



MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229
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TO: Mayor and City Commission

DATE: March 13, 2000
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-00-28; Petition No. 98TCH-99PB
An ordinance of the City of Gainesville, Florida, revising and amending the Land Development Code relating to temporary signs; amending subsection 30-317(6) to allow signs for special events of University of Florida student organizations located on property in the University Context 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 adopt the proposed ordinance.

STAFF REPORT

On August 19, 1999, the Plan Board reviewed the petition and recommended that the petition be continued so that staff could attempt to address some of the Board's concerns. During the hearing, the Board raised concerns about the amount of time the signs would be displayed, the purpose of the signs, height limitations, construction materials, and limiting the signs to just fraternities and sororities and property ownership. Staff reviewed the concerns and revised the proposed changes to address those concerns. On November 18, 1999, the Board reheard the petition.

Staff revised the language to state that signs shall not be displayed more than three days before the beginning of the special event or sale. The actual amount of time that a sign can be displayed is limited to 10 days for any one event and to four times within a 12-month period. The 10-day limitation is consistent with University of Florida policy.

The main purpose of the proposed code changes is to allow off-campus student organizations to advertise special events and membership drives the same as on-campus organizations. There are many organizations that are located on property off the main campus owned by the State of Florida and the University that are governed by the Campus Master Plan. In some instances, these organizations are located across the street from officially registered university organizations that are governed by City codes. These organizations are not allowed by City

codes to have signs larger than 16 square feet in commercial districts, and no signs are allowed in residential districts. Most of these organizations are located in multi-family districts. Staff's proposal is to limit these signs to the University Context Area in areas that are designated for non-residential use and multi-family areas.

On this issue staff has considered the following options: Keep the maximum sign size for all non-profits at 16 square feet and a height of 10 feet; increase the size for University organizations to a size between 16 square feet and 100 square feet with a maximum height of 10 feet; or—staff's recommendation—allow a maximum size of 32 square feet with a maximum height of 10 feet. Planning Division staff recommended that the petition limit the size of signs for officially registered University organizations to 32 square feet. As an alternative, Planning Staff recommended that the Board should consider the request by the City Commission to allow the same size of sign that the University of Florida allows for on-campus organizations.

The proposed changes limit construction material to materials constructed of heavy cloth, heavy vinyl or heavy plastic, properly sewn and vented. This is consistent with the University's policy. However, under the City proposal, wall-mounted signs may be made out of wood. The University does not allow wall-mounted signs of wood and they do not allow any type of sign to be screwed or nailed to a building.

The code changes would limit the signs to organizations that actually own the property where they are located, within the University Context Area.

The final issue relates to limiting the code changes to fraternities and sororities. It is staff's opinion that limiting the code changes to fraternities and sororities would not be fair to other campus organizations. Staff does not feel that this will be a problem given the proposed requirement on property ownership.

The City Plan Board reviewed the petition and recommends approval of the petition to allow a 32-square-foot sign as presented by staff, with changes. The Board voted to eliminate the property ownership provision and require owner permission instead. The Board also asked staff to make it clear that the ordinance language states that the banners are allowed for student organizations. The Board also eliminated the provisions for wood-mounted signs.

Public notice was published in the Gainesville Sun on November 2, 1999. The Plan Board held a public hearing November 18, 1999.

The Plan Board recommended that the City Commission approve Petition 98TCH-99 PB. Plan Board vote 7-0.

Fiscal Note
None

CITY ATTORNEY'S MEMORANDUM

This ordinance requires two public hearings. If the Commission adopts the ordinance on first reading, the second and final reading will be held on March 13, 2000.

Prepared by: Patricia M. Carter
Patricia M. Carter,
Sr. Assistant City Attorney

Approved and
Submitted by: Marion J. Radson
Marion J. Radson,
City Attorney

MJR:PMC:sw

PASSED ON FIRST READING BY A VOTE OF 4-0.

ORDINANCE NO. _____
0-00-28

An ordinance of the City of Gainesville, Florida, revising and amending the Land Development Code relating to temporary signs; amending subsection 30-317(6) to allow signs for special events of University of Florida student organizations located on property in the University Context 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 November 18, 1999; and

WHEREAS, notice was given and publication made of a Public Hearing which was then held by the City Commission on February 28, 2000; and

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

WHEREAS, the Public Hearings were held as advertised and 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. Section 30-317(6) of the Land Development Code is amended to read as follows:

Sec. 30-317. Temporary signs.

