



MINUTES OF THE CITY COUNCIL REGULAR MEETING
CITY OF NEW PORT RICHEY

NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS
5919 MAIN STREET, NEW PORT RICHEY, FLORIDA

May 3, 2022
7:00 PM

ORDER OF
BUSINESS

1. Call to Order – Roll Call

The meeting was called to order by Mayor Rob Marlowe at 7:00 p.m. Those in attendance were Deputy Mayor Mike Peters, Councilman Peter Altman, Councilman Matt Murphy and Councilwoman Kelly Mothershead.

Also in attendance were City Manager Debbie L. Manns, City Attorney Timothy Driscoll, Deputy City Clerk Sue Gustilo, Police Chief Kim Bogart, Finance Director Crystal Feast, Fire Chief Chris Fitch, Public Works Director Robert Rivera, Community and Development Director Dale Hall, Economic Development Director Barbara Carr, Library Director Andi Figart, Parks and Recreation Director Kevin Adams and Human Resources & Organizational Development Director Karl Fuchs.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of April 19, 2022 Regular Meeting Minutes

Motion was made to approve the minutes as presented.

Motion made by Mike Peters and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

5. Proclamation - AANHPI Heritage Month (by title only)

Mayor Marlowe read the proclamation by title only.

6. Vox Pop for Items Not Listed on the Agenda or Listed on Consent Agenda

Mayor Marlowe opened the floor for public comment. Kimberly Cox, 6609 Rainbow Spring Lane Dan Callaghan, 7108 Daggett Terrace, Shinikki Whiting, 5755 Indiana Ave., Jean Fahey, 7629 Bayhill Court, Marlowe Jones, 6141 Pine Hill Road all came forward to speak on the upcoming Marlowe Jones trial. With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

7 Consent Agenda

Motion was made to accept the Consent Agenda.

Motion made by Matt Murphy and seconded by Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

- a Cultural Affairs Committee Meeting Minutes - January 2022
- b Parks and Recreation Advisory Board Minutes - February 2022
- c Purchases/Payments for City Council Approval

8 Business Items

- a Board Appointment: Robert Marin, Police Pension Board

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the appointment of Robert Marin to the Police Pension Board. She stated that Police Pension Board trustee, Al Renedo, submitted his resignation from the Board effective January 31, 2022 as he was moving out of the city limits. She stated she had some discussions with Robert Marin and he expressed his interest in the position on the Board. If approved, Mr. Marin's term on the Police Pension Board will be up for renewal on February 5, 2023. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Matt Murphy and seconded by Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

- b Appeal of Non-Conforming Sign: 6153 Massachusetts, Nathan Pollock

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was an appeal for a non-conforming sign located at 6153 Massachusetts Avenue. She then introduced Development Director Dale Hall who then presented the item to Council. Mr. Hall stated that the existing sign located at 6153 Massachusetts Avenue is defined as a pole or freestanding sign. This type of sign is not allowed in that zoning classification. He stated that the City's LDC defines a nonconforming use as one in which the structure or land ceases to be used for a period of twelve (12) consecutive months or a local business tax receipt for the use has not been issued for a period of twelve (12) consecutive months. After a review by staff it was determined that fifteen (15) months transpired between the dates of a valid Business Tax Receipt at this location therefore making the structure and land as a nonconforming use. The subject property is border on the east west and north by county properties. Mayor Marlowe stated this is a quasi judicial proceeding and disclosed that on April 27, 2022 he received an email from Mr. Pollack with the other Council members copied on that email.

