

ATTACHMENT II
Presentation



CITY COMMISSION

Signs Text Amendment

January 16, 2019

SIGNS



SIGNS TEXT AMENDMENT



File: 18-T-02

Location: City-wide

Applicant: City of Hollywood

Request: An Ordinance Of The City Of Hollywood, Florida, Amending The Zoning And Land Development Regulations By Amending Article 2 Entitled "Definitions" And By Repealing And Replacing Article 8 Entitled "Sign Regulations;" Providing For Severability, Inclusion In The Code, And For Conflicts.

TEXT AMENDMENT



CONTENT NEUTRAL SIGNAGE

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Weiss Serota Helfman Cole & Bierman, PL

Legal Background

- Signs are protected under the free speech guarantees of the First Amendment of the U.S. Constitution.
- Regulation of signs by local governments must conform to the First Amendment:
 - Cannot vary based on the content of the speech.
 - Cannot favor or punish points of view or topics.
- Content-based regulation is presumed unconstitutional and must be justified by a compelling governmental interest.

Legal Background, cont'd

- Sign regulations must be narrowly tailored to achieve the governmental purpose for the regulation (generally, traffic safety and aesthetics).
 - Cannot be overbroad, exceeding the scope of the purpose
 - Cannot be substantially under-inclusive or so full of exceptions that the purpose isn't achieved
- Regulation of commercial signs cannot be looser than those for noncommercial signs.
- Courts have been unclear on how to determine when a regulation is “content-based”. Recent US Supreme Court case addresses this issue.

Reed v. Town of Gilbert U.S. Supreme Court 2015



Reed v. Town of Gilbert, cont'd

- Temporary sign regulations allowed small event directional signs to nonprofit events in the ROW for a brief time.
- Church was cited because signs were too large, were posted for too long and did not contain directional content.
- Pastor Reed and church sued, arguing the code treated event directional signs differently than other noncommercial signs, in terms of size and duration.

Reed v. Town of Gilbert, cont'd

- Court's holding: government regulation of speech is "content-based" if a law applies to a particular speech because of the topic discussed or the idea or message expressed.
- Gilbert regulation was stricken because it was under-inclusive and not narrowly tailored enough to advance the interests of aesthetics and traffic safety.
- Majority and concurring opinions disagreed on whether concept of an event directional sign "conveys an idea about a specific event" and is therefore content-based.

Reed v. Town of Gilbert, cont'd

- Concurring opinion assures local governments that they can still regulate signs based on common key distinctions:
Off-premise vs. on-premise Commercial vs. Noncommercial
Temporary vs. permanent Zoning Districts and Land Uses
- Governmental signs on governmental property, including traffic control devices, are not affected by the First Amendment.
- Private signs are not required to be allowed on governmental property, but once you allow one sign on to ROW or other public property, you cannot say no to any other noncommercial sign, even those with polarizing political messages.

Proposed Code Changes re Legal Issues

- The ordinance changes temporary and permanent sign regulations to improve their defensibility and respond to Reed:
 - Removes regulations based on content or function (e.g., political, construction, and public service).
 - Replaces them with more generic regulations (e.g., temporary noncommercial and temporary commercial).
- Reduces the number of sign types exempted from regulation and the number of prohibited sign types.
- Revises or removes definitions for consistency with regulations and caselaw.

