

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR AMENDMENT OF THE SIGN CODE, CHAPTER 156, "SIGN CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES; BY AMENDING SECTION 156.01, "PURPOSE," AND SECTION 156.02, "SCOPE," TO MODIFY, ENHANCE AND CLARIFY THE PURPOSE AND SCOPE OF THE CITY'S SIGN CODE; BY AMENDING SECTION 156.03, "DEFINITIONS," TO MODIFY, ADD AND DELETE DEFINITIONS; BY AMENDING SECTION 156.04, "GENERAL REQUIREMENTS," TO MODIFY VARIOUS REQUIREMENTS FOR CERTAIN SIGNAGE; BY AMENDING SECTION 156.05, "SINGLE- AND TWO-FAMILY DISTRICTS," SECTION 156.06, "MULTIPLE-FAMILY DISTRICTS," SECTION 156.07, "BUSINESS, COMMERCIAL, INDUSTRIAL DISTRICTS," AND SECTION 156.08, "OVERLAY DISTRICTS," TO MODIFY REGULATIONS FOR SIGNAGE LOCATED WITHIN THOSE ZONING DISTRICTS; BY AMENDING SECTION 156.09, "NON-COMMERCIAL SIGNS," BY RE-TITLING AND MODIFYING SECTION TO INCLUDE STANDARDS FOR TEMPORARY SIGNS; BY AMENDING SECTION 156.10, "CONSTRUCTION AND DEVELOPMENT SIGNS," AND SECTION 156.11, "SPECIAL EXCEPTIONS," TO DELETE CURRENT LANGUAGE AND RESERVE SAID SECTIONS; BY AMENDING SECTION 156.12, "PROHIBITED SIGNS," TO MODIFY THE DESIGNATION OF SIGNS NOT PERMITTED IN THE CITY; BY AMENDING SECTION 156.13, "PERMIT REQUIRED," SECTION 156.14, "PERMIT EXEMPTIONS FROM ZONING APPROVAL," SECTION 156.15, "FEE SCHEDULE," AND SECTION 156.16, "INSPECTIONS," TO MODIFY REFERENCES, REQUIREMENTS AND PROCEDURES FOR SIGNAGE IN THE CITY; BY AMENDING SECTION 156.17, "NONCONFORMING SIGNS," BY MODIFYING AND RESTATING REQUIREMENTS FOR NONCONFORMING SIGNAGE; BY AMENDING SECTION 156.18, "PERMIT TAGS," SECTION 156.19, "TEMPORARY BANNERS," AND SECTION 156.20, "LANDMARK SIGNS," BY DELETING CURRENT LANGUAGE AND RESERVING SAID SECTIONS FOR FUTURE USE; BY AMENDING SECTION 156.21, "SIGNS ON VEHICLES OR EQUIPMENT," TO MODIFY REQUIREMENTS FOR SIGNAGE ON VEHICLES AND EQUIPMENT; BY AMENDING SECTION 156.22, "SUBSTITUTION OF NONCOMMERCIAL SPEECH AND SEVERANCE," TO MODIFY THE SECTION TO REVISE REFERENCES; BY AMENDING SECTION 156.23, "TEMPORARY REPLACEMENT SIGNAGE," SECTION 156.24, "UNIFORM SIGN PROGRAM," AND SECTION 156.25, "GASOLINE STATIONS," BY DELETING CURRENT LANGUAGE AND RESERVING SAID SECTIONS FOR FUTURE USE; BY AMENDING SECTION 156.26,

**“SIGNS ON RIGHT-OF-WAY,” TO RE-TITLE AND MODIFY
VARIOUS ENFORCEMENT PROVISIONS OF THE CITY’S SIGN
CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR
SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Pompano Beach (“City”) desires to modify and update certain sign regulations in order to respond to recent case law including *Reed v. Town of Gilbert*, ___U.S.___, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015); and

WHEREAS, in order to address changed and changing conditions as the City continues to develop, the City Commission further desires to clarify the wording and structure of the sign regulations, revise definitions, and streamline the standards for certain signs; and

WHEREAS, the City finds and determines that the purpose and intent provisions of its signage regulations should be detailed so as to further describe the beneficial aesthetic, traffic safety, and other effects of the City's sign regulations, and to reaffirm that the sign regulations are concerned with the secondary effects of speech and are not designed to censor speech or regulate the viewpoint of the speaker; and

