



City of Alachua

Planning & Community Development Department

Staff Report

Planning & Zoning Board Hearing Date: September 12, 2017
Legislative Hearing

SUBJECT: A request to amend the City's Land Development Regulations (LDRs) to address the City's sign regulations for consistency with the findings of the Supreme Court decision rendered in *Reed vs. Town of Gilbert*, to clarify various provisions of the City's existing signage regulations, and to address various provisions which may not be fully contemplated by the existing signage regulations

APPLICANT/AGENT: City of Alachua

PROJECT PLANNERS: Kathy Winburn, AICP; Justin Tabor, AICP; Adam Hall, AICP

RECOMMENDATION: Staff recommends that the Planning & Zoning Board find that the proposed Text Amendments to the City's Land Development Regulations to be consistent with the City of Alachua Comprehensive Plan and in compliance with the City's Land Development Regulations and transmit such finding to the City Commission with a recommendation to approve.

RECOMMENDED MOTION: *This Board finds that the proposed text amendments to the City's Land Development Regulations are consistent with the City of Alachua Comprehensive Plan and in compliance with the City's Land Development Regulations and transmits the proposed text amendments to the Land Development Regulations to the City Commission with a recommendation to approve.*

SUMMARY

In June 2015, the Supreme Court of the United States (the “Court”) addressed the First Amendment protections afforded to private speech in signage and elaborated upon the meaning of “content-neutral” as it relates to signage regulations. In *Reed v. Town of Gilbert*, the Court found that Gilbert, Arizona’s sign code regulated speech based upon its content. The Court found that Gilbert’s sign code singled out different types of signs for special treatment, specifying different requirements for their size and the locations and times at which the signs could be displayed based upon the content of the signage.

As a result of the opinions rendered by the Court of the *Gilbert* case, the City engaged Eric Damien Kelly, J.D., Ph.D., FAICP, to review the City’s sign regulations and to recommend any necessary revisions. Dr. Kelly is a lawyer and city planner with forty years of experience in the field, and has provided technical assistance to the City in previous sign code updates. He is a Professor of Urban Planning at Ball State University, and also maintains a consulting practice. Much of his consulting work in the last twenty years has focused on the First Amendment and land-use law – dealing specifically with regulation of signs and sexually oriented businesses. He holds a B.A. in Political Economy, Master of City Planning and Juris Doctor, and a Ph.D. in Public Policy. He is a member and past national president of the American Planning Association, and a member of the College of Fellows of the American Institute of City Planners and the American Bar Association.

Upon his review of the City’s sign regulations, Dr. Kelly prepared a summary report of recommended updates. This report is included within the materials provided as Exhibit “A” to this report and attached hereto. Subsequent to the preparation of the summary report, City Staff coordinated with Dr. Kelly to draft the proposed revisions to the current sign regulations. These revisions are incorporated into this amendment, and are further detailed within this report.

In addition to addressing the opinions rendered by the Court in the *Gilbert* case, the revisions would also address various sections of the City’s signage regulations which warrant clarification or may not be fully contemplated by the existing regulations.

The proposed text amendments in their entirety are incorporated as part of draft Ordinance 18-01 (included within the materials provided as Exhibit “A” to this report and attached hereto). The following summarizes the proposed text amendments.

PROPOSED LDR TEXT AMENDMENTS

AMENDING SECTION 2.4.11(A) SIGN PERMITS, PURPOSE AND APPLICABILITY

2.4.11(A) *Purpose and applicability.* Signs regulated by Section 6.5, Signage, but not covered by the provisions of general sign permits, shall be erected, installed, or created only in accordance with a duly ~~issues~~ issued and valid sign permit from the Land Development Regulations Administrator. Such a permit shall be issued only in accordance with the following requirements and procedures.

Staff Comment: The revision to Section 2.4.11(A) corrects a scrivener's error.

AMENDING SECTION 2.4.11(C)(5) & (6), GENERAL SIGN PERMITS, SIGN PERMIT PROCEDURES

2.4.11(C) *General sign permit granted.* A general sign permit is granted for the following types of signs or activities in any district (unless expressly stated otherwise), provided the signs are erected and maintained in compliance with the standards of this section and the standards for the district in which the sign is located.

