

ORDINANCE NO. 2022-19
LDR 22-02

AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, AMENDING THE TEXT OF THE CITY OF NEWBERRY LAND DEVELOPMENT REGULATIONS, AS AMENDED; BY AMENDING SECTIONS 4.2.20. SIGNS AND 4.2.36 ARCHITECTURAL SITE AND DESIGN STANDARDS; PROVIDING FOR ELECTRONIC MESSAGE SIGNAGE AT THE MUNICIPAL-OWNED CITY HALL FACILITY; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, as amended, empowers the City Commission of the City of Newberry, Florida, hereinafter referred to as the City Commission, to prepare, adopt and enforce land development regulations;

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, as amended, the Local Government Comprehensive Planning and Land Development Regulation Act, requires the City Commission to prepare and adopt regulations concerning the use of land and water to implement the Comprehensive Plan;

WHEREAS, an application, **LDR 22-02**, for an amendment, as described below, has been filed with the City;

WHEREAS, the Planning and Zoning Board of the City of Newberry, Florida, hereinafter referred to as the Planning and Zoning Board, has been designated as the Local Planning Agency of the City of Newberry, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and the City of Newberry Land Development Regulations, the Planning and Zoning Board, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Planning and Zoning Board, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for an amendment, as described below, and recommended to the City Commission approval of said application for an amendment, as described below;

WHEREAS, pursuant to Section 166.041, Florida Statutes, as amended, the City Commission held the required public hearings, with public notice having been provided, on said application for an amendment, as described below, and at said public hearings, the City Commission reviewed and considered all comments received during said public hearings, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency, concerning said application for an amendment, as described below; and

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WHEREAS, the City Commission, has determined and found that a need and justification exists for the approval of said application for amendment, as described below;

WHEREAS, the City Commission, has determined and found that approval of said application for an amendment, as described below, is consistent with purposes and objectives of the comprehensive planning program and the Comprehensive Plan;

WHEREAS, the City Commission has determined and found that approval of said application for an amendment, as described below, will further the purposes of the Land Development Regulations and other ordinances, regulations and actions designed to implement the Comprehensive Plan; and

WHEREAS, the City Commission has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF NEWBERRY, FLORIDA, THAT:

Section 1. Pursuant to an application by the City of Newberry to amend the text of the Land Development Regulations of the City of Newberry, Florida Code of Ordinances, to provide for electronic message signage at the City of Newberry City Hall facility, *Sections 4.2.20. Signs and 4.2.36. Architectural Site and Design Standards* are hereby amended to add the following (new text bolded and underlined):

Section 4.2.20. Signs

4.2.20.8. *Signs permitted.* The following permanent and temporary signs are allowed:

Type of Sign	District	Number (max.)	Area (max. s.f.)	Width (max. feet)	Depth (min. inch)	Changeable Copy Allowed (max. % of area)	Design Standards
Residential Freestanding	A, R	2	2	1	*	NA	
Institutional Freestanding	All	1	50	10	*	25, no electronic message signs	Sec. 4.2.20.9.e

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Institutional Wall	All	1	16	NA	NA	NA	Sec. 4.2.20.9.c
Neighborhood Identification — Freestanding	A, R	2	100	NA	*	NA	Sec. 4.2.20.9.b
Historic District — Freestanding	H	Limited by area	80	6	*	70, no electronic message signs	Sec. 4.2.20.4.f <u>Maximum sign height in the historic district is five (5) feet (Ordinance 19-08)</u>
Neighborhood Identification — Wall	A, R	2	100	NA	NA	NA	Sec. 4.2.20.9.c Sec. 4.2.20.9.b
Commercial — Freestanding	C, I	Limited by area	100 (50 per face)	12	*	70, electronic message signs allowed	Sec. 4.2.20.9.e
Commercial Wall	C, I	Limited by area	10% of wall, not to exceed 350	NA	NA	NA	Sec. 4.2.20.9.c
Commercial — Window Sign	C, I	Limited by area	20% of total window area	NA	NA	NA	Sec. 4.2.20.9.f

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Commercial — Canopy/Awning	C, I	Limited by area	10% of wall, not to exceed 32	NA	NA	NA	
Real Estate	A	1	32	3.5	NA	NA	Sec. 4.2.20.10.b
	R	1	7.5	6	NA	NA	Sec. 4.2.20.10.b
	C, I	1	32	6	NA	NA	Sec. 4.2.20.10.b
Yard/garageSale	A, R	1	2	2	NA	NA	Sec. 4.2.20.10.b
Signs without a commercial message Accessory Signs for New Development	A	Unlimite d	32	6	NA	NA	Sec. 4.2.20.10.c
	R	Unlimite d	7.5	3.5	NA	NA	Sec. 4.2.20.10.c
	C, I	Unlimite d	32	6	NA	NA	Sec. 4.2.20.10.c
	A, R	1	32	6	NA	NA	Sec. 4.2.20.10.d
Banner	C	1	10% of wall, not to exceed 100	NA	NA	NA	Sec. 4.2.20.10.f
Temporary Construction	C, I	1	See commercial freestanding standards	See area note.	NA	NA	Sec. 4.2.20.10.e

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Freestanding Architectural Signage for Recreation Facilities within a MU or PD Category	MU, PD, Rec. only	1	600 (300 per face) Sign face limited to 25% of architectural structure	25 feet	NA	70 Electronic and LCD signs allowed	Sec. 4.2.20.4.f
Freestanding Architectural Signage for Commercial Town Centers within a MU or PD Category	MU, PD, Com. only	1	150 (75 per face)	12 feet	NA	70 Electronic and LCD signs allowed	Sec. 4.2.20.4.f
Freestanding Architectural Signage for Residential portion of MU/PD	MU/PD Res. only	2	150	NA	*	NA	Sec. 4.2.20.9.b
Municipal-owned City Hall Facility ---Freestanding	H	<u>2</u>	<u>100</u> <u>(50 per face)</u>	<u>6</u>	<u>*</u>	<u>70, electronic message signs allowed</u>	<u>Sec. 4.2.20.4.f</u> <u>Maximum sign height in the historic district is five (5) feet (Ordinance 19-08)</u>

4.2.20.11. *Signs within historic districts or on historic properties outside of historic districts.*

a. Signs erected or displayed within historic districts, **unless specified otherwise within these regulations,** or on historic properties outside of historic districts shall maintain the character of the district or structure by the following:

Section 4.2.36 Architectural Site and Design Standards

4.2.36.4. *Standards for new construction and re-construction for commercial (non-industrial) development.*

6. *Signs.* Signs shall be sympathetic to the overall design of the main building. Background materials shall be historic north Florida palates. The frame shall match the exterior building color. Monolithic sign supports shall be similar in size, scale, mass and character of the exterior building elements.

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d. Lighting of signs shall be incandescent, unless encapsulated by a frame and plastic light box panels. **Except as provided elsewhere in these regulations to allow electronic message signs,** neon, animated and strobe lighting are not acceptable.

7. *Best practices—Exterior lighting.* The city recognizes the need for adequate lighting for safety, security, and informational purposes (signs). The following practices should be followed in all new lighting systems for structures built on commercially zoned lots in Newberry.

e. Strobing, UV (ultraviolet) or animated lights are prohibited~~-,~~ **except as provided elsewhere in these regulations to allow electronic message signs.**

f. Laser lighting or animation, and similar effects are discouraged~~-,~~ **except as provided elsewhere in these regulations to allow electronic message signs.**

Section 2. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 3. Conflict. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Section 5. Authority. This ordinance is adopted pursuant to the authority granted by Section 166.021, Florida Statutes, and Sections 163.3161 through 163.3215, Florida Statutes.

DONE THE FIRST READING, by the City Commission of the City of Newberry, Florida, at a regular meeting, this 28th day of February, 2022.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Newberry, Florida, by the City Clerk of the City of Newberry, Florida on the 22nd day of January, 2022, and the 3rd day of March, 2022.

DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting, this 14th day of March, 2022.

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BY THE MAYOR OF THE CITY OF
NEWBERRY, FLORIDA

Honorable Jordan Marlowe, Mayor

ATTEST, BY THE CLERK OF THE
CITY COMMISSION OF THE CITY OF
NEWBERRY, FLORIDA:

Judy S. Rice, City Clerk

APPROVED AS TO FORM AND
LEGALITY:

City Attorney's Office