WHEREAS, various signs that serve as signage for particular land uses are based upon content-neutral criteria in recognition of the functions served by those land uses, but not based upon any intent to favor any particular viewpoint or control the subject matter of public discourse; and

WHEREAS, the City finds and determines that the sign regulations adopted hereby allow and leave open adequate alternative means of communications, such as newspaper advertising, digital media, internet advertising and communications, advertising in shoppers and pamphlets, advertising in telephone books, advertising on cable television, advertising on UHF and/or VHF television, advertising on AM and/or FM radio, advertising on satellite radio, advertising on internet radio, advertising via direct mail, and other avenues of communication available in the

City [*see State v. J & J Painting*, 167 N.J. Super. 384, 400 A.2d 1204, 1205 (Super. Ct. App. Div. 1979); *Board of Trustees of State University of New York v. Fox*, 492 U.S. 469, 477 (1989); *Green v. City of Raleigh*, 523 F.3d 293, 305-306 (4th Cir. 2007); *Naser Jewelers v. City of Concord*, 513 F.3d 27 (1st Cir. 2008); *Sullivan v. City of Augusta*, 511 F.3d 16, 43-44 (1st Cir. 2007); *La Tour v. City of Fayetteville*, 442 F.3d 1094, 1097 (8th Cir. 2006); *Reed v. Town of Gilbert*, 587 F.3d 866, 980-981 (9th Cir. 2009)]; and

WHEREAS, in *Reed v. Town of Gilbert, Ariz.*, -U.S.-, 135 S. Ct. 2218, 2221, 192 L. Ed. 2d 236 (2015), the United States Supreme Court, in an opinion authored by Justice Thomas, and joined in by Chief Justices Roberts, Scalia, Alito, Kennedy and Sotomayer, addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs; and

WHEREAS, in *Reed*, Justice Alito in a concurring opinion joined in by Justices Kennedy and Sotomayer pointed out that municipalities still have the power to enact and enforce reasonable sign regulations; and

WHEREAS, Justice Alito further noted 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 governmental speech [*see Pleasant Grove City v. Summum*, 555 U.S. 460, 467-469 (2009)], 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; and

WHEREAS, Justice Alito noted that the *Reed* decision, properly understood, will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate aesthetic objectives, including rules that distinguish between on-premises and off-premises signs (alternatively referred to as on-site and off-site signs); and

WHEREAS, under established Supreme Court precedent and Eleventh Circuit precedent, commercial speech may be subject to greater restrictions than noncommercial speech and that doctrine is true for both temporary signs as well as for permanent signs; and

WHEREAS, the City finds and determines that a traffic control device as defined herein, signs that are required by law to be posted on public or private property, and signs that are not designed to be viewed from or are not legible from a vehicle in any a public right-of-way should all be exempt from regulation under the City's land development regulations for signage; and

WHEREAS, the City finds and determines that the regulation of signs within the City strongly contributes to the development and maintenance of a pleasing, visually attractive environment, and that these sign regulations are prepared with the intent of enhancing the environment and promoting the continued well-being of the City; and

WHEREAS, the City finds and determines that the regulation of signage for purposes of aesthetics has long been recognized as advancing the public welfare; and

WHEREAS, the City finds and determines that, as far back as 1954, the United States Supreme Court recognized that "the concept of the public welfare is broad and inclusive," that the values it represents are "spiritual as well as physical, aesthetic as well as monetary," and that it is within the power of the legislature "to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled" [in *Berman v. Parker*, 348 U.S. 26, 33 (1954)]; and

WHEREAS, the City finds and determines that aesthetics is a valid basis for zoning, and that the regulation of the size and appearance of signs and the prohibition of certain types of signs can be based upon aesthetic grounds alone as promoting the general welfare [see *Merritt v. Peters*, 65 So. 2d 861 (Fla. 1953); *Dade County v. Gould*, 99 So. 2d 236 (Fla. 1957); *E.B. Elliott*

Advertising Co. v. Metropolitan Dade County, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 878 (1970)]; and

WHEREAS, the City finds and determines that these sign regulations further the character and ambiance of the City, and reflect its commitment to maintaining and improving an attractive environment; and

