

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Ordinance Amending Billboard Regulations relative to cut-outs and provisions for agreements permitting reconstruction or relocation of billboards (2nd hearing)

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Matthew West **EXT.** 7353

Agenda Date <u>04/08/03</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>		

MOTION/RECOMMENDATION:

1. Approved the attached ordinance as submitted.
2. Deny the attached ordinance as submitted.
3. Continue this matter to a date and time certain.

(Countywide)

(Matthew West, Planning Manager)

BACKGROUND:

At its meeting of May 22, 2001, the Board of County Commissioners (BCC) directed staff to prepare an ordinance to amend the Billboard regulations with regard to rules for cut-outs (temporary advertising embellishments) and with regard to language that would enable the BCC to enter into agreements concerning the removal and replacement of billboards. The current billboard regulations address size of billboard faces, but not the area, length or width of temporary embellishments that extend horizontally or vertically from the faces.

Also, the BCC wishes to have the option to enter into voluntary agreements with billboard companies to remove existing billboards in exchange for the placement of new billboards elsewhere as long as the agreement was in the public interest. For example, the billboard company would remove 4 billboard faces in one area in exchange for 1 new face in another location. That type of agreement would effectively reduce the number of billboard faces overall in the County, thereby benefiting the public in general.

Clear Channel Outdoor, represented by Lou Musica, is attempting to secure such an agreement with Seminole County at this time. To facilitate this discussion, staff is attempting to expedite the code revisions to allow such an agreement. The Clear Channel

Reviewed by:	<u>REC</u>
Co Atty:	<u>REC</u>
DFS:	_____
Other:	_____
DCM:	<u>SS</u>
CM:	<u>JLB</u>
File No.	<u>ph700pdp07</u>

request could be utilized as a test example of the agreement provisions. Mr. Musica proposes to remove 3 non-conforming billboards with a total of 6 faces in exchange for the placement of 1 new billboard with 2 faces on Interstate 4 near State Road 46. Two of the existing non-conforming billboards are located in the Fern Park area and the other non-conforming billboard is located along Interstate 4 near State Road 46. Mr. Musica has met with Commissioners regarding this proposal already. The proposal will be presented in greater detail at the meeting.

Agreements are not mandatory or initiated by the County. A billboard company would have to initiate a request for an agreement. Therefore, last year's legislation that broadened the opportunities for the billboard industry to seek compensation for removal of billboards would not be applicable in this case.

Staff scheduled the attached ordinance for the following hearing dates and times:

BCC First Hearing	March 25, 2003	1:30 p.m.
Planning & Zoning Commission	April 2, 2003	7:00 p.m.
BCC Second Hearing	April 8, 2003	7:00 p.m.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission's recommendation will be made available at the first hearing.

STAFF RECOMMENDATION:

Staff recommends that the BCC adopt the attached ordinance as submitted.

Attachment: Draft Ordinance

ECONOMIC IMPACT STATEMENT
FOR THE
“Billboard Ordinance Amendment -- 2003”
AMENDMENT TO THE LAND DEVELOPMENT CODE OF SEMINOLE
COUNTY, FLORIDA, 2002

Describe Project/Proposal

- The County is proposing to amend the Land Development Code of Seminole County which affects the regulations pertaining to outdoor advertising (Billboards). The amendments are proposed to correct the existing regulations because they do not permit temporary embellishments (cut-outs) that are commonly used on billboards. Cut-outs are minor extensions of advertising that project above the top, sides or outward from the face of the billboard. Current regulations do not address cut-outs and therefore this ordinance address will correct that deficiency.
- The other amendment contained in the ordinance will allow billboard companies to enter into voluntary agreements with the County to remove, relocate or reconstruct billboards if certain criteria are met. Billboard companies may propose to remove existing billboards in exchange for permission to erect new billboards under certain circumstances. The current billboard regulations do not allow the billboard companies or the County this opportunity.

Describe the Direct Economic Impact of the Project/Proposal upon the Operation of the County

- There will be no additional economic impact to the County. The regulations are strictly voluntary. The County already reviews permits for billboards, and these regulations would not add any additional burden upon the County staff to implement or enforce.

