

TAB 2

**CITY OF PALMETTO, FLORIDA
ORDINANCE NO. 2012-04**

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 REVISING THE REQUIRMENTS FOR PORTABLE, TEMPORARY AND POLITICAL SIGNS; 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 is concerned about the aesthetic appearance and safety issues related to portable, temporary and political signage within the City; and

WHEREAS, the City Commission wishes to clarify and to the extent appropriate, amend the requirements for the portable, temporary and political signs; and

WHEREAS, the City Planning and Zoning Board, after holding a public hearing, recommended adoption of Ordinance 2012-04; and

WHEREAS, the City Commission held a public hearing to receive public input regarding the proposed change to the sign code on April 1, 2012; 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) The definition of "Temporary sign" in Section 3-62 is hereby amended to read in its entirety as follows:

Temporary sign means a sign which because of its size, weight, height or materials of construction poses little hazard to life or property in the event of inclement weather and, consequently, need not be permanently attached to the ground or to a structure, and is not intended to be permanent. Examples of Temporary signs includes but are not limited to, real estate sales or rental signs, flag signs, sandwich boards, banners, posters, pennants, balloons and inflatable signs.

- (B) Section 3-63 shall be amended to revise all references to the community development department to read "Public Works Department".
- (C) Section 3-65 shall be amended to read in its entirety as follows:

Sec. 3-65. Permitting procedure.

- (1) The procedural regulations in this section for installation of signs are provided in the interest of avoiding undue problems, assuring compliance with the Code and preventing economic hardship and wasted investment.
- (2) Permits are required for all signs except Temporary and Political Signs. Permits shall be secured from the public works department.

- (3) Appropriate zoning, electrical or other applicable permits as required for all signs shall be secured prior to any physical preparation of the site or installation of any components of the proposed construction.
- (4) Location approval prior to installation is required before a permit shall be issued. In the case of a freestanding sign requiring a permit, a stake shall be installed at the exact location of each proposed supporting member of the proposed construction. Such marking shall be inspected and approved by the building official prior to installation. Applicants shall notify the building official at least one (1) working day in advance that the site will be ready for inspection.
- (5) Prior to the issuance of a sign permit, except for Portable signs, applicant must submit a plan showing the setbacks to property lines, size and shape of the proposed sign, type of material for construction of the sign and finished materials and lettering to be used on the proposed sign. This plan shall include evidence of engineer approval where required by the terms of this article other applicable codes and ordinance, and federal and state statutes and regulations. For a Portable sign, the applicant shall submit the size and location of the sign prior to the issuance of a sign permit.

(D) Section 3-68 is hereby amended to read in its entirety as follows:

Sec. 3-68. Political Signs.

- (1) Political Signs are permissible in any zoning district. ~~Such Political signs may be utilized for a period of time consistent with other Temporary signs, except that any~~ Political Signs shall be removed within seven (7) days after any election to which such sign pertains and a sign may remain through any primary or run-off election as to any candidate or issue which is subject thereto.
- (2) The candidate and persons responsible for erection or placement of any Political sign shall be responsible for its removal.
- (3) No Political sign shall be erected or placed upon publically owned property or within public rights of way; provided that a tenant of publically owned property may place such signs on the leased property unless prohibited by the lease.
- (4) Upon adoption of a Resolution, the City may require the applicant to post a deposit with the City to ensure that the cost to remove a Political sign is paid by the candidate or persons responsible for

erection or placement of a Political sign in a situation where a Political sign is not removed in a timely manner.

- (E) Section 3-70 Enforcement is hereby amended to revise all references to the community development department to read "Code Enforcement Department, and to add a new subsection (c) which shall read as follows:

Sec. 3-70 Enforcement

- (c) Signs that are deemed to be structurally hazardous due to lack of maintenance may be physically removed by the city and may be disposed of after compliance by the city with the procedure set forth in section 7-151 et seq.

- (F) Section 3-71 shall be amended to revise all references to the community development department to read "Code Enforcement Department".

- (G) Section 3-86 is hereby amended to read in its entirety as follows:

Sec. 3-86. Continuation in use.

With the exception of Temporary, Portable or Political Signs, a nonconforming sign may be continued and shall be maintained in good condition but it shall not be:

- (1) Structurally changed to another nonconforming sign, although its pictorial content may be changed;
- (2) Structurally altered to prolong the life of the sign, except to meet safety requirements;
- (3) Altered in any manner that increases the degree of nonconformity;
- (4) Expanded;
- (5) Continued in use after cessation or change of the business or activity to which the sign pertains;
- (6) Reestablished after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the public works department;
- (7) Continued in use when a conforming sign or sign structure shall be erected on the same premises or unit;

- (8) Continued in use when any land use to which the sign pertains has ceased for a period of thirty (30) consecutive days or has otherwise changed;
- (9) Continued in use when the structure housing the occupancy is demolished or requires renovations, the cost of which exceeds fifty (50) percent of the assessed ad valorem valuation of the structure.

