

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

FEBRUARY 13, 2015

The Planning and Development Department hereby forwards to the Planning Commission, Rules Committee, Finance Committee, Land Use and Zoning Committee and City Council its comments and recommendations on:

ORDINANCE 2015-55

AN ORDINANCE AMENDING SECTION 656.1337 (SPORTS AND ENTERTAINMENT COMPLEX SIGN OVERLAY ZONE), CHAPTER 656, ORDINANCE CODE, PERTAINING TO “OFFSITE COMMERCIAL BILLBOARD” SIGNS PURSUANT TO A NAMING RIGHTS OR SPONSORSHIP AGREEMENT IN THE SPORTS AND ENTERTAINMENT COMPLEX SIGN OVERLAY ZONE; AMENDING SECTION 23.02 OF THE CHARTER (DEFINITION OF OFFSITE COMMERCIAL BILLBOARD) OF THE CITY OF JACKSONVILLE AND SECTIONS 614.142 (UNLAWFUL SIGN MESSAGES) AND 656.1309 (UNLAWFUL SIGN MESSAGES), ORDINANCE CODE, TO BE CONSISTENT WITH THE CHANGES TO SECTION 656.1337 PROPOSED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

The bill is intended to prevent the erection of signs on the exteriors of public venues advertising naming sponsors who have entered into naming rights agreements for interior portions of those venues (lobbies, suites, etc.).

II. EVALUATION

A. *The need and justification for the change:*

The change is needed to preempt the possibility of a proliferation of exterior signage at the Baseball Grounds of Jacksonville and the Jacksonville Veteran’s Memorial Arena. As currently written, the Sports and Entertainment Complex Sign Overlay Zone could allow sponsors who have secured naming rights to signage on the exterior of the Baseball Grounds or the Arena. This change clarifies that the naming rights allow signage only on the interior of the facilities.

B. *Summary of Bill:*

The bill amends Ordinance Code Chapter 656 – Zoning Code – in Part 13 – Sign Regulations – by amending the Sports and Entertainment Complex Sign Overlay Zone to revise the definitions of “Baseball Grounds of Jacksonville Signs” and “Jacksonville Veteran’s Memorial Arena Signs” to remove references to the grounds (conceivably the exterior) of those facilities and to limit application of the overlay to signs on the interior of the facilities.

The amendment also clarifies that permission to erect signs pursuant to naming rights or sponsorship agreements applies only to the naming of an entire facility pursuant to a long-term naming rights or sponsorship agreement in excess of 5 years. The bill also amends City Charter Article 23 – Offsite Commercial Billboard Ban – to limit the exception to the ban provided for signs erected pursuant to naming rights or sponsorship agreements to the naming of an entire facility pursuant to a long-term naming rights or sponsorship agreement in excess of 5 years. The same provision regarding long-term naming rights agreements is also added to Ordinance Code Chapter 614 – Public Order and Safety in Sec. 614.142 – Unlawful Sign Messages and to Zoning Code Section 656.1309 – Unlawful Sign Messages.

- C. *The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan:*

The Comprehensive Plan does not specifically address signs related to naming rights.

- D. *Consistency with the Comprehensive Plan:*

As the Comprehensive Plan does not specifically address signs related to naming rights, this bill is neither consistent nor inconsistent with the Comprehensive Plan.

III. RECOMMENDATIONS

The Planning and Development Department recommends that Ordinance 2015-55 be **APPROVED**.

1 Introduced by Council Member Bishop:
2

3 **ORDINANCE 2015-55**

4 AN ORDINANCE AMENDING SECTION 656.1337 (SPORTS
5 AND ENTERTAINMENT COMPLEX SIGN OVERLAY ZONE),
6 CHAPTER 656, ORDINANCE CODE, PERTAINING TO
7 "OFFSITE COMMERCIAL BILLBOARD" SIGNS PURSUANT
8 TO A NAMING RIGHTS OR SPONSORSHIP AGREEMENT IN
9 THE SPORTS AND ENTERTAINMENT COMPLEX SIGN
10 OVERLAY ZONE; AMENDING SECTION 23.02 OF THE
11 CHARTER (DEFINITION OF OFFSITE COMMERCIAL
12 BILLBOARD) OF THE CITY OF JACKSONVILLE AND
13 SECTIONS 614.142 (UNLAWFUL SIGN MESSAGES) AND
14 656.1309 (UNLAWFUL SIGN MESSAGES), ORDINANCE
15 CODE, TO BE CONSISTENT WITH THE CHANGES TO
16 SECTION 656.1337 PROPOSED HEREIN; PROVIDING
17 FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
18

