

City of
Gainesville

Inter-Office Communication

Planning Division
x5023, FAX x3259, Station 12

Item No. 7

TO: City Plan Board

DATE: August 20, 1998

FROM: Planning Division Staff

SUBJECT: Petition 155TCH-98PB, City Plan Board. Amend the City of Gainesville Land Development Code to allow temporary signs for for-profit businesses and non-profit organizations.

Recommendation

Planning Division staff recommends approval of Petition 155TCH-98PB.

Explanation

In March the Plan Board heard Petition 32TCH-98PB, addressing temporary signs associated with special sales or events. While going through the adoption process, the petition was withdrawn so that staff could address broader issues. The proposed amendment is similar to the first petition in that this petition also addresses signage for special event or sales. This petition changes the sign code to allow businesses to have temporary signs. As proposed, businesses will be allowed to have up to two signs displayed with a maximum total sign area of 32 square feet. Non-profit organizations will be allowed one sign up to 32 square feet regardless in what zoning district they are located. The existing code does not allow non-profit organizations such as churches and fraternal organizations to display signs in residential areas. Attachment 1 contains the language which staff recommends should be added to the sign ordinance.

Respectfully submitted,



Ralph Hilliard
Planning Manager

RH:rh:djw

Sec. 30-317. Temporary Signs

- (6) Special events or sales. Up to two ~~One (1)~~ signs announcing a temporary special event or sale shall be allowed on the premises of the event or sale. Signs shall be located wholly on private property and shall be at least five (5) feet from any right-of-way, and fifteen (15) feet from side property lines, except as provided for in subsection 30-317(2) of this section. The vision triangle shall not be obstructed as provided in section 30-341. Temporary signs for special events and sales shall be allowed in accordance with the following standards:
- a. Yard or Garage sales. In all residential districts as defined in subsection 30-318(1), including residential portions of planned development, for the purpose of yard or garage sales, one (1) on-site, nonilluminated ground-mounted sign not to exceed six (6) square feet in sign area and not exceeding four (4) feet in height shall be allowed. This type of sign may be displayed up to five (5) days during the calendar year.
 - b. Nonprofit institutions. In ~~all other~~ zoning districts where the purpose is to promote a special event or sale by nonprofit institutions such as places of religious assembly, schools and fraternal societies, where such event or sale is clearly incidental to the primary function of such institutions and where such a sale is conducted with or as a special event and for a specified time period, one (1) on-site, nonilluminated wall- or ground-mounted sign not to exceed ~~sixteen (16)~~ 32 square feet in sign area plus a border of not more than six (6) inches in width and ten (10) feet in overall height shall be allowed. This type of sign may be displayed up to twenty-one (21) days during the calendar year.
 - c. Residential Subdivisions and Multifamily Developments. In any residential district as defined in subsection 30-318(1) where development is currently under construction or construction has not been completed for more than one (1) year, one (1) on-site, nonilluminated wall- or ground-mounted sign may be placed at the main entrance to a subdivision or multifamily development in association with a special showing of the units such as the "parade of homes." The sign shall not exceed thirty-two (32) square feet in sign area plus a border of not more than six (6) inches in width and ten (10) feet in overall height. This type of sign shall be limited to twice within any twelve-month period.
 - d. ~~Signs shall not be displayed more than three (3) days before the beginning of the special event or sale unless specifically allowed and no later than the end of the special event or sale, and in no event for more than thirty (30) consecutive calendar days.~~

- d. For-profit businesses. Businesses may display up to two signs with a maximum total sign area of 32 square feet plus a border of not more than six(6) inches in width. The sign(s) must be either ground-mounted or wall-mounted. Signs attached to tents or other temporary structures shall be considered wall-mounted. Ground-mounted signs shall not exceed 10 feet in overall height. All other applicable codes related to signage, as shown in Sec. 30-315, must be met. This type of sign may be displayed up to twenty-one (21) days during the calendar year.
- e. ~~Signs shall be located wholly on private property and shall be at least five (5) feet from any right of way, and fifteen (15) feet from side property lines, except as provided for in subsection 30-317(2) of this section. The vision triangle shall not be obstructed as provided in section 30-341.~~

7. **Petition 155TCH-98 PB** City Plan Board. Amend the City of Gainesville, Land Development Code to allow temporary signs for for-profit businesses and non-profit organizations.