Temporary, Portable or Political signs shall be required to come into compliance with this Code by June 30, 2012.

- (H) Section 3-89 shall be amended to revise all references to the community development department to read "Public Works Department".
- (I) Section 3-92 is hereby deleted and shall be marked as reserved.
- (J) Section 3-93 is hereby deleted and shall be marked as reserved.

(K) Section 3-109 is hereby amended to read in its entirety as follows:

Sec. 3-109. - Temporary signs.

(a) In residentially zoned districts and in residentially developed areas of property zoned P. , temporary signs shall be allowed which:

- (1) Advertises the sale, lease or development of property;
- (2) Indicate the location and direction of premises and do not exceed nine (9) square feet in area;
- (3) Are erected by churches, schools, civic organizations or other similar institutions provided the area of the sign does not exceed twelve (12) square feet.

(b) No temporary signs shall be erected or displayed for more than forty-five (45) consecutive days except that real estate sales, rental, or development signs may be utilized until the property is sold, leased, or developed, as applicable, provided that such signs are kept in good condition.

(L) A new Section 3-133 is hereby created to read in its entirety as follows:

Section 3-133. Portable and temporary on-site signs

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- (1) Portable and Temporary on-site signs are permissible in the following zoning districts: CHI. Portable and Temporary signs are also permissible in industrially developed areas of property zoned P. Such Portable and Temporary signs shall be limited to advertising grand openings, sales, real estate sales and rentals and special events. Such signs may be utilized for a period of time not to exceed sixty (60) consecutive days and shall be allowed a maximum of two times per parcel of land during a calendar year; except that real estate sales and rental signs may be utilized until the property is sold or leased, as applicable, provided that such real estate or rental signs are kept in good condition.
- (2) Each sign permit for a Portable sign shall identify the number of days for which it is valid.
- (3) A maximum of two (2) Portable sign permits may be issued for each parcel of land during a calendar year.
- (4) No Temporary or Portable sign may be connected to any source of electrical power.
- (5) A permit must be secured to all Portable signs and the permit shall be positioned in such a way to be visible from the nearest street or highway.
- (6) No Portable or Temporary sign shall be located in a right-of-way or within a viability triangle.
- (7) Upon adoption of a Resolution, the City may require the applicant to post a deposit with the City to ensure that the cost to remove a Temporary or Portable sign is paid by the persons responsible for erection or placement of a Political sign in a situation where a Portable or Temporary sign is not removed in a timely manner pursuant to this section.

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(MK) Section 3-157-~~4~~is hereby amended to read in its entirety as follows:

Section 3-157. Portable and temporary on-site signs

- (1) Portable and Temporary on-site signs are permissible in the following zoning districts: GO, CN, CC, and CHI. Portable and Temporary signs are also permissible in commercially developed areas of property zoned P. Such Portable and Temporary signs shall be limited to advertising grand openings, sales and special events. Such signs may be utilized for a period of time not to exceed sixty (60) consecutive days and shall be allowed a maximum of two times per parcel of land during a calendar year;

except that real estate sales and rental signs may be utilized until the property is sold or leased, as applicable, provided that such real estate or rental signs are kept in good condition.-

- (2) Each sign permit for a Portable sign shall identify the number of days for which it is valid.
- (3) A maximum of two (2) Portable sign permits may be issued for each parcel of land during a calendar year.
- (4) No Temporary or Portable sign may be connected to any source of electrical power.
- (5) A permit must be secured to all Portable signs and the permit shall be positioned in such a way to be visible from the nearest street or highway.
- (6) No Portable or Temporary sign shall be located in a right-of-way or within a viability triangle.
- (7) Upon adoption of a Resolution, the City may require the applicant to post a deposit with the City to ensure that the cost to remove a Temporary or Portable sign is paid by the persons responsible for erection or placement of a Political sign in a situation where a Portable or Temporary sign is not removed in a timely manner pursuant to this section.

(7)

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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. Enforcement. This Ordinance shall apply to all Temporary, Portable or Political signs regardless of whether they preexisted in the City at the time of the adoption of this

Ordinance. Enforcement of these revisions to Chapter 3 of the Palmetto Code of Ordinances shall not be undertaken until June 30, 2012.

Section 4. **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 _____, 2012.

First Reading:

Publication:

Second Reading and

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

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