

EXCERPT FROM THE MARCH 19, 2013 REGULAR MEETING OF THE PLANNING COMMISSION

3. Text Amendment Petition No. 13-3AM - Temporary Signs - Staff: Scott Pickett, AICP, Senior Planner

(2:03) Chair Snyder read a memorandum dated March 19, 2013, stated no written communications have been received regarding this petition; and opened the public hearing.

Mr. Pickett stated the amendment was requested by council concerning code enforcement of portable signs, the scope is narrow, the amendment does not address all temporary signage, and noted other issues will be dealt with separately with the consultant. He talked about the composition of the stakeholder's committee and discussion at meetings, and suggested the best way to review the revision is section by section.

Mr. Pickett answered questions on review of other zoning districts pertaining to signage, four foot real estate signs, stated most signage is permanent in other districts, and reviewed section 86-45 pertaining to portable signage for grand opening events.

Responding to questions, Mr. Anderson expressed his concern with a grand opening being considered a temporary use under section 86-45, suggested adding a subsection g, reviewed the temporary use permit application, and stated the section is not properly located in section 86-45.

Mr. Pickett stated he would make a different section for temporary signage.

Mr. Clark interjected that some grand openings involve other things such as tents outside cooking hot dogs, stated staff has seen grand openings range from a banner to a huge event where the company offered prizes, and historically this is how staff has permitted grand openings.

Discussion ensued on the language in subsection g dealing with signage only, having the section in the temporary signage provision, and the requirement for a site plan and survey for temporary grand opening signage.

Mr. Pickett stated the subsection on grand openings will be removed from section 86-45.

Discussion took place on grand opening criteria, needing more guidance on what is allowable, the variability of the events, the language not allowing for having a grand opening for an accessory structure, g(3) being too subjective, the enforcement for exceeding the permitted number of signs, and the inspection requirement for temporary signs matching the site plan.

Mr. Anderson stated code enforcement is not an appropriate mechanism to enforce this due to the time frame, stated any violation of the terms and conditions of the permit constitutes a revocation of the permit, suggested language in the permit pertaining to revocation of the permit, and commented on permits for activities in the right-of-way.

Discussion continued on having more structure in the ordinance, issues dealt with by staff, the criteria giving a basis in reviewing the application, whether there is an appeal process for these permits, cost of the appeal, and which body hears the appeal.

Mr. Pickett continued with section 86-80 pointing to redundant sections removed, the addition of whirling and animated signage to section 86-400, noted the terms are defined in section 86-570, and explained subsection (e) regarding temporary signs.

Discussion took place on referencing the appeal, political signs being regulated elsewhere in the code, and real estate signs being repeated in other districts.

Mr. Pickett went on to section 86-401 noting grammatical corrections, reviewed the signs that are exempt from permitting, talked about the section addressing real estate signs on private property, reported they worked with the real estate community, answered questions on the sign size, having 48 hours to remove a real estate sign after the sale, whether people can have a sign in the front and back yards for waterfront properties and corner lots, stated subsection (8) on permanent directional signage is new, reviewed subsection (9) that addresses window signs stating the coverage was increased to 50%, and answered questions on the coverage that other municipalities impose and whether window signage is addressed in the comprehensive plan.

Discussion followed on 50% being too high, this excluding areas outside the Commercial Business District (CBD), the urgency on this issue, whether to pull subsection (9) from the ordinance and have the consultants review it, council looking at happy hour signage, the common goal on consistency with municipalities and the county, the commission not having a chance to workshop this amendment, and whether the commission could approve the petition to move it forward.

Mr. Pickett continued with subsection (10) on temporary real estate signs stating they are not currently controlled by the code, the goal is to control the number of signs on a major road, answered questions on whether garage sale signs are addressed in the code, and the difference between (10)b and e, stating b allows the sign on city arterial streets, and e allows for additional signs on local streets.

Mr. Anderson suggested combining subsections b and e.

