

7

MANATEE COUNTY GOVERNMENT

MEMORANDUM

DATE: March 2, 1984

TO: Board of County Commissioners

FROM: Larry K. Frazier, AICP, APA, Director
Planning and Development Department *LKF*

SUBJECT: Sign Ordinance

As a part of better understanding the sign amendments before you I have enclosed a portion of the deposition of Charles F. Floyd as it relates to our sign code case now before the United States District Court. I enclose it so that you will have a better feel of the impacts signage has on the community. I have not included the entire deposition as it covers some 37 pages. In particular the testimony or deposition points out the impacts signage will have on the economic, environmental, and tourism sectors of Manatee County.

The first section deals with Mr. Floyd's qualifications which are numbered pages 4 through 10, the remaining deposition pages 13 through 19 indicates the impact of signage on the community.

LKF/vc

Enclosures

1 educational background?

2 A. Yes. I have a bachelor's degree and Ph.D.
3 degree in economics from the University of North
4 Carolina at Chapel Hill.

5 Q. Okay. And do you have a vita that you can
6 present to us that has --

7 A. Yes, I do.

8 Q. Okay. May I see that, please? Let's see.

9 A. I can keep this one because I just marked on
10 it a little bit.

11 Q. Okay. All right.

12 MR. BETTS: Have we got one more copy?

13 MR. ARTIGLIERE: Yeah. I will give you this
14 one.

15 All right. I have a seven-page document
16 dated January 1984, Vita, Charles F. Floyd, and I
17 would like you to mark that please as Defendant's
18 Number 1.

19 (Defendant's Number 1 was marked for
20 identification.)

21 Q. Professor Floyd, I have given you
22 Defendant's Exhibit 1, and I'm going to ask you if
23 that is a true and correct vita prepared by you or
24 prepared at your direction?

25 A. Prepared by me, it is.

1 Q. The vita is self-explanatory, but I would
2 like you if you would to explain for the Court the
3 qualifications that you have for testifying on the
4 impact of portable and temporary signs on the
5 aesthetics and community value in Manatee County?

6 A. Well, first, of course, I'm a professor of
7 real estate and I'm used to analyzing real estate and
8 property values in community development. I'm a
9 member of a number of professional associations
10 including the American Institute of Certified
11 Planners. I'm a candidate for the MAI designation in
12 the American Institute of Real Estate Appraisers, and
13 then I have some other associations that I won't go
14 into.

15 I have been a consultant to various groups
16 and given expert testimony in a number of Courts. I
17 have given congressional testimony for the Senate
18 Committee on the Highway Beautification Act. I've
19 been on the National Advisory Committee on Outdoor
20 Advertising on motorists -- and Motorist Information
21 that was appointed by the Secretary of Transportation.

22 I was on a state Citizens Advisory Council
23 on Outdoor Advertising. I am an author or coauthor
24 of four books including a book on Real Estate and the
25 Law, Real Estate Principles, Highway Beautification,

1 and Georgia Regional Economies; and then a number of
2 articles.

3 I guess of particular relevance in this case
4 are an article in The Appraisal Journal of July of
5 1983, Issues in the Appraisal of Outdoor Advertising
6 Signs. Should I go into all these? Would you
7 like --

8 Q. Are these set forth in the vita?

9 A. Yes, these are all in the vita.

10 Q. Is it fair to say that you have authored
11 several articles and writings concerning the effect
12 of outdoor advertising on -- that relate to real
13 estate values and economic impact?

14 A. That's correct, and also a number on zoning
15 and planning in general and economic development.

16 Q. And have you consulted on behalf of any
17 state or local governments concerning beautification,
18 highway beautification, and signs and so forth?

19 A. Yes.

20 Q. Have you testified in Court in
21 quasi-judicial proceedings as to those matters?

22 A. Yes, I have.

23 Q. Have you testified before Congress as to
24 those particular matters?

25 A. Yes.

1 Q. What information have you been given in your
2 function as a consultant to Manatee County?

3 A. Well, a number of materials which I have
4 brought with me relating to the economy of Manatee
5 County and also the plan and the sign ordinance.

6 Would you like for me to detail these?

7 Q. Yes, I would.

8 A. All right.

9 Q. When you say plan, do you mean the Manatee
10 plan policy document, the comprehensive plan?

11 A. Yes. I actually have a list of the various
12 documents that I have in the plan. I can read those
13 off if you would like.

14 MR. ARTIGLIERE: Why don't you look at those?

15 Q. Why don't we go ahead and mark the list as
16 Defendant's Exhibit Number 2, and then we're going to
17 go through some of these materials?

18 A. All right.

19 (Defendant's Exhibit Number 2 was marked for
20 identification.)

21 Q. Why don't you get out the stack of --

22 A. All right.

23 Q. -- documents? Now, first let's get the
24 Manatee plan out.

25 A. All right.

1 Q. Okay.

2 MR. ARTIGLIERE: Off the record a second.

3 (Discussion off the record.)

4 Q. Is that the Manatee County Comprehensive
5 Plan?

6 A. That's correct.

7 Q. Were you also given a copy of the sign code?

8 A. Yes, I was, and let's see. I'm trying to
9 see whether it was in -- no, it's separate. It's in
10 with An Introduction to Manatee County, and here is
11 the Manatee County sign ordinance.

12 Q. Okay. What's the date on that sign
13 ordinance that you have?

14 A. It says amended February the 10th, 1983.

15 MR. ARTIGLIERE: All right. Now, let me ask
16 you. Off the record.

17 (Discussion off the record.)

18 Q. Is number 22, Manatee Plan Policy document,
19 is that this blue booklet?

20 A. That's correct.

21 Q. Okay. Okay. With regard to the information
22 that you have along with the Manatee County sign code --

23 A. All right.

24 Q. -- what are those documents there? Just
25 relate them.

1 A. One is called An Introduction to Manatee
2 County, Housing Market Characteristics, Population
3 Characteristics. That's all in that group.

4 Q. Who according to the documents authored or
5 provided that information?

6 A. The Manatee County Planning and Development
7 Department.

8 MR. ARTIGLIERE: Let's go ahead and mark
9 that as Defendant's Number 3.

10 (Defendant's Exhibit Number 3 was marked for
11 identification.)

12 Q. Describe if you will in general terms the
13 remainder of the information that you were provided.

14 A. Well, the remainder of the information,
15 there are several booklets on real estate in the
16 Manatee County area and on the economy in Manatee
17 County and particularly regarding tourism and various
18 attractions, tourism attractions, and also Manatee
19 County as a place to live and for employers.

