



City Commission

Ordinance 18-01
Sign Code Update

Land Development Regulations (LDR) Text Amendment
(Staff Initiated)

Legislative Hearing

October 23, 2017

Overview



- ▶ In June 2015, the Supreme Court of the United States, in *Reed v. Town of Gilbert*, addressed the First Amendment protections afforded to private speech in signage
 - The Court elaborated upon the meaning of “content-neutral” as it relates to signage regulations
- ▶ 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

Overview



- ▶ The Supreme Court decision in the *Gilbert* case has widespread implications for the sign code of every municipality in the country
- ▶ 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 and various other updates to the City's code to address First Amendment issues
 - Dr. Kelly prepared a summary report of recommended updates
 - This report is included within the supporting materials for this item

Overview



- ▶ Subsequent to the preparation of the summary report, City Staff coordinated with Dr. Kelly to draft the proposed revisions to the City's current sign regulations
- ▶ In addition to addressing the opinions rendered by the Court in the *Gilbert* case, the revisions to the City's signage regulations proposed by this amendment would:
 - Address various sections of the City's signage regulations that warrant clarification; and,
 - Allow for signage which may not be fully contemplated within the existing regulations



Purpose: Section 6.5.1

- The purpose of the City's sign regulations, as presently established in Section 6.5.1, includes, among other stated purposes, to:
 - Encourage of effective use of signs as a means of communication for businesses, organizations, and individuals;
 - Provide a means of way-finding in the City, thus reducing traffic confusion and congestion;
 - Provide for adequate business identification and advertising;
 - Prohibit signs of excessive size and number;
 - Protect the public safety and welfare by minimizing hazards to pedestrian and vehicular traffic;
 - Preserve property values by preventing unsightly and chaotic development that has a blighting influence upon the City;
 - Eliminate signs which have the potential to cause driver distraction; and,
 - Implement Comprehensive Plan goals, including to maintain a high quality of life for present and future citizens; to utilize innovative design standards to provide an attractive built environment; and to manage future growth and development



Findings: Section 6.5.1

- The findings of the City's sign regulations, which are proposed as part of this amendment, would include, among other stated findings, to:
 - Provide an important and inexpensive medium through which citizens can express their opinions on matters of public interest;
 - Provide a tool for businesses to attract customers;
 - Provide way-finding tools for drivers and pedestrians to find locations they may be seeking;
 - Address signs of excessive size or in excessive numbers which can create clutter and detract from the character of the City;
 - Reduce potentially dangerous driver distractions; and,
 - Reduce the potential to adverse impacts to property values

Compliance with LDR Standards



- ▶ Section 2.4.1(E)(1) of the LDRs establishes eight (8) standards with which all text amendments must be found to be compliant
- ▶ Among other requirements, Section 2.4.1(E)(1) requires LDR text amendments to:
 - Be consistent with the City's Comprehensive Plan, Code of Ordinances, and other provisions of the LDRs;
 - Address changed conditions that require an amendment;
 - Address a demonstrated community need;
 - Address compatibility among uses and ensure efficient development within the City; and,
 - Result in a logical and orderly development pattern
- Proposed text amendments have been reviewed for and are found to be in compliance with the standards defined in Section 2.4.1(E)(1)

Planning & Zoning Board Recommendation



- ▶ On September 12, 2017, the Planning & Zoning Board (PZB) voted 4-0 to transmit the proposed text amendments to the City's LDRs to the City Commission with a recommendation to approve

First Reading: Ordinance 18-01



- ▶ On October 9, 2017, the City Commission held the first reading of Ordinance 18-01 and approved the ordinance on first reading

Recommendation



Staff recommends that the City Commission find 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 adopt Ordinance 18-01 on second and final reading.



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Amending Section 2.4.11(C)(5), General Sign Permits, Sign Permit Procedures



- (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.
- ▶ With the exception of the revision to Section 2.4.11(C)(5)(b), all revisions this section 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 to maintain a greater clearance between the ground level and the signage, reducing potential conflicts between pedestrians and the signage permitted by this section

Amending Section 2.4.11(C)(6), General Sign Permits, Sign Permit Procedures



(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.

- ▶ This revision addresses the findings of the *Gilbert* case

Amending Section 3.7.2(C)(5)(h)(i), Prohibited Signage in the US 441/I-75 Gateway Overlay District



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.*

b. Signs that display video or images ~~or changeable copy~~.

