



PLANNING & DEVELOPMENT SERVICES DEPARTMENT
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GAINESVILLE, FL 32627-0490

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TO: City Plan Board **Item Number:** 2

FROM: Planning & Development Services Department **DATE:** February 23, 2017
Staff

SUBJECT: Petition PB-16-145 TCH. City Plan Board. Amend the City of Gainesville Sign regulations to update, clarify and reorganize the signage regulations for consistency with Supreme Court decision in Reed vs Town of Gilbert.

Recommendation

Approve Petition PB-16-145 TCH.

Update:

The proposed sign regulations have been revised based on the discussion at the October 27, 2016 Plan Board hearing. Changes include:

- Eliminating requirement for obtaining permits for temporary signs
- Extending the max duration of temporary signs and eliminating the limitation of number of events per year
- Providing regulations requiring removal of signs 10 days after the end of an event
- Clarified the definitions for temporary and permanent signs

Discussion

This ordinance will update, clarify and reorganize the sign regulations in the Land Development Code. Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental and fiscal development of the city. Section 163.3202, Florida Statutes, requires the city to adopt and enforce land development regulations that are consistent with and implement the Comprehensive Plan, and that are combined and compiled into a single land development code for the city (the City of Gainesville's is Chapter 30 of the Code of Ordinances). Such land development regulations shall include certain minimum provisions, including the requirement to enact specific and detailed signage regulations. The City of Gainesville has adopted signage regulations in the Land Development Code in accordance with the Florida law outlined here and out of recognition that signs may prevent a safety hazard as well as present a safety hazard by distracting motorists, pedestrians and other members of the public, and because signs affect the aesthetic qualities and economic vitality of the community.

On August 7, 2014, the City Commission adopted Ordinance No. 130157 and amended the signage regulations in the City's Land Development Code after receiving substantial input from numerous stakeholders on ways to improve the signage regulations in effect at the time. On June 18, 2015, the Supreme Court of the United States, in *Reed v. Town of Gilbert, Ariz.*, 135 S.Ct. 2218 (2015), addressed the First Amendment protections afforded to private speech in signage and elaborated on what it means to be "content-neutral" in signage regulations. Whereas the development of constitutional law has been fairly clear regarding what it means to be "viewpoint-neutral" and has deemed as impermissible any regulation of private speech in signage based on a particular viewpoint (e.g., allowing pro-UF messages but regulating anti-UF messages), regulations directed towards an entire subject (e.g., regulating all messages having anything to do with college, whether for or against UF the same) were often afforded more nuanced judicial review and could be considered content-neutral as long as the government did not enact the regulations out of animosity. In that case, the regulations were permissible as long as there was a substantial government interest in the regulation, the regulation was narrowly tailored and there were ample alternative avenues of communication. *Reed*, however, clarified the analysis and held that sign regulations are indeed "content-based" if they target a specific subject matter, regardless of the government's motive, content-neutral justification or lack of animus toward the ideas contained in the regulated speech. This is important because once a regulation of private speech in signage is deemed content-based, it will generally be subject to the highest judicial scrutiny and will be struck down unless the regulation is narrowly tailored to serve a compelling government interest.

Common examples of these types of content-based signage regulations are any provisions specifically tailored to "real-estate signs," "contractor signs," or "election/political signs." The clearest examples of content-neutral regulations are those regulating the size, location, lighting, number, and form of signs. In response to *Reed*, City staff has determined the need to further update, clarify, and reorganize the signage regulations in the City's Land Development Code. The most significant amendments include deleting subject matter regulations, including those for "contractor signs," "real estate signs," and "special-event signs," and instead regulating signage form based on "temporary signs" and "permanent signs."

This petition specifically amends the City's signage regulations as follows:

- Delete, update, and clarify specific definitions of certain sign (i.e. contractor signs, trailer signs, moving signs, snipe signs, permanent and temporary sign)
- Eliminate special sign provisions for certain uses (i.e. farmers' markets, bed and breakfast, food distribution centers for the needy)
- Removes A-frame signs from the list of prohibited sign types
- Replace the "*signs that contain no commercial message*" provisions with generalized regulations controlling temporary signs not requiring a permit.
- Allow temporary signage for single-family, multi-family, and non-residential property without a permit for up to 180 days.
- Recent US Court of Appeals decision allows local governments the ability to establish sign limitations related to events.
- Revised sign code requires signage be removed 10 days after the event.

Petition PB-16-145 TCH
February 23, 2017

Respectfully submitted,

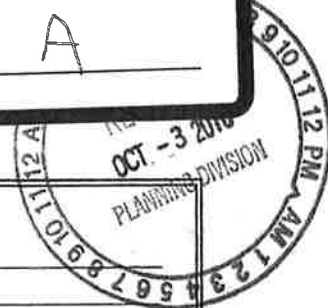
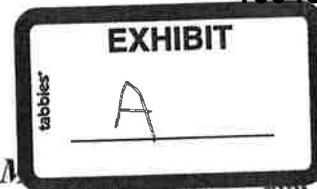


Andrew Persons, AICP, LEED GA
Interim Principal Planner

List of Exhibits

Exhibit A: Application

Exhibit B: Proposed sign ordinance



APPLICATION—CITY PLAN BOARD—TEXT AMENDMENT
Planning & Development Services

OFFICE USE ONLY	
Petition No. <u>PB-16-145 TCH</u>	Fee: \$ _____
1 st Step Mtg Date: _____	EZ Fee: \$ _____
Tax Map No. _____	Receipt No. _____
Account No. 001-660-6680-3401 []	
Account No. 001-660-6680-1124 (Enterprise Zone) []	
Account No. 001-660-6680-1125 (Enterprise Zone Credit) []	

Name of Applicant/Agent (Please print or type)	
Applicant/Agent Name: <u>City Plan Board</u>	
Applicant/Agent Address: _____	
City: _____	
State: _____	Zip: _____
Applicant/Agent Phone: _____	Applicant/Agent Fax: _____

Note: It is recommended that anyone intending to file a petition for a text amendment to Chapter 30 of the City of Gainesville Code of Ordinances (Land Development Code) or to the Comprehensive Plan, meet with the Department of Community Development prior to filing the petition, in order to discuss the proposed amendment and petition process. The request will be evaluated as applicable to the particular zoning district or land use category on a citywide basis.

TEXT AMENDMENT		
Check applicable request below:		
Land Development Code <input checked="" type="checkbox"/>	Comprehensive Plan Text []	Other []
Section/Appendix No.: <u>See attached</u>	Element & Goal, Objective or Policy No.:	Specify:

Proposed text language and/or explanation of reason for request (use additional sheets, if necessary):
<u>Amend the City of Gainesville Sign regulations to update, clarify and reorganize the signage regulations for consistency with recent changes in federal law.</u>

Certified Cashiers Receipt:



ORDINANCE NO. _____

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An ordinance of the City of Gainesville, Florida, updating, clarifying and reorganizing the sign regulations in the Land Development Code by amending Section 30-23 – *Definitions*; amending Section 30-69 – *Limited industrial district (I-1)*; amending Section 30-91 – *Places of religious assembly*; amending Section 30-101 – *Bed and breakfast establishments*; amending Section 30-111 – *Food distribution centers for the needy*; amending Section 30-115 – *Farmers markets*; amending Section 30-188 – *Required improvements*; amending Article IX – *Additional Development Standards, Division 1 – Sign Regulations*; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental and fiscal development of the city; and

