

PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING TITLE XV, "LAND USAGE," CHAPTER 155, "ZONING CODE - SIGNS", OF THE CITY OF PEMBROKE PINES CODE OF ORDINANCES TO PROVIDE FOR AMENDMENTS TO PROVISIONS RELATED TO CONTENT BASED REGULATIONS IN THE CITY OF PEMBROKE PINES' SIGN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Staff periodically reviews the Code of Ordinances of the City and makes recommendations to the City Commission to revise its Ordinances; and

WHEREAS, the City Staff recommends that the City Commission modify and update certain sign regulations in the City's Code of Ordinances as a result of recent federal case law, including but not limited to *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015); and

WHEREAS, in *Reed*, Justice Alito, wrote a concurring opinion, joined by Justice Kennedy and Justice Sotomayor, and opined that the Supreme Court's ruling does not preclude cities from enacting and enforcing reasonable sign regulations, which may include, but are not limited to, limits on size, quantity, placement, location, lighting, and digitization, and that such regulations are valid to protect public safety and serve legitimate aesthetic objectives; and

WHEREAS, Justice Alito further noted in his opinion that, "in addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow government speech," and that government entities "may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots." *Id.* at 2233. *See also, Pleasant Grove City v. Summum*, 555 U.S. 460, 467-469 (2009); and

WHEREAS, the City Commission finds and determines that these sign regulations are intended to regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians in order to maintain safe roadway conditions for the general public; and

WHEREAS, the City Commission finds that these sign regulations are intended to regulate signs in a manner to protect the public from the dangers of unsafe signs by requiring signs to be constructed, installed and maintained in a safe

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

and satisfactory manner; and

WHEREAS, these sign regulations are consistent with federal and state law; and

WHEREAS, the City Commission wishes to preserve the aesthetic beauty of the City of Pembroke Pines, Florida; and

WHEREAS, the City Commission finds and determines that aesthetics is a valid basis for zoning, and that the regulation of the size and appearance of signs can be based on aesthetic grounds alone as promoting the general welfare; and

WHEREAS, City Staff has determined that this Ordinance is consistent with the Comprehensive Plan, the Land Development Regulations and the Ordinances of the City, and recommends approval of this Ordinance; and

WHEREAS, the Planning and Zoning Board has conducted a public hearing, has determined this Ordinance to be consistent with the Comprehensive Plan, the Land Development Regulations and other Ordinances of the City and recommends approval as provided herein; and

WHEREAS, the City Commission conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the City Commission has determined that this Ordinance is consistent with the City's Comprehensive Plan and in the best interest of the City, its residents, and its visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified as true and correct, and incorporated herein by this reference.

SECTION 2. That Chapter 155, entitled "Signs," of the City of Pembroke Pines Code of Ordinances, is hereby amended to read as follows:

SIGNS

§ 155.315 PURPOSE.

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

The purpose of this subchapter is to create the framework for a comprehensive but balanced system of sign control, thereby facilitating a clear and pleasant communication between people and their environment. It is the belief of the City Commission that the nature of signs is to provide an index to the needed goods and services. It is the intention of this subchapter to authorize the use of signs which are:

- (A) Compatible with their surroundings.
- (B) Expressive of the identity of individual proprietors or the community as a whole.
- (C) Legible under the circumstances in which they are seen.
- (D) Effective in indexing the environment.
- (E) Promotive of the aesthetics, safety, health, morals, property values, general welfare, and the assurance of protection of adequate lighting, energy, and air space within the city by regulation of the posting, displaying, erection, use, and maintenance of signs. No sign shall be permitted on a plot either as a main or accessory use except in accordance with the provisions of this subchapter.

§ 155.316 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADVERTISING. Any form of public announcement intended to aid, directly or indirectly, in the sale, use, or promotion of a product, commodity, service, activity, or entertainment.

ADVERTISING SIGN. Any sign which directs attention to a business, commodity, service, product, or activity not conducted, sold, offered, or available on the premises where the sign is located, or to which it is affixed.

ANIMATED SIGN. A sign which utilizes motion of any part by any means, or displays flashing, oscillating, or intermittent lights.

ANNOUNCING SIGN. A sign announcing a project to be under construction or an intended use of the premises in the immediate future.

ANNOUNCEMENT BANNER. Banners displayed in conjunction with a forthcoming opening, a new business or multi-family community, or change of ownership of a business or multi-family community

BALLOON SIGN. A sign supported by wind or air and attached to the ground, a building, or structure.

BANNER SIGN. A sign having the characters, letters, or illustrations applied to cloth, paper, or fabric of any kind, with only that material for backing.

BILLBOARD. A structure utilized for advertising an establishment, an activity, a product, service, or entertainment, at a place other than imprinted on the exterior wall of a building.

BILLBOARD SIGN. A sign designed for the application of letters, numerals, symbols, characters, or illustrations by painting, light projection, bills, or posters,

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

which is to be changed regularly, periodically, or frequently.

BOX SIGN or **CABINET SIGN**. Any sign, the face of which is enclosed, bordered, or contained within a box-like structure, frame, or other device.

BUS BENCH ADVERTISING SIGN. A bench of any fashion, size, or construction that contains advertising as more specifically defined herein. **CABINET SIGN**. See **BOX SIGN**.

CANOPY SIGN. A sign attached to or hung from a canopy or covered structure projecting from and supported by a building, when that canopy or covered structure extends beyond the building, building line, or property line. **DIRECTIONAL SIGN**. A sign indicating the direction or location of some facility or service incidental to a use and not advertising the use itself in any way.

DIRECTORY SIGN. A sign that identifies inline tenants in shopping centers, office, and/or industrial parks both as to identity, location and functional use. Directory signs are designed to expedite ease of locating inline shops within shopping centers. These signs may be designed to accommodate either pedestrians or motorists or both.

FACADE. The entire building front, including main street wall face, including any parapet but not including glass or open areas.

GROUND SIGN or **FREESTANDING SIGN**. A self-supported structure not attached or affixed in any way to a building or any other structure with concealed means of support.

GROUND BOX SIGNS. A self-supported structure not attached or affixed in any way to a building or any structure, the face of which is enclosed, bordered, or contained within a box-like structure, frame, or other device, with no visible means of support.

IDENTIFICATION SIGN. A sign which indicates the name of a use, owner, activity, business, or enterprise, but including nothing more.

ILLEGAL SIGN. Any sign erected in violation of any ordinances in effect prior to the effective date of this subchapter.

ILLUMINATED SIGN. Any sign having characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes designed for that purpose, whether or not the lights or tubes are physically attached to the sign.

INFORMATION SIGN. A sign located on and relating to an activity on the premises upon which the sign is located; such as "Entrance," "Exit," "Caution," and "No Trespassing."

INTERNAL ILLUMINATION. A light source concealed or contained within the sign which becomes visible by shining through a translucent surface.

ITEM OF INFORMATION. One syllable, symbol, abbreviation, broken plane, or discontinuous odd shape location in any one sign.

MANSARD. A false roof projecting over the front of a building.

