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ORDINANCE NO. 130157

An ordinance of the City of Gainesville, Florida, updating, clarifying and reorganizing the sign regulations in the Land Development Code by 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, the City of Gainesville's Land Development Code was enacted in order to implement the City's Comprehensive Plan and to comply with the minimum requirements as set forth in Section 163.3202, Florida Statutes, including the requirement to enact specific and detailed provisions to regulate signage; and

WHEREAS, the City Commission of the City of Gainesville has determined the need to update, clarify, and reorganize the signage regulations in the City's Land Development Code; and

WHEREAS, the City Commission recognizes that signs may present a safety hazard by distracting motorists, pedestrians and other members of the public and affect the aesthetic qualities and economic vitality of the community, and that these concerns are of a substantial interest to the City of Gainesville; and

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

WHEREAS, notice was given as required by law that the text of the Land Development Code of the City of Gainesville, Florida, be amended and public hearings were then held by the City Plan Board on June 27, 2013, and by the City Commission on August 15, 2013; and

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1 **WHEREAS**, at least ten (10) days' notice has been given once by publication in a
2 newspaper of general circulation notifying the public of this proposed ordinance and of public
3 hearings in the City Hall Auditorium located on the first floor of City Hall, in the City of
4 Gainesville; and

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

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

9 **Section 1.** Section 30-23. *Definitions* of the Land Development Code is amended as
10 follows. Except as amended herein, the remainder of Section 30-23 remains in full force and
11 effect.

12 **Sec. 30-23. Definitions.**

13 *Abandoned sign* means a sign or sign structure located on a parcel(s) that has been vacant or
14 unoccupied for a period of at least 120 consecutive days, a sign or sign structure with a message
15 that describes the availability of goods or services at a location where such goods and services
16 are no longer available and have ceased to be available for a period of at least 120 consecutive
17 days, or a sign or sign structure with a message that otherwise pertains to a time, event or
18 purpose that has elapsed or expired. ~~that has not been used, or a sign or sign structure located on~~
19 ~~a parcel or parcels that becomes vacant or unoccupied, for a period of 120 consecutive calendar~~
20 ~~days or more.~~

21
22 *Animated sign* means any sign ~~or device visible from the right-of-way of a public street or~~
23 ~~highway~~ that contains text or pictorial information that moves or changes, or that uses movement
24 or change of lighting and/or ~~or change~~ of color to depict action or create a special effect or scene.

25
26 ~~*Banner sign* means a banner or other flexible sign characteristically suspended along or across~~
27 ~~any of the public streets of the city.~~

28
29 *Commercial message* means a message (including but not limited to text, copy, pictures,
30 symbols, or figures) that proposes a commercial transaction or is related primarily to the
31 economic interests of the speaker. Commercial messages include, but are not limited to, the
32 name of the business, business or brand identification, trademark, logo, or offer of service or
33 product.

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

Directional sign or directory sign means any sign that exclusively contains information providing direction to pedestrian and vehicular traffic to any object, place, or area. The term includes, but is not limited to, a sign indicating an avenue of ingress or egress and a sign listing the occupants of a property and their office or suite numbers.

Flag means any emblem or insignia of any nation, state, political subdivision, religious, political, social or fraternal organization that is displayed on a single pole or other supporting structure.

Freestanding (~~ground-mounted~~) sign means any sign ~~that which~~ is mounted on or supported by ~~an upright~~, uprights or braces in or upon the ground, any sign structure, ~~or~~ a fence, or a wall of an accessory building ~~or~~ structure.

Identification sign means any sign with a message ~~than~~ includes only the name of a subdivision, neighborhood, or residential development.

Marquee signs means a building-mounted sign that is ~~are~~ attached to an architectural feature that projects from ~~a the~~ building, such as a marquee of the sort typically associated with a theater, ~~a~~ or solid structural canopy, or ~~an~~ awning that extends over the entrance of a building.