Mr. Pickett continued with subsection (11) portable signs and answered questions on sidewalk signs. Mr. Clark stated the temporary use language should be stricken, the signs are allowed by a café or display permit, and confirmed a portable sign is now being allowed in the walkway.

Discussion ensued on the difficulty navigating the sidewalks, outside seating causing congestion, concerns with how the city deals with the portable sign issue in the right-of-way, the minimum 44 inch sidewalk clear area, size of the sign, the car on Miami Avenue with the white board sign in the trunk, the car being parked on the street, the car being private property, the sign being offsite signage, the uniqueness of the situation because the sign is in someone's vehicle, and staff reviewing the situation.

Mr. McKeon answered questions on the types of temporary signs council was addressing, and suggested specifying signs be on site.

Responding to Mr. Anderson, Mr. Pickett stated only current signs in the right-of-way are allowed in CBD district, and any other portable sign outside the CBD has to be on private property.

Mr. Clark interjected the permitting process requires a site plan that shows the front of the store and the curb, which is the area to be used, and the clear area must be maintained.

Mr. Pickett continued reviewing subsection (11) that specifies where in the right-of-way a portable sign can be placed, touched on portable signage in shopping centers, other non-residential signage, safety provisions, and noted input from the stakeholder's group, city clerk, city attorney and code enforcement.

There was discussion on the concern with last minute changes to the amendment, whether there will be a workshop on this, non-residential properties, portable signs not needing a permit except in the CBD district, signage allowed in other districts, the language being clear, and the ordinance not allowing every business to have a sign.

Audience Participation

(3:22) Wayne Welsh, Venice Shores Realty, stated he participated in the stakeholders committee, his business was cited for an illegal sign, within one hour he photographed 125 portable illegal signs near his location, talked about the need for portable signs in the community, commented on staff's efforts on this issue, their realtor on duty sign, advertising and marketing costs, code enforcement efforts throughout the city, and encouraged adoption of the new regulations.

(3:28) Kat Quast, Venice MainStreet Director, stated businesses want their A-frame signs but there are too many on the street, suggested regulating the length of time the signs can be on display,

questioned the window signage, and surmised one business found a way around the code by placing a sign in their car. She talked about the City of Orlando's laws on signage, researching other municipalities, and stated all signage creates clutter on the street that takes away from the ambiance.

Bill Ahern, owner of Brindley's Liquor, Wine and Gourmet, commended the city for this effort, stated the need for a strong business community, the desire to maintain the charming nature of the city, noted the enforcement challenges, talked about the money he has spent in advertising, the importance of portable signage to let visitors know about events such as a wine and cheese tasting evening, and stated his business is trying to create the right balance without over doing it.

Mr. Snyder queried the board on comments on the last few pages of the text amendment, noted the nature of temporary signs for awards, suggested striking the word immediately from section 86-401(12)d, confirmed more stringent deed restricted sign restrictions would not be affected, and stated the portable sign issue and other changes related to temporary signage should be separated.

Discussion followed on focusing on the portable sign issue, not having residents involved in the stakeholders committee, making the ordinance understandable and enforceable, clarifying portable signage before moving on to temporary signage, whether the person walking around as Uncle Sam is a temporary sign, and the current zoning determination that persons holding and displaying signs are permitted.

Mr. Anderson commented on portable signs and where they can be located, confirmed that portable signs are only permitted on the business location or the right-of-way adjacent thereto, and suggested that be clearly specified in the regulatory scheme.

The commission requested changes made from today's meeting, noted the work done thus far on the ordinance, and expressed concerns with the duration to display portable signage.

(2:45) Mr. Snyder closed the public hearing.

Mr. Murphy **moved** the Planning Commission tables Text Amendment Petition No. 13-3AM. **Seconded** by Ms. Moore.

Mr. Anderson answered questions regarding the tabling of the motion and suggested the petition be re-advertised.

Mr. Murphy **withdrew** the motion and Ms. Moore **withdrew** her second.