MARKETING SIGN. A sign located upon the property for which the information on the sign pertains which identifies the property at said location as being available

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

for rent, lease, or sale. **MODEL SIGN.** A sign which designates a particular dwelling-unit design which is not for sale, but rather represents other units of a similar design that are for sale.

MONUMENT SIGN. See **GROUND BOX SIGNS.**

MUNICIPAL SIGN.

NAMEPLATE SIGN. A sign indicating the name, profession, or address of a person or persons residing on the premises or legally occupying the premises.

NONCONFORMING SIGN. A sign or advertising structure existing within the city limits on the effective date of this subchapter, or a sign or advertising structure existing in an area annexed to the city after the effective date of this subchapter which, by its height, type, content, square-foot area, location, use, or structural support, does not conform to the requirements of this subchapter.

NONILLUMINATED SIGN. A sign which is not illuminated by lights designed and provided for the purpose, either external or internal.

PARAPET. A wall-extension above the roof line of a building.

PARKING IDENTIFICATION SIGNS. A sign used to denote parking spaces with a specific purpose; such as, "Short Term Parking", "Food Takeout", and "Retail Pickup

PERMANENT SIGN. Any sign, which when installed, is intended for permanent use. For the purposes of this subchapter any sign with an intended use in excess of three months from the date of installation shall be deemed a **PERMANENT SIGN.**

POLE SIGN. A sign erected upon a pole or poles which are visible and which is wholly independent of any building or other structure for support.

PRIMARY BUILDING FACE. The front of the building or that face of the building which provides primary customer access.

PRIMARY FRONTAGE. That frontage designated by the owner/occupant to be his primary use, when his business faces on two streets of at least secondary arterial designation.

PROJECT SIGN. A sign which identifies the construction of a building or a building complex.

PROJECTING SIGN. A sign attached to and supported by a building or other structure, which extends at any angle therefrom.

PUBLIC SAFETY SIGNS. Signs regarding the amount of cash in the register or the safe, as well as the hours of operation, open/closed, and emergency notification phone numbers, which are required by the city (public safety signs) are permitted for all businesses in the city provided that they do not exceed three square feet in size.

REAL ESTATE SIGN. A sign erected by the owner or his agent, indicating property which is for rent, sale, or lease.

ROOF SIGN. A sign erected over or on the roof, extending above the roof line, which is dependent upon the roof, parapet, or upper walls of any building for support.

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

SANDWICH/ A-FRAME SIGN. A temporary sign that is supported by its own frame forming the cross-sectional shape of an A and oriented for pedestrians. **SHOPPING CENTER.** A group of retail stores, service establishments or any other business planned to serve the community or neighborhood, not necessarily owned by one party or a single land owner, which are adjacent to and utilizing a common parking area or areas.

SIDEWALK SIGN. A movable sign not secured or attached to the ground.

SIGN. A device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

SIGN AREA. The square-foot area enclosed by the perimeter of the aggregate sign face. When a sign, composed of letters only, is designed to be compatible with a particular architectural style, the sign area is the sum of the area of the smallest contiguous rectangles or circles capable of containing one letter. In all other cases, the area is enclosed by the perimeter line enclosing all letters.

SIGN FACE. That part of the sign that is or can be used for communication purposes visible from one direction.

SNIFE SIGN. A sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects, with the message appearing thereon not applicable to the present use of the premises or structures upon which the sign is located.

STRUCTURE. Anything constructed or erected, which requires location on the ground or which is attached to an object having a location on the ground.

SUBDIVISION SIGN. A sign designating a subdivision, plat, or other division of real property.

SUPERGRAPHIC. An artistic design or pictorial representation that contains no lettering or business identification or logo or symbols used as a sign as defined herein.

TEMPORARY SIGN. Any sign intended for use not permanent in nature. For the purposes of this subchapter any sign with an intended use of one hundred twenty (120) days or less shall be deemed a **TEMPORARY SIGN**.

TRAILER SIGN. A portable sign placed in or attached to a trailer. **UNDER-CANOPY SIGN.** A sign permanently affixed to the underside of a shopping center canopy.

VEHICLE REMOVABLE SIGN. A sign temporarily affixed to a transportation vehicle, inside or outside, for the purpose of advertising.

VEHICLE SIGN. A sign affixed to a transportation vehicle, including automobiles, trucks, boats, trailers, and campers, for the purpose of identification. **WALL**

SIGN. A sign which is approximately parallel to and supported by any wall or other enclosure.

WINDOW SIGN. Any sign mounted to the interior or exterior of a window or any sign greater than three square feet in size which is mounted within three feet of the window surface, in the interior of a building and located or lighted so as to attract

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

attention from the exterior of the business.

§ 155.317 EXEMPT SIGNS.

All Vehicle Signs shall be exempt from all provisions of this subchapter except when those signs are utilized at a specific location or site for advertising purposes in addition to or in lieu of a permanent or temporary sign as permitted under this subchapter.

§ 155.318 PERMIT AND FEE REQUIRED; EXEMPTIONS.

(A) Permit required. It shall be unlawful for any person to install, alter, or cause to be installed or altered within the municipal limits of the city, any sign, whether permanent or temporary, without first having obtained a permit from the Building and Zoning Department of the city. The permit shall be issued by the Building and Zoning Department only after determination has been made that full compliance with all conditions of this subchapter shall be met and complied with.

(B) Signs exempt from permit requirements. The following signs, while covered by the general provisions of this subchapter, shall be exempt from the permit requirements of this section. This exemption specifically in no way waives requirements of structural or safety requirements outlined by this subchapter or the Florida Building Code.

(1) Signs installed under the direction of a federal, state, county, or municipal agency.

(2) Window signs.

(3) Real estate signs.

(4) Nameplate signs and identification signs when letters for those signs do not exceed six inches in height and when those signs do not exceed two square feet in overall dimensions.

(5) Signs indicating the availability of accommodations in hotels, motels, and the like, when those signs conform with all other provisions of this subchapter; and when signs do not exceed 1½ square feet.

(6) Public safety signs.

(C) Permit application. Applications for permits required by this section shall be filed with the City Building and Zoning Department, and shall contain the following information:

(1) Name and address of proposed sign owner or his or her authorized agent.

(2) Type of sign or sign structure, with all relevant dimensions.

(3) Location of premises upon which sign is to be located.

(4) A plan or design of the sign, showing the square-foot area of the sign as well as the sign face, height of letters, colors, materials, lighting, equipment, if any; and its position relative to the building or property line.

(5) Estimated value of the sign.

(6) Such other structural and technical information as may be required by the

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

City Building and Zoning Department.

(D) Permit issuance; labels to be affixed. If, upon examination, the Building and Zoning Department determines that an application is in conformance with the provisions of this subchapter, they shall cause a written permit to be issued authorizing the installation of the referenced sign. With each permit, the Building and Zoning Department shall also cause a label to be issued bearing the number of the permit and further identifying specifically the sign which the permit authorizes. This label shall then be affixed to the sign by the permittee in a manner so that the permit will be readily visible for inspection purposes. Absence of this label upon any sign constructed or installed within the municipal limits shall be prima facie evidence of failure to meet the requirements of this subchapter.

§ 155.319 PERMIT REVOCATION.