- (1) Temporary signs allowed under Section 6.5.5, Temporary signs allowed, except for accessory signs for new development and temporary banners, shall be erected in conformance with this section.
- (2) The changing of copy on any existing sign.
- (3) Performing required or routine maintenance on a sign, except that this general sign permit shall not waive the requirement to obtain building or electrical permits when the nature of the work requires such permits under the Florida Building Code.
- (4) Traffic signs, such as "Stop" and "Yield" signs, where such signs conform to the standards of the Federal Highway Administration's (FHWA) Manual on Uniform Traffic Control Devices (MUTCD) adopted by the State of Florida as Rule 14-15.010, F.A.C., and the Standard Highway Signs, English edition, 2004, and bear no commercial message.
- (5) On-site ~~commercial~~ signs providing directions to distinct subareas or use areas of a large development or other ~~commercial~~ information, provided that such signs shall:
 - (a) Not have any ~~commercial~~ message that is legible from a public street or sidewalk; ~~for purposes of this subsection, words like "map," "directory," or "information" shall not be considered commercial messages;~~
 - (b) Not exceed six square feet in sign area, four feet in length, and ~~five~~ eight feet above grade; and
 - (c) Shall be located at least 150 feet from any other private directional sign on the same lot or site.
- (6) Incidental signs, such as wall signs or freestanding signs of less than two square feet providing information or instructions, such as "Exit," "Restrooms," "Telephone," or "No Trespassing," ~~and containing no commercial message.~~ If freestanding, such incidental signs shall not be more than three feet in height.

Staff Comment: With the exception of the revision to Section 2.4.11(C)(5)(b), all revisions to Section 2.4.11(C) are to address the findings of the *Gilbert* case. The revision to Section 2.4.11(C)(5)(b) would permit small on-site signs providing directions to subareas of a large

development to maintain a greater clearance between the grade level and the signage, thereby reducing potential conflicts between pedestrians and on-site directional signage.

AMENDING SECTION 3.7.2(C)(5)(h)(i), PROHIBITED SIGNAGE IN THE US 441/INTERSTATE 75 GATEWAY OVERLAY DISTRICT

3.7.2(C)(5)(h) *Signage.* Except as stated below, signs within the Gateway Overlay District shall comply and be subject to the standards in Section 6.5

(i) *Prohibited signs.*

- a. Billboards.
- b. Signs that display video or images ~~or changeable copy~~.
- c. Balloons, streamers, and air- or gas-filled figures.
- d. Promotional beacons, searchlights, and/or laser lights/images.
- e. Signs that emit audible sounds, smoke, vapor, particles, or odor.
- f. Signs on utility poles or trees.
- g. Signs or advertising devices attached to any vehicle or trailer so as to be visible from public right-of-way, including vehicles with for sale signs and excluding vehicles used for daily transportation, deliveries, or parked while business is being conducted on-site.
- h. Neon tubing used to line the windows, highlight architectural features on the building, or used as part of a sign, excluding incidental signs as provided for in Section 2.4.11.

Staff Comment: While Section 3.7.2(C)(5)(h)(i) prohibits changeable copy signs within the Gateway Overlay District, other regulations contained in Section 3.7.2(C)(5) and pertaining to signage in the Gateway Overlay District permit up to 50% of the sign area to be comprised of changeable copy area. Therefore, the prohibition of changeable copy signage, as presently established in Section 3.7.2(C)(5)(h)(i) is inconsistent with other regulations applicable to signage in the Gateway Overlay District. The proposed revision would correct this internal inconsistency.

AMENDING SECTION 6.5.1, FINDINGS AND PURPOSE, SIGNAGE

6.5.1 *Findings and Purpose*

(A) Findings. As a basis for updating and readopting other parts of this sign ordinance in 2017, the City Commission finds that:

(1) As recognized by the U.S. Supreme Court in *City of LaDue v. Gilleo* (1994), signs provide an important and inexpensive medium through which citizens can express their opinions on matters of public interest;

(2) For all businesses, and for small businesses especially, signs provide an important tool for attracting customers;

(3) Signs are essential way-finding tools that help drivers and pedestrians find the businesses, houses of worship, residences or other locations that they may be seeking; as way-finding

tools, signs limit the necessity of driving unnecessary extra miles and reduce the risk of accidents involving lost or confused drivers;

(4) In business districts, signs often contribute to the ambience, adding color and night-lighting to areas;

(5) In residential neighborhoods, inappropriate signage can detract from the quiet character that often attracts people to live in such areas;

(6) Signs of excessive size or in excessive numbers can create clutter and detract from the character of any area of the city, including business districts;

(7) Several studies have shown that signs distract drivers, sometimes to a dangerous extent;

(8) Rapidly changing message boards are particularly distracting to drivers as their eyes linger on the signs and away from the road;

(9) Signs in excessive numbers and of excessive sizes can contribute to reductions or stagnation in property values, particularly in or near residential areas;

(10) Temporary signs serve many purposes, allowing people to express their opinions on public issues or indicate that a place is for sale or rent or that they are selling family treasures or other goods at a yard or garage sale;

(11) Temporary signs can contribute substantially to clutter and it is important for the City to attempt to limit that clutter by limiting the number of temporary signs of commercial messages that can be displayed and by setting deadlines for the removal of all temporary signs;

(12) In attempting to balance the multiple interests outlined in the next section, the City Commission has concluded that it is not wise to limit the number of signs that people can post expressing their opinions on public issues; the City Commission also finds that the tendency to create clutter with signs is somewhat self-limiting in residential areas, as people try to be good neighbors, sometimes with the encouragement of neighborhood associations;

