

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR INTERPRETATION OF ARTICLE 5, "DEVELOPMENT STANDARDS", DIVISION 19, "SIGNS" OF THE CORAL GABLES ZONING CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, City Staff and the City Attorney are preparing a Zoning Code text amendment to modify Article 5 "Development Standards," Division 19 "Signs" of the Zoning Code (the "sign regulations") to reflect the latest caselaw relating to the First Amendment; and,

WHEREAS, the City Commission desires to provide for the interpretation of the City's sign regulations until such amendments are adopted; and,

WHEREAS, the purpose of the sign regulations is to create the framework for a comprehensive and balanced system of sign control, thereby facilitating clear and attractive communication between people and their environment, and to authorize the use of commercial and non-commercial signs which:

- (1) Protect and enhance the visual environment of the City both day and night;
- (2) Integrate with their surroundings, with a height, sign type and area appropriate to their location;
- (3) Are high quality in their design, lighting and construction;
- (4) Are legible and effective under the circumstances in which they are seen;
- (5) Are conducive to promoting traffic safety by preventing visual distraction to drivers, providing clear direction, and not impairing drivers' ability to see pedestrians, obstacles, or other vehicles or to read traffic signs;
- (6) Effectively and efficiently communicate in a simple, straightforward and attractive manner;
- (7) Protect the health, safety, and welfare of the public;
- (8) Safeguard the public use and nature of the streets and sidewalks;
- (9) Do not create a hazard due to collapse, fire, decay, or abandonment, and do not obstruct fire-fighting efforts; and,

WHEREAS, the City's sign regulations include Section 5-1921, which allows the substitution of non-commercial speech for commercial speech on any permitted sign, and provides for the severability of the sign regulations as necessary to respect the First Amendment; and,

WHEREAS, the City Commission finds that the sign regulations must always be interpreted to be consistent with the requirements of the First Amendment of the U.S. Constitution and all other applicable laws, as construed by the federal and state courts, and shall never be interpreted in a manner that allows less noncommercial speech than commercial speech.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. The City Commission hereby directs that the sign regulations shall be interpreted and applied in a manner consistent with the First Amendment and all governing law. Where interpretation questions arise regarding the sign regulations, the City Attorney shall, following consultation with the Development Services Director, continue to interpret the sign regulations. The City Attorney may continue to resolve any disputes regarding the sign regulations, and provide written opinions to aid City staff in applying them to particular circumstances in accordance with Section 2-201(e) of the City Code of Ordinances.

SECTION 3. This Resolution shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2014.

(Moved: / Seconded:)
(Yeas: / Nays:)
(Vote:)
(Agenda Item:)

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

CRAIG E. LEEN
CITY ATTORNEY