

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

CATEGORY: Transportation and Traffic Management	CODE NUMBER: AC-11-18
TITLE: Pine Island Tourist Oriented Directional Signs (TODS) Program	ADOPTED: 3/31/09
	AMENDED:
	ORIGINATING DEPARTMENT: Department of Transportation

PURPOSE/SCOPE:

To implement a limited program in cooperation with the Pine Island Chamber of Commerce to permit the installation of eligible Tourist Oriented Directional Guide Signs (TODS) on Stringfellow Road, and on Pine Island Road, that provide road users with business identification and directional information for eligible services and attractions on Pine Island, in order to enhance the road users' ability to safely and efficiently locate their intended destination. The guide signs are to be used only when the destination and the on-site signage are not visible from the road, and the access is off said road. Nothing in this Administrative Code shall restrict the responsibility of the Lee County Department of Transportation (DOT) Director, or designee, in the determination of other special sign requests consistent with State of Florida, Department of Transportation, Operations Rule, Chapter 14-51. The Lec County DOT Director, or designee, may, where appropriate, utilize the applicable Section of Chapter 14-51 (latest issue) and Florida Department of Transportation (FDOT) guidelines for Tourist Oriented Destination signs to evaluate special directional sign requests and issue approval or denial for County jurisdiction roads. Nothing in this Administrative Code shall be interpreted to imply or to provide precedent regarding similar signing requests for other areas within Lee County.

DEFINTIONS:

1. Tourist Oriented Directional Signs - Tourist-oriented directional signs are guide signs with one or more panels that display the business identification of and directional information for business, service, and activity facilities used primarily by non-residents of the area to locate the destination, when the location (site) is not visible from the road and derives its primary business from tourists.

2. Eligible facilities and attractions - A facility shall be eligible for a Tourist Oriented Directional Sign only if it derives its major portion of income or visitor traffic, during the normal business season, from road users not residing in the Pine Island/Matlacha area. Types of facilities that are eligible include but are not limited to:
 - Restaurants and Banquet Facilities
 - Marinas that provide rental or charter services
 - Hotels, Motels, and Inns
 - Business selling seasonal agricultural products
 - Retail Sales
 - Wineries
 - Golf Courses

3. The Pine Island Chamber of Commerce - A Not-For-Profit organization based on Pine Island providing visitor information services and assisting businesses on Pine Island.

4. "Pine Island" and "Florida's Creative Coast" – The current identifiers for promotion of Pine Island as a tourist destination.
5. Tourist – For this Administrative Code, it will be defined as a person or persons not residing in the Pine Island/Matlacha area who visit Pine Island to reach one of the locations determined by DOT to be a tourist oriented destination.

POLICY/PROCEDURE:

- 1.0 Tourist Oriented Directional Signs (TODS) shall be defined as guide signs that provide road users with business identification and directional information for services and eligible attractions and shall conform to the most current edition of the Manual on Uniform Traffic Control Devices (MUTCD) approved by Florida Department of Transportation (FDOT) and comply with Lee County dimension standards.
- 2.0 The use of Tourist Oriented Directional Signs (TODS) shall be limited to tourist oriented destinations on Pine Island with access located off Stringfellow Road or off Pine Island Road, at locations only where adequate sign spacing can be maintained. Lee County DOT is authorized to set-up a cooperative effort with the Pine Island Chamber of Commerce for the Chamber to accept and process applications, help coordinate with other businesses applying for these signs, ensure signs are fabricated and installed to standards and the sign installations are maintained in accordance with standards. The Chamber may assume coordination of installing and removing seasonal signs as the seasons and associated services and businesses open, close and reopen.
- 3.0 Eligible businesses, service facilities and attractions shall comply with laws concerning the provisions of public accommodations without regard to race, religion, color, age, sex or national origin and the laws concerning the licensing and approval of service facilities.
- 4.0 Selection of Eligible Businesses
 - 4.1 Space availability is on a first come, first serve basis and will be limited to a maximum of four (4) destinations per location. The date and time the application is received at the Pine Island Chamber of Commerce or at DOT-Traffic shall determine the place in-line. The business, destination, or service shall be open and operational at the time of application unless the business is seasonal and can demonstrate the seasonal nature of the destination. DOT shall be authorized to set application procedures and deadlines in cooperation with the Pine Island Chamber of Commerce, which will include but not be limited to seasonal sign changes.
 - 4.2 All of the following criteria will be used by DOT to determine the eligibility into the program:
 - 4.2.1 A facility shall be eligible for Tourist Oriented Directional Signs (TODS) only if it derives its major portion of income or visitor traffic, during the normal business season, from road users not residing in the Pine Island/Matlacha area. The applicant shall supply documentation to the Pine Island Chamber of Commerce or to Lee County DOT in support of its claim and compliance with this provision.
 - 4.2.2 A facility may be eligible for Tourist Oriented Directional Signs (TODS) if the property does not abut Stringfellow Road and has its access off Stringfellow Road. A facility may be eligible for Tourist Oriented Directional Signs (TODS) if the property does not abut Pine Island Road and has its access off Pine Island Road.
 - 4.2.3 A facility may be eligible for Tourist Oriented Directional Signs (TODS) if it provides

