



City of Coral Gables
CITY COMMISSION MEETING
December 8, 2015

ITEM TITLE:

Ordinance on Second Reading. An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code by amending Article 4, Division 4 “Prohibited Uses”, by amending Article 5, Division 19 “Signs”, and by amending Article 8 “Definitions”; providing for repealer provision, severability clause, codification, and providing for an effective date.

Ordinance on Second Reading. An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Code by amending:

- Chapter 14, Article III, Section 14-70 “Advertising Sign Requirements”;
 - Chapter 62, Article I, Section 62-1 “Sidewalk Advertising; Using Streets Or Sidewalks For Advertising Purposes”;
 - Chapter 62, Article VI, Section 62-185 “Application, Contents”;
 - Chapter 62, Article VI, Section 62-186 “Application Permit Required For Work Or Commercial Activities That Obstruct Or Close A Public Right-Of-Way Or Impede Traffic; Permit For Assemblies; Permit For Parades; Prohibitions”; and
 - Chapter 105, Article II, Section 105-27 “Condition Of Commercial Property”;
- providing for repealer provision, severability clause, codification, and providing for an effective date.

BRIEF HISTORY:

Changes between First and Second Readings:

At its November 10, 2015 meeting, the Commission approved both Ordinances on first reading, with a change to the Zoning Code Ordinance that reduced the number of non-commercial temporary signs allowed without a permit, per building, lot and/or tenant space, from two (2) to one (1), and increased number of bonus signs during the time prior to a national, state or local election from one (1) to two (2), which is reflected in Sec. 5-1909A and B on page 15 of Exhibit A. The total maximum number of temporary non-commercial signs allowed without a permit under Sec. 5-1909 remains at three (3).

Also, the second reading of the Zoning Code ordinance has been amended on the issue of the permissible duration of temporary non-commercial signs under Sec. 5-1909. Previously undefined at first reading, that duration is now limited to 120 days (Sec. 5-1909A.5. on page 15). Lastly, subsection F. of Section 5-1901 on page 8 has been added to address the Commission’s concerns about signs that might contain an image or message that is obscene or that violates existing laws such as laws governing extortion or libel.

The Commission also directed staff to bring forth a separate Hate Crimes Ordinance, which will be presented at a future Commission meeting.

These Ordinances are necessary to modify provisions that arguably regulate noncommercial signs in the City of Coral Gables based on the content of the message(s) on the signs. Under a recent U.S. Supreme Court decision, *Reed v. Town of Gilbert* (No. 13-502, 576 U.S. ___, slip op. (2015)), such content based restrictions – as to noncommercial speech – are necessarily subject to strict scrutiny, and therefore may only be justified if the government can demonstrate that they are narrowly tailored to serve a compelling government interest. To avoid the need to make such a difficult showing in the event of a challenge to the City's sign-related laws, these proposed text amendments would eliminate the differing restrictions on various types of noncommercial signs based on the content of those signs.

Additional proposed text amendments in these Ordinances are designed to modify or clarify other sign-related provisions that are potentially too restrictive, overbroad, or vague, under current First Amendment jurisprudence. And some other text amendments were necessary simply for clarity's sake as a result of the other proposed changes to the Zoning Code and/or the City Code.

Zoning Code Text Change

This Ordinance contains text amendments to the Zoning Code, in order to bring certain provisions of the Code, relating to restrictions on signs, in compliance with the requirements of the First Amendment to the U.S. Constitution as interpreted by recent federal court decisions.

For example, Section 5-1909 of the current Zoning Code contains certain regulations relating to “campaign and political signs,” which differ from the current regulations relating to other temporary noncommercial signs (such as signs reflecting religious messages or directional signs to noncommercial events). This Ordinance will create a uniform set of regulations for temporary noncommercial signs, in a new, revised Section 5-1909.

City Code Text Change

This Ordinance contains text amendments to the City Code, in order to bring certain provisions of the Code, relating to restrictions on signs, in compliance with the requirements of the First Amendment to the U.S. Constitution as interpreted by recent federal court decisions.


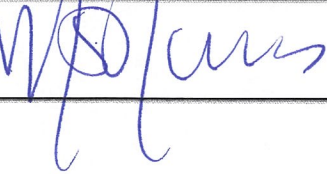
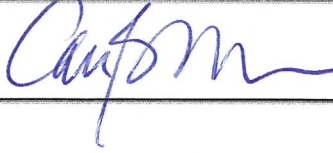
BOARD ACTION(S):

Date	Comments (if any)
10/14/2015	Planning and Zoning Board recommended approval (7-0) for the Zoning Code Text Change Ordinance.

PUBLIC NOTIFICATION(S):

Date	Form of Notification
10.02.15	Planning and Zoning Board legal advertisement.
10.09.15	Planning and Zoning Board agenda posted at City Hall.
10.09.15	Planning and Zoning Board agenda, staff report, legal notice and all attachments posted on City web page.
11.06.15	City Commission meeting agenda posted on City web page.
11.27.15	City Commission legal advertisement.

APPROVED BY:

Asst. Department Director	City Attorney	City Manager
		

EXHIBIT(S):

- A. Second Reading Zoning Code Text Change Ordinance.
- B. Second Reading City Code Text Change Ordinance.
- C. Second Reading Zoning Text Change Ordinance Clean Version.
- D. Second Reading City Code Text Change Ordinance Clean Version.