



City of Coral Gables
CITY COMMISSION MEETING
November 10, 2015

ITEM TITLE:

Ordinance on First 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 First 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:

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. (An amendment to the City Code is also being presented herewith to address some such provisions in that Code.)

Specifically, this Ordinance is 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 (combined with the proposed text amendments in the accompanying City Code Ordinance) would eliminate the differing restrictions on various types of noncommercial signs based on the content of those signs.

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.

Additional proposed text amendments in this Ordinance (and in the City Code Ordinance) 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.

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. (An amendment to the Zoning Code is also being presented herewith to address a number of such provisions in that Code.)

Specifically, this Ordinance is 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 (combined with the proposed text amendments in the accompanying Zoning Code Ordinance) would eliminate the differing restrictions on various types of noncommercial signs based on the content of those signs.

Additional proposed text amendments in this Ordinance (and in the Zoning Code Ordinance) 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 City Code and/or the Zoning Code.

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.

APPROVED BY:

Asst. Department Director	City Attorney	City Manager

EXHIBIT(S):

- A. Draft Zoning Code Text Change Ordinance.
- B. Draft City Code Text Change Ordinance.
- C. 10.14.15 Staff report and recommendation with attachments.
- D. Excerpts of 10.14.15 Planning and Zoning Board meeting minutes.