the following minimum public services:
Continuous operation at least 12 hours per day, 5 days per week
Public telephone
Drinking water and modern sanitary facilities

The applicant shall document and certify compliance with this provision and state any seasonal operation in which the sign will be removed and replaced with another seasonal destination, business or service or the sign covered. If any public service is not applicable or cannot be provided, then documentation shall be provided to the DOT Director or designee to request an administrative deviation. Deviation requests and documentation may be filed at the Pine Island Chamber of Commerce Office.

- 4.3 A service, business or destination must be located no further than one (1) roadway mile from the intersection with Stringfellow Road unless an administrative deviation is approved by the DOT Director or designee.
- 4.4 TODS may be permitted which guide tourists to a specific seasonal business, service or destination and any seasonal sign which is "out-of-season" shall be covered or replaced with another seasonal sign that is "in-season".
- 4.4 The Pine Island Chamber of Commerce (Chamber) may be authorized by DOT to accept and review applications from any business, service or destination without regard to their membership in the Chamber. All applications that are submitted to the Chamber shall be reviewed within 20 calendar days and routed along with the Chamber's findings to DOT with a copy to the applicant. A copy of applications submitted directly to the DOT may be routed to the Chamber for coordination of placement on Sign Assemblies being installed or installed in coordination with the Chamber's efforts.
- 4.5 On at least an Annual basis, the Pine Island Chamber of Commerce shall set and publish, for DOT review and approval, a fee/price schedule for all of the Chamber of Commerce's standard charges to businesses for the services that they provide related to the Tourist Oriented Directional Signs, such as to install the sign assemblies, install the individual signs, maintain the Sign Assembly and the signs, removal of signs and to mow or cut the vegetation around the Sign Assembly. Additionally, supply a list of all future conditions which may cause charges or costs to increase, costs which are non-recurring or costs for which a standard price cannot be assigned, such as insurance, replacement of signs at the end of their useful life, acts of God, incidents, accidents, handling of insurance claims and hit-in-run damages. Any charges shall be the same for all businesses, services and destinations regardless of Chamber membership or participation.
- 4.6 On each Sign Assembly for which the Pine Island Chamber of Commerce coordinates the installation and maintains the assembly in accordance with standards, the Chamber may be permitted to install an approved sign blade which identifies "Pine Island" and also provides the wording "Florida's Creative Coast" or other approved identifier. Any changes, updates, etc., including the color and lettering shall be submitted to DOT for review and approval. If the design is acceptable, then DOT will issue an approval letter. The Chamber may update or change sign blades seasonally, remove sign blades or replace the assembly upon submission and approval of a Right of Way Permit Application.

5.0 Application Process

- 5.1 Prior to filing an application, a pre-application meeting is recommended with the Pine Island Chamber of Commerce or the DOT Traffic staff. The Pine Island Chamber of Commerce may be authorized by DOT to accept and process applications for the Tourist Oriented Destination Sign Program (TODSP) under procedures and a process established

by DOT. The business, service facility or attraction desiring its facility to be considered for the program shall submit a completed TODSP application and pay the non-refundable application fees to Lee County Board of County Commissioners, c/o Lee County DOT, 5650 Enterprise Parkway, Fort Myers, FL 33905.

