

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2205., "ARCHITECTURAL APPEARANCE COMMITTEE (AAC)" TO MODIFY POWERS AND DUTIES OF THE COMMITTEE WITH REGARD TO SIGN STRUCTURE PERMIT APPLICATION APPROVALS; BY AMENDING SECTION 155.2408., "BUILDING DESIGN," TO MODIFY BUILDING DESIGN REVIEW STANDARDS FOR SIGN STRUCTURES; BY AMENDING SECTION 155.2416., "SIGN PERMIT," TO RENAME THE MASTER SIGN PROGRAM AND TO ESTABLISH PURPOSE, APPLICABILITY, PROCEDURES AND STANDARDS AND TO PROVIDE FOR APPEAL; BY AMENDING PART 10, "SIGN STRUCTURE DESIGN STANDARDS," TO SET FORTH REQUIREMENTS FOR DESIGN, MATERIALS, LOCATION AND ILLUMINATION OF SIGN STRUCTURES; AND BY AMENDING PART 5, "TERMS AND USES DEFINED," BY ESTABLISHING A DEFINITION FOR THE MASTER SIGN PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 155.2205., "Architectural Appearance Committee (AAC)," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2205. ARCHITECTURAL APPEARANCE COMMITTEE (AAC)

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B. POWERS AND DUTIES

The AAC shall have the following powers and duties under this Code:

1. Decide Applications for Development Permit

To review and decide the following applications for a development permit:

- a. Major Building Design (Sec. 155.2408); ~~and~~
- b. Master Sign Program (Sec. 155.2416); and
- ~~b~~c. Appeal of a decision of the Development Services Director on an application for Minor Building Design (Sec. 155.2424).

2. Other Powers and Duties

- a. ~~To review and decide applications for Sign Permits within the Atlantic Boulevard Overlay district (AOD) in accordance with Chapter 156 (Sign Code) of the Code of Ordinances ; and~~
- c. To carry out any other powers and duties delegated to it by the City Commission, consistent with state law.

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SECTION 2. That Section 155.2408., "Building Design," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.2408. BUILDING DESIGN

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E. BUILDING DESIGN APPROVAL REVIEW STANDARDS

An application for Major Building Design or Minor Building Design shall be approved only on a finding that there is competent substantial evidence in the record that the exterior design and appearance of the proposed building, structure, or sign:

- 1. Complies with the applicable design standards in Section 155.3703.F and Article 5;

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4. Complies with the ~~Ch 156: Sign Code~~ standards in Article 5, Part 10, if applicable;

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SECTION 3. That Section 155.2416., "Sign Permit," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

155.2416. SIGN PERMIT MASTER SIGN PROGRAM

A. GENERAL

~~Sign Permits are approved and issued by the Building Official in accordance with review procedures and standards in Chapter 156 (Sign Code) of the Code of Ordinances and in the Florida Building Code, as adopted and modified in accordance with Chapter 152 (Buildings) of the Code of Ordinances. A Sign Permit is required before the construction, erection, installation, placement, posting, painting, display, alteration, or repair of any sign and certifies that such sign complies with the sign standards in the Sign Code.~~

B. RELATIONSHIP TO THIS CODE

~~The terms and conditions of any issued Sign Permit shall not conflict with a previously issued Zoning Compliance Permit or Temporary Use Permit for development that includes the sign, or any other development order issued in accordance with this Code.~~

A. PURPOSE

The purpose of this section is to establish required aesthetic standards for sign structures for multi-tenant mixed use and multi-tenant nonresidential developments that front higher classification roadways or other prominent locations in the city. The Master Sign Program was formerly known as the Uniform Sign Program.

B. APPLICABILITY

The following are required to obtain Master Sign Program approval:

1. Multi-tenant mixed-use or multi-tenant nonresidential developments which exceed 5,000 square feet and which are located along a designated arterial or collector road(s) as defined by the County Trafficways Plan; or
2. Multi-tenant mixed-use or multi-tenant nonresidential developments which exceed 5,000 square feet and which are located in the TO or AOD Districts.

3. Developments in existence as of December 11, 2012

a. Multi-tenant mixed-use or multi-tenant nonresidential developments which exceed 5,000 square feet and which are located along a designated arterial or collector road(s) as defined by the County Trafficways Plan are required to obtain Master Sign Program approval when one of the following circumstances occur first:

i. Any sign changes that exceed 25% of the total number of signs in any one year period; or

ii. The expiration of the amortization period established by Ordinance 2013-31 (no later than December 11, 2022).

b. Multi-tenant mixed-use or multi-tenant nonresidential developments which exceed 5,000 square feet and which are located in the TO or AOD Districts and which are not located along a designated arterial or collector road(s) as defined by the County Trafficways Plan are required to obtain Master Sign Program approval when one of the following circumstances occur first:

i. Any sign changes that exceed 25% of the total number of signs in any one year period; or

ii. Within 10 years of the date of adoption of this Ordinance.

C. MASTER SIGN PROGRAM PROCEDURE

1. Step 1: Pre-Application Conference

Optional (See Section 155.2301.).

