



Item No. 12.2.b

AGENDA ITEM REQUEST FORM

Development Services

Department Submitting Request

Code/Zoning Supervisor

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

- April 27, 2011
- May 24, 2011
- June 28, 2011
- July 26, 2011

- April 15 (5:00 pm)
- May 13 (5:00 pm)
- June 10 (5:00 pm)
- July 15 (5:00 pm)

- April 12, 2011
- May 10, 2011
- June 14, 2011
- July 12, 2011

- April 1 (5:00 pm)
- April 29 (5:00 pm)
- June 3 (5:00 pm)
- July 1 (5:00 pm)

*Subject to Change

- | | | | |
|---------------------------------------|---|---------------------------------------|---|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input checked="" type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

FY2011 DESIGNATED HIGH PRIORITY ITEM

SUBJECT TITLE: Second Reading – Ordinance 2011-11 – Sign Regulations

EXPLANATION: First reading of the proposed Ordinance was approved on June 28, 2011.

B-cycle has indicated that sponsorship signage is financially necessary in order for them to install kiosks in Town. Our code does not allow the proposed signage.

The proposed amendments to the sign code would allow the types of signage B-cycle seeks for informational and multi-modal transportation facility signs.

PLANNING AND ZONING BOARD: The P&Z Board recommended approval of the proposed revisions at its June 15, 2011 meeting.

RECOMMENDATION: Approval of the proposed ordinance on second reading.

EXHIBIT: Ordinance 2011-11

Reviewed by Town Attorney
 Yes No

Town Manager Initials CA

ORDINANCE 2011-11

1 **AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-**
2 **THE-SEA, AMENDING CHAPTER 30, UNIFIED LAND**
3 **DEVELOPMENT REGULATIONS, ARTICLE VIII. SIGN**
4 **REGULATIONS, TO PROVIDE DEFINITIONS AND**
5 **REGULATIONS RELATED TO INFORMATIONAL**
6 **SIGNAGE AND MULTIMODAL TRANSPORTATION**
7 **FACILITY SIGNAGE; PROVIDING FOR CODIFICATION;**
8 **PROVIDING FOR SEVERABILITY; PROVIDING FOR**
9 **CONFLICTS; AND PROVIDING AN EFFECTIVE DATE**

10
11 **WHEREAS,** the Town Commission finds and determines that the Town's land
12 development regulations are required to regulate signs as provided by Section 163.3202(2)(f),
13 Florida Statutes; and

14 **WHEREAS,** the Town Commission of the Town of Lauderdale-By-The-Sea does not wish
15 to censor speech, but rather to provide for the public welfare by regulating signage in the Town in
16 a manner that enhances the aesthetics of the community, reduces visual pollution, provides clear
17 information and minimizes distractions to drivers in the interests of traffic safety; and

18 **WHEREAS,** sign regulation to advance the governmental purpose of aesthetics has long
19 been upheld by the state and federal courts; and

20 **WHEREAS,** as long ago as 1954, the U.S. Supreme Court recognized that "the concept of
21 the public welfare is broad and inclusive," that the values it represents are "spiritual as well as
22 physical, aesthetic as well as monetary," and that it is within the power of the Town Commission to
23 determine that the community should be beautiful as well as healthy, spacious as well as clean,
24 well-balanced as well as carefully patrolled," in *Berman v. Parker*, 348 U.S. 26, 33 (1954), which
25 was followed by *State v. Miami Beach Redevelopment Agency*, 392 So. 2d 875 (Fla. 1980); and

26 **WHEREAS,** sign regulations have been held to advance these aesthetic purposes and
27 advance the public welfare in *City of Lake Wales v. Lamar Advertising Ass'n of Lakeland, Florida*,
28 414 So. 2d 1030 (Fla. 1982); and

ORDINANCE 2011-

29 **WHEREAS**, in *Clear Channel Outdoor, Inc. v. City of New York*, 594 F.3d 94, 110 (2d Cir.
30 2010), the United States Court of Appeals for the Second Circuit upheld the City of New York's
31 sign regulations, which prohibited billboards and other offsite commercial advertising while
32 exempting City-sponsored arterial advertising signs on transit authority property, holding that the
33 City's ordinance advanced the legitimate governmental goal of protecting safety and aesthetics
34 (stating that "[t]he City may legitimately allow limited and controlled advertising on street furniture,
35 while also reducing clutter on City sidewalks . . . [a]llowing some signs does not constitutionally
36 require the City to allow all similar signs"; and

