

ORDINANCE NUMBER 2013-_____

AN ORDINANCE OF WAKULLA COUNTY, REPEALING AND REPLACING WAKULLA COUNTY LAND DEVELOPMENT CODE SECTION 6-18, COUNTY SIGN REGULATIONS; PROVIDING DEFINITIONS; REGULATING CONSTRUCTION, USAGE, LOCATION AND SIZE OF ON-PREMISE AND OFF-PREMISE SIGNAGE, INCLUDING BILLBOARDS; ESTABLISHING PERMIT REQUIREMENTS; REGULATING TEMPORARY SIGNS; REGULATING COMMERCIAL WAY-FINDING SIGNS: PROVIDING FOR EXEMPTIONS: PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Wakulla County wishes to regulate the construction, use and placement of signage on all land within the unincorporated areas of Wakulla County, Florida; and

WHEREAS, these provisions may also be enforced in the incorporated cities within the County if the affected city and County enter into an interlocal agreement to provide such services; and

WHEREAS, it is the County's intent that the provisions of these sign regulations be consistent with Chapter 479, Florida Statutes, regulating outdoor advertising; and

WHEREAS, the County does not intend nor shall this Ordinance be construed to censor speech, prohibit free expression, or regulate points of view, but instead intends only to regulate the secondary effects of signage, especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety; and

WHEREAS, the County finds that the regulation of signage is in the best interest of the citizens and tourists of Wakulla County, adds to the protection of the character of the community, and promotes the health, safety, welfare, visual integrity, economic viability and property value of the community at large.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, AS FOLLOWS:

ARTICLE 1. INCORPORATION OF RECITALS. The above recitals are hereby incorporated herein and made a part of this Ordinance.

ARTICLE 2. REPEAL AND REPLACEMENT OF SECTION 6-18 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE. The Board of County Commissioners (the "Board") hereby repeals section 6-18, of the Wakulla County Land

Development Code, pertaining to County sign regulations, and replaces it in its entirety as follows:

Sec. 6-18. – County sign regulations.

(A) Purpose and Intent. It is the purpose and intent of this Section to:

(1) Protect the public health, safety, general welfare, and aesthetics of Wakulla County, Florida by regulating and limiting the existing and proposed posting, display, erection, use and maintenance of signs, billboards, and other advertising structures within the County.

(2) To encourage the effective use of signs as a means of communication within Wakulla County for businesses, organizations, and individuals.

(3) To provide a means of way-finding in the community, thus reducing traffic confusion and congestion.

(4) To protect the safety and welfare of the public by minimizing the hazards to pedestrian and vehicular traffic.

(5) To minimize the possible adverse effects of signs on nearby public and private property.

(6) To prohibit signs with commercial messages in residential zoning districts which are not related to commercial activities lawfully conducted on individual properties within such districts.

(7) To provide broadly for the expression of individual opinions and points of view through the use of signs on private property.

(B) Definitions. For purposes of this Section, the following terms shall have the following meanings unless the context clearly requires otherwise:

“Back-to-Back Sign” means a sign consisting of two (2) sign facings oriented in opposite directions with not more than one (1) face per sign facing.

“Banner” means a sign made of cloth or vinyl, containing an emblem or advertisement secured or mounted to a wall or pole which may allow movement by the atmosphere.

“Billboard” means an off-premise outdoor advertising sign larger than 32 square feet in size.

“Bus Stop Sign” means a bus stop shelter built in such a manner as to advertise an establishment, merchandise, service or entertainment.

“Commercial Way-Finding Sign” means a sign erected for the convenience of tourists and the public alike, for the purpose of directing, identifying and promoting local businesses from a main highway to a local business on a side road.

“Construction Sign” means a temporary sign erected or placed on premises on which construction is taking place during the period of such construction indicating the names of owners, architects, engineers, landscape architects, contractors, artisans, financial supporters or others having a role or interest with respect to the structure or project.

“Department” means the Department of Planning and Community Development.

“Digital Display Billboard” means a sign larger than 32 square feet in size without moving parts whose content may be changed by electronic process through the use of intermittent light or lights, including light emitting diodes, liquid crystal display and plasma screen images.

