

AGENDA ITEM 7-B
ORDINANCE 2026-08

MEMORANDUM

TO: Planning and Zoning Board

FROM: Allen Parsons, AICP
Director of Planning, Zoning, and Building Department

REPORT DATE: March 9, 2026

MEETING DATE: March 17, 2026

SUBJECT: Ordinance 2026-08, Publicly-Initiated, Private Groin
Related Sign Code Amendment

Background

Ordinance 2026-08 is a publicly-initiated amendment to the Town's Sign Code to allow for a newly defined type of Sign (a Private Groin Sign) on privately-owned groin structures that include a pedestrian walkway and that extend from the public beach into the Gulf of America (formerly known as the Gulf of Mexico; referred to as the Gulf in this memo). This amendment is a companion to a privately-initiated Zoning Text Amendment (Chapter 158, Town Code of Ordinances).

The publicly-initiated amendment effectuates direction that was given by the Town Commission (at the December 8, 2025, Regular Meeting in response to a request by S.R. LBK, LLC, the property owner of 1561, 1571, 1581, 1591, 1601, and 1621 Gulf of Mexico Drive) to amend the Sign Code with staff-supported language, for public hearing consideration¹. The companion privately-initiated Zoning Text Amendment is Ordinance 2026-07.

The companion Zoning Text Amendment request is to allow for an identifying sign on private groins in the Gulf, adjacent to tourism properties. Per the applicant, such signs may serve as an attention attracting feature for tourism properties, promoting visitors and tourism. The applicant's stated intent is to allow for features that provide a focal point for photos adjacent to the Gulf.

In developing the Sign Code amendment language, staff modified the language provided by the applicant for the Zoning Text Amendment, with regard to having a clear public purpose and intent for allowing a sign type. Allowing a sign type for certain businesses (e.g. tourism uses) and not others, would not pass the legal test required for having a legally-supportable and clear public purpose, that is content-neutral (see attached memorandum from the Town Attorney).

Staff can be supportive of allowing a structure with an embedded identifying sign, provided the public purpose is to identify the entity responsible for both the private groins, with pedestrian walkways, and any accessory structures/signs thereon. Staff can be further supportive of amendments to the sign code that allow private groin owners the ability to provide identifying information for the people accessing the groin/walkway for location purposes and more quickly locating the structure in the event of future public safety responses at the private groin (walkway) by the

¹ While the Zoning Code allows (per Sec. 158.021(A)(3)) "fee simple owners of any property in the Town" to initiate proposals for Zoning Text Amendments, the Town's Sign Code does not have this means of initiation. Consideration of amendments to the Sign Code therefore are typically initiated by the Town Commission.

Town's police, firefighters and paramedics, along with identifying the responsible party for maintenance and liability as legitimate public purposes. These allowances would be limited to privately-owned and permitted groin structures in the Gulf that include a pedestrian walkway.

The Sign Code amendment would apply Townwide. Currently, there is only one privately owned groin with a pedestrian walkway. Should there be any additional such groins¹ in the future, the Sign Code, if approved, would similarly allow for an archway structure that contains an embedded identifying sign.

The Sign Code amendment is associated with the previous installation of such a structure (in August 2025), with an embedded sign, adjacent to the properties owned by the privately-initiated Zoning Text Amendment applicant (The St. Regis Resort) prior to receiving Town permitting approval and inconsistent with current Zoning and Sign Code standards. See photo of structure/sign below:



The Sign Code amendments (Ordinance 2026-08), if approved, would make the following changes:

1. Add a new definition for a new type of *Private Groin sign* being allowed. Currently, a sign that is located off-premises from the associated subject property would be considered an *Outdoor Advertising Sign*², which is prohibited. The St. Regis sign pictured above, for example, while on a privately-owned groin structure is not on the same property as the St. Regis development (there is intervening public beach) and is located on sovereign submerged state lands.

The proposed amendment to the Sign Code, Definitions Section is below:

Section 156.02, Definitions

Private Groin sign. An archway-shaped sign erected and maintained on a privately owned and permitted groin that includes a pedestrian walkway that

¹ A private groin structure would be permitted under the Joint Coastal Permit program at the Florida Department of Environmental Protection (Beaches, Inlets, and Ports), and through the U.S. Army Corps of Engineers. Permitting includes environmental assessments and submerged lands lease.

