



Meeting Date: 5/10/2011

Agenda Item # 5B

# CITY COUNCIL AGENDA ITEM

Contact Name: Wendy Hickey *WH* Department Director: Alison Stettner *AS*  
Department/Contact #: DSD/775-5417 City Manager: Jamie Croteau

- Type of Item:
- Public Hearing
  - Ordinance First Reading
  - Ordinance Second Reading
  - Resolution
  - Discussion & Action
  - Council Approval

**Subject:** Amending Chapter 9 of the Land Development Code

**BACKGROUND:**

The Land Development Code was adopted on August 12, 2003, via Ordinance No.157. While implementing the code, staff identified an area that if modified would allow for sandwich board signs on properties with outdoor seating.

Ordinance #455 amends the Land Development Code Chapter 9 Sections 9.2.3 (U) and Section 9.2.8 (L) adding sandwich boards signs associated with a Food and or Beverage Establishment. This will allow for and provide standards for sidewalk signs cafes to post a menu or like information in the vicinity of their seating area.

**RECOMMENDATIONS:**

On May 4, 2011, the Planning Commission recommended that the City Council approve Ordinance No. 455. with the attached changes shown in strikethrough and bold underline. In addition a recommendation for a definition for Food and or Beverage Establishment to be added to Chapter 2 of the Land Development Code.

**Food & Beverage Establishment** –An establishment where food and/or beverages are prepared, served, and consumed, on premises to patrons seated within a closed building and elsewhere on the premises with an approved site plan.

This definition is to be added to the Land Development Code in a separate Ordinance at a future date.

**ATTACHMENTS:**

Memorandum to the Planning Commission, and proposed Ordinance No. 455

**FINANCIAL IMPACT:**

None

Reviewed by City Attorney \_\_\_\_\_  
Reviewed by Finance Dept. \_\_\_\_\_  
Reviewed by: \_\_\_\_\_

<b>1<sup>st</sup> Discussion Date:</b> 5/10/2011	<b>2<sup>nd</sup> Discussion Date:</b> 5/24/2011	<b>Third Discussion Date:</b> date.	<b>Other Dates:</b> date.
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## ORDINANCE NO. 455

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING ORANGE CITY CODE APPENDIX A, THE CITY'S LAND DEVELOPMENT CODE, AS ADOPTED BY ORDINANCE NO 157;AMENDING CHAPTER 9 SIGN REGULATIONS OF THE CITY OF ORANGE CITY, FLORIDA SECTION 9.2.3 BEING SIGN PERMITS REQUIRED AND EXEMPTIONS AND SECTION 9.2.8 BEING SIGNS PROHIBITED IN ALL ZONING DISTRICTS; PROVIDING FOR CONFLICTING PROVISIONS;PROVIDING FOR SEVERABILITY; PROVIDING FOR SEVERABILITY;PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on August 12, 2003 the City Council of the City of Orange City adopted Appendix A, the City's Land Development Code, via Ordinance No. 157, thereby establishing a unified code to implement the comprehensive plan and establish a development review process, setting forth regulations and procedures governing the use and development of land for the purpose of protecting the health, safety, and general welfare of the citizens of the City of Orange City,; and

**WHEREAS**, the City Council of the City of Orange City deems it in the best interest of the City to amend Chapter 9, Section 9.2.3 Sign Permits Required to change sandwich board signs to an exempt sign when used exclusively with a ~~sidewalk café~~ ; **Food and/or Beverage Establishment** and Section 9.2.8(L) Sandwich Signs

**WHEREAS**, on May 4, 2011, the local planning agency, being the Planning Commission of the City of Orange City, reviewed the requested amendment to Sections 9.2.3 and 9.2.8 recommended these changes to the City Council; and

**WHEREAS**, all applicable notice requirements of Section 166.041(3) (c) (2), Florida Statutes, have been complied with; and

**WHEREAS**, the City Council of the City of Orange City finds the amendment to be consistent with the provisions of the Comprehensive Plan of the City of Orange City, and in the overall best interest of the public health, safety and welfare;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AS FOLLOWS:**

**SECTION ONE.** Chapter 9, Sections 9.2.3 sign permits required and exemptions and Section 9.2.8 (L) Signs prohibited all zoning districts of the City's Land Development Code is hereby amended as shown in attachment A, attached hereto and incorporated herein with full force and effect.