Mr. Ralph Hilliard was recognized. Mr. Hilliard explained that the petition was to amend the Land Development Code to allow temporary signs. He noted that non-profit organizations were permitted to have temporary signs at the present time but the new language would clarify how it would be allowed. He indicated that business could come to the City for a special event sale but were presently not permitted to have signs for that sale. He explained that the proposed text change would allow signs for that sale. Mr. Hilliard reviewed the proposed text changes in detail. He explained that the Codes Enforcement Division would issue permits and provide enforcement for the regulations.

Mr. Guy asked if the 21 days allowed for display of signs could consist of 21 separate days.

Mr. Hilliard indicated that 21 separate days was allowable.

Mr. Guy asked how the 21 days would be enforced.

Mr. Hilliard indicated that the 21 days would be enforced throughout the Code Enforcement's special event permitting. He explained that there had to be a special event taking place in order to get the permit. He indicated that Code Enforcement now had a computerized system that would allow tracking.

Mr. Shelton suggested that 21 days might not be enough.

Mr. Guy asked how staff arrived at the 32 square foot size limit.

Mr. Hilliard noted that the square footage was already in the ordinance as it was originally written. He noted that 32 square feet was allowed in residential areas.

Mr. Shelton suggested that the number of days signs were allowed be increased to 24 days.

Mr. Hilliard noted that the signs had been illegal in the past. He indicated that there was concern that if the banners became legal, all business would take advantage of the option and there would be a proliferation of signs.

Mr. McGill noted that the issue was temporary signs and businesses could have regular signs. He noted that he spent time in areas where signs were limited and businesses were thriving. He suggested that the issue not be placed in the context of whether businesses would exist or not because of temporary signage.

Mr. Hilliard explained that it was not staff's intent to suggest that the signs would be allowed for the purpose of keeping a business open. He indicated that he hoped that had not been a part of the presentation.

Mr. Shelton suggested that the board needed to allow flexibility. He cited concerns about the Code Enforcement Division having the manpower to enforce the regulations.

Chair Barrow opened the floor to public comment.

Ms. Cindy Smith was recognized. Ms. Smith spoke in opposition to the proposed changes in the sign ordinance. She noted that she was Chair of the City Beautification Board and the proposed ordinance had not been presented to that board for review. She noted that one of the Beautification Board's projects was support of the present sign ordinance. She requested that the Beautification Board be notified of changes in the ordinance. She called attention to the materials she had presented on the value of a strict sign ordinance. Ms. Smith pointed out loopholes that would allow continuous banners. She requested that the board not weaken the present Code.

Mr. Glen Smurge was recognized. Mr. Smurge noted that Item "c" of the proposed changes limited the number of days a sign could be placed. He agreed that the limit should be 21 days. He opposed the changes to allow banners at for-profit businesses. He pointed out that businesses already had signs. Mr. Smurge suggested that there were ways other than banners that businesses could advertise. He requested that the board reject the signs at for-profit businesses.

Mr. Chuck Woods was recognized. Mr. Woods opposed the entire ordinance. He noted the difference between the signs in the city and county. He requested that the board deny the petition.

Mr. Matt Lowrey was recognized. Mr. Lowrey indicated that he supported the changes in the ordinance. He suggested that banners be allowed to be 100 square feet. He cited the need for uniformity.

Ms. Arnall Downs was recognized. Ms. Downs requested that the board deny the petition. She cited successful communities where there were strict sign ordinances. She noted that there was no Codes Enforcement available on weekends.

Chair Barrow closed the floor to public comment.

Mr. Guy suggested that appendages to existing signs be permitted as a way to advertise special events. He also suggested that the size of the signs proposed be reduced. He cited a concern about the restriction of the number of days without a restriction on the number of times a sign could be displayed. He suggested that there be a limit of three times a year.

Chair Barrow asked about the submission of the ordinance to the City Beautification Board for comment and discussion.

Mr. Hilliard replied that it had not. He agreed with Mr. Smurge's comment on items "c."

There was discussion of the types of signs allowed on the University of Florida.

Mr. Carter pointed out that some businesses would take advantage of the situation but the ordinance change would meet the needs of others.

