

Section 12.1

OUTDOOR ADVERTISING SIGNS

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Section 12.1

OUTDOOR ADVERTISING SIGNS

PURPOSE

This section provides guidance for the purchase, re-establishment or relocation of Outdoor Advertising (ODA) signs located on right of way to be acquired.

AUTHORITY

Section 20.23(4)(a), Florida Statutes
Section 334.048(3), Florida Statutes

SCOPE

District and Central Offices of Right of Way will use this procedure.

REFERENCES

Chapter 479, Florida Statutes
Rule Chapter 14-10.004, Florida Administrative Code
Section 337.25, Florida Statutes
Section 337.27, Florida Statutes

DEFINITIONS

Conforming Outdoor Advertising Sign: A conforming Outdoor Advertising (ODA) sign is one that conforms to current land use, setback, size, spacing and lighting provisions of state or local law, rule, regulation or ordinance.

Legally Non-Conforming Outdoor Advertising Sign: A sign which was lawfully erected but does not comply with current land use, setback, size, spacing and lighting provisions of state or local law, rule, regulation or ordinance.

Relocation: In the context of this section, relocation shall mean the moving of a non-conforming outdoor advertising sign pursuant to the requirements of **Section 12.1.4**.

Re-Establishment: In the context of this section, re-establishment shall mean the moving of a conforming or non-conforming ODA sign to a conforming permitted location.

Variance: Permission granted by a local government to depart from the literal requirements of an ordinance enacted by that local government.

12.1.1 Coordination with Outdoor Advertising Control

As early as possible after an Outdoor Advertising (ODA) sign is identified within right of way to be acquired, the District shall contact Outdoor Advertising Control (OAC) and request a determination as to whether the sign is conforming or non-conforming and whether the sign is located on the Federal Aid Primary (FAP) or Interstate Highway systems. When making this request the District must provide the ODA number(s) from the permit tag(s) on the ODA structure or adequate location information to identify the sign. Additionally, the District must provide the county property appraiser's tax identification/folio number for the property on which the sign is located. Within ten (10) business days after receipt of a request for a determination, the OAC shall provide district:

- (A) The current conformity status;
- (B) The system on which the sign is located;
- (C) A determination as to whether non-conformity results from the Federal/State Agreement for Highway Beautification, and
- (D) Other pertinent information, if any, concerning the ODA sign.

12.1.2 Outdoor Advertising Sign Acquisition

12.1.2.1 Outdoor Advertising (ODA) signs to be purchased shall be acquired in compliance with this manual. Within 30 days after closing or Order of Taking deposit for the ODA sign, or after expiration of any extended possession, the District must provide Outdoor Advertising Control with the ODA permit tag(s), when obtainable, and a completed **Form No. 575-070-12, Outdoor Advertising Permit Cancellation Certification**.

12.1.2.2 The cost to acquire a non-conforming outdoor advertising sign is the responsibility of the local government where relocation, pursuant to **Section 12.1.4**, cannot be accomplished due to the failure of the local government to grant a variance to its ordinance prohibiting relocation. In these cases, the local government may be named in the Department's eminent domain suit.

12.1.3 Re-Establishment

12.1.3.1 Outdoor Advertising signs, either conforming or non-conforming, may be re-established at conforming locations. Proposed sites must be reviewed by Outdoor Advertising Control to ensure the new sign site can be permitted. The Department will be responsible for compensating the sign owner for the reasonable costs for re-establishment. Reasonable costs shall be negotiated based on move estimates. Re-establishment costs, not to exceed the fair market value of the sign, will be paid through acquisition pursuant to a purchase agreement **Form No. 575-030-07, Purchase Agreement**.

12.1.3.2 For all re-established signs, whether conforming or non-conforming, the sign owner is required to obtain a new permit, **Form No. 575-070-30, Outdoor Advertising Permit**, for the new site pursuant to **Rule Chapter 14-10.004, Florida Administrative Code**. The sign owner must also provide a completed **Form No. 575-070-12, Outdoor Advertising Permit Cancellation Certification**, and surrender or account for the ODA permit tags for the originally permitted sign.