**SECTION TWO: CONFLICTS.** All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION THREE: SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion of application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION FOUR: EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

**ROLL CALL VOTE AS FOLLOWS: (Ordinance No. 455)**

First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Jeff H. Allebach	_____	Thomas Laputka,	_____
Tom Abraham	_____	Anthony Pupello	_____
Gary Blair	_____	Bill Crippen Vice Mayor	_____
Harley Strickland, Mayor	_____		

**ROLL CALL VOTE AS FOLLOWS: (Ordinance No. 455)**

Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Jeff H. Allebach	_____	Thomas Laputka,	_____
Tom Abraham	_____	Anthony Pupello	_____
Gary Blair	_____	Bill Crippen Vice Mayor	_____
Harley Strickland, Mayor	_____		

**PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011.**

**ATTEST:**

**AUTHENTICATED:**

\_\_\_\_\_  
Deborah J. Renner, CMC, City Clerk

\_\_\_\_\_  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
W. E. Reischmann, City Attorney

## Attachment "A"

### 9.2.3.

*Sign permits required and exemptions.* No person shall erect, alter, or relocate any sign within the city without first obtaining a sign permit, with the following exemptions;

A.

Memorial signs and tablets displayed in cemeteries and on public property, except not within public rights-of-way.

B.

Address numerals and signs not exceeding one square foot in area and bearing the names of occupants of the premises.

C.

Legal notices.

D.

Traffic-control and directional signs and off-street parking signs. The maximum size of such signs shall not exceed three square feet in area each and shall bear no advertising.

E.

Governmental signs.

F.

"No trespassing" and "no dumping" signs, provided that no such sign shall exceed two square feet in surface area.

G.

Combined on-site nameplates and addresses for residences, provided that no such combined nameplate and address sign shall exceed three square feet of combined area.

H.

No more than one "open/closed" and one "vacancy/no vacancy" sign, not to exceed two square feet in area each, may be displayed for each business.

I.

The change of copy on permitted changeable copy signs.

J.

Real estate signs that comply with the provisions of section 9.7.4.B. of this chapter.

K.

Temporary development signs, that comply with the provisions of section 9.7.4.D. of this chapter.

L.

Window and door opening signs that comply with the provisions of section 9.2.4. of this chapter.

**M.**

Decorative flags and bunting, etc., for a celebration, convention or commemorative of significance to the entire community when authorized by the city council for a prescribed period of time.

**N.**

Temporary election campaign signs that comply with the provisions of section 9.7.4.A. of this chapter.

**O.**

Holiday lights and decorations.

**P.**

Off-site signs for garage sales and other temporary directional signs not to exceed six square feet.

**Q.**

Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.

**R.**

Instructional signs to indicate the dangers of trespassing, swimming, animals or similar hazards, subject to the size requirements in the zoning district wherein the sign is located.

**S.**

Signs carried by a person.

**T.**

Religious displays.

**U.** Sandwich Board Signs associated exclusively with sidewalk café's **Food and/or Beverage Establishment** Sandwich boards signs must meet the following requirements:

1. Shall not exceed six square feet per side.
2. The overall height of the signs shall not exceed four feet and the vertical angle shall not exceed thirty degrees.
3. Shall only be permitted within five feet of the store entryway to the business which does not impede pedestrian traffic.
4. No sign shall be permitted within the right of way.

5. Sign owner shall be responsible for determining the limits of the right of way
6. All such signs shall be removed at the end of each business day and stored indoors.
- 7.
8. Only one "sandwich board" sign shall be permitted per business; however in multiple occupancy buildings they cannot be located closer than 20 feet from another sandwich board sign.
9. Any person/business who wishes to place a "sandwich board" sign on a walkway area, shall do so at their own risk and shall defend, indemnify and hold harmless the City of Orange City from and against any and all liability, losses, damages, claims, demands, expenses, fees, fines, penalties, suits, proceedings and actions and costs of actions (including attorneys fees), of whatsoever kind or nature arising out of or in any way related to the design, construction, installation or maintenance of the "sandwich board" sign or any act or omission of the sign owner or his, her or its agents, servants, employees, independent contractors, customers, patrons or invitees, whether on the public sidewalk or elsewhere.
10. The city shall have the right to remove and impound any signs which obstruct safe pedestrian or vehicular passage or which encroach upon any right of way or which violate any other provision of this Code.

