

**ORDINANCE NO. 08-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, THE LAND DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO SIGNS; AMENDING SECTION 10-1, DEFINITIONS; AMENDING CHAPTER 10, ARTICLE IX, DIVISION 3, ENTITLED OFF-SITE SIGNS; AMENDING SECTION 10-9.301 LOCATION; AMENDING SECTION 10-9.302 SPACING; AMENDING SECTION 10-9.303 HEIGHT; AMENDING SECTION 10-9.304 SIZE; AMENDING SECTION 10-9.305 SETBACK; ADDING A NEW SECTION 10-9.306 OFF-SITE DIRECTIONAL SIGNS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** Leon County has seen an incursion of off-site signs into undesirable locations; and

**WHEREAS,** Leon County finds the overabundance of off-site signs to be a hazard to traffic, and a distraction to drivers, and it therefore wishes to restrict and reduce the overall number of off-site signs in the County; and

**WHEREAS,** Leon County finds that numerous signs also contribute to visual clutter undermining the natural aesthetic beauty of Leon County, particularly in those areas that are currently undeveloped; and

**WHEREAS,** Leon County finds that some gateways leading into Leon County are inappropriate locations for off-site signs because of their pristine nature and finds that the value to the County in maintaining such gateways warrants the restriction of off-site signs on these gateway roads; and

**WHEREAS,** Leon County finds digital billboards are generally undesirable as more light pollution, driver distraction, and visual clutter is created by digital billboards than non-digital signs; and

WHEREAS, Leon County wishes to largely prohibit the use of digital billboard signs, but finds it necessary to allow some digital billboards as an incentive to reduce the overall number of off-site signs in the unincorporated County;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, THAT:

Section 1. Chapter 10, Section 10-1.101, of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

**Sec. 10-9.101 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

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*Off-site sign* shall mean any sign whose purpose is to advertise, display, identify, direct attention to or in any other way present to the public a message that relates to a product, business merchandise, service, institution, residential area, entertainment, charitable organization, religious organization, or any other organization or activity conducted by any company, person, or organization that is not located, purchased, rented, based, offered, furnished, or otherwise associated with the property on which the sign is located. This includes a sign erected by an outdoor advertising business, a digital billboard sign, a multi-vision sign, or any other sign meeting the definition of off-site sign.

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*Sign, animated* shall mean any sign of which all or any part thereof visibly moves in any electronic fashion whatsoever; and any sign which contains or uses for illumination any light,

lights, or lighting device or devices which change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part thereof automatically, excepting any digital billboard sign. The term "animated sign" shall not include revolving signs or multi-face mechanical (multi-vision) signs.

*Sign, digital billboard* shall mean a sign 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 image display.

*Sign, multi-vision.* The term "multi-vision" means a sign composed of mechanically operated louvers or slats containing multiple separate messages, each of which becomes visible when the louvers are synchronically rotated to one of a multiple of positions.

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Section 2. Chapter 10, Article IX, Division 1 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

DIVISION 1. GENERALLY

Sec. 10-9.101. Definitions:

As stated in section 10-1.101 the definitions in Section 10-1.101 apply to this article.

Sec. 10-9.102. Non-conforming.

(a) All nonconforming permanent off-site or on-site signs permitted before the effective date of this article (January 1, 2000) which do not conform to the requirements of this article will not be required to be removed or altered so as to conform with this article.

(b) Any nonconforming permanent on-site sign or off-site sign which is ~~destroyed or~~ damaged to the extent of fifty (50) percent or more of its replacement value shall not be

repaired or rebuilt except in conformity with this article, unless a variance is granted by the Board of Adjustment and Appeals based upon a demonstration of hardship not resultant of the sign or property owner's actions, no increase in degree of non-conformity or public benefit; except nonconforming on-site signs can be replaced with a new sign if the new sign does not exceed fifty (50) percent of the nonconformity.

(c) The following signs shall be removed or made to conform to this article within ninety (90) days from the effective date of this article:

(1) Nonconforming signs made of paper, cloth, or other non-durable material.

(2) All temporary signs other than those permitted in this article.

(3) Any signs, except portable signs, that are not affixed to a building or the ground or that are located on public property or within a public right-of-way.

(4) Bench signs

(D) Nonconforming portable signs shall be removed or made to conform to this article within one (1) year of the effective date of this ordinance. Within seven (7) days from the effective date of this ordinance, any animated component of any portable sign shall be turned off.

(E) Upon failure to comply within the time specified, the building official is hereby authorized to cause removal of such sign and any expense incidental thereto shall be paid by the owner, agent, or lessee of said sign or of the property upon which the sign is located.

(F) Nonconforming permanent on-site signs and nonconforming permanent off-site signs may be maintained and repaired but shall not be structurally or mechanically extended or altered to further the nonconformance except as required by the building official in cases where it has been determined that there exists imminent danger to the public safety.

