



City of Hallandale Beach City Commission Agenda Cover Memo

| | | | | | | |
|--|-------------------------------|-----------|--|---|------------------|--------------|
| Meeting Date: | May 4, 2016 | | Item Type: <i>(Enter X in box)</i> | Resolution | Ordinance | Other |
| Fiscal Impact: <i>(Enter X in box)</i> | Yes | No | Ordinance Reading: <i>(Enter X in box)</i> | | X | |
| | X | | | | X | |
| | | | | Public Hearing: <i>(Enter X in box)</i> | Yes | No |
| Funding Source: | N/A | | Advertising Requirement: <i>(Enter X in box)</i> | Yes | No | |
| | | | | X | | |
| Account Balance: | N/A | | Quasi Judicial: <i>(Enter X in box)</i> | Yes | No | |
| | | | | | | X |
| Project Number : | LDC-16-00875 | | RFP/RFQ/Bid Number: | N/A | | |
| B00YAContract/P.O. Required: <i>(Enter X in box)</i> | Yes | No | Strategic Plan Priority Area: <i>(Enter X in box)</i> | | | |
| | | X | Cohesive Visual Appeal <input checked="" type="checkbox"/> Civil & Respectful Government <input checked="" type="checkbox"/> Create Local Jobs <input type="checkbox"/> Economic Development <input type="checkbox"/> Improve City Infrastructures <input type="checkbox"/> Improve Safety, Security & Comfort of Residents <input type="checkbox"/> Operational Excellence <input type="checkbox"/> Quality of Life <input type="checkbox"/> Vibrant Destination <input type="checkbox"/> | | | |
| Sponsor Name: | Daniel Rosemond, City Manager | | Department: Development Services | Keven Klopp Development Services Director | | |

| |
|---------------------|
| Short Title: |
|---------------------|

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, ZONING AND LAND DEVELOPMENT CODE; ARTICLE IV, DEVELOPMENT STANDARDS; DIVISION 17, "SIGNS"; AMENDING DEFINITIONS AND REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Background

On June 18, 2015, the United States Supreme Court decided *Reed v. Town of Gilbert, AZ et al.*, 135 S.Ct. 2218, holding that local city codes subjecting signs to different regulations (depending on whether the sign displayed an ideological message, a political message, or directed people to a church service) is a content-based restriction that did not survive strict scrutiny.

The City of Hallandale Beach Administration and City Attorney's office underwent a review of the City's sign Code regulations to ensure compliance with the requirements of the U.S. Constitution, and propose the attached sign Code Ordinance (Exhibit 1).

On March 1, 2016, the Planning and Zoning Board recommended the City Commission approve the proposed ordinance by a vote of 6-0. The Board recommended staff work with the City Attorney's office to ensure the Code includes provisions permitting freedom of speech signs. The Planning and Zoning Board staff report (Exhibit 2) and meeting minutes (Exhibit 3) are attached.

Why Action is Necessary

Pursuant to Article V, Section 5.01 of the City of Hallandale Beach Charter, a City Ordinance must be adopted by the City Commission to amend an existing Ordinance.

Current Situation

The current sign Code regulations contain definitions of signs that are content-based. Terms like political signs, real-estate signs, and murals amongst many others are currently identified by the content of the signs and, as a result, are subject to various restrictions. This violates the Supreme Court ruling. Consequently, the current sign Code must be amended to reflect the latest Supreme Court ruling to remain in compliance with requirements of the U.S. Constitution.

Analysis

The Town of Gilbert's Sign Code was challenged for the limitations set on the dimensions of various kinds of temporary signs based on the message they conveyed. Pursuant to *Reed V. Town of Gilbert*, content-based laws – those that target speech based on its communicative content – are considered presumptively unconstitutional and may be justified only if the government proves they are narrowly tailored to serve compelling state interests. In conclusion, municipalities cannot regulate noncommercial speech because of the topic discussed or the idea or message expressed on signs. However, laws regulating size and location of signs are considered content-neutral and are acceptable.

The attached Ordinance proposes the following amendments to the City's existing Sign Code:

- Establishes a definition for commercial and noncommercial signs. (The Supreme Court Ruling prohibits discrimination on noncommercial speech.)
- Establishes a definition for civic signs and use-related informational signs.

- Modifies various definitions in Division 17 to remove content-based identifiers and categorize signs by their physical attributes, such as size, material, location, etc.
- Eliminates the definitions of political sign, information sign and occupant identification sign.
- Permits temporary non-illuminated noncommercial signs in all zoning districts, allowing one sign per business establishment, residential dwelling unit or vacant property. Such signs will not require a permit, nor will a fee be charged.
- Establishes a definition for *Bonus Signs*. The Code will allow 3 additional signs, known as bonus signs, which are temporary signs erected during election periods. They are permitted in all zoning districts, and do not require a permit. Bonus signs are registered through the City Clerk's Office.
- Clarifies definition of murals to be considered noncommercial signs.
- Specifies that special event signs be subject to immediate removal, without notice, by the director for noncompliance with the sign Code.

Proposed Action:

Staff Recommendation

Staff recommends the City Commission approve the proposed ordinance and schedule second reading for May 18, 2016.

Attachment(s):

Exhibit 1 – Ordinance

Exhibit 2 – Planning and Zoning Board staff report

Exhibit 3 – Planning and Zoning Board March 1, 2016, Meeting Minutes