Proposed Code Changes, cont'd

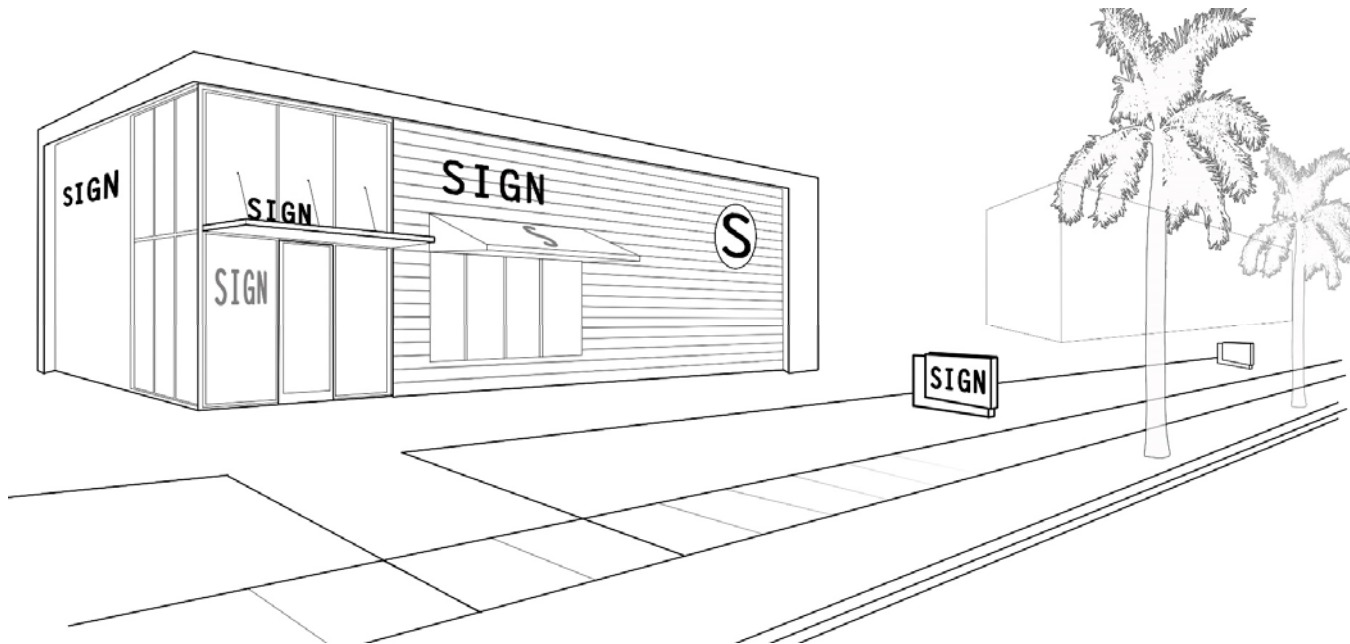


- Revised the Purpose, Intent, and Scope to better articulate the governmental interests that support the regulation of signs.
 - Reference the governing caselaw
 - Incorporate requirement for local sign regulation in Florida Statutes
 - Incorporate the Florida Constitution's protection of scenic beauty
 - Reference the Goals, Objectives and Policies of the City's Comprehensive Plan
- Staff will discuss the policy-driven changes to the sign regulations.

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Emphasize the importance of aesthetics in sign design, placement, and maintenance:

- Require that all signs be professionally produced;
- Require that all signs be maintained in good condition and appearance; and
- Establish the total number of signs permitted per establishment by considering the global composition of signs within a site.



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Define and establish regulations for new sign types and media to further encourage creativity in sign design and composition; and to accommodate industry trends and changes in technologies:



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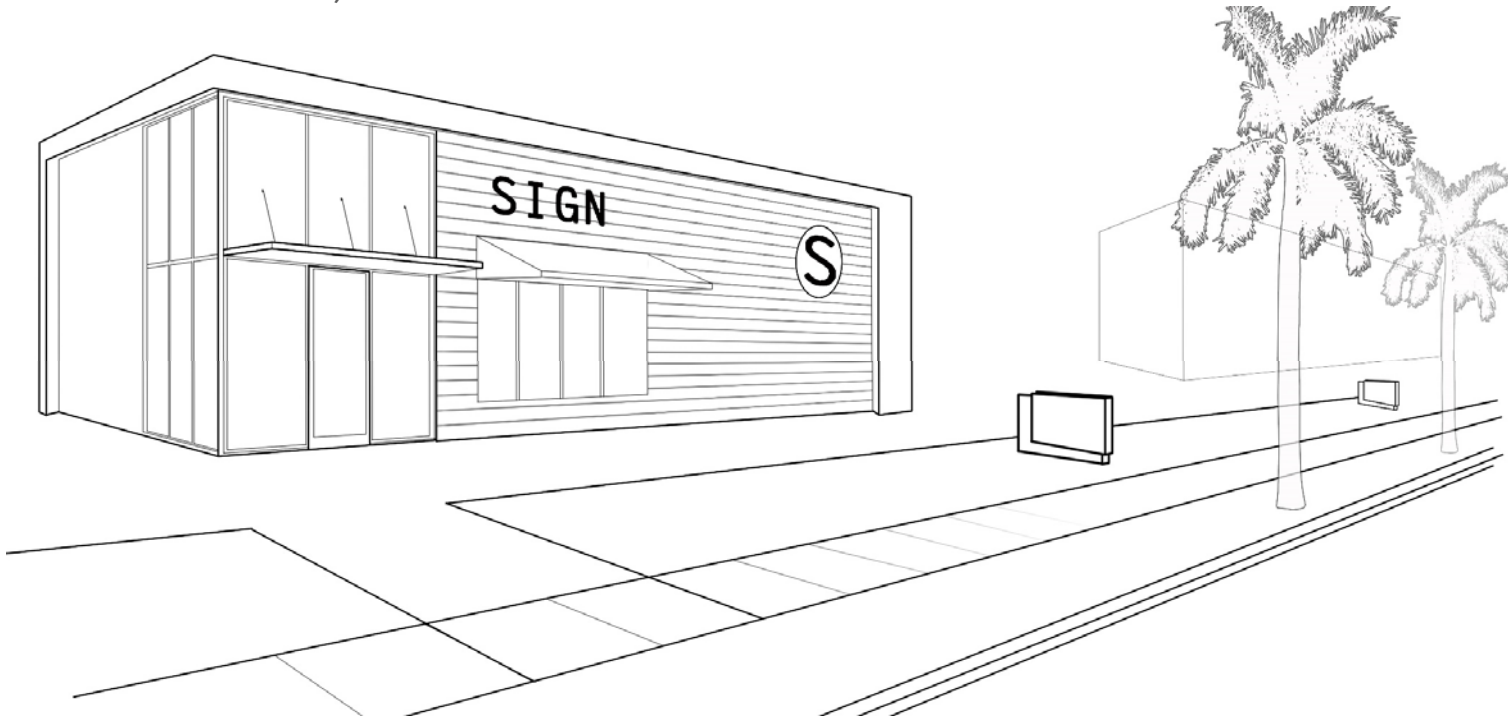
- Allow for the combination of multiple sign types (e.g. wall signs and projecting signs may be combined to create a more dynamic composition);