The applicant, Nathan Pollock, then came forward to make his presentation. He stated that he bought the property on March 22, 2022. Mr. Pollack asked if there was anything clearly stated in the Code that freestanding signs or pole signs are non-conforming. He stated he met with the City Manager and was told there could be a possibility of an exception or some extra time given to bring the sign into compliance. Mr. Pollock read from Section 13.19.00 Commercial Business Zones and indicated that his sign could be up to 63 square feet. He stated he is not in a shopping center. He stated that he believes this is a misapplication of the code in his circumstance. He stated that pole signs are around his business. He said if he had to modify his sign it will cost at least \$10k. He stated if he uses an architect to design a new sign would cause the cost to go higher. Mr. Pollock then asked Mr. Hall about permitted signs in Section 13.19.00. Mr. Pollock stated there is no place in the Code that says pole signs are non-conforming. He stated the previous owner was cited back in November. Mr. Pollock stated the definition for prohibited signs does not include pole signs. He stated the Code states that pole signs are prohibited in the downtown and that is not where his business is located. Mr. Pollock stated that being a small business as well as veteran owned business he would like to see a

reconsideration on the appeal.

Mayor Marlowe asked City Attorney Driscoll for the definitions of pole signs vs. monument signs and where they are allowed. City Attorney Driscoll indicated that a freestanding or pole sign any signs supported by posts and are anchored in the ground and independent of any other structure. This sign does meet that definition. City Attorney Driscoll stated that signs described in this section will be permitted in each particular zone. Councilman Altman stated that no one has said this was a prohibited sign. He stated that those types of signs on Massachusetts are typical and regular. He stated he would like to hold off on the enforcement. He stated there is an abundance of discrepancy on the ability to manage the signs. He stated he does not disagree with staff's analysis but appreciated the effort by Mr. Pollock relief on this appeal. Councilman Murphy stated he would go along with Councilman Altman to give some time to clean up or make it crystal clear in the code and to make our properties better and uniform. Deputy Mayor Peters asked Mr. Pollock if he owned the business. Deputy Mayor Peters stated that the County has struggled with this. He stated that he sat on a committee that helped revise the County's sign ordinance. He stated the most compelling argument Mr. Pollock made was if it fit the neighborhood. He stated we are trying to step up on the appearance of our city. We have a very active code enforcement crew. He would like to have everything reviewed every two years. He stated he would like to see the entire area improved. Councilwoman Mothershead stated she drove by the location and stated it is the best sign on the strip. She stated that Mr. Pollock is the type of business that we want which is a small business and veteran owned businesses. She stated we need to look at the exception of the Code in some way need to make this work. Mayor Marlowe stated he doesn't like the fact that the property is surrounded by county property. He stated the County is actively looking at their sign ordinance. Mayor Marlowe stated he liked Deputy Mayor Peters' idea to provide an exception subject to review every couple of years so when the County pushes issues on the surrounding properties Mr. Pollock will need to come in conformance. City Attorney Driscoll stated that it sounds like there is a consensus to come up with some of solution legislatively to address this issue. City Attorney Driscoll stated he recommends to entertain a motion to delay this appeal hearing for a period of time to give us some time to come back to address this legislatively. City Attorney Driscoll stated he recommends a period of 90 to 120 days stay until legislation runs its course. Motion was made to deny the appeal as requested by staff with a one year stay.

Motion made by Pete Altman and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

c Utility Service Agreement – Premier Health Care Medical Clinic New Port Richey

City Manager Manns introduced Public Works Director Robert Rivera who then presented the item to Council. He stated that the purpose of this agenda item was to approve a proposed Utility Service Agreement between the City and Joseph Resnick (Developer), for the existing undeveloped site known as Premier Health Care Medical Clinic New Port Richey. He stated that the existing undeveloped site consists of the construction of one 24,000 square feet building structure. The site is located on Rowan Road, in unincorporated Pasco County outside the City's corporate limits and the City's service area. The agreement requires the Developer to construct the utility system in accordance with the City's Utility Standards prior to the City's acceptance of ownership. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Pete Altman and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

d 2022 Sanitary Sewer Lining Project – Consideration for Approval

City Manager Manns introduced Public Works Director Robert Rivera who then presented the item to Council. He stated that the purpose of this agenda item was to approve a proposal from Granite Inliner, LLC in an amount not to exceed \$137,268.48 for sanitary sewer gravity main rehabilitation. Mr. Rivera stated that this is a yearly project. He stated that the areas for this project include the West Grand neighborhood, the Cypress Knolls neighborhood, several areas north of the City's downtown area, and along Louisiana Avenue west of Frances Avenue Park. Upon opening the floor to public

comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Pete Altman and seconded by Mike Peters. The Motion Passed. 5-0. Ayes: Altman, Marlowe, Mothershead, Murphy, Peters

e Quarterly Cash & Investment Performance Report

City Manager Manns introduced Finance Director Crystal Feast who then presented the item to Council. She stated that the purpose of this agenda item was to review the quarterly cash & investment performance report. Mrs. Feast stated that earned income in the quarter was \$1,649. Changes in the amount of \$684,220 from the last quarter were due to collection of remaining ad valorem taxes and reduction in vendor payouts for the quarter. Councilman Altman suggested placing future reports on the Consent Agenda.

9 Communications

Councilman Murphy stated that he thought the work session earlier tonight was good and he is looking forward to the projects coming to fruition. Councilman Altman stated he agreed that the work session was good. He will be attending the FRA meeting next week. He stated he has been anxious to follow up from the leadership summit on resilience. He stated the State grant program has just opened up. He hopes we can forge more partnerships with the County to obtain funds. He stated he would encourage supporting the City Manager to provide incentives including signing bonuses to fill open positions. Councilwoman Mothershead stated she learned a lot from the work session and she agrees that it is not a best use of money but if we can partner with the County and State our costs could be reduced. City Attorney Driscoll stated in regards to comments made at Vox Pop, the City does not have control over prosecutions in the county those decisions are made by the State Attorney's Office so whether to pursue or not pursue a prosecution is not under the purview of the City.

10 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:24 p.m.

(signed) _____
Suzanne Gustilo, Deputy City Clerk

Approved: _____ (date)

Initialed: _____

13.02.00 - Definitions.

Nonconforming sign shall mean any sign that does not conform to the requirements of this article. Prohibited signs are not nonconforming signs.

Freestanding or pole sign shall mean any sign supported by poles, posts, or similar structural members that are placed on or anchored in the ground and that are independent of any building or other structure.

Prohibited sign shall mean any sign which is proscribed, banned, outlawed or otherwise prohibited by this Code.

13.06.00 - Nonconforming signs.

1. Consistent with the public policy to restrict and eventually eliminate nonconforming uses and structures, it is the policy of the City that nonconforming signs shall be brought into conformity or removed as expeditiously as possible while allowing such signs to be maintained in the interim. A nonconforming sign that was lawfully erected may continue to be maintained: (a) until the nonconforming sign or sign structure meets the definition of abandoned or discontinued sign or sign structure or is substantially altered, damaged or destroyed, or (b) until the real property on which the sign is located is redeveloped, or (c) until the real property on which the sign is located is sold or transferred, whichever of the foregoing occurs first. At such time the sign is substantially altered, damaged or destroyed or at such time the real property is redeveloped or at such time as the real property is sold or transferred, the nonconforming sign must either (a) be removed or (b) be brought into conformity with all provisions of this article and with any other applicable law or regulation.

2. Except as otherwise provided in section 13.06.00(3) below, signs existing on December 7, 2004, which were not in compliance with previous regulations or ordinances are illegal signs and shall be brought into compliance with this article or removed within ninety (90) days of the effective date of this article.

3. Signs existing at the time of the enactment of Ordinance No. 1460 which became nonconforming by reason of Ordinance No. 1460 and are not the subject of a variance became illegal on July 21, 2003. Any such signs that remain are not subject to the ninety-day extension period provided for in section 13.06.00(2) and remain illegal and shall be removed.

14.04.00. - Abandonment/discontinuance of nonconforming uses

If a **nonconforming** use of a structure or land ceases to be used for a period of twelve (12) consecutive months, or whenever public and/or private utilities serving the facility have been disconnected for a period of twelve (12) consecutive months, or a local business tax receipt for the use has not been issued for a period of twelve (12) consecutive months, use of the structure and land shall thereafter conform to the regulations of the district in which it is located and to the other regulations of this district. (Ord. No. 1330, § 1, 11-30-93; Ord. No. 1861, § 7, 3-20-2007)

13.07.00 - Prohibited signs. *Not Mentioned is Freestanding sign*****

Signs listed within this subsection are prohibited unless provisions of section 13.06.00, regarding nonconforming signs, or section 13.20.00 regarding sign regulations specifically for the Downtown Zoning District, are applicable. Such prohibited signs are:

A. Off-premise signs and billboards.

B. Signs which project beyond the property line or which encroach on or over public property ; signs placed on public property.