Permits issued under § 155.318 may be revoked by the City Building and Zoning Department upon determination that the sign is not in full compliance with the provisions of this subchapter. Further, if the sign authorized by any permit has not been constructed within three months after the date of issuance of any permit, then the permit shall automatically be revoked.

§ 155.320 STRUCTURAL REQUIREMENTS.

(A) All structural members utilized in the construction or erection of signs shall be concealed, except for vertical supports or other supporting members which are designed and arranged so as to be an integral part of the aesthetic composition of a sign.

(B) Electrical conduits, boxes and fittings must be located in the least visible area of the sign installation, and shall be serviced by underground wiring; except those classified as temporary by Florida Power and Light Company.

§ 155.321 GENERAL STANDARDS.

The following general standards shall apply to all signs city-wide:

A. ~~Obscene.~~ It shall be unlawful for any person to display upon any sign or other advertising structure any obscene or indecent matter. No sign shall display any statement, word, character, or illustration of an obscene nature, as defined by Chapter 847, Florida Statutes, as may be amended from time to time.

B. ~~Misleading.~~ It shall be unlawful for a person to display false or misleading statements upon signs, intended to mislead the public as to anything sold, any services to be performed or information disseminated. The fact that any sign or display shall contain words or language sufficient to mislead a reasonable and prudent person in reading same, shall be prima facie evidence of a violation of this section by the person displaying the sign or permitting same to be displayed.

c. ~~Non-commercial Copy.~~ Any sign authorized in this article may contain non-commercial copy in lieu of any other copy. However, in non-residential zoning

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

districts, the area of a sign containing non-commercial copy shall be construed to count towards the total signage area allowed for the sign type that it most closely resembles. Any sign allowed under this article may contain, in lieu of any other message or copy, any lawful non-commercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area and other requirements of this article.

d. In accordance with sections 526.111, 526.121, and 553.79, Florida Statutes, as may be amended from time to time, this Chapter shall not apply to the design, construction, or location of signage advertising the retail price of gasoline.

e. In accordance with Section 533.79, as amended from time to time, this Chapter does not authorize the city to adopt or enforce any regulation that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under chapter 526, Florida Statutes, or in carrying out business activities defined as a franchise by Federal Trade Commission regulations in 16 CFR section 436.1, *et seq.* This subsection does not affect any requirement for design and construction in the Florida Building Code.

§ 155.322 LOCATION.

(A) No sign or support shall be placed in such position or manner as to obstruct or interfere, either physically or visually, with any fire alarm, police alarm, traffic signal, sign, or any devices maintained by or under public authority; or ingress or egress from any public or private right-of-way, roadway, or driveway.

(B) No billboard shall be placed adjacent to a highway or roadway which is posted to permit speeds in excess of 50 mph and is within the city limits in such a manner that the sign face is visible to the oncoming traffic on such highway or roadway. A billboard shall be deemed adjacent to a roadway or highway if the advertising message on the billboard is visible or discernible from the highway or roadway.

§ 155.323 MAINTENANCE.

Every sign, together with its framework, braces, angles, or other supports, shall be maintained in a safe condition, properly secured, supported, and graced, and able to withstand pressure as required by the Florida Building Code, as amended by Broward County or any other regulatory code of ordinance in effect within municipal limits.

§ 155.324 PERMANENT SIGNS.

Only such permanent signs as are detailed herein below shall be permitted to be erected or maintained upon any building lot, plot, or parcel of land:

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

(A) A-1 and R-1 Zoning Districts. One nameplate sign, which shall be permitted shall not exceed 1½ square feet of total area per dwelling unit. For nonresidential uses in A-1 zoning districts, the provisions of division (C) of this section apply.

(B) Th-12, R-3, R-4, and R-6 Zoning Districts. One nameplate sign which shall be permitted shall not exceed two square feet of total area.

(C) Business Zoning Districts.

(1) Shopping center signs. A uniform sign plan shall be required by the city for all attached tenant wall signs within shopping centers. The uniform sign plan shall be submitted as both 8.5 inch by 11 inch hard copy and in electronic format. Uniform sign plans shall:

(a) Be coordinated through and approved by the shopping center owner.

(b) Be presented for the whole shopping center, which shall be compatible with the architectural design of the entire center and enhance the aesthetics of the center.

(c) A uniform sign plan shall be approved by the Planning and Zoning Board. Signs utilizing legally registered and recognized logos, trademarks, or letter style shall be considered and may be permitted with approval of both the landlord and the city. Logos, trademarks, or letter styles that are of a different color than the approved uniform sign plan color guidelines will be considered during the permitting process upon review of compatibility issues by the city's Zoning Official. The consideration shall be within the bounds of sound zoning practice and planning and in harmony with the general purpose and intent of the uniform signage plan. State or nationally registered trademarks/logos that the Zoning Official deems to be egregious or objectionable may be denied. The decision of the Zoning Official is appealable to the Planning and Zoning Board.

(d) Box or cabinet signs shall be allowed when presented as part of a unit plan for a shopping center.

(e) Tenant signs within a uniform sign plan shall be limited to the following:

1. One font;
2. One text color;
3. One background color;
4. One sign frame color;
5. Uniform material type; and
6. One type of interior illumination.

(f) Uniform sign plans shall include the following standards and specifications:

1. Height (sign copy). Sign copy shall have a maximum of 48 inches;
2. Length (sign structure and sign copy). Sign copy shall be limited to a maximum of 75% of leased frontage.
3. Tenants shall be allowed a maximum of 1.5 square feet per lineal foot of leased frontage, or 120 square feet whichever is less;
4. Brightness. Illuminated and other lighting effects shall not create a

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

nuisance to adjacent property or create a traffic hazard;

5. Number of signs;
6. Typical sign type;
7. Sign material(s);
8. Method of illumination;
9. Hours of illumination; and
10. Maximum sign coverage (as a percentage of sign band).

(g) Uniform sign plans must incorporate illustration(s) of typical tenant sign to include:

1. Dimensions of proposed sign to show height, length and width of sign (sign structure and sign copy);
2. Area of proposed sign face and logos;
3. Exterior color(s) of typical sign including sign face and frame;
4. Font on sign face; and
5. Elevation(s) of a typical tenant storefront(s) with the proposed sign location. Tenant sign must be centered both vertically and horizontally on the sign band.

(h) The following additional materials shall be included with each copy of a uniform sign plan:

1. Color samples of all proposed colors on the sign face; and
2. Color samples of the sign frame.

(i) Tenants are allowed one sign on each shopping center bay primary frontage.

(j) Tenants occupying a corner bay within a shopping center shall be allowed an additional sign on the store's secondary frontage which shall not exceed the size of the sign on the primary frontage. Sign area for both signs shall not exceed a maximum area of 120 square feet.

(k) For the purposes of this section, **SIGN BAND** shall be defined as a horizontal area above a multi-tenants' building's entrances, architecturally designed to accommodate signage.

(l) Ground box signs.