Describe the Direct Economic Impact of the Project/Proposal upon the Property Owners/Tax Payers/Citizens who are Expected to be Affected

- Some additional costs to property owners/billboard may be incurred if they voluntarily propose agreements outlined in the ordinance. The cut-out portion of the ordinance will make legal something that the billboard industry commonly utilizes.
- This ordinance is revenue neutral since it does not raise the cost of maintaining existing billboards, and any agreements proposed by the billboard companies are strictly voluntary.

Identify Any Potential Indirect Economic Impacts, Positive or Negative Which Might Occur as a Result of the Project/Proposal

- The requested modifications will allow billboard companies some opportunities to relocate or replace billboards if certain criteria are met. It may also allow the County through negotiation of voluntary agreements to reduce the blight of billboards in certain areas thereby possibly improving property values in some neighborhoods.

This document was prepared by the Planning Division representing the Seminole County Planning and Development Department.

Revised 3/15/03

PRIVATE PROPERTY RIGHTS ANALYSIS
FOR THE
“Billboard Ordinance Amendment – 2003”
AMENDMENT TO THE LAND DEVELOPMENT CODE OF SEMINOLE
COUNTY, FLORIDA, 2002

Amendment to the Land Development Code of Seminole County

- The County is proposing to amend the Land Development Code of Seminole County which affects the regulations pertaining to outdoor advertising (Billboards). The amendments are proposed to correct the existing regulations because they do not permit temporary embellishments (cut-outs) that are commonly used on billboards. Cut-outs are minor extensions of advertising matter that project above the top, sides or outward from the face of the billboard. Current regulations do not address cut-outs and therefore this ordinance will correct that deficiency.
- The other amendment contained in the ordinance will allow billboard companies to enter into voluntary agreements with the County to remove, relocate or reconstruct billboards if certain criteria are met. Billboard companies may propose to remove existing billboards in exchange for permission to erect new billboards under certain circumstances. The current billboard regulations do not allow the billboard companies or the County this opportunity.

Zoning Standards

- This proposed Ordinance change incorporates minor changes or alterations of the outdoor advertising regulations to define allowances for billboard cut-outs and enabling billboard companies to propose voluntary agreements to remove, relocate or reconstruct billboards. This proposed Ordinance does not change the actual zoning map designation of a lot, parcel or parcels of land.
- The proposed Ordinance change provides for consistency in billboard standards, definitions, processes, procedures, application and interpretation.
- Development regulations regarding outdoor advertising may be more easily understood, enabling improved planning for property owners and billboard companies for the future use of their property.

Estimated Economic Impact on Individuals, Businesses or Government

Advantages:

- With this proposed Ordinance, local government may experience increased revenues by providing for voluntary agreements that may reduce the number of billboard faces in the County and improve the value of blighted areas.
- Local governments may experience reduced operating costs as a result of fewer appeals of development/billboard permit approvals and fewer frivolous law suits due to improved clarity and improved processes throughout the proposed Ordinance.
- Billboard companies may experience increased revenues if they enter into voluntary agreements to relocate billboards to more profitable locations in exchange for reducing the number of billboards overall in the County. The requested modifications will allow billboard companies some opportunities to relocate or replace billboards if certain criteria are met. It may also allow the County through negotiation of voluntary agreements to reduce the blight of billboards in certain areas thereby possibly improving property values in some neighborhoods.

Disadvantages:

- Some proposed cut-outs may exceed the regulations contained in the ordinance, but it is unlikely that most will.

Anticipated New, Increased, or Decreased Revenues

- With this proposed Ordinance, local government may experience increased revenues by improving blighted areas with the reduction of the number of billboards if companies voluntarily enter into agreements to do so.

Estimated Impact upon Competition and the Open Market for Employment

- There is no negative or positive impact upon competition and the open market for employment anticipated as a result of the proposed Ordinance. There already exists a cap on the number of billboards in the County and any reduction of the number as defined in this ordinance is strictly voluntary.

Data and Method Used in Determining Analysis

- The proposed Ordinance was also reviewed by representatives of the billboard industry and professional staff.

Citation

- All land development regulations shall be evaluated prior to their enactment to determine the extent and scope of their impact upon private property rights (Policy FLU 12.3 Evaluation of New Land Development Regulations, Seminole County Vision 2020 Comprehensive Plan, page FLU-50, July, 2002).