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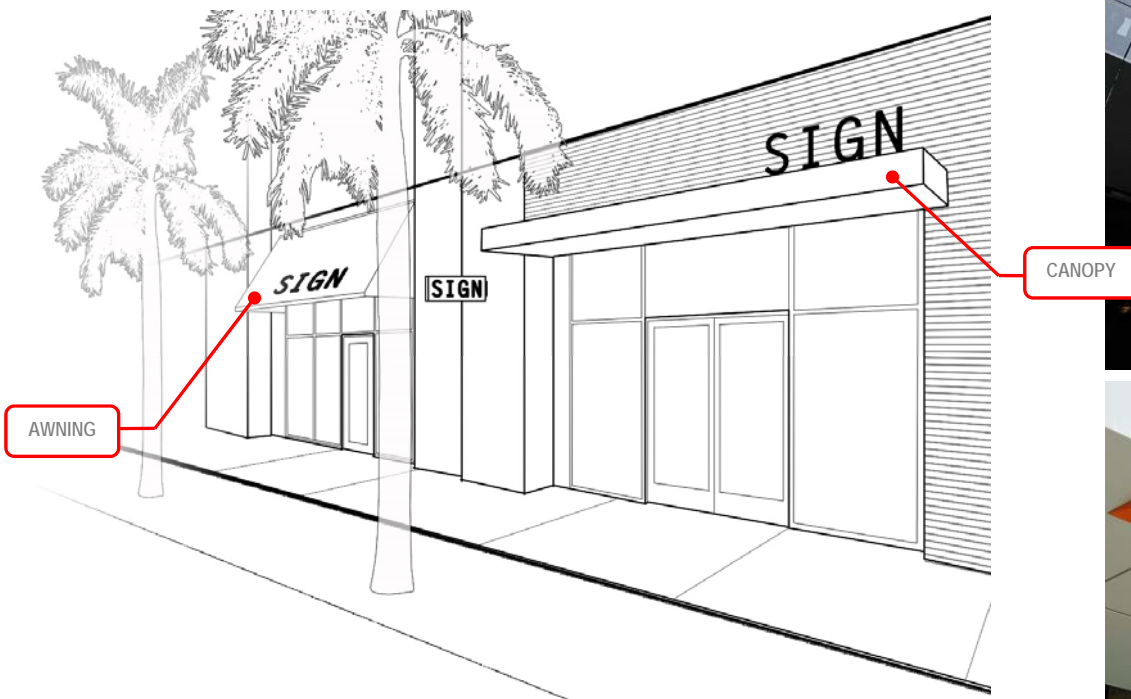
- Allow for the permitted sign area to be divided and distributed to allow for multiple signs (not increasing the allowable area);



TEXT AMENDMENT

Define and establish regulations for new sign types and media to further encourage creativity in sign design and composition; and to accommodate industry trends and changes in technologies:

- Create a distinction between awning, canopy, and projecting signs to allow for three-dimensional canopy signs; and allow the use of independent projecting signs;



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Define and establish regulations for new sign types and media to further encourage creativity in sign design and composition; and to accommodate industry trends and changes in technologies:

- Allow for signs to be conceived and constructed as an integral part of the architectural design of the building;