20 Q. Okay. Were you given any depositions to
21 review in this case?

22 A. Yes. I reviewed briefly the deposition of
23 Mrs. Glass, Patricia Glass.

24 Q. All right. Were you shown any photographs?

25 A. Yes. I was shown a number of photographs of

1 portable signs in Manatee County.

2 Q. Were you shown the photographs that were
3 attached to the complaint?

4 A. Yes, I was.

5 Q. Okay. Now, I'm going to show you a stack of
6 colored photographs that are going to be introduced
7 into evidence in this case and ask you if those were
8 the other photographs that you reviewed?

9 A. Yes, they were.

10 MR. BETTS: Let me clarify. I think you
11 said the photographs attached to the complaint.

12 MR. ARTIGLIERE: I'm sorry. Attached to the
13 answer to the complaint. Is that what --

14 MR. BETTS: Attached to the affidavit of Pat
15 Ellis?

16 MR. ARTIGLIERE: Yeah. Let's see. That's a
17 good clarification. I'm sorry.

18 Q. Did you review the photographs that are
19 Exhibit A attached to the affidavit of Pat Ellis?

20 A. Yes. Yes, I did. Those are the ones that I
21 looked at.

22 Q. Did you review the affidavits themselves?

23 A. No, I did not. I did not look at the
24 affidavits.

25 Q. And you reviewed the photographs that we

1 have here?

2 A. That's correct.

3 MR. ARTIGLIERE: All right. Jim, how can we
4 handle this photograph thing? Do you want to attach
5 these to his deposition or mark them as Defendant's
6 Exhibit Number 5 and then -- these are the ones we
7 want to introduce into evidence.

8 MR. BETTS: That's fine.

9 MR. ARTIGLIERE: Let's go ahead and mark
10 these photographs as Defendant's Composite Exhibit
11 Number 5. Number 4. I'm sorry.

12 (Defendant's Composite Exhibit Number 4 was
13 marked for identification.)

14 MR. BETTS: Generally with respect to all
15 these documents attached, I obviously don't have any
16 objection to attaching to the deposition. I may well
17 have objections to relevancy of the documents.

18 MR. ARTIGLIERE: Yeah. Well, we'll talk
19 about those after we -- after this deposition as far
20 as admissibility and so forth.

21 Q. Were you given any other information other
22 than the information that you have described?

23 A. You mean printed information?

24 Q. Printed information.

25 A. I can't recall any other printed information.

1 Q. Okay. Did you familiarize yourself with the
2 Manatee County geographic area?

3 A. Yes, I did.

4 Q. What are the distinctive characteristics of
5 Manatee County from a standpoint of aesthetics,
6 quality of life, and community values?

7 A. Of course, Manatee County has a fairly
8 outstanding environmental, natural environmental,
9 setting which lends itself to tourism and, of course,
10 also a location for retirees in particularly seeking
11 this type of environment; and, of course, there are
12 other characteristics of the economy, of course, such
13 as its agricultural characteristics, the orange
14 groves, et cetera, but particularly in the urban
15 setting those are two of the things that are
16 particularly important, I think.

17 Q. How does this impact the attractiveness of a
18 community and economic viability of a community?

19 A. Well, tourists, the attraction of Manatee
20 County is its natural environment, its aesthetic
21 environment, and the same thing as a place to live.
22 To attract the type of individuals that the county is
23 trying to attract is evidenced in these various
24 documents that we have here.

25 The attractiveness of the community is vital

1 in this -- in the economy -- both in tourism and in
2 the other factors.

3 Q. How does -- how do those factors of
4 attractiveness and aesthetics effect the quality of
5 life for those who are living there and the value,
6 the economic value, of their investment?

7 A. Well, of course, they will -- it is my
8 contention and I think it will be borne out by the
9 facts in general planning practice that if the
10 community is attractive, particularly in this sort of
11 setting, this will lead to increased business,
12 increased standard of living and also the other
13 values that -- enjoyment of life, et cetera.

14 I was referring first really to just the
15 economic values involved, but there are many others
16 involved in here such as just having a pleasant place
17 in which to live and also a safe community to live in.

18 Q. How about land values?

19 A. Oh, yes, it would definitely affect land
20 values. An attractive community, of course, is what --
21 again if we have a viable tourism industry in Manatee
22 County, if we have increasing demand for dwellings in
23 Manatee County, this would very definitely,
24 positively affect land values and business, in
25 general.

1 Q. Now, from a standpoint of your experience in
2 the area of beautification and sign controlling, do
3 sign codes, in general, and regulation of temporary
4 and portable signs, in particular, do they affect the
5 factors that you are talking about here?

6 A. Oh, very definitely because signs have a
7 great impact, visual impact, in controlling visual
8 pollution in a community.

9 Q. Is that a consideration as far as from a
10 planning standpoint in a community?

11 A. Oh, very definitely.

12 Q. Okay. Explain to me how it's a
13 consideration and how a community would plan for
14 these types of things.

15 A. Well, again, Manatee County if I can refer
16 to them specifically when you read their planning
17 documents and their tourism promotion and so forth
18 that they are -- they are trying to now improve their
19 image to attract a kind of higher quality residential
20 development, to attract higher quality tourism
21 development and, of course, the aesthetic element is
22 an extremely important element in this.

23 So, therefore, having a sign code that will
24 control visual pollution in the community is a very
25 important element in this community values, economic

1 development, and other similar factors.

2 Q. And what type of impact would it have to not
3 have this type of regulation?

4 A. Well, you would have, of course, increased
5 visual pollution as you -- of course, some of the
6 signs show what you had before the sign ordinance was
7 passed, and this is the type of ugly commercial
8 strips which are certainly not conducive to these
9 values that we've been discussing.

10 Q. How about signs in rural areas away from
11 these commercial strips, would it have a similar
12 affect?

13 A. Oh, yes, and particularly it would have a
14 definite impact and I think one of the things from a
15 planning standpoint that you want to do is to try to
16 control the spread of these sorts of strips and in a
17 growing community, of course, if it's uncontrolled,
18 you will have this proliferation of ugliness, and
19 preventing this is a very desirable planning
20 objective.

21 Q. You have reviewed I believe you have
22 indicated the Manatee County sign code --

23 A. That's correct.

24 Q. -- is that correct? In your opinion does
25 the Manatee County sign code as it was adopted and as

1 it's set out, does that affect the aesthetic and
2 quality of life and factors and land values that you
3 have enumerated?

