

TAB 1



# City of Palmetto Agenda Item

**Meeting Date**

4/4/11

**Presenter:** Lorraine Lyn **Department:** Planning

**Title:**

This is an amendment to the sign ordinance which would allow freestanding signs within a limited area of the City defined as "interchange Intersection" to have a maximum height of 85 feet and approximately 120 square feet of surface area as recommended by the Planning and Zoning Board.

The proposed ordinance defines "Interchange Intersection" as a special area along 10<sup>th</sup> Street W requiring more localized regulations and defines a new type of signs, "Freestanding Signs".

Currently, Sec. 3-154, Pole Signs allowed in commercial districts (which has been in effect since 7/21/86), permits pole signs that are 30 feet high and no more than 40 square feet in surface area. Integrated shopping centers are allowed pole signs that are 30 feet high and no more than 150 square feet in surface area.

The proposed ordinance would allow a freestanding signs 85 feet high and no more than 400 square feet in surface area. Identification signs for integrated shopping centers would not change.

Of the 34 properties fronting 10<sup>th</sup> Street within the area defined as Interchange Intersection, there were/are 3 nonconforming signs (McDonalds, Wendy's and Burger King) or 9% of all the parcels. McDonalds sign was 90-95 feet high, Wendy's is 85 feet and Burger King's is 60 feet with a surface area of 256 square feet (16' by 16'). These signs are nonconforming because they predate the 1986 ordinance. Wal-mart's sign is conforming.

An increase in height may be warranted based on the width of the roadway. 10<sup>th</sup> Street is a 4 lane divided arterial. Based on the roadway width and the maximum height permitted in the CG and CC zoning districts, staff maintains a recommendation 60 feet maximum height which was presented to the Planning and Zoning Board. The proposed ordinance would allow an increase of height by 183% for single use commercial only, not including integrated shopping center. As an alternative, the Commission could consider a maximum height of 60 foot for all signs on properties east of 3<sup>rd</sup> Avenue to the City limits.

Staff also has concerns on how this ordinance will be implemented in the context of the existing ordinance.

**Budgeted Amount:** \$0.00 **Budget Page No(s):**  **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

**Additional Budgetary Information:**

**Funding Source(s):**  **Sufficient Funds Available:**  Yes  No **Budget Amendment Required:**  Yes  No **Source:**

**City Attorney Reviewed:**  Yes  No  N/A **Advisory Board Recommendation:**  For  Against  N/A **Consistent With:**  Yes  No  N/A **Palmetto 2030 Comprehensive Plan**

**Potential Motion/Direction Requested:** The City Commission shall APPROVE, APPROVE WITH CONDITION(S) or DENY the proposed amendment to the sign ordinance

**Staff Contact:** Lorraine Lyn Planning Department 723-4580, Ext. 135

**Attachments:**

**CITY OF PALMETTO, FLORIDA  
ORDINANCE NO. 2011-12**

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE SIGN CODE, ARTICLE III OF CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO, ESTABLISHING NEW SIGN REGULATIONS FOR THE INTERCHANGE INTERSECTION ON 10<sup>TH</sup> STREET IN AND AROUND THE US 41/301 INTERSECTION BETWEEN APPROXIMATELY THIRD AVENUE AND HABEN BOULEVARD; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and

**WHEREAS**, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and,

**WHEREAS**, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

**WHEREAS**, Section 163.3202, Florida Statutes provides for the adoption of land development regulations; and

**WHEREAS**, the City Commission recognizes the benefit derived by commercial uses within the City from appropriate and effective advertizing signage properly located and fairly regulated; and

**WHEREAS**, the City Commission recognizes that the intensive commercial and transportation uses located within the U S Highway 41/301 interchange intersection with 10<sup>th</sup> Street West from 3<sup>rd</sup> Avenue West to approximately Haben Blvd. to the East can pose unique circumstances in roadway design, as well as the volume and speed of vehicles, thereby affecting both advertising and reasonable regulation; and

**WHEREAS**, the City Commission recognizes that this interchange intersection requires specialized and localized regulation to address those unique circumstances; and

**WHEREAS**, the City Planning and Zoning Board, after holding a public hearing, recommended adoption of Ordinance 2011-12; and

**WHEREAS**, the City Commission held a public hearing to receive public input regarding the proposed change to the sign code on April 18, 2011; and

**WHEREAS**, consistent with the findings stated above, the City Commission has determined that adoption of this ordinance is in the best interest of the public health, safety and welfare.

