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Memorandum

To: Community Enhancement & Code Compliance Division and
Planning Division of the Community Development Department

From: Shannon Ley, Director/*SL*
Community Development Department

Date: July 19, 2022

Re: **2022 Election Season**
Policy for Enforcement of Temporary Non-Commercial Signs
Pending Revision of the Sign Regulations

Article XIV, Signs of Chapter 16, Land Development Code, was upheld by the federal courts in *Coral Springs Street Systems v. City of Sunrise*, 371 F.3d 1320 (11th Cir. 2004). However, there have been more recent developments in the First Amendment caselaw that require revisions to the City's sign regulations. As federal constitutional law, the First Amendment is supreme and prevails over the City's laws. As a result, the City has code enforcement discretion to respect such newer caselaw, even prior to formal revision of its own laws by adoption of an ordinance.

Article XIV is being updated and revised to reflect the changes in the caselaw. As part of the update, the political sign regulations are being revised because the City can no longer regulate political signs differently from other kinds of temporary noncommercial signs. All temporary signs displaying noncommercial speech must be treated similarly.

The 2022 election season has started, and we have already seen a significant number of campaign signs posted around the City. This memo is being issued to assure even-handed enforcement during this year's election season, and to make property owners aware of the City's enforcement approach to temporary non-commercial signs, including political campaign signs.

The current political sign regulations apply only to election-related messages, limit the number of signs per lot, and limit the duration of display in relation to the date of an election. In order to respect the relevant cases, the City will not enforce these regulations. However, if the City were to simply ignore the current Code provision for political signs, the effect will be to reduce the amount of political and noncommercial speech allowed per lot. In recognition of this impact, and to provide ample opportunity for political expression as required by the First Amendment, the City will refrain from enforcing the sign code against any temporary noncommercial banners less than 40 square feet in residential or non-residential districts, and any temporary noncommercial signs that meet the requirements set forth below for the 2022 election season:

Temporary Non-commercial Signs:	Residential District	Non-Residential District
Sign type	<p>Freestanding</p> <p>Window</p>	<p>Freestanding</p> <p>Window</p>
Area maximum per lot	<p>8 sq. ft.</p> <p>An additional 8 sq. ft. of temporary noncommercial signage may be posted during the 90 calendar days prior to any federal, state, county, or city election.</p> <p>For properties adjacent to I-595, I-75 and Sawgrass Expressway, maximum sign area is increased to 64 sq. ft. with a minimum font height of 8 inches, and signage must be located on premise facing the interstate right-of-way</p>	<p>32 sq. ft.</p> <p>An additional 16 sq. ft. of temporary noncommercial signage may be posted during the 90 calendar days prior to any federal, state, county, or city election</p> <p>For properties adjacent to I-595, I-75 and Sawgrass Expressway, maximum sign area is increased to 64 sq. ft. with a minimum font height of 8 inches, and signage must be located on premise facing the interstate right-of-way</p>
Length of display	<p>90 consecutive days</p> <p>The date of posting must be indicated on the sign</p>	<p>90 consecutive days</p> <p>The date of posting must be indicated on the sign</p>
Height maximum above grade	<p>6 feet</p>	<p>6 feet</p>
Setback minimum	<p>10 feet from right-of-way</p>	<p>10 feet from right-of-way</p>