19 **WHEREAS,** Ordinance 2005-1380-E was adopted in 2005 to
20 establish a Sports and Entertainment Complex Sign Overlay Zone in
21 recognition of the critical role that exterior sponsorship
22 advertising plays in sports, particularly in relation to a
23 successful National Football League franchise in the City of
24 Jacksonville; and

25 **WHEREAS,** the legislation was intended to provide flexibility
26 within the City's overall offsite commercial sign regulations to
27 allow and attract limited exterior building sponsorship
28 opportunities for Alltel Stadium, now known as Everbank Field, and
29 to permit similar exterior offsite commercial building sponsorship
30 advertising for other venues within the Sports and Entertainment
31 Complex Sign Overlay Zone, including the Veteran's Arena, the

1 Baseball Grounds, the Jacksonville Fairgrounds and Metropolitan
2 Park; and

3 **WHEREAS**, it was not intended that such sponsorship or naming
4 agreements would permit multiple exterior offsite commercial
5 advertisement signs which would be otherwise prohibited as "offsite
6 commercial signs"; and

7 **WHEREAS**, the Council desires to modify the language in Part
8 13, Chapter 656, pertaining to the Sports and Entertainment Complex
9 Sign Overlay Zone to ensure that offsite commercial signs are not
10 allowed in the Sports and Entertainment Complex Sign Overlay Zone
11 under the guise that they are permitted pursuant to a limited or
12 short term sponsorship or naming rights agreement; and

13 **WHEREAS**, revisions to Article 23 of the Charter and Chapter
14 656, Ordinance Code, are required so that all provisions are
15 consistent with this intent; now therefore

16 **BE IT ORDAINED** by the Council of the City of Jacksonville:

17 **Section 1.** Section 656.1337, *Ordinance Code*, is hereby
18 amended in part to read as follows:

19 **CHAPTER 656. ZONING CODE**

20 * * *

21 **PART 13. SIGN REGULATIONS.**

22 * * *

23 **Sec. 656.1337. Sports and Entertainment Complex Sign Overlay**
24 **Zone.**

25 * * *

26 (b) In addition to signs located above the main east and west
27 entrances to the stadium and on the back side of the north and
28 south end zone scoreboards which are hereby designated as Sports
29 and Entertainment Complex On-Site Signs as defined below, other
30 Sports and Entertainment Complex On-Site Signs shall be permitted
31 within the Sports and Entertainment Complex Sign Overlay Zone,

1 subject to the restrictions and limitations set forth below:

2 (1) Signs located within the Entertainment Zone, which
3 for purposes of this section shall mean signs erected on or within
4 the *Entertainment Zone*, which shall be defined as the fenced area
5 located between the north end of Alltel Stadium and Gator Bowl
6 Boulevard, as shown in Figure 1.

7 (2) Stadium Structural Attached Signs, which for
8 purposes of this section shall be defined as signs attached to the
9 structures of the stadium and its appurtenances. Stadium Structural
10 Attached Signs shall include, but not be limited to, signs attached
11 to escalators, light towers, walkways, stanchions, elevators,
12 elevator structures, flag poles, walls, wall supports and fencing.
13 Stadium Structural Attached Signs shall not extend beyond the
14 limits of the structures to which they are attached.

15 (3) Practice Field Signs, which for purposes of this
16 section shall mean signs erected within or on the fenced area east
17 of Franklin Street and south of Beaver Street containing football
18 practice fields, as shown in Figure 1, or such other area within
19 the stadium area designated as practice fields by the City, as
20 landlord of the stadium.

21 (4) Baseball Grounds of Jacksonville Signs, which for
22 purposes of this section shall mean signs erected ~~on or~~ within the
23 Baseball Grounds of Jacksonville facility.

24 (5) Jacksonville Veterans Memorial Arena Signs, which
25 for purposes of this section shall mean signs erected on the
26 interior of Jacksonville Veterans Memorial Arena facility ~~or the~~
27 ~~grounds thereof~~.

28 (6) Parking Lot Signs, which for purposes of this
29 section shall mean signs erected within the parking lots owned or
30 controlled by the city or its facilities manager within the Sports
31 and Entertainment Sign Overlay Zone erected pursuant to a naming

1 right agreement entered into by the City or by an athletic team
2 which is a tenant at the football stadium under rights assigned to
3 such team pursuant to a written agreement with the City.