1. Unless otherwise provided for herein, shopping centers shall be entitled to one ground box sign.

2. Ground box signs in shopping centers shall be subject to the guidelines set forth in division (C)(6)(f)(1) through (3) of this section, also known as the uniform sign plan. Ground box signs utilizing legally registered and recognized logos, trademarks or letter style shall be considered and may be permitted with approval of both the landlord and the city. Logos, trademarks or letter styles that are of a different color than the approved uniform sign plan color guidelines will be considered during the permitting process upon review of compatibility issues by the city's Zoning Official. The consideration shall be within the bounds of sound zoning practice and planning harmony with the general purpose and intent of the uniform

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

sign plan. State or nationally registered trademarks/logos that the Zoning Official deems to be egregious or objectionable may be denied. The decision of the Zoning Official is appealable to the Planning and Zoning Board.

3. Each ground box sign shall be no more than 48 square feet in total size and nine feet in total height. The name and street address of the shopping center shall be posted on the top each sign; however, it shall not be factored into the total square footage or height of the sign. The name and address shall be no larger than nine square feet and one and one-half feet in height. The numbers of the street address shall be no less than six inches in height. If a shopping center does not have a name, the street address shall be included on the sign in accordance with this section. Each ground box sign shall contain no more than four panels not including the name and street address of the shopping center. Each panel shall be limited to two lines of text. Ground box signs may include the property management or leasing information on the base of the sign. Such information shall not be illuminated and have a maximum size of five square feet, which shall not count towards the overall square footage of the ground box sign or count as a tenant. This square footage shall not count against a tenant's overall square footage for a particular shopping center.

4. Ground box signs shall have sufficient architectural spacing between sign panels to ensure legibility, subject to approval by the Planning Department.

5. One additional shopping center ground box signs shall be permitted if:

a. The shopping center fronts on two main thoroughfares of at least secondary arterial designation (80 feet right-of-way); or

b. The shopping center has a minimum 1,500 lineal feet of frontage along a single thoroughfare.

6. Shopping centers that satisfy divisions 5(a) and 5(b) of this section shall be entitled to a third ground box sign.

7. All additional ground box signs shall be separated by a minimum of 500 feet.

8. All signs shall comply with § 52.10(B)(3) of this code of ordinances.

(m) Under-canopy signs may be permanently installed in shopping centers perpendicular to the store front, equidistant between the store front and the canopy edge, centered in the store frontage. This sign shall be no longer than 50% of the width of the canopy up to a maximum of four feet in length. The depth shall be no longer than ten inches from the canopy. Internal illumination shall be allowable. Under-canopy signs must be uniform throughout the shopping center and must be provided through the owner of the shopping center or his agent.

(n) The owner or owner-designated agent of a shopping center must create or revise that plan to reflect the requirements of this section prior to the issuance of any future sign permits by the city.

(o) A plan which is merely revised or modified to come into conformity with this section shall be reviewed and approved administratively for 12 months following

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

the date of the adoption this ordinance and shall further not be subject to the quasi-judicial process during such time period. A shopping center that is submitting a new plan because it did not previously have a sign plan or is changing its sign plan in a manner that is not merely to bring an existing sign plan into compliance with this section, shall not be reviewed administratively, but shall be subject to the normal, quasi-judicial review process as otherwise required by the City Code of Ordinances.

(2) Outparcels and freestanding buildings. Unless otherwise provided for herein, signs for all outparcels and freestanding buildings shall be subject to the same provisions of § 155.326(C)(6) for shopping center tenants.

(a) The maximum allowable square footage for an outparcel or freestanding building shall be one and one-half square feet per linear foot of frontage. Frontage shall be calculated as the length of the primary frontage plus the length of the secondary frontage.

(b) The maximum allowable sign area for an outparcel or freestanding building shall be 120 square feet.

(c) The maximum allowable letter height on a sign for an outparcel or freestanding building shall be 48 inches.

(d) All outparcels and freestanding buildings shall be permitted to have one ground box sign. The maximum allowable size of the ground box sign shall be a maximum of 24 square feet. The square footage shall count towards the maximum allowable sign area as set forth in subsection (b). The height shall not exceed seven feet six inches.

(e) Signs on outparcels and freestanding buildings may be placed on any elevation, however signs on the primary facade of the outparcel or building shall not exceed 50% of the total allowable square footage. Secondary sign area shall be equal to or less than the sign on the primary facade.

(3) Regional mall outparcels.

(a) There shall be no more than two freestanding signs on each outparcel development site - one facing Pines Boulevard or other arterial roadway, and the second facing the ring road or interior of the site. Freestanding signs are to be ground signs with a maximum height of 7.5 feet above surrounding grade and maximum area of 24 square feet facing Pines Boulevard or other arterial roadway and 16 square feet facing the ring road or interior of the site and are to be integrated with the landscaping. Materials used for freestanding signs must be compatible with materials used in the building.

(b) Each outparcel development site shall also be entitled to one a maximum of 80 square feet of wall signage; letters shall not exceed 48 inches in height.

(c) Signs on regional mall outparcels may be placed on any elevation, however signs on the primary facade of the building shall not exceed 50% of the total allowable square footage. Secondary signs shall not exceed the size of the sign on the primary facade.

(d) Advertising, flashing, or directional lights are not permitted.

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

(e) There shall be no advertising flags, pennants, streamers or the like displayed on any building or on the property, except for grand opening or special promotional displays which shall be limited to no more than 30 days.

(4) Gasoline service stations.

(a) Gasoline service station structures and canopies. Gasoline service stations may be permitted a maximum of 36 square feet of signage to be distributed on structure and canopies with letter height not to exceed 36 inches in height.

(b) Monument signs. Each gasoline service station may be permitted one double-faced monument sign not to exceed 36 square feet in size. Monument sign displays must include price panels. The monument sign may be internally illuminated, and shall not exceed seven and one-half feet in height.

1. Price panels are required to be not less than 18 square feet, and not more than 24 square feet.

2. All price panels for gasoline products at service stations shall display the highest price if there is a difference between the cash and credit prices.

(c) All price signs for gasoline products at gasoline service stations shall display separately and specifically, with equal prominence, the full-service price and the self-service price, in numbers or letters of equal size and on equally sized backgrounds with the same color combination and with equal illumination, if any. The number of signs for self-service and full-service shall be equal.

(5) Cultural facilities shall be permitted an additional sign to those detailed in divisions (C)(1) and (C)(2) above, to display changeable copy not to exceed 50 square feet in sign area. Multiple theaters shall be permitted additional sign area, not to exceed 25 square feet per additional screen with a maximum of 175 square feet of total signage, if the theater contains eight or more screens.

(6) One nameplate or identification sign shall be permitted in the front and the rear of the building, with letters not in excess of three inches in height, and the sign area not in excess of three square feet.

(7) An hours of business sign shall be permitted on door or adjacent window with letters not in excess of two inches in height and total area not in excess of two square feet.

(8) Menu boards.

(a) One menu board per drive thru establishment.

(b) Sign area shall be limited to 32 square feet.

(c) Illuminated area shall not be visible from adjacent right-of-way.

(D) All zoning districts.

(1) Permanent subdivision signs or project signs shall not exceed 32 square feet in area nor 15 feet above grade.

(2) Informational signs shall not exceed 1.5 square feet in area. Informational signs are allowed where there are two or more buildings; a building has a drive thru; or a building is not visible from primary frontage.