² *Outdoor advertising sign.* A sign that advertises goods, products, or services which are not sold, manufactured, or distributed on or from the premises or facilities on which the sign is located.

extends over sovereign submerged lands in the Gulf of America (formerly known as the Gulf of Mexico).

2. Add a new Subsection to the *Specific Sign Regulations* in Section 156.07. This section addresses the types of signs allowed in residential and commercial, tourism and institutional zoning districts, along with their various standards (sizes, locations, and design related regulations).

Commercial, tourism and institutional zoning districts currently only allow for Ground-Mounted¹ type signs. Amendments to this section would establish a new Subsection “(F)” containing specific requirements associated with the allowance to have an archway structure, with an embedded identifying sign (see below):

156.07, Specific Sign Regulations

(F) Private Groin sign.

Allowance. A single Private Groin sign is authorized on a privately owned and permitted groin structure that includes a pedestrian walkway, and that extends from the public beach into the Gulf of America (formerly known as the Gulf of Mexico). The archway structure and embedded sign shall be limited to identifying the responsible entity for the structure and groin, so ownership and liability can be identified by the walkway users and the public from the public beach. The allowance is authorized when all of the following requirements are met:

- (1) The archway structure, inclusive of a single embedded sign, shall not exceed a height of 14 feet above the surface of the private groin.
- (2) The archway structure on the private groin walkway will create an open frame for pedestrian usage, and passage through the archway structure shall be constructed and consist of columns or posts made of wood, concrete, stainless steel, aluminum, or similar weather-resistant material not exceeding 8 inches by 8 inches thick. The archway structure shall not form a wall, roofed shelter, or enclosed structure.
- (3) The archway structure, including the embedded sign, shall be designed and installed to withstand winds up to 150 miles per hour.
- (4) The archway and embedded sign shall not be illuminated.
- (5) All other applicable state and federal requirements and permits for the private groin, archway, and sign are obtained and approved.
- (6) The archway and embedded sign shall be maintained in good repair at the owner’s sole expense.

¹ *Ground-mounted sign.* A sign which extends from the ground, or has support which places the bottom of the sign no more than two feet from the ground.

Ordinance 2026-08 contains a provision that the Ordinance's adoption and effective date is contingent upon the Town Commission's adoption of Ordinance 2026-07 (the companion Zoning Text Amendment). This Ordinance shall only take effect upon the Town Commission's adoption of both this Ordinance 2026-08 and Ordinance 2026-07.

As noted in the memorandum accompanying Ordinance 2026-07, the Board may want to hold the public hearings for both ordinances prior to taking action. To do so, the Board could hold the public hearing for Ordinance 2026-07, including any public testimony and then Close the Public Hearing.

Before concluding deliberations on Ordinance 2026-07, the Board could open the public hearing for Ordinance 2026-08 and take all testimony and similarly close the public hearing for Ordinance 2026-08 and then take and act on a motion for the first public hearing on Ordinance 2026-07 before similarly taking and acting on a motion for Ordinance 2026-08.

Staff Recommendation

Staff recommends approval of Ordinance 2026-08.

Attachment(s)

- A. Ordinance 2026-08, Private Groin Related Sign Code Amendment
- B. Memorandum from Town Attorney, dated March 9, 2026

ORDINANCE 2026-08

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, MODIFYING AND AMENDING TITLE 15 LAND DEVELOPMENT CODE, CHAPTER 156: SIGN CODE; AMENDING SECTION 156.02, DEFINITIONS; AMENDING SECTION 156.07, SPECIFIC SIGN REGULATIONS; ADDING SUBSECTION (F) PRIVATE GROIN SIGN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key (Town) is a barrier island with unique natural attributes, aesthetic resources, and community character; and

WHEREAS, the Town's Land Development Code serves to preserve and enhance the Town's character by ensuring that land uses are responsive to the social and economic needs of the community and are consistent with the support capabilities of the natural and manmade systems; and