4 (c) Signs allowed under this section shall not include any
5 off-site sign as that term as defined in Section 656.1302(1) or any
6 off-site commercial billboard, as that term is defined in Section
7 23.02 of the Charter of the City of Jacksonville.

8 (d) For purposes of this part, *Sports and Entertainment*
9 *Complex On-Site Sign* means any sign which advertises or otherwise
10 identifies a use of the Sports and Entertainment Complex area and
11 its facilities named in this section, as well as products,
12 activities or services that are sold, produced, manufactured,
13 located, provided or furnished within such facility, or any sign
14 which advertisement is related to a sponsor of an athletic team
15 which is a tenant at the football stadium, which is deemed to be an
16 on-site commercial use, or any sign erected pursuant to a long-term
17 (in excess of five (5)years) naming right or sponsorship agreement
18 for the entire facility entered into by the City of a publicly
19 owned sports or entertainment venue.

20 **Section 2.** Section 23.02 of the Charter of the City of
21 Jacksonville is amended in part to read as follow:

22 **ARTICLE 23. OFFSITE COMMERCIAL BILLBOARD BAN**

23 * * *

24 **Sec. 23.02. Definition of offsite commercial billboard.**

25 The term "offsite commercial billboard" as used in this
26 article shall mean any sign, display or device permanently affixed
27 to the ground or permanently affixed to a building which advertises
28 or otherwise identifies a commercial use, commercial establishment,
29 commercial product, commercial activity or commercial service that
30 is not sold, produced, manufactured, located provided or furnished
31 on the property on which the sign is located and which is more than

1 25 square feet in size; except that the term "offsite commercial
2 billboard" shall not include (i) any sign, display or device
3 erected by a governmental body or governmental agency, or (ii) any
4 residential subdivision sign, ~~or~~ (iii) any sign erected pursuant to
5 a transfer of sign rights ordinance which provides that sign rights
6 may be transferred from one property to another as long the sign
7 rights for each property are reduced by 300 square feet, or (iv)
8 any sign erected pursuant to a long-term (in excess of five (5)
9 years) naming right or sponsorship agreement for an entire facility
10 entered into by the City of a publicly owned sports or
11 entertainment venue, or an athletic team which is a tenant thereof
12 under rights assigned to such team pursuant to a written agreement
13 with the City.

14 **Section 3.** Section 614.142, *Ordinance Code*, is amended in
15 part to read as follows:

16 **Sec. 614.142. Unlawful sign messages.**

17 * * *

18 (b) It shall be unlawful and a class D offense for any
19 person to erect, display or maintain, at any time, a sign which
20 contains a commercial message which relates to offices,
21 products, accommodations, services, or activities which are not
22 sold, produced, available, conducted or rendered on the property
23 where the sign is located; provided that the prohibition applies
24 only to signs which can be seen unaided from any location on the
25 ground which is not on the lot or parcel where the sign is
26 located; provided, further, this ordinance does not prohibit
27 signs erected in compliance with Section 656.1320 or any sign
28 erected pursuant to a long-term (in excess of five (5)years) naming
29 right or sponsorship agreement for an entire facility entered into
30 by the City of a publicly owned sports or entertainment venue, or
31 an athletic team which is a tenant thereof under rights assigned to

1 such team pursuant to a written agreement with the City; provided
2 further that this section does not prohibit off-site commercial
3 signs maintained or erected in accordance with the terms of an
4 authorized settlement agreement with the City.

5 (c) From and after July 30, 1997, it shall be unlawful and a
6 class D offense for any person to erect, display or maintain, at
7 any time, a sign which contains a commercial message which relates
8 to offices, products, accommodations, services, or activities which
9 are not sold, produced, available, conducted or rendered on the
10 property where the sign is located; provided that the prohibition
11 applies only to signs which can be seen unaided from any location
12 on the ground which is not on the lot or parcel where the sign is
13 located; provided, further, this ordinance does not prohibit signs
14 erected in compliance with Section 656.1320 or any sign erected
15 pursuant to a long-term (in excess of five (5) years) naming right
16 or sponsorship agreement for an entire facility entered into by
17 the City of a publicly owned sports or entertainment venue, or an
18 athletic team which is a tenant thereof under rights assigned to
19 such team pursuant to a written agreement with the City.

