

**DESOTO COUNTY
ORDINANCE NO. 2017 –**

AN ORDINANCE OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE CODE OF ORDINANCES CHAPTER 20, LAND DEVELOPMENT REGULATIONS (LDR), ARTICLE VIII, SIGN REGULATIONS; AMENDING THE TITLE OF SECTION 20-900 AND AMENDING SECTION 20-900(9) TO ALLOW THE DEVELOPMENT DIRECTOR TO WAIVE THE MAXIMUM 20 PERCENT RELATIONSHIP BETWEEN THE FREESTANDING SIGN SUPPORT STRUCTURE AND THE TOTAL CLEARANCE AREA UNDER CERTAIN CONDITIONS; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Land Development Regulations (LDR) Article VIII addresses signs regulations; and

WHEREAS, LDR Section 20-899 addresses signs in residential areas while Section 20-900 addresses signs in commercial and industrial areas; and

WHEREAS, Section 20-899 on residential districts does not contain any restrictions on the relationship of a freestanding sign support structure to total clearance area while Section 20-900 prohibits in commercial and industrial zoning districts a freestanding sign support structure from exceeding 20 percent of the total clearance area; and

WHEREAS, the 20 percent standard represents a design criteria which restricts or limits the ability to provide innovative and attractive sign support structures; and

WHEREAS, this Ordinance amends the title of Section 20-900 so that the specific commercial and industrial zoning districts are identified; and

WHEREAS, this Ordinance amends Section 20-900(9) to allow the Development Director to waive the maximum 20 percent ratio between the freestanding sign support structure and the total clearance area; and

WHEREAS, at the duly noticed November 7th, 2017 Planning Commission public hearing, the Planning Commission considered the Development Department Report supporting the Ordinance that amends the LDR and all substantial competent evidence presented at the hearing, and the Planning Commission recommended that the Ordinance and record be forwarded to the Board of County Commissioners with a recommendation that the Ordinance be adopted or be adopted with conditions; and

WHEREAS, on October 24th, 2017 and November 28th, 2017 the DeSoto Board of County Commissioners (Board) held duly noticed public hearings on the Ordinance,

and the Board considered the Development Department Report and recommendation, the Planning Commission recommendation and all substantial competent evidence presented at the Planning Commission hearing, all other substantial competent evidence presented at the Board public hearing, and determined that the Ordinance complies with the DeSoto County Comprehensive Plan, the Land Development Regulations, and all other applicable regulations; and

WHEREAS, the Board of County Commissioners finds adoption of this Ordinance is in the best interest of the residents and businesses of DeSoto County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. Land Development Regulations Section 20-900 is amended as set forth below.

Sec. 20-900. - Signs in ~~commercial and industrial~~ the CE, CN, CG, IL and IH zoning districts.

(a) Each parcel of land developed after the enactment of the LDR, may be permitted on-site signs subject to the following requirements:

- (1) Each parcel shall be allowed one freestanding sign. Each business on the parcel shall be allowed one of the following sign types: projecting, wall or marquee subject to the standards stated in this section.
- (2) A parcel with a minimum of one acre may be permitted a freestanding sign.
- (3) The maximum area per sign face for a freestanding sign shall be two square feet of sign area for each linear foot of building facing the lot front, up to the maximum requirements outlined below. The table below establishes sign face areas as a function of setback and clearance.

Sign Face in Square Feet	Minimum Setback from Right-of-Way	Clearance Requirements
0 to 96	10 feet	8 feet or more**
97 to 128	15 feet	8 feet or more**
129 to 160	20 feet	8 feet or more**
161 to 200	25 feet	8 feet or more**

**Measured from natural grade to the bottom of sign and maintained without obstruction except for structural pylon supports.

- (4) Directional signs such as entrance, exit, parking, and other similar information shall not exceed three square feet. Such signs may be permitted up to the property line and shall not be considered a freestanding sign for the purpose of the LDR.
- (5) The top of a freestanding (ground) sign constructed on steel or its functional equivalent shall not exceed 35 feet when measured from the natural grade at the sign base.
- (6) No freestanding sign shall be erected within the minimum buffer area.
- (7) Wall or projecting signs shall conform to the following requirements:
 - a. Sign area shall not exceed the equivalent of 1½ square feet for each linear foot of building width. (Building width, for the purpose of this calculation, shall be that dimension parallel to the abutting roadway.)
 - b. Signs shall not extend more than three feet above the intersection of the roof and the vertical wall.
 - c. A wall sign shall not project beyond the top or edge of any parapet wall to which it is attached.
 - d. The bottom of a projecting sign shall be a minimum of eight feet above grade.
- (8) Canopy signs shall conform to the following requirements:
 - a. Canopy signs shall not be larger than 80 percent of the canopy sign face area.
 - b. Canopy signs may be on the vertical faces of canopies and may project no more than 12 inches below the lower edge of the canopy. The bottom of canopy signs shall be no less than eight feet above the sidewalk or grade at any point. No part of the sign shall project above the vertical canopy face or beyond the canopy itself. This does not prohibit placement of the sign message on the sloping portion of the awning.
- (9) The support structure for any freestanding sign shall not exceed 20 percent in area of the total clearance area; however, the Development Director may administratively waive the 20 percent maximum if the Development Director determines the change would lead to an improved support structure design and not negatively impact the public health, safety, or general welfare.
- (10) When a parcel is developed as a shopping center, the parcel shall be allowed one secondary freestanding sign. Such signs shall not exceed 80 percent of the

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total area for the primary sign and shall be a minimum of 300 feet from the primary sign.

- a. The Board of County Commissioners may authorize local business directory signs for the purpose of providing direction to the public.
- b. Wall signs shall not extend more than three feet above the intersection of the roof and the vertical wall.
- c. A wall sign shall not project beyond the top or edge of any parapet wall to which it is attached.
- d. The bottom of a projecting sign shall be a minimum of eight feet above grade.

(LDR, § 9504; Ord. No. 2012-01, § 9504, 5-22-2012)

SECTION 2 CODIFICATION. This Ordinance shall be codified in the DeSoto County Land Development Regulations.

SECTION 3. CONFLICT. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.

PASSED AND DULY ADOPTED this 28th, day of November, 2017.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF DESOTO COUNTY, FLORIDA**

Mandy J. Hines
County Administrator

By: _____
Elton A. Langford
Chairman

) Approved as to form and legal sufficiency:

Donald D. Conn, County Attorney
County Attorney

Filed with the Florida Secretary of State on _____.