4 A. Oh, very definitely.

5 Q. And how does it do that?

6 A. Well, by cleaning up the visual environment,
7 making the community a more attractive place.

8 Q. How, in particular, does the regulation of
9 portable and temporary signs affect that?

10 A. Well, the portable signs are perhaps the
11 most obnoxiously ugly type of sign that there is and
12 where they're unregulated we find a great
13 proliferation of these. Also, you have, of course,
14 the nature of these things, the relatively frail
15 nature and temporary and portable nature of these
16 things makes them, well, not only visually unattractive
17 but unsafe and other negative characteristics such as
18 that, for example, they are susceptible to high winds
19 much more than a permanent sign.

20 Q. What -- now you say -- when you talk about
21 regulation of these signs, why would it be necessary
22 to ban them as opposed to regulate them?

23 A. Well, if you want -- in my professional
24 opinion, if you want to try to improve the visual
25 environment of the community, practically the first

1 thing you would do would be to ban portable signs as
2 being the most obnoxiously ugly element in the sign
3 environment, and it -- it is very difficult for me to
4 see how you could really clean up the visual
5 environment without banning portable signs.

6 Q. As far as permanent signs are concerned, are
7 there some of the permanent signs that are also
8 unattractive?

9 A. Yes. Yes. Of course, the sign code
10 eliminates some of the features which are again the
11 most unattractive features of permanent signs such as
12 the moving parts, the flashing lights, and also sets
13 standards, of course, for size and a number of other
14 aspects that do help clean up the signs.

15 Of course, I think we also -- the ordinance
16 does allow nonconforming -- certain nonconforming
17 permanent signs to remain until they are removed
18 which recognizes, I think, that you can't perhaps do
19 this overnight, but you're moving toward a
20 considerable cleanup of environment.

21 MR. ARTIGLIERE: That's all the questions I
22 have. I have one other question. Excuse me.

23 Q. In your opinion, looking at Manatee County
24 would allowing portable signs have a substantial
25 economic effect on the values of the property in

1 Manatee County?

2 A. Let me be sure I understand the question.
3 As I understand what you said was if they had not
4 banned portable signs would this have a negative
5 impact on property values?

6 Q. Assume that the sign code as it's been
7 adopted and as you have read it --

8 A. All right.

9 Q. -- could be enforced in that particular
10 manner that it's set out. Would that have an
11 economic effect on the land values in Manatee County?

12 A. If it was enforced as written.

13 Q. As written?

14 A. Oh, definitely, very definitely, because
15 again it would promote these values that I have
16 discussed.

17 Q. Would that be a substantial effect?

18 A. In my opinion, it would be a substantial
19 effect. Again, some of these values are somewhat
20 fragile, I suppose we would say, what attracts
21 tourism, et cetera, and the thing that -- one of the
22 things that can do the most to destroy tourism and
23 attractiveness to people coming in as a place to live
24 is an unattractive visual environment.

25 MR. ARTIGLIERE: No further questions.

LAW OFFICES

ICARD, MERRILL, CULLIS, TIMM & FUREN, P. A.

POSTAL DRAWER 4195

SOUTHEAST BANKING CENTER, SUITE 20

2041 MAIN STREET

920 MANATEE AVENUE WEST

SARASOTA, FLORIDA 33578

BRADENTON, FLORIDA 33505

(813) 366-6222

(813) 748-4924

JAMES E. AKER
JAMES W. CULLIS
MICHAEL L. FOREMAN
MICHAEL J. FUREN
THOMAS F. ICARD
WILLIAM W. MERRILL
STEPHEN D. REES
CURTIS J. TIMM

IN REPLY ADDRESS FIRM AT
SARASOTA OFFICE

CHARLES J. BARTLETT
F. THOMAS HOPKINS III
WILLIAM W. MERRILL III
ROBERT E. MESSICK
TROY H. MYERS
CHARLES J. PRATT, JR.
J. EDWARD WEBER
DAVID W. WILCOX

March 2, 1984

MAR 5 1984

Keith Roberts, Esq.
Manatee County Attorney
Manatee County Courthouse
Bradenton, FL 33505

COUNTY ATTORNEY

Re: National Advertising Company / Manatee County Sign Ordinance

Dear Keith:

As John Miller and I indicated to you and Larry Frazier during our last conference, National Advertising Company, and, we are quite sure, the Outdoor Advertising Industry as a whole, have many concerns about the current Manatee County Sign Ordinance and the proposed amendments to the Ordinance.

Although our client has many concerns about the Sign Ordinance, I have been asked to address only two (2) specific concerns at this time. These are the provisions for the so-called "off-site advertising sign-free areas" set forth in Section B.2.b. of the Ordinance and the "mandatory takedown provisions" contained in Section C.6.b.(2) of the Ordinance which require all legal non-conforming "off-site" signs to be removed by January 1, 1987.

In accordance with our discussions I have enclosed a brief analysis supporting our position that the "off-site advertising sign-free area" concept of the current Ordinance is facially invalid under the First Amendment Constitutional test enunciated by the United States Supreme Court in the San Diego decision and subsequently applied by the U.S. District Courts in several subsequent decisions.

I have also included a brief citation of authority supporting our position that even though the Manatee County Sign Ordinance contains an amortization provision delaying mandatory takedown of legal non-conforming off-site signs for a period of years this does not obviate the Federal and State law requirement that the sign owners be paid just compensation when their signs are involuntarily removed.

Hopefully, both of these complex issues will become moot if we are successful in our efforts to reach a mutually acceptable accommodation with the

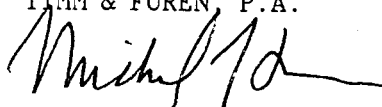
Keith Roberts, Esq.
March 2, 1984
Page 2

County. I am pleased, therefore, to enclose a memorandum prepared by John Miller of National Advertising Company outlining the details of our client's concern on these two points and containing a suggested compromise that will, if implemented, avert a confrontation with the County over the validity of the entire Sign Ordinance.

Please call me if you have any questions or need any additional information.

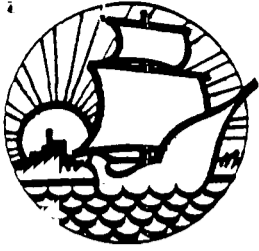
Cordially,

ICARD, MERRILL, CULLIS,
TIMM & FUREN, P.A.