(F) Bus bench advertising signs.

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

These signs must be located on bona fide bus stops, one bench per stop. Signs shall conform with the conditions of the City's contract entered into with a qualified bus bench provider.

(G) Model signs permitted in all residential zoning districts.

- (1) One freestanding sign allowed per model.
- (2) Sign area is not to exceed three square feet.

(H) Master sign plan. Signs for regional malls, as defined in § 155.149, hospitals or licensed facilities, as defined in F.S. § 395.002, may be established through a master sign plan. Sign standards as to type, number, size, height, or other design provisions established in addition to or in lieu of the restrictions placed on signs by this section are to be incorporated into the master sign plan.

(1) Requirements.

(a) Master sign plans shall illustrate all proposed signs in sufficient detail so as to provide knowledgeable review and design specificity. Master sign plans shall show, describe or illustrate all signs proposed to be located on a lot and the buildings and structures therein, whether existing or new, and whether permitted by right or as additional signage under these regulations.

(b) Regional mall, hospital or licensed facility use must be the primary use of the property for which the master sign plan is created.

(c) Minimum lot size of five acres is required to develop a master sign plan for hospitals or licensed facilities.

(d) Master sign plans shall not be exempt from § 155.328 (Prohibited Signs).

(e) Upon approval, the master sign plan shall supersede any conflicting restrictions and regulations of the sign code unless specifically listed within.

(2) Master sign plan application. An application for a master sign plan shall include the following information:

(a) Accurate site plan, including location of building(s), parking lot(s), driveway(s), and landscaped area(s);

(b) A drawing showing details of construction and foundation of proposed sign(s);

(c) An accurate indication of the location of each present and proposed future sign of any type, whether requiring a permit or not;

(d) An elevation drawing or photo depicting the proposed location of sign(s) on buildings, walls or windows;

(e) A scaled drawing showing the size, shape, design, colors, materials, lighting and letter styles of proposed sign(s);

(f) Exterior paint or stain samples of the colors to be used in the construction of proposed sign(s);

(g) Computation of the maximum total sign area. For buildings with two or more separate businesses, computations shall identify the total maximum area each individual business will be allowed;

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

(h) Plans, including window signage, should indicate the area(s) of the window(s) to be covered and the general type of window signs (for example, painted, etched, stenciled, and the like);

(i) Master sign plans must be signed by all owners or their authorized agents;

(j) Any other maps, drawings or materials as required by the Planning and Economic Development Division (including a colored rendering of the sign) to adequately describe the sign proposal.

(3) Master sign plan review. An application for a master sign plan shall be reviewed by Planning and Zoning Board and be determined consistent with § 155.315.

(4) Individual sign permits. Individual sign building permits are required for all signs contained within an approved master sign plan.

(5) Amendments. A master sign plan may be amended by filing a new master sign plan that conforms with all requirements of this section.

(I) Directory signs.

(1) Directory signage may be permitted with shopping centers, office and/or industrial parks upon satisfying the following design criteria and gaining the approval of the Planning and Zoning Board.

(2) Directory signs shall be designed, built and maintained by the center owner and shall provide for listing space for all tenants desiring the listing.

(a) Number. The number of directory signs for each center shall be determined by the size of the center, number of inline shops, outparcel positioning, center configuration, and distance from principal roadways or other unusual contextual factors which may merit the addition of more than a single directory sign. The number of directory signs for each center shall not exceed three.

(b) Size. Not to exceed 32 square feet of signage area and eight feet in height. Individual tenant identification lettering shall not be less than two inches in height.

(c) Location. Entry areas where vehicular pull-off zones are provided. Within pedestrian zones as part of an information kiosk or as a map-board. The placement of directory signs shall in no manner impeded traffic flow or visibility or cause any parking reductions.

(d) Colors/materials. Compatible with the center's approved colors and principal signage features identified in the uniform sign plan.

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(J) Supergraphics. Supergraphics are permitted by approval of the Planning and Zoning Board. The criteria for supergraphics are as follows:

(1) The proposed material must be of durable nature.

(2) The proposed general design, arrangement, texture, material, colors, lighting, placement, and the appropriateness of the proposed supergraphic must

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

rationally relate to other signs and the other structures, both on the premises and in the surrounding areas.

(3) The supergraphic shall contain no lettering or business identification or logo or symbol used as a sign.

(4) The supergraphic must be consistent with the intent, purposes, standards, and criteria of the city's sign regulations.

(5) The number of items (scenes, symbols, shapes) shall be consistent with the amount of information which can be comprehended by the viewer and shall avoid visual clutter.

(6) The shape of the supergraphic shall not create visual clutter.

(7) The size, style, and location of the supergraphic shall be appropriate to the activity of the message.

(8) The supergraphic shall compliment the building and adjacent buildings by being designed and placed to enhance the structure.

(9) The supergraphic should be consolidated into a minimum number of elements.

(10) No additional or increased lighting shall be permitted which would cause attention to be focused upon the supergraphic. Normal wall lighting, at the intensity as for unadorned walls, may be provided.

(11) The supergraphic may be placed on any building face but shall not exceed 25% of the area of the primary building face.

(K) General management information/real estate signs.

(1) Multi-family developments.

(a) General management information/ real estate signs may be installed for multi-family developments. Such signs shall include the contact information for the property management company for the property being marketed.

(b) Maximum size and number. General management information/real estate signs for multi-family developments shall be limited to one panel on the existing monument sign (if available) for such signage, provided that the sign cannot exceed the previously approved sign area; or one non-illuminated, freestanding sign with a maximum sign area of 32 square feet per adjacent street frontage. The maximum height of free-standing general management information/real estate signs shall be 7.5 feet.

(c) Building permits shall be required for general management information/real estate signs

(L) Parking identification signs

(1) Signs shall be a maximum of 1.5 square feet.

(2) The base of the sign shall be a minimum of 5 feet in height, with the top being no more than 8.5 feet in height.

§ 155.325 TEMPORARY SIGNS.

(A) The City has the authority to remove such Temporary Signs installed on public

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

or private rights-of-way. Temporary Signs that are Freestanding Signs shall not be placed within the sight triangle of an intersection as required by _____ of the City Code.

During such periods of time as are designated by the United States Weather Bureau as being a hurricane warning or severe storm warning or alert, the owner, occupant, or user of the property where the temporary sign is placed shall take precautions for removing or securing such signs, in accordance with the pertinent provisions of the Florida Building Code, as may be amended from time to time. If the property owner fails to remove a temporary sign during such weather conditions, the city may remove those signs it deems to be a danger to the public safety and welfare, and the cost of the sign removal shall be charged to the property owner.

(B) Real Estate Sale and Real Estate Leasing Signs.

(1) Residential Districts

(a) Each parcel shall be permitted one sign per street frontage. Signs shall be a maximum of 2 square feet and a maximum of 5 feet above grade.

(b) Signs shall not be erected until the property is offered for sale, rent, or lease, and shall be removed within three days of closing or the signing of a lease agreement.

(2) Nonresidential Districts

(a) Each parcel shall be permitted one sign per street frontage. Signs shall be a maximum of 2 square feet per vacant tenant.

