

**POLK COUNTY  
DEVELOPMENT REVIEW COMMITTEE  
STAFF REPORT**

<b>DRC Date:</b> April 2, 2015	<b>Level of Review:</b> 4
<b>PC Date:</b> June 3, 2015	<b>Type:</b> LDC Text Amendment
<b>BoCC Date:</b> July 7, 2015	<b>Case Numbers:</b> LDC 15T-09/DMS#57797
	<b>Case Name:</b> Sign Regulations
<b>Applicant:</b> Office of Planning and Development	<b>Case Planner:</b> Ronnie Blackshear

<b>Request:</b>	An LDC text amendment to Section 760 to adopt a clear and concise sign ordinance and address constitutional limitations.
<b>Location:</b>	n/a
<b>Property Owner:</b>	n/a
<b>Parcel Size (Number):</b>	n/a
<b>Development Area:</b>	n/a
<b>Nearest Municipality:</b>	n/a
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	4:0 Approval

**Summary:**

Signs provide an important medium to convey a variety of commercial and non-commercial messages. Signs can assist a jurisdiction in creating or enhancing community identity. Appropriate regulation is needed, however, to ensure that signs do not pose a threat to public safety as a traffic hazard, become a detriment to property values or detract from community aesthetics.

It is important to ensure that government regulation of signs does not infringe upon the Constitutional protections afforded by the First Amendment. The Land Development Code (LDC) currently provides a means to regulate signage, and it's important that the right and power to regulate signs is not arbitrary. The proposed text amendment attempts to adopt a clear and concise sign ordinance that County staff, business owners and citizens will find comprehensive, fair, easy to understand and usable. This effort addresses the following areas of emphasis:

- **Constitutional** – ensure emerging legal standards are met for the regulation of signs;
- **Nonconformity** – recognize existing rights and include appropriate provisions to bring non-conforming signs into compliance over time; and
- **Clarity** – ensure regulations are clear, concise and easily understood by all affected parties.

The specific changes proposed to Chapter 7, Section 760 and Chapter 10 are generally described below:

- Section 760.A., *Purpose and General Provisions*;
  - Purpose subsection added to articulate the intent of the sign regulations, and
  - Revised the General Provisions subsection to include how the maintenance and measurement of signs, illegal and unsafe signs, and signs in the right-of-way are handled.

- Section 760.B, *Sign Permit Requirements and Appeal*;
  - Revised to focus on sign permit requirements, application submittal and appeal process
- Section 760.C, *Exempt Signs*;
  - Revised to reflect a content-neutral (time, place and manner) emphasis, and
  - Clarified the types of signs exempted from the sign permitting process
- Section 760.D, *Prohibited Signs; Generally*;
  - Indicates that any sign not permitted is prohibited.
- Section 760.E, *Prohibited Signs; Specifically*;
  - Revisions and consolidations,
  - No variance may be granted,
  - Added parasite, abandoned, animated, snipe and vehicle signs, and
  - Added signs that offend public moral or decency.
- Section 760.F, *Temporary Signs*;
  - Revised general requirements and defined two types:
    - Short-term – Up to 75 consecutive days, twice a year but may combine for 150 days, no permit required, and
    - Long-term – 151+ days, annual permit and renewable up to 3 years.
- Section 760.G, *On-Premises Signs*;
  - Revisions and added window signs.
- Section 760.H, *Off-Premises Signs (Billboards)*;
  - Revised to articulate billboards
- Section 760.I, *Non-conforming Signs*;
  - Revised to articulate vested property rights, and
  - All illegal signs to conform or be removed.
- Section 760.J, *Signage Plans*;
  - Minor edits
- Section 760.K, *Variances*;
  - Planning Commission to handle variances to height, and
  - Development Review Committee to handle variances to setbacks
- Chapter 10, *Definitions*;
  - Additions, deletions and revisions.

Revisions to the following sections of the LDC reflect changes made to Chapter 7, Section 760:

- Section 207, Temporary Uses
- Section 930, Variances & Special Exceptions

## Findings of Fact

1. This is a Land Development Code (LDC) text amendment to Section 760, Signs.
2. Chapter 7, Section 760 addresses the regulation of signs.
3. Comprehensive Plan Objective 2.128-A indicates that *Polk County shall regulate the placement and appearance of signs in order to protect the safety and welfare of its citizens.*
4. Comprehensive Plan Policy 2.128-A1 indicates that *Polk County shall implement the Land Development Code to regulate the placement of signs based on legibility, functionality, safety, and proper location of signs.*
4. The presumption is a sign regulation is constitutional if it has a reasonable basis that governs the time, place and manner of sign display.

### Development Review Committee Recommendation:

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **APPROVAL** of LDC 15T-09.

**Planning Commission Recommendation:** On June 3, 2015, in an advertised public hearing, the Planning Commission voted 4:0 to **APPROVE** LDC 15T-09.

### Analysis:

The LDC states the following purpose regarding the regulation of signage in Section 760.A.2:

*The Purpose of these Sign Regulations is to make known that signs provide an important medium through which businesses and individuals may convey a variety of commercial and noncommercial messages. But, when left unregulated, signs can become a threat to public safety as a traffic hazard, and a detriment to property values and the County's overall public welfare as an aesthetic nuisance. Therefore, the intent of these Sign Regulations is to:*

- a. Preserve the right of free speech and expression in the display of signs;*
- b. Further the objectives of Polk County's comprehensive plan;*
- c. Protect the public health, safety and welfare of County citizens;*
- d. Reduce traffic and pedestrian hazards;*
- e. Protect property values by minimizing signs' possible adverse effects;*
- f. Promote economic development; and*
- g. Ensure the fair and consistent enforcement thereof.*

This proposed text amendment is consistent with the expressed purpose that a sign regulation is constitutional if it has a reasonable basis that governs the time, place and manner of sign display. The proposed text amendment attempts to adopt a clear and concise sign ordinance that is comprehensive, fair, easy to understand and usable. This effort addresses the following areas of emphasis:

## **Constitutional**

Exemptions and/or prohibitions of certain types of signs give rise to heightened scrutiny by the courts. Regulations must have a neutral effect (time, place and manner) on speech and should not define the content of a sign. The amendment proposes a revised sign ordinance which balances aesthetic, economic and safety interests while allowing freedom of speech.

## **Nonconformity**

A lawfully erected sign can become nonconforming as a result of new regulations – become a “legal, nonconforming” sign. It is important to recognize the rights of property owners that are associated with legal, nonconforming signs, while implementing measures to bring nonconforming signs into compliance over time. The proposed amendment includes provisions to implement new standards in a systematic manner that recognizes existing property rights.

## **Clarity**

The proposed amendment includes simple, straightforward language with accompanying illustrations to ensure a common understanding by all affected parties. As with other types of regulations, it is essential to have clear, predictable standards. This will increase compliance with the sign regulations as our customers will have a better understanding of what is permissible. It will also aid code enforcement efforts by lessening code violations and simplifying code investigations. Sometimes, it’s hard for code investigators to decipher what’s legal and what’s not. Clarity provides benefits to all parties.

## **Consistency with the Comprehensive Plan**

Staff finds the proposed text amendment to be consistent with the Polk County Comprehensive Plan. The proposed change is consistent with OBJECTIVE 2.128-A which states “*Polk County shall regulate the placement and appearance of signs in order to protect the safety and welfare of its citizens.*”, and POLICY 2.128-A1 which states “*Polk County shall implement the Land Development Code to regulate the placement of signs based on legibility, functionality, safety, and proper location of signs.*”

**Comments from Other Agencies:** None.

**Draft Ordinance:** Under separate attachment.