“Directional Sign” means a sign erected for the convenience of the public, such as for directing traffic movement, parking, identifying restrooms, public telephones, walkways and other similar features or facilities and bearing no advertising messages.

“Double-Faced Sign” means a sign with two (2) adjacent faces oriented in the same direction not more than ten (10) feet apart at the nearest point between the two (2) sign faces.

“Election Sign” means a temporary Sign identifying and urging voter support for or opposition to a candidate running for public office, political party, or stating a position regarding an issue on which a public vote will be held.

“Face” means that portion of a Sign upon which advertising is affixed or painted and is visible in one direction at a time.

“Free Expression Sign” means a Sign communicating information or views on matters of public policy concern or containing any other noncommercial message that is otherwise lawful, including, but not limited to signs displaying political messages such as Election Signs, religious messages, or personal messages.

“Freestanding Sign” means a Sign erected on freestanding framework supported and affixed by one or more uprights or braces in or upon the ground.

“Multiple-Faced Sign” means a Sign comprised of sections which rotate to display a series of advertisements, each advertisement displayed for at least six (6) seconds continuously without movement; and the duration of movement of sections between advertisements not exceeding two (2) seconds.

“Multi-Tenant Sign” means an on-premise sign which advertises the primary goods or services sold or provided by multiple businesses or tenants located on the same premises.

“Non-Conforming Sign” means a sign which was lawfully erected but which no longer complies with the land use, setback, size, spacing, and lighting provisions of a County ordinance passed at a later date or a sign which was lawfully erected but which later fails to comply with state or local regulations due to changed conditions.

“Official Sign” means a Sign erected by a governmental agency or its designee setting forth information as determined appropriate under some provision of state or local law.

“Off-Premise Sign” means a Sign, including the supporting structure, which is visible from a street or highway, the content which is not descriptive of goods or services located on the premises or property at which the sign is located. This includes Billboards, Bus Stop Signs and other outdoor advertising. The following shall not be considered Off-Premise Signs: Directional or Official Signs authorized by law or On-Premise Signs.

“On-Premise Sign” means a Sign whose message and design relates to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

“Pennant” means a fluttering or non-stationary device made of flexible materials designed, intended or used to attract attention, including balloons and wind signs.

“Portable Sign” means a Sign attached to a motorized vehicle, towed trailer, or on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another for the purpose of advertising.

“Real Estate Sign” means a Sign which advertises the availability for sale or lease of the property upon which the sign is located. Real Estate Signs also include “Open House” and “Model Home” Signs.

“Roof-Mounted Sign” means a Sign attached to the roof of a building.

“Sign” means a permanent or temporary device or structure which is used to inform, attract attention, or advertise, and which may or may not include writing, pictorial representations, emblems, symbols, logos and flags, and which is readily visible at the premises at which the device or structure is located.

“Sign Holder” means a person, or mannequin not exceeding eight (8) feet in height, used as an advertising device for a commercial establishment by the wearing of a costume, insignia, or mask associated with a commercial establishment, or by holding or waving a sign with a commercial message or a device with moving parts intended to attract attention to a commercial establishment.

“Snipe Sign” means a Sign of any material attached to or painted on a utility pole, tree, shrub, fence post or other similar object, located on public or private property. Snipe Signs do not include warning signs, “No Trespassing” signs, and Directional Signs.

“Subdivision or Community Sign” means a Sign used for the purpose of identifying the entrance of a subdivision or community.

“Temporary Sign” means a sign not intended for permanent installation which is to be used for a limited amount of time.

“V-Type Sign” means a Sign structure which consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding ten (10) feet apart at the nearest point to each other.

“Wall Sign” means a Sign attached to the wall or façade of a building or structure.

(C) General Provisions.

(1) No Sign shall be constructed, erected, repaired, replaced or otherwise physically altered without first obtaining applicable Development Permits and Building Permits, unless otherwise specifically exempted, as follows:

(a) Unless otherwise provided herein, all persons seeking to construct, erect, repair, replace, or otherwise alter a Sign shall first submit a Development Permit Application (DPA) to the Planning and Community Development Department and obtain approval.