WHEREAS, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or amend and enforce land development regulations that are consistent with and implement the Comprehensive Plan, and that are combined and compiled into a single land development code for the city (the City of Gainesville’s Land Development Code is Chapter 30 of the Code of Ordinances); and

WHEREAS, Section 163.3202, Florida Statutes, requires the City of Gainesville’s Land Development Code to include certain minimum provisions, including the requirement to enact specific and detailed provisions to regulate signage; and

WHEREAS, the City of Gainesville has adopted signage regulations in the Land Development Code in accordance with Florida law and out of recognition that signs may prevent a safety hazard as well as present a safety hazard by distracting motorists, pedestrians and other members of the public, and because signs affect the aesthetic qualities and economic vitality of the community; and

WHEREAS, on August 7, 2014, the City Commission adopted Ordinance No. 130157 and amended the signage regulations in the City’s Land Development Code; and

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1 **WHEREAS**, on June 18, 2015, the Supreme Court of the United States (*Reed v. Town of Gilbert*,
2 *Ariz.*, 135 S.Ct. 2218 (2015)), in applying the First Amendment protections afforded to private speech
3 expressed through signage, interpreted and further defined the general requirement that signage
4 regulations must be “content-neutral”; and

5 **WHEREAS**, in response to *Reed*, the City of Gainesville has determined the need to further
6 update, clarify, and reorganize the signage regulations in the City’s Land Development Code; and

7 **WHEREAS**, the City Commission finds that these sign regulations are necessary to directly
8 preserve and protect the health, safety, welfare, and general well-being of citizens by promoting public
9 safety, economic vitality, and aesthetic qualities in the City of Gainesville; and

10 **WHEREAS**, notice was given as required by law that the text of the Land Development Code of
11 the City of Gainesville, Florida, be amended; and

12 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
13 the Charter Laws of the City of Gainesville and which acts as the local planning agency pursuant to
14 Section 163.3174, Florida Statutes, held a public hearing on _____, and voted to
15 recommend that the City Commission approve this text change to the Land Development Code; and

16 **WHEREAS**, at least ten days’ notice has been given once by publication in a newspaper of
17 general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall
18 Auditorium located on the first floor of City Hall in the City of Gainesville; and

19 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings
20 the parties in interest and all others had an opportunity to be and were, in fact, heard.

21 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

22 **FLORIDA:**

23 **Section 1.** Section 30-23. *Definitions* of the Land Development Code (Chapter 30 of the City
24 of Gainesville Code of Ordinances) is amended as follows. Except as amended herein, the remainder of

1 Section 30-23 remains in full force and effect.

2 **Sec. 30-23. Definitions.**

3 ~~*Abandoned sign* means a sign or sign structure located on a parcel(s) that has been vacant or~~
 4 ~~unoccupied for a period of at least 120 consecutive days, a sign or sign structure with a message that~~
 5 ~~describes the availability of goods or services at a location where such goods and services are no longer~~
 6 ~~available and have ceased to be available for a period of at least 120 consecutive days, or a sign or sign~~
 7 ~~structure with a message that otherwise pertains to a time, event or purpose that has elapsed or~~
 8 ~~expired.~~

9
 10 ~~*Animated sign* means any sign that contains text or pictorial information that moves or changes, or~~
 11 ~~that uses movement or change of lighting and/or color to depict action or create a special effect or~~
 12 ~~scene.~~

13
 14 ~~*Contractor sign* means a temporary sign erected during construction to inform the public of the~~
 15 ~~developer, contractors, architects, engineers, the nature of the project and/or anticipated completion~~
 16 ~~date.~~

17
 18 ~~*Moving sign* means any sign that moves or mimics movement by natural or mechanical means, including~~
 19 ~~but not limited to signs designed to flutter, wave, twirl, change the direction of a plane, or mimic~~
 20 ~~movement with changes in lighting, text or pictorial information.~~

21
 22 ~~*Permanent sign* means any sign that an enforcing official determines is intended or constructed to be~~
 23 ~~used for an indefinite duration of time and that is constructed and attached to a building, structure or to~~
 24 ~~the ground in a manner that resists environmental loads such as wind, precludes ready removal or~~
 25 ~~movement of the sign, and meets applicable Florida Building Code standards.~~

26
 27 ~~*Political sign* means any sign which is designed to influence political action. Political signs may not~~
 28 ~~contain commercial advertising.~~

29
 30 ~~*Portable sign* means any sign, except a vehicle sign, that is not permanently erected or that may be~~
 31 ~~moved readily from place to place.~~

32
 33 ~~*Public service sign* means a sign the advertising message of which relates only to the nonprofit activities~~
 34 ~~of any place of religious assembly, school, governmental agency or nonprofit corporation of a religious,~~
 35 ~~educational or charitable nature.~~

36
 37 ~~*Real estate sign* means any temporary sign advertising the real property upon which the sign is located~~
 38 ~~for rent, lease, or sale and providing information regarding the owner or his/her agent.~~

39
 40 ~~*Revolving sign* means any sign or other structure so erected or constructed as to periodically change~~
 41 ~~the direction toward which any plane containing part of the sign area is oriented.~~

42
 43 ~~*Snipe sign* means any temporary sign that is attached to any object, including but not limited to a tree,~~
 44 ~~utility, pole, or fence post, that is either located on public property or located on private property~~
 45 ~~without the owner's consent. made of any material and is tacked, nailed, posted, pasted, glued or~~

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1 ~~otherwise attached to trees, poles, stakes, fences, or other objects.~~

2
3 ~~Spinner means any device designed to attract attention to the premises upon which it is displayed~~
4 ~~through mechanical movement or through movement caused by movement of the atmosphere.~~

5
6 Temporary sign means any sign that an enforcing official determines is not intended or constructed to
7 be used for a permanent duration of time pursuant to the technical requirements of this sign code as
8 well as the Florida Building Code or other technical codes. Temporary signs include, but are not limited
9 to, banners, pennants, posters or signs made of paper, cloth, canvas, plastic sheets, cardboard,
10 wallboard, plywood or other like materials.

11
12 Trailer sign means any sign, except a vehicle sign, that is designed to be readily moved from place to
13 place by its placement or display on a wheeled conveyance.

14
15 Vehicle sign means any sign that has a total sign area in excess of ten square feet and that is on or
16 affixed to a transportation vehicle, including but not limited to automobiles, trucks, boats, trailers,
17 and campers.~~motorized vehicle that has a total sign area in excess of ten square feet.~~

18
19 **Section 2.** Subsection 30-69(c)(2)b. – *Limited industrial district (I-1)* of the Land

20 Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) is amended as follows.

21 Except as amended herein, the remainder of Section 30-69 remains in full force and effect.

22 **Sec. 30-69. – Limited industrial district (I-1).**

23 (c) Permitted uses.

24 (2) Uses by special use permit.

25 b. Sale of used rental vehicles as an accessory use to automotive rental and leasing, without drivers
26 (GN-751), with the following conditions and limitations:

27 1. *Permits.* It shall be unlawful to conduct such sale without first obtaining a permit from
28 the building official indicating compliance with the provisions of this section.

29 2. *Sales.* Only two sales are permitted in any 365-day period, and each such sale may not
30 extend beyond seven consecutive days.

31 3. *Motor vehicles.* Only motor vehicles owned by the person or entity actually operating
32 the principal use, and leased from the subject location, may be offered for sale.