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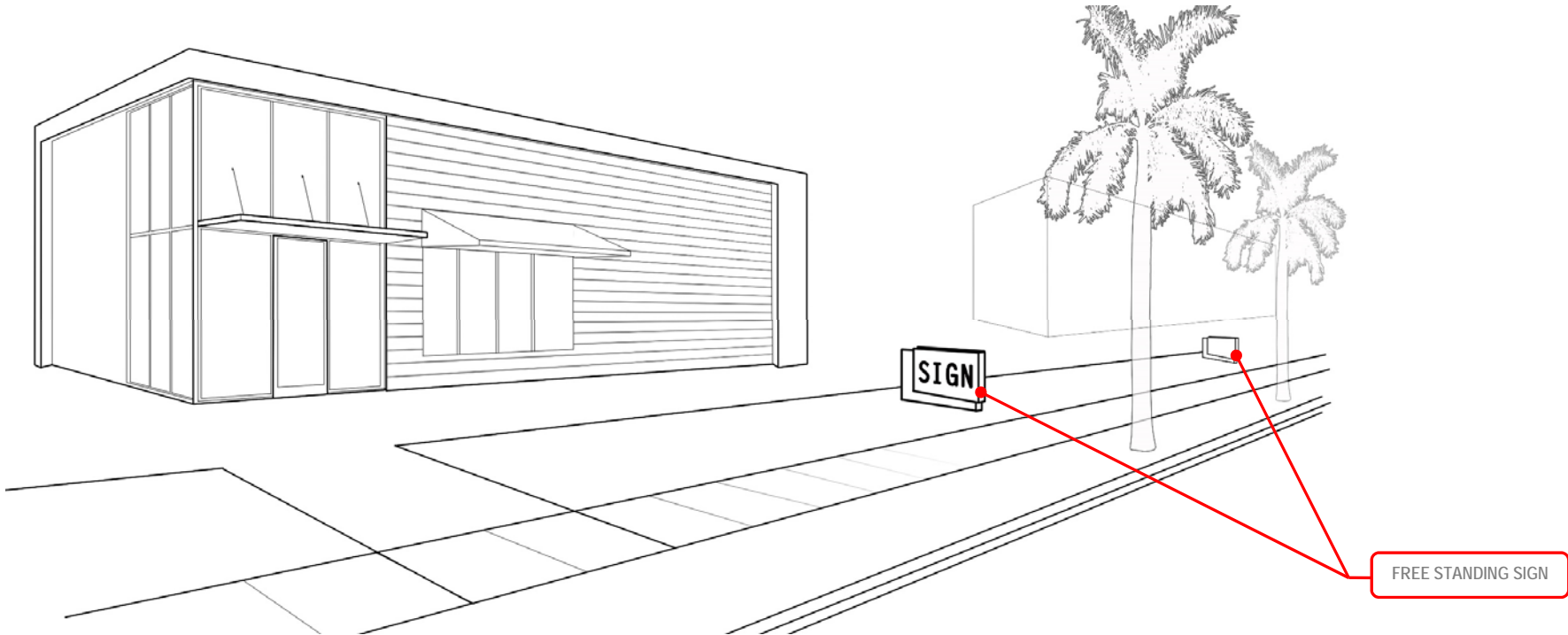
- Allow for Pole Banners for New Automotive Sale uses.



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Allow for increased flexibility in the location, configuration, and application of signs:

