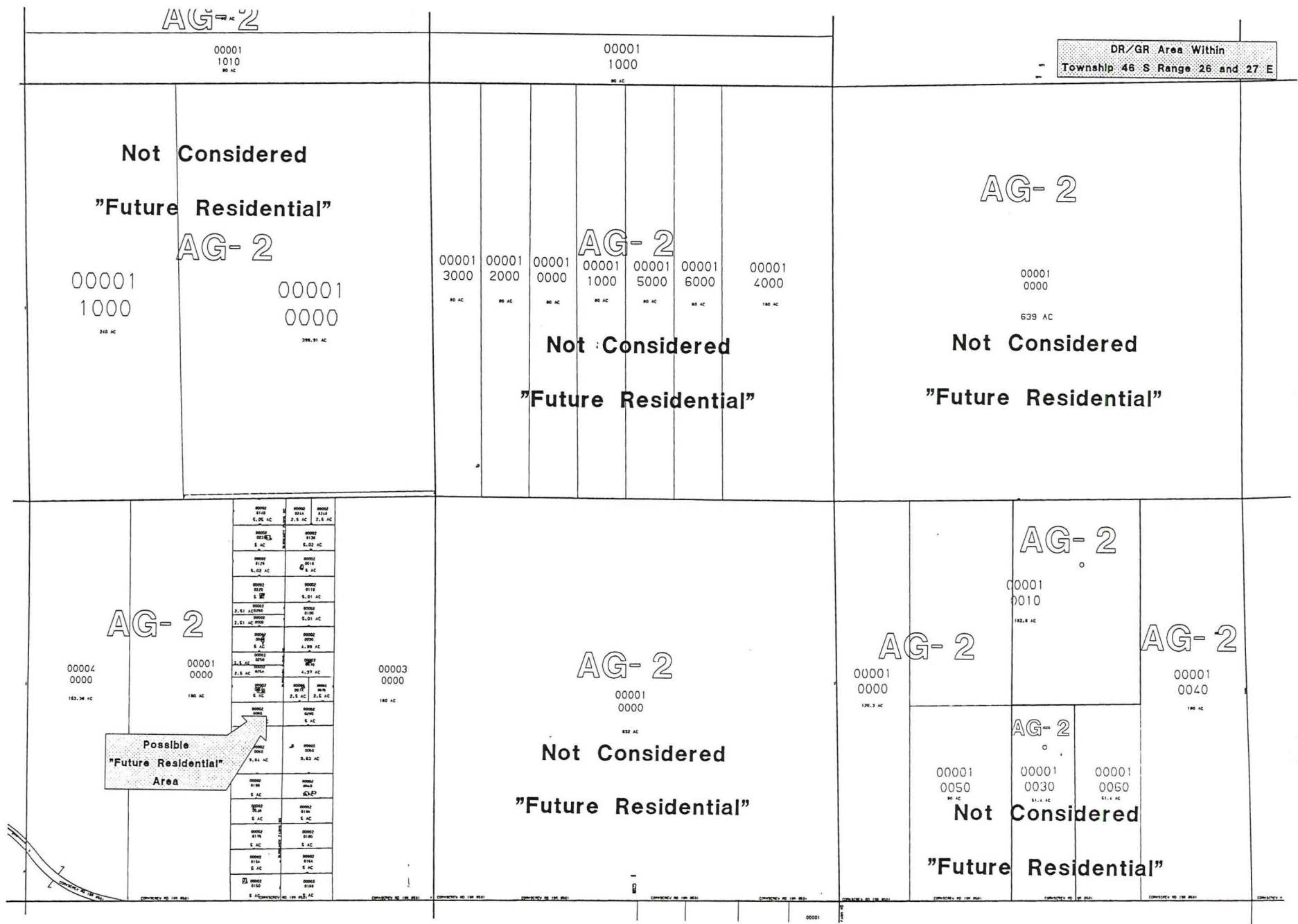
JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY



ATTACHMENT 4

**PHOTOS OF SELECTED GOLF COURSE MAINTENANCE FACILITIES
TAKEN BY PLANNING STAFF ON JANUARY 12, 2001**

PHOTOS OF SELECTED GOLF COURSE MAINTENANCE FACILITIES



Photo 1 - Heritage Palms maintenance facility, view from Winkler Avenue Extension. Note how the combination of a berm, a buffer, and a substantial setback from the road hide the facility from public view.



Photo 2 - Heritage Palms golf maintenance facility, interior view. Note the open storage of materials.



Photo 3 - Legends Golf & Country Club maintenance facility, view from Fiddlesticks Blvd. Note how the buffering and the substantial setback partially hide the facility from public view.



Photo 4 - Legends Golf & Country Club maintenance facility, interior view. Note the industrial nature of the buildings and the open storage of equipment.



Photo 5 - Olde Hickory Golf Club maintenance facility, view from public road. Note the location of the facility adjacent to the public roadway as well as the lack of visual screening around the facility.



Photo 6 - Olde Hickory Golf Club maintenance facility, view from public road. Note the industrial nature of the structures and the open storage of materials.



Photo 7 - Villages of Country Creek golf maintenance facility, view from Three Oaks Parkway. Note the buffering and fence. When the gate is closed, the facility is not visible from the road. This is an example of a well-designed maintenance area.



Photo 8 - Villages of Country Creek golf maintenance facility. Note the wall, tree buffer, and fence that surround the area.

