



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MEMORANDUM

TO: Planning Board Members
FROM:  Brandi Deese, Assistant Planning Services Administrator
DATE: April 30, 2018
SUBJECT: Proposed Amendment to LDC Chapter 12-4-6 – Temporary Signs

In June 2015, the United States Supreme Court issued a decision in *Reed v. Town of Gilbert, Ariz.*, - U.S., 135 S. Ct. 2218 (2015) which clarified that temporary signs must be regulated in a content-neutral manner. This ruling impacted sign codes across the country, including the City of Pensacola's, because temporary signs are typically regulated by sign message. The Land Development Code currently provides specific regulations for temporary signs including real estate, political, construction, holiday displays, portable, garage sale, temporary banners, architectural or other temporary signs. These regulations are content-based and must be revised.

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

222 West Main Street Pensacola, FL 32502 / **T:** 850.435.1670 / **F:** 850.595.1143/www.cityofpensacola.com

**PROPOSED
ORDINANCE NO. _____**

ORDINANCE NO. _____

**AN ORDINANCE
TO BE ENTITLED:**

**AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA
AMENDING SECTION 12-4-6 OF THE CODE OF THE CITY
OF PENSACOLA, FLORIDA; AMENDING REGULATION OF
TEMPORARY SIGNS IN THE LAND DEVELOPMENT CODE
TO CONFORM REGULATION TO THE REQUIREMENTS
OF LAW; CREATING SECTION 12-4-6 (a) PROVIDING FOR
REMOVAL OF SIGNS IN VIOLATION; AMENDING
SECTION 12-14-1 TO AMEND THE DEFINITION OF
TEMPORARY SIGNS; PROVIDING FOR SEVERABILITY;
REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Pensacola finds and determines that it is appropriate to update and revise its Land Development Code relative to temporary signage to be in conformity with the judicial requirements of law;

WHEREAS, the City of Pensacola finds and determines that in meeting the purposes and goals established in this recital, it is appropriate to regulate temporary signs, as set forth in Section 12-4-6;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PENSACOLA,
FLORIDA:**

SECTION 1. Section 12-4-6 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-4-6. – Temporary signs

Temporary signs shall meet the criteria and limitations set forth in Table 1, shown below:

TABLE 1. CRITERIA AND LIMITATIONS FOR TEMPORARY SIGNS

<u>Property Use</u>	<u>Residential</u>	<u>All Other</u>
<u>Maximum number of temporary signs per parcel</u>	<u>4</u>	<u>4</u>

Property Use	Residential	All Other
<u>Maximum sign size (area) for a temporary sign</u> ¹	<u>4 sq. ft.</u>	<u>16 sq. ft.</u>
<u>Maximum sign height for a temporary freestanding sign</u> ²	<u>6 ft.</u>	<u>6 ft.</u>
<u>Maximum sign height for a temporary attached sign</u>	<u>15 ft.</u>	<u>15 ft.</u>
<u>Minimum sign setback required to be maintained by a temporary freestanding sign from any property line</u> ³	<u>5 ft.</u>	<u>5 ft.</u>
<u>Maximum aggregate surface area allocated for all temporary signs on a parcel</u> ⁴	<u>16 sq. ft.</u>	<u>64 sq. ft.</u>
<u>Whether temporary sign is allowed on public property or public right-of-way</u>	<u>No</u>	<u>No</u>
<u>Whether temporary sign is allowed within a sight visibility triangle</u>	<u>No</u>	<u>No</u>
<u>Whether direct illumination of surface of a temporary sign is allowed</u>	<u>No</u>	<u>No</u>
<u>Duration allowed after event ends</u>	<u>3 calendar days</u>	<u>3 calendar days</u>

¹ The square footage limitation is per side for a back-to-back sign. For example, a four square foot limitation means that there is a limit of four square feet of surface area per side of a back-to-back sign, and an aggregate limit of eight square feet is allowed if the sign is a back-to-back temporary sign.

² Not applicable to flags displayed on flagpoles.

³ Minimum sign setbacks do not apply to attached signs. All temporary signs are prohibited on public property and from public rights-of-way.

⁴ There is no limit to the number of separate messages that may appear on the allowable surface(s) of any temporary sign. The maximum aggregate surface area allowed is subject to circumstances that may reduce the maximum aggregate surface area allowable on some parcels.

Sec. 12-4-6. — Temporary signs

~~The following temporary signs are allowed without a permit, unless otherwise required below:~~

- ~~(A) Signs advertising the sale, lease or rental of real estate. Non-illuminated signs advertising the sale, lease or rental of the real estate (including buildings) on which the sign is located provided such signs meet the following conditions:~~
 - ~~(a) Such signs shall not exceed six (6) square feet in surface area within R-1A(AAAA), R-1(AAAA), R-1(AAAA), R-1(AA), R-1(A), R-ZL zones.~~
 - ~~(b) Real estate in all other zones except the special districts identified in section 12-4-6 may be advertised by a sign not to exceed thirty two (32) square feet.~~

