



LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20180003669

ORIGIN

Growth Management
Department (GMD)

HEARING DATES

BCC 10/22/2019
 10/08/2019
 CCPC 08/07/2019
 05/16/2019
 03/07/2019
 02/07/2019
 DSAC 02/06/2019
 DSAC-LDR 12/18/2018

SUMMARY OF AMENDMENT

This amendment modifies standards for ground signs for facilities with fuel pumps.

LDC SECTION TO BE AMENDED

5.05.05 Facilities with Fuel Pumps
 5.06.00 Sign Regulations and Standards by Land Use Classification
 5.06.06 Prohibited Signs

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approval

DSAC
Approval

CCPC
Approval

BACKGROUND

On December 11, 2018, the Board of County Commissioners (Board) directed staff to draft an ordinance to address signage visibility for facilities with fuel pumps (See Exhibit A).

Section 553.79(22)(a)2 of the Florida Statutes, was recently amended to prohibit any requirement on gasoline pricing signs that, “prevents the sign from being clearly visible and legible to drivers of approaching motor vehicles from...any lane of traffic...” (See Exhibit B).

In coordination with local developers of facilities with fuel pumps, Staff has developed alternative standards for signs at facilities with fuel pumps which are consistent with Section 553.79(22)(a)2 of the Florida Statutes. The attached LDC amendment proposes the following changes to current standards for fuel pricing signs only:

- One ground or pole sign is permitted for each site with a maximum of two signs for corner lots, instead of only one ground sign per site.
- A maximum sign height of 12 feet instead of 8 feet.
- Each such sign may include Electronic Fuel Pricing for advertising fuel prices, subject to limitations on the movement of images, brightness, resolution, and other design standards and which are allowed on arterial and collector roadways.
- Allows Electronic Fuel Pricing on directory signs only through the variance process, PUD deviation process, or SRA deviation processes.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts associated with this amendment.

GMP CONSISTENCY

The proposed LDC amendment may be deemed consistent with the GMP. -DW

EXHIBITS: A) Executive Summary Providing Board Direction, and B) F.S. 553.79(22)

Amend the LDC as follows:

1 **5.05.05 - Facilities with Fuel Pumps**

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5 C. Building architecture, site design, lighting, and signage requirements.

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9 4. Signage for facilities with fuel pumps. The following are the only signs allowed in
10 facilities with fuel pumps and convenience stores with fuel pumps.

11 a. Window, Wall, and other signs: As allowed in LDC section 5.06.00.

12 b. An illuminated corporate logo with a maximum area of 12 square feet shall
13 be allowed on a canopy face which is adjacent to a dedicated street or
14 highway. Otherwise accent lighting and back lighting are prohibited on
15 canopy structures. Color accent banding on canopies may be approved as
16 established in LDC section 5.05.05 C.1.b.iv.(b), above.

17 ~~c. One ground sign shall be permitted for each site and shall be placed within
18 a 200 square foot landscaped area. Height is limited so that the top edge
19 of the sign face is less than eight feet above grade. Maximum permitted
20 area is 60 square feet. Said sign shall be consistent with the color scheme
21 and architectural design of the principal structure.~~

22 c. One ground or pole sign that advertises the retail price of fuel in accordance
23 with Section 553.79(22)(a)2., F.S. shall be permitted for each site.
24 However, a maximum of two ground signs, two pole signs or one ground
25 and one pole sign shall be permitted for corner lots. The maximum sign
26 copy area is 60 square feet. The sign must maintain a minimum setback
27 of 10 feet from any property line or road right-of-way. A minimum of a
28 200 square foot landscaped area shall be provided around the base of
29 the sign. The sign structure shall be consistent with the color scheme and
30 architectural design of the principal structure. The maximum height
31 established below shall be measured from the average elevation of the
32 vehicle use area to the uppermost portion of the sign structure.