Michael J. Furen


MJF:hr
Enclosure



MANATEE COUNTY GOVERNMENT

MEMORANDUM

TO: Manatee County Planning Commission and
Board of County Commissioners

FROM: Larry K. Frazier, AICP, APA, Director
Planning & Development Department 

SUBJECT: Amendment to the Manatee County Sign Ordinance

DATE: November 18, 1983

Since the major amendment to the Sign Ordinance was adopted on February 10, 1983, the staff of our department has been working on its implementation and, thereby, has had the opportunity to evaluate its effects on the community. During this time we have also received comments from interested citizens which have suggested changes to the Ordinance. As a result, we have identified several sections of the text which appear to need some refinements.

Toward this end, the following proposed amendments are being submitted to you for consideration.

Sign Area to Lot Frontage Ratio:

Section B (Specific Regulations), Subsection 1.b.3 (Dimensional and Locational Standards):

Proposed Change: Modify the provisions of the Ordinance so that sixty (60') foot high interstate oriented signs would be permitted within 600 feet of the limits of State of Florida restricted access areas to I-75 and I-275 rather than 600 feet from the interchanges themselves.

Background: Analysis of I-75 and I-275 interchanges in Manatee County revealed that interstate oriented signs are only permitted under the current Ordinance in areas where site access is prohibited. Thus, the regulations are overly restrictive and unrealistic.

Off-Site Advertising Sign-Free Areas:

Section B (Specific Regulations), Subsection 2.b (Off-site Advertising Sign-Free Areas):

Proposed Change: Expand the off-site advertising sign (e.g. billboards) free areas by adding the following road segments:

- U.S. 301 Relocated, southeast from U.S. 41 interchange and south to University Parkway

- U.S. 41 (West side), south from Bowlees Creek to Braden Avenue
- U.S. 41 (East side), south from Bowlees Creek to the southern line of S26-T35-R17
- I-75, south from the northern County line to University Parkway
- I-275, from U.S. 19 east to I-75.

Background: This proposed amendment was generated based upon requests from concerned citizens. Interstates 75 and 275 were inadvertently left out when the Board initiated these amendments. However, they too, were generated by concerned citizens and seems appropriate at this time.

Temporary Signs:

Section B (Specific Regulations), Subsection 3.a.(3) (Other Signs).

Proposed Change: Remove reference to the Board of County Commissioners and substitute with the Director.

How to Apply for Sign Permits

Section C (Administration), Subsection 3.b (Information to Include):

Proposed Change: Change application procedures to require Certified Engineering Specifications for all free-standing signs over ten (10') feet rather than the present requirement of twenty-four (24') feet in height.

Background: This amendment was brought about as a result of safety concerns. For example, a twenty-four (24') foot sign is equal in height to a two story building. Signs over ten (10') feet should have structural properties which can resist wind loads.

Penalties for Violating the Ordinance:

Section C (Administration), Subsection 7.a.(1) (Citation of Violation) and Subsection 7.a.(2) (Referral to State's Attorney):

Proposed Change: Change abatement period for violation from fourteen (14) days to five (5) working days. Remove reference to State's Attorney and substitute with Manatee County Code Enforcement Board.

Background: It has been found that fourteen (14) days is an impractical length of time given the nature of many violations which are transient in nature. The Code Enforcement Board is now taking over enforcement activities previously relegated to the State's Attorney. The Ordinance was drafted before the Code Enforcement Board was activated.

Page 3

Section C (Administration), Subsection 7.b.(1) (Citation of Violation):

Proposed Change: Remove reference to State's Attorney and substitute with Manatee County Code Enforcement Board.

Background: As Above.

LKS:BJS:hhv

cc: Robert Fernandez, County Administrator
Keith F. Roberts, Acting County Attorney

b. Dimensional and Locational Standards:

COMMERCIAL, INDUSTRIAL
PR, PDC, PDI DISTRICTS
PDR-COMMERCIAL

	<u>Expressway and Arterial</u>	<u>Major Collector and Rural Thoro</u>	<u>Minor Collector and Local Street</u>
<u>FREESTANDING OR PROJECTING SIGNS</u>			
Abutting Road Frontage	150 ft. more than or less 150 ft.	150 ft. more than or less 150 ft.	
Max. Area Per Premises 1	150 s/f 300 s/f	100 s/f 200 s/f	32 sq ³ ft.
Max. Height 2	20 ft. 3 30 ft. 3	20 ft. 3 30 ft. 3	10 ft.
- streetline	12 ft.	8 ft.	5 ft.
- side and rear property line	5 ft.	5 ft.	5 ft.
<u>WALL SIGNS</u>			
Max. Area Per Premises	500 s/f	300 s/f	100 s/f
Max. Height	45 ft.	30 ft.	15 ft.

- Any establishment having less than 150' of road frontage cannot exceed 150 square feet on an arterial or 100 square feet on a major collector. Total sign area may be increased by one (1) square foot for each additional three (3) feet of road frontage over 150 feet. Total sign area shall not exceed 300 square feet for an arterial or 200 square feet for a major collector or rural thoroughfare in any circumstance. Parcels adjacent to more than one street (corner lots) shall have sign area calculated per street frontage provided that the total sign area per parcel does not exceed 300 square feet.

For Example:

Arterial Road Frontage = 300'

$300' - 150' = 150' \div 3 = 50'$ (additional square feet) + 150' = 200 square feet allowed sign area (100 square feet per side).

Major Collector Frontage = 200'

$200' - 150 = 50' \div 3 = 17'$ (additional square feet) + 150 = 167 square feet allowed sign area (83 square feet per side).

- All signs qualifying for and utilizing additional sign area shall be constructed at no less than thirty (30) feet in height.

3. ~~Signs within 600 feet of an Interstate Highway interchange~~ and oriented toward the an Interstate may be up to sixty (60) feet in height. if located within 600 feet of the centerline of the intersecting thoroughfare and no further than 600 feet from the end of the State of Florida restricted access area.

AGRICULTURAL, RESIDENTIAL, PDR-RESIDENTIAL
VILLAGE DISTRICTS (IDENTIFICATION ONLY)

Max. Area Per Premises	32 sq. ft.
Max. Height	10 feet
Min. Street Setback	5 feet
Other Min. Setbacks	5 feet

- (c) Area to Frontage Ratio: All permitted wall sign area dimensions shall be determined by the linear road frontage abutting property multiplied by two (2). Wall signs shall not be permitted to exceed maximum area standards listed in Table b, page 16. This calculation of wall sign area shall be applied to both freestanding commercial establishments and multiple-occupancy shopping centers.

d. Signs for Particular Uses

(1) One Family, Two Family, and Mobile Home Dwellings

No permanent on-site signs except as exempted in Sec. A.3, or as may be allowed by a Conditional Permit pursuant to the Manatee County Zoning and Land Development Code.

