

ORDINANCE NO. 07-\_\_\_\_\_

ORDINANCE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING SECTION 10-1, ARTICLE I, OF CHAPTER 10 DIVISION 3, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, DEFINITIONS, TO ADD A DEFINITION FOR SIGN, DIGITAL BILLBOARD, AMENDING THE DEFINITION FOR ANIMATED SIGN, TO ADD A DEFINITION FOR SIGN, MULTI-VISION; AMENDING SECTION 10-1826, DIVISION 2. ARTICLE XIII, OF CHAPTER 10, LOCATION; AMENDING SECTION 10-1827, DIVISION 2. ARTICLE XIII, OF CHAPTER 10, SPACING; AND AMENDING SECTION DIVISION 3. ARTICLE XIII, OF CHAPTER 10, OFF-SITE SIGNS AND OFF-SITE DIRECTIONAL SIGNS, TO CREATE A NEW SECTION, SECTION 10-1833, TO BE ENTITLED MAXIMUM NUMBER OF OFF-SITE SIGNS ALLOWED WITHIN THE UNINCORPORATED COUNTY; RELATING TO OFF-SITE SIGNS WITHIN THE COUNTY; CREATING INCENTIVES FOR MULTI-VISION AND DIGITAL BILLBOARD SIGNS, ALLOWED WITHIN THE UNINCORPORATED COUNTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1. Short Title.** This Ordinance may be referred to as the “No New Net Off-Site Signs Ordinance.”

**Section 2.** Section 10-1, of the Leon County Land Development Code, Definitions, is hereby amended to read as follows:

Section 10-1, Definitions.

*Sign, Digital Billboard* shall mean an off-site 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, 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, multi-vision.* The term "multi-vision" means an off-site 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.

**Section 3.** Section 10-1826, of the Leon County Land Development Code, is hereby amended to read as follows:

**Sec. 10-1826. Location.**

(a) Off-site or advertising signs shall be located only in the following zoning districts:

- (1) CP - Commercial Parkway District
- (2) C-2 – General Commercial
- (3) M-1 - Light Industrial District
- (4) I - Industrial District
- (5) IC - Interchange Commercial District

(b) Off-site or advertising signs shall be prohibited in the following locations:

- (1) Within 500 feet of the right-of-way of Thomasville Road between Village Square Boulevard and the Florida – Georgia State Line;
- (2) Within 500 feet of the right-of-way of Kerry Forrest Extension;

- (3) Within 500 feet of the right-of-way of Welaunee Boulevard; and,
- (4) Within 500 feet of the right-of-way of Mahan Drive, except for that segment between Thornton Road and I-10.

**Section 4.** Section 10-1827, of the Leon County Land Development Code, is hereby amended to read as follows:

**Sec. 10-1827. Spacing.**

Off-site or signs shall not be placed within 1,500 feet of each other, as measured along the same side of a road, except that multi-vision and digital billboard signs, shall be located no less than 5,000 feet from off-site or signs which are classified as multi-vision or digital billboard off-site signs, as measured along the same side of the road. Multi-vision and digital billboard signs shall be located no less than 5,000 feet of any other multi-vision and digital billboard sign, regardless of roadway adjacency, except that for those multi-vision and digital billboard signs for which permit applications were received prior to the effective date of this provision, this distance shall be reduced to 1,500 feet, as measured along the same side of a road.

**Section 5.** Section 10-1832, of the Leon County Land Development Code, is hereby created to read as follows:

**Sec. 10-1832. Maximum Number of Off-Site Signs Allowed within the Unincorporated County.**

- (1) 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 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 April 10, 2007. Off-site signs for which applications have been

received, but have not been constructed by April 10, 2007, 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.

(2) 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 confirmation shall be in the form of a site inspection by County staff. Upon confirmation 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 with the same surface area as the sign that was removed. The owner of the certificate may hold the certificate, redeem it for a building permit to construct a new off-site sign, or convey the certificate to a third party.

(3) 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.

(4) Incentives for multi-vision and digital billboard signs. This paragraph provides incentives for multi-vision and digital billboard signs in the

unincorporated portion of Leon County. No multi-vision or digital billboard signs shall be allowed in the unincorporated portion of Leon County except as provided in this paragraph.

(a) Countywide incentive for multi-vision signs on pro rata basis.

1. Based on the inventory of off-site signs conducted pursuant to Division, Leon County shall allocate up to a total of six (6) multi-vision signs within the unincorporated portion of Leon County to owners of off-site signs on a pro rata basis according to the number of permitted off-site signs each owner has in existence on May 9, 2007. No incentive shall be granted when the pro rata allowance is less than 50 percent (50%) of one (1) multi-vision sign.