C. Roof signs.

D. Signs that resemble any official sign or marker erected by any governmental agency, the position, shape, or color of which would conflict with the proper functioning of any traffic sign or signal, or the size, location, movement, color, words, symbols, or illumination of which may be reasonably confused with, construed as, or conceal a traffic control device, thereby creating a safety hazard.

E. Animated signs, spinners, and signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.

F. Signs which contain or consist of banners, posters or strings of light bulbs.

G. Vehicle signs.

H. Signs which are painted, pasted or printed on any curbstone, flagstone, pavement or any portion or part of any sidewalk or street that are not traffic control devices.

I. Lollypop or snipe signs .

J. Bench signs.

(Ord. No. 1744, § I, 1-24-2005; Ord. No 2016-2078, § III, 5-17-2016)

13.20.00 - Same—Downtown Zoning District.

1. Application. The following requirements shall apply to the Downtown Zoning District. All signs erected in the district or now existing in the district shall comply with all other provisions of this article and requirements relative to safety in the building code, except as otherwise specifically accepted or modified in this section.

2.

New Port Richey Recommended Downtown Design Guidelines. Assistance from the City is available to any property or business owner seeking information on facade improvements, including signs in the Downtown Zoning District. The City will utilize the Downtown Design Guidelines document, prepared with the assistance of the New Port Richey Community Main St. Design Committee, which guidelines can be of assistance to the sign permit applicant when dealing with design and location issues. The Downtown Design Guidelines are available by request from the Development Department .

3. Permitted signs. Temporary signs that conform to Section 13.05.00 are permitted in the Downtown Zoning District. The following types of permanent signs shall be permitted in the Downtown Zoning District:

- A. Wall.
- B. Projecting.
- C. Window.
- D. Canopy/awning.
- E. Monument.
- F. Hanging sign.
- G. Directory.
- H. Sandwich.

4. Prohibited signs shall be those identified in 13.07.00 in addition to the following.

- A. Changeable copy.
- B. Freestanding.
- C. Portable.

On the Agenda for May 3rd. Patriot Stogies

nathan pollock [pollockn20@yahoo.com]

Sent: Wednesday, April 27, 2022 9:32 AM

To: Marlowe, Rob; Peters, Mike; Altman, Peter; Murphy, Matthew; Mothersheadk@cityofnewportrichey.org; nathan pollock [pollockn20@yahoo.com]; Jackie Owens [jaowens86@gmail.com]

Attachments: May 3rd Agenda Patriot Sto~1.pdf (3 MB)

Mayor Marlow & Council Members,

I will be appealing a decision by the city manager, who determined my sign was non-conforming. Attached is a read ahead addressing the reason why the city manager determined my sign was non-conforming and my rebuttal.

I look forward to the opportunity to address this matter before the city of New Port Richey and the Council.

Thank you,

Nathan S. Pollock
Patriot Stogies
(937)605-9875

From the time of my application for zoning (November 2021) the city has told me my sign was non-conforming, referencing **13.06.00**, yet they were unable to provide a valid reason as to why it was non-conforming.

My sign is defined as a Freestanding Sign:

Freestanding or pole sign shall mean any sign supported by poles, posts, or similar structural members that are placed on or anchored in the ground and that are independent of any building or other structure.

After two separate meetings (January 12 & March 14, 2022) on April 12, 2022 the city's manager called and emailed to inform me that my sign was non-conforming because of section **13.19.00 - Same—Business zones**. This section of the code is vague and nonspecific to my sign type and does not clearly state nor suggest that my sign is non-conforming, therefore I would request that the city council over turn this decision given the following facts. I will go through this section of the code line by line to show how my sign is not non-conforming.



