

ORDINANCE NO. 0-07-80

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An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to signs; amending section 30-23 by revising the definition of animated sign, deleting the definition of changing message device and adding a definition of electronic sign; amending section 30-316 to prohibit electronic signs; providing directions to the codifier; providing for a mandatory review; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

14           **WHEREAS**, publication of notice of a public hearing was given that the text of the Land  
15 Development Code of the City of Gainesville, Florida, be amended and a public hearing was  
16 then held by the City Plan Board on March 15, 2007; and

17           **WHEREAS**, notices were given and publications made of subsequent public hearings  
18 and workshops, which were held by the City Plan Board on November 29, 2007 and January 24,  
19 2008; and

20           **WHEREAS**, notices were given and publications made of public hearings which were  
21 then held by the City Commission on April 23, 2007, September 24, 2007 and February 4, 2008;  
22 and

23           **WHEREAS**, pursuant to law, at least 10 days notice has been given once by publication  
24 in a newspaper of general circulation notifying the public of this proposed ordinance and of a  
25 public hearing in the City Commission Auditorium, City Hall, City of Gainesville; and

26           **WHEREAS**, an advertisement no less than two columns wide by 10 inches long was  
27 placed in a newspaper of general circulation notifying the public of a public hearing in the City  
28 Commission meeting room, City Hall, City of Gainesville to be held at least 10 days after the  
29 day this first advertisement was published; and

1           **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long  
2 was placed in a newspaper of general circulation notifying the public of the second public  
3 hearing to be held at least 5 days after the day this second advertisement was published; and

4           **WHEREAS**, the public hearings were held pursuant to the published notice described  
5 above at which hearings the parties in interest and all others had an opportunity to be and were,  
6 in fact, heard;

7           **WHEREAS**, based on considerations of community aesthetics, traffic safety concerns  
8 and the lack of recognized standards by which to appropriately regulate the emerging technology  
9 of electronic signs, which considerations were discussed or made part of the record at the public  
10 hearings, the City Commission finds it appropriate to prohibit electronic signs and require a  
11 mandatory review within three years;

12           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
13 **CITY OF GAINESVILLE, FLORIDA:**

14           **Section 1.** The aforementioned finding is adopted by the City Commission of the City of  
15 Gainesville.

16           **Section 2.** Certain definitions within section 30-23 of the Land Development Code of the  
17 City of Gainesville, Florida, as fully set forth below, are amended, and the remaining definitions  
18 within section 30-23 shall remain unchanged and in effect:

1 **Sec. 30-23. Definitions.**

2 Animated sign means any sign or device visible from the right-of-way of a public street or  
3 highway that contains text or pictorial information that moves or changes, or that uses movement  
4 or change of lighting or change of color to depict action or create a special effect or scene.

5 ~~Animated sign means any sign which involves motion or rotation of any part by any means, or is~~  
6 ~~illuminated by flashing, intermittent or color-changing light or lighting.~~

7 ~~Changing message device means any device visible from a public right of way across the face of~~  
8 ~~which a written message appears to move or containing a written message which changes~~  
9 ~~mechanically more than once in any three minutes.~~

10 Electronic sign means any sign, or portions of a sign, where any light source, including but not  
11 limited to incandescent bulbs or light-emitting diodes (LED), constitute the sign text or image.  
12 This type of sign includes, but is not limited to, electronic message boards, television screens,  
13 plasma screens, digital screens, flat screens, LED screens, video boards, other types of electric  
14 and electronic display boards and screens, and holographic displays. Electronic signs include  
15 projected images or messages onto buildings or other objects. Signs that are illuminated by light  
16 sources only for the purpose of internal or external illumination are not considered electronic  
17 signs, nor are non-animated neon signs.

18 **Section 3.** Section 30-316(b)(9) of the Land Development Code of the City of  
19 Gainesville, Florida is amended to read as follows:

1 **Sec. 30-316. General Restrictions.**

2  
3 *(b) Prohibited Signs.* It shall be unlawful to erect, cause to be erected, maintain or cause to be  
4 maintained any of the following signs:

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6 ~~(9) Changing message devices (See section 30-23, Definitions).~~

7 (9) Electronic sign(s) (see section 30-23, Definitions).

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9 **Section 4.** It is the intention of the City Commission that the provisions of Sections 2  
10 and 3 of this ordinance shall become and be made a part of the Code of Ordinances of the City of  
11 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered  
12 or relettered in order to accomplish such intentions.

13 **Section 5.** The City Commission directs that the City Manager, or his designee, review  
14 the prohibition on electronic signs and provide a report to the City Commission within three  
15 years of the effective date of this ordinance. Failure to timely provide such report shall not affect  
16 the validity or application of this ordinance.

17 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
18 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
19 finding shall not affect the other provisions or applications of the ordinance which can be given  
20 effect without the invalid or unconstitutional provisions or application, and to this end the  
21 provisions of this ordinance are declared severable.

22 **Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
23 such conflict hereby repealed.

24 **Section 8.** This ordinance shall take effect immediately upon adoption.

**D R A F T**

**3-5-08**

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**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
PEGEEN HANRAHAN  
MAYOR

ATTEST:

Approved as to form and legality

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.