- ▶ While this section prohibits changeable copy signs within the Gateway Overlay District, other regulations for signage in the Gateway Overlay District permit up to 50% of the sign area to be comprised of changeable copy area
 - The prohibition of changeable copy signage, as presently established within this section, is inconsistent with other regulations elsewhere in Section 3.7.2
 - The proposed revision would correct this internal inconsistency

Amending Section 6.5.1, Findings & 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;

Amending Section 6.5.1, Findings & Purpose, Signage



- (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;

Amending Section 6.5.1, Findings & Purpose, Signage



(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;

- ▶ The revisions to this section address the findings of the *Gilbert* case

Amending Section 6.5.4(C)(2)(b), 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:

- (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:
 - (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.

Amending Section 6.5.4(C)(2)(b), Freestanding Signs for Multi-Tenant Buildings or Developments



- ▶ 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

Amending Section 6.5.4(C)(2), Freestanding Signs for Multi-Tenant Buildings or Developments



~~(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).~~

~~(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.

- ▶ These revisions to this section address the findings of the *Gilbert* case

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).

(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)~~

- ▶ The revisions to this section would clarify the permitted location of wall signs
- ▶ The maximum sign area for wall signage, as established in this section, is based upon the area of 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:

(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 has found that there may be a need to provide directional signage at entry points to larger developments having distinct subsets/areas

Amending Section 6.5.4(F), Signs in the Public Rights-of-Way



- ▶ There are limited provisions currently in the City's LDRs that would permit such directional signage
 - Existing regulations only address directional signage within a single property, and provide no regulations to address directional signage for a larger development consisting of multiple properties
- ▶ This revision would permit such directional signage at the entry of Planned Developments
 - Planned Developments typically consist of larger properties (greater than 10 acres), and are usually developed with a cohesiveness or common elements present throughout the development
 - Permitting directional signage at entry points of Planned Developments would assist with wayfinding

Amending Section 6.5.5(B)(1), Temporary Signs in Business Districts, General Provision



Generally. One general temporary sign shall be allowed for each lot or parcel in a business district, subject to the following limitations:

- (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.

- ▶ The revisions to this section address the findings of the *Gilbert* case

Amending Section 6.5.5(B)(4), Temporary Signs in Business Districts, Sandwich Board Signs



(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:

(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;

- ▶ The revisions to this section address the findings of the *Gilbert* case

Amending Section Temporary Banners

6.5.5(C)(1),



6.5.5(C) *Banners.*

(1) *On private property.*

(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.

- ▶ From time to time, Staff receives inquiries from businesses requesting to display a temporary banner
 - Banners commonly intended to provide information about an upcoming promotion, event, sale, etc.
 - Many businesses express that the current maximum area (10 square feet) is too restrictive
 - Staff proposes to increase the area to 32 square feet, which is consistent with the maximum area for temporary signs in business districts

Amending Section 6.5.5(C)(2), Temporary Banners on Public Property or Right-of-Way



(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.~~

Amending Section 6.5.5(C)(2), Temporary Banners on Public Property or Right-of-Way



- ▶ Given the existing regulations, new special events or smaller events are unable to display a temporary banner within public right-of-way or in a public space
- ▶ 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
 - If an event is exempt from a Special Event Permit, the LDR Administrator would be able to permit up to two temporary banners within a public space or right-of-way
- ▶ 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

- (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.
- (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.~~
- ▶ The revisions to this section 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 address the findings of the *Gilbert* case

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:

- (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.
- ▶ In 2016, the City hired a consultant to prepare a Market Study and Economic Development Implementation Plan 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 this section would clarify that wayfinding signage located within or along a right-of-way is not an off-site sign

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:

- (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.
- ▶ The revisions to this section would clarify that a ‘snipe sign’ consists of any sign other than temporary signs and banners as permitted by the City’s LDRs

Deleting Section 8.5.2, Amending Sections 8.5.3 and 8.5.4, & 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:~~

~~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.

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

- ▶ The revisions to these sections would delete or amend regulations pertaining to the removal of nonconforming signs, nonconforming sign lighting, or dilapidated nonconforming signs by specified dates (which were in 2006 and 2007)
- ▶ Since these dates have lapsed, the requirements of the deleted / amended sections are no longer needed or relevant

Amending Section 10.2, Definition of “Front Façade” to also define “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

- ▶ 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
- ▶ These terms can be used interchangeably as they are intended to refer to the same portion of a building
- ▶ Staff recommends the existing definition of “front facade” be amended to also define “front elevation”