



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MINUTES OF THE PLANNING BOARD

June 26, 2018

MEMBERS PRESENT: Chairman Paul Ritz, Nathan Monk, Kurt Larson, Jared Moore, Danny Grundhoefer, Victor Jordan

MEMBERS ABSENT: Nina Campbell

STAFF PRESENT: Brandi Deese, Assistant Planning Services Administrator, Leslie Statler, Planner, Steve Richards, Code Enforcement, William Weeks, Building Official

OTHERS PRESENT: Don Kraher, Council Executive, Diane Mack, Derek Cosson, Drew Buchanan

AGENDA:

- Call to Order
- Discussion of Amendment to Land Development Code Section 12-4-6 – Temporary Signs
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:03 pm with a quorum present.

Discussion of Amendment to Land Development Code Section 12-4-6 – Temporary Signs

Chairman Ritz explained to the audience that no decision making would occur at this meeting, but the Board would ask for input from the public on temporary signs. He indicated because of the political season, he had seen an explosion of signage for rallies and meetings, with some being cleared out afterwards. He then asked for audience input.

Ms. Mack provided the Board with some suggestions and was mostly concerned with what would be most enforceable, thinking of the needs of the political candidates and realtors as well. She argued against attached signs since aesthetics matter in the city and did not think we needed signs plastered on walls, fences, lampposts, or any permanent fixture. In the case of downtown Pensacola, she advised using a plastic planter with the political signage. Chairman Ritz pointed out her building was up to the sidewalk, and suggested someone on the second floor would use the window which might be less effective. Ms. Mack advised that was a decision the Board would need to make on how cluttered they wanted the city to be. Regarding specificity for the sign size, she suggested using something where Code Enforcement could see at a glance for enforcement without having to measure. Regarding real estate for sale signs needing more than the maximum length of time, perhaps they could be issued a permit for a definite period of time. She also suggested that whatever the City decided should coordinate with HOA covenants. Regarding banners, the Board could specify locations for a permitted banner for a specified time.

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Chairman Ritz pointed out if he was a politician, he might want the larger 4x4 signs which are more noticeable.

Mr. Monk stated he had made a records request, but had not received the information. He pointed out there were several large political races going on which would make changes to the community. He advised the City had a robust ordinance which gave very specific and finite rules for Code Enforcement to execute, and now this version is essentially a strike-thru. Location becomes an ambiguous situation with different zoning districts and scenarios. If approved, he understood it to mean any politician who had the funds to do so could install signage in all sorts of places where they were previously not allowed. He understood the Supreme Court ruling and the necessity to comply with it, but there had been other Supreme Court rulings that we have not been so quick to follow through with. He wanted compliance and for Code Enforcement to be able to execute what they need to, but the timing of revising the ordinance within a political season concerned him.

Mr. Grundhoefer disagreed because he believed the goal was to get rid of the content and make it content neutral and did not feel it had any impact on the political scene. He felt the city would benefit because it would be getting more restrictive with where the signs could be placed; politicians could no longer place their signs in the right-of-way which would contribute to the beauty of the city. Mr. Monk asked who could be fined, and Chairman Ritz asked if the ordinance was approved by Council, what the enforcement process would be. Mr. Richards advised they tried to be proactive – if they saw it, they would enforce it. If it was in the right-of-way where the property owner had not given permission, they would contact the property owner. If it was in the yard and oversized or not on the proper signpost, they would contact the property owner since they gave permission. He stated the present ordinance gives permission to collect signs and dispose of them. Chairman Ritz appreciated that the revisions neutralized the message content and removed signage from the right-of-ways, and he was more inclined to do something like this for the aesthetic benefit. Mr. Monk felt the discussion was brought about by political signage, and Mr. Grundhoefer was looking at it from a broad sense that the city was trying to clean up the clutter on the right-of-ways.

Chairman Ritz agreed that it was the visually cluttered signage for various purposes that was undesirable. He pointed out it would be interesting when a body of elected officials had to decide this issue since they were the ones who were those politicians who might live and die by being able to place political signs as they saw fit. He referenced Ms. Mack's suggestion regarding permits. Mr. Larson pointed out the slow down reminder signage for speed control in various neighborhoods. Mr. Richards explained his division removed garage sale signs from right-of-ways since the signage should be placed on the property of the garage sale. Mr. Grundhoefer suggested that getting the permission of the neighbor for a garage sale should also apply to real estate or political signage. Chairman Ritz agreed working with the neighborhood was a good thing. Mr. Monk felt this would only hurt small politicians, small businesses and minorities; persons with resources and power would continue to do what they do.

Mr. Jordan asked if the Board made a change in the ordinance, what impact would it have on Code Enforcement. Mr. Richards advised he currently had three field officers who enforce the LDC, illegal dumping, and abandoned cars. He stated a change in the ordinance would make them busy at first regarding right-of-ways, but they would place that as a priority. He explained they would distribute the new ordinance and educate first before issuing fines. Regarding sign spinners, Chairman Ritz explained in looking at the text, temporary signage cannot be attached to a building. Mr. Monk addressed religious groups standing in the right-of-ways with their signage expressing their opinions. Mr. Grundhoefer suggested this ordinance would not prohibit that and perhaps it should read "temporary signs are attached signs." If someone carried a sign, it would not be attached; perhaps banners and flags, etc., should be listed in the language.