- 5.2 The various County fees to cover the costs of the TDOSP will be established utilizing procedures from the County External Fees Manual and will cover the costs to review the application and to process the application for denial or approval. In the event that the business, service facility or attraction does not qualify for the program, the application fee will not be refunded.
- 5.3 If the application is approved, DOT will issue an approval notice to the applicant and to the Pine Island Chamber of Commerce for the applicant or the Chamber, to pay the County's inspection, engineering and removal fee within 30 days. The applicant may then design, fabricate, and obtain a permit to install the Tourist Oriented Directional sign. Additionally, the applicant or the Chamber will be required to maintain the sign at its cost and shall give notice to Lee County as to who will maintain the sign(s) along with contact information. Maintenance of signs shall be performed by the applicant or by the Chamber and responsibilities shall, at a minimum, consist of inspecting the signs and assemblies at least every six weeks, resetting the signs to plumb, replacing damaged signs, cleaning dirt and graffiti, replacing signs that are not legible (both day and night), and mowing vegetation within at least a four (4) foot radius of the sign posts at least every six weeks. Lee County will include in the application approval notice, the amount of the County fee to cover the cost of inspection and of removal of the sign if the applicant fails to maintain or repair it to the County standards. Payment of all County fees shall be made within 30 days of the approval notification and shall be received by the County prior to application for a Lee County Right of Way Permit. Sign structures shall meet or exceed *Lee County DOT Traffic Design Standard for Sign Installation*.
- 5.4 In conjunction with the permit application, the applicant or the Pine Island Chamber of Commerce shall execute a hold harmless agreement with the County to defend the County in the event of injury or damage that may occur involving their Tourist Oriented Destination sign assembly.
- 5.5 The Director of DOT, or designee, shall approve or disapprove the permit application and give notice within 90 days of application.
- 5.6 Upon notice of approval, the applicant, or the Pine Island Chamber of Commerce (if the Chamber is the coordinating the Sign Assembly installation or the sign panel installation) shall, within 60 days of said notice, submit three (3) copies of Signing and Signing Assembly Plans, designs and calculations or a basis of design using the applicable FDOT Standard Index and shall apply for a County Right-of-Way permit and obtain approval prior to scheduling construction. Installation of the sign may not begin until the Right-of-Way permit is approved. Installation shall commence within 60 days of the right of way permit approval and all work shall be completed within 90 days of issuance of the permit.
- 5.7 Should there be a delay in submitting the permit application or in commencing the construction, the applicant may apply to the DOT for an extension of time by stating with specificity the reasons for the time extension being requested. DOT will approve or deny the time extension request within 30 days based upon the reasons for the request.

6.0 Signage Requirements

- 6.1 The general use of legends and signs shall conform to MUTCD and Lee County DOT design requirements for TODS.