(13) Of all signs existing in the City and in surrounding areas, the City finds the least utility and public benefit in billboards or off-site signs, which often advertise products with no relation to the community and with multiple other media through which to communicate their message; for that reason, the City Commission has maintained greater restrictions on the locations of off-site signs than on other commercial signs; and

(14) Like signs, flags typically communicate messages, and, like signs, they can contribute to a busy or even cluttered skylines, factors that the City Commission has weighed in setting reasonable limits on the numbers of flags displayed and treating flags with commercial messages as commercial signs;

(B) Purpose. This section establishes standards for the area, location, and character of signs that are permitted as principal or accessory uses. No signs shall be permitted in any location except in conformity with this section and these LDRs. The purpose of this section is to achieve a balance among the following goals:

(1)(A) Communication. To encourage the effective use of signs as a means of communication for businesses, organizations, and individuals in the City of Alachua;

- ~~(2)(B)~~ *Way-finding*. To provide a means of way-finding in the City, thus reducing traffic confusion and congestion;
- ~~(3)(C)~~ *Business identification and advertising*. To provide for adequate business identification and advertising;
- ~~(4)(D)~~ *Protect economic and social well-being*. To prohibit signs of excessive size and number that they obscure one another to the detriment of the economic and social well-being of the City;
- ~~(5)(E)~~ *Protect public safety and welfare*. To protect the safety and welfare of the public by minimizing the hazards to pedestrian and vehicular traffic;
- ~~(6)(F)~~ *Preserve property values*. To preserve property values by preventing unsightly and chaotic development that has a blighting influence upon the City;
- ~~(7)(G)~~ *Protecting public interest*. To prohibit most commercial signs in residential areas, while allowing residents to use signs to communicate their opinions on matters they deem to be of public interest;
- ~~(8)(H)~~ *Eliminate signs which have the potential to cause driver distraction*. To differentiate among those signs that, because of their location, may distract drivers on public streets and those that may provide information to pedestrians and to drivers in their cars by out of active traffic;
- ~~(9)(I)~~ *Minimize adverse impacts*. To minimize the possible adverse effects of signs on nearby public and private property; and
- ~~(10)(J)~~ *Consistency with the Comprehensive Plan*. To implement the following specific goals of the Comprehensive Plan:
 - ~~(a)(1)~~ To maintain a high quality of life for all of its present and future citizens.
 - ~~(b)(2)~~ To utilize innovative design standards to provide an attractive built environment; and
 - ~~(c)(3)~~ To manage future growth and development.

Staff Comment: The revisions to Section 6.5.1 address the findings of the *Gilbert* case.

AMENDING SECTION 6.5.4(C)(2), FREESTANDING SIGNS FOR MULTI-TENANT BUILDINGS OR DEVELOPMENTS

- 6.5.4(C)(2) *Freestanding signs for multi-tenant buildings or developments*. Except as otherwise provided within these LDRs, freestanding signs are permitted for multi-tenant buildings or developments, subject to the following standards:
- (a) A multi-tenant building or development may have one freestanding sign per building/development, except when a building/development has more than 400 feet of frontage on a road, the building/development may have up to two freestanding signs along a road frontage, which must be separated from each other by at least 150 feet of road frontage. In the case of a multi-tenant buildings/development with frontage along more than one road, the building/development may have one additional freestanding sign along the secondary frontage, which must be separated from other freestanding signs by at least 150 feet of road frontage.
 - (b) Freestanding signs which are part of a multi-tenant development may be located on any lot or outparcel which is part of the development. For purposes of this section, a lot or outparcel shall be considered part of a multi-tenant development when:
 - (i) The lot/outparcel upon which a freestanding sign is located is in common ownership with other lots/outparcels which are part of the same multi-tenant development;