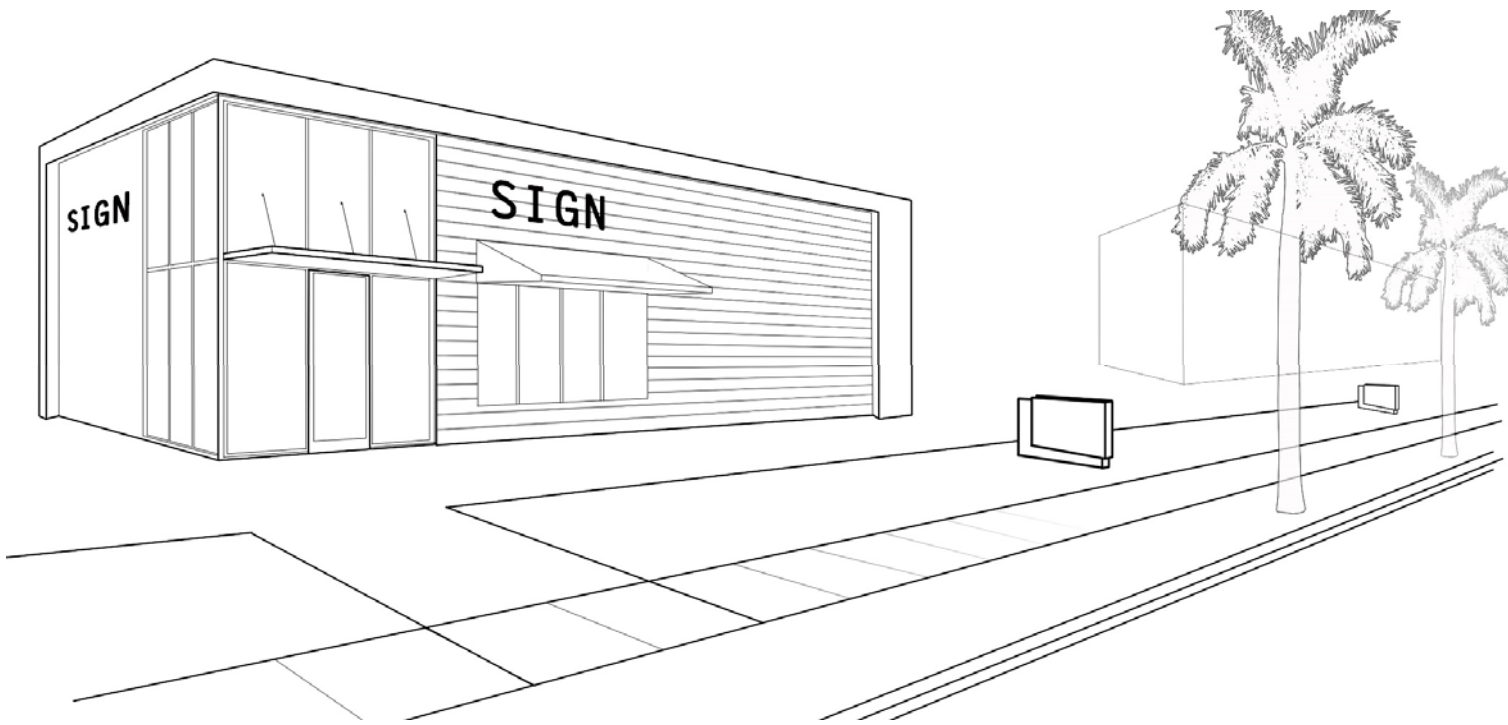
- Allow for additional free standing signs for outparcels;



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Allow for increased flexibility in the location, configuration, and application of signs:

- Allow for additional signage to be placed on facades which do not have street frontage, but are visible from the right-of-way;



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Allow for increased flexibility in the location, configuration, and application of signs:

- Allow for Directory Signs for multi-tenant buildings to be located in more prominent and visible locations;



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Allow for increased flexibility in the location, configuration, and application of signs:

- Allows for Post and Panel Signs (currently limited to the Light Intensity Office District) to be used in small lots within commercial and multiple family districts;



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Allow for increased flexibility in the location, configuration, and application of signs:

- Allow for flexibility in the application of window signage;



TEXT AMENDMENT

Allow for increased flexibility in the location, configuration, and application of signs:

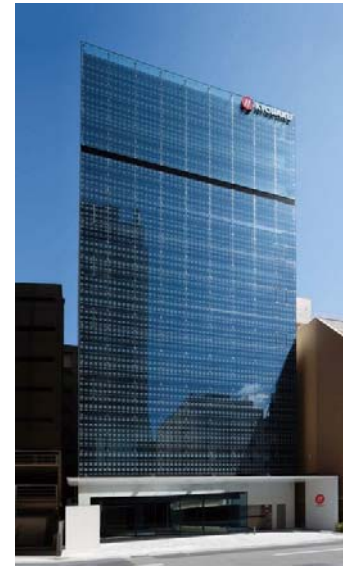
- Allow for greater flexibility in sign types for multi-family districts;



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Allow for increased flexibility in the location, configuration, and application of signs:

- Allow for larger parapet signs for high rise buildings;



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Allow for increased flexibility in the location, configuration, and application of signs:

- Establish sign types and regulations for Temporary Signs with an Active Building Permit.



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Other changes:

- Organizational and formatting changes, such as the combination of sections and the grouping of like concepts, were done to provide further clarity and ease of use.
- Eliminates redundant regulations and unnecessary definitions.
- The sign permit procedure was overhauled to more clearly separate the sign permit review from the building permit review, and to assure that the sign permit review process meets constitutional standards.

FINDINGS

The proposed text amendment is consistent with the Criteria as set forth in Zoning and Land Development Regulations, Comprehensive Plan, and City-Wide Master Plan.

RECOMMENDATION

Approval.



CITY COMMISSION

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January 16, 2019

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SIGN COPY



Pole Banners

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