

ORDINANCE 18-01

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE CITY'S LAND DEVELOPMENT REGULATIONS ("LDRS"); AMENDING SECTION 2.4.11(A) TO CORRECT A SCRIVENER'S ERROR; AMENDING SECTIONS 2.4.11(C)(5) AND (6), RELATING TO ON-SITE SIGNS AND INCIDENTAL SIGNS; AMENDING SECTION 3.7.2(C)(5)(h)(i) FOR INTERNAL CONSISTENCY; AMENDING SECTION 6.5.1, RELATING TO THE FINDINGS AND PURPOSE OF THE CITY'S SIGN REGULATIONS; AMENDING SECTION 6.5.4(C)(2), RELATING TO FREESTANDING SIGNS FOR MULTI-TENANT BUILDINGS OR DEVELOPMENTS; AMENDING SECTION 6.5.4(F), RELATING TO SIGNS IN THE PUBLIC RIGHTS-OF-WAY; AMENDING SECTION 6.5.5(B)(1), RELATING TO THE GENERAL PROVISIONS FOR TEMPORARY SIGNS IN BUSINESS DISTRICTS; AMENDING SECTION 6.5.5(B)(4), RELATING TO SANDWICH BOARD SIGNS; AMENDING SECTION 6.5.5(C)(1), RELATING TO TEMPORARY BANNERS; AMENDING SECTION 6.5.6, RELATING TO FLAGS; AMENDING SECTION 6.5.7, RELATING TO PROHIBITED SIGNS; AMENDING SECTION 6.5.9(D), TO CORRECT A SCRIVENER'S ERROR; DELETING SECTION 8.5.2 AND AMENDING SECTIONS 8.5.3 AND 8.5.4, WHICH RELATE TO THE REMOVAL OF NONCONFORMING SIGNS, THE REMOVAL OF NONCONFORMING SIGN LIGHTING, AND THE REMOVAL OF SIGNS RENDERED NONCONFORMING DUE TO A LACK OF MAINTENANCE, AND RENUMBERING SUBSEQUENT SUBSECTIONS OF SECTION 8.5; DELETING SECTION 8.5.5(E), WHICH RELATES TO THE REMOVAL OF NONCONFORMING FLAGPOLES; AND AMENDING SECTION 10.2 TO REVISE THE DEFINITION OF "FRONT FAÇADE" TO ALSO DEFINE THE TERM "FRONT ELEVATION"; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in June 2015, the Supreme Court of the United States ("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 the *Reed v. Town of Gilbert* case ("the Gilbert case"); and,

WHEREAS, in the *Gilbert* case, the Court found that the Town of Gilbert, Arizona's sign code regulated speech based upon its content, and singled out different types of signs for special treatment by specifying different requirements for the size, locations, and times at which certain signs could be displayed based upon the content of the sign; and,

WHEREAS, a Text Amendment to the City's Land Development Regulations ("LDRs"), as described below, has been proposed ("Amendment") in order to amend the City's signage regulations to comply with the opinions rendered by the Court in the *Gilbert* case, as well as to address various sections of the City's signage regulations which warrant clarification or may not be fully contemplated by the existing regulations; and,

WHEREAS, the City advertised a public hearing to be held before the Planning and Zoning Board, sitting as the Local Planning Agency (“LPA”), on August 31, 2017; and

WHEREAS, the LPA conducted a quasi-judicial public hearing on the proposed Amendment on September 12, 2017, and the LPA reviewed and considered all comments received during the public hearing concerning the proposed Amendment and made its recommendation to the City Commission; and

WHEREAS, the City advertised public hearings to be held before the City Commission on September 28, 2017, and on October 12, 2017; and

WHEREAS, the City Commission conducted quasi-judicial public hearings on the proposed Amendment on October 9, 2017, and October 23, 2017, and provided for public participation at both public hearings; and

WHEREAS, the City Commission has determined and found said application for the Amendment to be consistent with the City’s Comprehensive Plan and City’s LDRs; and

WHEREAS, for reasons set forth in this ordinance that is hereby adopted and incorporated as findings of fact, that the Alachua City Commission finds and declares that the enactment of this Amendment is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare;

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA:

Section 1. Interpretation of Recitals

The above recitals are true and correct and incorporated in this ordinance.

