

TOWN OF LONGBOAT KEY
PLANNING AND ZONING BOARD
MINUTES OF REGULAR MEETING

MAY 18, 2010

The regular meeting of the Planning and Zoning Board was called to order at 9:00 am.

Members Present: Chair BJ Webb, Vice-Chair Allen Hixon, Secretary John Wild, Members Walter Hackett, Bradford Saivetz, George Symanski, Phillip Younger, Patricia Zunz

Members Absent: Member Phineas Alpers

Also Present: David Persson, Town Attorney; Monica Simpson, Planning, Zoning & Building Director; Steve Schield, Planner; Ric Hartman, Planner; Jo Ann Mixon, Deputy Town Clerk; Donna Chipman, Office Manager

AGENDA ITEM #1
ADMINISTRATION OF OATH

Deputy Clerk Mixon swore new member Phillip Younger, and reappointed members BJ Webb and George Symanski.

AGENDA ITEM #2
ELECTION OF OFFICERS

Chairman

MR. WILD MOVED TO NOMINATE BJ WEBB AS CHAIRMAN. MR. HACKETT SECONDED THE MOTION.

There were no other nominations, and the nominations were closed.

MOTION CARRIED ON ROLL CALL VOTE: HACKETT, AYE; HIXON, AYE; SAIVETZ, AYE; SYMANSKI, AYE, WEBB, AYE; WILD, AYE; YOUNGER, AYE; ZUNZ, AYE.

Vice-Chairman

MR. SYMANSKI MOVED TO NOMINATE ALLEN HIXON AS VICE-CHAIRMAN. MR. YOUNGER SECONDED THE MOTION.

There were no other nominations, and the nominations were closed.

MOTION CARRIED ON ROLL CALL VOTE: HACKETT, AYE; HIXON, AYE; SAIVETZ, AYE; SYMANSKI, AYE, WEBB, AYE; WILD, AYE; YOUNGER, AYE; ZUNZ, AYE.

Secretary

MRS. ZUNZ MOVED TO NOMINATE JOHN WILD AS SECRETARY. MR. SYMANSKI SECONDED THE MOTION.

There were no other nominations, and the nominations were closed.

MOTION CARRIED ON ROLL CALL VOTE: HACKETT, AYE; HIXON, AYE; SAIVETZ, AYE; SYMANSKI, AYE, WEBB, AYE; WILD, AYE; YOUNGER, AYE; ZUNZ, AYE.

AGENDA ITEM #3

SHINBONE ALLEY, PETITION TO CLOSE AND DISCONTINUE A STREET OR EASEMENT (QUASI-JUDICIAL)

The applicant, through their attorney, Michael Furen, requested a continuance until the August Planning and Zoning Board meeting.

Mr. Wild asked if the applicant would allow a continuance until the September meeting to allow all board members to be in attendance. Steve Schield, Planner, explained the reason for the request to continue was due to some of the neighbors objecting to the application and, as a result, the applicant decided to request a continuance to allow further discussion with those neighbors who were currently out of town. Chair Webb commented if the neighbors have an issue with this vacation request, then she believed it would be better served to have all members, and those who lived in the neighborhood, present at the meeting. She recommended that the application be moved to the September meeting.

MR. WILD MOVED THE P&Z BOARD CONTINUE THE HEARING FOR THE SHINBONE ALLEY VACATION REQUEST UNTIL THE SEPTEMBER 21, 2010, PLANNING AND ZONING BOARD MEETING. MR. HIXON SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: HACKETT, AYE; HIXON, AYE; SAIVETZ, AYE; SYMANSKI, AYE, WEBB, AYE; WILD, AYE; YOUNGER, AYE; ZUNZ, AYE.

AGENDA ITEM #4

ORDINANCE 2010-20, AMENDMENTS TO CHAPTER 156, SIGN CODE

Pursuant to published notice, the public hearing was opened.

Ric Hartman, Planner, reviewed the staff report noting that during the January 19, 2010, meeting, the P&Z Board directed staff to look at revising the Sign Code for certain substantive changes, as well as eliminating inconsistencies. Mr. Hartman discussed there were definitions in the existing code that were never mentioned in the code sections and staff deleted, such as the word ‘festoon.’ Mr. Wild questioned the definition of ‘festoon.’ Mr. Hartman explained the definition was ‘accessory to a sign,’ but the word was never used in the sign code, so there was no reason to define something that was not used. He noted that other definitions had been revised to fit the intent of the term’s use in the sign code and new definitions have been added. He continued with reviewing the staff report.