WHEREAS, the Town recognizes that Gulf-fronting properties are a valuable Town asset that: provide recreational, scenic, and environmental benefits for Town residents and property owners; attract tourists, commercial businesses, and future residents to the community; enhance property values throughout the island; and retain commercial businesses and current residents within the Town; and

WHEREAS, the Town finds and determines that the purpose of the regulation of signs is to preserve the attributes, resources, and character of the Town; to promote the health, safety, and welfare of the public through a comprehensive system of reasonable, consistent, and nondiscriminatory sign standards and requirements; and

WHEREAS, in the limited locations where there are privately owned and permitted groins, with pedestrian walkways that extend into the Gulf of America (formerly known as Gulf of Mexico), there is a public benefit to allowing signage identifying the party (or parties) responsible for the maintenance and liability of the private groin structure, and the Town desires to amend its Sign Code to allow such property owners to identify responsibilities associated with such private groin structures; and

WHEREAS, the Town finds that allowing limited signage on a structure over water for purposes of assisting the public and first responders with an identifying marker and location to aid in public safety responses to the structure serves a legitimate public purpose; and

WHEREAS, the Town's Planning and Zoning (P&Z) Board held a public hearing on March 17, 2026, and considered the evidence and testimony relating to the proposed Sign Code amendment provided by Town Staff and public comment regarding the subject Sign Code amendment; and

WHEREAS, the P&Z Board found that the proposed Sign Code text amendment is consistent with the Town of Longboat Key Comprehensive Plan and forwarded the Sign Code text amendment to the Town Commission for consideration; and

WHEREAS, on May 4, 2026, the Town Commission conducted a duly noticed first public hearing on the proposed Sign Code amendment; and

WHEREAS, on June 1, 2026, the Town Commission conducted a duly noticed second

public hearing on the proposed Sign Code amendment and the Town Commission approved the amendments; and

WHEREAS, the proposed amendments to Chapter 156 of the Town Code of Ordinances are less restrictive than prior versions of the Town Code, and provide property owners with greater flexibility and the option of adding limited identifying signage on private groin structures with pedestrian walkways over water to identify responsibility and liability associated with such structures.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The above recitals are true and correct and are hereby incorporated fully by reference.

SECTION 2. Chapter 156, Section 156.02, Definitions, is hereby amended to read:

Private Groin sign. An archway-shaped sign erected and maintained on a privately owned and permitted groin that includes a pedestrian walkway that extends over sovereign submerged lands in the Gulf of America (formerly known as the Gulf of Mexico).

SECTION 3. Amending Chapter 156, Section 156.07, Specific sign regulations, establishing Subsection (F) to read:

156.07 - Specific ~~s~~Sign ~~r~~Regulations

(F) Private Groin sign.

Allowance. A single Private Groin sign is authorized on a privately owned and permitted groin structure that includes a pedestrian walkway, and that extends from the public beach into the Gulf of America (formerly known as the Gulf of Mexico). The archway structure and embedded sign shall be limited to identifying the responsible entity for the structure and groin, so ownership and liability can be identified by the walkway users and the public from the public beach. The allowance is authorized when all of the following requirements are met:

- (1) The archway structure, inclusive of a single embedded sign, shall not exceed a height of 14 feet above the surface of the private groin.
- (2) The archway structure on the private groin walkway will create an open frame for pedestrian usage, and passage through the archway structure shall be constructed and consist of columns or posts made of wood, concrete, stainless steel, aluminum, or similar weather-resistant material not exceeding 8 inches by 8 inches thick. The archway structure shall not form a wall, roofed shelter, or enclosed structure.
- (3) The archway structure, including the embedded sign, shall be designed and installed to withstand winds up to 150 miles per hour.
- (4) The archway and embedded sign shall not be illuminated.
- (5) All other applicable state and federal requirements and permits for the private groin, archway, and sign are obtained and approved.
- (6) The archway and embedded sign shall be maintained in good repair at the owner's sole expense.

SECTION 4. Providing for Severability. If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 5. Repeal of Ordinances in Conflict. All other Ordinances of the Town of Longboat Key, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 6. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Longboat Key upon adoption.