37 **WHEREAS**, the Town Commission finds and determines that this Ordinance is consistent
38 with all applicable policies of the Town's adopted Comprehensive Plan; and

39 **WHEREAS**, on November 9, 2010, a Notice of Intent was issued providing for a
40 comprehensive review of the Sign Regulations, pursuant to Section 30-531 of the Code; and

41 **WHEREAS**, On April 27, 2011, the Notice of Intent was revised, pursuant to Section 30-
42 531, to extend the dates of adoption; and

43 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
44 reviewed this Ordinance on June 15, 2011 and recommended its adoption; and

45 **WHEREAS**, the Town Commission conducted a first and second reading of this Ordinance
46 at duly noticed public hearings, as required by law, and after having received input from and
47 participation by interested members of the public and staff, the Town Commission has determined
48 that this Ordinance is consistent with the Town's Comprehensive Plan and in the best interest of the
49 Town, its residents, and its visitors.

50 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
51 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:**
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ORDINANCE 2011-

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- (7) Private signs of any type placed upon Town property or upon public right-of-way unrelated to a licensed use of the right of way;
- (8) Signs placed upon benches, trash receptacles or newsracks;

* * * *

Sec. 30-507. - Definitions and restrictions by sign type.

* * * *

Informational, directional or traffic control sign:

- a. A noncommercial sign erected and maintained by the Town, County or State, or any agency thereof, or specifically provided for a facility licensed with the Town, to denote the name of any thoroughfare, route directions, educational institution, public building, park, recreational facility or hospital; to provide multi-modal transportation facility ownership and operational directions; to direct and regulate traffic; to denote any transportation or transmission company for the direction or safety of the public; or to provide any other governmental information.
- b. A noncommercial sign located on and relating to an activity on the premises upon which the sign is located, providing information to pedestrian and vehicular traffic, e.g., “entrance,” “exit,” “caution” and “no trespassing.”
- c. A noncommercial sign within a development, or at the entrances thereto, showing the name(s) and directions to the locations of the subdivisions comprising the development, a sales office, etc.

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Multi-modal transportation facility: A facility approved through license by the Town, used for the storage of vehicles which are utilized in a Town-wide rental and sharing system for such vehicles.

Multi-modal transportation information sign: A sign, specifically provided for as part of a license with the Town for a designated multi-modal transportation facility, which is attached to said facility for the purpose of providing maps, directional and instructional information, and identifying the owner or manufacturer of the facility, for users of the system. Said signs shall not be illuminated or include any flashing, moving, digital, video display or electronic changeable copy features. A single informational sign not to exceed 30” by 30”, per facility, may identify sponsors of the facility and program on the opposite side of the information sign. In addition, each pay station may contain up to four signs to identify facility sponsors, one per pay station side, not to exceed one (1) sq. ft. All sign faces shall be oriented towards users of the multi-modal transportation facility and not toward the motorized vehicle traffic.

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ORDINANCE 2011-

138 **SECTION 3. Codification.** This Ordinance shall be codified in accordance with the
139 foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall
140 become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the
141 sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be
142 changed to "section", "article" or such other appropriate word or phrase in order to accomplish such
143 intentions.

144 **SECTION 4. Severability.** If any section, sentence, clause, or phrase of this Ordinance is
145 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
146 in no way affect the validity of the remaining portions of this Ordinance.

147 **SECTION 5. Conflicting Ordinances.** All prior ordinances or resolutions or parts
148 thereof in conflict herewith are hereby repealed to the extent of such conflict.

149 **SECTION 6. Effective Date.** This Ordinance shall become effective immediately
150 upon passage on second reading.

151 Passed on the first reading, this ____ day of _____, 2011.

152 Passed on the second reading, this ____ day of _____, 2011.

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Mayor Roseann Minnet

	First Reading	Second Reading
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158 Mayor Minnet	_____	_____
159 Vice-Mayor Dodd	_____	_____
160 Commissioner Clotey	_____	_____
161 Commissioner Sasser	_____	_____
162 Commissioner Vincent	_____	_____
163		

164 Attest:
165 _____