(2) Multiple Occupancy Situations (this includes shopping centers and commercial activity centers).

(a) Permitted Signs:

- one freestanding or wall sign per frontage for each premises, (this may be a Combination Sign); (Commercial establishments not joined by a common wall shall be permitted separate freestanding signs); plus
- one wall sign for each establishment based upon commercial frontage.

All freestanding and wall sign dimensions for multiple occupancy situations shall be calculated based upon Section B.1.b, Dimensional and Locational Standards.

2. PERMANENT OFF-SITE SIGNS

a. Dimensional & Locational Standards

Zoning Districts Where Permitted:	ADVERTISING SIGNS	DIRECTIONAL SIGNS
	C-1, C-2, M-1, M-2	All except Village, A-1
Max. Height	30 ft.*	**
Min. Streetline Setback:	15 ft.	**
Min. Property Line Setback:	15 ft.	**
Min. Spacing:	1000 ft.	500 feet
Max. Sign Area:	400 sq. ft.	<u>16</u> sq. ft.
Permitted Sign Types:	Freestanding; Wall	Freestanding
Max. Signs per establishment Giving Directions	-	2

*One additional foot for each two additional feet over minimum streetline setback, to a maximum of 40 feet.

**See paragraph 1.b.

b. Off-site Advertising Sign-Free Areas

The following major thoroughfares shall be sign-free areas from which no off-site advertising sign shall be visible; (directional signs shall be permitted in these sign free areas):

- U.S. 19, South from Hillsborough County line to the ~~Palmetto City limits~~, intersection of U.S. 41.
- S.R. 64. East from the Bradenton City Limits to S.R. 675.
- 26th St. W. South from the Bradenton City Limits to Sarasota Bay.
- Manatee Ave. W., (S.R. 64), West from the Bradenton City Limits (34th St. W.) to Holmes Beach City Limits.
- DeSoto Memorial Hwy (75th St. W.), North from Manatee Ave. W. to the Manatee River.
- Palma Sola Blvd., South from Manatee Ave. to Cortez Rd.
- Palmetto Business 41, South from U.S. 41 to the Palmetto City Limits.
- U.S. 301, East from 24th Ave. East in Ellenton to S.R. 675.

- Cortez Road, East from Bradenton Beach City Limits to 14th St. W.
- U.S. 41, South from 30th Avenue to Cortez Road, then West along Cortez Road to 14th Street West.
- 53rd Ave., From U.S. 301 West to 75th St. West.
- S.R. 70, From U.S. 301 East to S.R. 675.
- Moccasin Wallow Road, East from U.S. 41 to U.S. 301
- County Line Road, East from U.S. 301 to western line S31-T35-R19
- U.S. 301 Relocated, southeast from U.S. 41 interchange and south to University Parkway.
- U.S. 41, West side, south from Bowlees Creek to Braden Avenue.
- U.S. 41, East side, south from Bowlees Creek to the southern line of S26-T35-R17.
- I-75 south from the north County Line to University Parkway.
- I-275, from U.S. 19 east to I-75.

c. Miscellaneous Standards for Off-Site Signs

- (1) Additional Directional Signs Allowed At Intersections. In addition to signs listed in Table 3, up to two (2) off-site directional signs may be erected within 200 feet of the intersection of two arterial or expressway thoroughfares.
- (2) Traffic Hazards. The orientation and location of off-site signs shall not obstruct necessary sight distances along curves or at intersections.
- (3) Distance from Certain Uses. Off-site advertising signs shall not be closer than 200 feet in any direction to any of the following:
 - railroad intersection
 - intersection of two major thoroughfares
 - residential, village, or PR zoning district
 - residential, institutional, or community service use
 - historic site or landmark.

3. TEMPORARY SIGNS

A. Types of Permitted Temporary Signs

In addition to any other signs permitted under this ordinance, the following temporary signs may be permitted:

- (1) Grand Opening Signs. On-site signs announcing the grand opening of a premises or establishment.
- (2) Signs Pending Placement of Permanent Signs. On-site signs erected and displayed pending the placement of permitted permanent signs.
- (3) Other Signs. Other similar on-site signs approved by ~~resolution of the Board of County Commissioners~~ the Director.

b. Locational and Dimensional Standards

Temporary signs may be permitted for on-site use only, as follows:

Max. Number of signs:	1 per premises
Max. Permit Duration:	1 month
Max. Permit Frequency:	1 per calendar year
Max. Area:	32 sq. ft.

c. Conditions May Be Placed on Permits

The Director may place such conditions as he may reasonably require upon permits for temporary signs, in order to ensure that no hazards will be created.

d. Portable Signs and Changeable Copy Signs Prohibited

No portable sign or changeable-copy temporary sign shall be erected or displayed in Manatee County.

e. Conversion of Temporary Signs into Permanent Signs

Temporary signs (including portable signs) may be converted into Permanent Signs to be used for any purpose permitted by this ordinance in accordance with the following requirements:

- (1) Standards And Procedures Shall Apply. All standards and procedures ordinarily applying to erection of new permanent signs shall apply to conversion of signs, including all permit requirements.
- (2) Trailer Frames and Legs Must be Removed. All exposed trailer frames, legs, service walkways, etc. shall be removed.

SECTION C: ADMINISTRATION

1. ADMINISTRATIVE RESPONSIBILITY

The Director of the Department of Planning and Development or his designee shall be responsible for the administration of this ordinance, in coordination with other applicable County department.

2. PERMITS ARE REQUIRED

Sign Permits shall be required for the erection or display of all signs and for the conversion of temporary signs into permanent signs except signs exempted under Sec. A.3. Temporary Sign Permits shall be required for all temporary signs.