SECTION 7. Effective Date. This Ordinance's adoption and effective date shall be contingent upon the Town Commission's adoption of Ordinance 2026-07. This Ordinance shall only take effect upon the Town Commission's adoption of both this Ordinance 2026-08 and Ordinance 2026-07, in the manner provided for by law.

Passed on the first reading and public hearing on the 4th day of May, 2026.

Adopted on second reading and public hearing on the 1st day of June, 2026.

ATTEST:

Mayor

Trish Shinkle, Town Clerk



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Reply to: Lakewood Ranch

MEMORANDUM

TO: Allan Parsons, Planning and Zoning Director

FROM: Maggie Mooney, Esq., Town Attorney

DATE: March 9, 2026

RE: Sign Codes Regulations and Compelling Government Interest

Pursuant to your request, you asked for a Memorandum that explains the applicable First Amendment considerations that must be observed when drafting a zoning code amendment to authorize additional sign code allowance(s). As we discussed, sign code amendments must be carefully crafted observing Supreme Court decisions on the subject.

As you may recall, in 2015, the U.S. Supreme Court rendered a unanimous decision in *Reed v. Gilbert*, 576 U.S. 155, that invalidated a municipal sign code ordinance that treated signs differently based on their content. Specifically, that city's sign code classified signs based upon whether signs were ideological, political or temporary directional signs. Those classifications dictated sign size and time allowances for their display. The Supreme Court invalidated the Town of Gilbert's sign code finding that the sign ordinance was an unconstitutional, content-based regulation of speech that could not survive strict scrutiny. The Supreme Court indicated that content-based regulations may only be justified if the government's regulation is narrowly tailored to serve a compelling state interest.

Lakewood Ranch
6853 Energy Court
Lakewood Ranch, Florida 34240

Venice
236 Pedro Street
Venice, Florida 34285

The *Reed* decision has been interpreted as requiring that sign codes be content-neutral. The *Reed* decision also provided guidance on what local governments could regulate in their sign codes. Specifically, the Court reiterated that cities have the abilities to regulate content-neutral, time-place-manner aspects of signage, such as:

- Physical and locational criteria
- Size
- Lighting
- Materials
- Setbacks
- Digital vs. static displays
- Traffic-safety-related restrictions (if content neutral)

The decision in *Reed* is now widely regarded now as the general minimum standards to observe when drafting sign codes or their amendments.

On-Premises and Off-Premises Signs

Following *Reed*, the Supreme Court provided additional instruction on sign code regulations in *City of Austin v. Reagan National Advertising*, 596 U.S. 61 (2022), by articulating additional distinctions between on-premises and off-premises sign regulations. Specifically, the U.S. Supreme Court upheld on-premises vs. off-premises distinctions within a city's sign code and determined that a location-based differential for advertising signs did not violate the First Amendment when it was adopted for safety and aesthetic purposes. The Court found that the on-premises and off-premises sign regulation distinction was facially neutral and subject to intermediate scrutiny. The *City of Austin* decision clarified that post-*Reed*, municipal ordinances could: use physical or locational criteria instead of message-based criteria; treat commercial speech separately; document traffic-safety or aesthetic justifications for content-neutral restrictions; and ensure any exceptions (i.e., safety signs) are grounded in government speech or content-neutral necessity. The Court reiterated that the First Amendment allows governments to regulate solicitation in an attempt or effort to gain business; and continues to afford government the right to regulate of time and manner of solicitation in the interest of public safety, peace, comfort or convenience. Restrictions on solicitations are not content based so long as they do not discriminate based upon topic, subject matter or viewpoint.

Mandatory Neutral Information

Mandatory, content neutral signage for location identification to ensure emergency service access and safety have been repeatedly upheld by the courts as not violating the First Amendment. Government may require factual, functional information, and such information is generally treated by the courts as a regulation of conduct with incidental effects on speech. Address signage requirements are often considered non-expressive regulatory requirements. Other examples include building-permit postings, safety warnings, occupancy notices, health inspection grades, utility easement markers. These types of required signage are generally upheld because they serve a

legitimate governmental interest (i.e., emergency response, safety, public order) and are not more burdensome than necessary. By comparison, government regulatory signage requirements violate the First Amendment when government attempts to force a private party to express ideological message, for example a “flag salute” or “state motto” on license plates.” See, *West Virginia v. Barnette*, 319 U.S. 624 (1943); *Wooley v. Maynard*, 430 U.S. 705 (1977). Government cannot force individuals to adopt or display a viewpoint. Additionally, government requirements to disclose specific information to prevent deception have also been upheld without violating the First Amendment. See, *Zauderer v. Office of Disciplinary Counsel*, 471 U.S. 626 (1985). Courts typically apply intermediate scrutiny to government sign regulations that are content-neutral but serve a legitimate government purpose (i.e., safety or aesthetics).