WHEREAS, the City finds and determines that the beauty of the City's natural and built environment has provided the foundation for the economic base of the City's development, and that the City's sign regulations help create an attractive residential community for its residents; and

WHEREAS, the City finds and determines that the goals, objectives and policies of its plans over the years demonstrate a strong, long-term commitment to maintaining and improving the City's attractive and visual environment; and

WHEREAS, the City finds and determines that, from a planning perspective, one of the most important community goals is to define and protect aesthetic resources and community character; and

WHEREAS, the City finds and determines that the purpose of the regulation of signs as set forth in this Ordinance is to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements; and

WHEREAS, the City finds and determines that the sign regulations in this Ordinance are intended to lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic; and

WHEREAS, the City finds and determines that these sign regulations are intended to protect the public from the dangers of unsafe signs; and

WHEREAS, the City finds and determines that these sign regulations are intended to permit signs that are compatible with their surroundings and aid orientation, and to preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs; and

WHEREAS, the City finds and determines that these sign regulations are intended to regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians; and

WHEREAS, the City finds and determines that these sign regulations are intended to require signs to be constructed, installed and maintained in a safe and satisfactory manner; and

WHEREAS, the City finds and determines that in meeting the purposes and goals established in these findings, it is appropriate to prohibit and to continue to prohibit certain sign types; and

WHEREAS, the City finds and determines that the prohibition of the construction of billboards and certain other sign types, as well as the establishment and continuation of height, size and other standards for on-premise (on-site) signs, is consistent with the policy set forth in the Florida Constitution that it shall be the policy of the state to conserve and protect its scenic beauty; and

WHEREAS, the City finds that local governments may separately classify off-site and on-site advertising signs in taking steps to minimize visual pollution [*see City of Lake Wales v. Lamar Advertising Association of Lakeland Florida*, 414 So. 2d 1030, 1032 (Fla. 1982)]; and

WHEREAS, the City finds and determines that the continued prohibition on the erection of new off-site outdoor advertising signs will reduce the number of driver distractions and the number of aesthetic eyesores along the roadways and highways of the City [*see, e.g., E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1154 (5th Cir. 1970), *cert. denied*, 400 U.S. 878 (1970)]; and

WHEREAS, the City finds and determines that in order to preserve, protect and promote the safety and general welfare of the residents of the City, it is necessary to regulate off-site advertising signs, so as to prohibit the construction of new off-site signs and billboards in all zoning districts, and to provide that the foregoing provisions shall be severable; and

WHEREAS, the City hereby finds and determines that anything beside the road which tends to distract the driver of a motor vehicle directly affects traffic safety, and that signs, which divert the attention of the driver and occupants of motor vehicles from the highway to objects away from it, may reasonably be found to increase the danger of accidents, and agrees with the courts that have reached the same determination [*see In re Opinion of the Justices*, 103 N.H. 268, 169 A.2d 762 (1961); *Newman Signs, Inc. v. Hjelle*, 268 N.W.2d 741 (N.D.1978)]; and

WHEREAS, the City finds and determines that the City has allowed noncommercial speech to appear wherever commercial speech appears; and the City desires to continue that practice through the specific inclusion of a substitution clause that expressly allows non-commercial messages to be substituted for commercial messages; and

WHEREAS, the City finds and determines that, by confirming in this Ordinance that noncommercial messages are allowed wherever commercial messages are permitted, the City will continue to overcome any constitutional objection that its ordinance impermissibly favors commercial speech over noncommercial speech [*see Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1236-1237 (D. Kan. 1999)]; and

WHEREAS, the City finds and determines that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be permitted to stand provided (1) the unconstitutional provisions can be separated from the remaining valid provisions, (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void, (3) the good and the bad features are not so inseparable in

substance that it can be said that the legislative body would have passed the one without the other, and (4) an act complete in itself remains after the valid provisions are stricken [*see, e.g., Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)]; and

WHEREAS, the City finds and determines that there have been several judicial decisions where courts have not given full effect to severability clauses that applied to sign regulations and where the courts have expressed uncertainty over whether the legislative body intended that severability would apply to certain factual situations despite the presumption that would ordinarily flow from the presence of a severability clause; and

WHEREAS, the City finds and determines that the City has consistently adopted and enacted severability provisions in connection with its code provisions, and that the City wishes to ensure that severability provisions apply to its land development regulations, including its sign regulations; and