3. HOW TO APPLY FOR SIGN PERMITS

a. Application Procedure

Sign permit applications shall be filed with the Director on forms furnished by the County, together with the applicable fee, written consent from the property owner where the sign is to be located, and copies of any applicable state permits or applications.

b. Information to Include

The application shall include the following:

- Address and legal description;
- A complete sign description and drawings to scale (this includes the sign message type and construction type, foundation, area, height, clearance, setbacks, spacing, dimensions, and property lines);
- Description of any illumination used.
- Certified Engineering Specifications for all signs free-standing signs over 24 10 feet in height.

c. Signs Proposed With Special Permits

The information in paragraph b. above, shall also be required for any Special Permit which includes a sign.

d. Standard Plans May Be Used

Standard plans for any sign type previously approved by the Director may be referenced in lieu of the above submission requirements.

e. Permit Effectiveness and Validity

Sign Permits shall not become effective until a sign permit has also been obtained from the Florida Department of Transportation

- (3) Legal non-conforming temporary signs may continue to be displayed for a period of not over thirty days after the effective date of this Ordinance.

c. Alterations to Legal Nonconforming Signs

Permitted alterations:

- Message changes on permanent off-site advertising signs and changeable copy signs;
- Minor repair and reconstruction after damage;
- Other alterations which do not enlarge or prolong the life of the sign.

Prohibited Alterations (unless the sign is brought into conformity with this Ordinance):

- increases in sign area;
- re-erection or relocation of the sign;
- alterations which prolong the life of the sign;
- changes to another sign type or message type.

7. PENALTIES FOR VIOLATING THIS ORDINANCE

Violation of this Ordinance shall be punishable as provided by general law. Each day of violation shall be considered a separate offense.

a. Regulatory Violations

Where any regulatory provision of this Ordinance is violated, the following procedures shall apply:

- (1) Citation of Violation. A citation of violation shall be served upon the violator citing him with the section or portion of this ordinance for which the violation is alleged and permitting ~~14~~ 5 working days within which to abate the violation.
- (2) Referral to ~~State's Attorney~~ for Enforcement. If the violation is not abated within ~~14~~ 5 working days, the matter shall be referred, in the Director's discretion, to either the office of the State's Attorney or the Manatee County Code Enforcement Board for action.

b. Prohibitory Violations

Where any prohibitory provision of this Ordinance is violated, the following procedures shall apply:

- (1) Citation of Violation. A citation of violation shall be served upon the violator citing him with the section or portion of this Ordinance for which the violation is alleged and permitting 72 hours within which to abate the violation. If the violation is not abated within 72 hours, the matter shall be referred, in the Director's discretion to the Office of the State's Attorney or the

JAMES M. WALLACE
ATTORNEY AND COUNSELLOR AT LAW

420 Old Main Street
(Formerly 12th Street West)
P.O. Box 1889
Bradenton, Florida 33506

Area Code 813
Phone 746-7157

December 8, 1983

Manatee County Board of
County Commissioners
Bradenton, Florida

Re: Proposed Amendment to the Manatee
County Sign Ordinance (No. 83-40)

I represent Eldon Lindsey and Florida Outdoor Advertising Inc., and we approve the amendment to section B., subsection 1.b.3 related to interstate signs.

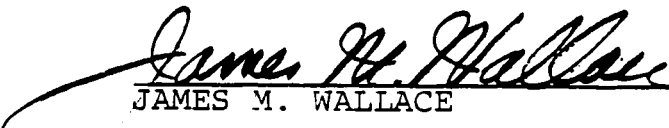
We strongly object to the expansion of the off-site advertising sign free areas as proposed in subsection 2.b. Persons driving along major highways should be, and have the right to be informed about products and services in Manatee County and other areas. Without the billboard advertising, drivers and other passengers will pass through Manatee County and not even know anything is there such as fine beaches, the Bishop Planetarium, and the new motels to be constructed as well as our Convention Center.

The County Commissioners have enacted a substitute tourist tax which is devoted to attracting tourists and others to Manatee County. Yet, we are proposing to legislate away the advertising along our main highway that will get the tourists to stop here. This is totally inconsistent.

The amendment to section C changing the abatement period to 14 days instead of 5 days is uncalled for. Why try to be tougher? It takes time to make corrections, and 5 days is frequently not enough to get mail and notices to the right persons to do it. Give people a break, not a stronger kick.

I will appreciate you considering my comments.

Sincerely,


JAMES M. WALLACE



SEP 29 1983

Board of County Commis
MANATEE COUNTY

Florida House of Representatives

Tallahassee

Bob Johnson
Representative, 70th District

Reply to:

- 27 South Orange Avenue
Sarasota, Florida 33577
(813) 363-4628
Suncom 552-7068
- 302 House Office Building
Tallahassee, Florida 32301
(904) 488-9880

Committees

Finance & Taxation
Education, K-12
Judiciary

Growth Management (Select)

September 26, 1983

The Honorable Edward W. Chance
Chairman
Manatee County Commission
POB 1000
Bradenton, Florida 33506

Dear Ed:

If not already in place, I would respectfully suggest that your organization take steps to establish zoning which would effectively control visual pollution along I-75 - and yes, if possible, along its approaches, as well.

At present, the road presents the Florida scene as it should be presented - au natural. Let's hope that we can maintain this appearance.

Thank you for your interest and consideration.

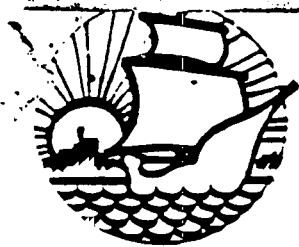
Very sincerely,

A handwritten signature in black ink, appearing to be "Bob Johnson", written over the typed name.

Bob Johnson
State Representative
District 70

BJ:DJ

P.S. Personally, I'm in favor of any beautification measures which might enhance the various approaches to the highway and I'm hopeful that the DOT may be able to help beautify - with your help - portions if not all of the main right of way.



10/7/83

Commissioner Chance

As you requested

Jay Boyer

October 7, 1983

Mr. Bob Johnston
State Representative
District 70
Florida House of Representatives
27 South Orange Avenue
Sarasota, Florida 33577

Dear Bob:

Thank you for your letter of September 26, 1983 relative to controlling visual pollution along I-75. For your information the Board of County Commissioners initiated an amendment to our Sign Ordinance which would provide for a sign free area along I-75 if approved after a public hearing.

It is estimated that it will be about two months before an amendment to the Sign Ordinance can be put in place to add this section of I-75 to the Code. As you can see Manatee County is aware of the potential visual pollution problem and has taken appropriate steps to deal with it.

Sincerely yours,

Edward W. Chance
Chairman

EWC/vc

cc: Bob Fernandez, County Administrator
Larry K. Frazier, Director of Planning

PATRICK K. NEAL
& Associates, Inc.