Mr. Towery **moved** to refer the proposed amendment back to planning staff for further review in light of board comments, and to reschedule Text Amendment Petition No. 13-3AM at a later date. **Seconded** by Mr. Shrauger.

Discussion followed on the focus of the motion.

MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

EXCERPT FROM THE MAY 7, 2013 REGULAR MEETING OF THE PLANNING COMMISSION

3. Text Amendment Petition No. 13-3AM - Temporary Signs – Staff: Scott Pickett, AICP, Senior Planner

(1:43) Vice Chair Shrauger read a memorandum dated May 7, 2013, stated no written communications have been received regarding this petition; and opened the public hearing.

Staff Presentation

Mr. Pickett commented the commission has reviewed the amendment and staff has made the requested changes, reported staff reviewed sign regulations of neighboring communities including Hillsborough County to Naples, and gave an outline of the presentation.

He reviewed requested changes made, talked about a new section allowing portable signs in the Commercial Business District (CBD), gave examples of current portable signs in the city, and noted there are three cases in which portable signs can be displayed in the city.

Case No. 1 is in the CBD district in the right-of-way, case No. 2 is six foot wide sidewalk that allows placement of a portable sign in front of a business, and case No. 3 is property not in the CBD that does not have a wide sidewalk, but is allowed a provision on sign per parcel within ten feet of the building entrance.

Mr. Pickett displayed current signage illustrating case No. 1 that includes A-frame type signage of varying sizes and pedestal signs, and pointed to sign dimensions. He queried the commission on sign dimensional standards and the type of sign to be allowed.

Discussion took place regarding the provision on the placement of the sign in front of the business, defining the “front of a business”, the café permit requiring a site plan that includes signage, whether hand lettered signs should be allowed, standards for hand written signs, the A-frame sign being safer, 45” being reasonable, the pedestal sign, artistically written messages on chalkboard signs, restaurants advertising daily specials, and encouraging good taste for hand written signage.

Mr. Persson suggested having a guideline in the sign code regarding a general description of an acceptable sign.

Mr. Pickett stated the kick off meeting with the consultant on the sign ordinance has taken place, and if current practice is acceptable, the detail of an acceptable sign could be dealt with in the sign code revision with the consultant.

Discussion continued on businesses being able to make a sign on the computer, the sign message being changable, and print on signs needing to be legible.

Responding to questions on the open air café display or other public property use permit, Mr. Clark stated it is the name of the permit, it is used in other circumstances where city property may be involved, but the bulk of the permits are for open air cafes and display permits in the CBD.

Discussion continued on the height and size issue, the actual sign size on the pole being conforming, safety issues with pole or pedestal signs, and the pole sign going against the height restriction.

Mr. Pickett noted the City of Sarasota restricted portable signs to the A-frame type, answered questions on the impact of allowing only A-frame signs stating the majority of signs in the right-of-way are A-frame.

Discussion ensued on staying with the current dimensions, not requiring an A-frame, using suggested language, the reference to section 122, section 122 being incorporated into chapter 86, and the numbering of the section.

Mr. Pickett touched on the removal of redundancies in section 86-94, reviewed changes to 86-400 including adding new verbiage on prohibited signs, stated new language was added prohibiting a sign in a vehicle or trailer viewed from the public right-of-way, and there will be an exemption on vehicle identification signs. He displayed photos of vehicles with identification signs, reviewed the provisions including a vehicle functioning as an advertisement has to be parked overnight in a space farthest from the right-of-way, answered questions on specialty cars such as pest control vehicles, and the goal to eliminate the placement of signs on or in a vehicle in the right-of-way.

Mr. Persson explained the distinction of a parked vehicle and a delivery vehicle.

Discussion took place on exempt signs, the definition of "vehicle identification sign", vehicle or trailer mounted signs, whether to combine sections 86-401(15) and (16), the code regulating parked vehicles, and the vehicle only being exempt when it is driven.