33 4. *Signs.* ~~No signs or street graphics are permitted which indicate that motor vehicles are~~
34 ~~offered for sale with the exception of signs affixed to the motor vehicles which shall not~~
35 ~~exceed one sign per vehicle and one square foot in area.~~

36
37 **Section 3.** Subsection 30-91(c). – *Places of religious assembly* of the Land Development

38 Code (Chapter 30 of the City of Gainesville Code of Ordinances) is amended as follows. Except as

1 amended herein, the remainder of Section 30-91 remains in full force and effect.

2 **Sec. 30-91. – Places of religious assembly.**

3 (c) *Food distribution centers for the needy.* The City Manager or designee may issue a permit for a
4 food distribution center for the needy within any zoning district where places of religious
5 assembly are permitted by right or by special use permit with the following restrictions:

- 6 (1) No more than 20 meals may be served in a 24-hour period.
- 7 (2) The place of religious assembly can physically provide an indoor eating area meeting all
8 state, county and city codes for the proposed use.
- 9 (3) No food distribution center for the needy may be closer than 1,320 feet from any other
10 place of religious assembly having a food distribution center for the needy, nor shall any
11 place of religious assembly have an accessory food distribution center for the needy
12 located in the area described in appendix D located at the end of this chapter, and as
13 shown on the map maintained in the planning and development services department.
- 14 (4) Each place of religious assembly shall file with the City Manager a management program
15 addressing hours of operation, personnel, management of solid waste, litter and lighting.
16 The name, address, and phone number of the person responsible for the facility shall be
17 kept up to date.
- 18 (5) ~~The name of the facility and the hours of operation shall be posted. Signage. Food~~
19 ~~distribution centers for the needy shall be limited to two wall-mounted, nonilluminated~~
20 ~~signs displaying the name of the facility, hours of operation and other functional~~
21 ~~information and directions. No more than one sign shall be displayed on any building face.~~
22 ~~No sign shall exceed 18 square feet, nor shall the total combined area for two signs exceed~~
23 ~~30 square feet.~~

24

25 **Section 4.** Section 30-101. – *Bed and breakfast establishments* of the Land Development

26 Code (Chapter 30 of the City of Gainesville Code of Ordinances) is amended as follows.

27 **Sec. 30-101. – Bed and breakfast establishments.**

28 The following criteria shall apply to all bed and breakfast establishments:

- 29 (1) The owner or manager must live on the premises.
- 30 (2) Separate toilet and bathing facilities for the exclusive use of guests must be provided.
- 31 (3) Rentals shall be on a daily basis. The maximum stay for an individual guest shall be thirty (30)
32 days in a twelve-month period.
- 33 (4) Cooking facilities shall be approved by the county health department. Cooking shall be for
34 overnight guests and residents only. No cooking facilities shall be allowed in guest bedrooms.
- 35 (5) Neither hired receptions nor parties shall be permitted in bed and breakfast establishments
36 located in residential zoning districts.

- 1 (6) Bed and breakfast establishments must comply with appropriate health permits, building and
- 2 fire codes, and business licenses, including but not limited to a license from the division of
- 3 hotels and restaurants applicable to such use.
- 4 (7) In addition to the parking required for the residence, one (1) parking space shall be provided for
- 5 each guestroom. The plan board may vary the parking requirement for those properties listed
- 6 on the local register of historic places based on site constraints, including but not limited to
- 7 small yards, inadequate space for parking, and the availability of on-street parking.
- 8 ~~(8) Signs must be approved by appropriate city staff in conformance with standards of Article IX,~~
- 9 ~~Division 1, of this chapter. In all residential and office-residential districts permanent signs for~~
- 10 ~~bed and breakfast establishments shall comply with subsection 30-318(4)b.~~ Any sign for a bed
- 11 and breakfast located in a local historic district or listed on the local register of historic places
- 12 must also be approved by the historic preservation board in accordance with the preservation
- 13 design guidelines.
- 14 (9) The maximum number of rooms for guests shall be as follows:

Building Size (Gross Floor Area)	Maximum Guestrooms
Less than 1,200 sq. ft.	1
1,200—1,800 sq. ft.	2
1,801—2,400 sq. ft.	3
2,401—3,000 sq. ft.	4
3,001—3,600 sq. ft.	5
Over 3,600 sq. ft.	6

15
16

17 **Section 5.** Section 30-111. – *Food distribution centers for the needy* of the Land

18 Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) is amended as follows.

19 **Sec. 30-111. – Food distribution centers for the needy.**

20 Except as provided as an accessory use to places of religious assembly, food distribution centers for

21 the needy shall be regulated as follows:

- 1 (1) *Meals served.* All meals served shall be limited to a consecutive three-hour period within a 24-
 2 hour day between the hours of 8:30 a.m. and 7:00 p.m. This limitation does not apply to meals
 3 served to the residents and staff of a facility that is jointly licensed and operated as a residence
 4 for destitute people and a food distribution center for the needy.
- 5 (2) *Distance requirements.* The distance between any food distribution center for the needy and
 6 any other food distribution center for the needy or residence for destitute people, or facility
 7 combining both uses, shall be 2,000 feet. The distance between any food distribution center for
 8 the needy and any social service home, halfway house or rehabilitation center shall be 1,320
 9 feet. All distance measurements shall be from the nearest property line of any existing facility
 10 to the nearest property line of the proposed facility. However, there shall be no food
 11 distribution center for the needy located in the area described in Appendix D located at the end
 12 of this chapter, and as shown on the map maintained in the department of community
 13 development.
- 14 (3) *Saturation.* No more than two food distribution centers for the needy or residences for
 15 destitute people may be located within a two-mile radius.
- 16 (4) The name of the facility and the hours of operation shall be posted. ~~Signage. Food distribution~~
 17 ~~centers for the needy shall be limited to two wall-mounted, nonilluminated signs displaying the~~
 18 ~~name of the facility, hours of operation and other functional information and directions. No~~
 19 ~~more than one sign shall be displayed on any building face, nor shall the combined sign area for~~
 20 ~~two signs exceed 30 square feet.~~
- 21 (5) *Bufferstrip.* A food distribution center for the needy shall provide a buffer equal to that of a
 22 commercial use, in accordance with article VIII of this chapter, when adjacent to any property
 23 designated for residential use on the Future Land Use Map.
- 24 (6) *Management program.* Any applicant for a special use permit shall file with the City Manager a
 25 management program addressing hours of operation, personnel, client code of conduct,
 26 location of on-site waiting areas, management of solid waste and litter, lighting, and
 27 identification of a responsible person, as more specifically provided below. The name, address
 28 and telephone number of the person responsible for the facility shall be kept up to date, and
 29 submitted with the management program.
- 30 a. *Hours of operation.* The application for a special use permit must provide the hours of
 31 operations clearly indicating the three-hour timeframe for meal service. The meal service
 32 may only occur between the hours of 8:30 a.m. and 7:00 p.m. The hours shall be posted
 33 and clearly visible to the public.
- 34 b. *Personnel.* The application shall indicate the minimum number of staff persons, including
 35 volunteers, that will be supervising the meal service and the clients during the three-hour
 36 timeframe. The applicant must demonstrate to the board by clear and convincing evidence
 37 that the supervision will be adequate for providing the service and crowd control.
- 38 c. *Client code of conduct.* A written client code of conduct shall accompany the application,
 39 including the following information at a minimum: the procedure for suspending meal
 40 service to persons who violate the code of conduct, including the number of violations, and
 41 the requirement for all persons to sign and consent to the code as a condition for receiving
 42 service. The enforcement of the code of conduct shall be the sole responsibility of the
 43 owner/operator.