In response to the *Reed* decision, most local governments, including the Town of Longboat Key, revised their sign codes to conform with the content neutral parameters articulated by the U.S. Supreme Court. In 2018, the Town of Longboat Key adopted revisions to its sign code and modeled its revisions after a model advanced by the International Municipal Lawyers Association (“ILMA”). See, Ordinance 2017-03 (passed 7-9-18) and codified as Chapter 156 of the Town Code. Since its 2018 adoption, there have not been any amendments to the Town’s sign code.

The public beaches within the Town of Longboat Key (“Town”) are engineered and renourished by the Town as part of the Town’s comprehensive beach management plan to ensure that the Town’s beaches and shoreline are maintained for the benefit of the Town’s property owners, residents, visitors and guests. There are several rigid, man-made groins that are built immediately adjacent and perpendicular to the Town’s public beach for the purpose of slowing and/or preventing coastal erosion along the shoreline. The vast majority of the constructed groins are publicly owned, permitted and designed by the Town, and not designed or intended for public access or use (i.e., they are constructed of large rock blocks and other materials without pedestrian accessibility from the shoreline). By contrast, there is currently one privately constructed ground along the Town’s beaches that includes a boardwalk-walkway attraction on top of the groin structure that is owned by a commercial property owner that is accessible from the public sandy beach. The boardwalk-walkway extends into the Gulf of America (formerly known as the Gulf of Mexico) and is open to the off-site commercial property owner’s condominium unit owners and tourist invitees and also to other public beach users. The Town has a legitimate governmental interest in allowing signage on the groin to distinguish the site from the public beach immediately adjacent to it. Allowing a sign would identify the distinction between the public and private groins within the Town since none of the existing groins have any identifying ownership markings. The Town’s public owned groins are not intended for public access nor for use as a recreational amenity. By contrast, the secondary purpose for the private groin owned by a commercial property owner is for the groin to also serve an aesthetic attraction (for photos and social media postings by the commercial property owner’s invitees and guests) and as a recreational area for other beach users to use as a boardwalk-walkway structure (above the groin). Absent a sign indicating ownership, there is nothing distinguishable from the public beach to indicate that the groin is privately and commercially owned and operated, was constructed by a nearby commercial property owner, and is not public property. Failure to identify privately owned groin would lead to public confusion that the Town of Longboat Key has an ownership interest in

the structure or responsibility for the groin structure in conjunction with the rest of the beach (as it does for every other coastal groin). Identifying the responsible owner allows the public to determine whether or not the public should access and walk upon privately owned structure and what entity is responsible for ownership and ensuring safety of the structure. Additionally, a sign erected on the private groin structure would assist the public and first responders in creating an indicator to provide a location in the event of future public safety responses at the private groin (walkway) by the Town's police, firefighters and paramedics.

As the amendments to the Town of Longboat Key's sign code are being crafted and considered, content neutral (time, place, manner) criteria should always be the objective in the development of new sign code text. There is greater latitude for regulations of off-premises commercial signs particularly when the regulations serve an important or significant interest. Neutral regulatory requirements with public safety justifications are generally upheld, and (if applicable) public safety considerations should be considered and incorporated. Accordingly, if the purpose of the sign code amendment by the Town is to allow content neutral signage on the private groin to provide identifying information for the people accessing the groin/walkway for location purposes (i.e., future public safety reasons) and ownership liability for the privately owned groin/walkway structure, such rationale will likely support the advancement of substantial government interests.

As always, if you have any questions or concerns about this Memorandum and its guidance, please do not hesitate to contact me.