- 6.2 The number of destinations shall be limited to a maximum of four (4) at any one location. An eligible facility may have only one Tourist Oriented Directional sign. This should be located at the most direct access to the facility from Stringfellow Road or Pine Island Road.
- 6.3 A Tourist Oriented Directional Sign (TODS) shall display the name of the facility and an appropriate directional arrow. The signs shall have a blue background, a white border, and white legends of upper and lower letters, white numbers, and white arrows.
- 6.4 The signs shall be located to avoid visual conflict with other signs within the highway Right-of-Way.
- 6.5 Examples of Tourist Oriented Directional Signs (TODS) are shown in MUTCD Figure 2G-1 as a guide only. However, Lee County minimum standards for dimensions, font and color shall apply.
- 6.6 If a facility, business or destination is to be closed due to the "end of season" or is closed, the sign shall be removed or another sign panel shall be secured over the location name during the time of closure. The panel shall be of the same color and material as the sign and cover the entire name. It shall be screwed or bolted on at 24-inch intervals top and bottom. The sign may have the facility name with the word CLOSED or it may be blank or another seasonal sign may temporarily be installed in its place. The applicant is responsible for installing and maintaining a closed or blank panel and shall notify the Chamber of Commerce and Lee County DOT-Traffic of all changes including all closings and re-openings. Should a facility, business or destination be closed and a reopening date is not scheduled or there is a change of ownership planned or completed, an application may be submitted within 30 days to the Pine Island Chamber of Commerce to allow temporary use of the space that is currently permitted and to temporarily hold the space on the Sign Assembly pending reopening within no more than one (1) year from date of application. Approved permanent and seasonal facilities, businesses and destinations, which qualify may utilize space on the Sign Assembly that is not being used due to a closed destination, business or service. The Chamber will notify the DOT within 20 days of any proposed changes, closings and any applications.
- 6.7 All letters and numerals on Tourist Oriented Directional Sign (TODS) shall use a minimum of FHWA Series C, 6-inch font or an approved equal.
- 6.8 Sign size shall consist of up to four (4) separate panels for destinations and a fifth Panel at the top may be permitted with the Pine Island identifier. Each Panel shall be a minimum of 48 inch by 18 inch. The top panel with the Pine Island Identifier shall be the same size as the panels mounted below. Each destination shall be displayed on a separate panel. The minimum height to the bottom panel shall be five (5) feet above the road surface. If the sign is adjacent to a sidewalk or bike path, the sign shall be seven (7) feet above the path surface.
- 6.9 The placement of Tourist Oriented Directional Signs (TODS) will be determined by Lee County DOT-Traffic based upon field conditions. The Sign panels may be limited in number and/or in size (48" x 18" or less) depending upon constraints and safety.

7.0 Signs at Intersections

- 7.1 The Tourist Oriented Directional Sign (TODS) shall not be installed any closer than 300 feet or further than 600 feet in advance of the intersection unless otherwise approved by the Chief Traffic Engineer. The applicant shall contact Lee County DOT-Traffic to confirm the location of the proposed sign.

8.0 Installation, Maintenance and Removal

8.1 The applicant will be responsible for the design, fabrication, installation and maintenance of the approved signs(s). Signs must meet applicable County standards. All sign support structures shall be designed to support a full compliment of destination plates (four 18" x 48" minimum sign blanks). When approved by the County, the first applicant at the sign location will install the sign for its destination and the sign assembly support system. Future destinations (up to a total of three (3) additional) may be added to the sign support system by other applicants as approved by the County. It will be the responsibility of each subsequent applicant to fabricate and install the approved destination sign and to participate in the cost of the sign assembly support system fabrication, installation and maintenance. The owners of all destinations on the sign assembly will be jointly responsible for maintenance of the assembly and mowing or trimming vegetation.

8.2 An inspection, engineering and removal fee will be paid by the applicant as a non-refundable charge within 30 days of when the notice of approval of the permit application is provided. These charges are to cover the cost to the County for inspection, removal and disposal of signs that are damaged or not otherwise properly maintained or if the facility goes out of business. The County may remove and dispose of or recycle the removed signs if a hazard exists or if after adequate notice is given, the applicant fails to remove the sign or the Sign Assembly. After thirty-one (31) calendar days from removal all material removed by Lee County shall become County property.

8.3 It is the applicant's sole responsibility to notify Lee County DOT of any changes affecting the sign(s), the billing or business address, contact persons, maintenance and business ownership.

9.0 Appeals

9.1 All appeals shall be submitted in writing stating the appeal, reason for appeal, and the specific case for consideration. Appeals shall be directed to: Lee County, Director, Lee County DOT, 1500 Monroe Street, PO Box 398, Fort Myers, FL 33902.

10.0 Authorization

10.1 The Director may from time to time administratively update procedures, methods and permitting criteria that are not inconsistent with this code for the purpose of streamlining and improving the TODS application process and to update standards and revise specifications for Tourist Oriented Directional Signs (TODS) in order to comply with changes in State and Federal requirements. The administrative revisions will stand until officially amended by the Board of County Commissioners.