- (ii) The lot/outparcel upon which a freestanding sign is located is subject to a master association with one or more lots/outparcels which are part of the same multi-tenant development; ~~or,~~
- (iii) The lot/outparcel upon which a freestanding sign is located is afforded ingress and egress from a shared access drive connecting between a road, the lot/outparcel upon which the freestanding sign is located, and one or more lots/outparcels which are part of the same multi-tenant development;
- (iv) The freestanding sign is located on a lot or outparcel which is part of the development and is included within a master sign plan for a Planned Development that has been approved pursuant to Section 3.6.3(A)(5), Section 3.6.3(B)(5)(c), Section 3.6.3(C)(5), or Section 3.6.3(D)(5) of these LDRs; or,
- (v) The freestanding sign is located on a lot or outparcel which is part of the development as shown on a Site Plan (Section 2.4.9) and is included within a sign plan approved as part of a Site Plan. A freestanding sign approved in accordance with this section shall have continuous foundation or other support under it in the style of what is commonly called a monument sign.
- (c) Signage permitted in accordance with Section 6.5.4(C)(2)(b) shall not be considered off-site signage.
- (d) For freestanding signs which are part of a multi-tenant building or development, the maximum sign area of a freestanding sign and its structure shall not exceed 150 square feet. The maximum area of an individual sign face shall not exceed 100 square feet.
- ~~(e) To assist in way finding and to promote a sense of place, freestanding signs may include the name of the building or development. When a freestanding sign includes the name of the building or development, and such name contains no commercial message, the name of the building or development shall be considered one item of information as defined in Section 6.5.7(J).~~
- (e)(f) When a freestanding sign which is part of a multi-tenant building or development includes sign area for individual tenants within the building/development, the total sign area dedicated to individual tenants of the building/development shall not exceed 66 percent of the area of the sign and its structure.
- ~~(f)(g)~~ In addition to the freestanding signage permitted pursuant Sections 6.5.4(C)(2)(a) – (e)(f), one freestanding sign may be permitted on a developed outparcel, subject to the following:
 - (i) The outparcel shall have a minimum lot area of 40,000 square feet;
 - (ii) The maximum area of the freestanding sign and its structure shall not exceed 50 square feet;
 - (iii) The maximum height of the freestanding sign shall not exceed ten (10) feet;
 - ~~(iv) The freestanding sign shall be utilized to advertise tenants located on the outparcel upon which the freestanding sign is located; and,~~
 - (iv)(v) Such signs shall be not be located within 100 feet of other freestanding signage.

Staff Comment: With the exception of the revisions to Section 6.5.4(C)(2)(b), all revisions to Section 6.5.4(C)(2) address the findings of the *Gilbert* case.

The addition of Section 6.5.4(C)(2)(b)(iv) would clarify that, for Planned Developments, the location of freestanding signage for multi-tenant buildings and developments may be approved through inclusion in a master sign plan, as is provided for in Section 3.6 of the LDRs.

The addition of Section 6.5.4(C)(2)(b)(v) would provide a similar approval process for freestanding signage for multi-tenant buildings and developments when not located in a Planned Development. Freestanding signage is not required to be shown on a Site Plan, however, this addition would allow for the location of freestanding signage to be approved through the Site Plan review/approval process established in Section 2.4.9 of the LDRs. When the location of signage is not shown on and approved through the Site Plan review process, the location of freestanding signage would continue to be reviewed for compliance with the applicable requirements of the LDRs during the sign permit review process.

AMENDING SECTION 6.5.4(C)(3), WALL SIGNS

6.5.4(C)(3) *Wall signs.* Wall signs are permitted, subject to the following standards:

(a) Each wall sign shall be attached to the building and supported throughout its entire length by the facade of the building.

~~(b)~~ The sign shall be located on the front elevation of the building, except as provided in Section 6.5.4(C)(3)(d).

~~(c)~~~~(b)~~ The sign area shall not be greater than ten percent of the square footage of the front elevation of the building on which they are located, with a maximum of 350 square feet in sign area. In the case of corner lots, wall signs shall be permitted along both road frontages. The sign area along each frontage shall not be greater than ten percent of the square footage of the front elevation upon which the signage is located, with a total maximum sign area on all building elevations of 350 square feet in sign area.

~~(d)~~~~(e)~~ In the case of multi-tenant buildings, each occupant of the multi-tenant building shall be permitted wall signage for the portion of the front elevation of the building elevation which is included as part of the occupant's premises. Such signage shall be subject to the maximum sign area provisions established in Section 6.5.4(C)(3)~~(b)~~~~(c)~~.

~~(e)~~~~(d)~~ Wall signs shall not be erected above the roofline of the building, except that, where there is a parapet, a wall sign may extend to the top of the parapet. Such sign shall not be considered a roof sign.

Staff Comment: The revisions to Section 6.5.4(C)(3) clarify the permitted location of wall signs. The permitted area for wall signage, as established by Section 6.5.4(C)(3)(c), is based upon the front elevation of the building upon which the signage is located. The implication of the existing regulations, therefore, is that wall signs are to be located on the front elevation of a building.

AMENDING SECTION 6.5.4(F), SIGNS IN THE PUBLIC RIGHTS-OF-WAY

(F) *Signs in the public rights-of-way.* The following permanent signs are allowed in the public rights-of-way:

- (1) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
- (2) Bus stop signs erected by a public transit company authorized to operate in the City.
- (3) Informational signs of a public utility regarding its poles, lines, pipes or other facilities.
- (4) Other signs appurtenant to a use of public property permitted under a franchise or lease agreement with the City.

