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**AMENDING THE SIGN CODE
ORDINANCE 2011-12**

**PLANNING AND ZONING BOARD PUBLIC HEARING
ON AMENDING THE SIGN ORDINANCE
APRIL 13, 2011**

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 at least 120 square feet of surface area as discussed by the Planning and Zoning Board on March 17, 2011.

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

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.

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.

Of the 34 properties fronting 10th 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 high with a surface area of 325 (14.7' by 22') square 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.

Staff supports the current sign ordinance. However, 10th Street West is a 4 lane divided arterial which could support an increase in height due to the width of the roadway. Based on the maximum height permitted in the CG and CC zoning districts, staff maintains a recommendation 60 feet maximum height if a special "interchange intersection" district is identified. The proposed ordinance would allow an increase of height by 183% for single use commercial only, not including integrated shopping center.

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

**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 US 41/301 HIGHWAY INTERCHANGE INTERSECTION IN THE AREA AROUND 10TH STREET WEST BETWEEN 3RD AVENUE WEST AND HABEN BLVD.; PROVIDING FOR SEVERABILITY; 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

10th Street West from 3rd 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 **Interchange Intersection** to read as follows: **Interchange Intersection** shall mean those properties fronting on 10th Street West between 3rd 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:
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