

# City of Gainesville

*City Hall  
200 East University Avenue  
Gainesville, Florida 32601*



## **Meeting Agenda**

**February 23, 2017**

**6:30 PM**

**City Commisison Auditorium**

## **City Plan Board**

*Stephanie Sutton - Chair  
Bob Ackerman - Vice Chair  
Erin Condon - Member  
Bryan Williams - Member  
Dave Ferro - Member  
Adam Tecler - Member  
Terry Clark - Member  
Robert Hyatt - School Board Representative*

**CALL TO ORDER****ROLL CALL**[160770.](#)

**City Plan Board Attendance Roster: July 28, 2016 through January 26, 2017 (B)**

*Explanation: City Plan Board attendance roster for Board Members to review.*

[160770\\_CPB Attendance .2016-2017\\_20170323](#)

**APPROVAL OF THE AGENDA****APPROVAL OF MINUTES: JANUARY 26, 2017**[160771.](#)

**Draft minutes of the January 26, 2017 City Plan Board Meeting (B)**

**RECOMMENDATION**

*Staff is requesting that the City Plan Board review the draft minutes from the January 26, 2017 meeting and vote to approve the minutes.*

*Staff to the City Plan Board - Review and approve the draft minutes.*

[160771\\_CPB 170126 Minutes draft\\_20170323](#)

**ANNOUNCEMENT: Section 30-353 of the Land Development Code establishes the Plan Board, including its membership; rules of procedure; and functions, powers and duties. The Plan Board is advisory to the City Commission on most planning petitions. Appeals of Plan Board decisions concerning Special Use Permits are to a hearing officer within 15 days of the decision (see Sec. 30-234(h) of the Land Development Code). The procedure for an appeal is set forth in Sec. 30-352.1.**

**REQUEST TO ADDRESS THE BOARD****OLD BUSINESS****NEW BUSINESS**[160682.](#)

**Request to Vacate Public Right-of-way for a Strip of SW 5th Avenue Located Between the Alleys of SW 11th Drive and SW 10th Drive.**

**Petition PB-16-181 SVA. City Plan Board. Gmuer Engineering, LLC, agent for Reid and Stacey Fogler. Request to vacate public right-of-way for a strip of SW 5th Avenue located between the alleys of SW 11th Drive and SW 10th Drive.**

*Explanation: This is a request to vacate a 10 foot wide by 150 foot long section of the SW 5th Avenue right-of-way, located between SW 11th Drive and SW 10th Drive, south side. According to the applicant, the purpose of the request is to allow three relocated historic structures to be closer to the sidewalk; to match a previous vacation of right-of-way located in the vicinity of SW 5th Avenue, south side in the 1100 block; and to allow for a more efficient placement of point of service locations for GRU (Gainesville Regional Utilities) utilities.*

*The property is located in the University Heights Special Area and University Heights Historic District-South. The applicant received approvals from the City Historic Preservation Board and City Development Review Board in 2016.*

*Public notice was published in the Gainesville Sun on February 7, 2017.*

*Fiscal Note: None.*

**RECOMMENDATION**

*Staff to City Plan Board - The City Plan Board approve Petition PB-16-181 SVA, subject to the conditions provided in Exhibit B of the staff report.*

[160682\\_Staff report and Exh A-B\\_20170223](#)

[160485.](#)

**Amend the City of Gainesville Sign Regulations for Consistency with Supreme Court Decision in Reed Vs Town Of Gilbert (B)**

**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.**

*Explanation: 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.

*Fiscal Note: None.*

**RECOMMENDATION**

*Staff to City Plan Board - Staff recommends approval of Petition PB-16-145 TCH.*

[160485 Staff report and Exh A-B 20170223](#)

[160769](#)

**Amend the Land Development Code (Chapter 30 of the City Of Gainesville Code of Ordinances) by Deleting the Definition of Rehabilitation Centers (B)**

**Petition PB-17-13 TCH. City of Gainesville. Amend the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) by deleting the definition of Rehabilitation Centers and adding a definition for Sexual Offender Treatment Centers; by deleting Rehabilitation Centers as a permitted use in Code; and by adding Sexual Offender Treatment Centers as a permitted use by Special Use Permit in the following zoning districts: General Business District (BUS), Mixed-Use Medium-Intensity District (MU-2), Central City District (CCD), Business Industrial District (BI), and Medical Services District (MD).**

*Explanation: Public notice was published in the Gainesville Sun on February 7, 2017.*

*Fiscal Note: None.*

**RECOMMENDATION**

*Staff to City Plan Board - Staff recommends continuation of this petition to a date certain of March 23, 2017.*

[160769 Staff report 20170323](#)

## ADJOURNMENT