

CITY OF PALMETTO
ORDINANCE NO. 2021-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, REAFFIRMING AND RESTATING ORDINANCE 2020-06 AS AMENDMENTS TO ARTICLE III, SECTIONS 3-61 THROUGH 3-73 OF THE PALMETTO CITY CODE OF ORDINANCES REGULATING SIGNS, EXCEPT AS AMENDED BY THIS ORDINANCE; AMENDING SECTION 3-68 TO AMEND THE MAXIMUM HEIGHT FOR CERTAIN SIGNS AND AMENDING THE MAXIMUM WALL SIGN AREA FOR NON-RESIDENTIAL DISTRICTS; AMENDING SECTION 3-70 TO ALLOW ELECTRONIC MESSAGE CENTER SIGNS IN NON-RESIDENTIAL AND PUBLIC DISTRICTS BY CONDITIONAL USE PERMITS; AMENDING SECTION 3-73 TO PROVIDE FOR NOTICE FOR REMOVAL OF SIGNS IN THE RIGHT OF WAY OR PUBLIC PROPERTY; ADDING A NEW SECTION 3-74 FOR APPEALS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Ordinance 2020-06 substantially amended and replaced the Palmetto City Code of Ordinance sections to provide updated comprehensive and legally supportable sign regulations which protect the aesthetic integrity of both commercial property and residential neighborhoods; and

WHEREAS, the City Commission of the City of Palmetto has certain regulatory authority granted to it by the Florida Constitution, the Florida Statutes and the City Charter to regulate the use of land and signage within its corporate boundaries; and

WHEREAS, there is a desire to delete inconsistencies and certain regulation related to pole signs and wall signs; and

WHEREAS, the Planning and Zoning Board has reviewed the proposed Ordinance amendment, held a properly noticed public hearing on October 21, 2021, received public comment and testimony, and provided its recommendation to the City Commission of the City of Palmetto; and

WHEREAS, the City Commission of the City of Palmetto held a legally appropriate, properly noticed public hearing on November 15, 2021 and received public comment and testimony at said hearing; and

WHEREAS, the City Commission of the City of Palmetto finds that approval of this Ordinance will serve the best interests of its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AS FOLLOWS:

SECTION 1. Ordinance 2020-06 is hereby reaffirmed and restated as amendments to Article III of Chapter 3, Sections 3-61 through 3-73 of the Palmetto Code of Ordinances regulating signs, except as amended by this Ordinance 2021-15.

SECTION ~~32~~. Article III of Chapter 3 of the City of Palmetto Code of Ordinances is hereby amended ~~to read~~ as follows:

A. Section 3.68(4)(b) is amended to read as follows:

(~~5b~~) **Non-residential districts.** On-premises signs within non-residential districts (GO, CN, CC, ~~CG~~, CHI and PD-MU as to non-residential areas only) shall comply with the following standards:

1) Freestanding signs.

a) A maximum of two (2) freestanding signs are allowed per integrated shopping center, multi-tenant development or master lease agreement, per street frontage. *Integrated commercial shopping center means a combination of five (5) or more commercial uses designed, structured and located so as to result in an integrated shopping plaza, mall, or other acceptable structural configuration.* One (1) freestanding sign shall be permitted in non-residential districts for individual commercial parcels per street frontage (excluding commercial uses in an integrated commercial shopping center).

b) Except as provided for sites within Interchange Intersection, all signage shall not extend above the height at the building or thirty (30) feet in height above the average grade of the lot, whichever is greater. For signs within the Interchange Intersection, as defined below, signage shall not extend above the height of the building or thirty (30) feet in height above the average grade of the lot, whichever is greater, unless another height is approved pursuant to a sign height conditional use. *Interchange intersection means those properties fronting on Tenth Street West between Third Avenue West and those properties fronting on Haben Boulevard to the east.*

c) Total freestanding sign area on a single structure for an integrated shopping center, or multi-tenant commercial or industrial development use shall not exceed one hundred (100) square feet ~~and shall not extend above the height of the building(s) or twenty (20) feet in height above the average grade of the lot, whichever is greater.~~ Total sign area on a freestanding structure for an individual commercial or industrial use shall not exceed sixty (60) square feet for properties with less than three hundred (300) linear feet of street frontage; eighty (80) square feet for three hundred (300) to six hundred (600) linear feet

of street frontage; and up to one hundred (100) square feet for properties with more than six hundred (600) linear feet of street frontage.

2. Wall sign. Wall signs area shall not exceed two square feet per linear foot of the side of the building on which the sign is to be placed, not to exceed sixty (60) square feet.

3. Interior signage. Freestanding signs interior to the commercial, industrial, or multi-family development indicating the location and direction of premises shall be reviewed and permitted as part of a master plan for that development. No other freestanding signage is allowed in an integrated shopping or industrial center.

4. Sign action. All freestanding signs shall be immobile, non-flashing and shall in no way resemble traffic signs or other warning devices. They may be lighted indirectly or from within.

B. Section 3-70 is hereby amended to read as follows:

Sec. 3-70. On-premises electronic message center (EMC) signs.

An electric message center (EMC) sign is a sign on which the copy advertising changes automatically on a lamp bank or through mechanical means. The purpose of an EMC is to allow for modification of the message either by electronic or mechanical means. EMC signs shall be allowed in certain zoning districts upon permit or upon approval of a conditional use application by the city commission and must comply with the following requirements:

- (a) Upon approval by conditional use, EMC signs may be located only within the ~~CG, Business and Light Commercial, P, Public, and CHL, Heavy Commercial and Light Industrial zoning districts non-residential and public zoning districts (GO, CN, CC, CG, CHL, P, and PD-MU, non-residential areas);~~ but notwithstanding the foregoing, EMC signs are prohibited in the 10th Avenue West/Old Main Street overlay district of the Downtown Core Design Code. EMC signs may also be allowed for residential support uses located on residentially zoned property if approved by the city commission through a conditional use application. If approved, EMCs located on property abutting residentially zoned or used areas must dim the EMC lighting between sunset and sunrise. Sunset and sunrise times are those times established by the Tampa Bay Area Office of the National Weather Service.