1 d. *On-site waiting areas.* The application for a special use permit must include a diagram of the
 2 facility's onsite waiting area(s). Waiting area(s) shall be on the premise where the meal
 3 service is being provided. The owner/operator must ensure that persons receiving service
 4 do not block public access to sidewalks, right-of-way and private property, and that
 5 emergency access points are clearly identified and maintained. The applicant must
 6 demonstrate to the board by clear and convincing evidence that adequate space is
 7 available to accommodate the expected number of persons who will be served meals.

8 e. *Management of solid waste and litter.* The application shall include a plan for controlling
 9 solid waste and litter on-site and off-site in the vicinity of the center. The application shall
 10 include information about whether carry-out meals or bag lunches will be provided. When
 11 carryout meals or bag lunches are provided the application must include a plan of
 12 personnel or staff that will provide litter clean-up within a quarter-mile radius of the center
 13 on the same day that the meals are served.

14 f. *Lighting.* Facilities with night hours shall include with the application a plan for security
 15 lighting that complies with the lighting standards of the land development code.

16 g. *Responsible person.* The application shall include the name, address and telephone number
 17 of the person responsible for the center. The contact person must have the authority to
 18 make corrective action when necessary. It shall be the responsibility of the owner/operator
 19 to keep the contact person's information up-to-date with the City Manager or designee.

20 (7) *Renewal of special use permit.* The owner of real property holding a special use permit for the
 21 operation of a food distribution center for the needy shall renew such permit in a hearing
 22 before the plan board at a regularly scheduled hearing not more than five years from the date
 23 of issue. The plan board at such renewal hearing shall ascertain that the facility has been
 24 operating in substantial compliance with the above conditions.

25 (8) *Combined facility.* A special use permit may be issued for a facility functioning as both a food
 26 distribution center for the needy and a residence for destitute people. All requirements for
 27 both facilities shall be met.

28
 29 **Section 6.** Subsection 30-115(b). – *Farmers markets* of the Land Development Code

30 (Chapter 30 of the City of Gainesville Code of Ordinances) is amended as follows. Except as amended
 31 herein, the remainder of Section 30-115 remains in full force and effect.

32 **Sec. 30-115. – Farmers markets.**

33• (b) *Additional requirements.*

34 (1) *Tents.* A tent permit must be obtained from the building official prior to the tent being
 35 constructed. A new tent permit must be obtained each year at the time of application for a
 36 farmers market permit. Any tent located on public property must be taken down, and the
 37 area cleaned, each night, even if sales will occur the next day.

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- 1 (2) *Amplified sound.* The farmers market must comply with the provisions of chapter 15
2 concerning prohibited noise and procuring special permits for noise.
- 3 (3) ~~*Signs.* The farmers market must meet the sign requirements established for special events
4 or sales set forth in subsection 30-317(6) of this Code.~~ Individual tents may have temporary
5 banners, provided the banners extend no wider than the tent and are high enough to allow
6 adequate clearance for people to pass under.
- 7 (4) *Bond.* The City Manager or designee shall require the operator of the farmers market to
8 provide a bond for cleanup of the sales area for any farmers market located on public
9 property. The amount of the bond will be determined by the square footage of area used
10 by the market.
- 11 (5) *Non-members.* Sales by individuals who are not members of the farmers market group are
12 considered "peddling" and not permitted under this section.
13

14 **Section 7.** Subsection 30-188(g). – *Required improvements* of the Land Development Code
15 (Chapter 30 of the City of Gainesville Code of Ordinances) is deleted as follows. Except as amended
16 herein, the remainder of Section 30-188 remains in full force and effect.

17 **Sec. 30-188. – Required improvements.**

18 ~~(g) *Permanent development identification signs and structures.* Permanent development
19 identification signs and structures for subdivisions may be located in the public right-of-way
20 provided there is compliance with article IX, division 1, of this chapter and provided there is
21 compliance with the following restrictions:~~

22 ~~(1) *Maintenance agreement.* A maintenance agreement between the city and the subdivision
23 or neighborhood organization or the developer placing the sign in the public right-of-way is
24 required. The agreement shall provide that the subdivision or neighborhood organization or
25 developer, including its successor or assign, is responsible for maintaining the sign and the
26 public right-of-way where the sign is located.~~

27 ~~(2) *Permitted signs and structures with indemnification agreement.* If the subdivision or
28 neighborhood organization or the developer enters into an agreement that is acceptable to
29 the City Attorney indemnifying the city from any liability, the city may permit structures such
30 as walls, permanent planters, or one single or double-sided street graphic containing a
31 maximum of 32 square feet of sign area per side, to be placed at the entrance(s) and located
32 in the city's right-of-way.~~

33 ~~(3) *Permitted signs with no indemnification agreement.* If the subdivision or neighborhood
34 organization or the developer does not or is unable or unwilling to enter into an
35 indemnification agreement with the city that is acceptable to the City Attorney, the city will
36 permit an identification sign on the right-of-way at the entrance(s) to the subdivision pursuant
37 to the conditions found in article IX, division 1, of this chapter and the following additional
38 conditions:~~

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1 a. ~~One double-sided sign no taller than four feet in height from the ground may be~~
 2 ~~placed in an entrance median. If made of wood, the sign may be no wider than six inches~~
 3 ~~in width, and, if made of masonry, may be one course thick (unreinforced) and no wider~~
 4 ~~than 12 inches, including letters.~~

5 b. ~~Alternatively, two single-faced signs equal in size may be placed within the right-of-~~
 6 ~~way on each side of an entranceway. Unless mounted on a wall, each face of the~~
 7 ~~subdivision sign shall be no taller than four feet from the ground.~~

8 c. ~~The sign(s), whether located in a median strip or along the side of the entrance street,~~
 9 ~~shall be located at least four feet behind the face of the median curb.~~

10 d. ~~Location and materials of the signs must receive approval from the director of public~~
 11 ~~works, city traffic engineer and Gainesville Regional Utilities.~~

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15 **Section 8.** Article IX. – *Additional Development Standards, Division 1. – Sign Regulations of*

16 the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) is deleted in its
 17 entirety and replaced with a new Division 1. – *Sign Regulations* as follows.

18 **ARTICLE IX. – ADDITIONAL DEVELOPMENT STANDARDS**

19 **~~DIVISION 1. – SIGN REGULATIONS~~**

20 **~~Sec. 30-315. – Short title; purpose and intent.~~**

21 **~~Sec. 30-316. – Applicability.~~**

22 **~~Sec. 30-317. – Prohibited signs.~~**

23 **~~Sec. 30-318. – Signs not requiring a permit.~~**

24 **~~Sec. 30-319. – Permitting.~~**

25 **~~Sec. 30-320. – General regulations for all signs.~~**

26 **~~Sec. 30-321. – Permanent signs.~~**

27 **~~Sec. 30-322. – Temporary signs.~~**

28 **~~Sec. 30-323. – Sign maintenance.~~**

29 **~~Sec. 30-324. – Nonconforming and abandoned signs.~~**

30 **~~Sec. 30-325. – Enforcement.~~**

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DIVISION 1. – SIGN REGULATIONS

Sec. 30-315. - Short title; purpose.