(b) Signs shall not be erected until the property is offered for sale, rent, or lease, and shall be removed within three days of closing or the signing of a lease agreement.

(c) In retail shopping centers where a permanent Real Estate Leasing Sign structure does not exist, a temporary Real Estate Leasing Sign may only be placed in the window of the ground floor premises that is being offered for lease. If a permanent Real Estate Leasing Sign structure does exist, then the Real Estate Sale or Leasing Sign must go on it.

(d) Leasing banner.

1. Leasing banners shall include those signs containing verbiage indicating the vacancy of nonresidential buildings.

2. Maximum size and number. Leasing banners shall be limited to one, maximum 32 square foot, non-illuminated banner identifying a vacant tenant bay on sign band within a shopping center; or primary frontage of freestanding building or outparcel.

3. Leasing banners shall conform to the uniform sign plan, where applicable or be compatible with the architecture/building design in buildings where a uniform sign plan is not required.

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

4. Building permits shall be required for leasing banners.

5. Leasing banners shall not be installed prior to the issuance of the first building permit for the subject property, and shall be permitted to remain displayed until a tenant has been found to lease the available non-residential unit.

(C) Non-commercial Sign for Residential Districts

(1) Signs shall be a maximum of 4 square feet and a maximum of 5 feet above grade. A maximum of 8 square feet of signage will be permitted per parcel.

(2) A Sign shall be on the property for no more than 120 days in any 12-month period.

(3) Signs shall be non-illuminated.

(D) Ground signs for parcels under construction

(1) Sign shall be no more than 32 square feet and 7.5 feet in height.

(2) Sign may be displayed on site while construction is active. The sign shall be removed prior to the issuance of a certificate of occupancy or certificate of completion.

(3) Sign shall be non-illuminated.

(E) Fence signs for parcels under construction

(1) Signs shall consist of banners, wraps or similar material and shall be securely affixed to the fence on which they are located, and any portions of a sign that become partially detached shall be promptly re-affixed to the fence; and

(2) Signs and the fencing to which they are affixed shall be maintained in good condition at all times and graffiti or other forms of defacement shall be removed or repaired promptly.

(3) Sign may be displayed while construction is active. The sign shall be removed prior to the issuance of a certificate of occupancy or certificate of completion.

(E) Banner signs.

(1) Announcement banner

(a) Business announcement banners shall include those signs used to market or advertise the forthcoming opening, a new business or multi-family community, or change of ownership of a business or multi-family community.

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

- (b) Maximum size and number. Business announcement banner shall be limited to one, maximum 32 square foot, non-illuminated banner
- (c) Business announcement banners may be displayed for no more than 30 days. Business announcement banners shall not be displayed 90 days after the initial issuance of a local business tax receipt by the city.
- (d) A building permit shall be required for the installation and display of a business announcement sign.
- (e) Business announcement banner shall conform to the uniform sign plan, where applicable, or be compatible with the architecture/building design.

(4) Special event banners.

(a) Special event banners shall include those signs used to market or advertise a special event.

(b) Maximum size and number. Special event banners shall be limited to one, maximum 32 square foot, non-illuminated banner (c) Special event banners must be approved in conjunction with the approval of a special event. Special event banners may be displayed no more than seven days prior to the date of the special event, and shall be removed no more than 24 hours after the conclusion of the special event.

(d) A building permit shall be required for special event banners.

(e) Special event banners shall conform to the architecture/building design in buildings where a uniform sign plan is not required.

(5) Temporary business identification signs.

(a) Temporary business identification signs shall include those signs used to identify a business only open or in operation on a temporary or seasonal basis.

(b) Maximum size and number. Temporary business identification banners shall be limited to one, maximum 32 square foot non-illuminated banner

(c) Temporary business identification banners may be displayed for up to 90 days after installation.

(d) A building permit shall be required for the installation and display of a new temporary business identification banner.

(e) Temporary business identification banners shall conform to the uniform sign plan, where applicable, or be compatible with the architecture/building design in buildings where a uniform sign plan is not required.

(F) Signs on rights-of-way and public property

(1) Only noncommercial signs erected by or on behalf of a governmental entity or public utility shall be allowed in a public or private right-of-way.

(2) Only signs placed at the direction of the City, or as may be required by this

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

Chapter may be allowed on public property. This includes signs posted to provide notice for governmental action or events, digital display signs erected by the City on public property, and any City gateway signs installed by the City in public or private rights-of-way.

(3) Non-complying signs on Public Property. Any Sign installed or placed on public property, except in conformance with the provisions of this Section shall be forfeited to the public and subject to confiscation. In addition to other remedies, the City shall have the right to recover from the owner or person responsible for the placement of the Sign the full costs of its removal and disposal.

(G) Window signs and coverings. Window signs and coverings shall comply with the following requirements:

(1) Window signage/graphics/lettering/logos.

(a) Window graphics/signage includes all lettering, advertising, logos, graphics, pictures, and the like, excluding the business address and hours of operation.

(b) This section applies to clear windows, windows completely covered by approved gray scale window perforation and windows completely tinted.

(c) Window graphics/signage area for all windows shall not exceed 20% of the total window area.

(d) Letters shall not exceed 24 inches in height.

(e) Any window perforation and/or tinting used to highlight only a portion of a window, whether or not it has graphics/signage, counts towards the 20% coverage limitation.

(f) Window graphics/signage coverage shall be determined by measuring the outside perimeter of the graphics or sign.

(g) Window signs and tinting shall not be installed in a manner which would unreasonably obstruct the view of public safety personnel.

(2) Window treatment/window coverings.

(a) Any type of material(s) covering/blocking windows, including but not limited to, curtains, drapes, blinds, solar screens, and storm shutters, other than those specifically addressed in this section, will not count towards the overall sign area permitted for windows, and shall not include any type of graphics/signage.

(b) Window covering shall be 65% to 100% gray scale, or color of surrounding wall only, and be consistent across the frontage of a business.

(c) No reflective and/or bronze tinting allowed.

(3) Entry doors.

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

(a) Entry doors to a business shall be considered clear zones for security and safety purposes and shall remain clear of any window graphics/signage.

(b) Clear security/safety window covering is allowed on entry doors.

(c) Each place of business may exhibit the street address and hours of operation on entry doors. Letters within such signage shall not be greater than two inches in height, and may only consist of solid vinyl letters, with no background color, or window perforation.

(4) Noncommercial window graphics and temporary seasonal displays, which shall contain no product identification or pricing, may be displayed for no more than 30 days may be painted on windows. Moreover, no more than two sign changes may be made in any one year.

(5) Neon signs shall be limited to one for every other (alternating) vertical window panel surface with no two adjacent window panels containing such a sign and no sign exceeding three square feet. No duplicate sign shall be allowed on a single building face. Where these signs are of a type which plugs into an existing electrical outlet, they shall be exempt from existing electrical permit requirements.

(H) Freestanding on site "open hours" and open house signs shall be allowed in addition to other permitted signs. Said "open hours" and open house signs may only be displayed when the premises are actually available for inspection by the prospective buyer or tenant, and shall be limited to three signs total.

