

**CITY OF HOLLYWOOD, FLORIDA
DEPARTMENT OF DEVELOPMENT SERVICES
PLANNING AND URBAN DESIGN DIVISION**

DATE: October 11, 2018 **FILE:** 18-T-02

TO: Planning and Development Board/Local Planning Agency

FROM: Leslie A. Del Monte, Planning Manager

SUBJECT: The City of Hollywood requests a Text Amendment to Article 8 Signs of the Zoning and Land Development Regulations.

REQUEST:

Text Amendment to Article 8 Signs of the Zoning and Land Development Regulations.

RECOMMENDATION:

Forward a ***recommendation of approval*** to the City Commission.

BACKGROUND

The need for a text amendment to the sign regulations was triggered by a recent U.S. Supreme Court case, *Reed v. Town of Gilbert*; which strengthened the constitutional limitations on the City's ability to regulate signs. A key component of complying with this case is to ensure that the regulations are content neutral. For more background on the case, refer to Attachment A, Consultant Memo. The need for this text amendment provided Staff the opportunity to also incorporate several policy and organizational changes, as outlined below.

REQUEST

The text amendment proposes to amend Article 8 of the Zoning and Land Development Regulations, titled Signs, to ensure the content-neutrality of sign regulations, compliant with *Reed v. Town of Gilbert*; Article 2 will also be revised to update and modify the definitions applicable to Article 8. Finally, the text amendment; additionally incorporates several policy and organizational changes which have been considered or anticipated by the City for some time. Attachment A, Consultant Memo details the specifics regarding the Supreme Court case and outlines the limitations that influenced the crafting of the proposed content-neutral regulations. These are designed to meet the legal requirements, but to otherwise be policy neutral.

The purpose of the Staff's proposed policy and organizational changes is to:

- 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.
- 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 the combination of multiple sign types (e.g. wall signs and projecting signs may be combined to create a more dynamic composition);
 - Allow for the permitted sign area to be divided and distributed to allow for multiple signs (not increasing the allowable area);
 - Create a distinction between awning, canopy, and projecting signs to allow for three-dimensional canopy signs; and allow the use of independent projecting signs;
 - Allow for signs to be conceived and constructed as an integral part of the architectural design of the building; and
 - Allow for Pole Banners for New Automotive Sale uses.
- Allow for increased flexibility in the location, configuration, and application of signs:
 - Allow for additional free standing signs for outparcels;
 - Allow for additional signage to be placed on facades which do not have street frontage, but are visible from the right-of-way;
 - Allow for Directory Signs for multi-tenant buildings to be located in more prominent and visible locations;
 - 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;
 - Allow for flexibility in the application of window signage;
 - Allow for greater flexibility in sign types for multi-family districts;
 - Allow for larger parapet signs for high rise buildings; and
 - Establish sign types and regulations for Temporary Signs with an Active Building Permit.

The majority of the proposed changes in the number and configuration of signs are prompted by the desire to codify standards resulting from frequent and recurring variance approvals; by both, the Board and the City Commission. Thus, voiding the need for these variances.

Further, 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. The text amendment also proposes to eliminate 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.

SITE INFORMATION

Owner/Applicant: City of Hollywood
Address/Location: Citywide

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Within the Comprehensive Plan, the primary goal of the Land Use Element is to *promote a distribution of land uses that will enhance and improve the residential, business, resort and natural communities while allowing the land owners to maximize the use of their property*. Further, Policy 5.6 requires the simplification of the Zoning and Land Development Regulations. The proposed text amendment ensures

the content-neutrality of sign regulations, compliant with *Reed v. Town of Gilbert*; while incorporating policy and organizational changes which provide further clarity and ease of use.

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The City-Wide Master Plan is a compilation of policy priorities and recommendations designed to improve the appearance, appeal, and economic tax base of the City. It establishes a format for future direction and vision for the City. The proposed text amendment will further support the goals and objectives of the City-Wide Master Plan through improved development regulations as to what may be best for the City. The proposed text amendment is consistent with the following policies:

Policy CW.15: *Place a priority on protecting, preserving and enhancing residential neighborhoods.*

Policy CW.44: *Foster economic development through creative land use, zoning and development regulations, City services and City policies.*

Policy CW.81: *Develop and implement city-wide and neighborhood design guidelines which must be consistent with the City's Design Review Guidelines Manual.*

By emphasizing the importance of aesthetics in sign design, placement, and maintenance, the proposed regulations promote high quality design signage; which will subsequently contribute to the economic health of local areas and an overall positive image of the City.

APPLICABLE CRITERIA

Analysis of Criteria and Findings for Text Amendments as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.

CRITERIA 1: The proposed change is consistent with and in furtherance of the Goals, Objectives and Policies of the adopted Comprehensive Plan as amended from time to time.

ANALYSIS: The proposed amendment is consistent with the City's Comprehensive Plan as outlined previously in the Consistency section of this Report. The proposed text amendment allows for businesses to promote themselves, while protecting the image of the City, through content-neutral regulations.

FINDING: Consistent

CRITERIA 2: That conditions have substantially changed from the date the present zoning regulations were established.

ANALYSIS: Sign regulations typically benefit from a reevaluation from time to time; ensuring regulations are reflective of current policies and are able to adapt to or accommodate industry trends and changes in technologies. However, in addition to that and most importantly, in this case, the need for the text amendment was triggered by *Reed v. Town of Gilbert*; which strengthened the constitutional limitations on the City's ability to regulate signs.

FINDING: Consistent

ATTACHMENTS

Attachment A: Consultant Memo
Attachment B: Existing Regulations, Article 2 and Article 8
Attachment C: Proposed Regulations