Monument sign means a freestanding sign with a base, either a solid structural base or a non-structural base that gives the appearance of a solid structural base, that is at least 75 percent of the length of the sign face. ~~The sign shall be supported by one of the following methods:~~

- ~~■ by a solid structural base, or~~
- ~~■ by one or more poles or posts completely surrounded by a non-structural base, which shall be designed and constructed to give the appearance of a solid structural base.~~

Multiple occupancy means a building or development with two or more separate and distinct businesses and/or organizations. ~~more than one separate independent business.~~

Obscene means material, as defined by *Miller v. California*, 413 U.S. 15 (1973), that:

- (a) Taken as a whole, the average person applying contemporary community standards would find appeals to the prurient interest;
- (b) Depicts or describes, in a patently offensive way, sexual conduct as specifically defined herein; and
- (c) Taken as a whole, lacks serious literary, artistic, political, or scientific value.

Off-premises sign means any sign ~~(with the exception of other than a vehicle signs, a public service sign, and a permanent development identification sign for an office, business or industrial subdivision)~~ with a commercial message that directs attention to a specific business, product, service, entertainment event or activity, or any other type of event, activity or thing that is not

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provided, sold, produced, manufactured, furnished, conducted, or located at the property upon which the sign is located. ~~which advertises business, goods, products, services or facilities which are not manufactured, produced, sold, provided or located on the premises on which the sign is erected or maintained, or a sign which directs persons to a different location than the one upon which the sign is erected or maintained.~~

Pennant means a piece of cloth, plastic, paper or similar material that is attached to any staff, cord, or wire, either singularly or in a series. ~~any flag-like piece of cloth, plastic or paper attached to any staff, cord, building or other structure at only one or two edges, the remainder hanging loosely.~~

Portable sign means ~~any sign except a vehicle sign, which is manifestly designed to be transported from one place to another, whether on a trailer, on its own trailer, on wheels, or otherwise, or which is not owned or leased for a period of more than one year by an owner of the property upon which such sign is erected or maintained. A portable sign may, at the same time, fall within the definition of other types of signs, yet still be a portable sign.~~

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

Roof sign means any building-mounted sign erected and constructed wholly on and over the roof of a building, supported by the roof structure. Signs on parapet walls or mansards are not considered wall roof signs.

Sign means any letter, number, symbol, figure, character, mark, plane, design, pictorial, stroke, stripe, trademark or combination of these ~~which shall be~~ so designed, constructed, placed, attached, painted, erected, fastened, or installed ~~or manufactured~~ for the purpose of attracting the attention of and communicating a message to ~~attraction of~~ members of the public, either pedestrians and/or motorists, who are located outdoors. ~~the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, which can be seen from the right-of-way of a public street or highway, including window graphics placed inside a window but intended to attract attention of those outside in the public right-of-way.~~

Sign area means the total surface area contained within a single continuous perimeter composed of a square or rectangle that ~~which~~ encloses all sign elements as described in the definition of sign. ~~names, letters, numbers, symbols, pictures, trademarks, logos or other commercial messages or identifications contained in a sign.~~

Sign band means a permanent architectural feature integrated into the façade of a building intended for the placement of a sign(s). The measurement of the sign area shall include only the actual sign elements within a sign band.

Snipe sign means any temporary sign that is made of any material and is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects.

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Street banner means a flexible sign generally suspended along or across a street.

Vehicle sign means any sign on or affixed to a motorized vehicle that has a total sign area in excess of 10 square feet., ~~other than a registered logo, trademark or service mark.~~

~~Wall-mounted sign~~ means any building-mounted sign mounted on and approximately parallel to the face of a principal building wall and projecting not more than 12 inches from the plane of the wall. ~~Signs on the outside of a window and window signs are considered wall-mounted signs.~~

Window sign means a building-mounted sign painted, mounted and/or attached to the inside or outside of a window ~~for display to the public passersby outside the window.~~

Section 2. Division 1. – Sign Regulations in Article IX. – Additional Development

Standards of the Land Development Code is deleted in its entirety and replaced with a new

Division 1. – Sign Regulations as follows.