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, by the City Commission of the City of Palmetto, Florida, as follows:

**Section 1. Amendment of Sign Ordinance** Article III of Chapter 3 of the Palmetto Code of Ordinances is hereby amended as follows:

- (A) In Section 3-62. Definitions is hereby amended to add a definition for the term **A Interchange Intersection@** to read as follows: Interchange Intersection shall mean those properties fronting on 10<sup>th</sup> Street West between 3<sup>rd</sup> Avenue West and those properties fronting on Haben Boulevard to the East. .

- (B) All references to "Pole Sign" in Chapter 3 are hereby changed to "Freestanding Sign".
- (C) Section 3-154(e) shall be added which shall read as follows:
  - (e) Freestanding signs within an Interchange Intersection shall be subject to the following requirements:
    - (1) One (1) freestanding sign shall be permitted for each individual use, excluding commercial uses in an integrated commercial shopping center provided that it shall not:
      - a. Exceed four hundred (400) square feet in surface area;
      - b. Overhang any public right-of-way or interfere with a clear site triangle;
      - c. Exceed 85 feet in height from top of sign to base of foundation for support structure; and
    - (2) One (1) identification freestanding sign per street frontage for integrated commercial shopping centers shall be provided that such sign shall not:
      - a. Exceed one hundred and fifty (150) square feet in area;
      - b. Overhang any public right-of-way or interfere in the clear site triangle;
      - c. Exceed thirty (30) feet in height above the average grade of the site; and
      - d. Have a structure supporting or holding the sign ("Supporting Structure") that is narrower than the minimum of the width of the sign at its widest point for the entire length of the Supporting Structure. (Such structure shall be consist of or

shall be encased in an opaque, durable, decorative, non-reflective material, such as aluminum, stone, or brick.)

- (3) Freestanding signs for individual commercial uses within integrated commercial shopping centers are prohibited.
- (4) All non-conforming signs under this Subsection (e) of Section 3-154, except as to non-conformities due to height, shall be removed or altered within seven (7) years of the effective date of the ordinance. All non-conforming signs as to height were required to become conforming as of 1994 pursuant to City Ordinance 273 and thus shall be required to be brought into conformity as to height with this Code immediately upon adoption.

**Section 2. Severability.** It is the intent of this Ordinance to comply with all applicable law and constitutional requirements. If any provision, paragraph or section of this Ordinance or the standards and codes adopted hereby, shall be determined by a court of competent jurisdiction to be inapplicable, illegal, unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

**Section 3. Effective Date.** This Ordinance shall take effect as provided for by law and by City Charter, Section 14 upon execution by the Mayor, or if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

**PASSED AND DULY ADOPTED**, by the City Commission, in open session, with a quorum present and voting, this \_\_\_\_ day of \_\_\_\_\_, 2011.

First Reading:            April 4, 2011  
Publication:             March 28, 2011

Second Reading and    April 18, 2011  
Public Hearing:

CITY OF PALMETTO, FLORIDA, BY  
AND THROUGH THE CITY COMMISSION  
OF THE CITY OF PALMETTO

By: \_\_\_\_\_  
SHIRLEY GROOVER BRYANT, MAYOR

ATTEST:    James R. Freeman  
              City Clerk

By: \_\_\_\_\_  
City Clerk/Deputy Clerk

March 17, 2011

wine, a conditional use where the specific location can be evaluated on a case by case basis.

Mr. Ugarte stated he would prefer having criteria for making a decision on granting a conditional use permit. Mr. Barnebey suggested that the Board could develop such criteria.

- c. Mr. Barnebey requested the Board grant the Chair authorization to sign an order granting partial approval of variance and denial of remainder of the variance application (Variance of Future Plan, LLC. VAR-2010-04).

Mr. Ugarte moved to approve the authorization of the Chair to sign the order granting partial approval of variance and denial of remainder of the variance application (Variance of Future Plan, LLC. VAR-2010-04). Mr. Moore seconded. MOTION CARRIED UNANIMOUSLY.