20 * * *

21 **Section 4.** Section 656.1309, *Ordinance Code*, is amended
22 in part to read as follows:

23 **Sec. 614.1309. Unlawful sign messages.**

24 * * *

25 (b) It shall be unlawful and a class D offense for any person
26 to erect, display or maintain, at any time, a sign which contains a
27 commercial message which relates to offices, products,
28 accommodations, services, or activities which are not sold,
29 produced, available, conducted or rendered on the property where
30 the sign is located; provided that the prohibition applies only to
31 signs which can be seen unaided from any location on the ground

1 which is not on the lot or parcel where the sign is located;
2 provided, further, this section does not prohibit signs erected
3 pursuant to a long-term (in excess of five (5)years) naming right
4 or sponsorship agreement for an entire facility entered into by the
5 City of a publicly owned sports or entertainment venue, or an
6 athletic team which is a tenant thereof under rights assigned to
7 such team pursuant to a written agreement with the City; provided
8 further that this section does not prohibit off-site commercial
9 signs maintained or erected in accordance with the terms of an
10 authorized settlement agreement with the City.

11 (c) From and after July 30, 1997, it shall be unlawful and a
12 class D offense for any person to erect, display or maintain, at
13 any time, a sign which contains a commercial message which relates
14 to offices, products, accommodations, services, or activities which
15 are not sold, produced, available, conducted or rendered on the
16 property where the sign is located; provided that the prohibition
17 applies only to signs which can be seen unaided from any location
18 on the ground which is not on the lot or parcel where the sign is
19 located provided, further, this section does not prohibit signs
20 erected pursuant to a long-term (in excess of five (5)years) naming
21 right or sponsorship agreement for an entire facility entered into
22 by the City of a publicly owned sports or entertainment venue, or
23 an athletic team which is a tenant thereof under rights assigned to
24 such team pursuant to a written agreement with the City.

25 * * *

26 **Section 5. Severability.**

27 In the event that any portion of this ordinance is declared
28 invalid, unenforceable, unconstitutional or void, or is permanently
29 enjoined by a valid judgment of a court of competent jurisdiction,
30 or if the existence of this ordinance would result in any other
31 portion of Chapter 656, Part 13, or Article 23 of the Charter being

1 held to be invalid, unenforceable, unconstitutional or void, then
2 this entire ordinance and the Ordinance Code and Charter changes
3 included therein are repealed and invalid. Such judgment shall not
4 affect the validity of any other section, subsection, paragraph,
5 sentence, clause or phrase of Chapter 656, Part 13, or Article 23
6 of the Charter, for the Council declares that it is its intent that
7 it would have adopted and would retain intact all of Chapter 656,
8 Part 13, and Article 23 of the Charter without such invalid or
9 unconstitutional provisions.

10 **Section 6. Effective Date.** This ordinance shall become
11 effective upon signature by the Mayor or upon becoming effective
12 without the Mayor's signature.

13
14 Form Approved:

15
16 /s/ Paige Hobbs Johnston

17 Office of General Counsel

18 Legislation Prepared By: Paige Hobbs Johnston

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CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY



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Bill Type and Number: Ordinance 2015-55

Introducer/Sponsor(s): Council Member Bishop

Date of Introduction: January 27, 2015

Committee(s) of Reference: R, F, RCDPHS

Date of Analysis: January 29, 2015

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 656 – Zoning Code – in Part 13 – Sign Regulations – by amending the Sports and Entertainment Complex Sign Overlay Zone to revise the definitions of “Baseball Grounds of Jacksonville Signs” and “Jacksonville Veteran’s Memorial Arena Signs” to remove references to prohibit commercial signs on the exterior of those facilities and to limit application of the overlay to signs on the interior of the facilities. The amendment also clarifies that permission to erect signs pursuant to naming rights or sponsorship agreements applies only to the naming of an entire facility pursuant to a long-term naming rights or sponsorship agreement in excess of 5 years. The bill also amends City Charter Article 23 – Offsite Commercial Billboard Ban – to limit the exception to the ban provided for signs erected pursuant to naming rights or sponsorship agreements to the naming of an entire facility pursuant to a long-term naming rights or sponsorship agreement in excess of 5 years. The same provision regarding long-term naming rights agreements is also added to Ordinance Code Chapter 614 – Public Order and Safety in Sec. 614.142 – Unlawful Sign Messages and to Zoning Code Section 656.1309 – Unlawful Sign Messages.

Background Information: The bill is intended to prevent the erection of signs on the exteriors of public venues advertising naming sponsors who have entered into naming rights agreements for interior portions of those venues (lobbies, suites, etc.).

Policy Impact Area: Off-site sign regulation in the Sports and Entertainment Complex Sign Overlay Zone.

Fiscal Impact: Undetermined

Analyst: Clements