- (b) EMC sign area must not exceed fifty (50) percent of the total on-premises sign area allowed for the property.
- (c) Only one (1) EMC sign is permitted per parcel regardless of lot frontage.
- (d) Brightness of the EMC sign shall be built to automatically adjust to ambient light conditions at all times of day and night. The light intensity of the EMC shall be preset to not exceed 0.3 foot-candles above ambient light levels at any given time of day or night.
- (e) EMC signs shall not display light that is of such an intensity or brilliance to cause glare or otherwise impair the vision of a driver. Ambient light monitors shall be installed and operating on all EMC's to automatically adjust the brightness level of the sign based upon ambient light conditions.
- (f) The display shall not change more than once every five (5) seconds. No animation, video, scrolling, flashing, or appearance of movement is permitted. All such EMC displays shall be a minimum of three (3) feet off the ground.
- (g) No auditory message or mechanical sound shall be emitted from any EMC.
- (h) EMC technology used shall be of the type designed to avoid hacking of the operation of the message center.
- (i) Any EMC that malfunctions, fails, or ceases to operate in the usual or normal programmed manner shall immediately revert to a black or static screen until it is restored to its normal operation conforming to the requirements of this section.
- (j) The owner of an EMC shall clearly post on the sign an on-call contact person and phone number. Said contact person must have the authority and ability to make immediate modifications to the displays and lighting levels of the EMC should the need arise.
- (k) EMC signs shall not be configured to resemble a warning or danger signal, and shall not resemble or simulate any lights or official signage used to control traffic unless at the direction of the city for a public service announcement/government declared emergency.

C. Section 3-73 is hereby amended to read as follows:

Sec. 3-73. Illegal signs, enforcement of violations, permit revocation, and removal of signs.

- (a) The Development Services Director or designee is hereby authorized and empowered to revoke, in writing, any permit issued by the City upon failure of the holder thereof to comply with the provisions of this Ordinance, upon failure of the holder to comply with the plans and documentation supporting the

application for the permit, or if the permit was issued on the basis of a mistake by the City, or misstatement of facts or fraud by the applicant.

- (b) No person shall erect or assist in the erection, construction, maintenance, alteration, repair, or do any work upon any sign to which a required permit is not issued. Any such sign shall be illegal and may be subject to immediate removal.
- (c) The failure of a property owner to remove a sign prohibited by this Ordinance shall constitute a City ordinance violation. In addition to other remedies, the Development Services Director or designee is hereby authorized to cause removal of the sign with proper notice, at the expense of the owner of the sign or property. Signs on rights-of-way, utility poles, or on trees, hazardous signs, signs within the visibility triangle or any sign, (except lawful government warning or notice signage) located upon, within or otherwise encroaching upon City or public right-of-way shall be subject to immediate removal without notification and impounded by the City of Palmetto Public Works, Code Enforcement, or Police Departments. Sign owners may provide the City with an e-mail address and phone number for contacting purposes under that section. The sign owner shall be notified within 24 hours by phone or by e-mail, if known, and by U.S. Mail if no active e-mail or phone number has been provided to the City. When impounded, the sign shall be held by the City for a ~~maximum~~ minimum of ~~ten (10) thirty (30)~~ business days, during which time the owner may recover the sign(s). After ~~ten (10) thirty (30)~~ days, the sign(s) may be sold or destroyed at the option of the City.
- (d) Any sign in violation of this Ordinance shall constitute a violation of the City of Palmetto Code of Ordinances and shall be enforced as set forth in Chapter 2 of the City Code and as provided in Chapter 162, Florida Statutes.

D. A new Section 3-74 is hereby ~~amended~~ added to read as follows:

Sec. 3-74. Appeal.

Any applicant whose request for a sign permit was denied by City staff or any person owning a sign who has been adversely affected by a City action by City staff under this Article III shall have the right to appeal the decision to a Code Enforcement Special Magistrate. An appeal must be made in writing and sent by certified mail to the City Clerk within fourteen (14) business days of the action that is being appealed. The written appeal shall describe in detail the action appealed and the grounds for appeal. The right to appeal to a Code Enforcement Special Magistrate shall not limit any other rights in law or equity that the applicant or permit holder might have. The Code Enforcement Special Magistrate shall hear the appeal within five (5) business days of the appeal. The decision shall be issued promptly and no later than within five (5) business days of the hearing. The

decision of the Special Magistrate may be appealed by either the City, or the affected person, directly to Circuit Court.

- E. Sections 3-75 through 3-157 are hereby deleted in their entirety as they are repetitive or superseded by other portions of the Palmetto Sign Code (Article III of Chapter 3 of the Palmetto Code of Ordinances).

SECTION ~~23~~. Repeal of Ordinances in Conflict. This Ordinance hereby repeals and replaces any Ordinances in conflict.

SECTION ~~34~~. Severability. If any section, sub-section, paragraph, sentence, clause or phrase in this Ordinance shall be held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions hereof.

SECTION ~~45~~. 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 the Mayor vetoes the Ordinance, 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 _____, 2021.

First Reading: _____, 2021

Publication: _____, 2021

Second Reading and

Public Hearing: _____, 2021 and _____, 2021

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