Discussion ensued regarding possibly changing/revising the language for variances.



- d. Sign Ordinance: Discussion of proposed changes

Mr. Barnebey stated McDonalds took down their sign to inspect it for structural purposes. Our code states that any signs that do not meet code should be removed within a reasonable period. McDonalds sign exceeded the current code by 65 ft. Higher signs height can be permitted by conditional use. The draft ordinance will affect all properties fronting on 10<sup>th</sup> Street West eastward between 3<sup>rd</sup> Avenue West and Haben Boulevard.

Currently the sign height is 30 ft unless there is a conditional use permit. The draft provides a different sign height in specific areas. McDonalds sign was 95 ft, Wendy's is 85ft, Burger King's is 55 ft., Wal-mart and Long John Silver's are at the appropriate sign height.

This draft ordinance will not require you to have pole signs in the 10<sup>th</sup> Street area but a monolithic sign instead.

Chair Gilbert asked the purpose of the monolithic design. Mr. Barnebey stated you will not have a pole per say but a unified design all the way up. It is the opinion of most that it looks more attractive. Chair Gilbert stated that depending upon the height of the sign, the effect on the wind load and



March 17, 2011

---

engineering will require a larger foundation taking up more of the parking lot. From the point of construction and service, it will be harder with two columns on each side compared to a single pole.

Mr. Moore stated the pole signs in many case goes away at the street level.

Mr. Ugarte stated the Board discussed this previously when Mr. McCollum was Interim Planner and it was agreed upon to make this location (10<sup>th</sup> street to Haben area) a special district, allowing the pole sign and taking the largest or tallest sign in that location and using it as the criteria. It is suggested that this location is a special district. It has been there for many years, make it a special criteria area, specially zoned district for signs.

Mr. Ugarte recommended making 85 ft the maximum height for that district. Chair Gilbert agreed estimating that a sign 85 ft. in height would need to be at least 120 square feet in size.

Mr. Pastor asked why those signs that are non-conforming couldn't be grandfathered in. Do we need a 95 ft high sign or even 85 ft?

Chair Gilbert explained how Burger King and Wendy's determined the heights of their signs. A crane is used with something hanging from it which goes to the other side of the over-pass and someone documents the height at which you can see the item hanging from the crane.

Ms. Lyn commented that the City has been operating under this current code for some time. With the removal of McDonald's sign there are only two non-conforming signs remaining. She stated that she can understand justifying sign heights based on the width of the street, but to cull out an area and not allow for the remainder of 10<sup>th</sup> street the same height does not seem fair. Heading north of US 301 over the ramp, you cannot see any of the signs until you are close to the highest point of the over-pass because of the angle of the ramp. By that point, you would have already passed the exit and would have to go to the next street and turn around.

Ms. Hillary Egleson asked planning staff if there are any reasons behind not wanting the signs to be more than 85 ft

March 17, 2011

---

other than non-conformity, is it because of aesthetics or safety. Ms. Lyn stated it is more aesthetics.

Ms. Lyn asked the Board their opinion of the yellow district along 10<sup>th</sup> Street, adjacent to the green area. Mr. Barnebey stated that we are addressing what is labeled as the green zone only. He summarized the discussion; 85 ft sign height maximum, allowing free standing signs, all properties fronting on 10<sup>th</sup> Street West from 3<sup>rd</sup> Avenue West eastward to Haben Boulevard.

Mr. Pastor asked staff for a recommendation. Ms. Lyn stated she recommends 60 ft as the CG and CC zoning districts have a maximum height of 60 ft. Chair Gilbert commented that the sign should be above the height of the building. Ms. Lyn stated that buildings along 10<sup>th</sup> Street are not 60 feet high.

It was the consensus of the Board to recommend 85 ft sign height maximum, allow free standing signs in the green zone to encompass all properties fronting on 10<sup>th</sup> Street West from 3<sup>rd</sup> Avenue West eastward to Haben Boulevard (including corner lots fronting 10<sup>th</sup> St. and Haben Blvd.).

4. New Business

a. None



5. Adjournment; 8:00 pm