Prohibited Signs – Human Signs

Mr. Symanski questioned the 1001 foot restriction; did it have to be allowed or could the Town prohibit the signs. Mr. Hartman commented it was difficult to define what was being prohibited such as a shirt that said something, so if it was within 1000 feet then they believed it was being used for advertising. He noted a ‘blanket prohibition’ would be too broad.

Mr. Younger voiced concern about worn, other than sandwich board; why not just eliminate anything worn as a shirt, go to ‘hand held’ signs and define the signs. He believed it should state a shirt was not considered a sign, regardless what was written on it. Mr. Wild discussed the issue of ‘free speech.’ He asked the Town Attorney to comment on where the code would be contrary to the first amendment. David Persson, Town Attorney, responded the Town could adopt reasonable regulations of commercial free speech if it was distracting, causing a nuisance, or for aesthetic reasons. Monica Simpson, Planning, Zoning & Building Director, commented that staff had originally discussed the human sign issue with Kelly Martinson, of the Town Attorney’s office, and for the political issues there was a clear threshold. Attorney Persson mentioned that the change in the sign code that he advocated was to eliminate the number of signs placed on a property.

Mrs. Zunz commented that she was hearing discussion that items, such as shirts, should be eliminated, but voiced concern with board signs and people in costumes waving as she believed it did not serve a purpose, except to be distracting. Mr. Symanski again questioned the reason for the 1001 foot restriction. Attorney Persson discussed that at some point commercial vehicles were not allowed to be parked advertising a business within a 1000 feet from the business as it would be considered a sign. Mr. Symanski asked if the Town could prohibit people from walking with billboard signs. Attorney Persson commented that he would need to review. He mentioned that the directive of the Town was to be restrictive as possible, without “going over the line” in reference to constitutional issues. Mr. Younger agreed with Mr. Symanski on the distance regulations; he believed the 1000 feet was a “subterfuge” to eliminating the signs. He asked why they could not be more specific on what signs could be put up and

ones that could not be put up. Mr. Hartman noted that other communities addressed human held signs as traffic issues; pedestrian traffic safety was the overwhelming method in which this type of advertising was regulated in other jurisdictions.

Mr. Hixon asked if the Town wished to allow someone in costume to advertise; he was not sure that was something the Town would want and believed there was another way to write it differently and exclude that option. Ms. Simpson commented that if it was the Board’s wish to draft language to strictly prohibit these types of signs from Longboat Key, regardless of the distance from any business, staff would work with the Town Attorney’s office to draft that language. Mr. Wild requested a “caveat,” because during the St. Jude’s Luncheon event, there were people that stood on Gulf of Mexico Drive to advertise the event. Mrs. Zunz questioned if that would fall under a special event. Mr. Wild asked as long as it would fall into a category that would exclude that from being prohibited. Chair Webb suggested that it not be considered for all special events, but under a not-for-profit special event. Mr. Symanski disagreed that it was unsafe only if near the business, as he believed it would be unsafe anywhere. He did not see how if it was a charity that it would be safe and allowed. Mr. Hackett noted that the political hand-held signs on Election Day were popular. Ms. Simpson responded that political hand-held signs were protected.

Ms. Simpson believed the Board wished to provide a clear prohibition against human signs, except for special events and not-for-profits. Mr. Younger asked if it also excluded shirts. Ms. Simpson responded there were occasions, in other communities, where people wore shirts that pointed to a business.

There was consensus to prohibit human-held signs, with shirts excluded. Mr. Hackett commented that it would be based on whether it was determined there were constitutional issues. Attorney Persson noted that if it was commercial free speech, the Town could set reasonable rules and regulations; however, he wished to point out that a sign being held for a not-for-profit was the same distraction as a sign being held for a commercial business. Mr. Wild agreed and withdrew his comment making exceptions for not-for-profit.

Scott Hase, 5120 Gulf of Mexico Drive, commented that the Friends of Tennis, a 501(c) (3) not-for-profit organization, had sponsored six USTA tournaments and were lucky to have secured sponsors to assist in offsetting the costs to sponsor the tournaments. He explained that one of the requests from the sponsor, for the sponsorship, was to place temporary advertisement banners during the four-day period. He commented that in the past, they were found to be in violation of the Sign Code and were asked to remove the signs. He requested that the Board review the ‘temporary sign’ section of the Sign Code to see if it could be revised to allow, with permits if necessary, for such organizations to display banners for special events. Mr. Hase pointed out that the inability to display the sponsor signs limits the Friends of Tennis’ ability to secure a sponsor.

