



**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
**CONFERENCE MEETING**

**#18-1127**

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

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

**DATE:** December 4, 2018

**TITLE:** Update on Sign Code Amendment to Address Content Neutrality

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The purpose of this item is to discuss with the City Commission the status of the amendment to the sign code to address content neutrality.

On June 18, 2015, the United States Supreme Court held in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), that sign regulations that target speech based on its content, are presumptively unconstitutional and may be justified only if the sign regulations pass the strict scrutiny test (narrowly tailored to serve a compelling governmental interest). The *Reed* case found that a sign code is content based on its face if it defines the categories of signs on the basis of their messages and then subjects each category to different restrictions. Specifically, in *Reed* the court determined that a sign code is content based if the restrictions applied depend entirely on the sign's communicative content. In accordance with the *Reed* decision, municipalities are required to address content neutrality in their sign codes. In an effort to remove any content based sign regulations from the Unified Land Development Regulations (ULDR), the City Commission approved an ordinance on March 6, 2018. To review the adopted ordinance, please refer to Exhibit 1.

As part of the amendment, temporary signs were permitted to be displayed in the rights-of-way (ROW) where the code originally prohibited such signs. This was a result of continued discussions with the Realtors Association and the direction at the time from the City Commission in an effort to permit open house signs directing potential buyers to specific locations. In light of the U.S. Supreme Court's ruling in *Reed*, since signage generally cannot be regulated based on content, an issue has occurred regarding where temporary signs may be permitted. These temporary signs include signs displayed for the purposes of selling real property, signs informing the public of an upcoming event, neighborhood signs for civic associations (HOAs), signs announcing services, political endorsements and any other such signs that have the potential to clutter the ROW. The regulations now permit temporary signs to be displayed for various time periods, but since there is no manner in which a clock is applied to permit the display of these signs, the

City is having a difficult time of knowing when that time period begins and ends. This has caused a challenge for the City to manage, maintain, and upkeep the ROW as signs are often left and create obstacles. As a result, sign clutter has also increased throughout the City. Examples of temporary signage can be found in Exhibit 2.

In addition, subsequent to the ordinance being passed, the sign code was further reviewed by staff and the City Attorney's Office, and it was determined that the sign code still has regulations specific to content and will require an additional amendment to fully address content neutrality. To meet the strict requirements of content neutrality, the scope of the amendments may only regulate the time, place and manner in which a sign is erected, posted, or displayed such as height, width, area, shape, illumination, length of time posted, materials, location, color, and other similar aspects of sign design and/or the sign structures and does not in any manner regulate the content of the written or depicted copy.

Staff is seeking direction from the City Commission specifically as it relates to temporary signs in the ROW as part of the amendment to address content neutrality.

### **Attachments**

Exhibit 1 – Adopted Ordinance

Exhibit 2 – ROW Sign Examples

Exhibit 3 – Sign Code Update Presentation

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