



**AGENDA ITEM
MEMORANDUM**

TO: THE HONORABLE MAYOR & CITY COUNCIL MEMBERS

VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER *[Signature]*

VIA: BILL GEIGER, DIRECTOR OF COMMUNITY DEVELOPMENT *[Signature]*

FROM: STEVE GOULDMAN, AICP, CITY PLANNER *[Signature]*

SUBJECT: ORDINANCE NUMBER 865 AMENDING LAND DEVELOPMENT CODE ARTICLE VII—POLITICAL SIGNS

DATE: AUGUST 15, 2016

Introduction & Background Information:

At the July 18, 2016 City Council meeting, the Council directed staff to review the Land Development Code provisions for political signs. Specifically, City Council directed staff to review the current regulations regarding political signs in relation to those of Hernando County and explore the possibility the City's Land Development Code be amended to ensure that the City's regulations are consistent with those of Hernando County.

Upon review of the City and County's sign regulation, staff identified two significant differences. The first difference involves the time frames in which political signs may be displayed. Presently, the City of Brooksville's Land Development Code, in Article VII, Subsection 7-1.4.G., allows that political signs may be erected no more than 90 days prior to an election day and requires that such signs be removed within 10 days following the election. Hernando County's regulations applicable to political signs allow that such signs may be erected no more than 45 days prior to the first election of the series of elections that determines a candidate or issue and must be removed within 14 days following the election. Hernando County also defines "election" as a single specific date of a primary, general or special election designated by law or ordinance. The City's regulations contain no definition of the term "election."

The second significant difference is the amount of sign area allowed for temporary political signs. Article VII, Subsection 7-1.4.G. of the City's Land Development Code provides that political signs may be a maximum of 6 square feet in size in residential districts and a maximum of 24 square feet in nonresidential districts. The Hernando County regulations also allow political signs a maximum of 6 square feet in size in residential districts. The significant difference between Brooksville's regulations and those of Hernando County lies in the amount of sign area for nonresidential parcels. As noted above, a maximum of 24 square feet is allowed for political signs on nonresidential properties in the City of Brooksville. Hernando County's regulations, in

contrast, allow varying amounts of political sign area, with the variations based on a number of circumstances and characteristics.

Of importance to the comparison to Hernando County's provisions, it should be noted that the City of Brooksville's Land Development Code allows one freestanding or detached sign on the premises of a nonresidential parcel and the freestanding or detached sign may not exceed 32 square feet in size, resulting in a sign face area a maximum of 64 square feet. Signs excepted from the above provisions may be permitted if: (1) The parcel fronts 500 feet minimum on each of more than one street in which case one freestanding sign containing no more than 96 square feet of sign area per side or two freestanding signs containing no more than 48 square feet of sign area per side each may be permitted provided the signs maintain a separation of 250 feet; or (2) the parcel contains two or more units, each of which contain a business establishment or use with a separate identity from other uses on the premises in which case one freestanding sign not to exceed 72 square feet of sign area per side for under four units or 96 square feet of sign area per side for four or more units may be permitted. Signs attached to buildings may not have sign areas exceeding 10 percent of the total area of the exterior wall, including any glass area, to which it is attached.

Hernando County's regulations, as noted above, allow varying amounts of political sign area, with the variations based on a number of circumstances and characteristics. Specifically, Chapter 25.5, Subsection 25.5-12 of the Hernando County Code of Ordinances states that "the total sign area of ... [political] signs on non-residential lots or parcels shall not exceed the total sign area allowed for [permanent] permitted signs..." In other words, according to Hernando County staff, the sum of the total sign area that exists on a developed property and the sign area allowed for temporary political signs cannot exceed the total permanent sign area allowed for nonresidential developments. Additionally, individual parcels or developments are permitted different maximum amounts of sign area, based on road classification, road frontage and zoning classification. Chapter 25.5, Subsection 25.5-8 of the Hernando County Code of Ordinances provides that commercially zoned properties on "U.S. and state highways, limited access highways (i.e., U.S. 19, U.S. 41, S.R. 50, S.R. 589, U.S. 98, U.S. 301, I-75), or any new limited access highway, new U.S. or state highway ... with less than one hundred (100) linear feet of road frontage will be allowed one (1) sign not to exceed one hundred (100) square feet in sign area. Commercially zoned parcels with a road frontage in excess of one hundred (100) linear feet will be allowed one (1) square foot of sign area per linear foot of road frontage with a maximum of two hundred (200) square feet of sign area." Commercially zoned properties located on "[o]ther collector/arterial roads (as identified on the roadway classification map) [are allowed] ...a [m]aximum one hundred (100) square feet of sign area....For commercially zoned parcels on all other roads and for parcels within any zoning district other than commercial or residential ... [a][m]aximum fifty (50) square feet of sign area" is allowed. In addition, the total display area for all attached signs may not exceed 20 percent of the building facade on which the sign is located.