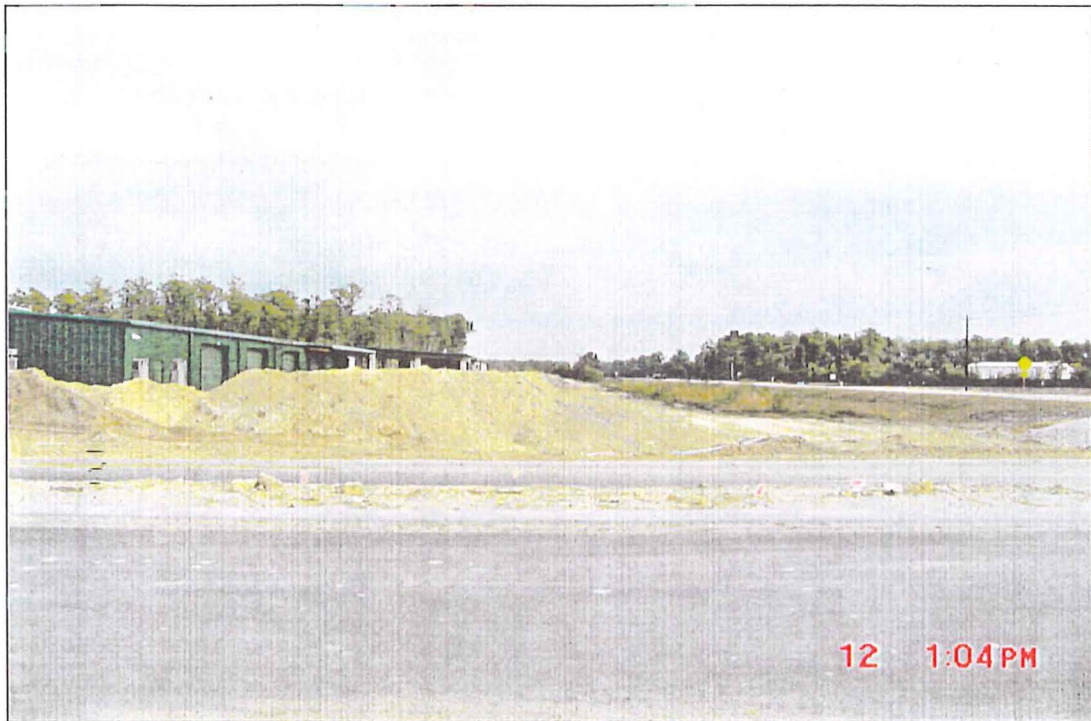


Photo 9 - Grande Oak maintenance facility. Note the proximity of the facility to Corkscrew Road (to the right of the structures). A berm is being constructed, but it will only partially block the view of the structures from Corkscrew Road. This is an example of unnecessarily locating the maintenance facility adjacent to a public road.



Photo 10 - Grande Oak golf maintenance facility, interior view



Photo 11 - Stoneybrook maintenance facility (in distance). This facility is located fully internal to the development. It cannot be seen from any public roadway. Staff encourages the internalization of all golf maintenance facilities.



Photo 12 - Stoneybrook golf maintenance facility, interior view.



Photo 13 - West Bay Club golf maintenance facility (Williams Road in foreground). Note how the structure is easily visible from the public right-of-way.



Photo 14 - West Bay Club maintenance facility (Williams Road in foreground). Note how the open storage areas are visible from the public roadway. Staff believes such negative visual impacts should be internalized.



Photo 15 - Maintenance facility in Pelican Landing. Note that the industrial metal structures can be easily seen from Spring Creek Road, a public right-of-way.



Photo 16 - Golf maintenance facility within Pelican Landing, view from Spring Creek Road. Note the industrial-style metal building.



Photo 17 - Maintenance facility within Pelican Landing. Note the dumpster and surrounding debris that is visible from the public roadway.



Photo 18 - Maintenance facility within The Brooks. This facility is internal to the development, it is heavily buffered, and it is set back far enough from the road that it is not easily noticeable.



Photo 19 - Worthington Country Club maintenance facility, view from Bonita Beach Road. The facility is oriented toward the road with very little buffering or setbacks.



Photo 20 - Worthington Country Club maintenance facility. Note the industrial-style metal building that faces Bonita Beach Road.

**CPA2000-15
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document
for the
August 29th, 2001 Public Hearing

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

August 1, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-15**

☒

Text Amendment

☐

Map Amendment

	This Document Contains the Following Reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: January 8, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Amend the Future Land Use Element by modifying Policy 16.3.8.3 to clarify the setbacks from adjacent existing and planned residential uses.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed Lee Plan amendment with the following text changes.

POLICY 16.3.8.....

3 Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any existing or future residential use, as measured from the edge

of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:

- a) be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
- b) provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
- c) be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Policy 16.3.8.3 states that maintenance areas, outdoor storage areas, irrigation pumps, or delivery areas associated with Private Recreational Facilities in the DR/GR land use category cannot be located less than 100 feet from "any residential use." It is unclear from the existing policy language whether this distance is measured to the residential building or the residential property line. It is also unclear whether this setback applies only to existing residential uses or if it would also apply to vacant residential parcels. The policy requires clarification.
- Chapter 34-941(d).(2).c.ii of the Lee County Land Development Code specifically states that the setbacks for accessory buildings or structures are measured from the edge of the accessory structure to the property line of the residential use. This regulation is specific to golf courses in the DR/GR.
- The intent of the maintenance facility setback in Policy 16.3.8.3 was that it would apply to existing and future residential properties.
- Any vacant parcel in the DR/GR land use category that has residential or AG-2 zoning, that is 10 acres or less, should be considered a future residential property.
- A vacant parcel in the DR/GR land use category that is greater than 10 acres could potentially be a future residential property if it is located within a cluster of smaller lots (10 acres or less) under separate ownership.

- Golf course maintenance facilities present a safety hazard to residents because of the industrial machinery and chemicals that are common to these facilities.
- Golf course maintenance facilities may present a negative visual impact to the public if such facilities are not properly buffered and are not designed with any architectural features.
- The positive visual appearance of development along public rights-of-way is a legitimate public interest that should be considered by the Lee Plan.

C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on September 19, 2000. In 1999, the Lee Plan was amended to allow private recreational facilities, including golf courses, in the Density Reduction/Groundwater Resource (DR/GR) land use category. This amendment, PAT 98-08, included many specific standards for golf course development in the DR/GR. Since the time of this amendment, two golf developments have been proposed. During the review of these golf courses, staff discovered several areas where the new regulations were not entirely clear and could be improved. This amendment is an attempt to clarify and improve one of these standards.

Policy 16.3.8.3 requires that maintenance areas, outdoor storage areas, irrigation pumps, or delivery areas associated with Private Recreational Facilities in the DR/GR land use category be located no less than 100 feet from "any residential use." Policy 16.3.8.3 is reproduced below.

3. ***Setbacks for accessory buildings or structures.*** *All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any residential use. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.*

The policy does not make clear how the setback should be measured. Staff believes that the separation should be measured from the edge of the listed "development areas" (i.e. the edge of the maintenance area, outdoor storage area, irrigation pump or delivery area) to the residential property line, and that the policy should be amended to reflect this.

The policy also does not make clear whether the setback applies to existing or future residential areas, or if it applies to both. Staff believes that it should apply to both, and that the policy should be amended to reflect this.