On Tuesday, April 12, 2022, 09:47:54 AM EDT, Manns. Debbie <mannsd@cityofnewportrichey.org> wrote:

Nathan,

13.19 Commercial/business zones

Regards,

Debbie L. Manns

5919 Main Street

New Port Richey, FL 34652

Phone (727) 853-1021

Fax (727) 853-1023

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

13.19.00 - Same—Business zones

1. The following requirements shall apply to the office zone and all commercial zones with exceptions. Such requirements are that:

a. A total sign area of one and three-quarters ($1\frac{3}{4}$) square feet for each lineal foot of building frontage or one-half square foot for each lineal foot of lot frontage, whichever results in the larger sign area. The maximum total area of all permitted signs for any establishment shall not exceed two hundred (200) square feet, single face, and the minimum shall be not less than thirty-two (32) square feet. Each face of a sign shall be included in the computation of allowable sign area, with the exception that only a single face of a monument sign be included. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are a part of the same sign structure and are not more than twenty-four (24) inches apart, the sign size (area) shall be computed by the measurement of one of the sign faces.

-My street frontage is 100' and my building is 36' therefore my sign can be up to 63 square feet. My sign is below the maximum allowable size.

b. Wall signs may be mounted flush anywhere on the surface of that building. Where frontage is on more than one (1) street, only the signs computed with the frontage of that street shall face that street.

-My sign is not a wall sign.

c. Monument signs are allowed, except in shopping centers, with the top level of the sign no higher than twenty-five (25) feet above ground level. The framing and structure surrounding or supporting a monument sign shall not be higher than twenty-five (25) feet above ground level.

-This does not apply because my sign is not a monument sign.

d. In addition, a real estate sign up to sixteen (16) square feet in size shall be permitted. Such sign shall be set back not less than ten (10) feet from the property line and twenty (20) feet from the rear and sides of the property. Such sign shall be removed from the property immediately upon the conveyance of the property or upon the initial lease or rental of all units. Those properties which front on U.S. Highway 19, however, will have a fifteen-foot setback from the property line.

-It is not a real estate sign

e. Signs shall be limited to a maximum of two (2) monument signs, except shopping centers.

-It is not a real estate sign

2. Shopping centers shall be allowed the following signs:

a. One (1) monument sign no higher than twenty-five (25) feet above ground level and four (4) wall signs of a total area as defined in 1.a. above; and,

b. One (1) additional sign which shall not exceed twenty (20) feet in height measured to the top of the sign from ground level. The size of this sign shall not exceed eighty (80) square feet or one hundred sixty (160) square feet for the two (2) faces of a double-faced sign. The sign shall be a monument sign.

-It is not located in a shopping center

3. Signs placed in a window or affixed to a window shall not cover more than twenty-five (25) percent of the window and shall not be included as part of the total sign area allowed. No permit is required. If transparent panels are used as the primary building material comprising the building facade of a more than one-story building, window signs shall be limited to the first floor windows and only fifty (50) percent of the window area shall be considered windows for the purposes of this section.

-The sign is not a window sign

4. Signs may be on the vertical faces of marquees and may project below the lower edge of the marquee not more than twelve (12) inches. The bottom of marquee signs shall be no less than eight (8) feet above the sidewalk or grade at any point. No part of the sign shall project above the vertical marquee face or beyond the marquee itself.

-The sign is not a marquee sign.

(Ord. No. 1744, § I, 1-24-2005; Ord. No. 2016-2078, § III, 5-17-2016)

***It does not state that signs not mentioned (ie., freestanding sign) are non-conforming nor that ONLY sign types in this section are allowed, yet this section is the reason I am being told my sign is non-conforming. This is a misapplication of the code in my circumstance and counter to the intent of the city's municipal code, "Not regulate signs more than necessary..." cited below. ***

13.03.00 - Purpose, intent and scope.

Policy LIV 4.6.1: Encourage high quality signs that are attractive, appropriate for the location and balances visibility needs with aesthetic needs.