~~DIVISION 1. – SIGN REGULATIONS~~

~~Sec. 30-315. – Purpose and objectives.~~

~~Sec. 30-316. – General restrictions.~~

~~Sec. 30-317. – Temporary signs.~~

~~Sec. 30-318. – Permanent signs.~~

~~Sec. 30-319. – Reserved.~~

~~Sec. 30-320. – Reserved.~~

~~Sec. 30-321. – Illumination of signs.~~

~~Sec. 30-322. – Permit required; inspection; fees.~~

~~Sec. 30-323. – Applications for permits.~~

~~Sec. 30-324. – Nonconforming signs; limitations; removal of signs.~~

~~Sec. 30-325. – Maintenance.~~

~~Sec. 30-326. – Enforcement.~~

~~Sec. 30-327. – Severability.~~

~~Sec. 30-315. – Purpose and objectives.~~

~~(a) The objective of this article is to establish requirements for the placement, installation and maintenance of signs, in order to preserve and protect the health, safety, welfare and general well-being of the community's citizens. As the regulation of the placement, construction and maintenance of buildings and structures through zoning is a valid use of the police power, so~~

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1 too is the regulation of the placement, installation and maintenance of signs since such signs
 2 in the literal sense must ordinarily be considered structures, and in a practical sense are
 3 capable of producing many of the same nuisances as are produced by buildings.

4 (b) ~~The regulation of the placement, installation and maintenance of signs is further justified by~~
 5 ~~their innate scheme and primary purpose to draw mental attention to them, potentially to the~~
 6 ~~detriment of sound driving practices and the safety of the motoring public to which a~~
 7 ~~majority of signs is oriented. Therefore, it is the intent of this article to regulate the size and~~
 8 ~~location of signs so that their purpose can be served without unduly interfering with~~
 9 ~~motorists and causing unsafe conditions.~~

10 (e) ~~Finally, it is the objective of this article to protect and preserve the aesthetic qualities of the~~
 11 ~~community by regulating the placement, installation and maintenance of signs. The fact that~~
 12 ~~such signs are intended to be seen grants to signs a proportionately greater role than other~~
 13 ~~structures in determining the overall aesthetic quality of the community.~~

14 (d) ~~The aesthetic impact of signs is an economic fact which may bear heavily upon the~~
 15 ~~enjoyment and value of property; therefore the regulation of signs is validly justified on the~~
 16 ~~basis of conserving the value of property and encouraging the most appropriate use of land~~
 17 ~~throughout the municipality. Furthermore, it is not irrational for a community's citizens to~~
 18 ~~plan their physical surroundings in such a way that unsightliness is minimized.~~

19 (e) ~~With this purpose in mind, it is the intention of this article to authorize the use of signs~~
 20 ~~which are:~~

21 (1) ~~Compatible with their surroundings and appropriate within the parameters of the~~
 22 ~~comprehensive plan.~~

23 (2) ~~Appropriate to the type of activity to which they pertain.~~

24 (3) ~~Expressive of the identity of the individual proprietors or of the community as a whole.~~

25 (4) ~~Large enough to sufficiently convey a message about the owner or occupants of a~~
 26 ~~particular property, the products or services available on such property, or the business~~
 27 ~~activities conducted on such property, yet small enough to preserve and protect the~~
 28 ~~natural beauty of the city and limit distractions to motorists.~~

29 (5) ~~To reduce the concentration of signs which result in clutter and unnecessary distraction~~
 30 ~~to motorists.~~

31 (6) ~~To allow the placement of signs in a manner which would not result in the unnecessary~~
 32 ~~removal of vegetation.~~

33 (7) ~~To regulate the placement, height and size of signs which are compatible to a pedestrian~~
 34 ~~and motorist scale.~~

35 (8) ~~Are necessary to preserve the life and safety of the public, which the city finds to be a~~
 36 ~~compelling interest.~~

37 **Sec. 30-316. -- General restrictions.**

38 (a) ~~Location of signs. It shall be unlawful to erect, cause to be erected, maintain or cause to be~~
 39 ~~maintained a sign which violates the following general restrictions:~~

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(1) ~~Ingress and egress to buildings.~~ No sign shall be attached to or placed against a building in such a manner as to prevent ingress and egress through any door or window required or designed for access to any building, nor shall any sign obstruct or be attached to a fire escape.