WHEREAS, the City finds and determines that the Code's severability clauses were adopted with the intent of upholding and sustaining as much of the City's regulations, including its sign regulations, as possible in the event that any portion thereof (including any section, sentence, clause or phrase) be held invalid or unconstitutional by any court of competent jurisdiction; and

WHEREAS, the City finds and determines that there must be an ample record of its intention that the presence of a severability clause in connection with the City's sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any provision is invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the City finds and determines that there must be an ample record that it intends that the height and size limitations on free-standing and other signs continue in effect regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the City's sign regulations, other ordinance code provisions, or other laws, for any reason(s) whatsoever; and

WHEREAS, the City finds and determines that there must be an ample record that it intends that each prohibited sign-type continue in effect regardless of the invalidity or unconstitutionality of any, or even all, other provisions of the City's sign regulations, other ordinance code provisions, or other laws, for any reason(s) whatsoever; and

WHEREAS, the City Commission makes the detailed findings set forth in Sections 156.01 and 156.02 of this Ordinance as to the purpose, scope and intent of the City's sign regulations, and the substantial and compelling governmental interests that are advanced by these regulations.

WHEREAS, the City Commission finds it necessary to revise the City of Pompano Beach Sign Code to effectuate compliance with the aforementioned changes in the law governing signage, and to further ensure the City's Sign Code provides proper due process to sign applicants and also protects the rights guaranteed by the First Amendment of the United States Constitution; and

WHEREAS, it is the goal of the City Commission to make said revisions to the City's Sign Code to achieve compliance with legal requirements. The substantive procedural changes made herein are made with full intention of permanency, and not simply in an effort to resolve the City's pending litigation regarding its current Sign Code. Thus, unless required by additional changes in the law, the City Commission asserts that the changes to its Sign Code are made in a good faith belief and desire to achieve permanency in the procedural and other changes made herein to effectuate compliance with all legal requirements, and with no intention of modifying such changes upon conclusion of the pending litigation. This, however, is in no way intended to preclude the City Commission under its zoning powers, to make modifications to specific permitted signage within various zoning districts within the City at some point, if deemed necessary, in the future; and

WHEREAS, the Planning and Zoning Board has reviewed and approved the revised Sign Code Amendments; and

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 the preceding "Whereas" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

SECTION 2. That the City of Pompano Beach Sign Code is hereby amended as provided in Exhibit "A," attached hereto and made a part hereof.

SECTION 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any 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 5. 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
1/30/17
L:ord/ch156/2017-102

EXHIBIT A

156.01 PURPOSE.

(A) *Generally.* It is hereby determined that the regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among hazards to life and property, to assure the continued attractiveness of the community, and to protect property values, and ensure traffic safety. As provided in Section 156.22(B), the message on any sign allowed by this Chapter may, at the option of the owner, be substituted with any noncommercial message.

(B) *Florida Constitution.* Article II, Section 7 of the Florida Constitution provides that “[i]t shall be the policy of the state to conserve and protect its natural resources and scenic beauty. . . .” A beautiful environment preserves and enhances the desirability of the City as a place to live and to do business. Implementing the Florida Constitution is a compelling governmental interest.

(C) *Florida Statutes.* Florida law require cities to adopt comprehensive plans and implement them through land development regulations (also known as zoning regulations) and approval of development orders that are consistent with the comprehensive plan. See Part II of Chapter 163, Florida Statutes. Florida law specifically requires that the City adopt sign regulations. See Section 163.3202(2)(f), Florida Statutes. Complying with state law is a compelling governmental interest.

(D) *City Comprehensive Plan Elements.* The City’s Future Land Use and Transportation Elements have both identified City Sense of Place as a Major Issue. The Future Land Use Element states the following “While the City has adopted beautification and community enhancement projects as major goals, the object of this Major Issue is to provide guidance to the City to facilitate redevelopment efforts and improve the urban environment and overall quality of life of the City’s residents, workers and visitors.”

(E) *City Comprehensive Plan Goals, Objectives and Policies.* Several goals, objectives and policies of the City’s comprehensive plan require the City to maintain its scenic beauty and traffic safety through its land development regulations and actions:

Future Land Use Element, Policy 01.07.08: The City shall continue to enforce the sign ordinance relative to removing unsightly and obtrusive signs in conformance with the amortization schedule.