Policy LIV 4.6.3: Create special sign districts, where appropriate, to reflect neighborhood identity, historical or environmental features, or architectural character.



The city's first suggested course of action was for me to pay for a permit to demolish my sign, then pay for a second permit to build and attach a new sign to the front of my building. This would not balance nor match the visibility and aesthetics of my area. My building is set back

further than the two surrounding county buildings and a sign attached to my building would be difficult to see by passing traffic and would disadvantage my business.

The second course of action suggested by the city was to alter my sign to be a monument sign. This seemed like a usable course of action until I learned the requirements for altering a sign to come up to present day wind code were going to be upwards of \$10,000.

13.03.00 - Purpose, intent and scope.

B. Purpose.

FLU 1.3.2: The City shall promote commercial development that serves to maintain or enhance the economic health of the City, and to increase job opportunities, per capita income and convenience for residents

My veteran owned business is an added value to the visitors of the city and its residents. If this were not the case there would not be economic development funds that are designated very specifically for my type of business. If I am forced to alter my sign, this will impact my ability to enhance my business and delay my ability to employ others.

C. Intent.

(h) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with and serving the needs of the land uses, activities and functions to which they pertain;

(v) Not regulate signs more than necessary to accomplish the compelling and substantial governmental objectives described herein.

(Ord. No. 1744, § I, 1-24-2005; Ord. No 2016-2078, § III, 5-17-2016)

13.11.00 - Permits.

1. Required. Unless exempted from permitting no permanent sign shall be erected, altered or relocated unless a permit is first obtained and the appropriate fees are paid to the City. The required sign permit is in addition to any building or other permit required to be obtained pursuant to the provisions of the Florida Building Code or the land development code. Where electrical permits are required, they shall be obtained at the same time as the sign permit. Sign permits shall be obtained separately from building permits.

2. Application. A sign-permit application shall be submitted on forms available at the office of the Development Department. The sign permit application is in addition to any building permit application required by the Florida Building Code. The applicant shall furnish the following information on or with the sign permit application form:

(h) Freestanding signs shall require a boundary survey prepared within the last twenty-four (24) months of the permit application date, and signed and sealed by a land surveyor or engineer licensed in Florida showing the proposed location of the sign.

***** Freedstand signs are not prohibited and allowed to be build according to code*****



OFFICE OF THE CITY MANAGER

April 12, 2022

Nathan S. Pollock
Patriot Stogies
6153 Massachusetts Avenue
New Port Richey, Florida 34652

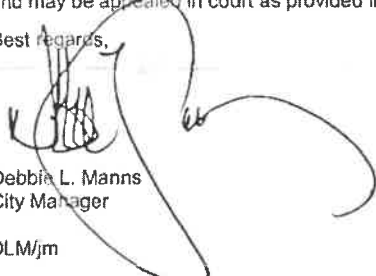
RE: Pole Sign - 6153 Massachusetts Avenue

Dear Mr. Pollock:

This letter is to reaffirm my decision relating to the existing pole sign located at the above address which I have found to be a non-conforming sign. Therefore the sign must be removed or brought in conformity with all provisions of the Sign Code within ninety (90) days of receipt of this notification or you will receive a notice of violation.

Please note that you do have the right to appeal this decision to the City Council by submitting written notice to the City Clerk within thirty (30) days of receipt of this notification. The notice shall describe the alleged error or oversight and the applicable provisions of the sign ordinance. Once a date has been solidified for consideration of the matter by the City Council you will be advised of such so that you may be present in order to represent your position. The City Council will issue a written decision within thirty (30) days following the hearing. The decision of the City Council is the final action of the city and may be appealed in court as provided in law.

Best regards,



Debbie L. Manns
City Manager

DLM/jm

cc: Dale Hall, Planning & Development Director (via electronically)
Kim Bogart, Police Chief (via electronically)
Erik Jay, Code Enforcement Supervisor (via electronically)

From the time of my application for zoning (November 2021) the city has told me my sign was non-conforming, referencing **13.06.00**, yet they were unable to provide a valid reason as to why it was non-conforming.