(b) Signs with a Sign Face exceeding thirty-two (32) square feet in area and/or Signs greater than six (6) feet in height including supporting structures, are required to obtain Building Permits in addition to obtaining approval of the DPA. All such Signs shall be constructed and maintained in accordance with local and state building and electrical codes, as applicable. Stamped structural engineering plans shall accompany Sign permit applications for such Signs.

(c) All Wall and Roof Signs, regardless of their size, are required to obtain a DPA and Building Permit.

(d) Approval or denial of any application under this section will be made within thirty (30) days of the submittal of a complete application, and such decision shall be based on whether the proposed Sign complies with the requirements of this Section. To be deemed complete, the application must include at a minimum:

(i) The applicant’s name and address.

(ii) The contact person or agent for applicant to receive all communications pertaining to the DPA and the Sign and that person’s address.

(iii) A description of the activities typically occurring on the site where the Sign will be installed.

(iv) A description of any existing Signs that will remain on the site.

(v) Identification of the type of Sign to be constructed or installed by the applicant.

(vi) A site plan of the site demonstrating where the sign will be located, including setbacks.

(vii) A scaled drawing or sketch of the proposed Sign, including dimensions and square footage.

(viii) The application fee established by the Board for each Sign Face.

(ix) Stamped structural engineering plans, where applicable under this Section.

(x) If the site identified as the location for the sign is not owned by the applicant, written permission of the property owner on a form provided by the Department of Planning and Community Development.

(e) If no decision is made within the 30 day time period from the submittal of a complete application, the application will be deemed approved.

(f) In the event that a Sign permit is denied, the applicant may file an appeal in the manner provided in Section 3-23 of the Wakulla County Land Development Code.

(g) Applications for a Variance may be filed with the Department of Planning and Community Development in the manner provided in Section 3-22 of the Wakulla County Land Development Code, along with a proposed plan for the Sign details.

(h) Construction of the Sign must commence within one hundred eighty (180) days of the issuance of the permit; otherwise, the permit will become invalid.

(2) No Sign shall be constructed which resembles any Official Marker erected by a governmental entity or which by reason of position, shape or color would conflict with the proper functioning of any official traffic control device.

(3) All Signs must be maintained in a condition which is safe and structurally sound. Painted areas and sign surfaces shall be kept in good condition. Illumination, if any, shall be maintained in safe and good working order. Trash, rubbish, and debris shall be kept clear in front of, behind, underneath and around the base of signs.

(4) Unless otherwise noted, setbacks for all Signs shall be: (i) a minimum of fifteen (15) feet from the front and side-corner property lines facing any roadway; or (ii) a minimum eight (8) feet from side property lines on non-corner lots.

(5) In no case shall any Sign or Sign Holder be located within, above, or in any manner extend into a public right-of-way unless erected by a governmental entity, as provided for by law. Signs or Sign Holders shall not interfere with traffic or pedestrian safety.

(6) Signs shall not be located within the sight distance triangle of any roadway intersection as described in Section 6-17, of the Land Development Code.

(7) No sign shall be so illuminated that it interferes with the effectiveness of or obstructs an official traffic control sign, device or signal. Flashing, intermittent or moving lights which interfere with traffic safety are prohibited. Lighting shall be shielded or arranged such that no beams of light produce bright illumination of abutting residential properties or create a nuisance, roadway glare or driver impairment.

(8) Electronic variable message Signs providing information including, but not limited to, the time, date, temperature, weather or other similar information are permitted, so long as such signs do not interfere with traffic safety and do not resemble or simulate traffic control devices, signs or emergency service vehicles.

(9) No Sign shall be permitted or erected which is prohibited under State or Federal law or regulation. Where other federal or state sign or outdoor advertising regulations are in effect and are more restrictive than the provisions of this article, the more restrictive provisions shall prevail.

(10) It is not the intent of this section to regulate the copy, content, or viewpoint of a Sign, nor is it the intent of this section to afford greater protection to commercial speech than to noncommercial speech. Any Sign authorized by this section may contain noncommercial copy.

