

Ordinance Number 2018-07

AN ORDINANCE OF WALTON COUNTY, FLORIDA, AMENDING CHAPTER 7 OF THE WALTON COUNTY LAND DEVELOPMENT CODE AND ADOPTING TOURIST ORIENTED DIRECTIONAL SIGNS (TODS); SETTING FORTH THE AUTHORITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizens; and

WHEREAS, the Board of County Commissioners wishes to assist family-oriented businesses within Walton County which receive a major portion of income and visitors from people who do not live in the immediate area including, but not limited to, recreational activities, eateries offering local cuisine, retail markets, galleries, and like businesses; and

WHEREAS, the Board of County Commissioners finds that Tourist-Oriented Directional Signing (TODS), which is a statewide policy is available in the Florida Administrative Code 14-51, Part VI, under Tourist-Oriented Directional Signs, will assist people in being advised of, locating and finding such family-oriented business in Walton County; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Walton County Planning Commission and Board of County Commissioners have held public hearings with due public notice and received public comments concerning the subject of amending the Land Development Code; and

WHEREAS, after due public notice having been provided, the Walton County Planning Commission held a public hearing on January 11, 2018 and the Walton County Board of County Commissioners held a first reading public hearing on February 13, 2018 and held an adoption public hearing on February 27, 2018 to consider the adoption of the proposed amendment to its Land Development Code, in accordance with Section 163.3184, Florida Statutes; and

WHEREAS, the Walton County Board of County Commissioners considered all oral and written comments received during such public hearings, including the data and analyses provided for this amendment, the recommendations of the Planning Commission; and

WHEREAS, this ordinance shall be considered a final order as required in Section 10.03.03 of the Walton County Land Development Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Walton County, Florida, as follows:

SECTION I. PURPOSE AND INTENT.

This Ordinance is hereby enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended.

SECTION II. Program Implementation.

The Board of County Commissioners hereby adopts and establishes the Tourist Oriented Directional Signs (TODS) program as more fully described by Florida Administrative Code 14-51, Part VI, within Walton County, Florida, and authorizes the placement of appropriate signage in accordance therewith.

SECTION III. General Criteria.

The Walton County Land Development Code is hereby amended as follows:

(Additions are underlined, deletions are ~~strikethrough~~)

7.03.06 FDOT Tourist-Oriented Directional Signs (TODS)

Program implementation. The Board of County Commissioners of Walton County adopts and establishes the tourist-oriented directional signs (TODS) program as more fully described by Florida Administrative Code 14-51, Part VI, within Walton County, Florida, and authorizes the placement of appropriate signage in accordance therewith. The following criteria is established for Tourist-Oriented Directional Signs (TODS) program eligibility within Walton County, Florida.

- A. TODS may be installed on non-limited access facilities within Walton County, Florida as defined in Section 334.03 F.S., on the state highway system in accordance with the Florida Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD).
- B. Prior to the installation of a TODS on the state highway system the Department of Transportation must approve, by permit, the design, location and placement based on the criteria set forth in chapter 14-51 of the Florida Administrative Code, as applicable.
- C. This policy does not apply to the three designed Scenic Corridors.
- D. No franchise or national chains are permitted in the TODS program.
- E. To qualify as a TODS designation, the tourist-oriented businesses, services, or activities shall meet the following minimum conditions:
 1. The major portion (51%) of income or visitors during the normal business season shall be from tourists not residing within 20 miles of the destination. A business shall not qualify if admission or access is based on a membership fee or other means of exclusive admission, or where minors are excluded.

2. All state and local building and occupational permits, licensing, and registrations shall be current and in good standing.
3. Eligibility criteria for the TOD program within Walton County shall initially be limited to family-oriented businesses which receive a major portion of income and visitors from people who do not live in the immediate area, including recreational activities, agriculture production, eateries offering local cuisine, retail markets, galleries, and like businesses. The Board reserves the right to include future designated local treasures or to expand the categories to other designated facilities by a properly passed resolution of the Board.
4. All applicants for participation in the TODS program shall first complete an application as to the sign they are requesting for approval by the Board of County Commissioners, prior to submission of a permit request to Florida Department of Transportation for permit approval for signage on the state highway system.
5. Following receipt of the appropriate permit from the Florida Department of Transportation, Walton County shall be responsible for the approved design, fabrication, installation, and maintenance of the signs, in accordance with applicable Florida Department of Transportation standards.
6. Applicants for TODS shall be responsible for all costs for permitting and signage. Any permit fees shall be paid at time of application. Upon approval of the application by Walton County and the permit by Florida Department of Transportation, the applicant shall then pay the cost for manufacture of the requested signage prior to its manufacture.
7. All signage placed upon the state highway system shall at all times be kept in a neat and attractive condition, and the need for replacement or maintenance of such signage shall be in the sole discretion of the Board of County Commissioners or its designee. All costs for replacement, or maintenance of such signage shall be at the sole expense of the business or owner for whom the sign is placed.

F. Location and Placement

1. TODS may be installed on the state highway system only after permitted by the Florida Department of Transportation.
2. TODS shall not be permitted by the Florida Department of Transportation if they interfere with the effectiveness of other traffic control devices.
3. TODS shall only be permitted at the nearest intersection providing the most direct practical route to the eligible facility. An additional sign may be approved at the closest state road intersection with a roadway on the

Strategic Intermodal System (SIS) when the nearest state road intersection is not on an SIS facility.

4. Each destination is limited to one sign panel in each direction of travel on the state highway system.
5. The maximum distance from the business to where a TODS may be placed on the state highway system shall be 25 miles.
6. If a facility with state road frontage is more than 10 miles from the nearest state highway system intersection suitable for TODS installation, the jurisdiction with TODS authority may apply for a permit to sign for this facility with a "one mile" advanced TODS sign. This is the instance an advanced sign may be permitted on the state highway system.
7. TODS shall be limited to placement on rural conventional roads, as stated in the Manual on Uniform Traffic Control Devices (MUTCD). TODS shall not be placed within the right-of-way of limited access facilities. TODS shall not be located in the right-of-way of limited access facilities. TODS shall not be located in the right-of-way of a limited access facility interchange regardless of jurisdiction.
8. The location of other traffic control devices shall take priority over the location of TODS. TODS shall have standard spacing with other traffic control devices in accordance with Florida Department of Transportation rules and regulations.
9. The Florida Department of Transportation, or Walton County as applicable, may remove without notice, and with no obligation to relocate the sign or compensate for its removal, any TODS on the state highway system, for highway safety or operational purposes or activities including but not limited to construction, reconstruction, or maintenance.

SECTION IV. CONFLICT WITH OTHER ORDINANCES OR CODES.

All Ordinances or parts of Ordinances of the Code of Ordinances of Walton County, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION V. SEVERABILITY.

Should any word, phrase, sentence or section of this Ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this Ordinance, and the remainder of the Ordinance shall remain in full force and effect.

SECTION VI. EFFECTIVE DATE.

This ordinance shall take effect as provided by law.

Duly enacted, by the Board of County Commissioners of Walton County, Florida at a regularly scheduled public hearing on the 27th of February 2018.

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

Attest:

Kim Webb

Alex Alford
Clerk of Court



By:

W.N. Chapman

W.N. "Bill" Chapman, Chair