This document was prepared by the Planning Division representing the Seminole County Planning and Development Department.

Revised 3/15/03

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR LEGISLATIVE FINDINGS; AMENDING SECTIONS 2.3, 30.1249(a) AND 30.1250; RENUMBERING SECTION 30.1252 TO 30.1254; CREATING A NEW SECTION 30.1252; CREATING SECTION 30.1253; CREATING DEFINITIONS; PERMITTING USE OF CUT-OUTS ON OUTDOOR ADVERTISING SIGNS; PROVIDING STANDARDS FOR CUTOUTS; PROVIDING FOR USE OF AGREEMENTS TO ALLOW CONSTRUCTION, RECONSTRUCTION OR RELOCATION OF OUTDOOR ADVERTISING SIGNS; PROVIDING STANDARDS FOR OUTDOOR ADVERTISING SIGN AGREEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an Economic Impact Statement has been prepared and is available for public review in accordance with the provisions of the Seminole County Home Rule Charter; and

WHEREAS, the private property rights analysis relating to this Ordinance has been prepared and made available for public review in accordance with the requirements of the Seminole County Comprehensive Plan; and

WHEREAS, one incentive to encourage reduction in the number of old and unsightly outdoor advertising signs is to permit construction of new replacement outdoor advertising signs at a benchmark ratio of one (1) new outdoor advertising sign in exchange for the removal of four (4) or more existing outdoor advertising signs; and

WHEREAS, a lesser number of new and attractive outdoor advertising signs is of a superior public benefit than a greater number of older, unattractive outdoor advertising signs; and

WHEREAS, the public is benefited by re-location of outdoor advertising signs from residential and incompatible locations to areas which are more compatible with such signage; and

WHEREAS, the BCC may, pursuant to legal precedent from cases such as *City of Lake Wales v. Lamar Advertising Association of Lakeland, Florida* 414 So.2d 1030 (Fla. 1982) and *Lamar-Orlando Outdoor Advertising v. City of Ormond Beach*, 415 So.2d 1030 (Fla. 5th DCA 1982), regulate outdoor advertising signs based upon aesthetic concerns; and

WHEREAS, the BCC seeks to protect and preserve the character and appearance of Seminole County and maintain a positive and visually pleasing atmosphere for travelers on the various roadways throughout Seminole County, and

WHEREAS, the BCC desires to protect the property rights of owners of the outdoor advertising signs currently located in the unincorporated areas of Seminole County by allowing said signs to remain in place until they are voluntarily removed; and

WHEREAS, the BCC seeks to provide the opportunity to property owners to enhance the value of their outdoor advertising signs; and

WHEREAS, this Ordinance is deemed to be in the best interests of the health, safety, morals and welfare of the citizens of Seminole County.

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

Section 1. Legislative Findings. The above recitals represent the legislative findings of the Board of County Commissioners supporting the need for this Ordinance.

Section 2. Amendment of Section 2.3 of the LDC. Section 2.3, Land Development Code of Seminole County is amended to add the following definitions:

Cut-out: The portion of an outdoor advertising sign which protrudes or extends above, to the side of or outward from the board face.

Face: The standard flat area of an outdoor advertising sign, generally of a rectangular geometric shape, where an advertising message is displayed. One outdoor advertising sign may have more than one (1) face.

Section 3. Amendment of Section 30.1249(a), LDC. Section 30.1249(a), Land Development Code of Seminole County is hereby amended to read as follows:

Sec. 30.1249(a). Limitations on outdoor advertising signs.

(a) ~~Notwithstanding anything in the Seminole County Land Development Code to the contrary, from and after the effective date of sections 30.1249-30.1252, t~~The total number of outdoor advertising signs located in the unincorporated areas of Seminole County shall be limited as hereafter specified herein.

unless new outdoor advertising signs are constructed, reconstructed or relocated pursuant to Section 30.1253 of this Code.

Section 4. Amendment of Section 30.1250, LDC. Section 30.1250, Land Development Code of Seminole County is hereby amended to read as follows:

Sec. 30.1250. Limitation on number, size and orientation of outdoor advertising sign faces.