(2) ~~Banners.~~ No banner sign or other sign of any type whatever may be erected, constructed or maintained along or across any of the public streets of this city, except across-street and vertical pole banners shall be permitted over or along the streets designated by the city manager and the general manager for utilities within the city. They are authorized to adopt rules regulating the permit application, installation procedures and minimum banner specifications. An application shall be filed with the city manager together with the permit fee. In addition to the permit fee, the applicant shall pay the banner installation fee in an amount prescribed by the general manager for utilities to allow full cost recovery to the city. The following conditions and restrictions shall apply:

a. ~~Application shall be accompanied by complete and accurate description and content of banner(s).~~

b. ~~Messages shall directly relate to a not-for-profit event that is scheduled to occur within the city or unincorporated Alachua County and that will be open to the general public.~~

c. ~~Messages and logos (if any) shall not include or contain:~~

1. ~~Any obscene, defamatory or patently offensive sexual and excretory words or symbols;~~

2. ~~Any commercial advertising;~~

3. ~~Promotion of any for-profit commercial event or enterprise;~~

4. ~~Any phone numbers or addresses or references; or~~

5. ~~Any traffic directions or traffic signage that may cause a traffic or pedestrian hazard.~~

d. ~~Banners may be installed no more than 14 days prior to the event and shall be removed no later than seven days following the event.~~

(3) ~~Signs on public property and rights-of-way.~~ No sign other than a city sign or other sign of a public nature will be allowed to be erected, placed, replaced, installed or maintained in or on any city property or public right-of-way. The following signs are allowed without permit in the public right-of-way:

a. ~~Signs described by the Manual of Uniform Traffic Control Devices;~~

b. ~~Signs required by federal or state law or regulation;~~

c. ~~Signs indicating obstruction of a road;~~

d. ~~Signs placed by a utility indicating where their underground lines are, as provided in subsection (c) of this section;~~

e. ~~Signs placed by a transit company along its routes to indicate stops and routes;~~

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1 f. ~~Informational signs of a utility identifying its poles, lines, pipes or other facilities.~~

2 g. ~~Signs identifying public property.~~

3 (b) ~~Prohibited signs. It shall be unlawful to erect, cause to be erected, maintain or cause to be~~
4 ~~maintained any of the following signs:~~

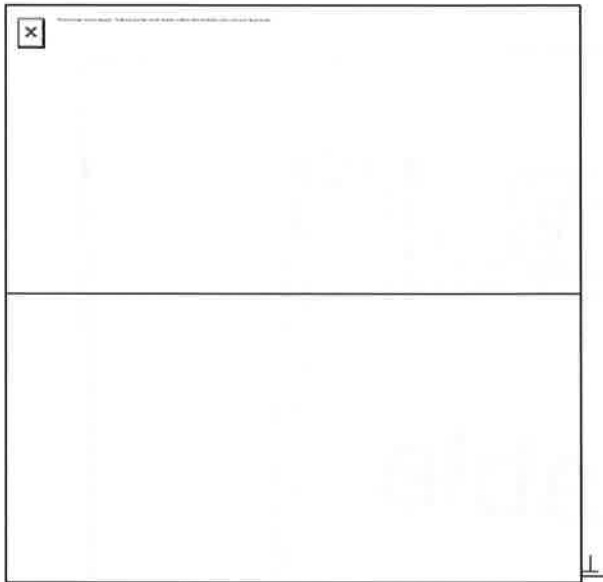
5 (1) ~~Traffic or pedestrian hazards: No sign shall be erected in such a manner as to obstruct~~
6 ~~the vision of pedestrians. No signs shall obstruct vision at any street intersection as~~
7 ~~provided in section 30-341. This section, however, shall not prohibit the erection of a~~
8 ~~sign which is located at least eight feet above the highest crown of any adjacent street~~
9 ~~when such sign is mounted upon a sign support structure which does not exceed 8~~
10 ~~inches in diameter. Any sign which by glare or method of illumination constitutes a~~
11 ~~hazard to traffic is prohibited. No sign may use the words "Stop," "Look," "Drive in,"~~
12 ~~"Danger" or any similar word, phrase, symbol or character within ten feet of a public~~
13 ~~right-of-way or 200 feet of a traffic control device.~~

14 (2) ~~Signs of obscene nature: Signs displaying any statement, word, character or illustration~~
15 ~~of an obscene nature. The word "obscene" shall be construed consistent with the~~
16 ~~mandate of Miller v. California, 412 U.S. 15(1973).~~

