



Agenda Item No.

DEVELOPMENT REVIEW REPORT

The matter before the City Planning and Zoning Board (Board), sitting as the Local Planning Agency, is a proposed Ordinance amending the Land Development Regulations pertaining to Political Sign Heights - City Wide by amending the Land Development Regulations (LDR) to amend Schedule I, Sign Requirements; Section 8.0, Specific Sign Requirements; Providing Height Restriction For Installed Political Signs; Providing For An Effective Date (Requested By Commissioner Lawrence "Jabbow" Martin)

The Department recommends the Board enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted.

I. BACKGROUND

Staff has identified a need to Amend City Wide Political Sign Height Regulations.

The objective of this ordinance amendment is to provide limit the total height of Political Signs to eight (8) feet tall.

II. PROPOSED AMENDMENTS

Below is the proposed Ordinance (**Attachment A**) amending the Land Development Regulations pertaining to Political Sign Heights - City Wide by amending the Land Development Regulations (LDR) to amend Schedule I, Sign Requirements; Section 8.0, Specific Sign Requirements; Providing Height Restriction For Installed Political Signs:

Sec. 8.0. Specific sign requirements.

This section addresses the requirements for temporary and permanent signs.

3. *Off-site noncommercial and political signs.*
 - a. The maximum size is restricted to twenty-four (24) square feet on property zoned non-residential district. On property zoned residential district, the maximum sign size is three (3) square feet or eighteen (18) inches by twenty-four (24) inches. The height of said sign itself shall not exceed eighteen (18) inches and the width of said sign shall not exceed twenty-four (24) inches. The maximum sign size in residential zoning districts does not apply to magnetic signs temporarily affixed to the door of a passenger automobile. No sign shall be installed in a manner that exceeds eight feet (8') in height, measured from the ground to the top of the sign, regardless if the sign is installed in a non-residential district or a residential district.
 - b. The property owner's permission must be obtained before any sign is placed upon the property. The City may immediately remove any sign posted on property without the owner's permission or any sign posted in violation of the Code of Ordinances or Land Development Regulations. The City may levy a sum of ten dollars (\$10.00) against the bond described in paragraph d. below for each such sign which was wrongfully posted and which is subject to removal. When the bond drops to fifty dollars (\$50.00) or less, the Finance Department shall notify the City Clerk. The City Clerk shall notify the applicant by telephone and certified mail, return receipt requested, to replenish the bond up to the one hundred dollar (\$100.00) bond limit. Failure to replenish the bond within forty-eight (48) hours of written notification (weekends and legal holidays excluded) shall cause forfeiture of the bond and the applicant or the City shall remove all signs.
 - c. All signs must be removed within ten (10) days after an event, meeting or election for which the sign has been posted. If not so removed, the City shall have the right to remove the sign and destroy same within ten (10) days after delivery of written notice by regular mail to the applicant.
 - d. A one hundred dollar (\$100.00) bond shall be posted by the applicant with the Finance Department for each event, meeting or candidate advertised, which bond shall be forfeited if the sign is not removed as set forth in paragraph b. and c. above. This bond fee shall not be required for signs erected by the City. The Finance Department shall notify the City Clerk of all bonds that are posted by applicants.

- e. With the exception of signs erected by the City, an application must be filed with the Finance Department before signs are erected, providing name, address, and telephone numbers of applicant.
- f. Applicants that will be conducting events on an on-going basis shall be required to file one (1) bond, as required in paragraph d. above, and make one (1) application as required in paragraph e. above. Both shall be effective on a continuous basis unless the applicant shall default under any requirements of this Schedule, in which event the applicant shall no longer receive the benefit of this paragraph f.
- g. The City may remove any noncommercial off-site signs that have been erected without the person or entity erecting same having first complied with paragraphs d. or e. above. The removal may be accomplished without first notifying the owner of the sign.
- h. The applicant may appeal the removal of any political sign and may appeal the forfeiture of the remaining bond to the Code Enforcement Board or to a Hearing Officer, to be designated by the City Attorney based upon which forum the City Attorney determines, in their sole discretion, is appropriate.

III. DATA & ANALYSIS

Data means factual information used as a basis for reasoning, discussion or calculation. Data must be based upon professionally reliable sources and the most recently available data should be used. Analysis involves an examination of the data, any assumptions, any employed methodologies, any applicable regulations, and deducing findings of facts and conclusions needed in order to make a recommendation.

The Department concludes the applicable Land Development Regulations (LDR) include: Article IV., Part 2.0, Section 2.4., on criteria, Section 2.9 on procedural requirements and Section 2.10 on public notice requirements; and Article III., Part 2.0., Sections 2.3 and 2.4 and Schedule B on permitted and special exception uses.

- A. Florida statutes. Section 163.3202, Florida Statutes, requires a local government to adopt land development regulations that implement their adopted Comprehensive Plan. Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain provisions addressing the use of land and water.

The LDR is one of the documents adopted to implement the Comprehensive Plan.