This division shall be known as the "sign code." The purpose and intent of this sign code is to preserve and protect the health, safety, welfare, and general well-being of citizens by promoting public safety, economic vitality, and aesthetic qualities through regulations for the use and maintenance of signs that are:

- A. Compatible with their surroundings and appropriate within the parameters of the comprehensive plan;
- B. Appropriate to the location to which they pertain;
- C. Large enough to sufficiently convey a message, yet small enough to preserve and protect the natural beauty of the city and limit distractions to motorists;
- D. Not concentrated in a manner that results in clutter and unnecessary distraction to motorists;
- E. Placed in locations that do not result in the unnecessary removal of vegetation;
- F. Compatible to a pedestrian and motorist scale; and
- G. Otherwise conducive to the preservation and protection of the public health, safety, and welfare.

Sec. 30-316. - Applicability.

This sign code applies to the use and maintenance of all signs within the City of Gainesville, with the exception of signs that are placed, maintained or required by the federal, state or local government.

Sec. 30-317. - Prohibited signs.

Any sign not expressly authorized by this sign code is prohibited. The following signs are expressly prohibited within city limits, except as otherwise provided by this sign code:

- A. Off-premises signs;
- B. Trailer signs;
- C. Vehicle signs that are parked in a location for greater than one hour and are being used as an off-premises sign;
- D. Roof signs;
- E. Electronic signs;
- F. Moving signs;
- G. Snipe signs;
- H. Pennants;
- I. Balloons, dancing tubes, and other tethered inflatable promotional devices; and

1 J. Obscene signs.

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3 **Sec. 30-318. - General regulations.**

4 A. Substitution of message. Any sign used in conformance with the provisions of this sign code may at
5 the option of the owner contain either a commercial or noncommercial message.

6 B. Location and general regulations. No sign shall:

7 1. Be located in such a manner as to obstruct the vision of pedestrians or motorists, including
8 obstructions within the vision triangle. However, signs may be located at least eight feet above
9 the highest crown of any adjacent street when such sign is mounted upon a sign support
10 structure that does not exceed eight inches in diameter;

11 2. Be located in such a manner as to obstruct ingress/egress through any door or window required
12 or designed for ingress/egress to any building, and shall not obstruct or be attached to a fire
13 escape;

14 3. Be located in or on any public right-of-way; or

15 4. Use the words "Stop," "Look," "Drive in," "Danger" or any similar word, phrase, symbol or
16 character within 10 feet of a public right-of-way or 200 feet of a traffic control device.

17 C. Illumination.

18 1. Only permanent signs may be illuminated. Temporary signs shall not be illuminated.

19 2. Signs may be illuminated with a steady light, but shall not be illuminated to give the effect of
20 blinking, flashing or moving.

21 3. Sign illumination shall not produce glare or any condition that constitutes a hazard to traffic.

22 4. Sign illumination shall minimize light pollution and shall meet the light trespass requirements of
23 the Land Development Code.

24 5. Colored lights. Colored lights shall be designed to prevent confusion with traffic control signals.
25 No sign located within 10 feet of public right-of-way or within 200 feet of traffic control signals
26 shall contain red or green lights. Color-changing light or lighting, including when located in, on,
27 or near a window or transparent door and intended to be visible to members of the public who
28 are located outdoors, is prohibited.

29 6. Bare-bulb illumination. Bare-bulb illumination of signs is permitted only in districts zoned MU-1,
30 MU-2, BUS, BA, BT, CCD, UMU-1, and UMU-2.

31 7. Flame. Flame as a source of light for signs is permitted if it meets adequate fire safety standards
32 as prescribed by the City Manager or designee.

33 8. Strip lighting.

34 a. Shall be no greater than one inch in diameter.

35 b. Shall not be directed towards any property located within 200 feet of the strip lighting that
36 is zoned residential district or zoned planned development district with predominantly
37 residential use.

38 c. Shall obtain all necessary electrical permits.

d. Shall be separated by at least two feet from any signs so that it would in no way be construed as being part of the total area allowed for the signs.

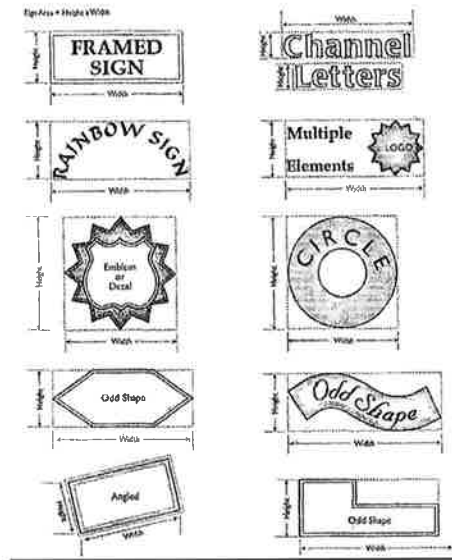
D. Measurement.

1. Sign height. The height of a freestanding sign shall be measured vertically from the established average grade directly below the sign to the elevation of the highest point of the sign.

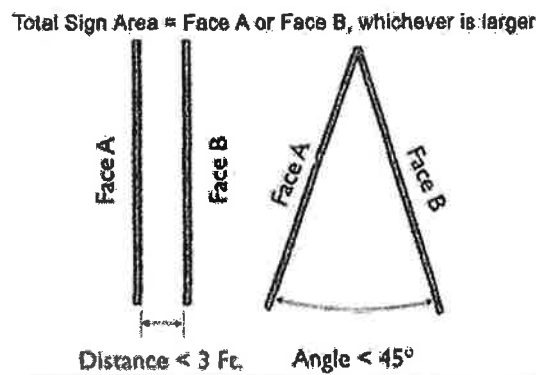
2. Distance between signs. The minimum required distance between signs shall be measured from the closest parts of any two sign areas.

3. Sign area.

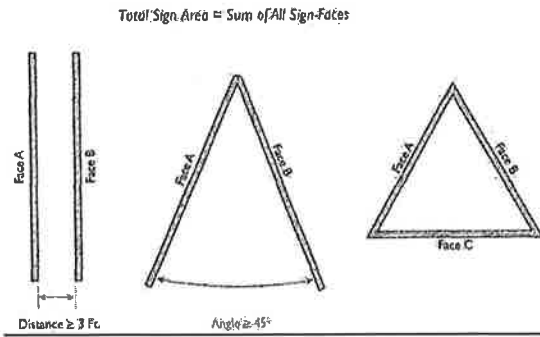
a. The sign area shall be calculated as defined.



b. Double-faced signs shall be counted as a single-faced sign when the two faces are parallel or at an angle of less than 45 degrees. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.



c. Signs with three or more sign faces, or signs with two sign faces with a distance greater than three feet apart or an interior angle equal to or greater than 45 degrees, shall calculate the sign area as the sum of all the sign faces.



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Sec. 30-319. – Signs allowable without a sign permit.

The following signs may be used without a sign permit, provided that such signs meet the applicable regulations in this section and section 30-318 and have no electrical parts or usage unless ULI listed. Any signage allowable per this section is in addition to any signage allowable per section 30-320.

A. Temporary signs.

<u>Sign location</u>	<u>Max number</u>	<u>Max duration</u>	<u>Max sign area (sq. feet)</u>	<u>Max height (feet)</u>	<u>Setback from side property line (feet)</u>
<u>Single-family residential property</u>	<u>3 per property</u>	<u>180 calendar days</u>	<u>6</u>	<u>4</u>	<u>10</u>
<u>Multi-family residential property</u>	<u>6 per property</u>	<u>180 calendar days</u>	<u>6</u>	<u>8</u>	<u>10</u>
<u>Nonresidential property</u>	<u>4 per property</u>	<u>180 calendar days</u>	<u>32</u>	<u>8</u>	<u>10</u>

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- Events. Signs pertaining to an event shall be removed no later than 10 calendar days after the event. As used in this section, “event” shall mean an occurrence, happening, activity or series of activities, specific to an identifiable time and place, if referenced on the sign itself or reasonably determined from all circumstances by the enforcing official.