(11) No permit shall be issued without the written permission of the property owner of the site identified as the location of the sign in the permit application. Such permission must be maintained throughout the course of the existence of the permit or the permit shall be subject to revocation.

(D) Permanent On-Premise Signs. The following provisions shall apply to the following types of permanent On-Premise Signs:

(1) Freestanding Signs.

(a) Only one Freestanding Sign may be located on a particular parcel adjacent to a street. In the event the parcel is adjacent to more than one street frontage, one free-standing sign may be located on each street frontage.

(b) With the exception of Freestanding Multitenant Signs, the maximum square footage of any Freestanding On-Premise Sign shall not exceed one hundred twenty-eight (128) square feet in size. Maximum square footage of any Freestanding Multitenant Sign shall not exceed two hundred (200) square feet in size. Maximum square footage shall be calculated by the cumulative total area of all Sign Faces, not including the support structure of the Sign.

(c) The height of a Freestanding Sign shall not exceed the maximum building height allowed by the applicable zoning district regulations. Signage designed to extend over covered pedestrian areas shall begin not less than ten (10) feet from the finished surface of the bottom of the Sign to the surface of the pedestrian area. Signage designed for placement over vehicular travel ways in the parking areas or which overhang uncovered sidewalks shall not be less than sixteen (16) feet from the finished surface at the bottom of the Sign to the surface of travel way in question.

(d) In the event a property already contains a Roof Sign, it may not also have a Freestanding Sign.

(2) Roof Signs.

(a) Only one Roof Sign may be located on the roof of any building or structure.

(b) The height of a Roof Sign shall not exceed the maximum building height allowed by the applicable zoning district regulations.

(c) In the event a property already contains a Freestanding Sign, it may not also have a Roof Sign.

(d) All Roof Signs shall be set back a minimum of three (3) feet from the edge of the roof on which it is located.

(3) Wall Signs. No Wall Sign shall exceed twenty percent (20%) of the area of the wall of the building or structure to which the Sign will be attached or be more than twenty (20) square feet in size. For purposes of the 20% limitation in this paragraph, the maximum square footage shall be calculated using the cumulative area of any Sign Faces in relation to the total area of the wall to which the Sign will be attached.

(4) Signs in Residential Zoning Districts.

(a) Permanent commercial signage shall only be permitted on a parcel of property zoned for residential use (i) where the property has been approved for a home occupation pursuant to Section 6-10 of the Wakulla County Land Development Code, subject to the restrictions provided in that Section; or (ii) where the property is the subject of a Conditional Use Permit authorizing a non-residential use pursuant to Section 3-21 of the Wakulla County Land Development Code; or (iii) where otherwise provided for by this Section or other applicable law.

(b) No Sign on residential use property shall exceed thirty-two (32) square feet per Sign Face and six (6) feet in height, unless otherwise provided for by this Section or other applicable law. This provision is not intended to apply to property which is the subject of a Conditional Use Permit authorizing a non-residential use pursuant to Section 3-21 of the Wakulla County Land Development Code.

(5) Subdivision or Community Signs.

(a) Subdivision or Community Signs which otherwise comply with the provisions of this Section shall be permitted at the entrance of any subdivision or community regardless of the zoning district. In residential districts, these signs shall not exceed ten (10) feet in height, and one hundred twenty-eight (128) square feet in area.

(b) Subdivision or Community Signs shall be located within designated Sign easements as indicated in recorded subdivision plats, common space areas maintained by the subdivision's property owner's association or on private property with the written consent of the property owner.

(E) Permanent Off-Premise Signs. Permanent Off-Premise Signs may be permitted in the following zoning districts, provided they comply with all requirements of this Section and the Land Development Code: (i) all commercial zoning districts; (ii) all industrial zoning districts; and (iii) all areas within an approved planned unit development designated for commercial or industrial use. Off-Premise Signs may not be located on properties which are rezoned to anything other than commercial or industrial use.

(1) The maximum area for any one Face of an Off-Premise Sign shall not exceed 240 square feet in size. Maximum square footage shall be calculated using the total area of the Sign Face, not including the support structure.

(2) The maximum height of a Permanent Off-Premise Sign, including the support structure, shall not exceed thirty-five (35) feet above the ground or other surface from which it is constructed.