In the review of the first golf courses in the DR/GR, staff began to scrutinize the golf course maintenance areas, and noticed that these facilities were generally located adjacent to the public right-of-way. Golf course maintenance facilities generally present a negative visual appearance. The trend is to orient the maintenance facilities toward the public roadway instead of orienting them internal to the golf course, placing the negative visual impact solely on the public rather than on the patrons of the golf course. Staff believes that the public should not have to accept the full burden of seeing these facilities, and that Policy 16.3.8.3 should be evaluated to potentially require additional visual screening of the golf course maintenance areas from public view.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

As stated above, there are three changes to Policy 16.3.8.3 that are being considered within this amendment. The first is how the maintenance facility setback is measured. The existing Lee Plan policy does not provide guidance as to how the setback should be measured. This issue was, however, clarified by the adoption of the Lee County Land Development Code (LDC) amendment that added the regulations that govern Private Recreational Facilities Planned Developments (PRFPD). The LDC amendment in question was adopted by the Board of County Commissioners on June 27, 2000, included in Ordinance 00-14.

The LDC contains a regulation that is nearly identical to Policy 16.3.8.3 of the Lee Plan, but did provide further clarification. During the plan amendment that allowed golf courses in the Density Reduction/Groundwater Resource land use category, staff maintained that additional restrictions and guidance would be provided in the LDC amendment when adding this concept to the code. That is just what happened. This regulation is contained in Chapter 34-941(d).(2).c.ii of the LDC, and is reproduced below.

ii. no maintenance, delivery, irrigation pump, or outdoor storage or delivery area may be located closer than 100 feet from any residential use under separate ownership, as measured from the edge of the above-listed area to the property line of the residential use.

The LDC section shown above clearly states that the setback is measured from the edge of the "development area" to the property line of the residential use. Staff believes that the LDC provides clear direction on how this setback is measured, and that language should be added to Lee Plan Policy 16.3.8.3 so that the regulations are consistent with each other. Staff has proposed such language with this amendment.

The second change being considered as part of this amendment is to make the maintenance facility setback apply to existing as well as future residential uses. The intent of Policy 16.3.8.3 is to protect residential properties from the adverse impacts caused by maintenance buildings, irrigation pumps, outdoor storage areas, or other golf course accessory structures. The adverse impacts caused by these uses could be a variety of factors such as: noise, odor, visual, or safety. The existing policy language states that the setback for these structures applies to "any residential use." Staff believes that the protection provided by the maintenance facility setback should be afforded to existing residential uses as well as vacant lots that will likely develop as residential uses in the future. Obviously, there is some discretion involved in determining if a property will develop with residential uses in the future, but there are some general criteria that can be used to make this determination.

The majority of the properties in the DR/GR areas of the county are fairly large properties with AG-2 zoning. There are, however, areas that contain clusters of smaller lots, also zoned AG-2, that form clearly defined residential areas. Attachments 1, 2, and 3 of this report are simple parcel maps of random areas of the county that are designated DR/GR. The purpose of these exhibits is to illustrate the difference between those areas that will likely develop with residential uses and those that will not. It is evident from looking at these maps that there is a clear difference between the large properties that will likely be used for agriculture or mining and the clusters of smaller properties that will likely be used for residences in the future. These smaller properties range from about 5 acres to 10 acres in size. Planning staff believes,

based on an examination of random parcels in the DR/GR, that any vacant lot that is 10 acres or less is a future residential property for purposes of determining whether the maintenance facility setback applies. Staff believes it is unlikely that vacant AG-2-zoned parcels that are 10 acres or less can practically develop with stand-alone bona fide agricultural or mining uses. Staff believes that parcels of this size will likely develop in a residential fashion. If many of these lots are clustered together and are under separate ownership, then it is even more likely that they will be residential in nature. Staff's review of existing uses and examining the Division of Planning's parcel inventory database confirms this.

As Attachments 1, 2, and 3 show, there are properties that are slightly greater than 10 acres in size, but are still within clearly defined residential clusters. Staff would also consider these properties residential in nature even though they might be larger than 10 acres. In these cases, however, it is necessary to examine the sizes of the surrounding lots and their existing uses, and to look at the ownership pattern in the area to determine whether or not a particular parcel is a future residential property. If the sizes of the surrounding parcels are generally 10 acres or less and they are all under separate ownership, then the subject parcel should be considered a residential property even if it is larger than 10 acres. If the parcel is larger than 10 acres, but is not surrounded by any lots that are clearly residential, then staff likely would not consider it to be a future residential property.

Planning staff believes that, for purposes of determining whether or not the maintenance facility setback applies, any vacant parcel, that is 10 acres or less in size, and is located in the DR/GR, will always be considered a potential residential lot. For vacant parcels that are slightly greater than 10 acres in size, staff would examine the existing land use in the area, the size of the surrounding parcels, and the ownership patterns in the area to make a determination of whether the parcel is a future residential property.

The final issue being considered by this proposed amendment is the issue of the location of maintenance facilities and structures within golf course developments. Staff has discovered several existing and proposed developments in which the golf course maintenance facilities are located along public rights-of-way. These maintenance facilities generally present a negative impact on the surrounding environment. They present a negative visual impact and also are a potential threat to public safety because of the large amounts of chemicals being stored and mixed in and around the facilities. Staff conducted field work to document the visual appearance and location of selected golf course maintenance facilities in Lee County. Staff photographed these facilities and included them as Attachment 4 to this amendment. The purpose of these photos is simply to illustrate the visual appearance of the typical golf course maintenance facility.

When such facilities are located in close proximity to residential uses or are located along public rights-of-way, the public is subjected to seeing the most unsightly portion of the golf course while the patrons of the golf course do not have any such burden. Staff believes that the negative impacts associated with the maintenance area should be placed upon the development itself, and not on the general public. To that end, staff has proposed a new policy which will require maintenance facilities to either be set back a minimum of 500 feet from a public right-of-way, provide completely opaque visual screening, or be located within structures that meet the current County architectural standards for commercial buildings.

Staff believes that a 500 foot setback for maintenance facilities is reasonable in light of the size of the properties in question. The minimum possible size for a golf course in the DR/GR is 250 acres. Staff believes that a 500-foot setback on a 250-acre or more property is not an unreasonable standard.