Responding to the commission, Mr. Pickett explained the difference from a permanent and a temporary vehicle sign.

The board discussed identification vehicles being parked during the course of business, adding the term “exclusive use” in section 86-40(18), the parked vehicle becoming a sign when it is parked in front of the business it is advertising, the use of the vehicle not solely being for advertising, problems with realtors having advertising on their vehicles when they stop at their office, and determining if the exclusive purpose of the vehicle’s sign is for advertising.

Responding to discussion, Mr. Persson stated many municipalities have the same dilemma, there is no foolproof way to approach this subject, and queried staff on the nature of the problem with signage.

Mr. McKeon commented on the confusion with parking as far away from the right-of-way as possible, and gave the example of Babe’s Plumbing vehicles being parked at the business during evening hours.

Mr. Shrauger questioned whether a clarification can be crafted, or whether this is important enough to pursue.

Discussion ensued on the verbiage pertaining to semi permanent signage in the definition section and the definition section adequately addressing types of vehicle signage.

Mr. Pickett moved on to the temporary sign section, reported the code now encompasses all temporary sign usage under temporary signs, standards were added and temporary signs were put into four categories: general; grand opening; special business promotion; and special events. He talked about the maximum square footage and location of temporary signs, types of temporary signs, and the general section regarding appeals of the zoning administrator.

Discussion followed on twirling signs being addressed in the side code update, criteria used for permitting animated, whirling and wind signs, those signs being prohibited except for a grand opening, using the term “are permitted” instead of “may be permitted” in section 86-400(e)(2)c, and the potential to have a 100 square foot sign combining all four categories.

Mr. Pickett continued reviewing suggested changes to Section 86-400(e) and changes allowing an additional real estate sign for properties having a street front and water front yard.

He reported on how other jurisdictions regulate window signs, displayed photos of window signs, recommended allowing specific allowances for 20% coverage of windows or glass doors, pointed

to examples of window coverage on U.S. Business 41 and Venice Avenue, talked about allowing coverage to 50% for different businesses, such as convenience stores and real estate offices, and stated the coverage percentage would be measured by each pane or door, not a cumulative total.

Discussion took place on the measurement of window space, clarifying the measurement in the ordinance, most businesses having to remove signage to comply, definition of a convenience store, whether 20% was too low, businesses not having a lot of window advertising on U.S. Business 41, how to measure lettering on a window, why window coverage is being addressed, window signs being allowed by permits, safety issues with being able to see in the business, and trying to make the code more business friendly.

Mr. Clark explained the calculation of total permitted signage, the 10% exemption for posters or flyers, and noted this item was discussed with Venice MainStreet.

Mr. Persson stated his concern with separating real estate signs from other signage for window coverage.

Mr. Pickett answered questions on whether 50% window coverage reflects current practice.

The commission discussed real estate offices having more than 50% window coverage, hand out materials and magazine racks, monitoring window signage due to the amount of setback in front of the window or storefront, whether there is an issue with window signage, previous concern of cluttered window storefronts, possibly raising the amount above 20% and regulating it, window signs outside the downtown area, the burden on businesses to remake their signs, and allowing businesses time to comply.

Mr. Persson interjected staff is looking for a policy decision from the commission on allowable coverage percentage.

Discussion continued on the chart from other municipalities, window coverage creeping up to 75% if the city allows 50%, not changing the laws because of what is currently happening on Tampa Avenue, not treating businesses differently and arriving at a percentage that reflects common practice, window covering at grocery stores, businesses not knowing what the percentage currently is, enforcing the sign ordinance, whether to allow 50%, how to calculate the size of the sign, and defining the calculation method.

Mr. Clark read the definition of “sign square footage surface area”, and Mr. Pickett outlined possible changes.

Discussion took place regarding signs on waterfront property, whether homes on golf courses would be coupled with water front yards, whether non-conforming signage would be grandfathered in, giving businesses notice of the signage change, having something formal in the code to give people time to comply, separating a provision for window signs, and illuminated window signs.