In addition to the limitation specified in section 30.1249 above, there is hereby imposed a limitation upon the number, size and orientation of the sign faces located upon the existing structures. ~~From and after the effective date of sections 30.1249-30.1252, t~~The number of sign faces on an existing structure may not be increased, either by adding an additional face oriented in a different direction or by changing the display mechanism to permit the display of multiple signs on a single sign face. ~~From and after the effective date of sections 30.1249-30.1252, n~~No sign face on an existing structure may be increased in size and the orientation of each sign face located upon an existing structure may not be changed. The foregoing restrictions shall not apply to duly constructed cut-outs or to sign alterations conducted pursuant to an outdoor advertising sign agreement as authorized by Section 30.1253 of this Code.

Section 5. Renumbering and recreation of Section 30.1252, LDC. Section 30.1252, Land Development Code of Seminole County is hereby renumbered as Section 30.1254 and a new Section 30.1252 is hereby created to read as follows:

Sec. 30.1252. Use of Cut-outs on Outdoor Advertising Signs.

(a) The use of cut-outs on outdoor advertising signs is permitted.

(b) The following criteria shall apply to the use of cut-outs on any outdoor advertising sign:

(1) Cut-outs may not increase the board face area by more than ten percent (10%).

(2) A cut-out may not extend more than five (5) feet above the top of any board face.

(3) A cut-out may not extend more than two (2) feet beyond either the right or left side of the board face.

(4) A cut-out may not extend below the board face.

(5) A cut-out may not protrude or project perpendicularly from the board face to any distance greater than:

(A) Three (3) feet on board face of 400 square feet or less;

(B) Five (5) feet on a board face of more than 401 square feet.

Section 6. Creation of Section 30.1253, LDC. Section 30.1253, Land Development Code of Seminole County is hereby created to read as follows:

Sec. 30.1253. Outdoor Advertising Sign Agreements.

(a) Outdoor advertising signs may be constructed, reconstructed, or relocated pursuant to an Agreement executed between Seminole County and the property owner and the outdoor advertising sign owner.

(b) No outdoor advertising sign may be permitted within three hundred (300) feet of any trail corridor, except for such signs, and reconstruction of such signs, which existed prior to the enactment of this section.

(c) Any consideration of an outdoor advertising sign agreement should include removal of at least four (4) existing outdoor advertising signs or faces in unincorporated Seminole County in exchange for one (1) sign to be reconstructed, constructed or relocated in unincorporated Seminole County. The permit applicant must specify the location and specifications of the outdoor advertising sign(s), the number of outdoor advertising signs to be removed and a description of what non-conforming structures were removed and what non-conforming structures were created. For the purposes of this section, multi-vision signs shall be counted as one (1) sign per each advertising face displayed per vision cycle. Nothing set forth

herein shall prohibit the BCC from entering an outdoor advertising sign agreement at an alternate sign-removal-to-sign-replacement ratio if such alternate ratio is determined to be in the best interest of the public.

(d) Notwithstanding anything to the contrary elsewhere in this Code, outdoor advertising signs may be permitted in any non-residential zoning district and/or may be permitted within code separation requirements if such location is found to be in the public interest.

(e) No outdoor advertising sign agreement may be entered unless it includes a written waiver and release by the sign owner, the property owner, and any sign lessees, to any claim against the County to further compensation or reimbursement regarding removal of the specified outdoor advertising signs.

(f) There shall be at least one (1) public hearing with due public notice before the Board of County Commissioners regarding any proposed outdoor advertising sign agreement.

Section 8. Severability. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such section, paragraph, sentence, clause, phrase or word may be severed from this Ordinance and the balance of this Ordinance shall not be affected thereby.

Section 9. Codification. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Seminole County Land Development Code and that the word "ordinance" may be changed to "section", "article", or other appropriate word and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that sections 8, 9 and 10 shall not be codified.

Section 10. Effective Date. This Ordinance shall become effective upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this _____ day of _____, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

ATTEST:

MARYANNE MORSE, CLERK
TO THE BOARD OF COUNTY
COMMISSIONERS

By: _____
DARYL G. MCLAIN, CHAIRMAN

KC 10/15/02 1/7/03 3/6/03 3/7/03 3/18/03
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