



Legislation Text

File #: 2018-23, **Version:** 2

MOTION TO ADOPT PROPOSED ORDINANCE NO. 2018-23 (REVISION 1) ON SECOND AND FINAL READING.

PROPOSED ORDINANCE NO. 2018-23 IS AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING TITLE XV, "LAND USAGE," CHAPTER 155, "ZONING CODE - SIGNS", OF THE CITY OF PEMBROKE PINES CODE OF ORDINANCES TO PROVIDE FOR AMENDMENTS TO PROVISIONS RELATED TO CONTENT BASED REGULATIONS IN THE CITY OF PEMBROKE PINES' SIGN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

1. In its recent ruling in the case of Reed v. Town of Gilbert, the Supreme Court clarified municipal powers as it relates to the enforcement of certain content based sign restrictions. The outcome of this case is pushing many cities across the country to reevaluate their current sign codes in order to produce regulations for signs which are more content neutral.

2. The Planning and Economic Development Department has been working with the City Attorney's office to make necessary modifications to the City's sign code to comply with this determination.

3. Staff has also identified other sections of the sign code, certain types of signs were silent in the code and required specifications.

4. The Planning and Zoning Board was presented the parameters of the City's proposed sign changes by staff at its June 21, 2018 meeting. The Board made recommendations and requested certain clarifications.

5. The Planning and Zoning Board at its August 9, 2018 meeting, after reviewing the proposed ordinance, voted to transmit the proposed Ordinance to the City Commission with a favorable recommendation.

6. The following changes are proposed to the existing sign code in order to address any potential conflicts with the Court's decision:

- ☐ Clarification of content neutral regulations and removal of language that is content driven.
- ☐ Political, directional signs, information signs, and community service signs will now be categorized as non-commercial signs.

- ☐ New business “coming soon” and “grand opening” banners will now be categorized as announcement banners.

7. Staff is also proposing the following other changes to strengthen the existing sign code:

Addition of the following sections: General standards, parking identification signs, real estate sale and real estate leasing signs, construction signs, and signs on right-of-way and public property.

- ☐ Addition and cleanup of definitions.
 - Addition of the following definitions: advertising sign, announcement banner, balloon sign, billboard sign, directional sign, identification sign, non-illuminated sign, and parking identification sign.
- ☐ Removal of the following definitions: community service sign, noncommercial direction sign or information sign, political sign, revitalization signs.
- ☐ Removal of the following sections: Industrial zoning districts and revitalization signs.
- ☐ Modified regulations for location of information on ground box signs.
- ☐ The term “shall” has been changed to “may” for existing commercial monument sign regulations.

8. Revision 1 of this ordinance includes the following general changes from the original ordinance:

- ☐ Addition of a formal definition for non-commercial signs.
 - A sign which contains no message, statement, or expression related to commercial interests. Noncommercial signs include, but are not limited to, signs expressing political views, religious views, or information about and/or announcements of non-profit organizations related to their tax-exempt status.
- ☐ Addition and regulatory language for temporary non-commercial signs on non-residential properties
 - One non-commercial sign permitted per street frontage on non-residential properties.
 - Each non-commercial sign no larger than 16 square feet in area and 7.5 feet in height.
 - Non-commercial signs shall be non-illuminated.
- ☐ Allowance for temporary non-commercial signs in all districts to be displayed for no longer than 90 days within a calendar year.
- ☐ Adjusted real estate sign area from 2 square feet to 3 square feet for residential properties, consistent with current Code allowances.
- ☐ Real estate signs and leasing banners to be removed at latest 3 days after sale of property or signing of a lease.
- ☐ Minor spelling and formatting errors were corrected within the Ordinance body.

9. Administration recommends City Commission adopt proposed Ordinance No. 2018-23 on second

and final reading.

FINANCIAL IMPACT DETAIL:

- a) **Initial Cost:** None.
- b) **Amount budgeted for this item in Account No:** Not Applicable.
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5 year projection of the operational cost of the project:** Not Applicable.
- e) **Detail of additional staff requirements:** Not Applicable.