RECEIVED
SEP 22 1983

Board of County Commissioners
MANATEE COUNTY

P.O. Box 500
Longboat Key, Florida 33548
(813) 756-0677

September 22, 1983

The Hon. Edward Chance, Chairman
Manatee County Board of County
Commissioners
P. O. Box 1000
Bradenton, Fl. 33506

Show
Larry Frazier

Dear Eddie:

As I may have mentioned to you, I feel that Manatee County has a chance to improve the visual image of its highways and particularly those under the study of the Southeast Sector.

It would be my hope that we can set a different (and higher quality) standard for the southeastern part of Manatee County to assure that we have signage controls, highway setbacks, controls on curb cuts, and other mechanisms to improve the visual aesthetics of our streets and highways in Manatee County.

A good step would be to include the new section of U. S. 301 (from Sarasota all the way to Bradenton, and including the unbuilt section) in the area for controlled signage. Already there are three signs up, and they have diminished just a little bit the beauty of that highway by going through undeveloped portions of Manatee County which we hope will attract clean, light, aesthetically-pleasing industry.

I hope the Commission will give the Planning Department authority today to proceed with adopting an ordinance including new U. S. 301 in the area for restricted signage.

Cordially,

Pat

Patrick K. Neal
ab

PKN/slh

cc: The Hon. Westwood Fletcher, Jr.
The Hon. Patricia M. Glass
The Hon. Kent Chetlain
The Hon. Vernon E. Vickers

Auk

FILE

PATRICK K. NEAL
3701 CORTEZ ROAD WEST
BRADENTON, FLORIDA 33507

July 19, 1983

COUNTY

The Honorable Edward W. Chance
Chairman, Manatee County Commission
P. O. Box 1000
Bradenton, Florida 33506

AUG 3 1983
S/Boo/you
ADMINISTRATIVE

Dear Ed:

I noticed yesterday the appearance of the first billboard on the new section of U. S. Highway 301 between Bradenton and Sarasota.

The drive is otherwise a beautiful drive. As you know, the new section of U. S. Highway 301 passes through Manatee County's growing industrial area, but most of the property along the right of way is undeveloped and in its natural state.

It looks to me like almost everything is going well for Manatee County. We are attracting jobs of the kind that we need; our county is considered exceptionally well-governed (especially when compared to the neighboring counties to the north and south); our economy seems to be growing; and the development being conducted in Bradenton is substantially better than it was just a few years ago.

One of the few things that Manatee County's atmosphere has lacked has been visual control of our highway rights of way that people say Sarasota County has been able to encourage. One of the greatest reasons has been our lack of sign control, which has been something that we are working on . . . and successfully . . . through the efforts of the Commissioners, the Planning and Development Department, and interested citizens.

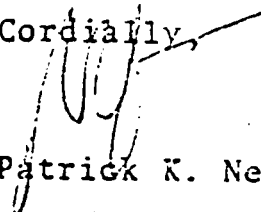
We now have a mechanism for control of our arterials which is in place for most of the major highways in our county. I believe the new section of Highway 301 was overlooked because it was only under construction when the sign ordinance was adopted.

The Honorable Edward W. Chance
Page Two
July 19, 1983

I hope you will consider adoption of the new portion of U. S. 301 as a sign-free area similar to the other major thoroughfares which we have. I hope that it can be done soon before the neighborhood is covered with signs.

am With my warm regards, as always, I

Cordially,


Patrick K. Neal

PKN/slh

cc: Mr. Larry Frazier
Manatee County Planning Dept.

Mrs. Patricia Ellis
5916 Shore Acres Dr., W.
Bradenton, Fl. 33505

SIGNS

MAGEE SIGN SERVICE

4416 22nd Avenue West
Bradenton, Florida 33529
(813) 794-3747

December 5, 1983

Mr. Edward W. Chance, Chairman
Manatee County Commissioners
Bradenton, Florida

Subject: Proposed amendments to the Manatee County
Sign Ordinance (no83040)

Section C (administration), Subsection 3.b

I can understand the concern over the safety of a sign support structure. However to require that each sign with a height of 10 feet have an engineers seal on it is adding a considerable cost to the price of a small sign that the end consumer will have to be charged. For example in the past when we have had to have this done the cost for such runs between \$400.00 and \$500.00.

I would suggest that rather than require a seal on signs under 24 feet in height that you adapt a standard that sign structures must withstand a wind loading of ??????? (whatever you decide). All signs that we design and sell the structure is rated at a 33 psf wind load which is a 100 mph wind.

Enclosed you will find copies of the structure wind load charts which we use and the Counties Plans Examining Department has been furnished copies of these.

By using this method the County could enforce the safety of the structure and not add to the cost of a sign. I urge that this method be considered.

You might also consider requiring that all sign companies operating within Manatee County be licensed and that only a sign company be allowed to apply for a sign permit. This would give you another control on safety whereby if they did not conform the license could be revoked.