One common argument against requiring maintenance areas to be more internal to a golf course site is that it hinders the design of the development to have delivery trucks or maintenance vehicles passing through the main entrance to get to the maintenance area. Staff does not think that this is a legitimate concern because there is not a large volume of such vehicles entering or exiting the site on a daily basis, and furthermore, given the large size of the properties in question, the development could be designed in such a way as to separate the maintenance and delivery vehicles from the personal vehicles.

An additional benefit to locating golf course maintenance facilities more internal to a site is that they would then be closer to the majority of the golf holes. This would cut down on the travel distance for maintenance vehicles to get from the maintenance facility to each golf hole. When the maintenance facilities are located on the perimeter of the property, then the maintenance vehicles are forced to travel greater distances to reach each golf hole.

Staff believes that the concept of internalizing the impacts of golf maintenance facilities serves a valid public purpose that should not only be applied in the Density Reduction/Groundwater Resource areas, but in all areas of the county. Staff is currently exploring the possibility of requiring all golf course developments in Lee County to internalize the impacts of their maintenance facilities in order to reduce the visual impact that these facilities have on the public. Staff is considering initiating LDC and Lee Plan amendments in the near future to further address this issue. This amendment represents a first step in this process.

B. CONCLUSIONS

The LDC clearly states that the setback from golf course maintenance facilities to residential uses is measured from the edge of the "development area" to the residential property line. The proposed amendment to Lee Plan policy 16.3.8.3 is a reflection of the existing LDC regulation.

Certain vacant parcels in the DR/GR may be considered potential residential properties based on the property's size, use, the zoning of surrounding properties, the size of surrounding properties, and the ownership patterns in the area.

Golf course maintenance facilities present a negative visual appearance to the public when located immediately adjacent to public rights-of-way. The visual appearance along public roadways is a legitimate public interest. Additional standards for golf course maintenance areas are needed so that the public is not subjected to the negative visual impact that is brought about by these facilities. This impact should be kept internal to the development.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment. The proposed language changes are shown below in underline format.

POLICY 16.3.8.....

3 Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any existing or future residential use, as measured from the edge of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a

future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:

- a) be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
- b) provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
- c) be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: January 22, 2001

A. LOCAL PLANNING AGENCY REVIEW

Planning staff gave a brief summary of the proposed plan amendment. One member of the public spoke in opposition to the amendment. The opposition revolved around several key issues. The first issue was that the proposed policy would place strict regulations on maintenance buildings within Private Recreational Facility Planned Developments (PRFPD), but at the same time, an adjacent residential property could have a metal warehouse holding pesticides and fertilizers, with no additional setbacks, buffers, or architectural standards. It was also suggested that in rural areas such as the DR/GR, many people keep trucks and heavy equipment anywhere on their property, which would make a golf course maintenance and equipment building generally compatible with the area. It was suggested this was unfair and unequal treatment of property owners under the same conditions. This member of the public recommended that issues related to the location and appearance of golf maintenance facilities should be addressed through Land Development Code amendments that would apply to all golf maintenance facilities, and not just those in the DR/GR.

The same member of the public questioned staff's reasoning that placing such regulations on maintenance buildings would help to preserve the aesthetics along public roadways in the DR/GR. The contention of this individual was that there is a limited number of residents that would be driving the public roadways in the DR/GR areas, and that not many people would see the maintenance facilities. This member of the public argued that it was unfair to apply strict regulations for golf maintenance facilities in the sparsely-populated DR/GR, when there are no such regulations for golf courses in the urban areas.

This member of the public also noted that staff did not consider the economic impact that the proposed regulations would have on the private recreational facility developments that would be located in the DR/GR.

The same individual also expressed an objection to the portion of the proposed policy language that states that an agriculturally-zoned property of ten acres or less would be considered a residential property for purposes of applying the 100-foot separation between a residential property and any maintenance area, outdoor storage area, irrigation pump, or delivery area. This individual argued that if a property has an agricultural zoning district, then it should be considered an agricultural use, regardless of the property's size or the size of surrounding properties.

No other public spoke on the proposed amendment.

Staff then responded to these issues and clarified some of the points raised during the public comments. Staff stated that it was their full intent to bring forward the issue of golf maintenance area location on a county-wide basis through an LDC amendment in the near future. Staff thought that since the Lee Plan language pertaining to private recreational facilities was already very detailed, that it would also be appropriate to include details such as setbacks, landscaping, and architectural standards for maintenance facilities.

Staff affirmed its belief that an agriculturally-zoned property of less than 10 acres in size should be considered residential for purposes of complying with the 100-foot setback in Policy 19.3.8.3. Staff asserted that properties in the DR/GR that are 10 acres or less are not likely to be intensely farmed, and are more likely to develop as large-lot residential areas. It is important to look at all of the surrounding properties to determine if the predominant pattern is smaller lots that would be more suitable for residential purposes, or larger lots that would be more suitable for agriculture. If the predominant pattern is many smaller lots, then staff believes that the residential setback should apply.

With regard to the additional standards for the location of maintenance facilities, staff argued that they are consistent with one of the fundamental purposes of planned development zoning, which is to internalize the impacts of a development. The placement of maintenance facilities along the perimeter of a property does not accomplish this purpose. Another point made by staff was that the golf course developments are a new use to the rural DR/GR areas. The golf courses are urban uses that are going to be moving into these areas where residents have become accustomed to a rural setting. For this reason, staff argued that the extra protection from the negative impacts of maintenance facilities was justified.

With regard to the potential economic impacts of the proposed amendment, staff argued that the new regulations would not deny property owners profitable use of their land. Staff has recommended a policy that would allow for any one of the following three options: placement of the maintenance facility in an internal location; increased buffering around the maintenance facility; or building the maintenance facility in a way that would comply with the architectural standards for commercial buildings. The provision of additional buffering around the maintenance facility or increased architectural features would increase the developer's costs, but the placement of the maintenance facility in an internal location would not require any additional expenditure by the developer.

Following staff's response, a few members of the LPA generally expressed that the issues being addressed through this proposed amendment are important issues, but would probably be better addressed in the Land Development Code rather than in the Lee Plan.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA made a motion to *not transmit* any portion of the proposed amendment, and voted in favor of the non-transmittal motion.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA did not accept all of the findings of fact as advanced by staff. The LPA did not express disagreement with any specific finding of fact as advanced by staff, but generally thought that the issues being addressed through this amendment should be addressed in the Land Development Code, and not in the Lee Plan. The LPA also suggested that it would be a case of unequal treatment for the County to limit where a golf course can place its maintenance facilities, but at the same time, allow residential properties to place accessory structures as close to the property line as the Land Development Code would allow. The LPA also suggested that if the County is going to deal with these issues, it should do so on a countywide basis, and not just for golf courses in the DR/GR areas.

