



MEMORANDUM

Office of the City Attorney

Legistar No. 040514

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: January 24, 2005
FIRST READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-07; Petition 149TCH-04 PB

An ordinance of the City of Gainesville, Florida, creating subsection 30-318(h), City of Gainesville Code of Ordinances, allowing directional signage for non-residential developments with a minimum of 300,000 square feet of floor area under certain conditions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission (1) approve Petition 149TCH-04 PB and (2) adopt the proposed ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

In 1992, the City of Gainesville annexed the Oaks Mall and some of the surrounding area. The current zoning for the mall is BUS (general business district), while the current land use designation of the property is C (commercial). The sign provisions of the Land Development Code regulate signage for the property. The petitioner is requesting an amendment to allow larger directional signage.

Staff recommends that directional signs be allowed for large-scale non-residential developments that contain more than 300,000 square feet of floor area. Staff does not recommend limiting these signs to retail shopping facilities. Large office complexes and hospitals are examples of uses that may have 300,000 square feet of floor area and where directional signs may be appropriate. Directional signs would not be exempt from the provisions of the sign regulations and would be subject to review just as other commercial signs are. Staff is also recommending that the method to measure sign area not be changed from the existing provisions. Under these provisions, the base of a monument sign counts towards the sign area unless the base area is sufficiently landscaped to screen it from view. This applies to up to 3 feet of the height of the base.

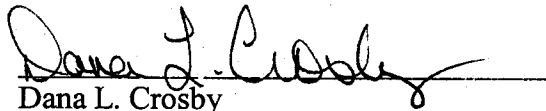
Public notice was published in the Gainesville Sun on October 5, 2004. The Plan Board held a public hearing October 21, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 149TCH-04 PB. Plan Board vote 5-0

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, February 14, 2005.

Fiscal Note: None

Prepared by:



Dana L. Crosby
Assistant City Attorney

Approved and
Submitted by:



Marion J. Radson,
City Attorney

MJR:DLC:sw

ORDINANCE NO. 0-05-07

An ordinance of the City of Gainesville, Florida, creating subsection 30-318(h), City of Gainesville Code of Ordinances, allowing directional signage for non-residential developments with a minimum of 300,000 square feet of floor area under certain conditions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on October 21, 2004; and

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

Section 1. A new subsection (h) is added to section 30-318, City of Gainesville Code of Ordinances, to read as follows:

1 Sec. 30-318. Permanent signs.

2 (h) Directional signs, certain nonresidential developments.

3
4 Directional signs are allowed for nonresidential developments with a minimum of 300,000
5 square feet of floor area. These signs shall be limited to the name of the development and/or the
6 names of the occupants of the development, and shall comply with the following conditions:

7
8 (1) The signs shall not be located within 100 feet of any public right-of-way line.

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10 (2) A single business or activity shall be limited to 2 square feet per individual sign face.

11
12 (3) The directional sign shall not exceed a total area of 50 square feet. Sign area shall be
13 measured in accordance with section 30-318(g).

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15 (4) The maximum height of a directional sign shall not exceed 6 feet.
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17 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
18 this ordinance shall become and be made a part of the Code of Ordinances of the City of
19 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered
20 or relettered in order to accomplish such intentions.

21 **Section 3.** If any section, sentence, clause or phrase of this Ordinance is held to be
22 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no
23 way affect the validity of the remaining portions of this Ordinance.

24 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
25 such conflict hereby repealed.

26 **Section 5.** This Ordinance shall become effective immediately upon final adoption.
27

DRAFT

12-27-04

1 PASSED AND ADOPTED this ____ day of _____, 2005.

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PEGEEN HANRAHAN, MAYOR

8 ATTEST:

Approved as to form and legality

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KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

14
15 This Ordinance passed on first reading this ____ day of _____, 2005.
16 This Ordinance passed on second reading this ____ day of _____, 2005.

CITY
OF
GAINESVILLE

INTER-OFFICE COMMUNICATION

Item No. 5

TO: City Plan Board

DATE: October 21, 2004

FROM: Planning Division Staff

SUBJECT: Petition 149TCH-04 PB. The Oaks Mall. Amend City of Gainesville Land Development Code to exempt signs for development(s) containing 50 or more acres and/or more than 3000 parking spaces; for directional signs that are 6 feet or less in height, do not exceed 50 sq. ft. in sign area excluding the base, and are located at least 100 feet in a direct line from the public right-of-way. The signs, as per the existing code, must only list the names of existing businesses within the development.

Recommendation

Planning Division staff recommends approval of Petition 149TCH-04 PB with staff recommended modifications.

Explanation

In 1992, the City of Gainesville annexed the Oaks Mall and some of the surrounding area. The current zoning for the mall is BUS (general business district), while the current land use designation of the property is C (commercial). The sign provisions of the Land Development Code regulate signage for the property. The petitioner is requesting an amendment to allow larger directional signage.