Section 2. Findings of Fact and Conclusions of Law

The authority for the enactment of this ordinance is Chapter 163, Part I, Florida Statutes; Sections 166.021 and 166.041; and the City’s Comprehensive Plan.

Section 3. Amendment to the Land Development Regulations

The proposed Amendment to the City’s Land Development Regulations are attached as Exhibit “A” and are hereby incorporated herein by reference.

Section 4. Codification of and Correction of Scrivener’s Errors

The City Manager or designee, without public hearing, is authorized to correct any typographical errors which do not affect the intent of this ordinance. A corrected copy shall be posted in the public record.

Section 5. Ordinance to be Construed Liberally

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the City of Alachua, Florida.

Section 5. Repealing Clause

All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 6. Severability

It is the declared intent of the City Commission of the City of Alachua that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of the ordinance after the exclusions of such part or parts shall be deemed to be valid.

Section 7. Effective Date

This ordinance shall take effect immediately upon its adoption by the City Commission and the signature of the Mayor.

Passed on First Reading the 9th day of October 2017.

PASSED and ADOPTED, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 23rd day of October 2017.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor
SEAL

ATTEST:

APPROVED AS TO FORM

Traci L. Gresham, City Manager/Clerk

Marian B. Rush, City Attorney

EXHIBIT “A”

Section 2.4.11(A) of the City’s LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~striketrough~~ is to be removed). Except as amended herein, the remainder of Section 2.4.11(C) remains in full force and effect:

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.

Section 2.4.11(C) of the City’s LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~striketrough~~ is to be removed). Except as amended herein, the remainder of Section 2.4.11(C) remains in full force and effect:

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.

Section 3.7.2(C)(5)(h)(i) of the City's LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~struckthrough~~ is to be removed). Except as amended herein, the remainder of Section 3.7.2(C)(5)(h) remains in full force and effect:

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.

Section 6.5.1 of the City's LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~struckthrough~~ is to be removed). Except as amended herein, the remainder of Section 6.5.1 remains in full force and effect:

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)(I)~~ 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.

Section 6.5.4(C)(2) of the City's LDRs is amended as follows(text that is underlined is to be added and text that is shown as ~~struckthrough~~ is to be removed). Except as amended herein, the remainder of Section 6.5.4(C) remains in full force and effect:

- 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.
- ~~(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.

Section 6.5.4(F) of the City's LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~struckthrough~~ is to be removed). Except as amended herein, the remainder of Section 6.5.4(F) remains in full force and effect:

- (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.

Section 6.5.5(B)(1) of the City's LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~struckthrough~~ is to be removed). Except as amended herein, the remainder of Section 6.5.5(B) remains in full force and effect:

- 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.

Section 6.5.5(B)(4) of the City's LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~struckthrough~~ is to be removed). Except as amended herein, the remainder of Section 6.5.5(B) remains in full force and effect:

- 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.

Section 6.5.5(C)(1) of the City's LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~struckthrough~~ is to be removed). Except as amended herein, the remainder of Section 6.5.5(C) remains in full force and effect:

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 ~~provides~~ 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.

Section 6.5.6 of the City's LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~struckthrough~~ is to be removed). Except as amended herein, the remainder of Section 6.5.6 remains in full force and effect:

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.

Section 6.5.7 of the City's LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~struck through~~ is to be removed). Except as amended herein, the remainder of Section 6.5.7 remains in full force and effect:

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.

Section 6.5.9(D) of the City's LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~strike through~~ is to be removed). Except as amended herein, the remainder of Section 6.5.9 remains in full force and effect:

- 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.

Sections 8.5.2 through 8.5.5 of the City's LDRs are amended as follows (text that is underlined is to be added and text that is shown as ~~strike through~~ is to be removed). Except as amended herein, the remainder of Section 8.5.2 through 8.5.5 remain in full force and effect:

~~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.~~

Section 10.2 of the City's LDRs is amended as follows (text that is underlined is to be added and text that is shown as ~~strikethrough~~ is to be removed). Except as amended herein, the remainder of Section 10.2 remains in full force and effect:

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