(I) Sidewalk signs. Sidewalk signs shall comply with the following requirements:

(1) Size.

(a) A total maximum sign area not to exceed 24 inches in width and 36 inches in height.

(b) The total structure of the sign shall not exceed 42 inches in height.

(2) Location.

(a) Located on a paved private walkway in a manner that a minimum four foot clear pedestrian path on the walkway is maintained at all times, and the walkway continues to meet the minimum ADA requirements.

(b) Sidewalk signs shall be placed on a private sidewalk of business storefront, or on private property of a freestanding building on a parcel or outparcel. and shall be located within five feet from the store front entrance for which it is associated.

(c) No signs shall be placed in the public right-of-way.

(3) Display characteristics.

(a) Color. Sidewalk sign frames shall be white in color.

(b) Sidewalk signs shall be freestanding, double-sided, single panel signs on a base. Sandwich or A-frame sign designs are prohibited.

(4) Number. One sidewalk sign shall be permitted per tenant or business.

(5) Hours of display.

(a) Sidewalk signs shall only be displayed during business hours.

(b) Sidewalk signs shall be removed at the close of business each day.

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

(c) Sidewalk signs shall be moved inside during high winds or other weather conditions that might cause the signs to pose a hazard to public safety.

§ 155.326 SIGNS IN VACANT STORES.

Any owner or person entitled to possession of any vacant store is hereby prohibited from displaying upon the windows of the vacant store, any sign, lettering, or printed matter except one sign, consisting of a maximum of six square feet, advertising the availability of the premises.

§ 155.327 NONCONFORMING SIGNS.

(A) A sign or advertising structure existing within the city limits on the effective date of this subchapter, or a sign or advertising structure existing in an area annexed to the city after the effective date of this subchapter, which by its height, square foot area, location, use, or structural support, does not conform to the requirements of this sub-chapter, shall hereafter be termed nonconforming.

(B) Any nonconforming sign that shall cease being used or cease being leased for a continuous period of one year shall not be reused for sign purposes unless and until it is used in conformity with the standards of this Chapter.

(C) Nonconforming signs shall not be altered or enlarged unless they are made to conform with all the requirements of a new sign or advertising display.

(D) If any nonconforming sign is damaged by any cause or is otherwise in need of repair to such an extent that the cost of repairing the sign equals 50% or more of the original invoiced cost of the sign, then its classification as a nonconforming sign under this section shall be automatically revoked and repairs shall be made so that the sign shall meet all the requirements of this subchapter.

§ 155.328 PROHIBITED SIGNS.

(A) The following are those signs which shall not be permitted within the municipal limits of the city:

- (1) Animated signs.
- (2) A-Frame sign
- (3) Snipe signs.
- (4) Flags, or pennants, when used for advertising purposes, except as provided under § 155.325.
- (5) Exposed neon tubes or bare bulb signs or neon borders inside window frames.
- (6) Permanent signs which are illuminated from outside the boundaries of the

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

sign by visible lighting fixtures.

(7) Roof signs.

(8) Billboards.

(9) Box or cabinet signs, with flat faced vinyl against a Plexiglass background.

(10) (a) Vehicle or trailer signs when used on a given location or site in addition to or in lieu of a temporary or permanent sign permitted under this subchapter, unless required by governmental agencies.

(b) When a vehicle or trailer indicates the name of a business on it, such vehicle or trailer, when not in use for its intended purpose of transportation, shall be required to be parked in the rear of the parking lot or in the rear of the building which contains the business.

(11) Vehicle removable signs.

(12) Signs projecting in excess of 18 inches from the foremost point of attachment of the sign to the structure upon which it is constructed.

(13) Signs located on sides of buildings unless the structure is located on a corner plot, or if the structure is located in excess of 100 feet from the side plot line.

(14) Painted wall signs not conforming to §§ 155.320, 155.322, and 155.323.

(15) All abandoned signs, sign cabinets, poles, frames, structures, and electrical fixtures must be removed by owner/lessee or agent.

(16) Pole signs except as in § 155.320(A).

(17) Projecting signs.

(18) Inflatable balloons, regardless of the method of inflation, and regardless of whether they are tethered.

(B) Sandwich signs and snipe signs, as set forth in division (A)(2) and (3) of this section, are classified as litter, as defined by § 94.46 of this code of ordinances, and may be removed by the city. Persons placing these signs within the municipal limits of the city may be subject to a citation for violation of § 132.04 of this code of ordinances or may be further subject to the issuance of a Notice to Appear by the City of Pembroke Pines Police Department.

§ 155.329 INSPECTION OF SIGNS BY CITY; SIGNS IN VIOLATION.

(A) The Chief Building Official shall inspect, or cause to be inspected, all permanent signs located within the city at least once in each year, prior to the renewal of their local business tax receipts.

(B) Upon inspection, this subchapter shall require the owner of any sign found to be in defective condition, or which does not comply with the terms, conditions, and provisions of this subchapter, to be repaired or removed within 30 days from the date of notice of the defect. If the Chief Building Official shall ascertain and determine that the maintenance or use of the sign adversely affects the public safety, he may require the immediate removal at owner's expense, or prohibit the use of the sign until those defects shall have been remedied.

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

(C) The Chief Building Inspector shall than have the authority, upon two weeks' notice, to remove any sign which is not properly maintained, and without notice in the event the sign is found, in his determination, to constitute a danger to human life or encroaches on a public right-of-way. In the event of removal of a sign pursuant to this section, the owner/lessee or agent shall bear the cost of removal in addition to the penalties.

§ 155.330 VIOLATIONS AND ENFORCEMENT OF REGULATIONS BY CITY;

- (1) *Violations.* Any of the following shall be a violation of this Chapter and shall be subject to the enforcement remedies and penalties provided by this Chapter, by other ordinances of the City, and by state law:
- (a) To install, create, erect, or maintain any sign in any way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;
 - (b) To install, create, erect, or maintain any sign requiring a permit without such a permit;
 - (c) To fail to remove any sign that is installed, created, erected or maintained in violation of this Chapter, or for which the sign permit has lapsed;
 - (d) To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portion of this Chapter;
 - (e) Each sign installed, created, erected, or maintained in violation of this Chapter shall be considered a separate violation when applying the penalty portions of this Chapter.
- (2) *Enforcement and remedies.* Any violation or attempted violation of this Chapter or of any conditions or requirements adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or by appropriate proceedings pursuant to state law. A violation of this Chapter shall be considered a violation of the City's ordinances. The remedies of the City shall include the following:
- (a) Issuing a stop work order for any and all work on any signs on the same lot;
 - (b) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;
 - (c) Imposing a fine up to two hundred fifty dollars (\$250.00) per day for each day for each violation;

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

- (d) Seeking in court the imposition of any penalties that can be imposed by such court under Ordinance; and
 - (e) In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the City under the applicable provisions of the ULDR and Florida Building Code.
- (3) *Other remedies.* The City shall have such other remedies as are and as may from time to time be provided for or allowed by state law or the City's Code of Ordinances.
- (4) *Remedies cumulative.* All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or an Ordinance thereof, such remedy shall remain available for other violations or other Ordinances of the same violation.