My sign is defined as a Freestanding Sign:

Freestanding or pole sign shall mean any sign supported by poles, posts, or similar structural members that are placed on or anchored in the ground and that are independent of any building or other structure.

After two separate meetings (January 12 & March 14, 2022) on April 12, 2022 the city's manager called and emailed to inform me that my sign was non-conforming because of section **13.19.00 - Same—Business zones**. This section of the code is vague and nonspecific to my sign type and does not clearly state nor suggest that my sign is non-conforming, therefore I would request that the city council over turn this decision given the following facts. I will go through this section of the code line by line to show how my sign is not non-conforming.



On Tuesday, April 12, 2022, 09:47:54 AM EDT, Manns. Debbie <mannsd@cityofnewportrichey.org> wrote:

Nathan,

13.19 Commercial/business zones

Regards,

Debbie L. Manns

5919 Main Street

New Port Richey, FL 34652

Phone (727) 853-1021

Fax (727) 853-1023

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

*File sign allowed
by omission?*

13.19.00 - Same—Business zones

1. The following requirements shall apply to the office zone and all commercial zones with exceptions. Such requirements are that:

a. A total sign area of one and three-quarters (1¾) square feet for each lineal foot of building frontage or one-half square foot for each lineal foot of lot frontage, whichever results in the larger sign area. The maximum total area of all permitted signs for any establishment shall not exceed two hundred (200) square feet, single face, and the minimum shall be not less than thirty-two (32) square feet. Each face of a sign shall be included in the computation of allowable sign area, with the exception that only a single face of a monument sign be included. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are a part of the same sign structure and are not more than twenty-four (24) inches apart, the sign size (area) shall be computed by the measurement of one of the sign faces.

-My street frontage is 100' and my building is 36' therefore my sign can be up to 63 square feet. My sign is below the maximum allowable size.

b. Wall signs may be mounted flush anywhere on the surface of that building. Where frontage is on more than one (1) street, only the signs computed with the frontage of that street shall face that street.

-My sign is not a wall sign.

c. Monument signs are allowed, except in shopping centers, with the top level of the sign no higher than twenty-five (25) feet above ground level. The framing and structure surrounding or supporting a monument sign shall not be higher than twenty-five (25) feet above ground level.

-This does not apply because my sign is not a monument sign.

d. In addition, a real estate sign up to sixteen (16) square feet in size shall be permitted. Such sign shall be set back not less than ten (10) feet from the property line and twenty (20) feet from the rear and sides of the property. Such sign shall be removed from the property immediately upon the conveyance of the property or upon the initial lease or rental of all units. Those properties which front on U.S. Highway 19, however, will have a fifteen-foot setback from the property line.

-It is not a real estate sign

e. Signs shall be limited to a maximum of two (2) monument signs, except shopping centers.

-It is not a real estate sign

2. Shopping centers shall be allowed the following signs:

a. One (1) monument sign no higher than twenty-five (25) feet above ground level and four (4) wall signs of a total area as defined in 1.a. above; and,

b. One (1) additional sign which shall not exceed twenty (20) feet in height measured to the top of the sign from ground level. The size of this sign shall not exceed eighty (80) square feet or one hundred sixty (160) square feet for the two (2) faces of a double-faced sign. The sign shall be a monument sign.

-It is not located in a shopping center

3. Signs placed in a window or affixed to a window shall not cover more than twenty-five (25) percent of the window and shall not be included as part of the total sign area allowed. No permit is required. If transparent panels are used as the primary building material comprising the building facade of a more than one-story building, window signs shall be limited to the first floor windows and only fifty (50) percent of the window area shall be considered windows for the purposes of this section.

-The sign is not a window sign

4. Signs may be on the vertical faces of marquees and may project below the lower edge of the marquee not more than twelve (12) inches. The bottom of marquee signs shall be no less than eight (8) feet above the sidewalk or grade at any point. No part of the sign shall project above the vertical marquee face or beyond the marquee itself.

-The sign is not a marquee sign.