B. Signs necessary to preserve life and prevent serious injury.

<u>Sign type</u>	<u>Max number</u>	<u>Max sign area (sq. feet)</u>	<u>Max height (feet) (freestanding signs)</u>	<u>Notes</u>
<u>Address, identification, contact information</u>	<u>1 per street frontage</u>	<u>6</u>	<u>6</u>	<u>Characters shall not exceed eight inches in height for nonresidential uses.</u>
<u>Direct/guide traffic and parking (building</u>	<u>N/A</u>	<u>6</u>	<u>6</u>	<u>Example: Parking, entrance, exit, one-way, service, etc.</u>

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<u>identification may be included)</u>				
<u>General safety/caution or to prohibit trespassing</u>	<u>N/A</u>	<u>4</u>	<u>6</u>	<u>Non-illuminated.</u>
<u>Safety/caution of the location and direction of underground utility lines</u>	<u>1 per block face or every 200 feet, whichever is less</u>	<u>0.5</u>	<u>3</u>	<u>Non-illuminated. Signs should not be clustered at street corners unless required because of a directional change to the underground line.</u>
<u>On hospital grounds, directing the public to the emergency room— Wall-mounted</u>	<u>1 per street frontage</u>	<u>Lesser of 10% of the wall or 100 sq. ft.</u>	<u>N/A</u>	<u>At least one sign shall be located on front face of emergency room entry. May include directional arrows. May only read "EMERGENCY" or similar text.</u>
<u>On hospital grounds, directing the public to the emergency room— Freestanding</u>	<u>1 per street frontage or entrance</u>	<u>24</u>	<u>10</u>	

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C. Miscellaneous signs.

<u>Sign type or location</u>	<u>Max number</u>	<u>Max sign area (sq. feet)</u>	<u>Max height (feet)</u>	<u>Notes</u>
<u>Non-illuminated signs, including window signs and excluding flexible banner signs</u>	<u>1</u>	<u>12</u>	<u>N/A</u>	<u>Signage in excess of this standard shall be counted as part of the building-mounted signage allowance.</u>
<u>Signs on the body of vending machines, gasoline pumps, ice vending equipment, or similar public-serving amenities</u>	<u>N/A</u>	<u>6</u>	<u>N/A</u>	
<u>Signs on an umbrella attached to a table at an outdoor eating place or alcoholic beverage establishment</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>Table and umbrella must be otherwise lawfully permitted.</u>

<u>Decorative vertical pole banners</u>	<u>N/A</u>	<u>18</u>	<u>N/A</u>	<u>Pole must be lawfully permitted and serve a dual purpose such as light poles.</u>
<u>Signs that are a permanent architectural feature of the building or structure</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>Such as a cornerstone or other identifying letters carved into or embossed on the building, provided such letters are not illuminated apart from the building, are not made of a reflective material and do not contrast in color with the building.</u>
<u>Pedestrian-oriented sign, under-canopy</u>	<u>1</u>	<u>4</u>	<u>N/A</u>	<u>Permanently attached. Minimum 9-foot vertical clearance under sign. Not internally illuminated.</u>
<u>Pedestrian-oriented sign, pedestal</u>	<u>Either 1 pedestal sign or 1 message board sign</u>	<u>2.25</u>	<u>5</u>	<u>Permanently attached to ground. Outside of right-of-way and any pedestrian walkway. May be internally illuminated.</u>
<u>Pedestrian-oriented sign, message board</u>	<u>Either 1 pedestal sign or 1 message board sign</u>	<u>6</u>	<u>N/A</u>	<u>Permanently attached to wall, door, or window. May be mounted in a protective frame up to 6 inches deep. May be internally illuminated.</u>

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2 D. Flags.

<u>Sign location</u>	<u>Max flagpole height (feet)</u>
<u>Residential districts</u>	<u>25'</u>
<u>Nonresidential districts</u>	<u>30'</u>

3 1. The vertical dimension of the flag shall be a maximum of 20% of the height of the flagpole.

4 2. A flagpole may be freestanding or building-mounted. Freestanding flagpoles shall be set back at
 5 least 10 feet from any property line.

6 E. Murals and other works of art. Murals and other works of art, as defined in Chapter 5.5 of this
 7 Code, shall not require a sign permit provided that they meet any applicable regulations in section
 8 30-318 and have no electrical parts or usage unless ULI listed. Any part of a mural or work of art that
 9 contains a commercial message shall not be included within the allowance of this subsection (g) and
 10 shall comply with any applicable provisions of this sign code.

11

12 Sec. 30-320. – Signs allowable with issuance of sign permit.

1 A. *Sign permits.* With the exception of those signs regulated by Section 30-319, it shall be unlawful to
 2 use, erect, maintain, alter or extend any new or existing sign without first obtaining a sign permit
 3 from the city.

4 1. *Interim signs.* An owner or designated agent who intends to submit a permit application for a
 5 permanent sign in accordance with this section may apply to the City Manager or designee, at
 6 no fee, for an interim sign permit. The permit shall expire one year after issuance or when a
 7 permanent sign is installed and permitted according to this section, whichever occurs first.
 8 Interim sign permits may be extended for good cause and interim signs shall be removed within
 9 three calendar days after expiration of the interim sign permit.

10 2. *Street banners.* No sign may be erected, constructed or maintained along or across any public
 11 streets, except across-street and vertical pole banners as permitted over or along certain streets
 12 designated by the City Manager and the general manager for utilities. An application shall be
 13 filed with the City Manager or designee together with a banner installation fee as prescribed by
 14 the general manager for utilities to allow full cost recovery to the city. The following regulations
 15 shall apply:

16 a. *Banners shall relate to an event that will be open to the general public and that is scheduled*
 17 to occur within the city or unincorporated Alachua County;

18 b. *Banners shall not contain any commercial message, any phone numbers or addresses, or*
 19 any traffic directions or traffic signage that may cause a traffic or pedestrian hazard; and

20 c. *The city will install street banners no more than 14 calendar days prior to the event and will*
 21 remove them no later than seven calendar days following the event.

22 3. *Sign permit applications.* The owner or designated agent shall apply for a sign permit by
 23 submitting an application to the City Manager or designee on a form provided by the city,
 24 together with the applicable sign permit fee.

25 a. *Review period.* The City Manager or designee shall grant or deny a sign permit application
 26 within 30 calendar days from the date a completed application and payment of the permit
 27 fee was submitted to the city. If the City Manager or designee fails to take action by either
 28 granting or denying a sign permit application within this specified period, it shall be deemed
 29 approved.

30 b. *Review criteria.*

31 i. *If the City Manager or designee determines that the application meets the requirements*
 32 of this sign code and all building, electrical and other applicable regulations of the city,
 33 the City Manager or designee shall approve the application and issue the sign permit
 34 contingent on an inspection after installation/alteration.

35 ii. *If the City Manager or designee determines that the application fails to meet one or*
 36 more requirements of this sign code or building, electrical or other applicable
 37 regulations of the city, the City Manager or designee shall deny the application and shall
 38 make a written report of the denial and the reasons therefore. A copy of the report shall
 39 be sent by certified mail to the applicant.

40 iii. *If the application is denied, the applicant may submit an amended application within 15*
 41 calendar days of the date posted on the notice of denial without additional cost. The
 42 City Manager or designee shall grant or deny an amended application within 30 calendar

1 days of receipt. If the City Manager or designee fails to take action by either granting or
 2 denying an amended application within this specified period, it shall be deemed
 3 approved.