C. VOTE:

NOEL ANDRESS	AYE
SUSAN BROOKMAN	AYE
BARRY ERNST	AYE
RONALD INGE	AYE
GORDON REIGELMAN	AYE
VIRGINIA SPLITT	ABSENT
GREG STUART	NAY

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

- B. STAFF RESPONSE**

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

PHOTOS OF SELECTED GOLF COURSE MAINTENANCE FACILITIES



Photo 1 - Heritage Palms maintenance facility, view from Winkler Avenue Extension. Note how the combination of a berm, a buffer, and a substantial setback from the road hide the facility from public view.



Photo 2 - Heritage Palms golf maintenance facility, interior view. Note the open storage of materials.



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Photo 6 - Olde Hickory Golf Club maintenance facility, view from public road. Note the industrial nature of the structures and the open storage of materials.



Photo 7 - Villages of Country Creek golf maintenance facility, view from Three Oaks Parkway. Note the buffering and fence. When the gate is closed, the facility is not visible from the road. This is an example of a well-designed maintenance area.



Photo 8 - Villages of Country Creek golf maintenance facility. Note the wall, tree buffer, and fence that surround the area.

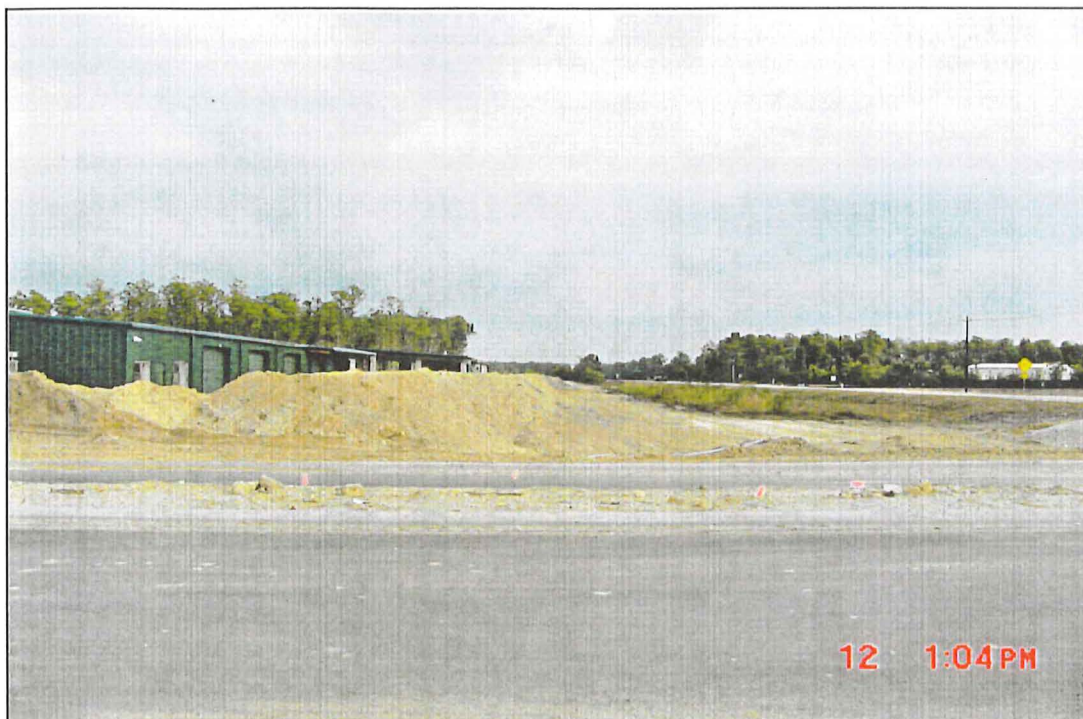


Photo 9 - Grande Oak maintenance facility. Note the proximity of the facility to Corkscrew Road (to the right of the structures). A berm is being constructed, but it will only partially block the view of the structures from Corkscrew Road. This is an example of unnecessarily locating the maintenance facility adjacent to a public road.



Photo 10 - Grande Oak golf maintenance facility, interior view



Photo 11 - Stoneybrook maintenance facility (in distance). This facility is located fully internal to the development. It cannot be seen from any public roadway. Staff encourages the internalization of all golf maintenance facilities.



Photo 12 - Stoneybrook golf maintenance facility, interior view.



Photo 13 - West Bay Club golf maintenance facility (Williams Road in foreground). Note how the structure is easily visible from the public right-of-way.



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Photo 20 - Worthington Country Club maintenance facility. Note the industrial-style metal building that faces Bonita Beach Road.

**CPA2000-15
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
January 22, 2001 Public Hearing

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

January 8, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-15**

☒

Text Amendment

☐

Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: January 8, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Amend the Future Land Use Element by modifying Policy 16.3.8.3 to clarify the setbacks from adjacent existing and planned residential uses.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners modify the Lee Plan as contained herein.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Policy 16.3.8.3 states that maintenance areas, outdoor storage areas, irrigation pumps, or delivery areas associated with Private Recreational Facilities in the DR/GR land use category cannot be located less than 100 feet from "any residential use." It is unclear from the existing policy language

whether this distance is measured to the residential building or the residential property line. It is also unclear whether this setback applies only to existing residential uses or if it would also apply to vacant residential parcels. The policy requires clarification.

- Chapter 34-941(d).(2).c.ii of the Lee County Land Development Code specifically states that the setbacks for accessory buildings or structures are measured from the edge of the accessory structure to the property line of the residential use. This regulation is specific to golf courses in the DR/GR.
- The intent of the maintenance facility setback in Policy 16.3.8.3 was that it would apply to existing and future residential properties.
- Any vacant parcel in the DR/GR land use category that has residential or AG-2 zoning, that is 10 acres or less, should be considered a future residential property.
- A vacant parcel in the DR/GR land use category that is greater than 10 acres could potentially be a future residential property if it is located within a cluster of smaller lots (10 acres or less) under separate ownership.
- Golf course maintenance facilities present a safety hazard to residents because of the industrial machinery and chemicals that are common to these facilities.
- Golf course maintenance facilities may present a negative visual impact to the public if such facilities are not properly buffered and are not designed with any architectural features.
- The positive visual appearance of development along public rights-of-way is a legitimate public interest that should be considered by the Lee Plan.