Audience Participation

(3:48) Wayne Welsh, Venice Shores Realty, addressed section 86-401(11)b1, stated adhering to this provision would obscure his sign from view of U.S. 41 Business traffic, feels it is discriminatory to his business, talked about having the REALTOR on duty sign visible, and requested the code be modified to add portable signs on the property.

Discussion ensued on whether subsection (9)a1(i) would address his concern, the office manager not being able to help the public as a REALTOR, and the REALTOR on duty sign being different from an open sign.

Ms. Moore left the meeting at 3:55 p.m. and did not return.

Mr. Pickett reviewed the first two cases allowing portable signage, displayed photos of case No. 3 allowing signs within ten feet of the building entrance, and noted some businesses have unique circumstances that don't allow them to advertise in the usual places.

(4:07) Jim Collins, Boone Law firm, had comments on section 86-400(e)(3)b regarding special business promotion signage limits, stated VRMC has four street frontages and one sign would not be sufficient, they will be making recommendations to staff, and talked about subsection d regarding the location of the sign.

Bill Ahern, Brindley's Market, stated his business has the same problem as Venice Shores Realty because of the way parking is situated, stated the code will negatively impact his business, and he owns 100 feet of property along Tamiami Trail with no place to have signage. He addressed the window signage, stated his store was originally a furniture store, the entire front of the store is window, expressed his opinion that merchandise signage such as the Budweiser sign is part of his merchandise, stated he could remove the sign and install a beer wall as a merchandise display, and cautioned against unintended circumstances.

Mr. Pickett touched on the speakers' concerns and the intent of the ordinance.

Mr. Clark interjected the banner type signs are allowed by permit for seven days due to the aesthetics of banner signs, noted Brindley's Market is looking for something similar to Venice

Shores Realty, certain locations have difficulty with the sign ordinance due to site layouts, and staff will be working with the consultant on these issues.

Mr. Pickett reviewed the remaining changes including the removal timeframe of the open house signs, first amendment signs, and then portable signs discussed today.

Mr. Persson suggested expanding the whereas clauses to identify why these changes are being made.

Mr. McKeon noted he will reflect the consent of the commission to council, equated this discussion to council cases on lot size, and suggested an exception could be made where appropriate.

(4:26) Vice Chair Shrauger closed the public hearing.

Mr. Shrauger queried the commission on whether they are comfortable forwarding the text amendment to council.

Mr. Clark commented on the commission's rules of procedure No. 2 and discussion ensued on the quorum needed to vote on text amendments.

Mr. Shrauger reiterated his question on a motion, noted commissioners currently absent, and suggested rehearing this petition when the entire commission is present.

Discussion followed on commissioners absent from the next regular meeting, and timeframe to complete the amendment.

(4:35) Mr. Towery **moved** to continue the petition to the May 21, 2013 regular meeting. **Seconded** by Mr. Williams.

Discussion took place on creating wording that allows for an appeal or relief from the ordinance, reserving the discussion at the next meeting to those items unresolved today, discussion of audience participation at the next meeting, establishing relief standards, the issue with a sign near the entrance, giving direction on leeway given to businesses abutting U.S. 41 Business, and there being too many unpredicted circumstances.

(4:45) Vice Chair Shrauger reopened the public hearing and announced petition No. 13-3AM will be continued until May 21, 2013.

MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

EXCERPT FROM THE MAY 21, 2013 REGULAR MEETING OF THE PLANNING COMMISSION

II. PUBLIC HEARINGS

1. Text Amendment Petition No. 13-3AM - Temporary Signs - Staff: Scott Pickett, AICP, Senior Planner

(1:33) Vice Chair Shrauger reopened the public hearing continued from the May 7, 2013 regular meeting.

Staff Presentation

Mr. Pickett gave a brief review of the discussion at the last two commission meetings along with public input on temporary signage, outlined the municipalities and topics researched for the ordinance, the issues raised at the last meeting from the business community on signage and the ability to advertise their businesses, and pointed to the whereas clause that was expanded as suggested by the city attorney.

