



Legislation Text

File #: 070776., **Version:** 1

AMENDMENT TO LAND DEVELOPMENT CODE - SIGN REGULATIONS (B)

Ordinance No. 0-07-87

An ordinance of the City of Gainesville, Florida, amending the Sign Regulations of the Land Development Code; amending § 30-315 by adding an objective; amending § 30-316 providing conditions when signs are allowed on public property and rights-of-way without a permit; amending prohibited signs and signs that are exempt; allowing signs on hospital grounds under certain conditions; allowing flags or insignia under certain conditions; allowing substitution of non-commercial messages for commercial messages; providing clarification; amending § 30-317 relating to regulations and conditions for temporary signs; amending § 30-318 by revising the conditions and restrictions relating to permanent identification signs and structures for non-residential uses in residential districts and adding regulations for flags and flagpoles; repealing § 30-319 relating to restrictions on political signs; repealing § 30-320 relating to time and temperature devices; amending § 30-322 providing when permits are required; amending § 30-323 by adopting procedures for the processing of permits and appeals; amending § 30-326 by authorizing the removal of unauthorized signs in the right-of-way; adding section 30-327 relating to severability; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

STAFF REPORT

The sign code is being revised to comply with recent court rulings and to avoid any legal challenges. To review the code, staff hired a consultant attorney with expertise in this area of the law to review and propose revisions. The proposed revisions to the code did not change the size or height of the signs. The most significant changes are as follows:

1. Businesses will be allowed to have a temporary sign during special sales and promotional events, where none were allowed before;
2. Hospitals will be allowed to have additional signage for the identification of emergency room locations;
3. Public and private development will be allowed to have decorative vertical pole banners; and
4. Revisions that will regulate both public and private signs similarly on a content neutral basis.

The City Plan Board reviewed the proposed changes and recommended approval with a 6-1 vote. The Plan Board also recommended that the size of flags be limited. Some Board members were concerned that various commercial uses were using very large flags as signage, and that the size of a flag should be based on some standard. The consultant attorney provided staff with information about the "typical" size of flags based on the height of the flagpole from ushistory.org. This information is associated with the Independence Hall Association in Philadelphia and in particular the Betsy Ross house. Currently the code has no limitation on the size and number of government flags that can be displayed. Given the Plan Board's recommendation, staff used the information provided by the consultant to develop regulations governing the size of flags that can be displayed. Staff also considered limiting the number of flag poles to one pole in residential districts and 3 poles in non-residential districts. There are some non-residential businesses in town that display the American flag on every light pole in their parking lot, staff felt this was an excessive display. However, given that most people see flying the flag as an expression for free speech, staff

decided not to propose this limitation.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of January 28, 2008, approved the Petition and authorized the City Attorney's Office to prepare the necessary ordinance amending the Land Development Code of the City of Gainesville.