In summary, the City of Brooksville's regulations relative to temporary political signs is substantially different from and less complicated than those of Hernando County. Neither jurisdiction requires a zoning or use permit to place political signs on a property. Both jurisdictions allow an unlimited number of political signs on residentially designated properties and limit the size of each sign to six square feet. On nonresidential properties, the City's regulations limit the size of political signs but do not limit the number of signs and thus the aggregate sign area allowed on the property. Hernando County's regulations do not specifically limit sign area. Rather, the sign face area allowed is contingent upon parcel location, zoning district, the amount of permanent signage allowed and the amount of permanent signage that exists on a property. In order to enforce Hernando County's size limitations, staff must first examine permit files to determine the amount of signage that exists and follow that with a visit to the site to determine the total sign face area of political signs placed on the property.

The City allows political signs to be placed on properties for up to 100 days but fails to specifically define an election time-frame period. Hernando County does define the election time-frame period, allowing that such signs may be erected no more than 45 days prior to the first election of the series of elections that determines a candidate or issue. The regulations relevant to the City of Brooksville and Hernando County sign ordinances are attached.


As noted above, political signs a maximum of 24 square feet in size are presently permitted on nonresidential properties in the City of Brooksville. City Council has voiced concern relative to the dimensions of such signs and, historically, staff has recognized that the dimensions presently allowed are not consistent with the dimensions of materials readily available and, as a result, has issued notices of violation for signs of a slightly larger size. Signs containing 24 square feet would typically be 6 feet X 4 feet. Readily available materials—plywood sheets—are sold in dimensions measuring 8 feet X 4 feet, resulting in 32 square feet of sign area. Staff therefore suggests the maximum size of political signs on nonresidential properties be increased to 32 square feet.

It should be noted that changes to the Land Development Code are first reviewed by the Planning and Zoning Commission prior to presentation to the City Council. If large-scale changes to the regulations are desired, staff believes the existing process should be followed. However, staff also acknowledges that minor modifications to the regulations such as that suggested above may, at the discretion of City Council, be heard by the Council without Planning and Zoning Commission review.

 **Budget Statement:**

It is anticipated no additional staff will be required to administer the provisions of a revised Ordinance.

Legal Note:

 Florida Statutes § 163.3202(1) requires that each county and each municipality must adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan. Florida Statutes § 163.3202(2) mandates that local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan.

Staff Recommendation:

It is recommended that City Council review the proposed modification to the Land Development Code regarding the maximum size of political signs allowed on nonresidential properties as provided in Ordinance Number 865, allow public input and approve the Ordinance.

City Council Action:

At the August 1, 2016 regular meeting, the City Council approved the first reading of Ordinance No. 865 to modify the Land Development Code as proposed and scheduled the second and final reading of the Ordinance for August 15, 2016.

Attachments:

1. City of Brooksville Land Development Code Article VII
2. Hernando County Code of Ordinances Chapter 25.5, Signs
3. Draft Ordinance #865, including Land Development Code Article VII, Subsection 7-1.4.g.

CITY OF BROOKSVILLE LAND DEVELOPMENT CODE

ARTICLE VII

SIGNS

SECTION 7-1.4. EXEMPTIONS.

The following signs shall be allowed in any zoning district without the necessity of obtaining a sign permit, providing such sign is not in conflict with any other provision of this Article. Noncompliance with the terms set forth below shall cause such sign to forfeit its exempt status and require the owner to obtain a permit as set forth in Section 7-1.2. Owners or lessees of such signs shall ensure that exempt signs conform to all other applicable regulations and they shall be responsible for the safe and proper erection and maintenance of such signs. Failure to comply with the provisions of this Section shall subject the violator to the penalties as outlined in Section 7-1.9. Each violation shall constitute a separate offense.