2. Step 2: Neighborhood Meeting

Not applicable.

3. Step 3: Application Submittal and Acceptance

Applicable (See Section 155.2303.).

4. Step 4: Staff Review and Action

Applicable to a recommendation by the Development Services Director (See Section 155.2304.)

5. Step 5: Public Hearing Scheduling and Notice

Not Applicable.

6. Step 6: Advisory Body Review and Recommendation

Not Applicable.

7. Step 7: Decision-Making Body Review and Decision

Applicable to a final decision by the AAC (See Section 155.2307.).

D. MASTER SIGN PROGRAM APPROVAL REVIEW STANDARDS

An application for Master Sign Program shall be approved only on a finding that there is competent substantial evidence in the record that the design, location, and appearance of the sign structure:

1. Complies with the standards in Article 5, Part 10;
2. Complies with any approved design guidelines that are applicable to the area or type of structure, including the adopted AAC Supplemental Criteria;
3. Complies with CPTED Standards for natural surveillance, natural access control, territorial reinforcement, and maintenance;
4. Complies with the Ch 156: Sign Code; and
5. Complies with the approved Transportation Corridor Study, unless in direct conflict with another zoning code provision, if applicable.

G. APPEAL

A party aggrieved by the final decision of the AAC on an application for Master Sign Program may appeal the decision to the City Commission in accordance with the procedures and standards in Section 155.2424., Appeal.

H. EFFECT OF APPROVAL

A development order for Master Sign Program authorizes the submittal of an application for a Sign Code Compliance Permit and any other development permit that may be required before construction or other development approved by the development order.

SECTION 4. That Article 5: Development Standards, Part 10, "Sign Structure Design Standards," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

ARTICLE 5: DEVELOPMENT STANDARDS

PART 10 SIGN STRUCTURE DESIGN STANDARDS

155.51001. PURPOSE

The purpose of this Part is to establish required aesthetic standards for sign structures. The aesthetic standards are intended to promote and encourage creativity, diversity, and architectural cohesiveness with other structures in the specific development as well as the Zoning District where the sign structure is located.

155.51002. APPLICABILITY

The standards in this Part shall apply to applicants applying for approval of sign structures either as part of a Master Sign Program or Building Design application. The standards in this part shall apply to all sign structures visible to a motorist or pedestrian on the adjacent right-of-way, including individual tenant signs, development signs, building signs, and free standing signs.

155.51003. STANDARDS

Sign structures shall comply with the following standards:

A. DESIGN AND MATERIALS.

1. High quality materials shall be used.
2. Design and materials shall be compatible with the architecture and façade materials of the principal structure(s) so that the sign structure appears as an integral component to the overall development's architecture and design.
3. Design and materials of the sign structures shall be compatible throughout the development.
4. The material and frame color(s) shall be compatible with the color scheme of the principal structures.
5. Sign design shall be of simple, basic shapes such as squares, triangles or circles. Other shapes may be permitted if compatible with the architecture of the principal structure.
6. Landscaping provided in conjunction with free standing signage shall be drought tolerant native landscaping. Landscaping material should complement the sign design.

B. LOCATION

1. The locations of the sign structures shall not obstruct motorist or pedestrian safety.
2. The location of sign structures shall take into consideration signage on neighboring properties in order to limit sign clutter.
3. The location of sign structures shall be consistent with the underlying zoning district or overlay district purpose.

C. ILLUMINATION

1. Illuminated signs may be permitted in accordance with Ch. 156, Sign Code.
2. Illumination shall be the minimum necessary and shall take into consideration neighboring residential uses.
3. Front lit or back lit illumination is preferred.

SECTION 5. That Article 9, "Definitions and Interpretations, Part 5, "Terms and Uses Defined," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

ARTICLE 9: DEFINITIONS AND INTERPRETATION

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PART 5 TERMS AND USES DEFINED

The following words, terms, and phrases, when used in this Code, shall have the meaning ascribed to them in this section.

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MESSAGE ESTABLISHMENT, UNLICENSED

An establishment that offers, sells, or provides manipulation of the tissues or other tactile stimulation of the human body with the hand, foot, arm, leg, elbow, or part of the torso, whether or not aided by any electrical or mechanical device, by persons who are not licensed massage therapists under Chapter 480 of the Florida Statutes, or athletic trainers employed by on behalf of educational or professional athletic teams, or licensed physicians, nurses, or other health care practitioners engaged in the practice of their profession. A massage may also include bathing or application of oils, lotions, or similar preparations to the human body. An unlicensed massage establishment does not include a therapeutic massage establishment.

MASTER SIGN PROGRAM

A development permit that is reviewed and decided by the Architectural Appearance Committee in accordance with Section 155.2416, Master Sign Program

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SIGN PERMIT

~~A document that is issued by the Development Service Director pursuant to the Sign Code and authorizes the posting, display, repair, change, painting, or erection of a sign or sign structure as being in compliance with Sign Code standards.~~

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SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 7. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2017.

PASSED SECOND READING this _____ day of _____, 2017.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
4/11/17
L:ord/ch155/2017-193