**Section 3.** Chapter 10, Section 10-9.105, of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

**Sec. 10-9.105 Priority of signs.**

Where the location of two or more signs conflicts under the requirements of this article, the sign ~~meeting complying with the requirements of this article Land Development Code, and as signified by having the earliest dated permit for its erection approval~~ shall have priority over other signs in conflict therewith.

**Section 4.** Chapter 10, Section 10-9.301 to 10-9.309, pertaining to Off-site signs, of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

**Sec. 10-9.300 Permit Requirements.**

(a) Permits are required for all Off-site Signs

- (b) Applications for the construction of Off-site Signs shall require the applicant to furnish location coordinates for the proposed sign or billboard. The coordinates shall indicate the latitude and longitude in decimal degrees of the proposed sign or billboard and shall conform to the standards of the Global Coordinate System WGS84. For monopole supported signs and billboards the coordinates provided shall refer to the location of the center of the pole. For Off-site Signs proposed to utilize multiple support structures, the coordinates shall refer to the location of the center of the sign.

**Sec. 10-9:301 Location.**

- (a) Off-site signs shall be located only in the following zoning districts:
- (1) CP - Commercial Parkway District
  - (2) C-2 - General Commercial
  - (3) M-I - Light Industrial District
  - (4) I - Industrial District
  - (5) IC - Interchange Commercial District
  - (6) PUD - Planned Unit Development – if located inside the Urban Services Areas, signs may be located within commercial or industrial if “off-site sign” is an allowed use in the approved PUD concept plan.
- (7) DR1 - Development of Regional Impact District – If located inside the Urban Services Area, signs may be located within areas allowing commercial or industrial use if “off-site sign” is an allowed use in the approved application for development approval or other implementing development order.

(b) Gateway Road Overlay. Off-site signs shall be prohibited in the following locations:

(1) Within 200 feet of the right-of-way of Thomasville Road between Village Square Boulevard and the northernmost border of Leon County.

~~Southernmost intersection with Kerry Forest Parkway;~~

~~(2) Within 200 feet of the right-of-way of Thomasville Road between its northernmost intersection with Kinhoga Drive and the northernmost border of Leon County;~~

(2) Within 200 feet of the right-of-way of Kerry Forest Extension;

(3) Within 200 feet of the right-of-way of any unincorporated portion of Welaunee Boulevard; and

(4) Within 200 feet of the right-of-way of Mahan Drive, except for that segment between Thornton Road and I-10.

(c) No off-site sign shall be permitted within 100 feet of any residentially zoned property.

(d) No off-site sign shall be setback more than fifty (50) feet from the right-of-way of a street classified as a principal arterial, minor arterial or major collector.

(e) No off-site sign shall be located closer than fifteen (15) feet from the nearest right-of-way line.

~~Sec. 10-9.302 Spacing. (f)~~

~~Off-site signs shall not be placed within 1,000 4,500 feet of any other off-site sign each other, as measured along the same side of a road except that digital billboard signs shall be located no less than 2,500 1,500 feet from any other off-site sign, and 2,000 feet from any other digital billboard, another digital billboard as measured along the same side of the road.~~

**Sec. 10-9.303 Height.**

The maximum height of an off-site sign shall be 40 feet measured from the crown of the right-of-way where the sign is affixed to the ground, except that signs in place on July 10, 2007 shall be considered conforming for the purposes of this provision.

**Sec. 10-9.304 Size.**

An off-site sign shall have a size, including border and trim but excluding the supporting framework, of a maximum of 380 square feet per structure.

~~Sec. 10-9.305 Setback.~~

~~An off site sign shall be set back at least 15 feet from the nearest right of way line and 35 feet from the right of way line intersection point measured at any angle.~~

**Sec. 10-9.306. Off-site directional signs.**

Each business or institution which is not located on an arterial road or a major collector road may display two off-site directional sign subject to the following requirements:

(1) Locational requirements:

- a. Off-site directional signs may be located in any zoning district except a residential zoning district.
- b. Off-site directional signs shall not be allowed where visible only from a local street.

c. Off-site directional signs shall be located within 500 feet of the business or institution displaying the sign.

(2) Type of sign allowed: Ground sign.

(3) Maximum sign surface areas: Up to 35 square feet may be used for off-site directional signs, with no single sign being larger than 20 square feet. The surface area of off-site directional signs shall be deducted from the allowance for on-site signs allowed under this article and, provided that a maximum of two such signs shall be allowed.

(4) Maximum sign height: Ten feet.

(5) Minimum setback: Five feet from the nearest right-of-way line.

(6) Illumination: Off-site directional signs shall not be illuminated. This does not include reflective copy.

(7) Permission required for placement: No off-site directional sign shall be located on any property without the written consent of the owner, holder, lessee, agent, or trustee, and requires a sign permit.