The proposed Ordinance is a land development regulation as it deals with amending land development regulations specific to Political Sign Height Regulations within the City of Lauderhill. Thus, the Department concludes the proposed Ordinance is consistent with the above-identified state statutory requirements.

B. LDR. Land Development Regulations Article IV., Development Review Requirements, Part 2.0., pertains to zoning map amendments and zoning regulation amendments. It requires a zoning regulation amendment be in conformance with the six (6) factors identified in Section 2.4., the procedural requirements of Section 2.9., and the public notice requirements of Section 2.10.

1. **Factors.** Article IV., Part 2.0., Section 2.4 requires the Board to consider and evaluate zoning regulation amendments in relation to all pertinent factors, but with reference to six (6) specific factors. These six (6) factors are addressed below in relation to the proposed Land Development Regulations amendment.

a. *The character of the district and its peculiar suitability for particular uses.*

Staff concludes that the proposed Ordinance meets the intent of the above criteria and maintains the character of all zoning districts as it pertains to all Political Signs.

b. *Conservation of the value of buildings and encouraging the most appropriate use of land and water throughout the City.*

Staff concludes that the proposed Ordinance Conserves the value of buildings and encouraging the most appropriate use of land and water throughout the City by providing clear land development regulations as it pertains to Political Sign Height limitations within the City of Lauderhill.

c. *The applicable portions of the adopted City Comprehensive Plan and programs such as land use, trafficways, recreation, schools, neighborhoods, drainage and housing, and so forth.* The proposed

Ordinance is consistent with the following Comprehensive Plan provisions:

- Goal 1 Future Land Use Element: The City Commission shall provide for a distribution of land use by type, density, and intensity to meet the needs of the current and future resident and seasonal population in a manner that; promotes compatible development, redevelopment, and urban infill; promotes a land use pattern that supports a multimodal transportation system, with an emphasis on pedestrian-ways and walkability; protects and improves the natural and physical characteristics of the City; and, ensures the timely, cost-effective provision of public facilities and services.

- d. *The needs of the City for land areas for specific purposes to serve population and economic activities.*

Staff concludes that the proposed Ordinance will provide for clear land development regulations as it pertains to Political Sign Height limitations within the City of Lauderhill which will help serve the population and help grow the local economy by maintaining a uniform aesthetic to Political Signage.

- e. *Whether there have been substantial changes in the character of development of areas in or near an area under consideration for rezoning.*

The above standard does not apply as this would be a City-Wide Text Amendment and not focused on a certain area within the City of Lauderhill.

- f. *The facts and opinions presented to the Planning and Zoning Board through hearings.* This Development Review Report represents the Department's written findings of facts, conclusions and recommendations.

2. **Procedure.** The LDR Article IV., Part 2.0., Section 2.9 addresses the procedure for zoning regulation amendments. It requires the Board to make a recommendation to the City Commission at a duly noticed public hearing on changes to zoning regulations and for the Board to forward its recommendation to the City Commission. The Department has interpreted this provision to apply to LDR amendments consistent with state law.

3. **Public notice.** The LDR Article IV., Part 2.0., Section 2.10 addresses public notice. Subsection 2.10.1 requires a change in zoning be published in a newspaper of general circulation in Broward County at least 10 days prior to the date of hearing. Notice of the proposed Ordinance changing the LDR was advertised in the Sun-Sentinel, a newspaper of general circulation within the County. Proof of publication is provided with the agenda package and is included herein by reference.

IV. ATTACHMENTS

Exhibit A – Proposed Text Amendment

V. FINDINGS AND CONCLUSIONS

Based upon the information contained in this Development Review Report, the following findings of fact and conclusions of law are offered:

- A. The Department finds the proposed Ordinance is in Compliance with the Goals, Objectives, and Policies of the Futures Land Uses Element of the Comprehensive Plan as it provides clear land development regulations pertaining to Political Sign Height limitations within the City of Lauderhill.
- B. The Department concludes the proposed Ordinance amending the LDR is in conformance with the standards and requirements specified in Land Development Regulations Article IV., Part 2.0., Section 2.4., Basis for Recommendations.
- C. The Department finds the proposed Ordinance amending the LDR have been duly noticed and concludes it is in conformance with the public notice requirements.

VI. ALTERNATIVE ACTIONS

The Board has one of the following alternative actions at its disposal:

- A. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted.
 - B. Enter into the record the Development Review Report and all other substantial
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competent evidence presented at the hearing, amend the findings and conclusions contained herein to support the Board's recommendation, and forward the record to the City Commission with a recommendation that the proposed Ordinance be denied.

- C. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support any necessary conditions, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted with conditions.
- D. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing and table the proposed Ordinance until the specified information is provided.

VII. RECOMMENDED ACTION

- A. Department recommendation. The Department recommends the Board enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance amending the LDR be adopted.
- B. Board recommendation. The proposed Ordinance is scheduled for May 25, 2021 Planning and Zoning Board regular meeting.
- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled June 14, 2021 and second reading on June 28, 2021.