(3) Permanent Off-Premise Signs shall maintain a minimum clearance of ten (10) feet as measured from the base of the sign structure to the bottom of the sign Face.

(4) No Permanent Off-Premise Sign shall be permitted within 2,500 feet from any other Off-Premise Sign as measured from the base of the Sign along the same side of the street or highway.

(5) No Permanent Off-Premise Sign shall be permitted along or visible from a highway or road being considered by the Florida Department of Transportation for designation or currently designated as a scenic highway regardless of the zoning district.

(6) No Permanent Off-Premise Sign shall extend into the line of vision of any traffic control device from any point in a moving traffic lane or within 660 feet of the signal. In addition, No Permanent Off-Premise Sign shall be permitted at any location within 500 feet of any church, school, cemetery, public park, public reservation, public playground, state or national forest or residential zoning district.

(7) Only single-Faced, Back-to-Back or V-type Permanent Off-Premise Signs shall be permitted. Double-faced Signs shall not be permitted unless they satisfy the definition of a Back-to-Back sign or V-type sign. Off-Premise Signs shall not have more than two (2) displays on each Face.

(8) Permanent Off-Premise Signs shall not have blank, shredded or exceedingly faded Faces for more than thirty (30) consecutive days. Public service announcements are encouraged between sold advertising.

(9) Where the location of two or more Off-Premise Signs conflict under the requirements of this section, the Sign permitted first in time shall have priority over subsequent Signs so long as it is in compliance with all requirements of this Section.

(10) A permit for an Off-Premise Sign is valid only for the location specified in the permit application. Valid permits may be transferred from one Sign owner to another upon written acknowledgement from the current permittee and submission of a Development Permit Application and transfer fee.

(11) All permits for permanent Off-Premise Signs, with the exception of Commercial Way-Finding Signs, expire annually on January 15th, and the Department of Planning and Community Development shall collect an annual permit renewal fee of \$16 per Sign Face. The Department of Planning and Community Development shall annually inspect each Off-Premise Sign to ensure compliance with the maintenance provisions of this Section. Notice of the permit renewal fee shall be mailed to each Off-Premise Sign owner no later than December 15 each year. In the event the Department of Planning and Community Development does not receive the permit renewal fee by January 15th, the matter will be forwarded to the Division of Code Enforcement for further action.

(a) The amount of the annual permit fee shall be adjusted in February of each year, based on the change in the Consumer Price Index (CPI) for all Urban Consumers, U.S. City Average for all items less food and energy as published monthly by the U.S. Department of Commerce, Bureau of Labor Statistics. The change in the CPI can be expressed as the percentage change between the price index in effect as of each December 31 as compared to the price index in effect as of December 31 of the prior year. Fees shall be adjusted in 25 cent increments.

(b) Off-Premise Billboard with paint on the face or structure must be repainted every two (2) years. Documentation demonstrating that all of the paint on the face and structures has been repainted within the past two (2) years is required prior to obtaining or renewing a permit.

(F) Temporary Signs. The following types of Temporary Signs may be installed, located, or constructed on property without a permit unless otherwise indicated below and so long as they do not exceed thirty-two (32) square feet in area or six (6) feet in height and all requirements of this Section are satisfied.

(1) Signs advertising an event or sale at any commercial business for a period of less than thirty (30) consecutive days.

(2) Temporary embellishments to existing, legally constructed Signs, such as flags, Pennants, and Banners for a period of less than thirty (30) consecutive days.

(3) Temporary Construction Signs, so long as such signs are removed within thirty (30) days of the issuance of a Certificate of Occupancy or Certificate of Completion, whichever is applicable. Construction signs exceeding four and one-half (4.5) square feet per Sign Face and three (3) feet in height in any residential district and thirty-two (32) square feet per Sign Face and six (6) feet in height in a non-residential district must obtain a permit from the Department prior to placement on any property.

(4) Yard sale and garage sale Signs displayed for no more than seventy-two (72) hours on the site of the yard sale or garage sale in a residential district with the permission of the owner of the property on which the sign is located, so long as such sign does not exceed four and one-half (4.5) square feet per Sign face and three (3) feet in height.