Mr. Monk suggested the ability to express one's written opinion or who they support religiously, politically or in business is a fundamental constitutional right, and he did not feel right about just striking the language and was nervous about the why and how.

Mr. Grundhoefer stated Escambia County included language describing what an air-activated sign was, but he did not know if the ordinance needed to go into that much detail, but it could identify those as included in the temporary signs. However, he still did not want signage in the right-of-way. Chairman Ritz agreed if the signage was on private or a business property, this would be acceptable. Mr. Monk brought up someone selling goods in the right-of-ways and that this change was being brought forward for political reasons and who would actually benefit from the political signs instead of looking at all those who would be hurt as a result. He felt the Board needed time to walk through this and take the time to look at the new yoga shop, the taco stands and small businesses and remember that the city had encouraged new businesses, but now it would not be letting them advertise. He was thinking of businesses on 12th Avenue where they were trying to build up to the next Seville Square type foot traffic.

Chairman Ritz asked if there was a staff timeline on moving this item forward. Ms. Deese stated it had been considered and would not be on the July meeting agenda due to notification requirements. It would be placed on the August Planning Board agenda at the very earliest. Chairman Ritz pointed out the present timeline would not impact the current election season. Ms. Deese advised another consideration would be the 45-day rule in the LDC which applies to Planning Board, and even though the Board was not making a decision today, it should specify its intentions. Chairman Ritz was thankful for Ms. Mack and wanted to get more input from others especially in the workshop sessions which could offer other suggestions in support or opposition. He emphasized the changes would move the current clutter from the right-of-ways and force people to find a place on private property for their signage.

Mr. Jordan asked if the City Attorney had given a date for this adjustment, and Ms. Deese indicated she had not given a target date. Mr. Grundhoefer pointed out what made this worse was because the Board now knows about it, and if it didn't act, someone could sue and win. Mr. Richards advised they do enforcement but always contact people and give them a reasonable amount of time to concur using discretion and common sense. Chairman Ritz appreciated the fact they were removing clutter from the right-of-ways onto property. He pointed out the Board could direct staff to include verbiage for August specifically addressing people holding signs. Mr. Grundhoefer emphasized this requirement was not trying to clean up a city but trying to make the content neutral to prevent parties from suing. However, it was an opportunity to beautify the city. Mr. Jordan stated he would not even address people holding signage. Mr. Richards stated in their process, they would receive a complaint and then would have to make a determination regarding the ordinance violation. **Chairman Ritz again felt staff should look into handheld signage from a legalistic side as well as how it is handled in other jurisdictions to accommodate Code Enforcement.**

Mr. Weeks pointed out there was not enough staff to monitor permits for temporary signage; permanent signage is permitted. He referred to temporary signage per parcel and felt it did not need to address people standing on a street corner holding a sign. As an example, he used protest signs on the right-of-ways being permitted; those would be First Amendment rights. Mr. Monk suggested the Board was making a ruling for the city regardless of who comes into power. Mr. Weeks advised in being a long-time resident of East Hill, this issue also affects him. Chairman Ritz suggested the changes took the vagueness out of the ordinance. Mr. Richards advised they issued notices of violations; sometimes it was verbal and people took action immediately. For the "We Buy Houses" signage, he stated he had an officer call stating he was interested in selling his house and met those people at one of the houses and issued a ticket. Sometimes they picked up the signs and called the individuals to explain the ordinance.

Mr. Monk asked if there was a compromise regarding the right-of-ways which could be content neutral. Mr. Richards advised the biggest learning curve would be no signage in the right-of-ways. Mr. Jordan asked Ms. Mack if she had reviewed the Escambia County ordinance, and she stated she had done so briefly but would wait until the August meeting to explain some of her objections. She also advised with the current ordinance, political signs adjacent to private property call for the owner's permission. Mr. Grundhoefer pointed out this revision would address that. Chairman Ritz stressed if there was any other specific language on the hand held signage, he would appreciate that information. **Ms. Deese confirmed the Board wanted a legal determination on a person holding a sign regardless of the message, what others have done, and what is legal; what city was able to make the least number of changes to comply with the court ruling; and is there some compromise that is content neutral that still allows signage within the right-of-ways.** Chairman Ritz advised if the Board confirmed the ordinance in August, it would proceed to Council in September, with a second reading in October. Ms. Deese advised there was probably not enough time for advertising since the August Planning Board date is later than usual. The ordinance would most likely go before the Council in October with a second reading in November and would not affect the current election cycle. Chairman Ritz indicated if the ordinance moved forward from Council, 2019 would present a new learning curve for signage within the city.

Since there were no applications to consider, Ms. Deese informed the Board there would be no July meeting.

Adjournment – With no further business, Chairman Ritz adjourned the workshop meeting at 3:35 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Brandi C. Deese', with a long horizontal flourish extending to the right.

Brandi C. Deese
Secretary to the Board