12.1.3.3 For signs re-established as the result of the Department's acquisition, if the existing ODA permit is in an active status, no additional fee for re-establishment will be required.

12.1.4 Relocating Non-Conforming Outdoor Advertising Signs

12.1.4.1 Non-conforming Outdoor Advertising (ODA) signs may be relocated provided:

- (A) The sign is not located within the City of Lakeland or Duval County.
- (B) The sign's non-conforming status does not result from the Federal/State Agreement for Highway Beautification as determined by the Outdoor Advertising Control.
- (C) Both the Department and the sign owner agree to relocation.
- (D) The sign can be relocated adjacent to the new right of way along the roadway within 100 feet of its current location.
- (E) The sign owner obtains written permission to relocate the sign from the owner or other person in lawful possession or control of the new site.
- (F) The proposed relocation site is not zoned for residential use.
- (G) The relocation complies with applicable state and local setback requirements.

- (H) There are no local government ordinances prohibiting the sign from being relocated, or a variance can be obtained allowing relocation of the sign.
- (I) The face of the relocated sign will not be increased in size or height, or structurally modified in a manner inconsistent with the current building codes of the jurisdiction in which the sign is located. Modifications required by local regulations or building codes pertaining to safety standards for construction methods or materials will be allowed.
- (J) Federal authorization has been obtained for relocations on the Federal Aid Primary (FAP) or interstate systems. Requests for authorization must be provided to Outdoor Advertising Control (OAC). The Director, Office of Right of Way, may authorize relocations on the FAP system pursuant to delegated federal approval. Relocations on the Interstate system require authorization by FHWA. Within ten (10) business days after a decision by the Director, Office of Right of Way, or FHWA as appropriate, OAC shall notify the affected District of the decision. The District shall make no representation to an ODA sign owner regarding relocation of a non-conforming ODA sign until the necessary approval has been received.

12.1.4.2 If any of the conditions detailed in **Section 12.1.4.1** cannot be achieved as they apply to a particular non-conforming outdoor advertising sign, the sign cannot be relocated but must be purchased pursuant to **Section 12.1.2**.

12.1.4.3 Prior to relocation, the sign owner and the Department shall enter into a written agreement specifying the terms, conditions and responsibilities of the Department and sign owner relating to the relocation using **Form No. 575-030-07, Purchase Agreement**. The following must be attached to the agreement:

- (A) An addendum to the agreement stating that all of the conditions outlined in **Section 12.1.4.1** have been met;
- (B) The information on page one of **Form No. 575-070-04, Application for Outdoor Advertising Permit**,
- (C) A sketch of the proposed sign location, and
- (D) A photograph of the proposed sign location with markings showing where the sign is to be constructed and its relationship to surrounding vegetation.

12.1.4.4 The cost to relocate a non-conforming, Outdoor Advertising sign must be paid by the sign owner.

12.1.4.5 Within ten (10) business days after execution of the agreement in **Section 12.1.4.3**, the District shall provide Outdoor Advertising Control a copy of the executed agreement with attachments for its files.

12.1.5 Illegal Outdoor Advertising Signs

If an outdoor advertising sign is determined to be illegal by Outdoor Advertising Control (OAC), OAC shall commence the necessary activities to have the sign removed. No payment is required for illegal outdoor advertising signs.

TRAINING

Central Office will provide training to all districts as necessary.

FORMS

The following forms are available on the Infonet and Internet:

- Form No. 575-030-07, Purchase Agreement
- Form No. 575-070-04, Application for Outdoor Advertising Permit
- Form No. 575-070-12, Outdoor Advertising Permit Cancellation Certification
- Form No. 575-070-30, Outdoor Advertising Permit