Mr. Hartman explained that staff had addressed the issue of banners for special events and sponsorships on page 3 of 4, second paragraph, of the staff report. He reviewed the staff report noting that staff was proposing that banners for special events be allowed with special time limits.

Mr. Hackett asked if staff had limited the dimensions of signs, banners, etc. Mr. Hartman replied that staff had not limited the size of banners, but have limited the size of signs. Mr. Hackett explained that one of the major sponsors provided free banners that were 5x9 sizes, and he was wishing to "protect that resource." Ms. Simpson pointed out that because of how ordinances transpired through the process, there was no guarantee that this new language would be adopted by the time of the next tournament; however, in years past, the way staff had worked around that was to allow the banners to be facing towards the inside of the court. She noted that the last time she visited the Tennis Center, there were banners facing the outside of the courts. She mentioned they would continue to allow flexibility until the ordinance was adopted, but requested that compliance with the policy be followed.

Mr. Hixon asked if it would be possible to refine the wording on this one specific item and move that item forward to the Town Commission. Chair Webb responded that she hoped the Board could move the issues forward with the entire code. Mr. Wild discussed the banners and public ways and was pleased that it was defined to 'public way' which was a strong limitation. Ms. Simpson noted that was the current language, and staff was proposing to revise so that it was not visible from the right-of-way or adjoining property. Mr. Wild supported the seven days prior and removal within 24 hours after event. Mr. Hackett requested clarification asking if the proposal was approved, would the banners be allowed to be seen from the outside of the cage. Ms. Simpson responded that they would be allowed to be seen from the outside as long as they were not visible from the right-of-way or adjoining property.

Doreen Dupont, 512 Ranger Lane, suggested it might be a good idea for the Town to purchase electronic signs and rent them out to not-for-profits, which would eliminate all banner signs, but create income for the Town and eliminate a lot of variation problems with the code.

Prohibited Signs – Signs on Awnings

Mr. Hartman discussed signs on awnings noting that the current code prohibited them except for directional information and addresses. He commented that staff was proposing to allow awning signs for the identification of a business as an alternative to wall signs. Mr. Wild asked if the signs would have the same size restriction as wall signs, in terms of square footage. Mr. Hartman responded no and explained since the awning sign was at an angle, staff did not propose a size restriction at this time. Mrs. Zunz asked if when staff was referring to an awning sign, they were referring to only the

strip that hung down or the actual awning itself. Mr. Hartman replied on the awning itself. Mrs. Zunz voiced concern with that because it was dependent upon the angle of the awning; if the awning was too flat, there was no purpose. Mr. Hartman commented it dealt with the visible portion. Mrs. Zunz asked if someone used the awning sign, then they could not also have a wall sign. Mr. Hartman replied that was correct.

Ms. Simpson mentioned that the general direction staff was requesting was whether or not the Board wished to see the identification on the awnings, and if so, then staff would bring back specifications. Chair Webb believed the Board would also like size restrictions and identification only on the strip that hangs down from the awning. She also noted the dimension of the portion that hangs down should be restricted.

Mr. Hixon pointed out there were other types of awnings, such as dome awnings, and the Board should not exclude those options. Mr. Wild questioned the current code. Mr. Hartman explained that the only identification allowed on awnings was the address and directional information. Mr. Symanski believed some of the complaints from the businesses were that visitors that were not familiar with the businesses would not know their location. Mrs. Zunz asked why it could not just be the address and name of the business. Ms. Simpson responded that was what was being proposed by identification of a business. Mr. Symanski suggested some maximum size restrictions.

Discussion ensued on limiting the location of the information on the awning, as long as the size was limited; direction to staff as to whether the Board wished to allow on the vertical as opposed to the extension; addressing the issue of other types of awnings, such as domed awnings that had no extension; limiting the size of the font; and establishing some limits on the size, but allowing the owner to choose the type of awning.

There was consensus to restrict the size of the sign, but allowing the name and address on the awning.

Exempt Signs – Flags

Mr. Hartman commented this section was more of a clarification as the code currently allowed an exemption for one national flag, one state flag, and one foreign national or non-profit flag, and no more than three flags may be displayed at one time. Staff was proposing that any three flags could be displayed at one time and require that flag poles be at least ten feet from the rights-of-way and property boundaries, except for a waterfront yard property line.