(5) Within the boundaries of an approved Planned Development zoning district (PD-R, PD-TND, PD-EC, PD-COMM, or PUD), one (1) directional sign shall be permitted at each ingress/egress to the Planned Development zoning district. Such signs shall be subject to all other applicable regulations for freestanding signs, as provided in Section 6.5.4, unless otherwise regulated by a Planned Development Agreement or a master sign plan approved pursuant to Section 3.6.3(A)(5), Section 3.6.3(B)(5)(c), Section 3.6.3(C)(5), or Section 3.6.3(D)(5) of these LDRs. Signs permitted in accordance with this section shall not be considered off-site signs.

Staff Comment: Staff has found that there may be a need to provide directional signage at entry points to larger developments having distinct subsets/areas. There are limited provisions currently in the City’s LDRs that would permit directional signage. The existing regulations only address directional signage within a single property, and provide no applicable regulations to address directional signage for a larger development consisting of multiple properties.

This revision would permit such directional signage for a larger development when the zoning of the land is a Planned Development zoning district. Planned Developments consist of larger properties (Planned Developments are required by the City’s LDRs to be greater than 10 acres), and are typically developed with a cohesiveness which may not be present or observable when contiguous lands are developed under Euclidean (i.e., “traditional” or “straight”) zoning districts. Permitting directional signage, which will assist with wayfinding in large developments, is warranted for Planned Developments, particularly given the scale / magnitude which typically exists for a Planned Development and the relationship between lands within the Planned Development which is usually present.

AMENDING SECTION 6.5.5(B)(1), TEMPORARY SIGNS IN BUSINESS DISTRICTS, GENERAL PROVISIONS

- 6.5.5(B)(1) *Generally.* One general temporary sign shall be allowed for each lot or parcel in a business district, subject to the following limitations:
- (a) Such signs may be installed only by the property owner or occupant or with such person's permission.
 - (b) Such sign shall not exceed 32 square feet in area.
 - (c) Such sign shall not exceed six feet in height.
 - (d) Such sign may be used for the purpose of advertising the property, or a portion thereof, for sale, rent or lease, or for ~~expressing support for a candidate for office or a ballot issue or expressing an opinion on any other matter deemed by the person expressing the view to be of public interest; the sign may contain a message related to that purpose~~ any noncommercial message.
 - (e) If such sign relates to an election or other specific event, it shall be removed within ten days after the occurrence of the event. If the sign relates to the sale, rent, or lease of property, it shall be removed within five days of the execution of a lease or rental

agreement, closing of a sale, or actual occupancy of the property by a new owner or tenant, whichever shall first occur.

Staff Comment: The revisions to Section 6.5.5(B)(1) address the findings of the *Gilbert* case.

AMENDING SECTION 6.5.5(B)(4), TEMPORARY SIGNS IN BUSINESS DISTRICTS, SANDWICH BOARD SIGNS

6.5.5(B)(4) *Sandwich board signs.* Sandwich board signs shall be permitted in the Central Business District and in any commercial sections of planned developments where the approved plan specifically allows such signs or incorporates by reference the standards applicable to signs in the Central Business District, subject to the following standards:

- (a) There shall be no more than one such sign per business establishment;
- (b) Such sign shall be located directly in front of such business establishment and within ten feet of the principal public entrance to such establishment;
- (c) Such sign may contain commercial messages related to goods and services offered at the business establishment or ~~messages other than commercial messages~~ other noncommercial message;
- (d) One side of the sign shall not exceed five square feet in area, and there shall not be more than two sides to such sign;
- (e) The sign shall be taken inside the establishment when the business closes each night or at 9:00 p.m., whichever is earlier; and shall not be placed outside again until 7:00 a.m. or when the business opens each morning, whichever is later. Three or more violations of this provision during any 60-day period shall be grounds for the City to suspend or revoke the right of the violator to have a sandwich board sign; and
- (f) The sign shall not block any required exit from a building and shall not impair movement on the sidewalk by persons on foot, with walkers, in wheelchairs, or with strollers.

Staff Comment: The revisions to Section 6.5.5(B)(4) address the findings of the *Gilbert* case.

AMENDING SECTION 6.5.5(C)(1), TEMPORARY BANNERS

6.5.5(C) *Banners.*

- (1) *On private property.*
 - (a) One temporary banner may be displayed on property no more than four times per year. The banner may be displayed for up to 14 days per occurrence, with a minimum of 45 days between each occurrence.
 - (b) The temporary banner shall not exceed ~~ten~~ 32 square feet in area or ten percent of the area of the wall to which the banner is fastened, whichever is smaller.
 - (c) The temporary banner shall be installed only on property, buildings, or structures owned or occupied by the permittee. The banner shall be firmly attached to a secure structure at all four corners.
 - (d) No temporary banner may be displayed without the issuance of a sign permit that is based upon the guidelines providing specific criteria and that are not based upon the content of the banner.
- (2) *On public property or right-of-way.* Temporary banners shall not be permitted over public space or street rights-of-way, except that up to two temporary banners of a temporary nature may be permitted for an event which has been issued a Special Event Permit by the City

of Alachua. If the event is exempt from obtaining a Special Event Permit pursuant to Section 4.6.2, the LDR Administrator may permit up to two temporary banners to be placed over a public space or street right-of-way, under the following conditions:

~~(a) The message on the banner relates to an event meeting all of the following criteria:~~

~~(i) The primary sponsor of such event is a governmental entity in the State of Florida or a nonprofit organization with a current tax exemption under Section 501(c) of the Internal Revenue Code;~~

~~(ii) Such event has been conducted at least three times in the past five years and has attracted 250 or more visitors or other participants; and~~

~~(iii) The event is held in the City of Alachua or for the benefit of an organization based in the City.~~

~~(a)(b)~~ If the right-of-way is under the jurisdiction of the Florida Department of Transportation and the proposed banner ~~has met or can reasonably be expected to~~ shall meet the requirements of Chapter 14-43 of the Rules of Procedure of the department.

~~(b)(e)~~ If support of the banner or access to the location to erecting the banner requires entry onto or use of private property owned by a person other than the applicant, the applicant shall provide notarized written consent from each affected landowner.

~~(c)(d)~~ The temporary banner ~~shall provide~~ at least 20 feet of vertical clearance to the public space below, ~~is~~ be constructed of less than eight-ounce canvas, or similar material, and ~~is~~ be supported by not less than one-quarter-inch stranded cable sewn into its hem.

Staff Comment: The revisions to Section 6.5.5(C)(1) address various issues that have been observed by Staff related to temporary banners. From time to time, Staff receives inquiries from businesses requesting to display a temporary banner, which may be intended to provide information about an upcoming promotion, event, sale, etc. However, in many instances, businesses have stated the size is restrictive. Staff proposes to increase the area from 10 square feet to 32 square feet, which is consistent with the maximum area for temporary signs in business districts.

City Staff has also observed that, in some instances, the organizer of a special event has requested to place temporary signage to promote and make the public aware of the event in a public right-of-way or public space, as may occur for other events. Given the existing regulations, however, the event may be unable to display a temporary banner within public right-of-way or in a public space was a result of the existing requirements pertaining to number of attendees in previous occurrences of the event, the number of years the event has occurred, etc. The revisions would require that, in order to place up to two temporary banners in a public right-of-way or in a public space, a Special Event Permit be obtained for the event (unless exempt from obtaining a Permit). Current regulations pertaining to the size and material, FDOT standards, and proper authorization from land owners where the sign is to be located, would remain in effect.

AMENDING SECTION 6.5.6, FLAGS

6.5.6 *Flags.*

- (A) *Generally.* ~~One or more flags shall be permitted on a single lot or parcel, provided that a~~ All flagpoles shall be set back from each property boundary a distance equal to the height of the flagpole.

- (B) *Commercial messages.* Flags with commercial messages are permitted in the same locations and subject to the same restrictions as other signs with commercial messages.
- (C) *Relationship to other limits.* The square footage of flags bearing a commercial message shall be counted against the maximum sign area allowed.
- (D) *Numerical limits.* There shall be no more than two flags on each pole. Three flagpoles shall be allowed on each lot, plus one additional flagpole for each 200 feet of frontage on a street above the minimum lot frontage required in the zoning district or 100 feet, whichever is less.

Staff Comment: The revisions to Section 6.5.6 would increase the minimum number of flagpoles permitted on a single lot or parcel from one to three, with additional flagpoles permitted for lots or parcels with larger road frontages. In addition, the revisions would clarify the number of flags permitted on each flagpole.

AMENDING SECTION 6.5.7, PROHIBITED SIGNS

6.5.7 *Prohibited signs.* It is unlawful for any person to erect, place, or use within the City:

- (A) Flashing signs, except for warning signs erected or placed temporarily by officials of the State of Florida, Alachua County or the City of Alachua, when the design and operation of such warning signs conforms to standards of the current Manual of Uniform Traffic Control Devices. Changeable copy signs meeting the standards of Section 6.5.4(E) shall not be considered flashing signs; changeable copy signs which change more frequently than allowed by that section, whether by scrolling, rolling, fading, flashing, or other means, shall be considered flashing signs and are subject to this prohibition.
- (B) Revolving signs.
- (C) Signs on public property, except signs erected by a public authority for a public purpose. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to the other remedies herein, the City shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.
- (D) Roof signs.
- (E) Signs more than 16 feet in height, except as otherwise provided for in these LDRs.
- (F) Separate lighting for allowed temporary and permanent signs in residential districts, except that this prohibition shall not apply to allowed signs for institutional uses and residential neighborhood identification signs in residential districts.
- (G) Signs that result in glare or reflection of light on residences in the surrounding area.
- (H) Canopy, marquee, projecting, or hanging signs with less than an eight-foot clearance between the bottom of the sign and the ground surface.
- (I) Portable signs, except sandwich board signs allowed in accordance with Subsection 6.5.5(B)(4) of this section.
- (J) Signs legible from a public right-of-way containing more than 15 items of information on each sign face. An item of information is a word, an initial, a logo, an abbreviation, a number, a symbol or a geometric shape. This prohibition shall not apply to signs posted to conform to statutory requirements or judicial orders, where clear language of the statute or the order requires that such sign contain more than 15 items of information.
- (K) Off-site signs, except as otherwise provided for within these LDRs in Section 6.5.4(C)(2) and Section 6.5.4(G). Wayfinding signage erected by a governmental entity and located within or along a right-of-way shall not be considered an off-site sign.
- (L) Snipe signs, which consist of off-site signage signs other than temporary signs and banners permitted pursuant to Section 6.5.5 which ~~is~~ are tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