33 i. One fuel pricing ground or pole sign will be permitted on a frontage
34 of a parcel that abuts an arterial or collector road right-of-way. The
35 maximum height is limited to twelve feet. An electronic fuel pricing
36 sign may be part of the sign area, subject to the standards in
37 5.05.05 C.4.c.iii.

38 ii. One fuel pricing ground sign will be permitted on a frontage of a
39 parcel that abuts a road right-of-way other than an arterial or
40 collector road right-of-way. The maximum height is limited to eight
41 feet. An electronic fuel pricing sign is prohibited as part of the sign.

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iii. If an electronic fuel pricing sign is used as allowed in 5.05.05 C.4.c.i., each of the following apply:

a) The electronic fuel pricing sign is limited to fuel prices only.

b) Changes to the electronic fuel pricing sign shall occur instantaneously. The electronic fuel pricing sign shall remain static without scroll, fade, flash, zoom, sparkle, color change, or any illusion of movement.

c) Such signs shall be constructed with a photocell to compensate for all conditions, day or nighttime hours, and shall adjust the display's brightness to a level that is not in excess of 0.3 foot-candles above ambient light levels, as measured from the most restrictive of the nearest abutting property line or a distance equal to the square root of [the electronic fuel pricing sign copy area multiplied by 100].

d) Exposed lamps, bulbs, or LEDs that are not covered by a lens, filter, or sunscreen are prohibited.

e) Electronic fuel pricing signs will be allowed on directory signs only through a variance, PUD deviation, or SRA deviation.

d. Signage is prohibited above fuel pumps.

5. Should any of the foregoing standards, or any other requirement of the Land Development Code, conflict with Section 553.79(22), Florida Statutes, as amended from time-to-time, then Section 553.79(22), Florida Statutes shall control, and the County Manager or designee, in consultation with the County Attorney, will conform the proposed development order in a manner which both satisfies the Statutory requirements while best implementing the intent of the Land Development Code. This provision shall apply to both facilities with fuel pumps as well as any other business that falls within the parameters of Section 553.79(22), Florida Statutes.

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5.06.00 - SIGN REGULATIONS AND STANDARDS BY LAND USE CLASSIFICATION

A. Definitions. The definitions of the following terms shall apply to the requirements of the Land Development Code, in particular this section 5.06.00, to be known as the "Collier County Sign Code."

Activated sign: Any sign which contains or uses for illumination any light, lighting device, or lights which change color, flash, or alternate; or change appearance of said sign or any part thereof automatically; any sign which contains moving parts as part of its normal operation, such as rotating signs, shall be considered an activated sign.

DRAFT

Text underlined is new text to be added

~~Text strikethrough is current text to be deleted~~

1 ~~Animated~~*Activated* sign: A sign depicting or involving action, motion, through
2 electrical or mechanical means.

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5.06.06 - Prohibited Signs

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8 A. *Prohibited.* Any sign not specifically permitted by this sign code shall be prohibited.

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12 6. Animated signs ~~/activated~~ or activated signs. Except see Section 5.05.05 C.4 for
13 electronic fuel pricing signs when located along an arterial or collector road right-
14 of-way.

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16 7. Clear or uncovered neon and exposed LED signs. Except see Section 5.05.05 C.4
17 for electronic fuel pricing signs when located along an arterial or collector road
18 right-of-way.

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Exhibit A – Executive Summary Providing Board Direction

12/11/2018

EXECUTIVE SUMMARY

Recommendation to direct staff to bring back for a public hearing an ordinance amending the Land Development Code to modify design standards for signs advertising the price of fuel, in accordance with Section 553.79(20), Florida Statutes, and allow applications for such signs to be processed under the proposed new zoning standards while the LDC amendment process is pending.

OBJECTIVE: To seek approval from the Board of County Commissioners (Board) to advertise and bring back for public hearing an ordinance to amend the Land Development Code (LDC) in regard to the number, height, size, and other design standards for signs advertising the price of fuel, in accordance with recent amendments to the Florida Statutes, and to allow applications for such signs to be processed and approved under the proposed new zoning standards while the zoning change is in progress.