(Ord. No. 1744, § I, 1-24-2005; Ord. No. 2016-2078, § III, 5-17-2016

***It does not state that signs not mentioned (ie., freestanding sign) are non-conforming nor that ONLY sign types in this section are allowed, yet this section is the reason I am being told my sign is non-conforming. This is a misapplication of the code in my circumstance and counter to the intent of the city's municipal code, "Not regulate signs more than necessary..." cited below. ***

13.03.00 - Purpose, intent and scope.

Policy LIV 4.6.1: Encourage high quality signs that are attractive, appropriate for the location and balances visibility needs with aesthetic needs.



Policy LIV 4.6.3: Create special sign districts, where appropriate, to reflect neighborhood identity, historical or environmental features, or architectural character.



The city's first suggested course of action was for me to pay for a permit to demolish my sign, then pay for a second permit to build and attach a new sign to the front of my building. This would not balance nor match the visibility and aesthetics of my area. My building is set back

further than the two surrounding county buildings and a sign attached to my building would be difficult to see by passing traffic and would disadvantage my business.

The second course of action suggested by the city was to alter my sign to be a monument sign. This seemed like a usable course of action until I learned the requirements for altering a sign to come up to present day wind code were going to be upwards of \$10,000.

13.03.00 - Purpose, intent and scope.

B. Purpose.

FLU 1.3.2: The City shall promote commercial development that serves to maintain or enhance the economic health of the City, and to increase job opportunities, per capita income and convenience for residents

My veteran owned business is an added value to the visitors of the city and its residents. If this were not the case there would not be economic development funds that are designated very specifically for my type of business. If I am forced to alter my sign, this will impact my ability to enhance my business and delay my ability to employ others.

C. Intent.

(h) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with and serving the needs of the land uses, activities and functions to which they pertain;

(v) Not regulate signs more than necessary to accomplish the compelling and substantial governmental objectives described herein.

(Ord. No. 1744, § I, 1-24-2005; Ord. No 2016-2078, § III, 5-17-2016)

13.11.00 - Permits.

1. Required. Unless exempted from permitting no permanent sign shall be erected, altered or relocated unless a permit is first obtained and the appropriate fees are paid to the City. The required sign permit is in addition to any building or other permit required to be obtained pursuant to the provisions of the Florida Building Code or the land development code. Where electrical permits are required, they shall be obtained at the same time as the sign permit. Sign permits shall be obtained separately from building permits.

2. Application. A sign-permit application shall be submitted on forms available at the office of the Development Department. The sign permit application is in addition to any building permit application required by the Florida Building Code. The applicant shall furnish the following information on or with the sign permit application form:

(h) Freestanding signs shall require a boundary survey prepared within the last twenty-four (24) months of the permit application date, and signed and sealed by a land surveyor or engineer licensed in Florida showing the proposed location of the sign.

***** Freedstand signs are not prohibited and allowed to be build according to code*****



OFFICE OF THE CITY MANAGER

April 12, 2022

Nathan S. Pollock
Patriot Stogies
6153 Massachusetts Avenue
New Port Richey, Florida 34652

RE: Pole Sign - 6153 Massachusetts Avenue

Dear Mr. Pollock:

This letter is to reaffirm my decision relating to the existing pole sign located at the above address which I have found to be a non-conforming sign. Therefore the sign must be removed or brought in conformity with all provisions of the Sign Code within ninety (90) days of receipt of this notification or you will receive a notice of violation.

Please note that you do have the right to appeal this decision to the City Council by submitting written notice to the City Clerk within thirty (30) days of receipt of this notification. The notice shall describe the alleged error or oversight and the applicable provisions of the sign ordinance. Once a date has been solidified for consideration of the matter by the City Council you will be advised of such so that you may be present in order to represent your position. The City Council will issue a written decision within thirty (30) days following the hearing. The decision of the City Council is the final action of the city and may be appealed in court as provided in law.

Best regards,



Debbie L. Manns
City Manager

DLM/jm

cc: Dale Hall, Planning & Development Director (via electronically)
Kim Bogart, Police Chief (via electronically)
Erik Jay, Code Enforcement Supervisor (via electronically)