1 (6) *Special events or sales.* One sign announcing a temporary special event or sale
2 shall be allowed on the premises of the event or sale, ~~in accordance with the following~~
3 ~~standards:~~ Signs shall be located wholly on private property and shall be at least five feet
4 from any right-of-way, and 15 feet from side property lines, except as provided in
5 subsection (2) of this section. Signs must meet the provisions of section 30-341
6 regarding the vision triangle. Signs shall not be displayed more than three days before the
7 beginning of the special event or sale unless specifically allowed by this section and must
8 be removed no later than the end of the special event or sale. Notwithstanding the
9 foregoing, no sign may be displayed for more than 30 consecutive calendar days.
10 Temporary signs for special events and sales must comply with the following standards,
11 as applicable:

12 a. *Yard or garage sales.* In all residential districts as defined in subsection
13 30-318(1), including residential portions of planned developments, for the
14 purpose of yard or garage sales, one on-site, nonilluminated ground-mounted sign
15 not to exceed six square feet in sign area and not exceeding four feet in height
16 shall be allowed.

17 b. *Nonprofit institutions.* In all other zoning districts where the purpose is to
18 promote a special event or sale by nonprofit institutions such as places of
19 religious assembly, schools and fraternal societies, where such event or sale is
20 clearly incidental to the primary functions of such institutions and where such a
21 sale is conducted with or as a special event and for a specified time period, one
22 on-site, nonilluminated wall- or ground-mounted sign not to exceed 16 square feet
23 in sign area plus a border of not more than six inches in width and 10 feet in

1 overall height shall be allowed.

2 c. University student organizations. A student organization officially
3 registered with the University of Florida that is located on property within the
4 University Context Area that allows non-residential and multifamily use by right
5 may display one on-site, nonilluminated wall- or ground-mounted sign not to
6 exceed 32 square feet in sign area, plus a border of not more than six inches in
7 width, and 10 feet in overall height. The sign shall only be allowed when the
8 purpose of the event is to increase membership in the organization or to provide a
9 nonprofit community service. The sign may be displayed for a maximum of 10
10 days for any one event. Each organization is limited to four permits for this type
11 of sign within a twelve-month period. The organization must show proof that it is
12 an officially-registered University of Florida organization in order to receive the
13 permit for the sign. If the organization does not own the property on which it is
14 located, it must show proof that the property owner has agreed to allow the sign in
15 order to receive the permit for the sign.

16 d. Residential subdivisions and multifamily developments. In any residential
17 district as defined in subsection 30-318(1) where development is currently under
18 construction or construction has not been completed for more than one year, one
19 on-site, nonilluminated wall- or ground-mounted sign may be placed at the main
20 entrance to a subdivision or multifamily development in association with a special
21 showing of the units such as the “parade of homes.” The sign shall not exceed 32
22 square feet in sign area and 10 feet in overall height. This type of sign shall be
23 limited to twice within any twelve-month period.

1 e. Banners. Unless otherwise specified by ordinance, banners for special
2 events or sales to be hung outdoors as freestanding or wall mounted signs must
3 meet the following specifications:

4 1. Banners must be constructed of heavy cloth, heavy vinyl or heavy
5 plastic, properly sewn and vented.

6 2. Rope or cloth-type fasteners must be of sufficient strength to hold
7 banners. No staples, wire, nails or screws may be used to connect banners
8 to trees.

9 3. Posts may be used to support the freestanding signs.

10 4. All rope guys must be marked to be visible day and night. No wire
11 guys may be used.

12 5. No banner may be placed under or in the immediate area of utility
13 lines or facilities.

14 6. Commercial advertising or sponsorship will not be allowed.

15 7. Wall-mounted signs must be secured to the building in a way that
16 prevents the sign from becoming a hazard to the public during inclement
17 weather or heavy winds.

18 ~~d. Signs shall not be displayed more than three days before the beginning of~~
19 ~~the special event or sale unless specifically allowed and no later than the end of~~
20 ~~the special event or sale, and in no event for more than 30 consecutive calendar~~
21 ~~days.~~

22 ~~e. Signs shall be located wholly on private property and shall be at least five~~
23 ~~feet from any right-of-way, and 15 feet from side property lines, except as~~

1 ~~provided for in subsection 30-317(2) of this section. The vision triangle shall not~~
2 ~~be obstructed as provided in section 30-341.~~

3 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
4 this ordinance shall become and be made a part of Land Development Code of the City of
5 Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may be
6 renumbered or relettered in order to accomplish such intentions.

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

10 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of
11 such conflict hereby repealed.

12 **Section 5** This ordinance shall become effective immediately upon final adoption.

13
14 **PASSED AND ADOPTED** this _____ day of _____, 2000.
15
16

17 _____
18 PAULA M. DeLANEY
19 MAYOR
20

21
22 ATTEST:

Approved as to form and legality

23
24
25 _____
26 KURT M. LANNON
27 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

28 This Ordinance passed on first reading this _____ day of _____, 2000.

29 This Ordinance passed on second reading this _____ day of _____,
30 2000.

31
32 carter:ordinances:98TCH-99PB