



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#18-0212

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: February 20, 2018

TITLE: Ordinance Amending Unified Land Development Regulations (ULDR) for
Sign Requirements to Address Content Neutrality - Case T17006

Recommendation

It is recommended that the City Commission adopt an ordinance amending the City of Fort Lauderdale, Unified Land Development Regulations (ULDR) for sign requirements to address content neutrality.

Background

On June 18, 2015, the Supreme Court ruled in Reed's favor in Reed vs. Town of Gilbert which required signs to address content neutrality. In an effort to remove any content based sign regulations from the ULDR, staff is amending the current ordinance to address content neutrality. The proposed zoning amendment is intended to regulate on-premise business signs and to allow reasonable advertising area to business establishments. It is meant to eliminate conspicuous excesses in urban advertising but not to destroy the right to advertise.

These amendments were originally presented to the Planning and Zoning Board (PZB) on September 18, 2017 and were recommended for approval (7-1) to the City Commission with additional suggestions for temporary signs regarding additional content neutrality language for temporary signs for political related events, increasing the time frame of how long a temporary sign is allowed for political related events and possibly increasing the amount of off-premise directional signs allowed. The staff report and minutes from the September 18, 2017 meeting are attached as Exhibit 1 and Exhibit 2, respectively.

Subsequent to the September 18th PZB meeting, it was determined that other sections of the code that regulate signage were inadvertently left out of the original changes in regards to addressing content neutrality.

To correct this oversight staff amended the additional sections of the ULDR and brought the item back to the PZB for consideration at the December 20, 2018 meeting. Since staff brought the sign ordinance back to the PZB to rectify the oversight, staff took the opportunity to address those items recommended by PZB at the September 18, 2017 meeting. These included ensuring that temporary signs are not content based by removing language about any specific event. Staff has since created a definition for temporary signs and compiled all

the different types of temporary signs (real estate sign, off-premise directional sign, election related event sign and builder sign) under one section. Off-premise directional signs are 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 and located adjacent or abutting to no more than five (5) parcels for a 24-hour period. Staff increased how long a temporary election related sign can be displayed prior to an election related event from thirty (30) days to sixty (60) days. Staff has also relocated the temporary signs section to Section 25-24, Temporary Signs of the Code of Ordinances since temporary signs do not require a permit. Lastly, staff increased the amount to points of purchase on a sign no more than two (2) to no more than four (4). The PZB voted to recommend approval 5-0 to the City Commission. The PZB staff report and draft minutes are attached as Exhibits 3 and 4, respectively.

The following is a summary of the proposed ULDR amendments for Section 47-22 – Sign Requirements:

- Add and define criteria for outparcel signs;
- Clarify on premise signs, real estate signs, awning, canopy, roller and umbrella sign criteria;
- Remove banner sign language and relocate said language from the ULDR to Section 25-23, Event Banner Signs of the Code of Ordinances;
- Modifying point of purchase sign criteria to permit additional points of purchase on permitted signs limited to 4;
- Modify criteria for shopping center or strip store signs to vary in size when located on a single free-standing sign;
- Modify criteria for Residential Office District (RO), Limited Residential Office District (ROA), and Planned Residential Office District (ROC) zoning districts for temporary builders signs;
- Add language to permit temporary builders signs in Commercial and General Aviation Districts;
- Clarify location and allowable display of temporary real estate signs and associated off-premise directional signs;
- Add General Aviation Zoning Districts to Section 47-22.4, Maximum Number of Signs at One Location and Special Requirements in Zoning Districts;
- Remove the “one percent” size limitation on Signage in the Airport Industrial Park (AIP) zoning district and make it consistent with all other non-residential zoning districts;
- Establish criteria for temporary signs during municipal, state, or federal elections;
- Remove credit card sign criteria;
- Clarify exempt sign criteria to remove reference to content neutrality; and
- Remove language related to occupant signs, symbols or insignia, and government pennants.

Other sections of the ULDR affected by this amendment in regards to content neutrality language includes the following:

- Section 47-6.30.E, Design and Performance Standards for Permitted Uses;

- Section 47-14.30.d, Sign Regulations;
- Section 47-16.21, Sign Regulations;
- Section 47-18.6.C, Bed and Breakfast Dwelling; and,
- Section 47-39.A.15, Signs

The scope of these amendments is to regulate the time, place and manner in which a sign is erected, posted, or displayed on private property such as the height, area, location, and other similar aspects of signs and sign structures and does not in any manner regulate the content of the written or depicted copy on any individual sign, nor does this section regulate in any manner purely graphic material as herein defined; noncommercial holiday signs and decorations; signs on products, product containers, or product dispensers; public informational and safety signs; or signs required by local, state, or federal law; window displays or building designs, exclusive of any commercial signage or other commercial communication. Sign regulations are intended to be viewed from public rights-of-way, vehicular travelways, and waterways. Any sign authorized by this ordinance shall be allowed to contain noncommercial copy in lieu of commercial or other copy.

To review the proposed ordinance in its entirety please refer to Exhibit 5.

Public Outreach

As part of the process to adopt the current proposed amendments, staff presented to the Council of Fort Lauderdale Civic Associations (CFLCA) on October 10, 2017. The general feedback received from the meeting was very positive.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Neighborhood Enhancement Cylinder of Excellence, specifically advancing:

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| Goal 6: | Be an inclusive community made up of distinct, complementary, and diverse neighborhoods. |
| Objective 1: | Evolve and update the land development code to balance neighborhood quality, character, and livability through sustainable development. |

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

Attachments

- Exhibit 1 – September 18, 2017 PZB Staff Report
- Exhibit 2 – September 18, 2017 PZB Minutes
- Exhibit 3 – December 20, 2017 PZB Staff Report
- Exhibit 4 – December 20, 2017 PZB Minutes
- Exhibit 5 – Ordinance

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