C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on September 19, 2000. In 1999, the Lee Plan was amended to allow private recreational facilities, including golf courses, in the Density Reduction/Groundwater Resource (DR/GR) land use category. This amendment, PAT 98-08, included many specific standards for golf course development in the DR/GR. Since the time of this amendment, two golf developments have been proposed. During the review of these golf courses, staff discovered several areas where the new regulations were not entirely clear and could be improved. This amendment is an attempt to clarify and improve one of these standards.

Policy 16.3.8.3 requires that maintenance areas, outdoor storage areas, irrigation pumps, or delivery areas associated with Private Recreational Facilities in the DR/GR land use category be located no less than 100 feet from "any residential use." Policy 16.3.8.3 is reproduced below.

3. ***Setbacks for accessory buildings or structures.*** *All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any residential use. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.*

The policy does not make clear how the setback should be measured. Staff believes that the separation should be measured from the edge of the listed "development areas" (i.e. the edge of the maintenance area, outdoor storage area, irrigation pump or delivery area) to the residential property line, and that the policy should be amended to reflect this.

The policy also does not make clear whether the setback applies to existing or future residential areas, or if it applies to both. Staff believes that it should apply to both, and that the policy should be amended to reflect this.

In the review of the first golf courses in the DR/GR, staff began to scrutinize the golf course maintenance areas, and noticed that these facilities were generally located adjacent to the public right-of-way. Golf course maintenance facilities generally present a negative visual appearance. The trend is to orient the maintenance facilities toward the public roadway instead of orienting them internal to the golf course, placing the negative visual impact solely on the public rather than on the patrons of the golf course. Staff believes that the public should not have to accept the full burden of seeing these facilities, and that Policy 16.3.8.3 should be evaluated to potentially require additional visual screening of the golf course maintenance areas from public view.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

As stated above, there are three changes to Policy 16.3.8.3 that are being considered within this amendment. The first is how the maintenance facility setback is measured. The existing Lee Plan policy does not provide guidance as to how the setback should be measured. This issue was, however, clarified by the adoption of the Lee County Land Development Code (LDC) amendment that added the regulations that govern Private Recreational Facilities Planned Developments (PRFPD). The LDC amendment in question was adopted by the Board of County Commissioners on June 27, 2000, included in Ordinance 00-14.

The LDC contains a regulation that is nearly identical to Policy 16.3.8.3 of the Lee Plan, but did provide further clarification. During the plan amendment that allowed golf courses in the Density Reduction/Groundwater Resource land use category, staff maintained that additional restrictions and guidance would be provided in the LDC amendment when adding this concept to the code. That is just what happened. This regulation is contained in Chapter 34-941(d).(2).c.ii of the LDC, and is reproduced below.

ii. no maintenance, delivery, irrigation pump, or outdoor storage or delivery area may be located closer than 100 feet from any residential use under separate ownership, as measured from the edge of the above-listed area to the property line of the residential use.

The LDC section shown above clearly states that the setback is measured from the edge of the "development area" to the property line of the residential use. Staff believes that the LDC provides clear direction on how this setback is measured, and that language should be added to Lee Plan Policy 16.3.8.3 so that the regulations are consistent with each other. Staff has proposed such language with this amendment.

The second change being considered as part of this amendment is to make the maintenance facility setback apply to existing as well as future residential uses. The intent of Policy 16.3.8.3 is to protect residential properties from the adverse impacts caused by maintenance buildings, irrigation pumps, outdoor storage areas, or other golf course accessory structures. The adverse impacts caused by these uses could be a variety of factors such as: noise, odor, visual, or safety. The existing policy language states that the setback for these structures applies to "any residential use." Staff believes that the protection provided by the maintenance facility setback should be afforded to existing residential uses as well as vacant lots that will likely develop as residential uses in the future. Obviously, there is some discretion involved in determining if a property will develop with residential uses in the future, but there are some general criteria that can be used to make this determination.

The majority of the properties in the DR/GR areas of the county are fairly large properties with AG-2 zoning. There are, however, areas that contain clusters of smaller lots, also zoned AG-2, that form clearly defined residential areas. Attachments 1, 2, and 3 of this report are simple parcel maps of random areas of the county that are designated DR/GR. The purpose of these exhibits is to illustrate the difference between those areas that will likely develop with residential uses and those that will not. It is evident from looking at these maps that there is a clear difference between the large properties that will likely be used for agriculture or mining and the clusters of smaller properties that will likely be used for residences in the future. These smaller properties range from about 5 acres to 10 acres in size. Planning staff believes, based on an examination of random parcels in the DR/GR, that any vacant lot that is 10 acres or less is a future residential property for purposes of determining whether the maintenance facility setback applies. Staff believes it is unlikely that vacant AG-2-zoned parcels that are 10 acres or less can practically develop with stand-alone bone fide agricultural or mining uses. Staff believes that parcels of this size will likely develop in a residential fashion. If many of these lots are clustered together and are under separate ownership, then it is even more likely that they will be residential in nature. Staff's review of existing uses and examining the Division of Planning's parcel inventory database confirms this.

As Attachments 1, 2, and 3 show, there are properties that are slightly greater than 10 acres in size, but are still within clearly defined residential clusters. Staff would also consider these properties residential in nature even though they might be larger than 10 acres. In these cases, however, it is necessary to examine the sizes of the surrounding lots and their existing uses, and to look at the ownership pattern in the area to determine whether or not a particular parcel is a future residential property. If the sizes of the surrounding parcels are generally 10 acres or less and they are all under separate ownership, then the subject parcel should be considered a residential property even if it is larger than 10 acres. If the parcel is larger than 10 acres, but is not surrounded by any lots that are clearly residential, then staff likely would not consider it to be a future residential property.

Planning staff believes that, for purposes of determining whether or not the maintenance facility setback applies, any vacant parcel, that is 10 acres or less in size, and is located in the DR/GR, will always be considered a potential residential lot. For vacant parcels that are slightly greater than 10 acres in size, staff would examine the existing land use in the area, the size of the surrounding parcels, and the ownership patterns in the area to make a determination of whether the parcel is a future residential property.

