

ORDINANCE NO. C-24-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 25-24 – TEMPORARY SIGNS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, CODIFICATION AND CORRECTION OF SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale has an interest in protecting the health, safety and welfare of the public through ensuring traffic safety and protecting the beauty and aesthetics of the City; and

WHEREAS, the City Commission of the City of Fort Lauderdale, (“City Commission”) found that the interest in protecting the health, safety and welfare of the public through ensuring traffic safety and protecting the beauty and aesthetics of the City is furthered by limiting the proliferation of signs and the time, place and manner of their use and adopted reasonable sign regulations in furtherance of that interest; and

WHEREAS, the City of Fort Lauderdale’s sign regulations limit all signs to on-premises signs; and

WHEREAS, the City Commission recognizes an interest in the furtherance of public welfare through allowing the public greater opportunity for the dissemination of information, temporary in nature, that relates to a specific location, event, or occurrence, however, finds that the number of temporary signs tends to increase substantially during the period of time preceding certain events or occurrences; and

WHEREAS, it is in the public interest to impose reasonable time, place, and matter regulation on temporary signs during such periods of time; and

WHEREAS, in 2015, the United States Supreme Court in its decision *Reed vs. Town of Gilbert*, 135 S.Ct. 2218, (2015), held that the Town of Gilbert’s regulation of temporary signs was a content-based law that regulated on the basis of the topic of the temporary sign as it provided different regulations for categories such as political, ideological, and temporary events; and

WHEREAS, the Court states that “...the presence of certain signs may be essential, both for vehicles and pedestrians, to guide traffic or to identify hazards and ensure safety. A sign ordinance narrowly tailored to the challenges of protecting the safety of

pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses —well might survive strict scrutiny.” *Reed* at 2232; and

WHEREAS, On March 6, 2018, the City Commission adopted Ordinance No. C-18-05, to conform the City’s sign regulation to the holdings of the United States Supreme Court in *Reed* case; and

WHEREAS, Ordinance No. C-18-05 created Section 25-24 entitled “Temporary Signs” to regulate signs not permanently affixed or installed, which display a message of a temporary in nature and relates to a specific location, event, or occurrence and created four classifications of temporary signs; and

WHEREAS, in 2022, the Court clarified its holding in *Reed* in the *City of Austin, Texas v. Reagan National Advertising of Austin, LLC*, 142 S.Ct. 1464 (2022) case holding that the classification of a sign on the basis of function or purpose, such as distinguishing between on/off-premises signs, is not always content-based and can be facially content-neutral. See *Austin* at 1474; and

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, desires to amend the City of Fort Lauderdale’s Code of Ordinances by amending Section 25-24 – Temporary signs; and

WHEREAS, notice was provided to the public that this ordinance would be considered at the City Commission meeting to be held on Tuesday, February 20, 2024, at 6:00 o’clock P.M., or as soon thereafter as possible, at the Broward Center for the Performing Arts, Abdo New River Room, 201 S.W. 5th Avenue, Fort Lauderdale, Florida, and Tuesday, March 5, 2024, at 6:00 o’clock P.M. at the Horvitz Auditorium at the NSU Art Museum, 1 E Las Olas Boulevard, Fort Lauderdale, Florida;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 25-24 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended as follows:

Sec. 25-24. - Temporary Signs.

- (a) Temporary signs are signs not permanently affixed or installed, which display a message that is temporary in nature and relates to a specific location, event, or occurrence. This section is intended to provide reasonable, content-neutral regulation of time, place, and matter specific to the display of temporary signs, which requires an examination of the sign content only in service of drawing neutral distinctions consistent with the holding of the United States Supreme Court in the case of *City of Austin, Texas v. Reagan National Advertising of Austin, LLC, et al.* 142 S.Ct. 1464, (2022). This section differentiates among the types of temporary signs in order address the different needs of this type of sign- based on the time period during which the sign is displayed and its location. The quantity of temporary signs displayed vary in relation to the type of event or occurrence associated with the sign, with the time periods proceeding certain events or occurrences resulting in an increase number of temporary signs displayed in the City. Temporary signs include temporary real estate signs, temporary election-related event signs, temporary off-premise directional signs, and temporary builder signs. Temporary signs do not require a permit or permit fee.
- (b) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Temporary builder sign: A sign used solely for the purpose of information which is displayed temporarily on a property during a period of time in which active city-permitted construction or improvements are being made on the property where the sign is placed. Such signs are used solely for the purpose of information concerning activity affecting the real property where the sign is placed, which activity typically is the active construction or improvements on the property ~~where the sign is placed.~~

Temporary election-related event sign: A sign displayed temporarily in advance of relating to any political election is scheduled to be held. Such signs are typically associated with the dissemination of information concerning a scheduled election including ~~This includes~~, but is not limited to, ~~signs~~ advertising candidates, referendums, or any campaign information.

Temporary ~~off-premise~~ off-premises directional signs: A sign used solely for the purposes of directing traffic and to provide information of an event, location, or area.

Temporary real estate sign: A sign used for the purpose of temporarily displaying information during the period of time in which the property is being offered for sale, rent or lease. Such signs are used solely for the purpose of information concerning activity affecting the real property where the sign is placed, which activity is typically associated with the offering of the property for sale, rent or lease.