2. An owner of off-site signs shall be eligible to receive a building permit for one (1) multi-vision sign under this paragraph after the permanent removal of at least three (3) existing off-site signs. The location of that multi-vision sign shall be limited to the same county commission district, not including that area within the corporate limits of any municipality, as of July 31, 2007, from which the corresponding signs have been removed. The maximum size of a multi-vision sign shall be equal to or less than the 110% of the average size of the removed off-site signs but shall not exceed the maximum size for off-site signs in this Article. 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. The number of multi-vision signs that may be permitted under this incentive (pro rata incentive) shall be limited to six (6) within the unincorporated portion of Leon County.

(b) Countywide incentive for digital billboard signs on pro rata basis.

1. Based on the inventory of off-site signs conducted pursuant to this Division, Leon County shall allocate up to a total of two (2) digital billboard signs within the unincorporated portion of Leon County to owners of off-site signs on a pro rata basis according to the number of permitted off-site signs each owner has in existence on May 9, 2007. No incentive shall be granted when the pro rata allowance is less than 50 percent of 1 digital billboard sign.

2. An owner of off-site sign shall be eligible to receive a building permit for one digital billboard sign under this paragraph after the permanent removal of at least five (5) existing off-site signs. The location of that digital billboard sign shall be limited to the same county commission district, not including that area within the corporate limits of any municipality, as of July 31, 2007, from which the corresponding signs have been removed. The maximum size of a digital billboard sign shall be equal to or less than 110% of the average of size of the removed off-site signs. Confirmation of the removals shall be provided through provision of a certificate of completion of a demolition permit for the signs to be removed.

(5) Incentive for multi-vision or digital billboard sign upon County's request for removal of off-site sign(s). In addition to the incentives provided above, if the Board of County Commissioners determines that the removal of off-site sign(s) is necessary or desirable for the public health, safety, or welfare, and requests in writing the removal of such sign(s), and the owner of the sign(s) agrees to the removal, the owner shall, upon documentation of the permanent removal of such signs, through provision of a certificate of completion of a demolition permit for the signs to be removed, be entitled to place one (1) multi-vision or one (1) digital billboard sign in a zoning district in which off-site signs are permitted, as follows:

(a) One (1) multi-vision sign for removal of at least three (3) off-site signs.

(b) One (1) digital billboard sign for removal of five (5) off-site signs.

(c) The maximum size of a multi-vision sign or digital billboard sign shall be equal to or less than 110% of the average of size of the removed off-site signs, but shall not exceed the maximum size for off-site signs in this section.

(d) 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.

(6) In addition to the requirements provided in this section for off-site signs, any multi-vision sign erected under this section shall meet the following criteria:

(a) The sign may be placed only in within those zoning districts and locations specified in Section 10-1826 of this section;

(b) No multi-vision sign shall be located within 400 feet of any residentially zoned property;

(c) No multi-vision sign located within 800 feet of any residentially zoned property shall be illuminated between the hours of 10 PM to 6 AM;

(d) The static display time for each message shall be a minimum of ten (10) seconds;

(e) The time to completely change from one message to the next shall be a maximum of two (2) seconds;

(f) The change of message shall occur simultaneously for the entire sign face;

(g) The sign shall contain a default design that will hold the face of the sign in one position if a malfunction occurs; and,

(h) The application for the sign meets all other applicable permitting requirements.

(7) In addition to the requirements provided above for off-site signs, any digital billboard sign erected under this section shall meet the following criteria:

(a) The sign may be placed only in within those zoning districts and locations specified in Section 10-1826 of this section;

(b) No digital billboard sign shall be located within 500 feet of any residentially zoned property;

(c) No flashing lights, traveling messages, animation, or other movement shall be allowed;

(d) No message may be displayed for less than 15 seconds;

(e) The time to completely change from one message to the next shall be perceived as instantaneous;

(f) The change of message occurs simultaneously for the entire sign face;

(g) No digital billboard sign face shall be larger than 380 square feet;

(h) The maximum height of a digital billboard sign shall be 40 feet measured from the closed point along the crown of the right-of-way where the sign is affixed to the ground;

(i) 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:

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

(j) The sign shall contain a default design that will hold the face of the sign in one position if a malfunction occurs; and,

(k) The application for the sign meets all other applicable permitting requirements.

(8) Any lawfully permitted multi-vision or digital billboard sign may be relocated so long as it meets all applicable standards for such signs in this

Division, and so long as the new location is within the same county commission district, not including that area within the corporate limits of any municipality, as of July 31, 2007, as that in which the sign was located originally.

(9) Limitation on Number of Off-Site Directional Signs. The provisions of this section shall not apply to or otherwise limit the number of off-site directional signs allowed within unincorporated Leon County.

**Section 6. 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 7. 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 8. 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 \_\_\_\_\_, 2007.

LEON COUNTY, FLORIDA

BY: \_\_\_\_\_  
C. E. DePuy Jr., 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