(5) Real Estate Signs advertising the sale or lease of property on which the sign is placed. Real Estate Signs may also be placed at the entrance of a subdivision where the property offered for sale or lease is located, or at the nearest intersection to the property. All Real Estate Signs must be removed within thirty (30) days after the sale or lease of the property. Real Estate signs exceeding four and one-half (4.5) square feet per Sign Face and three (3) feet in height in any residential district or thirty-two (32) square feet per Sign Face and six (6) feet in height in a non-residential district must obtain a permit from the Department prior to placement on any property.

(6) A temporary Sign permit must be obtained from the Department prior to the placement of any Portable Signs. Such permits shall not exceed thirty (30) consecutive days. Only one Portable Sign may be authorized per parcel of property. Portable Signs must be removed for a minimum of thirty (30) consecutive days before a new permit may be issued. No Portable Sign shall be placed within any required building setback, landscape buffer, or public right-of-way.

(7) Temporary signs shall not interfere with pedestrian or traffic safety.

(G) Commercial Way-Finding Signs. Commercial Way-Finding Signs may be permitted in the following zoning districts, provided they comply with all requirements of this Section and the Land Development Code: (i) all commercial zoning districts; (ii) all industrial zoning districts; and (iii) all areas within an approved planned unit development designated for commercial or industrial use.

(1) The maximum area for any one Face of a Commercial Way-Finding Sign shall not exceed thirty-two (32) square feet in size. Maximum square footage shall be calculated using the cumulative total area of the sign Face, not including the support structure.

(2) The maximum height of a Commercial Way-Finding Sign, including the support structure, shall not exceed six (6) feet above the ground.

(3) Only one (1) Commercial Way-Finding Sign may be authorized per property; however, each Sign may promote more than one (1) business.

(4) Commercial Way-Finding Signs shall only include the name of the business or businesses and directional information.

(5) Commercial Way-Finding Signs are subject to the same maintenance requirements as Permanent Off-Premise Signs. The burden of performing such maintenance is the joint responsibility of the permit holder and the property owner.

(H) Non-Conforming Signs. A Non-Conforming Sign constructed, placed or installed on property prior to the adoption date of this Section may continue so long as it otherwise remains lawful, provided:

(1) No additional structure shall be erected in connection with existing Non-Conforming Signs unless otherwise constructed in compliance with this Section.

(2) Non-Conforming Signs shall not be enlarged or otherwise enhanced unless they are altered to be consistent with the provisions of this Section and other applicable code provisions.

(3) No Non-Conforming Sign, including the supporting structure, shall be restored or repaired in the event that it is damaged more than fifty percent (50%) of the replacement value of the Sign, including the supporting structure, at the time of the proposed restoration or repair.

(4) A Non-Conforming Sign that is altered so as to become a conforming Sign shall not be permitted to revert to a Non-Conforming Sign.

(5) The existence of a Non-Conforming Sign shall not be the basis for obtaining a variance from other provisions of this Section for other surrounding Signs.

(I) Prohibited Signs. The following signs are prohibited within Wakulla County:

(1) Snipe Signs.

(2) Digital Display Billboards.

(3) Fire- or smoke-emitting Signs and noise-making Signs.

(4) Signs which move or include components that swing, rotate, or revolve, or similar devices, excluding Sign Holders and Multiple-Faced Signs as defined.

(J) Exemptions. The following types of Signs or Sign-related activities do not require a permit provided that they comply with all applicable requirements of this Section:

(1) Any change of Sign copy or the repainting of any Sign Face.

(2) Election Signs not exceeding four and one-half (4.5) square feet per Sign Face and three (3) feet in height in any residential district and thirty-two (32) square feet per Sign Face and six (6) feet in height in a non-residential district. Election Signs shall be removed within thirty (30) calendar days following the election to which it pertains, as provided by Florida Statutes, s. 106.1435.

(3) Free Expression Signs not exceeding four and one-half (4.5) square feet per Sign Face and three (3) feet in height in any residential district and thirty-two (32) square feet per Sign Face and six (6) feet in height in a non-residential district. A Free Expression Sign may be located in addition to any other sign permitted under this Section.

