



Legislation Text

File #: 160485., **Version:** 5

TEXT CHANGE - AMENDING SIGN REGULATIONS IN THE LAND DEVELOPMENT CODE (B)

Ordinance No. 160485; Petition PB-16-145 TCH

An ordinance of the City of Gainesville, Florida, updating, clarifying, and reorganizing the sign regulations in the Land Development Code by amending Section 30-2.1. Definitions; amending Article IX. Signs; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance will update, clarify, and reorganize the sign regulations in the Land Development Code. Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental and fiscal development of the city. Section 163.3202, Florida Statutes, requires the city to adopt and enforce land development regulations that are consistent with and implement the Comprehensive Plan, and that are combined and compiled into a single land development code for the city (the City of Gainesville's is Chapter 30 of the Code of Ordinances). Such land development regulations shall include certain minimum provisions, including the requirement to enact specific and detailed signage regulations. The City of Gainesville has adopted signage regulations in the Land Development Code in accordance with the Florida law outlined here and out of recognition that signs may prevent a safety hazard as well as present a safety hazard by distracting motorists, pedestrians and other members of the public, and because signs affect the aesthetic qualities and economic vitality of the community.

On August 7, 2014, the City Commission adopted Ordinance No. 130157 and amended the signage regulations in the City's Land Development Code after receiving substantial input from numerous stakeholders on ways to improve the signage regulations in effect at the time. Shortly thereafter in June 2015, the Supreme Court of the United States (Reed v. Town of Gilbert, Ariz., 135 S.Ct. 2218 (2015)) applied the First Amendment protections afforded to speech that is expressed through signage and further defined the constitutional requirement that signage regulations be "content-neutral." Prior to Reed, the general practice throughout the country was that signage regulations were only content-based, and therefore subject to heightened judicial scrutiny, if the government regulated the content because of a disagreement with the message. Reed has now clarified that signage regulations are content-based if they target a specific subject matter or make any distinction based on content, regardless of a government's motive, content-neutral justification or lack of animus towards the message.

As a result of Reed, jurisdictions around the country must revise their adopted signage regulations because many commonly-held signage regulations are now at risk of being deemed content-based. Common examples of such signage regulations are any provisions specifically tailored to "real-estate signs," "contractor signs,"

"election/political signs," or other particular subject matters. The clearest examples of content-neutral regulations are those regulating the size, location, lighting, number, and form of signs. In response to Reed, City staff has determined the need to further update, clarify, and reorganize the signage regulations in the City's Land Development Code. The most significant amendments include deleting subject matter regulations, including those for "contractor signs," "real estate signs," and "special-event signs," and instead regulating signage form based on "temporary signs" and "permanent signs."

At a public hearing on February 23, 2017, the City Plan Board voted to recommend that the City Commission approve this amendment to the sign regulations in the Land Development Code.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective immediately upon adoption at second reading.