- 4 B. Building-mounted, permanent. Building-mounted sign allowance may be used by a combination of
 5 wall, window, mansard, parapet, awning, marquee, or canopy signs, and shall not exceed the
 6 maximum sign area established below. Except where otherwise specifically provided, permanent
 7 building-mounted signs may be permitted as follows:

<u>Sign location</u>	<u>Max number</u>	<u>Max sign area (sq. feet)</u>
<u>Residential districts</u>	<u>1 – Principal use</u> <u>1 – Accessory use (if applicable)</u>	<u>24 – Principal use</u> <u>18 – Accessory use</u>
<u>Nonresidential districts – development two stories or less</u>	<u>2 per tenant</u>	<u>Length of leased space × 1.5, up to 200 max aggregate per tenant</u>
	<u>1 for each exterior building wall that is part of a tenant’s space</u>	<u>50 - second side</u> <u>24 - third side</u> <u>24 - fourth side</u>
	<u>1 directional</u>	<u>6</u>
<u>Nonresidential districts – development greater than two stories</u>	<u>2 (3 if primary frontage greater than 500 linear feet), plus 1 for each exterior wall</u>	<u>300 max aggregate</u>
	<u>2 per tenant, within the building sign band</u>	<u>Length of leased space × 1.5, up to 100 max aggregate per tenant</u>
	<u>1 directional</u>	<u>6</u>
<u>Parking garage</u>	<u>1 per street frontage</u>	<u>75 max aggregate</u>
	<u>2 per tenant</u>	<u>Length of leased space × 1.5, up to 100 max aggregate per tenant</u>
	<u>2 directional</u>	<u>6</u>

- 8 1. Projecting. Signs shall not extend horizontally beyond the edges of the awning, marquee,
 9 mansard, or parapet to which they are attached or from which they are suspended and no more
 10 than four feet horizontally from the wall. Signs shall not project vertically above the roofline.
 11 Such signs under which a pedestrian walkway passes must have at least a nine-foot vertical
 12 clearance.
- 13 2. Canopy. Permitted only when canopy is connected to the principal building, in which case the
 14 face of the canopy is considered a part of the face of the principal building.
- 15 3. Wall. Where a wall supporting a building-mounted sign is less than 12 inches from a public right-
 16 of-way, the wall sign may project over the right-of-way, provided it does not project more than
 17 12 inches from the wall.

1 C. Freestanding, permanent. Except where otherwise specifically provided, permanent freestanding
 2 signs may be permitted as follows. However, permanent freestanding signs shall not be permitted
 3 on single-family residential properties.

<u>Sign location</u>	<u>Max number (may choose either monument or pole)</u>	<u>Max sign area (sq. feet)</u>	<u>Max height (feet)</u>
<u>Residential districts</u>	<u>1</u>	<u>Monument:</u> <ul style="list-style-type: none"> • <u>32</u> <u>Pole:</u> <ul style="list-style-type: none"> • <u>24</u> 	<u>8</u>
<u>Nonresidential districts</u>	<u>1 primary frontage</u>	<u>Monument:</u> <ul style="list-style-type: none"> • <u>32 if frontage up to 50 ft.</u> • <u>40 if frontage 51-100 ft.</u> • <u>Frontage length x 0.5 (up to 120 max) if frontage greater than 100 ft.</u> <u>Pole:</u> <ul style="list-style-type: none"> • <u>24 if frontage up to 50 ft.</u> • <u>32 if frontage 51-100 ft.</u> • <u>Frontage length x 0.4 (up to 96 max) if frontage greater than 100 ft.</u> 	<u>10</u>
	<u>1 additional primary frontage if greater than 500 linear feet</u>	<u>Monument:</u> <ul style="list-style-type: none"> • <u>75</u> <u>Pole:</u> <ul style="list-style-type: none"> • <u>50</u> 	<u>10</u>
	<u>1 secondary frontage</u>	<u>Monument:</u> <ul style="list-style-type: none"> • <u>30</u> <u>Pole:</u> <ul style="list-style-type: none"> • <u>24</u> 	<u>8</u>
	<u>1 outparcel</u>	<u>Monument:</u> <ul style="list-style-type: none"> • <u>38 if frontage 151-200 ft.</u> • <u>58 if frontage greater than 200 ft.</u> <u>Pole:</u> <ul style="list-style-type: none"> • <u>32 if frontage 151-200 ft.</u> • <u>48 if frontage greater than 200 ft.</u> 	<u>8</u>
	<u>Unlimited directional for developments with greater than 300,000 square feet of floor area; shall be located at least 100 feet from any public right-of-way</u>	<u>50</u> <ul style="list-style-type: none"> • <u>single-occupancy developments shall be limited to two square feet</u> 	<u>6</u>

<p><u>Identification</u></p>	<p><u>1 per entrance; may be one double-sided sign or two single-faced signs on either side of an entrance</u></p>	<p><u>per individual sign face</u></p>	
		<p><u>Residential development:</u></p> <ul style="list-style-type: none"> • <u>16 for primary entrance if less than 6 units</u> • <u>24 for primary entrance if 6 or more units</u> • <u>16 for each additional entrance</u> 	
		<p><u>Minor subdivision:</u></p> <ul style="list-style-type: none"> • <u>18</u> 	
<p><u>Nonresidential subdivision:</u></p> <ul style="list-style-type: none"> • <u>6 per lot (up to 115 max for monument signs or 96 max for pole signs)</u> 	<p><u>8</u></p>		

1 1. Spacing and setback. Shall be located at least 50 feet from any other permanent freestanding
 2 sign, and shall have a minimum setback of 10 feet from any front or side property line.

3 D. I-75 corridor signs.

4 1. For purposes of this subsection, I-75 corridor signage shall be restricted to permitted uses in
 5 nonresidential districts that are located within ¼ mile of the centroid of an I-75 interchange with
 6 any arterial roadway.

7 2. In addition to signage otherwise allowable per this sign code, an additional freestanding sign
 8 with a maximum height of 18 feet shall be allowed on a development (including outparcels),
 9 provided that the sign area of such sign in combination with other permitted signs on the
 10 development does not exceed a maximum sign area of 300 square feet. Such sign shall be
 11 readily visible from I-75. The location of this sign shall not be limited to properties actually
 12 abutting I-75; however, no I-75 corridor sign shall be located on any frontage where the
 13 adjacent or facing properties are designated single-family on the future land use map.

14 3. Height extension. An owner or designated agent may apply for a height extension to allow for an
 15 I-75 corridor sign with a maximum height greater than 18 feet. However, under no
 16 circumstances may a sign exceed a height of 90 feet. Applications for a height extension shall be
 17 accompanied by a fee in the amount established for a variance as set forth in Appendix A. The
 18 City Plan Board shall review height extension applications and shall approve or deny the
 19 application based upon the following special considerations. The city plan board shall approve
 20 an application for a height extension only when the applicant proves each of the following
 21 requirements:

22 a. A registered engineer certifies or other reliable documentary evidence proves that, due to
 23 special conditions and circumstances relative to topography, vegetation or the built
 24 environment, a sign with a height of 18 feet or less cannot be seen by motorists on I-75 at a
 25 distance of ¼ mile from the nearest exit ramp;

26 b. The height extension requested is the minimum necessary to achieve such visibility;

27 c. The circumstances and/or special conditions do not result from the actions of the applicant;

1 d. The height extension will have general compatibility and harmony with the uses and
 2 structures on adjacent and nearby properties; and

3 e. The sign otherwise complies with all applicable regulations of this sign code.