The final issue being considered by this proposed amendment is the issue of the location of maintenance facilities and structures within golf course developments. Staff has discovered several existing and proposed developments in which the golf course maintenance facilities are located along public rights-of-way. These maintenance facilities generally present a negative impact on the surrounding environment.

They present a negative visual impact and also are a potential threat to public safety because of the large amounts of chemicals being stored and mixed in and around the facilities. Staff conducted field work to document the visual appearance and location of selected golf course maintenance facilities in Lee County. Staff photographed these facilities and included them as Attachment 4 to this amendment. The purpose of these photos is simply to illustrate the visual appearance of the typical golf course maintenance facility.

When such facilities are located in close proximity to residential uses or are located along public rights-of-way, the public is subjected to seeing the most unsightly portion of the golf course while the patrons of the golf course do not have any such burden. Staff believes that the negative impacts associated with the maintenance area should be placed upon the development itself, and not on the general public. To that end, staff has proposed a new policy which will require maintenance facilities to either be set back a minimum of 500 feet from a public right-of-way, provide completely opaque visual screening, or be located within structures that meet the current County architectural standards for commercial buildings.

Staff believes that a 500 foot setback for maintenance facilities is reasonable in light of the size of the properties in question. The minimum possible size for a golf course in the DR/GR is 250 acres. Staff believes that a 500-foot setback on a 250-acre or more property is not an unreasonable standard.

One common argument against requiring maintenance areas to be more internal to a golf course site is that it hinders the design of the development to have delivery trucks or maintenance vehicles passing through the main entrance to get to the maintenance area. Staff does not think that this is a legitimate concern because there is not a large volume of such vehicles entering or exiting the site on a daily basis, and furthermore, given the large size of the properties in question, the development could be designed in such a way as to separate the maintenance and delivery vehicles from the personal vehicles.

An additional benefit to locating golf course maintenance facilities more internal to a site is that they would then be closer to the majority of the golf holes. This would cut down on the travel distance for maintenance vehicles to get from the maintenance facility to each golf hole. When the maintenance facilities are located on the perimeter of the property, then the maintenance vehicles are forced to travel greater distances to reach each golf hole.

Staff believes that the concept of internalizing the impacts of golf maintenance facilities serves a valid public purpose that should not only be applied in the Density Reduction/Groundwater Resource areas, but in all areas of the county. Staff is currently exploring the possibility of requiring all golf course developments in Lee County to internalize the impacts of their maintenance facilities in order to reduce the visual impact that these facilities have on the public. Staff is considering initiating LDC and Lee Plan amendments in the near future to further address this issue. This amendment represents a first step in this process.

B. CONCLUSIONS

The LDC clearly states that the setback from golf course maintenance facilities to residential uses is measured from the edge of the "development area" to the residential property line. The proposed amendment to Lee Plan policy 16.3.8.3 is a reflection of the existing LDC regulation.

Certain vacant parcels in the DR/GR may be considered potential residential properties based on the property's size, use, the zoning of surrounding properties, the size of surrounding properties, and the ownership patterns in the area.

Golf course maintenance facilities present a negative visual appearance to the public when located immediately adjacent to public rights-of-way. The visual appearance along public roadways is a legitimate public interest. Additional standards for golf course maintenance areas are needed so that the public is not subjected to the negative visual impact that is brought about by these facilities. This impact should be kept internal to the development.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment. The proposed language changes are shown below in underline format.

POLICY 16.3.8.....

3 Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 100 feet from any existing or future residential use, as measured from the edge of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:

- a) be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
- b) provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
- c) be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: January 22, 2001

A. LOCAL PLANNING AGENCY REVIEW

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

SUSAN BROOKMAN

BARRY ERNST

RONALD INGE

GORDON REIGELMAN

VIRGINIA SPLITT

GREG STUART

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

- B. STAFF RECOMMENDATION**

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

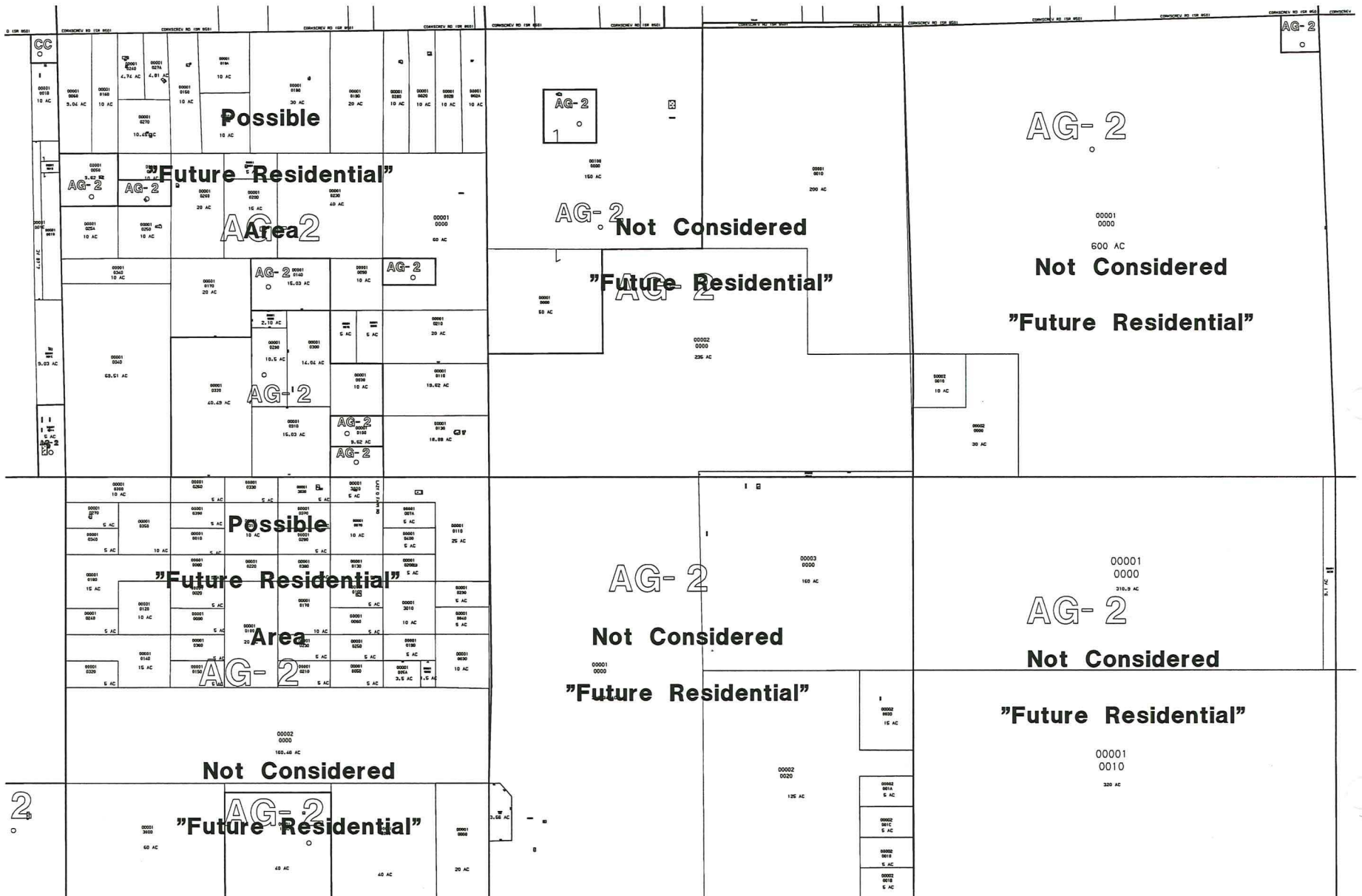
JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY



DR/GR Area Within
Township 46 S Range 26 and 27 E

Not	Considered
"Future	Residential"

00001
1000

240 AC

AG- 2

00001
0000
388.91 AC

00001 3000	00001 2000	00001 0000	00001 1000	00001 5000	00001 6000	00001 4000
80 AC	90 AC	80 AC	80 AC	80 AC	80 AC	100 AC

Not Considered
"Future Residential"

AG- 2

00001
0000

639 AC

Not Considered
"Future Residential"

AG- 2

00004
0000
153.38 AC

00001
0000
180 AC

00003
0000

180 AC

**Possible
"Future Residential"
Area**

AG- 2

00001
0000
B32 AC
Not Considered
"Future Residential"

AG- 2

0000
0000
120.3 AC

AG- 2

00001
0010
102.8 AC

AG- 2

00001
0050

00001
0030

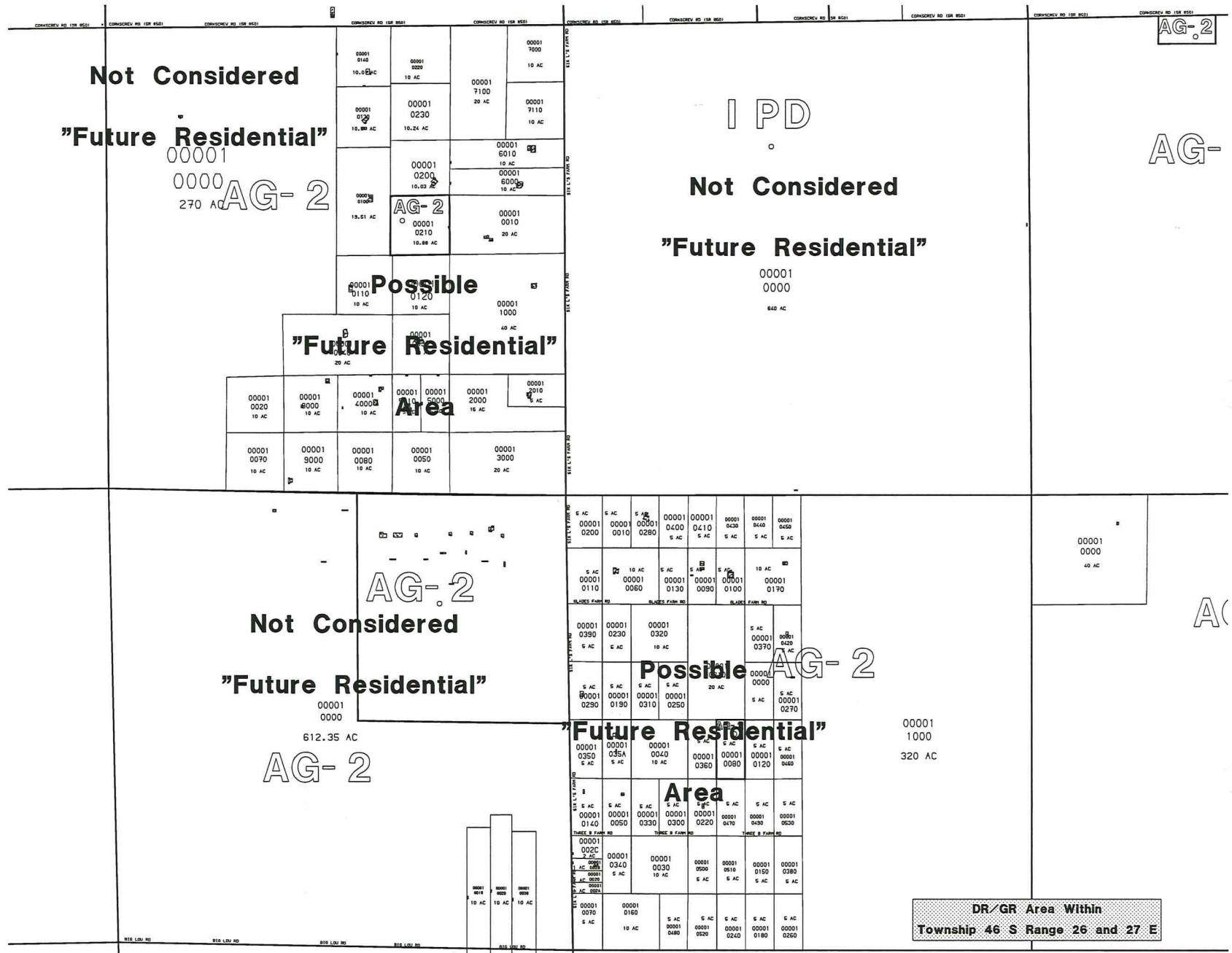
00001
0060

50 AC	51.4 AC	51.4 AC
Not	Considered	

"Future Residential"

AG-2

00001
0040
180 AC



ATTACHMENT 4

**PHOTOS OF SELECTED GOLF COURSE MAINTENANCE FACILITIES
TAKEN BY PLANNING STAFF ON JANUARY 12, 2001**

PHOTOS OF SELECTED GOLF COURSE MAINTENANCE FACILITIES



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