Mr. Symanski suggested that flags could be distracting depending on their location and asked why staff would state a national flag instead of a U.S. flag. He also questioned the size of the flag. Mr. Hartman pointed out there were no size limits on flags at this time. Ms. Simpson explained there were businesses on Longboat Key that have flown

other national flags. Mr. Wild suggested the Board could regulate the size of the flag by the height of the flag pole. He also voiced concern with multiple flags on a pole.

Mrs. Zunz preferred the existing code, as she did not agree with opening it up to allow any three flags. Mr. Younger suggested the language state one U.S. flag, a Florida flag, and two other flags. Ms. Simpson voiced concern with the limitation to only the Florida flag and a U.S. flag, because it would create Code Enforcement issues; she would limit to national, state and foreign national. Mr. Younger commented this would preclude flying a Florida flag and another state flag for a special event. Chair Webb noted her concern with the utilization of the Code Enforcement staff for monitoring of flags, as she did not believe it was the best use of staff time. There was further discussion on the types of flags, size of the flags, and the flag poles with a **consensus to allow any three flags to be displayed at one time and to request staff to bring back information on the appropriate size of flag poles that would hold a large size flag on a commercial property.**

Exempt Signs – Political Signs

Mr. Hartman commented that the current code limited the display of political signs to two signs per property, but at the direction of the Board, staff was proposing to limit one sign on each parcel for each candidate or issue. Chair Webb asked if there were 20 referendum issues on a state ballot, would someone be allowed to post 20 signs for those issues, and also include signs for each candidate. Mr. Wild suggested it be restricted to candidates for office (four maximum), and not deal with the issues at all; the issues could be substituted for one of the four signs, excluding duplication of signs. Mr. Younger commented the Board should allow backing, which would allow the person to take one sign and back it with two different candidates.

There was consensus to allow the signs 30 days prior to an election and removed 72 hours after election, and expand the signs to four political signs without duplication; four sign structures of which the sign faces could not duplicate candidates or issues on more than one structure.

The Board recessed from 10:26 am – 10:32 am

Exempt Signs – Window Signs

Mr. Hartman noted the current code exempted window signs of six square feet for each 20 linear feet or fraction thereof of window. Staff was proposing there be a restriction of coverage to 20 percent of the window area, which included the display of merchandise, pictures, and decals in the total window coverage calculation. Chair Webb asked for clarification of that suggestion. Mr. Hartman responded he was discussing items on the glass or within a few inches behind the window. Mr. Younger suggested it be limited to something that was in writing and not merchandise. Mr. Wild noted that the concern

would be real estate, because they have signs illustrating all the properties for sale; by denying that option would result in them showing fewer featured properties. He mentioned that it would be important to allow more than 20 percent. Mr. Hartman commented that staff discussed that 20 percent was clearly exceeded in some instances, but the Board could propose a higher percentage. Chair Webb believed the Board would want more flexibility in that definition for those types of businesses; they should have more clarification in that section.

Mr. Hixon asked how they would control neon under window signs. Mr. Hartman commented that currently the Town allowed illuminated signs that state 'open' and 'close.' Mr. Hixon questioned why they were allowed as he believed neon was prohibited. Ms. Simpson explained that during the last Board meeting, the Board provided direction that, due to the state of the economy and the struggling business climate, if the business was provided these signs to display, then they should not be limited. Mr. Hixon believed 'open' and 'closed' could be displayed in other ways than neon. Mr. Symanski noted he did not have a problem with the neon with some limitations to the size. Mrs. Zunz did not have a problem with 'open' and 'closed' signs, but voiced concern with other signs in neon. Mr. Hixon, Mr. Younger, and Mr. Wild saw no need for the neon. Mr. Hackett did not want the code revised. Mr. Savietz had no opinion. Chair Webb believed the consensus was a concern on the size of the sign, but the preference was they were not ready to prohibit. Ms. Simpson believed the direction was for staff to bring back regulations for neon and neon-like 'open' and 'closed' signs. Chair Webb replied correct.