There was discussion of the existing Codes on signs.

Chair Barrow suggested that the ordinance should have gone to the City Beautification Board.

Mr. Hilliard indicated that if the Plan Board wished the petition to go to the Beautification Board, staff would forward it to them.

Chair Barrow noted that the City Commission had referred items to the Beautification Board in the past.

Mr. Polshek suggested that it might also go to a panel on economic growth.

There was discussion of the procedures to forward the petition to the City Commission.

Mr. Hilliard indicated that the board would have to decide whether a for-profit business could have a banner. He requested that the board make the decision.

Chair Barrow stated that he would recommend that the signs be allowed at 16 square feet instead of 32 square feet.

Ms. Dowling noted that the banners placed across entire streets by not-for-profit organizations were not mentioned in the petition before the board.

Mr. Hilliard explained that the street banners were dealt with in another part of the Code.

Mr. McGill stated that he was uncomfortable with temporary signs for both for-profit and not-for-profit businesses. He suggested that sign pollution was no different for either entity.

Chair Barrow noted that not-for-profit events were usually limited to several times a year.

Ms. Dowling pointed out that churches were not-for-profit but did have schools and other items.

There was discussion of how not-for-profit entities could advertise if they did not have a building.

Mr. Carter suggested that the proposed 32 square foot size was appropriate.

Mr. Guy reiterated his suggestion that banners could be appended to existing permanent signs. He also suggested that, regardless of the number of days signs were permitted there should be a limit on the number of times a sign was allowed. He suggested that the standard should be very small signs.

Chair Barrow suggested that the banners could be limited to wall mounted only.

Mr. McGill suggested that if 32 square foot signs were wall mounted along University Avenue storefronts, it would not be attractive.

Ms. Dowling noted that persons selling items such as Christmas trees would not have walls for mounting.

Mr. Guy made a motion to approve the petition with amendments to: (Item a.) 4 square foot signs; (Item b.) limit 16 square feet, no more than a total of 21 days, three times a year; (Item c.) limit 16 square feet, i. more than a total of 21 days, three times a year and clarification of the number of times per year; (Item d.) one sign, limit 16 square feet, no more than a total of 21 days, three times a year, only wall mounted. He noted that a banner could be attached to a tent in lieu of a wall.

There was discussion of the motion.

Mr. McGill cited concerns about enforcement. He asked if the ordinance could allow for fines if a person was found in violation. He suggested that violation could result in the loss of temporary sign privileges for a specified period of time.

Chair Barrow suggested such provisions would complicate the issue.

Mr. McGill suggested that, to reduce complexity, the amendment should be denied.

Ms. Dowling suggested that temporary signs could be attached to permanent signs.

Mr. Guy agreed with the suggestion.

There was further discussion of the motion.

At the request of the clerk, Mr. Hilliard clarified the motion.

Mr. Hilliard indicated that he understood the motion to: In *Item a*, change square footage to 4 square feet, *Item b*, change from 32 square feet to 16 square feet, *Item c*. change from 32 square feet to 16 square feet and adding 21 day period for each event, *Item d*, allow one sign instead of 2 and change from 32 square feet to 16 square feet.

Chair Barrow noted that there was discussion about whether to allow two signs at for-profit businesses, but he agreed with allowing only one sign.

Mr. Guy indicated that the original motion was to eliminate ground mounted signs.

Mr. Hilliard stated that the motion was on the floor with the clarification from the maker, Mr. Guy that eliminated ground mounted signs..

<u>Motion By:</u> Mr. Guy	<u>Seconded By:</u> Mr. Polshek
<u>Moved To:</u> Approve Petition 155TCH-98 PB with the following amendments: <i>Item a</i> , change square footage from 6 to 4 square feet, <i>Item b</i> , change square footage from 32 square feet to 16 square feet, <i>Item c</i> . change square footage from 32 square feet to 16 square feet and adding a 21 day period for each event, <i>Item d</i> , allow one sign instead of 2 and change from 32 square feet to 16 square feet and eliminate the provision for ground mounted signs.	<u>Upon Vote:</u> Motion Carried 4-3 Yeas: Guy, Shelton, Polshek, Barrow Nays: Carter, Dowling, McGill