Mr. Shrauger queried the board on comments on the presentation thus far.

Seeing no comments, Mr. Pickett continued showing the revisions suggested at the last meeting, pointed to the “vehicle identification sign” definition on page 12, the prohibition on page five regarding vehicle-trailer mounted signs on private property, reviewed exempt vehicle identification signs, and noted the exemption only applies when the business is closed.

Discussion followed regarding section 86-401(a)(16)(b), the situation when there is a fleet of vehicles with identification signs, vehicles not allowed in the right-of-way, whether this ordinance supersedes state law, omitting the verbiage “to the greatest extent practicable” from (16)(b), the intent of the provision not allowing wrapped vehicles parked in front of their business after hours, practical applications of the provision, Farley Funeral Home and Babes Plumbing, enforcement of the ordinance, issuing some businesses a variance, vehicles with identification signs parked in front of a residence, and the two security vehicles parked at the public library on Nokomis Avenue.

Mr. Clark addressed the example of Babe’s Plumbing stating they park on their private property and are doing the best they can to not be in the right-of-way, and noted in many cases violations will be obvious.

Discussion continued on making different standards for businesses with a fleet of vehicles, most of the businesses in the city having the ability to comply with the ordinance, the ability to park 250 feet away from businesses in the right-of-way, and removing the words “greatest extent practicable” from (16)(b).

(2:00) Mr. Towery **moved** that section 86-401(a)(16)(a) remain and the words “the greatest extent practicable” be removed from section 86-401(a)(16)(b). **Seconded** by Ms. Moore. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

Mr. Pickett concluded with vehicle signage stating provision 86-401(a)(17) was stricken. He moved on to temporary signs, read a provision added to allow the zoning administrator relief for deviation from the standards, and concurred the provision is in response to concerns raised by Venice Regional Medical Center regarding public health, safety and welfare.

He continued with grammatical corrections, talked about equal treatment for properties and not basing the restriction on the type of business. He stated the number of signs has increased, explained how the size of temporary signs will correlate with the linear street frontage of the property, the locational standard was stricken, and that non-profit businesses have a different duration requirement for business promotional signs than for profit businesses.

Discussion ensued on adding a letter d in 86-400(e)(4) similar to d in (e)(5), the impact of striking of the locational standards to businesses along U.S. 41 Business, and the process to obtain a temporary permit.

Mr. Pickett stated the last topic is the exempt signs, pointed to revisions in section 86-401(a)(6)c pertaining to an additional sign for properties abutting a golf course, window signage would not exceed 50%, and stated language pertaining to portable signage has not changed.

Discussion took place on the major change in window signage, portable signs currently being illegal, signs not being near the roadway due to safety issues, and portable signs being distracting to drivers when near the roadway.

(2:18) Mr. Murphy **moved** that exempt sign section 86-401(a)(12)b1 remain as presented where portable signs must be located within ten feet of the entrance to a building. **Seconded** by Mr. Towery. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

Discussion took place on the possible impact of the expansion of 50% window coverage, revisiting this after one year to see how the changes have affected the city, many businesses already exceeding 50%, having a sunset provision in the ordinance, revisiting this section by the

consultants, concern with enforcement, whether businesses know the allowable percentage of window sign coverage, and whether the definition of convenience store is still needed.

(2:27) Vice Chair Shrauger closed the public hearing.

Mr. Murphy **moved** based on the staff report and the presentation, the Planning Commission, sitting as the local planning agency and land development regulation commission, finds this petition consistent with the Comprehensive Plan and recommends to City Council approval of Text Amendment Petition No. 13-3AM with the modification to section 86-401(a)(16)b. **Seconded** by Mr. Towery.

ROLL CALL: Mr. Murphy, YES; Ms. Moore, YES; Mr. Shrauger, YES; Mr. Graser, YES; Mr. Towery, YES. MOTION CARRIED.