Mr. Symanski noted that Attorney Persson had made a statement about the Board deciding what community they wished to emulate. Attorney Persson explained that if there was a community that the Town could emulate, and they had a sign code that would achieve the visual goal, then staff could obtain a copy of that code and review it against the Town's code and possibly make minor modifications. Chair Webb noted that Sea Island in St. Simon's Island, Georgia, had a very good sign code. Mr. Wild suggested Cathedral City in Palm Springs. Chair Webb suggested that if other members had other suggestions for communities they wished staff to review, that they forward an email to Ms. Simpson noting those communities. Mr. Younger supported the comments related to Sea Island. Mr. Hixon noted that Hilton Head had a good sign code in terms of graphic control. Mr. Hackett suggested Kiawah Island in Charleston, South Carolina.

Chair Webb commented about the Florida Department of Transportation (FDOT) and the number of signs. Ms. Simpson responded that she had contacted, and had received a return call, from the district director in Bartow (FDOT) to discuss the issues with the signs.

Discussion ensued on including Scottsdale, Arizona, for review and a consensus was obtained, since several communities were noted, that staff move forward with the direction provided at the meeting.

Exempt Signs – Portable Sidewalk Signs

Mr. Hartman explained that the current code prohibited portable signs if visible from a public way, and, as directed by the Board, staff proposed to exempt portable sidewalk signs that were not visible from a right-of-way or adjoining property, and which did not interfere with pedestrian traffic. Chair Webb asked for an explanation of ‘public way.’ Mr. Hartman responded it was any place that was open for the public to generally go.

Mr. Younger suggested a limit on the distance the sign could be placed from the building. Chair Webb noted that one of the issues that was raised at the Centre Shops was the tenants were paying for common area maintenance outside their buildings; while they were paying rent on the space, they were not allowed to use that space for sandwich signs. She believed the rental agreements for a shopping center might address those issues without government monitoring private property. Mr. Wild asked if it was the prior feeling of the Board that the Code Enforcement staff should not be involved in these type issues on private property, and that the sandwich boards were okay. Chair Webb responded as long as they did not obstruct pedestrian access, either on foot or for handicap individuals.

Permitted Temporary Signs

Mr. Hartman discussed that temporary signs (real estate signs) were currently permitted for nine months and extensions were permitted for 90 days. He commented that people were not requesting extensions, but only applying for a new permit because the fee was the same; there was no benefit from receiving an extension. Staff was proposing to remove the option of an extension and shorten the time period that the temporary permit was issued for to six months.

Mr. Wild voiced concern if an extension implied a right where the sign could continue; the extension would grandfather the sign if they had an initial right, but the right was taken away with a code revision. Mr. Hartman pointed out the way the current code was written, it was at the option of the “Town Manager or designee.” Attorney Persson explained that the theory behind the extension was if a home was under contract, and it had not sold, then they were allowed the extension. Mr. Hixon referred to political signs, where the Town controlled how many and content, and asked if they required a permit. Mr. Hartman replied no. Chair Webb commented she understood the need for permits because there were abuses, but with a current economic market that was struggling, she believed the Town was creating an ordinance that added another level of regulation for those trying to sell the property. Ms. Simpson commented that staff could write a subsection for real estate signs.

Attorney Persson, Ms. Simpson, and Mr. Schield left the meeting at this time.

Mr. Symanski believed a temporary sign should be a temporary sign and 12 months was too long, and he agreed with staff's recommendation of six months. Discussion ensued on monitoring of temporary signs by staff. Mr. Younger suggested the possibility of setting a temporary sign to expire on the first of the month of the next month. Chair Webb believed it would create more of a bureaucracy with the six month cycle. Mr. Wild agreed that the six month limit was sufficient for temporary signs. Mr. Hackett disagreed and voiced concern, because any changes would affect internal policies with every real estate company. He questioned what was wrong with the current policy. Mr. Symanski commented the overriding principal of the sign code was to avoid clutter, and he believed a temporary sign posted for 12 months was not temporary.

There was consensus to remain with the nine month permit with no extensions.

Exempt Signs - Window

Mr. Hackett referred back to the subject of Exempt Signs – Window and questioned what direction was provided to staff. Mr. Hartman believed staff was directed to review for revisions for real estate agents and yacht brokers; currently the display of merchandise and pictures, up to four decals, was exempt from the coverage calculation (six square feet), and staff was proposing to include those things in a percentage. Mrs. Zunz asked what happened to the idea of using the other communities for comparison. Chair Webb discussed Sea Island and that if someone was interested in a property, the realtor's office window was probably 50 percent covered with properties for sale. She suggested staff look at other jurisdictions and see how they address window coverage.

Permitted Temporary Sign – Special event Signs

Mr. Hartman noted that the current code required that all signs, including special event directional signs, special event announcement signs, and homeowners association information signs be located at least ten feet from a right-of-way, if the right-of-way was 50 feet or less or utility easement and two feet from a right-of-way or utility easement 50 feet or greater. Staff was proposing to allow special event and special event directional signs in a median. He commented that the signs would also be allowed in the rights-of-way along the edge of a street, but shall be required to be placed at least one foot from the pavement or curb. Chair Webb believed the code should address the height. Mr. Hartman responded they were limited in size to four square feet and could not be located within a visibility triangle if more than 30 inches high.

Mr. Younger noted there were special events where there were larger signs posted and asked what type of signs would be allowed along Gulf of Mexico Drive. Mr. Hartman

pointed out that the state right-of-way (ROW) would not allow any special event signs to be posted in the ROW, and would only allow the Town’s wayfinding signs.

Mr. Hackett commented that Ms. Simpson had referred to ‘public ways,’ during discussion of the special event sign, and he did not see ‘public ways’ in the language. Mr. Hartman responded the language noted visibility from a public way, and staff was proposing language to state, “visible from the public right-of-way or adjoining property.”

Permitted Temp Signs – Real estate Signs

Mr. Hartman pointed out that ‘riders’ were currently prohibited by the code. He commented that, at the Board’s direction, staff proposed that the code allow for one six-inch rider per real estate sign.

There was no further discussion.

Permitted Temp sign – Construction Signs

Mr. Hartman discussed that the current code allowed one construction sign per site for ‘new’ construction, which excludes renovations and other types of permitted work. Staff proposed to allow one construction sign for each site under an active building permit, regardless of the number of contractors associated with the job.

Mr. Hixon questioned why someone would need to know who was the contractor on an interior renovation project; why should they add that additional proliferation of signs. Mr. Hartman explained that it was common practice to allow the contractor to place one sign. Chair Webb noted this allowed one sign per construction project. Mr. Hartman pointed out that the current code excluded everyone except new construction; major renovations were excluded at this time. Mr. Wild suggested the Board leave the proposed language as written.

Discussion ensued on whether to allow the signs. Mr. Hackett noted that when a contractor came to the island to build, the permit and impact fees were high. He believed the Town should provide the ability to place a sign on the project site. Mr. Symanski and Mr. Younger questioned the size limit. Mr. Hartman responded that it was dependent upon the frontage of the property (it could be up to 32 square feet). Mr. Symanski commented that he would like to be consistent; if it was allowed for new construction, then it should be allowed for major renovations. Chair Webb did not believe there was a need for a sign that big, and suggested they be allowed a reasonable size sign. Mr. Younger pointed out they were discussing construction signs, and did not believe renovations fell within the term of ‘construction.’ Mr. Hixon commented he would not have a problem if new construction (exterior work) was entitled to a sign, but believed interior construction should not be entitled to a sign. Mr. Wild, Mrs. Zunz and Mr. Symanski agreed.

Chair Webb left the meeting at 11:35 am.

Mr. Hartman asked if the Board considered all exterior work as entitled to a sign, because not all work was new. Mr. Younger questioned what was not new. Mr. Hartman responded a reroof, putting up new siding, etc. was not considered new construction. Discussion ensued on what was considered new construction with a consensus that new, exterior construction was entitled to a sign. Mr. Hixon commented that if new exterior construction was entitled to a sign, then he suggested a 4x4 size limitation. Mr. Hackett reiterated that the Town should allow the contractors to place a sign at their project site. Mr. Hartman explained the size limits noting that only for residential construction of less than 10 dwelling units, the limit was a four square foot sign on a post; anything else, other than construction of a residential single-family or multi-family of less than 10 units, then they would review the standards that were allowed for other types of construction under free-standing signs, which were based on the frontage of the lot. Mr. Symanski asked if staff had a problem with the size of the signs which he believed was either 32 or 64 square feet. Mr. Hartman responded the largest allowed was 32 square feet (4x8); the structure around it could be 64 square feet, but the sign area itself was 32 square feet.

There was consensus to limit the sign to 32 square feet.

Permitted permanent signs – monument signs

Mr. Hartman commented that the board had directed staff to review making all permanent free-standing signs monument style signs. Staff found, in reviewing codes from other jurisdictions, that monument signs were limited to a height of eight feet or less. Staff was proposing that the overall size area be 16 square feet for a single-tenant property or 32 square feet for multi-tenant property (it would not include the base). He continued with reviewing a PowerPoint illustration showing monument signs.

Mr. Hixon mentioned the guidance to staff would be that the system was fine provided that it did not interfere with the safe visual access from the right-of-way. Mr. Symanski believed the overall direction was to check this regulation with other jurisdictions. Mr. Hartman explained that staff was proposing standards that were in other jurisdictions, but staff would review those jurisdictions suggested by the Board.

Ms. Simpson discussed the various types of signs that were found during the staff's inspection. She had asked Mr. Hartman to provide a visual representation of what signs were located on the island so the Board could provide clear direction of what they did not wish to see for signs. Staff continued with reviewing the PowerPoint photographs.

Discussion ensued on the monument signs, pylon signs, and whether pylon signs were objectionable to the Board. Ms. Simpson pointed out that if the Board wished to change

the proposal for pylon signs, the signs would then become legally non-conforming, but the owner would be able to maintain the signs. However, she noted if the owner removed the signs, then they would be required to comply with the Town requirements.

Mr. Hixon asked where they would start measuring the eight feet. Mr. Hartman replied from finished grade. Mr. Symanski asked if the Board was leaning towards lower signs, then the pylon signs would be objectionable. Mr. Hixon voiced concern that the Board was talking about an eight foot high sign, and the square footage allowed for the graphics, but then they were discussing removing the two foot of the raised based from the graphic area, so maybe they should be measuring eight feet from the top of the masonry extension rather than finished grade. Ms. Simpson commented that, for staff, if these were the types of signs the Town wished to see in the future, then their first starting point was measurement from finished grade to the top.

Mr. Younger suggested that it reference a maximum sign height of eight feet and an overall sign area of 16 square feet, then it would address, and provide flexibility, for all types of signs. Ms. Simpson noted that was one option, but the Board could also choose to give the shopping center owner the maximum height and square footage, and then it was up to the owner to determine how to assign the space. Mr. Younger asked how would you prevent something similar to the Harbour Square sign; a freestanding structure around the sign, but not connected to the sign. Mr. Hixon commented that the Town would consider the whole structure as a sign, and as long as the total was limited, they could apportion it as they wished. Ms. Simpson commented that if they limit the size of the sign structure itself, then the owner could do what they wished with the structure.

There was consensus to limit to 16 and 32.

Permitted Permanent Signs-Legally Non-Conforming Permanent Signs

Mr. Hartman explained that currently, the Town Code required that all legal nonconforming permanent signs be brought into conformity within three years from the notice of nonconformity after adoption of this chapter. He noted that staff was proposing to remove the time limit, which would allow nonconforming signs to be phased out as they were replaced. He mentioned that the time restriction was based on the prior revision to the Sign Code, and staff was proposing to remove it, because it not only has passed, but those items that were legally nonconforming would come into conformance when replaced. Mr. Symanski discussed that the language, "as they are replaced," and asked what would start the process to ensure someone removed the sign. Mr. Hixon believed during the site plan approval process the Town might be able to enforce, or make the owner, comply with the code.

Mr. Hackett commented that at one time the Board had discussed talking with other communities about their requirements. Ms. Simpson commented this was more of a

compliance issue. She pointed out that staff heard discussion by the Board to allow the free sponsorship banners for events to be posted, and allowing the free 'open' and 'closed' signs, and with that, staff provided this proposal to allow commercial property owners who might not be able to afford replacement, to allow them to retain what they have and not force them to change out their sign.

Mr. Wild believed he was hearing that the Board wished to have a lower sign and eliminate the high pole signs. He agreed with Mr. Symanski that if the Board did not 'put some teeth into it,' then the signs would remain forever. He suggested six years for compliance. Ms. Zunz suggested a maximum of five years. Mr. Symanski requested that the Board focus on the other possibilities for changing out the sign, including a major renovation. Mr. Younger suggested six years.

There was consensus to allow six years for compliance.

Attorney Persson explained that if the Board wished to have the shortest period, then he would need to review case law to establish what the shortest period was and what it would allow the Town to do. Mr. Hixon discussed including language addressing the sign during site plan approval. Mr. Symanski suggested the establishment of rules so the sign did not live on; standards that required if there was some major change, the sign had to be brought into conformance.

Permitted Permanent Signs – Wall Signs

Mr. Hartman pointed out that the current code allowed a wall sign per each occupancy or tenant, and the size of the wall sign was based on the frontage of the occupant or tenant space within a building, with a minimum size sign of 16 square feet. Staff was proposing to restrict the total size of the wall sign based on the frontage of the single unit space, which would require that multiple businesses in a single space divide amongst themselves the total square footage allowed for a single wall sign.

There was consensus to agree with staff's suggestion.

Placement and Construction Standards

Mr. Hartman explained the Board discussed the difficulty of seeing signs that were located at least ten feet from rights-of-way less than 50 feet in width. The code currently required that a sign must be placed at least ten feet inside the property line or utility easement if the right-of-way was less than 50 feet wide. Staff was proposing to reduce the distance from ten- to five-feet to address the Board's concerns.

There was consensus to agree with staff's suggestion.

Ms. Simpson informed the Board that, due to the complexity of the code, staff would work on bringing back the draft ordinance for the June meeting; however, she will let the Board know if staff was able to provide that. Mr. Symanski asked if staff would be able to show where the Board “might have gone astray.” Ms. Simpson responded that staff would look at the communities suggested earlier in the meeting and would also review the legal aspects.

AGENDA ITEM #5
CONSENT AGENDA

MR. WILD MOVED APPROVAL OF THE MINUTES OF THE 4-6-10 SPECIAL MEETING, AND SETTING THE FUTURE MEETING DATE FOR 6-15-10. MR. YOUNGER SECONDED THE MOTION.

Mr. Saivetz referred to page 15 of the minutes and the discussion regarding the width of the building. He had suggested that the proponent use a copy of the plans that were now under consideration by the Town Commission to demonstrate how the 30 degree angle affected the proposal that they were making; that they were changing the existing language for some reason through the building or through the center of the building. He believed it would be a contentious item, and he had discussed it with staff, but was not sure where it would go. He commented it was a question of how the determination of the width of the building was made. Ms. Simpson explained that staff did not prepare verbatim minutes, and as staff prepared them, her “cue” to staff was to ensure to include relevant discussion that surrounded a policy decision or action of the board. Concerning this particular item, she noted that it was Mr. Siegler’s suggestion of language that was ultimately recommended to the Town Commission by the P&Z Board. She pointed out that Mr. Saivetz’s comments were not provided in testimony that day; she had discussions with Mr. Saivetz regarding his comments, but they were not provided in testimony during that meeting and could not be included.

Mr. Saivetz referred to page 3 and the elimination of the discussion about development and recreational lots, and whether density could be apportioned; the revision that was made was the elimination of the word ‘development.’ Mr. Hixon asked staff if that was an item that should have been in the minutes in terms of policy. Ms. Simpson responded not necessarily; the Board did not discuss the differentiation between one type of lot versus another, except when discussing the change in the five percent rule.

Mr. Hixon asked if Mr. Saivetz believed the minutes accurately concluded what the Board concluded. Mr. Saivetz responded that he reviewed the minutes, and he did not believe they accurately reflected his recollection of the discussion. He suggested there be a sentence that there was discussion of removing the word ‘development’ from the original text which stated that, “density could be spread around all the development sites;” the new language eliminated the word ‘development.’ Mr. Wild asked if it had

been resolved in that direction would it not have been included in the minutes; he had read the minutes and believed they reflected the discussions as he recalled.

Mr. Symanski referred to page 13 and suggested that the word 'various' should be 'variance.'

MR. WILD MOVED APPROVAL OF THE MINUTES OF THE 4-6-10 SPECIAL MEETING, AS AMENDED. MR. SYMANSKI SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Mrs. Zunz asked if, at the next meeting, Attorney Persson could provide guidance on how to address the public on issues that the Board dealt with.

Mr. Wild believed the Board had decided to request that Agenda Item 3, scheduled for August, be forwarded to September. Ms. Simpson reviewed the code requirements explaining that if an application was submitted that did not fall under the months that the Board did not review zoning issues, then she was bound to submit the application to the Board.

Mr. Saivetz addressed the new plantings along Gulf of Mexico Drive and wondered if the Board could discuss the way they were being planted. Ms. Simpson responded that she would request that the Public Works Director or Town Manager address it; it was an FDOT project that was administered through the Public Works Department. Mr. Hixon suggested, if there was time, they address it during the June meeting.

AGENDA ITEM #6
ADJOURNMENT

The meeting was adjourned at 12:38 pm.

John Wild, Secretary
Planning and Zoning Board