(4) Legal notices and other public notices and informational signs authorized or required by law.

(5) Warning and safety Signs not exceeding two (2) square feet per Face and three (3) feet in height, unless a larger sign is required by law.

(6) Decorative flags, Banners, or Pennants for a County-wide celebration, conventions, or commemorative event when authorized by the Board of County Commissioners for a prescribed period of time.

(7) Holiday lights and decorations.

(8) Historical markers, memorial Signs or tablets, and names of buildings and date of erection.

(9) Non-advertising Directional Signs located on and pertaining to a parcel of private property not exceeding six (6) feet in height.

(10) Window Signs which identify or advertise activities, services, goods or products available within the building and which collectively cover 25 percent or less of the window glass surface area.

(11) Identification Signs providing only the name and address of the owners or occupants of a building, or providing only the name or nature of a business for a commercial business or home occupation. The Sign Face of such Signs shall not exceed four (4) square feet.

(12) Flags displayed on a flag pole which do not contain a commercial message, not exceeding the maximum building height in the applicable zoning district.

(13) A "Farm Sign" as defined in s. 604.50, Florida Statutes, which is erected, used, or maintained on a farm, as defined in s. 823.14, Florida Statutes, by the owner or lessee of the farm which relates solely to farm produce, merchandise, or services sold, produced, manufactured, or furnished on the farm.

(K) Violation and Enforcement.

(1) The provisions of this section shall be enforced by the Department of Planning and Community Development, Division of Code Enforcement and the Division of Building Inspections. Prosecution of this section shall be the responsibility of the Wakulla County Code Enforcement Board pursuant to Chapter 162, Florida Statutes, and Chapter 8 of the Wakulla County Code of Ordinances.

(2) All Signs are subject to inspection by the Planning and Community Development Department, Division of Code Enforcement and Division of Building Inspections and shall be subject to all applicable provisions of Chapter 8 of the Code of Ordinances, including those provisions pertaining to Dangerous Structures.

(3) In the event a violation of this Section or Chapter 8 of the Code of Ordinances is determined to exist, the Department of Planning and Community Development, Division of Code Enforcement, or Division of Building Inspections shall

ensure that both the owner of the Sign and the owner of the underlying property, if not the same, receive notice of the violation.

(4) In the event a Sign is removed by the County in accordance with the provisions of Chapter 8 of the Code of Ordinances, the County shall store the removed Signs for no less than thirty (30) days at the owner's expense and the County shall be compensated for all reasonable expenses incurred. During these thirty (30) days the owner may claim the Sign and pay the County all costs associated with removal and storage of the Sign. After thirty (30) days, the County may dispose of the Sign.

ARTICLE 3. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

ARTICLE 4. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after its enactment by the Board and shall be effective upon filing with the Department of State.

PASSED AND ADOPTED by the Board of County Commissioners of Wakulla County, Florida, this ____ day of _____, 2013.

**BOARD OF COUNTY COMMISSIONERS OF
WAKULLA COUNTY, FLORIDA**

By: _____
RANDY MERRITT, Chair

ATTEST:

BRENT X. THURMOND, Ex Officio
Clerk to the Board

APPROVED AS TO FORM:

HEATHER J. ENCINOSA, ESQ.
County Attorney

Board of County Commissioners Workshop

Date of Meeting: March 4, 2013

Date Submitted: February 28, 2013

To: Honorable Chairman and Members of the Board

From: David Edwards, County Administrator
Luis N. Serna, Director, Planning and Community Development
Somer S. Strickland, Planner

Subject: Workshop to Consider Amendments to Section 6-18 of the *Land Development Code* Pertaining to Signs

Statement of Issue:

This workshop item requests Board consideration of amendments to Section 6-18 of the *Wakulla County Land Development Code*, pertaining to signs.

Background:

In 2005, the Board adopted amendments to Section 6-18 of the *Land Development Code* pertaining to the permitting of off-premise billboards. In addition, Staff has identified inconsistencies and needed updates within the sign permitting regulations as currently written.

