

PLANNING AND ZONING BOARD AGENDA ITEM

TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

An Ordinance of the Town of Lady Lake, Lake County, Florida; Providing for a Text Amendment to the Town of Lady Lake Land Development Regulations (Ordinance No. 2016-17) Chapter 17, "Sign Regulations"; Amending Sections 17-1, 17-2, 17-3, 17-4, 17-5, and 17-7) Providing for Severability; Providing for Codification; and Providing an Effective Date.

AGENDA ITEM ID

2020016

DEPARTMENT

Growth Management

STAFF RECOMMENDED MOTIONS

1. Motion to forward Ordinance 2020-01 to the Town Commission with the recommendation of approval.
2. Motion to forward Ordinance 2020-01 to the Town Commission with the recommendation of denial.

Staff is in support of motion number one.

SUMMARY

On June 6, 2016, the Town Commission approved Ordinance 2016-17 in an effort to update Chapter 17, Sign Regulations, which were originally adopted in 1994. After this sign code update, a U.S. Supreme Court decision specifically focusing on sign regulations in more than two decades was widely publicized eventually reaching municipalities to clarify when government may impose content-based restrictions on signage.

The argument from the Plaintiff, Pastor Clyde Reed with Good News Community Church from the Town of Gilbert, Arizona, is that the Town of Gilbert's ordinance imposed stricter limitations on signs advertising religious services than signs that displayed other content such as "political" or "ideological" messages.

The U.S. Supreme Court found that content-based sign regulations violated people's First Amendment right to the freedom of speech as it did not survive strict scrutiny since it could not be proven that the ordinance was tailored to further a compelling government interest.

Just like many other municipalities, Town Staff took a cautious approach not to make any hasty changes and see how the new ruling was being applied. At the same time, we started looking at the Town's sign Code, its provisions, applications, and ways in which we can improve it to reinforce valid content-based regulation or make it more content-based neutral. Since the U.S. Supreme Court handed down its ruling, municipalities have been urged to take a detailed look at their sign codes and make progress towards content neutrality.

When regulating signage, municipalities have the ability to regulate the following criterion:

- (1) The size of signs
- (2) Number of Signs
- (3) Locations in which signs may be placed, including setbacks, heights, and restrictions on signs allowed per mile of roadway or distance separations
- (4) Distinguishing between lighted and unlighted signs
- (5) Distinguishing between placement of signs on private and public property
- (6) Distinguishing between the placement of signs on commercial and residential property
- (7) Distinguishing between on-premises and off-premises signs
- (8) Duration (Permanent or Temporary)

Changes:

(Section 17-1) – Purpose and Intent – Articulated purpose statements to substantiate the Town's Sign Code intent.

(Section 17-2) – Permitting Requirements – Revision of the Signs exempt from permitting requirements subsection to clarify some gray areas and provide general guidance to the public. The goal is to gradually minimize categories and exceptions to limit content-based distinctions thus eliminating the potential to favor some forms of speech over others.

(Section 17-3) – General Requirements – Revisions as it pertains to compliance with building construction and maintenance requirements.

(Section 17-4) – Permanent Signs – Revisions as it pertains to compatibility of sign design and construction materials in accordance with architectural elements of the project, except as provided by Florida Statutes.

(Section 17-5) – Temporary Uses and Special Event Signs – Revisions to language requiring content specific on temporary signs and clarification on existing practices.

(Section 17-7) – Prohibited signs – Revisions to reduce categories while streamlining and clarifying prohibited signs affecting the safety, welfare and well-being.

FISCAL IMPACT

Not applicable.

FUNDING ACCOUNT

Not applicable.

PAST ACTIONS

The Technical Review Committee (TRC) members individually reviewed Ordinance 2020-01 and determined it to be complete and ready for transmittal to the Planning and Zoning Board.

PUBLIC HEARINGS

The Town Commission is scheduled to consider Ordinance 2020-01 for first reading on Monday, March 2, 2020 and second and final reading on Monday, March 16, 2020 at 6 p.m.