The sign regulations of the City of Gainesville are located in Article IX, Division 1 of the Land Development Code. Under these regulations, the Oaks Mall would be allowed to have signs of 6 square feet or less which direct and guide traffic and parking, and are exempt from the provisions of sign code. These signs may include business identification, which shall not exceed one-third of the sign area, and shall bear no advertising matter. When freestanding, they are not to exceed a maximum height of 6 feet. Other freestanding signs of greater sign area or height, visible from the public right-of-way, unless specifically exempted by Section 30-316(c), are prohibited. There are no limitations on these signs if they cannot be seen from the public right-of-way. This does not include outparcels, which have their own regulations.

The Oaks Mall has requested that directional signage of 50 square feet, not including the base, on developments of over 50 acres and with over 3,000 parking spaces, be exempt from the sign provisions when they are located 100 feet or more from the

public right-of-way. These signs would only list the names of some of the businesses within the development. City staff can support some of the provisions proposed by the applicant with modifications.

A development that would qualify for these signs would need to be 50 or more acres in size and/or have over 3,000 parking spaces. A 45-acre property with 2,500 parking spaces would not qualify with the proposed language, even if the amount of square footage were comparable to the Oaks Mall. Infill sites could require less parking because of special area plan requirements, proximity to transit, and other reasons. Smaller sites may justify directional signs because of layout and configuration. The proposed signs cannot be exempted from building permitting requirements. A 50 square foot sign is of sufficient size to warrant inspection from building officials to determine if the sign meets all applicable structural requirements, including wind load requirements. Section 3108 of the Florida Building Code addresses signage and requires permits and design requirements for signage of this size.

Staff recommends that directional signs be allowed for large-scale non-residential developments that contain more than 300,000 square feet of floor area. Staff does not recommend limiting these signs to retail shopping facilities. Large office complexes and hospitals are examples of uses that may have 300,000 square feet of floor area and where directional signs may be appropriate. Directional signs would not be exempt from the provisions of the sign regulations and would be subject to review just as other commercial signs are. Staff is also recommending that the method to measure sign area not be changed from the existing provisions. Under these provisions, the base of a monument sign counts towards the sign area unless the base area is sufficiently landscaped to screen it from view. This applies to up to 3 feet of the height of the base.

Sec. 30-318. Permanent signs.

(b) *Ground-mounted signs for single-and multiple-occupancy developments.*

(5) *General restrictions.*

i. *Directional signs.* Directional signs are allowed for nonresidential development with a minimum of 300,000 square feet of floor area. These signs shall be limited to the name of the development and/or the names of the occupants of the development, and shall comply with the following conditions:

1. The signs shall not be located within 100 feet of any public right-of-way line.

5. **Petition 149TCH-04 PB** The Oaks Mall. Amend City of Gainesville Land Development Code to exempt signs for development(s) containing 50 or more acres and/c more than 3000 parking spaces; for directional signs that are 6 feet or less in height, do not exceed 50 sq. ft. in sign area excluding the base, and are located at least 100 feet in a direct line from the public right-of-way. The signs, as per the existing code, must only list the names of existing businesses within the development.

Mr. Jason Simmons was recognized. Mr. Simmons explained that the Oaks Mall brought the petition to allow directional signs under certain circumstances. He noted that the only directory signs allowed by the current Code were a 6 square foot maximum, no more than 6 feet high. He explained that the proposal was for directory signs on a 50 or more acre site to be exempt from review. He noted that the signs would be a minimum of 100 feet from the right-of-way and list only the businesses in the development. Mr. Simmons indicated that staff supported the idea in general, but recommended approval of the proposal with modifications as stated in the staff report. He noted that staff did not believe the signs should be exempt from review. He noted that staff believed the signs were too large to be exempt, and Section 3108 of the Florida Building Code required that signage of that size had to be permitted. He explained that staff had concerns about wind load. Mr. Simmons offered to answer any questions from the board.

Mr. Gold noted that the size of the signs was limited to 2 square feet. He asked if that was sufficient.

Mr. Tom Dornfield, General Manager of the Oaks Mall, was recognized. Mr. Dornfield indicated that he believed the 2 square feet would be sufficient. He explained that the Mall was attempting to replace existing signs of that size with better looking signs. He cited a concern about the recommendation to include the base in the calculation of the size of the sign. He presented images of the existing and proposed signs.

Mr. Simmons explained that the proposed sign shown by Mr. Dornfield was a monument sign. He noted that under the current Code, if the base area of a monument sign is landscaped so most of it is not visible, another 3 square feet is permitted, but anything over that three feet was included in the square foot measurements. He indicated that staff was recommending that those measurements remain in the Code.

Mr. Gold indicated that he believed there should be no change in the Code regarding the base area.

Mr. Dornfield indicated that it was acceptable.

There was no public comment on the petition.

<u>Motion By:</u> Mr. Gold	<u>Seconded By:</u> Mr. Cole
<u>Moved to:</u> Approve Petition 149TCH-04 PB as presented by staff.	<u>Upon Vote:</u> Motion Carried 5 - 0 Ayes: Gold, Rwebyogo, Reiskind, Cole, Pearce

2. A single business or activity shall be limited to 2 square feet per individual sign face.
3. The directional sign shall not exceed a total area of 50 square feet. Sign area shall be measured in accordance with section 30-318(g).
4. The maximum height of a directional sign shall not exceed 6 feet.

Respectfully submitted,



Ralph Hilliard
Planning Manager

RH: JS