- G. Political signs are permitted to be erected no more than 90 days prior to the applicable election day and shall be removed within 10 days after said election day. The candidate for office or a designee shall have the responsibility for removal of signs advertising the candidacy. Signs that are not removed within the time period referenced herein shall be subject to removal by the City and may be disposed of pursuant to administrative policies set up by the City manager. The size of such signs shall not exceed six square feet in a residential district and 24 square feet in a nonresidential district. No signs may be posted within public rights-of-way or on utility poles, trees, traffic or regulating signs of any nature.

HERNANDO COUNTY CODE OF ORDINANCES

CHAPTER 25.5

SIGNS

Sec. 25.5-12. - Additional signs authorized during election campaigns.

In the interest of promoting political speech which is the essence of representative democracy and the core of the First Amendment's free speech guarantee, it is the intent of the board of county commissioners to allow additional noncommercial signage during political campaigns. In addition to any other signs authorized by this chapter, during a period beginning no more than forty-five (45) days prior to the first election of the series of elections that determines a candidate or issue, additional unlighted noncommercial signs which do not otherwise meet the terms of this chapter may be erected on privately owned lots or parcels. Each such additional sign located in residential zoning districts and/or on residential lots or parcels shall not exceed six (6) square feet in sign area. The sum of the total sign area of such additional signs on non-residential lots or parcels shall not exceed the total sign area allowed for permitted signs for the applicable zoning district, road classification and road frontage, and shall further comply with height and setback restrictions applicable to permitted signs. Such additional signs shall be removed by the lot or parcel owner or persons acting on the owner's behalf within fourteen (14) days after the election. No zoning permit or certificate of use is required for such additional signs during such election period. For purposes of this subsection, "election" shall mean the single specific date of a primary, general or special election designated by law or ordinance and shall not mean or include any period in advance of such date during which voting other than at assigned precincts may be allowed.

Sec. 25.5-8. - Signs as an accessory use.

Signs are considered accessory uses accompanying and complementing uses of land which are authorized as consistent with the Hernando County comprehensive plan or are otherwise authorized. The intent of this section is to allow for such signs as are accessory to the principal use of the lot or parcel on which they are located and to allow the benefits of such signs; while avoiding unsightly and unnecessary visual clutter, minimizing distractions and hazards to motorists and pedestrians, and providing a medium for the expression of commercial, noncommercial and political expression or speech, as each category of speech may be applicable and accessory to a particular authorized land use.

(1) Sign area:

a. The maximum size of a sign shall be determined by the classification of the road abutting the lot or parcel on which the sign is located and by the zoning district in which the lot or parcel is located. The roadway classification map developed by

Hernando County is hereby adopted by reference and made part of this section. Official roadway classification maps shall be placed on file at the Hernando County Planning Department. The classification map may be modified by board resolution at any time upon notice of an advertised public hearing.

b. U.S. and state highways, limited access highways (i.e., U.S. 19, U.S.41, S.R. 50, S.R. 589, U.S. 98, U.S. 301, I-75), or any new limited access highway, new U.S. or state highway—commercially zoned parcels with less than one hundred (100) linear feet of road frontage will be allowed one (1) sign not to exceed one hundred (100) square feet in sign area. Commercially zoned parcels with a road frontage in excess of one hundred (100) linear feet will be allowed one (1) square foot of sign area per linear foot of road frontage with a maximum of two hundred (200) square feet of sign area.

Other collector/arterial roads (as identified on the roadway classification map)—Maximum one hundred (100) square feet of sign area for parcels zoned for commercial use.

For commercially zoned parcels on all other roads and for parcels within any zoning district other than commercial or residential—Maximum fifty (50) square feet of sign area.

(5) Number of signs:

a. Individual firms or activities located on a single parcel or lot may display no more than one (1) sign.

b. Individual firms or activities located on a corner parcel or lot may display one (1) sign of maximum sign area as determined by the road frontage the lot has, or they may have one (1) sign along each road, provided the combined area of these signs does not exceed the maximum as determined by the road frontage.

c. Shopping centers, malls, strip plazas and other buildings housing more than one (1) business or activity may display no more than one (1) sign for each two hundred (200) feet of frontage, provided they are at least two hundred (200) feet apart along public streets and provided each sign does not exceed the maximum allowed according to subsection (1) herein.

d. There shall be no limit to the number of attached signs which may be attached to walls after issuance of a zoning and other appropriate permits. All parts of attached signs shall be at least five (5) feet from all lot lines. The total display area for all attached signs shall not exceed twenty (20) percent of the building facade on which the sign is located. This section is not intended to limit the number of or placement of placard signs in windows.

ORDINANCE NO. 865

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, AMENDING ARTICLE VII OF THE CITY OF BROOKS VILLE LAND DEVELOPMENT CODE TO PROVIDE FOR INCREASED SIZE OF POLITICAL SIGNS ON NONRESIDENTIAL PROPERTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Brooksville, Florida is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to enact ordinances; and,

WHEREAS, the City Council understands that increasing the size of political signs on nonresidential property would be consistent with materials commonly available; and

WHEREAS, the City Council has enacted sign regulations in the Land Development Code as part of the Code of Ordinances; and

WHEREAS, the Code of Ordinances Land Development Code sign regulations currently allow political signs a maximum of 24 square feet in size on nonresidential properties; and

WHEREAS, the City Council wishes to allow political signs on nonresidential properties to be of a size consistent with materials commonly available;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL MEMBERS OF THE CITY OF BROOKSVILLE, AS FOLLOWS:

SECTION 1. AMENDMENT TO SUBPART B., LAND DEVELOPMENT CODE, ARTICLE VII, SUBSECTION 7-1.4.g. The Code of the City of Brooksville, Florida, Subpart B, Land Development Code, Article VII, Subsection 7-1.4.g. "Exemptions" is hereby amended to read as follows:

Political signs are permitted to be erected no more than 90 days prior to the applicable election day and shall be removed within 10 days after said election day. The candidate for office or a designee shall have the responsibility for removal of signs advertising the candidacy. Signs that are not removed within the time period referenced herein shall be subject to removal by the City and may be disposed of pursuant to administrative policies set up by the City manager. The size of such signs shall not exceed six square feet in a residential district and ~~24~~ 32 square feet in a nonresidential district. No signs may be posted within public rights-of-way or on utility poles, trees, traffic or regulating signs of any nature.

SECTION 2. FINDINGS. The City Council does hereby find that the proposed modification to the sign ordinance is consistent with the City's Comprehensive Plan.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by the Brooksville City Council.

CITY OF BROOKSVILLE, FLORIDA

ORDINANCE NO. 865

Attest: _____
Virginia C. Wright, City Clerk

By: _____
Natalie Kahler, Mayor

PASSED on First Reading _____.

NOTICE Published on _____.

PASSED on Second & Final Reading _____.

Approved as to form for the reliance of the City of Brooksville only:

VOTE OF COUNCIL:
Council Member Burnett _____
Council Member Erhard _____
Council Member Kemerer _____
Vice Mayor Battista _____
Mayor Kahler _____

Thomas S. Hogan, The Hogan Law Firm, LLC,
City Attorney

CITY OF BROOKSVILLE LAND DEVELOPMENT CODE

ARTICLE VII

SIGNS

SECTION 7-1.4. EXEMPTIONS.

The following signs shall be allowed in any zoning district without the necessity of obtaining a sign permit, providing such sign is not in conflict with any other provision of this Article. Noncompliance with the terms set forth below shall cause such sign to forfeit its exempt status and require the owner to obtain a permit as set forth in Section 7-1.2. Owners or lessees of such signs shall ensure that exempt signs conform to all other applicable regulations and they shall be responsible for the safe and proper erection and maintenance of such signs. Failure to comply with the provisions of this Section shall subject the violator to the penalties as outlined in Section 7-1.9. Each violation shall constitute a separate offense.

- g. Political signs are permitted to be erected no more than 90 days prior to the applicable election day and shall be removed within 10 days after said election day. The candidate for office or a designee shall have the responsibility for removal of signs advertising the candidacy. Signs that are not removed within the time period referenced herein shall be subject to removal by the City and may be disposed of pursuant to administrative policies set up by the City manager. The size of such signs shall not exceed six square feet in a residential district and ~~24~~ 32 square feet in a nonresidential district. No signs may be posted within public rights-of-way or on utility poles, trees, traffic or regulating signs of any nature.