CONSIDERATIONS: Currently, LDC Subsection 5.05.05 C.4.c places the following standards on signs for facilities with fuel pumps:

One ground sign shall be permitted for each site and shall be placed within a 200 square-foot landscaped area. Height is limited so that the top edge of the sign face is less than eight feet above grade. Maximum permitted area is 60 square feet. Said sign shall be consistent with the color scheme and architectural design of the principal structure.

However, in 2017, the Legislature added the following provision to Section 553.79(20)(a)2. of the Florida Statutes, prohibiting any requirement on gasoline pricing signs that, “prevents the sign from being clearly visible and legible to drivers of approaching motor vehicles from...any lane of traffic...” The applicable section reads:

- (20)(a) *A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:*
- *****
2. *Imposes any requirement on the design, construction, or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.*
- (b) *This subsection does not affect any requirement for design and construction in the Florida Building Code.*
- (c) *All such ordinances and requirements are hereby preempted and superseded by general law. This subsection shall apply retroactively.*
- (d) *This subsection does not apply to property located in a designated historic district.*

Staff has had preliminary meetings with developers of facilities with fuel pumps who have requested more signage, larger signs and LED or message board signage.

In response, Staff has developed revised standards for signs at facilities with fuel pumps which are consistent with Section 553.79 (20)(a)2. The attached LDC amendment proposes the following changes to

Exhibit A – Executive Summary Providing Board Direction

12/11/2018

current standards for fuel pricing signs only:

- One ground or pole sign on each major road frontage with a maximum of two signs, instead of only one ground sign per site;
- A maximum sign height of 15 feet instead of 8 feet;
- Each such sign may include an “electronic message board” only for advertising fuel prices, which will be subject to limitations on movement of images, brightness, resolution, and other design standards and which are allowed on arterial and collector roadways.

Staff is requesting approval to advertise, and bring back for public hearing, an ordinance approving the attached LDC amendment, and authorization to allow applications for such signs to be processed and approved under the proposed new zoning standards while the zoning change is in progress.

FISCAL IMPACT: Cost of advertising for the LDC amendment is estimated at \$1,200.

GROWTH MANAGEMENT IMPACT: There is no growth management impact associated with this action.

LEGAL CONSIDERATIONS: Upon approval of this item, staff will be authorized to process applications for fuel pricing signs in compliance with the proposed new zoning standards until the LDC amendment is heard by the Board. Applicants that request and obtain approval of applications prior to the Board’s approval of the LDC Ordinance amendment will proceed at their own risk.

This item is approved as to form and legality, and it requires a majority vote for approval. However, an affirmative vote of four will be needed for approval of the proposed LDC amendment. HFAC

RECOMMENDATION: That the Board of County Commissioners:

1. Directs staff to bring back for public hearing an ordinance amending the LDC to modify design standards for fuel pricing signs;
2. Authorizes the expenditure of funds for advertising said LDC amendment; and
3. Authorizes staff to process applications for such signs under the proposed new zoning standards while the zoning change is in progress.

Prepared By: Jeremy Frantz, LDC Manager, Zoning Division

ATTACHMENT(S)

1. Draft LDC Amendment (PDF)
2. Email of Support 11-29-18 (PDF)

Exhibit B – F.S. 553.79(22)

553.79 Permits; applications; issuance; inspections.

* * * * *

(22)(a) A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:

1. Contains any building, construction, or aesthetic requirement or condition that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under chapter 526 or in carrying out business activities defined as a franchise by Federal Trade Commission regulations in 16 C.F.R. ss. 436.1, et. seq.; or

2. Imposes any requirement on the design, construction, or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.

(b) This subsection does not affect any requirement for design and construction in the Florida Building Code.

(c) All such ordinances and requirements are hereby preempted and superseded by general law. This subsection shall apply retroactively.

(d) This subsection does not apply to property located in a designated historic district.

Link:

http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0553/Sections/0553.79.html