

City of Dade City

AGENDA MEMO

To: Mayor and Members of the City Commission
From: Karla S. Owens, City Attorney/Community Development Director
Subject: Proposed Amendment to Sign Ordinance
Date: July 20, 2009

It is requested that the City Commission consider the following information and recommendation(s):

BACKGROUND:

On February 8, 2005, the City Commission adopted a new sign ordinance, thereby substantially amending the provisions previously set forth in Zoning Ordinance No. 361. Since that time, through enforcement of the ordinance, it has become apparent that certain provisions of the ordinance need to be revised at this time.

ISSUES:

The following sections of the ordinance are proposed for amendment at this time:

- Definitions: Amend the definition of “Activated Sign” to delete the reference to electronic reader board signs;
- Section F(18): Amend to allow sandwich board signs along the right-of-way for commercial plazas set back from the roadway; and
- Section H(1) and (9): Amend to allow electronic reader board signs and also bench signs with the specific approval of the City Commission.

ALTERNATIVES:

1. Adopt the attached ordinance and authorize the mayor to execute same; or
2. Do not adopt the attached ordinance; or
3. Direct staff to take some other action.

RECOMMENDATION:

Staff recommends Alternative 1 above.

FUNDING:

Funding for the advertisement of this item has previously been budgeted in Account No.: 0015-130-514-49.10 City Attorney/Legal Ads and Notices.

BY THE CITY COMMISSION

ORDINANCE NO.: 2009-08

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA AMENDING ORDINANCE NO. 2005-0870 REGULATING SIGNS; AMENDING SECTION C , DEFINITION OF ACTIVATED SIGN; AMENDING SECTION F(18) TO CHANGE THE PLACEMENT OF SANDWICH SIGNS; AMENDING SECTION H (1), PROHIBITED SIGNS, TO ALLOW ELECTRONIC READER BOARD SIGNS; AMENDING SECTION H (9), PROHIBITED SIGNS, TO ALLOW BENCH SIGNS WITH APPROVAL OF THE CITY COMMISSION; PROVIDING FOR REPEALER, CODIFICATION, MODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, in 2005, the City Commission revised the existing sign provisions as part of creation of the new Land Development Code and

WHEREAS, the City Commission finds and determines at this time that the existing sign ordinance is again in need of updating and revision; and

WHEREAS, the purpose of these revisions is to clarify the intent of the City's sign regulations and further ensure that the regulations are consistent with all controlling laws, providing viewpoint neutral regulation of all signs in the City and providing, in all instances, that noncommercial speech is no more limited than commercial speech; and

WHEREAS, the City Commission finds that enactment of these revisions through its police powers will protect the public, safety and welfare of the residents of the City, including enhancement of the visual and aesthetic environment and natural scenic beauty of the City, and furthers the purpose, goals and objectives and policies of the Dade City Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of Dade City, Florida, as follows:

SECTION 1. Section C, *Definitions*, of Ordinance No. 2005-0870 is hereby amended as follows:

C. Definitions.

Activated Sign

Any sign which contains or uses for illumination any light, lighting device, or lights which change color, flash, or alternate; or change appearance of said sign or any part thereof automatically; any sign which contains moving parts as part of its normal operation, such as rotating signs, shall be considered an activated sign. Additionally, a sign that depicts or contains copy which moves or appears to be moving, or emits audible sound, vapor, smoke, odor particles, or gaseous matter, ~~or electronic reader boards.~~ Activated sign shall not include an electronic reader board or similar sign.

SECTION 2. Section F, *Certain Signs Exempt From Permits*, of Ordinance No. 2005-0870 is hereby amended as follows:

F. Certain Signs Exempt from Permits.

The following signs are exempted from permit requirements, provided, however, that such signs are erected in conformance with all other requirements of this Ordinance. All signs set forth in this Ordinance that do not meet the requirements set forth herein for an exemption or permit are prohibited.