4 The City Plan Board may prescribe appropriate conditions and safeguards to ensure the
 5 structural integrity and safety of the sign and to landscape and buffer the sign structure to
 6 ensure compatibility and harmony with the uses and structures on adjacent and nearby
 7 properties.

8 E. Gainesville Regional Airport.

<u>Sign Type</u>	<u>Max number</u>	<u>Max sign area (sq. feet)</u>	<u>Max height (feet)</u>	<u>Notes</u>
<u>Freestanding, permanent</u>	<u>4</u>	<u>360 max aggregate for all freestanding signs</u>	<u>10</u>	
<u>Building-mounted, permanent</u>				<u>As approved by the Gainesville Alachua County Regional Airport Authority (GACRAA); no city approval required</u>
<u>Directional</u>				<u>As approved by the Gainesville Alachua County Regional Airport Authority (GACRAA); no city approval required</u>

9
 10 **Sec. 30-321. - Sign maintenance.**

11 A. All signs and sign structures regulated by this chapter, including any supports, braces, guys and
 12 anchors, electrical parts, lighting fixtures and all painted and display areas shall be maintained to
 13 present a neat, clean appearance and maintained in a safe condition. Painted areas and sign
 14 surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe
 15 and good working order.

16 B. Weeds and grass shall be kept cut in front of, behind, underneath and around the base of
 17 freestanding signs for a distance of 10 feet, and no rubbish or debris shall be permitted under or
 18 near such signs.

19 C. Any sign that becomes dilapidated, run down, or a safety hazard shall be repaired or removed by the
 20 owner or designated agent.

21
 22 **Sec. 30-322. - Nonconforming signs.**

23 Any sign that does not comply with the requirements of this chapter, but for which a permit has
 24 previously been issued by either the city or Alachua County, shall be deemed legally nonconforming. The
 25 owner of any legally nonconforming sign or the owner of any property upon which such sign is located
 26 shall bear the burden of proving that such sign is a legally nonconforming sign. All other signs that do
 27 not comply with the requirements of this chapter and that are not legally nonconforming shall
 28 immediately be removed or brought into compliance with this chapter.

29 A. All legally nonconforming signs shall be allowed to remain as originally permitted.

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- 1 B. Reasonable repair and maintenance necessary to keep a legally nonconforming sign in a good state
 2 of repair is allowed, and may include but is not limited to:
- 3 1. Changing light bulbs, neon, or other light source;
 - 4 2. Changing the face of a cabinet sign, or other modification that only involves a change of copy;
 - 5 3. Replacing cladding or other components that hold a sign face in place;
 - 6 4. Painting, cleaning, and other maintenance activities that do not affect the type, height, or size of
 7 the sign structure; and
 - 8 5. Repairing electrical components.
- 9 C. Reasonable repair and maintenance does not include, by way of example and not limitation:
- 10 1. Any modification that changes the structure or type of structure, such as conversion of a
 11 wooden sign structure to a metal sign structure, or otherwise prolongs the life of the sign
 12 structure;
 - 13 2. Any modification, including the addition of embellishments, that changes the sign area or the
 14 height above ground level; and
 - 15 3. Any modification that adds internal or external illumination, or increases the existing
 16 illumination.
- 17 D. A legally nonconforming sign shall be removed or brought into compliance with this sign code if any
 18 of the following conditions apply:
- 19 1. The sign becomes damaged, destroyed or deteriorated by any means to the extent that it
 20 requires more than reasonable repair and maintenance, as described above, or if the cost of
 21 renovation or repair exceeds 50% of the replacement cost of the sign;
 - 22 2. The principal structure on the parcel or parcels is demolished or requires renovations the costs
 23 of which exceed 50% of the assessed value of the structure; or
 - 24 3. The nonconforming sign is moved for any reason.
- 25 E. *Historic signs.* A sign that has been added to the local historic register shall not be considered a
 26 nonconforming sign and shall be exempt from the limitations of this subsection.

27
 28 **Sec. 30-323. - Enforcement.**

- 29 A. *Duties of enforcing official.* The City Manager or designee shall be the enforcing official. The
 30 enforcing official is charged with the duty of administering and securing compliance with the
 31 provisions of this sign code. In furtherance of this responsibility, the enforcing official shall:
- 32 1. Make such inspections as may be necessary to bring about the purpose and intent of this sign
 33 code and initiate appropriate action to bring about compliance if such inspection discloses any
 34 instance of noncompliance;
 - 35 2. Investigate thoroughly any complaints of alleged violations of this sign code, and indicate clearly
 36 in writing as a public record in his/her office the disposition made of such complaints;
 - 37 3. Order in writing as set out below the remedy of all conditions or all violations of the sign code
 38 found to exist in or on any premises;

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- 1 4. State in the violation order a time limit for compliance; and
- 2 5. Request the assistance of the City Attorney in taking appropriate legal action upon the failure of
- 3 the responsible party to comply with such violation order by the time specified therein.
- 4 B. Right of entry. The enforcing official or his/her agent is authorized and directed to lawfully enter in
- 5 and upon all premises at reasonable times to determine their condition insofar as the provisions of
- 6 this sign code are applicable.
- 7 C. Contents of notice of violation. Whenever the enforcing official determines that a violation of this
- 8 sign code exists, the official is authorized to issue a citation pursuant to Section 2-337. Time for
- 9 compliance shall be as follows:
- 10 1. Temporary and prohibited signs. For all signs that are either temporary or prohibited as
- 11 specified in this sign code, the time may not be less than one hour nor more than 24 hours from
- 12 the time of such written notice. However, any condition found to exist in violation of this sign
- 13 code that constitutes a hazard to the public safety shall be required to be abated immediately.
- 14 2. All other signs. For all other signs, the time may not be less than 10 calendar days nor more than
- 15 90 calendar days from the date of such written notice. However, any condition found to exist in
- 16 violation of this sign code that constitutes a hazard to the public safety shall be required to be
- 17 abated immediately.
- 18 D. Unauthorized signs in right-of-way. Any sign placed in the public right-of-way in violation of this sign
- 19 code shall be deemed to be abandoned and may be removed immediately by an enforcing official or
- 20 agent. Any sign so removed may be disposed of by the city without notice or compensation. This
- 21 removal shall not preclude prosecution or imposition of penalties for violation of this sign code.
- 22 E. The enforcing official or agent may cause any sign that is a hazard or poses immediate peril to
- 23 persons or property to be removed immediately at the expense of the owner, lessee or other person
- 24 having beneficial use of the sign, or the owner or lessee of the land upon which the sign is located.
- 25

26 **Section 9.** It is the intent of the City Commission that the provisions of Sections 1 through 8 of

27 this ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville,

28 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or

29 relettered in order to accomplish such intent.

30 **Section 10.** If any word, phrase, clause, paragraph, section or provision of this ordinance or the

31 application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall

32 not affect the other provisions or applications of this ordinance that can be given effect without the

33 invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are

34 declared severable.

1 **Section 11.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
2 conflict hereby repealed.

3 **Section 12.** This ordinance shall become effective immediately upon adoption.

4

5 **PASSED AND ADOPTED** this _____ day of _____, 2017.

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20 This ordinance passed on first reading this _____ day of _____, 2017.

21

22 This ordinance passed on second reading this _____ day of _____, 2017.

23

24

25

LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY