

ORDINANCE 11-O-14

AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AMENDING THE CODE OF ORDINANCES, OF THE CITY OF CRYSTAL RIVER, FLORIDA, SPECIFICALLY AMENDING APPENDIX A, LAND DEVELOPMENT CODE, CHAPTER 12, ENTITLED SIGNS, SECTION 12.00.03, EXEMPT SIGNS, PARAGRAPH M., UNITED STATES FLAGS; PROVIDING FOR CODIFICATION, CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Crystal River previously established Appendix A of its Code of Ordinances, its Land Development Code, to promulgate rules and regulations for the proper display of signage within the City of Crystal River, Florida; and,

WHEREAS, the City Council of the City of Crystal River, Florida has determined that in order to more clearly define certain exemptions to it's sign ordinance, it has become necessary to amend Appendix A, Land Development Code, Chapter 12, Signs, Section 12.00.03, Exempt Signs, Paragraph M., United States Flags; and,

WHEREAS, the City Council of the City of Crystal River, Florida, has determined that certain regulations are necessary to promote traffic safety, protect the aesthetic nature of the community, and to stimulate economic development in the City; and,

WHEREAS, the City Council of the City of Crystal River, Florida, has determined that it has a substantial interest in creating regulations which exempt non-commercial forms of speech from permitting requirements, in an effort to foster free expression of ideas; and,

WHEREAS, the City Council of the City of Crystal River, Florida, has determined that restrictions on non-commercial forms of expression being used for commercial purposes are necessary to promote traffic safety, protect the aesthetic nature of the community and to stimulate economic development in the City; and,

WHEREAS, the City Council of the City of Crystal River, Florida, has determined that restrictions on commercial signs, banners and other forms of advertisement and/or speech are otherwise sufficiently regulated under Chapter 12 of the City of Crystal River's Sign Code; and,

WHEREAS, the City Council of the City of Crystal River, Florida, has determined that exemptions for other forms of non-commercial speech are adequately addressed under Chapter 12 of the City of Crystal River's Sign Code, and therefore, provide proper protections to other forms of non-commercial speech; and,

WHEREAS, the City Council of the City of Crystal River, Florida, after the appropriate publication of notice of its intention to consider this Amendment, has determined that in the interest of the health, safety and welfare of its citizens, it is in the best interests of the City of Crystal River to approve this Ordinance.

NOW THEREFORE BE IT ORDAINED by the Council members of the City of Crystal River, Florida, as follows:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to amend the current City of Crystal River Code of Ordinances, through the amendment of Appendix A, Land Development Code, Chapter 12, Signs, Section 12.00.03, Exempt Signs, Paragraph M., United States Flags in order to more clearly define certain exemptions to its sign ordinance, for the reasons set forth in the above Whereas clauses, which are incorporated herein, *in haec verba*.

SECTION 2. AUTHORITY.

The City Council is authorized to amend the Crystal River Code of Ordinances pursuant to Article III of the City Charter of the City of Crystal River and Part II, Code of

Ordinances, Chapter 1, General Provisions, of the Code of Ordinances of the City of Crystal River, and as otherwise authorized by applicable Florida Statutes.

SECTION 3. AMENDMENT OF CODE OF ORDINANCES, CHAPTER 9.

The City of Crystal River Code of Ordinances is modified through the amendment of Appendix A, Land Development Code, Chapter 12, Signs, Section 12.00.03, Exempt Signs, Paragraph M., United States Flags, and said amendments shall be designated by ~~striking through~~ language to be deleted, and underlining language to be added to the Ordinance in question as follows:

APPENDIX A. LAND DEVELOPMENT CODE.

Chapter 12, Signs; Section 12.00.03: Exempt Signs.

M. United States Flag(s)

1. ~~Maximum Size Limit~~

a. ~~375 square feet (Total)~~

2. ~~Maximum Number~~

~~a. 3~~

3. ~~General Requirements~~

a. ~~Flags of the United States, the state, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction.~~

b. ~~These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes.~~

c. ~~Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such~~

M. Flags

1. Definitions.

A. The term “flag” as used in this section shall mean a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words, or emblems used as a symbol of an organization or entity, including but not limited to political jurisdictions.

B. Flags which may be considered as emblems or symbols of political jurisdictions include, but are necessarily limited to, the United States Stars and Stripes, United States Armed Services Flags, the POW/MIA Flag, and the State of Florida Flag.

C. Flags displaying a logo, message, statement, or expression relating to commercial interests, and banners not otherwise meeting the definition of a flag, shall be considered signs and shall be required to conform with all sign standards of the Land Development Code. Flags or banners mounted directly on a building or wall shall expressly be considered signs and shall be subject to all sign standards.

D. The term “flag pole” shall refer to a vertical pole secured in the ground.

E. The term “mast arm flag staff” shall refer to a pole affixed to and extending at an angle from a building.

2. Requirements.

A. Flags shall be displayed only on flag poles or mast arm flag staffs.

B. Restrictions applicable to the number of flags, flag poles, mast arm flag staffs, flag pole length, and flag dimensions shall be defined as follows:

1) In nonresidential zoning districts, vertical flag poles shall not exceed a maximum height of fifty (50) feet.

2) In residential districts, flag poles shall not exceed twenty-five (25) feet in height unless a special use permit is granted by the City Council; no fee shall be required to apply for a special use permit for this purpose.

3) All flag poles must be properly permitted by the City.

4) Mast arm flag staffs shall not exceed twelve (12) feet in length.

5) Flag poles and mast arm flag staffs shall not be placed on the tops of buildings.

6) Flag poles, mast arm flag staffs, and flags themselves may not be displayed in such a manner as to create a visual impairment to the signage of adjacent buildings, a distraction or obstruction to visibility for vehicular traffic, or a potential hazard to pedestrians.

7) Flags shall be displayed either on vertical flag poles or mast arm flag staffs.

8) Each property owner shall be allowed a maximum of three (3) flagpoles or eight (8) mast arm flag staffs without requiring a special use permit. The process for requesting a special use permit is set forth in Section 3 below.

9) A maximum of three (3) flags may be displayed per flag pole.

10) A maximum of one (1) flag shall be displayed per mast arm flag staff.

11) A maximum of eight (8) flags may be displayed on residential or nonresidential property without requiring a special use permit.

12) Flags, flag poles and mast arm flag staffs shall be maintained in good repair and appearance.

13) On National or State of Florida holidays established by the United States government or the State of Florida, there shall be no limit on the number of political jurisdiction flags which can be displayed on residential or commercial property.

14) The maximum dimensions of any flag shall be proportional to the flag pole height or length of the mast arm flag staff, as set forth below:

Pole Height (feet)	Maximum Flag Size	
	Home Display	Public Display
20	3' x 5'	4' x 6'
25	4' x 6'	5' x 8'
30 to 35		6' x 10'
40 to 45		8' x 12'
50		10' x 15'

<u>Mast Arm Staff Length (feet)</u>	<u>Maximum Flag Size</u>
<u>up to 8</u>	<u>3' x 5'</u>
<u>up to 12</u>	<u>4' x 6'</u>

3. Special Use Permit Process.

A. Special use permits may be sought by submitting a written application to the City Council of Crystal River, Florida. There shall be no charge for applying for a special use permit.

B. City Council shall utilize the following criteria in deciding to approve, reject, or modify the application for a special use permit:

1) the degree to which the requested action requested will create visual impairment related to adjacent buildings, a distraction or obstruction to the visibility of vehicular traffic, or a potential hazard to pedestrians.

2) the compatibility of the requested action with the overall aesthetics of the adjacent buildings and properties

SECTION 4. CODIFICATION.

It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Crystal River, Florida, with the exception of Sections 2, 4, 5 and 6. The word "Ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein, within Chapter 12 of the Land Development Code, entitled "Signs".

SECTION 5. CONFLICTS AND REPEALER.

This Ordinance shall be cumulative of all provisions of the Ordinances of the City of Crystal River, Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. 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 or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption by the City of Crystal River, Florida, City Council.

CITY OF CRYSTAL RIVER

Attest: _____ By: _____

Carol Harrington, City Clerk

James Farley, Mayor

PASSED on First Reading _____

NOTICE Published on _____

PASSED on Second & Final Reading _____

Approved as to form for the
reliance of the City of Crystal River
only:

VOTE OF COUNCIL:

Farley _____

Gudis _____

McNiff _____

Kitchen _____

Wheeler _____

George G. Angeliadis, City Attorney