18. In nonresidential zoning districts, one (1) sandwich sign per business establishment having a certificate of occupancy placed on the sidewalk or right-of-way if there is no sidewalk, no further than five (5) feet from ~~in front of~~ the main entrance door of the structure of the establishment or shopping plaza, and with a maximum height of three and a half (3½) feet and maximum sign structure width of two (2) feet. The sign shall not be placed in the public right-of-way and shall not be placed so as to obstruct pedestrian traffic along the sidewalk.

SECTION 3. Section H, *Signs Specifically Prohibited*, of Ordinance No. 2005-0870 is hereby amended as follows:

H. Signs Specifically Prohibited.

Any sign not specifically permitted, exempted, or authorized by this Ordinance is prohibited; provided, however, that any authorized or permitted sign under this Ordinance is allowed to contain non-commercial speech in lieu of any other speech. The following types of signs are specifically prohibited except as otherwise provided by this Ordinance:

1. Activated signs and devices. This shall not include an electronic reader board or similar sign.
2. Revolving signs.
3. Snipe signs.

4. Signs other than removable sandwich signs placed on the sidewalk or curb during business hours.
5. Swinging signs.
6. Vehicle signs.
7. Signs that imitate or resemble any official traffic or government sign, signal or device. Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic or government sign, signal or device.
8. Any sign which:
 - a. Has unshielded illuminated devices that produce glare or are a hazard or nuisance to motorists or occupants of adjacent properties.
 - b. Due to any lighting or control mechanism, causes radio, television, or other communication interference.
 - c. Is erected or maintained so as to obstruct any fire fighting equipment, window, door, or opening used as a means of ingress or egress for fire escape purposes including any opening required for proper light and ventilation.
 - d. Projects in excess of eighteen (18) inches over a dedicated public street, alley, sidewalk, or private or public roadway.
 - e. Is erected on public property or a public right-of-way, except government signs or other signs as expressly allowed in the Code.
9. Bench signs, unless specifically authorized by the City Commission.
10. Abandoned signs.
11. Illegal signs.
12. Beacon lights.
13. Roof signs.
14. Back to back sign faces at an angle that exceeds 45 degrees.
15. Window signs which, in aggregate, cover more than twenty-five (25) percent of the total window surface.

16. Signs in or upon any navigable river, bay, lake, or other body of water within the incorporated limits of the City of Dade City including signs attached to or painted on piers or seawalls, other than official regulatory or warning signs.
17. Pole signs.
18. Multi-prism signs.
19. Portable signs.
20. Pennants.
21. Festoons.
22. Banner signs and advertising balloons that do not comply with this Ordinance. This does not include use of such signs for temporary use only.
23. Sandwich signs that do not meet the requirements of this Ordinance.
24. Outdoor advertising signs.

Notwithstanding any ordinance or Code provision to the contrary, neither the City Commission nor the Board of Adjustment may grant a variance allowing the erection of any of the prohibited signs expressly enumerated in this Ordinance.

SECTION 4. Repealer

All provisions of the Dade City Code of Ordinances, as amended, and ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 5. Modification.

It is the intent of the City Commission that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Commission.

SECTION 6. Severability.

It is declared to be the intent of the City Commission of the City of Dade City, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

SECTION 7. Inclusion in Code.

It is the intent of the City Commission that the provisions of this Ordinance shall become and be made a part of the Dade City Land Development Code, and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section,”

“article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 8. Effective Date.

This Ordinance shall take effect as provided in the City Charter.

The above ordinance was read and approved upon first reading this 28th day of July, 2009.

ATTEST: CITY OF DADE CITY, FLORIDA

James D. Class, City Clerk

Scott Black, Mayor

The above ordinance was read and public hearings held on the 11th day of August, 2009 and the 25th day of August, 2009, and adopted on the 25th day of August, 2009.

ATTEST: CITY OF DADE CITY, FLORIDA

James D. Class, City Clerk

Scott Black, Mayor

Approved as to Legal Form and Content

Karla S. Owens, City Attorney