(8) Standard format requirements: Off-site directional signs may display only the name of the associated business or institution and directions to that business or institution and any associated parking or access location. Off site directional signs shall be rectangular with sign width greater than height. The background of the sign face shall be royal blue in color; lettering on the sign face shall be white.

**Sec. 10-9.307 Multi-vision signs.**

In addition to the requirements provided for all off-site signs, any multi-vision sign shall also comply with the following criteria:

- (a) The static display time for each message is a minimum of six (6) seconds;
- (b) The change of message occurs simultaneously for the entire sign face;
- (c) The sign shall contain a default design that will hold the face of the sign in one position in the event of malfunction.

**Sec. 10-9.308 Digital billboard signs.**

Digital billboard signs are not permitted unless in accordance with Sec. 10-9.309.

**Sec. 10-9.309 Maximum number of off-site signs allowed within the unincorporated County.**

(a) **Off-site signs inventory.** The Department of Growth and Environmental Management will maintain an inventory of off-site signs within the unincorporated portion of Leon County. Leon County will conduct an annual audit of permits issued for off-site signs to determine the current number of such signs within the unincorporated portion of Leon County.

(b) **Maximum number of permitted off-site signs.** The maximum number of permitted off-site signs allowed within the County shall be limited to those existing in the off-site sign inventory, ~~on April 10, 2007; and those for which a complete application, including proof that the applicant has the valid legal right to place the sign on a parcel, has been received by May 15, 2007. Off-site signs for which applications have been received shall not be included in the maximum number of permitted off-site signs unless a certificate of completion for the sign has been issued by the Department of Growth and Environmental Management on or before December 31, 2007.~~

(c) **New off-site signs.** A building permit for the construction of a new off-site sign may be issued only after the removal of one existing off-site sign with its supporting structure. Confirmation of removal of an existing off-site sign shall be on file in the Leon County Department of Growth and Environmental Management prior to issuance of a building permit to construct a new sign. Such documentation shall be in the form of a site inspection by County staff. Upon documentation of the removal of an off-site sign with its supporting structure, a certificate shall be issued by Leon County for each off-site sign and structure removed. The certificate shall allow the construction of a sign having a surface area no greater than that of the sign removed. The owner of the certificate may hold the certificate, redeem it as a prerequisite for a building permit to construct a new off-site sign, or convey the certificate to a third party.

(d) **Incentives for digital billboard signs.** This paragraph provides incentives for digital billboard signs in the unincorporated portion of Leon County. Digital billboard signs shall not be permitted in the unincorporated portion of Leon County, except as provided in this paragraph.

1. No more than two (2) digital billboard signs may be permitted within the unincorporated portion of Leon County.
2. A holder of an off-site sign permit shall be eligible to receive a permit for one (1) digital billboard sign under this paragraph after the permanent removal of at least three (3) existing off-site signs and in compliance with applicable regulations and standards set out herein. Confirmation of the removals shall be provided through provision of a certificate of completion of a demolition permit for the signs to be removed.

3. At least one (1) of the off-site signs removed must be removed from the County Commission District in which the new digital billboard sign is to be permitted and constructed.
4. Off-site signs removed under this incentive shall be deleted from the County's inventory of off-site signs. Signs located within areas subsequently annexed into corporate municipal limits shall be deleted from the County's inventory of off-site signs.
5. In addition to the requirements provided above for off-site signs, any digital billboard sign shall meet the following criteria:
  - (a) No digital billboard sign shall be located within 300 feet of any residentially zoned property;
  - (b) No flashing lights, traveling messages, animation, or other movement shall be allowed;
  - (c) No message may be displayed for less than six (6) seconds;
  - (d) The change of message occurs simultaneously for the entire sign face;

- (e) Illumination of a digital billboard sign shall not exceed the following brightness limits measured as candelas per square foot at any focal point on any roadway, berm, or vehicular approach to any roadway:

	Day	Night
Red	200	67
Green	400	133
Amber	300	100
Blue	500	210
All Colors	400	170

- (f) The sign shall contain a default design that will hold the face of the sign in one position if a malfunction occurs; and
- (g) The maximum size of a digital billboard sign shall be equal to or less than 110% of the mean average of size of the removed off-site signs, not to exceed 450 square feet.

**Section 3. Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

**Section 4. Severability.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or

words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 5. Effective date.** This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 200X.

LEON COUNTY, FLORIDA

BY: \_\_\_\_\_  
Chairman  
Board of County Commissioners

ATTEST:  
BOB INZER, CLERK OF THE COURT

By: \_\_\_\_\_  
Clerk

APPROVED AS TO FORM:  
COUNTY ATTORNEY'S OFFICE  
LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
Herbert W. A. Thiele, Esq.  
County Attorney

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