- (M) Vehicle/trailer signs with a total sign area on any vehicle in excess of ten square feet, when the vehicle is parked in such a manner as to be visible from a street for more than two consecutive hours, excluding vehicles used for daily transportation, deliveries, or parked in a designated off-street parking space while business is being conducted on-site.

Staff Comment: In 2016, the City engaged the services of Redevelopment Management Associates (RMA) to prepare a Market Study and Economic Development Implementation Plan (Study) for the City's Community Redevelopment Area (CRA). One of the specific initiatives recommended by the Study included improving and creating wayfinding and directional signage. The revisions to Section 6.5.7(K) would clarify that such signage located within or along a right-of-way is not an off-site sign.

The revisions to Section 6.5.7(L) clarifies that a 'snipe sign' consists of any sign other than temporary signs and banners as permitted by the City's LDRs.

AMENDING SECTION 6.5.9(D), MAINTENANCE

6.5.9(D) *Maintenance.* All signs and flagpoles shall be maintained in a good structural condition, in compliance with the Florida Building Code, and in conformance with this section, at all times. Specifically:

- (1) A sign shall have no more than 20 percent of ~~it~~ **its** surface area covered with disfigured, cracked, ripped, or peeling paint, poster paper, or other material for a period of more than 30 successive days.
- (2) A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of no more than 30 successive days.
- (3) Any sign which becomes or has become at least 50 percent destroyed shall be deemed a public nuisance and shall be removed by the owner of the sign or the owner of the premises upon which the same is situated.
- (4) A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the street or right-of-way from which it is to be viewed, for a period of more than 30 successive days.
- (5) An internally illuminated sign shall not be allowed to stand with only partial illumination for a period of more than 30 successive days.
- (6) The area around a lighted sign shall be maintained so that there are no weeds within a radius of ten feet of the sign, and no rubbish or debris shall be permitted so near to the sign that it creates a fire hazard.

Staff Comment: The revision to Section 6.5.9(D)(1) corrects a scrivener's error.

DELETING SECTION 8.5.2, AMENDING SECTIONS 8.5.3 AND 8.5.4, RENUMBERING SUBSEQUENT SUBSECTIONS OF SECTION 8.5, AND DELETING SECTION 8.5.5(E)

~~8.5.2—Any of the following types of signs which do not conform to this section shall be removed on or before July 1, 2006:~~

~~(A) Portable signs.~~

~~(B) Temporary signs.~~

~~(C) Banners.~~

~~(D) Flags.~~

~~(E) Pennants.~~

~~(F) Streamers.~~

~~(G) Balloons.~~

~~(H) Inflatable signs.~~

~~(I) Window signs.~~

~~(J) Any other similar sign made of flexible material (such as paper, cloth or flexible plastic) or not permanently fastened to a foundation or to a structural wall of a building.~~

8.5.3

8.5.2 Any lighting which does not conform to Section 6.5 and which is not an integral part of the sign that it lights shall be removed ~~or made conforming on or before July 1, 2006.~~

8.5.4

8.5.3 Any sign which does not conform to Section 6.5 because of a lack of required maintenance or deferred maintenance shall be removed ~~or made conforming on or before July 1, 2006.~~

8.5.5

8.5.4 Limitations on other nonconforming signs.

- (A) Except as otherwise provided in Section 6.5, any on-premises sign which is located on property which becomes vacant and unoccupied for a period of at least three months, or any sign which pertains to a time, event, or purpose which is no longer imminent or pending shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management shall not be deemed abandoned unless the property remains vacant for a period of six months. Abandoned signs are prohibited and shall be removed by the owner of the sign or the owner of the premises.
- (B) Any other nonconforming sign that shall cease being used or cease being leased for a continuous period of six months shall be considered abandoned.
- (C) Any person obtaining a permit from the City for construction of a new building, for expansion of an existing building by more than 1,000 square feet or ten percent of its floor area, whichever is less, or for any improvements valued for permitting purposes at more than \$25,000.00 shall, as part of the work or at the same time as the work is performed, remove all nonconforming signs from the property, which nonconforming signs shall be replaced only with signs fully conforming with the requirements of Section 6.5 and these LDRs. If the property affected is a multitenant property, then the person obtaining the permit shall be required only to remove the nonconforming signs directly appurtenant to the portion of the premises for which the permit is issued.
- (D) Change of copy or the substitution of panels or faces on nonconforming signs shall be permitted without affecting the legal status of the sign as a nonconforming sign (subject to requirements for building and electrical permits). Repairs and maintenance of nonconforming signs, such as repainting, electrical repairs and neon tubing, shall be permitted.