- ~~(c) Such signs shall be removed immediately upon closing.~~
- ~~(d) Such signs shall be no closer than seven (7) feet to the curb or edge of the pavement of the road.~~
- ~~(B) *Construction site identification signs.* Non-illuminated construction site identification sign identifying the project, the owner or developer, architect, engineer, contractor, subcontractors, and funding sources, and may contain related information provided such signs meet the following conditions:~~
- ~~(a) One sign per street frontage of the site may be erected and the sign(s) shall not exceed fifty (50) square feet in area.~~
- ~~(b) All such signs shall be removed within five (5) days after the completion of construction.~~
- ~~(c) Such signs shall be no closer than seven (7) feet to the curb or edge of the pavement of the road.~~
- ~~(C) *Holiday displays.* Displays, including lighting, erected in connection with the observance of official holidays. Such displays shall be removed within five (5) days following the holidays.~~
- ~~(D) *Political signs* which meet the following requirements:~~
- ~~(a) The maximum size of any political sign erected in the city shall be sixteen (16) square feet.~~
- ~~(b) All political signs shall be supported by posts or uprights furnished by the installer of said sign and in no case will signs be supported by power poles, telephone poles, fence or fence posts, trees or any other structure not furnished specifically for the particular sign.~~
- ~~(c) All political signs shall be located only on private property except as provided herein. This applies to all public property located within the city limits.~~
- ~~(d) Political signs are allowed on public right-of-way adjacent to occupied homes or businesses with the consent of the occupant, but no closer than three (3) feet to the curb or edge of the road. Provided, however, a political sign shall not be allowed on any public right-of-way unless the person whose candidacy is advertised thereby shall first agree in writing to indemnify, defend and save harmless the city from and against any and all claims for property damage or bodily injury, including death, arising out of or in connection with the presence of such political sign advertising his candidacy in any public right-of-way.~~
- ~~(e) Political signs shall not be installed in any required visibility triangle, as described in section 12-2-35, where the sign will obstruct the view of the motorist at an intersection.~~
- ~~(f) No political sign shall be placed on a vacant lot or on a lot with a uninhabited primary structure unless a letter from the property owner is on file with the inspection division indicating that permission has been granted.~~
- ~~(g) All political signs installed in the city shall be removed within ninety (90) days of installation or within five (5) working days of the time a candidate is elected or eliminated from the race, whichever occurs first.~~
- ~~(h) Any political sign not in compliance with this subsection shall be removed by the candidate within twenty four (24) hours of notification or the sign shall be removed by the city at the direction of the mayor. When signs are removed by the city, the candidate's name and number of signs collected will be recorded against the specific complaint. Candidates shall pay a service charge of two dollars (\$2.00) for each sign removed by the city before the~~

election and fifteen dollars (\$15.00) for each sign removed after the election for which the candidacy is advertised.

- (i) For the purposes of this subsection, a political sign is a sign which promotes or endorses the nomination or election of a candidate for political office.
- (E) *Portable signs.* One portable sign, limited to two (2) sign faces back to back and not exceeding thirty two (32) square feet each, shall be permitted at any location, except in residential districts and where prohibited otherwise in this title, provided that the display of such sign not exceed a period of seven (7) calendar days within any six month period. The sign owner is required to obtain a permit for portable signs.
- (F) *Garage sale signs* which meet the following requirements:
 - (a) No more than two (2) signs advertising such garage sale shall be permitted.
 - (b) Such signs shall be located only on the premises of the applicant upon which the sale is conducted or on the street right of way immediately adjacent to the premises.
 - (c) Such signs shall be no more than two (2) feet by two (2) feet in size.
- (G) *Temporary banners* indicating that a special event, i.e., public or community event, such as a fair, carnival, festival or similar activity is to take place with the following conditions:
 - (a) Such banner shall be erected no sooner than two (2) weeks before the event.
 - (b) Such banner must be removed no later than three (3) calendar days after the event.
 - (c) Banners extending over street rights of way require approval of the city manager.
- (H) *Architectural signs.* Permanent banners, murals and other decorative features of buildings which are determined to be architectural in nature and approved by the appropriate review board shall be allowed on buildings in the gateway review district, the governmental center district, the Palafox historic business district, the waterfront redevelopment district, the West East Hill preservation district, the South Palafox business district, the Pensacola historic district, and the North Hill preservation district. Such architectural features which also serve the purpose of informing the public about the building or events therein may be changed periodically provided they remain in compliance with the design approved by the appropriate review board.
- (I) *Other temporary signs.* Temporary signs not covered in the foregoing categories, so long as such signs are allowed within the district, meet the following restrictions, and a permit has been granted by the city manager or his designee:
 - (a) Not more than one (1) such sign may be located on any lot.
 - (b) No such sign may exceed thirty two (32) square feet in surface area, unless prior approval is granted by the mayor or his designee.
 - (c) Such sign may not be displayed for longer than fourteen (14) consecutive days, prior to the activity or event.
 - (d) All sign locations must have the prior approval of the mayor or his designee.
 - (e) If a sign is located within the public right of way, a certificate of insurance acceptable to the city shall be provided.

SECTION 2. Section 12-4-6 (a) of the Code of the City of Pensacola, Florida, is hereby created to read as follows:

Sec. 12-4-6 (a). – Enforcement.

Signs found to be in violation of Section 12-4-6 will be removed.

SECTION 3. Section 12-14-1 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-14-1. – Definitions enumerated.

As used in this title and unless the context clearly indicates otherwise:

. . .

~~Sign, political.~~

. . .

~~Sign, temporary. A sign intended to advertise community or civic projects, construction projects, property for sale, lease or rent, or special events on a temporary basis for a designated period of time.~~ Signs which are erected for a period of time not to exceed one (1) year.

SECTION 4. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Passed: _____

Approved: _____
President of City Council

Attest:

City Clerk

Legal in form and valid as drawn:

City Attorney