Sincerely yours,

C Wayne Magee
C. Wayne Magee, owner

✓ cc Larry K. Frazier, Director, Planning & Development

RECEIVED
10:05
DEC 6 1983
Planning & Development

SINGLE POLE GUIDE

1-1-76

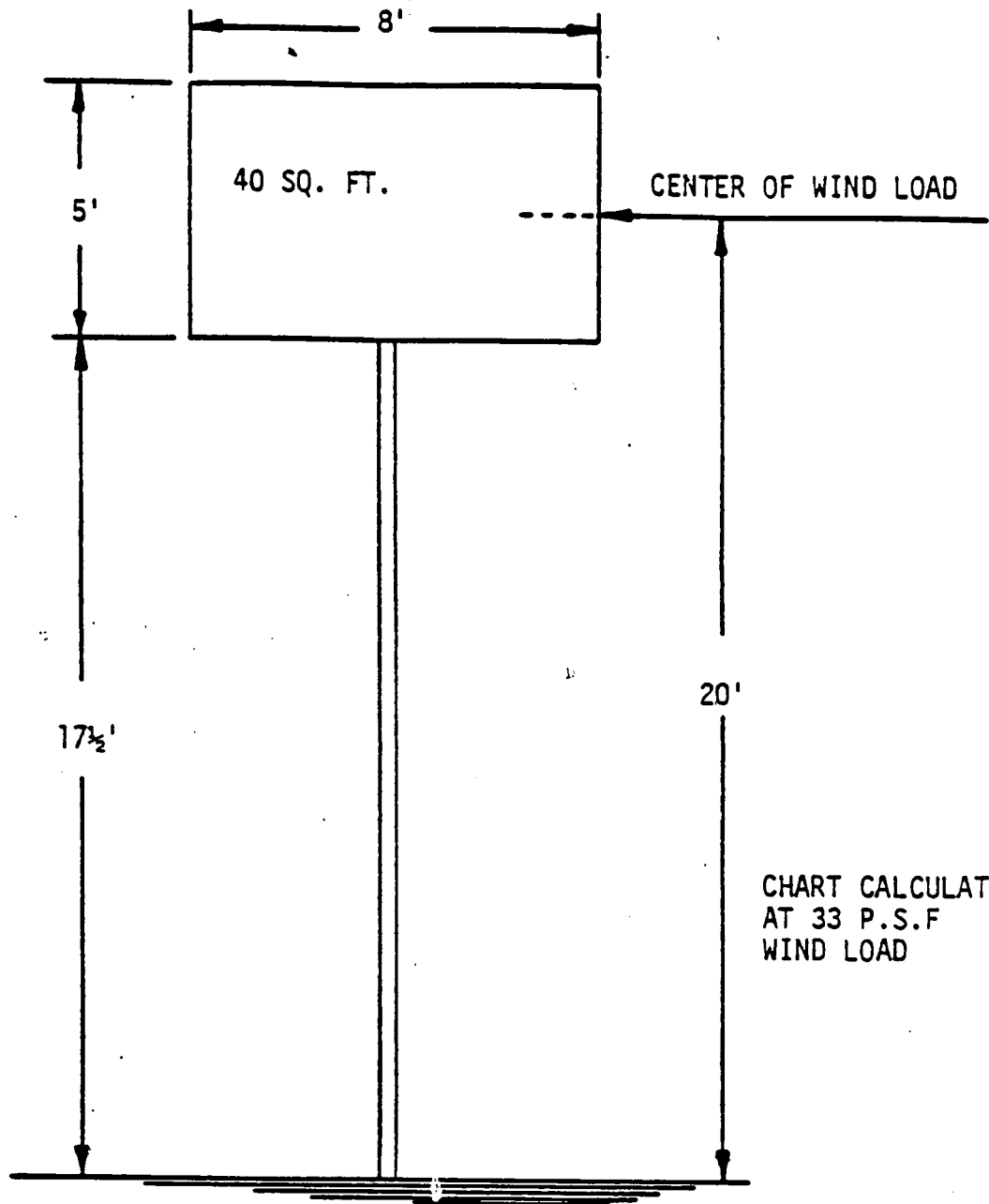
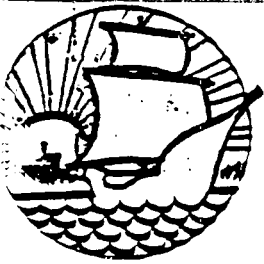


CHART CALCULATED
AT 33 P.S.F
WIND LOAD

HEIGHT TO CENTER OF WIND LOAD

		15	20	25	30	35	40	45	50	55	60
SQUARE FOOTAGE OF SIGN	24	5	6	6	6	6	8	8			
	32	5	6	6	6	8	8	10			
	48	6	8	8	8	10	10	12			
	60	6	8	8	10	10	12	14	14		
	MAX. 75	8	8	10	10	12	14	16	16	16EH	16EH
	100	8	10	14	14	14EH	14EH	16	16EH	16EH	18
	125	10	14	14EH	16	16	16	18	18	18	20
	150	12	14	14EH	16	16	18	18EH	20	20EH	20EH
	175	14	14EH	16	16	18	18EH	18EH	20	20EH	20EH
	200	14	14EH	16	16	18	18EH	18EH	20EH	20EH	24
	225	14EH	16	16	18	18EH	18EH	20EH	20EH	24	24EH
	250		18EH	18	18	18EH	20EH	24	24EH		
	275			18EH	20	20					

SCHD 40, BLACK, P.E.



Comm. file ~~2005090000~~

MANATEE COUNTY GOVERNMENT

December 9, 1983

Mr. C. Wayne Magee
Magee Sign Service
4416 - 22nd Avenue West
Bradenton, Florida, 33529

Dear Mr. Magee:

I have reviewed your letter of December 5, 1983, to Commissioner Chance on the subject of the proposed amendments to the Manatee County Sign Ordinance and offer the following comments:

Although you are correct in stating that a standard that sign structures must withstand a wind loading of X M.P.H. would result in attaining the desired safety goal, it would also mean, in effect, that this Department would be responsible for reviewing any submitted plan to assure that the structure would, in fact, withstand a wind loading of X M.P.H.; whereas, if such plan were "sealed" by a State Registered Professional Engineer, then he (or she) would be responsible. If the sign industry were to provide us with a chart signed and sealed by a State Registered Professional Engineer, indicating sign structures (including foundations) required to withstand a 120 M.P.H. wind (in this area, approximately equivalent to a 100-year storm), which could be used by us to check sign plans submitted for approval, then we could dispense with the "sealing" requirement of the proposed Ordinance amendment.

However, the charts submitted by you are neither signed nor "sealed" by a Professional Engineer (although someone has written in "Blake - P.E.") and do not indicate what wind velocity is being used as a design parameter (although 33 P.S.F. apparently approximates the loading of a 120 M.P.H. wind mentioned above). Also the charts do not show any sign-pole foundations needed to support the load; nor do they specify exactly what the various numbers in the center of the chart represent, although the written notation "Schd 40 pipe" seems to point to required pipe diameters.

In closing it should be noted that "flying" signs or sign parts can be lethal hazards during a storm.

Your interest in the County Sign Ordinance is appreciated.

Very truly yours,

Larry E. Frazier, AICP, APA
Director

cc: Commissioner E. W. Chance

LKF/AC/smc



MANATEE COUNTY

BOARD OF COUNTY COMMISSIONERS

December 7, 1983

C. Wayne Magee, Owner
Magee Sign Service
4416 22nd Avenue West
Bradenton FL 33529

Dear Mr. Magee:

I appreciate your taking the time to write us regarding the proposed amendments to the Manatee County Sign Ordinance. Your letter will be routed to the other Commissioners for their review and entered into the record.

I will ask Larry Frazier, Director of Planning & Development to respond to your letter. He is the most qualified to answer your letter.

Sincerely,

Ed Chance

EDWARD W. CHANCE
Chairman

EWC:bt

2:20
DEC 9 1983