1. Temporary real estate signs.

- a. In residentially zoned districts, except in RO, ROA and ROC, the size of each real estate sign shall be limited to an area of not more than four hundred eighty (480) square inches per side, and may permit lettering on both front and rear. In all other districts, such signs shall be limited to an area of not more than sixteen (16) square feet. No more than two (2) accessory signs may be placed on a temporary real estate sign and their area shall be included within the four hundred eighty (480) square inches allowed. Signs shall not exceed a height of three (3) feet above ground level to the top of the sign.
- b. In all zoning districts, not more than one (1) temporary real estate sign for each street front may be allowed on a property, and such temporary real estate sign shall relate only to the premises on which it is erected. The word "property" may include one (1) or more lots, part of a lot or parts of lots which together constitute the extent of the property being offered for sale, rent or lease.
- c. In all business zoning districts in the city, temporary real estate signs will be allowed with a maximum of sixteen (16) feet in area.
- d. A temporary real estate sign shall be removed within ten (10) days of the sale, rental or lease of the premise for which the sign was installed.

2. Off-premise directional signs.

- a. The intent of off-premise directional signs is to direct interested parties to events, locations, or areas. Off-premise directional signs shall solely be for the purposes of directing traffic and to provide information of an event, location, or area. In all residential zoning districts in the city, no off-premise directional sign will be allowed except those erected by the property owner, the property owner's agent, or a member of the board of directors of a registered civic association.

- b. An off-premise directional sign shall neither exceed four hundred eighty (480) square inches in area nor be erected to exceed a height of three (3) feet above ground level to the top of the sign. Lettering is permitted on both sides of the sign for directional purposes.
- c. Off-premise directional signs shall be limited to the maximum number of signs needed to adequately direct interested parties to the location of the event, location or area, but shall be limited to no more than five (5) signs, staked to the ground.
- d. Off-premise directional signs will be allowed for a period not to exceed twenty-four (24) hours before and after the event to which it is related.
- e. Off premise directional signs may be located within the swale area of the right-of-way and with the written permission of the adjacent property owner. In no case shall signs be located within the vehicular travel lanes or on the sidewalk.
- f. In addition to any penalty for violation of the foregoing provisions regulating off-premise directional signs, any such sign which does not comply with these provisions will be removed by the city and will not be returned to the owner until a retrieval fee of five dollars (\$5.00) per sign is paid.

3. Temporary Election-Related Signs.

- a. A temporary election-related sign may be displayed for sixty (60) days prior to an election as defined in The Florida Election Code, Chapters 97-106, Florida Statutes (2023). ~~election-related event~~. All temporary election-related signs shall be removed from property within thirty (30) days after the election to which the signs are directed.
- b. All temporary election-related signs shall be erected or placed only upon private property with the permission of the property owner.
- c. Each candidate for municipal office shall make a good faith effort to remove all of her or his temporary signs within thirty (30) days after withdrawal of her or his candidacy, having been eliminated as a candidate, or being elected to office, whichever occurs first.

- d. Temporary Election-related signs placed upon public or private property without the consent of the property owner may be removed by the city and a fee may be charged to the owner of the sign for the cost of such removal.
 - e. The provisions of the ULDR governing display of signage on motor vehicles shall not apply to election-related signs placed on motor vehicles.
 - f. Temporary election-related signs shall not exceed four hundred eighty (480) square inches in residential districts except in RO, ROA and ROC. In all other districts, temporary election-related signs shall not exceed sixteen (16) square feet in area. Signs shall not exceed a height of three (3) feet above ground level to the top of the sign.
 - g. Lettering is permitted on both sides of the sign.
4. Temporary Builder signs. Builder signs will be allowed anywhere in the city, subject to the following restrictions and conditions:
- a. In all residentially zoned districts, except RO, ROA and ROC, such signs shall not exceed four hundred eighty (480) square inches in area, where the building plot abuts only one (1) street and not more than two (2) such signs facing on different streets, except where a sign is installed on a tool house, and then the total area of such sign shall not exceed sixteen (16) square feet. No other temporary builder sign shall be allowed on the plot.
 - b. In RO, ROA and ROC zones such signs shall not exceed sixteen (16) square feet in area, where the building plot abuts only one (1) street and not more than two (2) of such signs facing on different streets are allowed.
 - c. In commercial and general aviation zoning districts such signs shall not exceed six (6) feet by ten (10) feet, where the building plot abuts only one (1) street, and not more than two (2) of such signs facing on different streets are allowed.
 - d. Such signs may not be erected more than ninety (90) days prior to the beginning of actual construction of the project and must be removed within 30 days of when construction is completed, Renewal permits may be granted upon application for additional ninety (90) day periods.

- e. No permit may be issued to re-erect a temporary builder sign until the building permit has been reissued or a new building permit secured.

SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That, at the direction of the City Attorney, the publisher of the Code of Ordinances of the City of Fort Lauderdale, Florida, is authorized to conform chapter, article, section, subsection, and clause numbers and letters, and capitalization, set forth in this Ordinance, to the numbering, lettering, and capitalization structure established in the Code of Ordinances of the City of Fort Lauderdale, Florida, and to correct non-substantive scrivener's errors in the codification of this Ordinance.

SECTION 4. CODIFICATION AND SCRIVENER'S ERRORS. The City intends that this Ordinance will be made part of the Code of Ordinance; that sections of this Ordinance can be re-numbered or re-lettered to accomplish codification and, regardless of whether this Ordinance is ever codified, the Ordinance can be re-numbered or re-lettered, and typographical errors that do not affect the intent can be corrected with the authorization of the City Manager, or his designee, without the need for a public hearing.

SECTION 5. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 7. That this Ordinance shall be in full force and effect ten (10) days from the date of final passage.

PASSED FIRST READING this ____ day of _____, 2024.

PASSED SECOND READING this ____ day of _____, 2024.

Mayor
DEAN J. TRANTALIS

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ATTEST:

City Clerk
DAVID R. SOLOMAN

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

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Exhibit 1
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