§155.331 SEVERABILITY.

Should any section, subsection, paragraph, sentence, clause, phrase, or other part of this Division be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Division as a whole or any section, subsection, paragraph, sentence, clause, phrase, or word thereof, other than that so declared to be invalid.

SECTION 3. It is the intention of the City Commission of the City of Pembroke Pines that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pembroke Pines, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

SECTION 4. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as

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PROPOSED ORDINANCE NO. 2018-23

ORDINANCE NO. 1919

eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

SECTION 5. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 6. This Ordinance shall become effective immediately upon its passage and adoption.

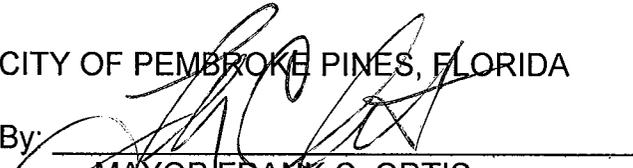
PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS 17TH DAY OF OCTOBER, 2018.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS 19TH DAY OF NOVEMBER, 2018.


ATTEST:

MARLENE GRAHAM, CITY CLERK

CITY OF PEMBROKE PINES, FLORIDA

By: 
MAYOR FRANK C. ORTIS

ORTIS AYE

GOOD AYE

CASTILLO AYE

SCHWARTZ AYE

SIPLE AYE

APPROVED AS TO FORM:


OFFICE OF THE CITY ATTORNEY

CODING: Words in ~~strike-through~~ type are deletions from existing law;
Words in underlined type are additions.



City of Pembroke Pines, FL

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33025
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Agenda Request Form

Agenda Number: 25.

File ID: 2018-23

Type: Ordinance

Status: Passed

Version: 2

Agenda Section:

In Control: City Commission

File Created: 10/08/2018

Short Title: Proposed Ordinance 2018-23 (Sign Code Amendment)

Final Action: 11/19/2018

Title: MOTION TO ADOPT PROPOSED ORDINANCE NO. 2018-23 (REVISION 1) ON SECOND AND FINAL READING.

PROPOSED ORDINANCE NO. 2018-23 IS AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING TITLE XV, "LAND USAGE," CHAPTER 155, "ZONING CODE - SIGNS", OF THE CITY OF PEMBROKE PINES CODE OF ORDINANCES TO PROVIDE FOR AMENDMENTS TO PROVISIONS RELATED TO CONTENT BASED REGULATIONS IN THE CITY OF PEMBROKE PINES' SIGN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

***Agenda Date:** 11/19/2018

Enactment Date: 11/19/2018

Agenda Number: 25.

Enactment Number: 1919

Internal Notes:

Attachments: 1. Proposed Ordinance No 2018-23 (Revision 1), 2. Excerpts from Planning and Zoning Board Minutes (8/9/18), 3. Reference Matrix- Permanent Sign Samples, 4. Reference Matrix - Temporary Sign Samples

- | | | | | |
|--|-----------------|------------|-----------------------------------|------|
| 1 | City Commission | 10/17/2018 | pass on First Reading | Pass |
| Action Text: A motion was made by Commissioner Castillo, seconded by Commissioner Siple, to pass on First Reading. Second and final reading is scheduled for Monday, November 19, 2018. The motion carried by the following vote: | | | | |
| Aye: - 5 Mayor Ortis, Commissioner Castillo, Commissioner Schwartz, Commissioner Siple, and Vice Mayor Good Jr. | | | | |
| Nay: - 0 | | | | |
| 2 | City Commission | 11/19/2018 | adopt on Second and Final Reading | Pass |

Action Text: A motion was made by Commissioner Castillo, seconded by Commissioner Siple, to adopt Proposed Ordinance 2018-23 on Second and Final Reading. The motion carried by the following vote:

Aye: - 5 Mayor Ortis, Commissioner Castillo, Commissioner Schwartz,
Commissioner Siple, and Vice Mayor Good Jr.
Nay: - 0

1. In its recent ruling in the case of Reed v. Town of Gilbert, the Supreme Court clarified municipal powers as it relates to the enforcement of certain content based sign restrictions. The outcome of this case is pushing many cities across the country to reevaluate their current sign codes in order to produce regulations for signs which are more content neutral.

2. The Planning and Economic Development Department has been working with the City Attorney's office to make necessary modifications to the City's sign code to comply with this determination.

3. Staff has also identified other sections of the sign code, certain types of signs were silent in the code and required specifications.

4. The Planning and Zoning Board was presented the parameters of the City's proposed sign changes by staff at its June 21, 2018 meeting. The Board made recommendations and requested certain clarifications.

5. The Planning and Zoning Board at its August 9, 2018 meeting, after reviewing the proposed ordinance, voted to transmit the proposed Ordinance to the City Commission with a favorable recommendation.

6. The following changes are proposed to the existing sign code in order to address any potential conflicts with the Court's decision:

- Clarification of content neutral regulations and removal of language that is content driven.
- Political, directional signs, information signs, and community service signs will now be categorized as non-commercial signs.
- New business "coming soon" and "grand opening" banners will now be categorized as announcement banners.

7. Staff is also proposing the following other changes to strengthen the existing sign code:

Addition of the following sections: General standards, parking identification signs, real estate sale and real estate leasing signs, construction signs, and signs on right-of-way and public property.

- Addition and cleanup of definitions.
 - Addition of the following definitions: advertising sign, announcement

banner, balloon sign, billboard sign, directional sign, identification sign, non-illuminated sign, and parking identification sign.

- Removal of the following definitions: community service sign, noncommercial direction sign or information sign, political sign, revitalization signs.
- Removal of the following sections: Industrial zoning districts and revitalization signs.
- Modified regulations for location of information on ground box signs.
- The term "shall" has been changed to "may" for existing commercial monument sign regulations.

8. Revision 1 of this ordinance includes the following general changes from the original ordinance:

- Addition of a formal definition for non-commercial signs.
 - A sign which contains no message, statement, or expression related to commercial interests. Noncommercial signs include, but are not limited to, signs expressing political views, religious views, or information about and/or announcements of non-profit organizations related to their tax-exempt status.
- Addition and regulatory language for temporary non-commercial signs on non-residential properties
 - One non-commercial sign permitted per street frontage on non-residential properties.
 - Each non-commercial sign no larger than 16 square feet in area and 7.5 feet in height.
 - Non-commercial signs shall be non-illuminated.
- Allowance for temporary non-commercial signs in all districts to be displayed for no longer than 90 days within a calendar year.
- Adjusted real estate sign area from 2 square feet to 3 square feet for residential properties, consistent with current Code allowances.
- Real estate signs and leasing banners to be removed at latest 3 days after sale of property or signing of a lease.
- Minor spelling and formatting errors were corrected within the Ordinance body.

9. Administration recommends City Commission adopt proposed Ordinance No. 2018-23 on second and final reading.

FINANCIAL IMPACT DETAIL:

- a) **Initial Cost:** None.
- b) **Amount budgeted for this item in Account No:** Not Applicable.
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5 year projection of the operational cost of the project:** Not Applicable.
- e) **Detail of additional staff requirements:** Not Applicable.