

# Board of County Commissioners

## Agenda Request

Date of Meeting: March 3, 2009

Date Submitted: February 18, 2009

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator  
Lindsay Stevens, Assistant County Administrator  
Luther Council, Building Official  
Jaime Baze, Code Enforcement

Subject: Staff Update to the Board on the Enforcement of the Short Term Sign Provisions Contained Within the Wakulla County Sign Ordinance (Section 6-18, Wakulla County Code)

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### **Statement of Issue:**

This agenda item presents the Board with an update from staff regarding the enforcement of the temporary use sign provisions contained within the Wakulla County Sign Ordinance, otherwise known as Section 6-18 of the Wakulla County Code (Attachment # 1)

### **Background:**

Wakulla County has been faced with a massive increase of all types of signs due to a substantial amount of growth and increase in businesses over the past several years. Many businesses were established and have owned their temporary sign prior to the adopted sign ordinance. These temporary signs do not meet the current sign ordinance that was adopted by the Wakulla County Board of County Commissioners on October 7, 1996. The County Sign Ordinance does not have a grandfathering clause in place which would allow business owners owning their sign prior to the effective date of the ordinance to maintain these signs on their premises. Typical violations include the following: signs that fail to obtain a temporary sign permit, signs that violate size regulations, signs that violate the "Off-Premises" sign requirements of the Code, and signage placed on property without permission from the property owner.

Recently, Code Enforcement has been working with interested citizens on an Action Plan to address all unpermitted signs County-wide, including short term signs (Attachment # 2). The first step within the Action Plan is to focus on bringing short term/temporary/portable signs for the entire County into compliance with the current Sign Ordinance. (Attachment # 3) Code Enforcement conducted an investigation of the entire County and observed many commercial businesses owning and/or storing an unpermitted short term sign on their premises.

Section 6-18 (c) (13) of the Wakulla County Code states "short term attention getting devices may be permitted through the Community Development Department for a thirty-day (30) period. At the end of the first thirty-day (30) period, a renewal may be granted

upon request for a second thirty-day (30) period, after which said attention getting signage must remain down for sixty (60) days” (Attachment # 4).

The October 30, 2008, edition of the Wakulla News contained an article authored by Code Enforcement staff (Attachment # 5) regarding the short term sign requirements of Section 6-18 (f) (13) of the Wakulla County Code in an effort to inform and educate the citizens and businesses of Wakulla County. During the week of December 1, 2008, Code Enforcement began its first phase of its Action Plan dealing with unpermitted short term signs within the County by mailing out “Notice of Violation” letters to all property owners that own a short term sign or have one stored on their property. (Attachment # 6) These letters advised the property owners that they must apply for a permit from the Planning and Community Development Department and/or remove the sign from the property by a specific deadline date to be in compliance with the County Code. The permit fee for a Temporary Use is \$50.00 plus an additional \$30.00 for a Development Permit Application. The short term sign can be permitted for a total of thirty (30) days, with the option of renewal for a second thirty (30) day period. The short term sign must remain down for a minimum of sixty (60) days, and after this period the owner may apply for an additional permit to begin the process over. See, Section (1) General Provisions (13) Short term attention-getting devices, Wakulla County Code.

**Analysis:**

Code Enforcement was formally established by the County in 2004. Having one paid staff member typically working on intake cases has resulted in minimal enforcement of the Wakulla County Sign Ordinance. Currently, Code Enforcement is taking a more proactive approach with enforcing County Codes and Ordinances. The majority of the short term signs within the County have not been permitted as required by code. After notifying portable sign owners about the sign permitting process required by the County Code, several sign owners have voiced concerns that enforcement of this provision of the County Code will negatively affect their businesses/organizations. Many have inquired about the potential for obtaining relief from enforcement of the County Code, including Workforce Plus.

Workforce Plus is a non-profit organization that provides employment and internship opportunities for our citizens. In fact, the County frequently partners with Workforce Plus on a variety of programs, including our summer internship program. Currently, Workforce Plus utilizes an unpermitted short term sign outside of its office located on Crawfordville Highway to advertise employment opportunities. Workforce Plus received a “Notice of Violation” letter in the mail, and quickly contacted County staff in an effort to appropriately remedy the situation. County staff provided Workforce Plus with several options for their particular situation, including obtaining a permit for a temporary sign which involves permitting fees totaling \$80.00, incorporating a changeable sign into the

permanent sign located on the property, or installing a changeable sign on the face of the building.

Workforce Plus' situation is similar to several businesses/organizations in that the portable signs have been relied upon as their primary method of permanent advertising for the business/organization, which is contrary to the requirements of the Code. However, through the years sporadic enforcement by the County has made the current effort to bring the County into compliance with the Code a challenge. Staff would like to obtain direction, if any, from the Board on this issue. The following are staff-generated potential options, for Board Consideration:

1. Revise the Code to removing all limitations on short term signs allowing the short term signs to remain on site without permits.
  - a. Pros: allows current sign owners to retain their short term signs.
  - b. Cons: short term sign use will remain, and likely increase, causing visual pollution; concern during hurricane season regarding the potential for unanchored signage to become a hazard.
2. Revise the Code to include a grandfathering clause into the current sign ordinance exempting property owners from obtaining a permit if they've owned their short term sign prior to the date of the approved Sign Ordinance (October 7, 1996)
  - a. Pros: allows current sign owners to retain their signs.
  - b. Cons: enforcement of this provision could be problematic for staff.
3. Revise the Code to include an exemption for all non-profits removing the permit requirement for owners to retain their short term signs.
  - a. Cons: creates different classes of sign owners and could be problematic for staff to enforce.
4. Revise the Code to completely prohibit short term signs within Wakulla County beginning on a date certain.
  - a. Pros: Provides a bright-line for staff to enforce and eliminates permitting process for this type of signage. Arguably 'cleans up' the look of the County.
  - b. Cons: Will be problematic for existing temporary portable sign owners.
5. Do not revise the Code, and staff will continue to enforce the current provisions of the Sign Ordinance as written, including requiring permits for short term signs within the County.

**Options:**

1. Accept the staff update on the enforcement of Section 6-18, Wakulla County Code and direct staff to revise the sign ordinance to include one or more of the following:
  - a. Remove all limitations on short term signs;
  - b. Grandfather property owners that have owned their short term sign prior to the approved sign ordinance October 7, 1996;

- c. Grant a permitting exception for non-profit organizations' short term.
  - d. Prohibit portable temporary signs.
2. Accept the staff update on the enforcement of Section 6-18, Wakulla County Code and direct staff to proceed with the enforcement of the current provisions of Section 6-18, Wakulla County Code, including requiring permits for temporary portable signs within the County.
3. Board Direction

**Recommendation**

Option #2

**Attachments:**

1. Copy of the Sign Ordinance
2. Copy of the Wakulla County Sign Regulation Enforcement Action Plan
3. Photos/Examples of a short term attention getting device
4. Section 6-18 (c) (13) of the Wakulla County Code
5. Article authored by Code Enforcement staff
6. Notice of Violation letter