17 (3) ~~Portable sign(s); including sandwich board, "A" frame, and swinger signs. (See section~~
18 ~~30-23, Definitions.) (See Figures 1 and 2).~~

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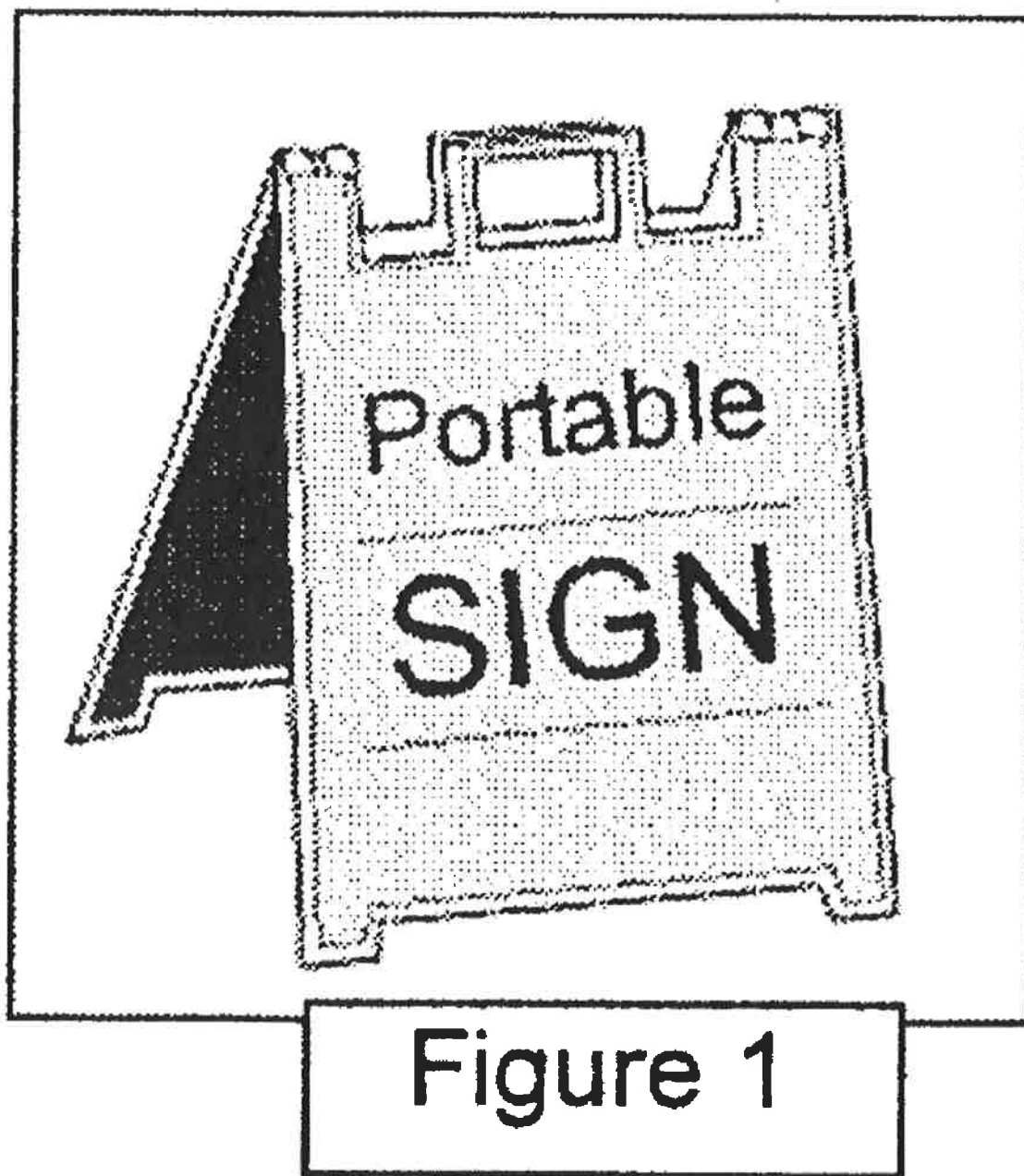


Figure 1

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