**9.2.8.**

*Signs prohibited in all zoning districts.* The following signs are inconsistent with the purpose and intent and the sign standards set forth in this chapter and are therefore prohibited. (See Illustration No. 1.)

**A.**

Flashing, fluttering, undulating, swinging, rotating or otherwise moving signs or other decorations such as banners, pennants, ribbons, spinners, streamers or captive balloons or other inflatable signs or devices designed to attract attention unless permitted as a temporary sign.

- B.** Any sign which, or any part of which, is in motion by any mechanical or electrical means, including fluttering, rotating or other signs, except for traditional barber poles.
- C.** Any sign or message board displaying flashing, fluttering, undulating, swinging, rotating or scrolling lights; alternating or intermittent lights or lights of changing degrees of intensity or changes.
- D.** Lighting, either by exposed tubing or strings of lights, either outlining any part of a building or affixed to any ornamental feature thereof except strings of lights used for the celebration of the December holidays.
- E.** Any sign that obscures or interferes with a sign displayed by public authority for the purpose of giving traffic instructions or direction or other public information.
- F.** Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution because of the existence of danger or which is a copy or imitation of or which, for any reason, is likely to be confused with any sign displayed by public authority.
- G.** Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building as required by law. No sign shall be attached to a standpipe.
- H.** Any sign or illumination that causes any direct glare into or upon any building, other than the building to which the sign may be related.
- I.** Off-site signs which advertise businesses, establishments, activities, goods, products, facilities or services or other message not made, produced, sold or present on the premises or site where the sign is installed and maintained. Additionally, it shall be unlawful to erect, construct or reconstruct a billboard sign in any area of the city. A sign permit, to be renewed annually, must be obtained for each existing billboard sign location.
- J.** Portable signs, either fixed or movable.

- K.**  
Off-site directional signs, except as permitted by section 9.7.2. of this chapter.
- L.**  
Sandwich signs- except as permitted by section 9.2.3 of this code.
- M.**  
Any sign located within a public right-of-way, except as may be allowed by this chapter.
- N.**  
Signs as a principal use in any zoning district, except as may be allowed by this chapter.
- O.**  
The posting of any signs on any permanent or temporary structure or building, pole or tree located in any public street right-of-way, public park or public way or place within the city without city approval.
- P.**  
Vehicles or other property with "For Sale" signs when located on any public property.
- Q.**  
Snipe signs.
- R.**  
Roof signs.
- S.**  
Billboard signs.
- T.**  
Signs mounted to fences except as permitted under section 9.7.4.F. of this chapter.
- U.**  
Temporary signs affixed to permanent signs for a period of 30 days.
- V.**  
Signs that are painted or mounted on rocks or other natural features or affixed to trees.
- W.**  
No sign of any character, including any sign advertising the exact nature and kind of business conducted on the premises, shall be permitted for the exhibition, by posting, painting or in any other manner displaying, of any statement, word, character or illustration of any obscene, indecent or immoral nature.
- X.**

Signs shall not resemble, imitate or approximate the shape, size form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices, nor be lighted in such a way so as to cause glare or impair driver visibility upon public ways.

**Y.**

Any live and/or animated character except as permitted by section 9.7.4.E. of this chapter.

**Z.**

Vehicle signs or any signs attached thereto or placed thereon subject to the following exceptions:

**1.**

Any vehicle parked on private property when parked within the confines of a building or in some manner that provides for effective screening so as not to allow the sign or signs on the vehicle to be viewed from the public street.

**2.**

Any vehicle upon which is placed a sign identifying the firm or its principal if such vehicle is one that is operated during the normal course of business; provided, however, that no such vehicle shall be routinely parked in a location where it serves as or constitutes additional signage.

**3.**

Buses, taxicabs and similar common carrier vehicles that are licensed or certified by the City of Orange City and/or Florida Public Service Commission.