Analysis:

Planning Department staff, in conjunction with the County Attorney's office has drafted a revised Section 6-18 of the *Land Development Code* pertaining to signs. The ordinance proposes language to update the sign standards and provide further clarification regarding the process for the permitting of signs within the County. Staff paid careful attention to avoid creating non-conforming signs from existing, legally constructed signs. Many of the existing requirements remain, but new language has been added to address common permitting problems that the Planning Department frequently encounters when applying the sign ordinance, and to clarify standards (Attachment 1).

The proposed ordinance provides for the following amendments to the sign ordinance:

Definitions

- Added definitions for Banner, Commercial Way-Finding Sign, Construction Sign, Department, Digital Display Billboard, Election Sign, Free Expression Sign, Multi-

Tenant Sign, Pennant, Portable Sign, Sign, Sign Holder, Snipe Sign and Subdivision or Community Sign.

General Provisions

- Language added to clarify the requirement for Development Permit Applications (DPAs) and Building Permits, as determined by size and height of the sign, based on internal policies and practices within both the Planning and Building Department.
- Provisions added to establish minimum information necessary to obtain sign permits.
- Clarification of setbacks for all signs.
- Prohibiting Signs and Sign Holders from being in the public right-of-ways or interfering in public safety.
- Prohibiting Portable Signs from being placed in any required setback, landscape buffer, public right-of-way or sight distance triangle.
- Provisions added for variance and appeal procedures.

On-Premise Signs

- Clarification regarding the zoning district in which signs may be placed upon, including commercially or industrially designated areas with Planned Unit Developments.
- Maximum square footage requirements remain the same for On-Premise Freestanding Signs, On-Premise Multi-Tenant Signs and Wall Signs.
- Allowances added for signage on residential properties which have been approved for a non-residential conditional use, such as a church.
- Allowance added for signage on residential properties which have been approved for a home occupation under Section 6-10 of the Land Development Code, subject to the provisions in that section.
- Limited standards added to allow the construction of Subdivision or Community signage, regardless of the zoning district where no standards currently exist.

Off-Premises Signs

- Clarification regarding the zoning district in which signs may be placed upon, including commercially or industrially designated areas with Planned Unit Developments.
- Updated the annual permit fee based on the existing off-premise language.
- No changes were made to the spacing requirements.

- The Temporary Sign section was expanded.
- Provisions added to allow for Commercial Way-Finding Signs to provide direction from main highways to local businesses on interior streets.
- Standards for Commercial Way-Finding include permitted zonings districts, limit size and height and provide maintenance requirements.

Non-Conforming Signs

- No changes.

Prohibited Signs

- This section was added to prohibit the use of specific signs, based on the vast amount of Code Enforcement complaints received.

Exemptions

- This section was created to specifically exempt certain sign uses from the requirements of this ordinance.

Violation and Enforcement

- Minor language modifications have been made, however this section is remains relatively unchanged.

On February 4, 2013, staff presented an Agenda Item to the Board and requested direction to advertise the proposed sign ordinance. At that meeting, the Board directed staff to bring the item back at a workshop. Since that time, staff has received some community input from interested parties regarding the sign ordinance:

- A concern was expressed regarding the prohibition of Digital Display Billboards.
- Recommendation to incorporate “Cap and Replace” restrictions similar to those currently in place in Tallahassee (Attachment 2).
- Recommendation to incorporate language which provides for incentive based removal of existing billboards in exchange for upgrading an existing billboard to a Digital Display Billboard based on a face for face ratio.
- Recommendation to consider higher annual billboard permit renewal fees.
- Recommendation to consider adding a maximum number of billboards allowed in the County.
- Recommendation to consider exempting non-profit organizations from the requirements of the sign ordinance.
- Recommendation to consider adding a definition of non-profit organization.

It should also be noted that the Board does not take action during Workshops; however staff requests the Board provide direction and if any consensus is reached on how to proceed prior to this workshop concluding. The direction provided to staff will be included into the record of the minutes and will eliminate staff bringing back an agenda item to ratify.

Attachment(s):

1. Proposed Sign Ordinance
2. Tallahassee “Cap and Replace” restrictions