~~(E) Nonconforming flagpoles shall be removed on or before January 1, 2007.~~

Staff Comment: Sections 8.5.2, 8.5.3, 8.5.4, and 8.5.5(E) pertain to the removal of nonconforming signs which did not conform to the requirements of Section 8.5, the removal of nonconforming sign lighting, the removal of signs rendered nonconforming due to a lack of maintenance, and the removal of nonconforming flagpoles by specified dates. Since these dates were in 2006 and 2007, the requirements of these sections are no longer needed or relevant. Section 8.5 would also be renumbered to account for the deletion of Section 8.5.2.

AMENDING SECTION 10.2, DEFINITION OF “FRONT FAÇADE” TO ALSO DEFINE THE TERM “FRONT ELEVATION”

Front facade or front elevation means the exterior walls of a structure which are immediately adjacent to the street which the structure fronts.

Staff Comment: Section 6.5 makes numerous references to the term ‘front elevation’. Elsewhere within the City’s LDRs, the term ‘front façade’ is used to describe the front of a structure. ‘Front façade’ is a defined term within Section 10.2. These terms can be used interchangeably as they are intended to refer to the same portion of a building. Therefore, Staff is recommending to define the term ‘front elevation’ by including this term as part of the definition of ‘front façade’.

FINDINGS OF FACT: COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS

Subsection 2.4.1(E)(1) of the Land Development Regulations (LDRs) states that, “in determining whether to approve a proposed text amendment to the Land Development Regulations, the City Commission shall find that an application is consistent with the following standards.” These standards are listed below, followed by Staff’s evaluation.

- (a) ***Consistent with Comprehensive Plan*** – *Whether and the extent to which the proposed amendment is consistent with the Comprehensive Plan.*

Evaluation & Findings: This amendment does not conflict with any Goals, Objectives, or Policies of the Comprehensive Plan.

- (b) ***Consistent with Ordinances*** – *Whether the proposed amendment is in conflict with any provision of these LDRs or the City Code of Ordinances.*

Evaluation & Findings: This amendment does not conflict with any provisions of the LDRs or the City Code of Ordinances.

- (c) ***Changed Conditions*** – *Whether and the extent to which there are changed conditions that require an amendment.*

Evaluation & Findings: In June 2015, the Supreme Court of the United States (the “Court”) addressed the First Amendment protections afforded to private speech in signage and elaborated upon the meaning of “content-neutral” as it relates to signage regulations. In *Reed v. Town of Gilbert*, the Court found that Gilbert’s sign code regulated speech based upon its content. The Court found that Gilbert’s sign code singled out different types of sign for special treatment, specifying different requirements for their size and the locations and times at which the signs could be displayed based upon the content of the signage. The findings of the *Gilbert* case necessitated a review of the City’s signage regulations to comply with the opinions rendered by the Court.

In addition, the revisions would address various sections of the City's signage regulations which warrant clarification or may not be fully contemplated by the existing regulations.

- (d) **Community Need** – *Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

Evaluation & Findings: The amendment would address community need by amending regulations to comply the opinions rendered by a U.S. Supreme Court case and to address various signage regulations which could be clarified or are not otherwise addressed in the current regulations.

- (e) **Compatible with Surrounding Uses** – *Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zone districts in these LDRs, or will improve compatibility among uses and will ensure efficient development within the City.*

Evaluation & Findings: The amendment would ensure that the sign regulations applicable to lands within the City comply with the opinions rendered in and findings of the *Gilbert* case, provide clarification of existing regulations, and permit signage within the City that meets the stated purpose of the regulations.

- (f) **Development Patterns** – *Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.*

Evaluation & Findings: The amendment would have no effect upon development patterns.

- (g) **Effect on Natural Environment** – *Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

Evaluation & Findings: The amendment would not impact the natural environment.

- (h) **Public Facilities** – *Whether and the extent to which the proposed amendment would result in development that is adequately served by public facilities (roads, potable water, sewage, storm water management, parks, and solid wastes).*

Evaluation & Findings: The amendment would have no impact to the provision of public facilities.

EXHIBIT "A"

TO

**LAND DEVELOPMENT REGULATIONS (LDR) TEXT AMENDMENT
SIGN CODE REVISIONS / REED V. TOWN OF GILBERT
STAFF REPORT**

**SUPPORTING APPLICATION MATERIALS
SUBMITTED BY CITY STAFF TO THE
PLANNING AND ZONING BOARD**