Transportation Element, Goal 02.00.00: To develop and maintain a multimodal system which will serve the transportation needs of all sectors of the Pompano Beach community in a safe, efficient, cost effective and aesthetically pleasing manner that promotes the reduction of greenhouse gas emissions.

Transportation Element, Objective 02.03.00: The City of Pompano Beach shall ensure that a safe, convenient and energy efficient local multimodal transportation system is provided in an environmentally sound manner.

Transportation Element, Policy 02.03.04: Incorporate safety attributes in the prioritizing of local road improvement funding.

Transportation Element, Policy 02.06.10: If applicable during the review of future land use amendments, establish transportation system management strategies improve system efficiency and enhance safety.

Transportation Element, Policy 02.08.15: Coordinate with Broward County relative to modifications to the Land Development Code to increase efficiency and safety at the City's main transfer points.

Transportation Element, Policy 02.08.16: Provide recommendations when needed for improvements at transit facilities to the Broward MPO that will improve aesthetics, comfort, efficiency and safety.

Transportation Element, Policy 02.11.06: The City will continue to require the installation of street trees and landscape amenities on the regional roadway network and on local roads, where they do not conflict with road safety and underground utilities, to support pedestrian use and sense of place objectives.

(F) Caselaw. In accordance with the U.S. Supreme Court's cases on sign regulation, the regulations in this Chapter are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the City's substantial and compelling governmental interests in preserving scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment. These cases and their holdings include, but are not limited to:

(1) *Reed v. Town of Gilbert*, ___ U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015) on the topic on noncommercial temporary signs;

(2) *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981) on the topic of commercial signs and off-premise signs;

(3) *City of Ladue v. Gilleo*, 512 U.S. 43 (1994) on the topic of political protest signs in residential areas;

(4) *Linmark Assocs., Inc. v. Township of Willingboro*, 431 U.S. 85 (1977) on the topic of real estate signs in residential areas;

(5) *Burson v. Freeman*, 504 U.S. 191 (1992) on the topic of election signs near polling places;

(6) *Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447 U.S. 557 (1980) on the topic of commercial speech; and

(7) *City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984) on the topic of signs on Public Property or a Public Place.

(G) Impact of Sign Clutter. Excessive signage and sign clutter impair the legibility of the environment, and undermines the effectiveness of governmental signs, traffic control devices and

other required signs (such as address signs, identification signs, and warning signs) that are essential to identifying locations for the delivery of emergency services and other compelling governmental purposes. The intent of these sign regulations is to enhance the visual environment of the City, ensure that City residents and visitors can safely navigate through the City to their intended destinations, and promote the continued well-being of the City. It is therefore the purpose of this Chapter to promote aesthetics and the public health, safety and general welfare, and assure the adequate provision of light and air within the City through reasonable, consistent and nondiscriminatory standards for the posting, displaying, erection, use, and maintenance of signs and sign structures that are no more restrictive than necessary to achieve these governmental interests.

~~(HB)~~ *Impact of unlawful signs.* It is the purpose of this chapter to coordinate the type and placement of signs within the different land use zones; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the posting, displaying, erection, use, and maintenance of signs. No sign shall be permitted as either a main or accessory use, except in accordance with the provisions of this chapter. It is further determined that signs which are not lawfully erected or maintained under the provisions hereof are not consistent with the customary usage, are an abuse thereof, and an unwarranted invasion of the rights of legitimate business interests and of the public.

(I) *Specific Legislative Intent.* More specifically, the sign regulations are intended to:

- (1) Encourage the effective use of signs as a means of communication in the City;
- (2) Maintain and enhance the scenic beauty of the aesthetic environment and the City's ability to attract sources of economic development and growth;
- (3) Ensure pedestrian safety and traffic safety;
- (4) Minimize the possible adverse effect of signs on nearby public and private properties;
- (5) Foster the integration of signs with architectural and landscape designs;
- (6) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive sign area which compete for the attention of pedestrian and vehicular traffic and are not necessary to aid in wayfinding;
- (7) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (8) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the land uses, activities and functions to which they

pertain;

(9) Curtail the size and number of signs to the minimum reasonably necessary to identify a residential or business location, and the nature of such use, and to allow smooth navigation to these locations;

(10) Establish dimensional limits and placement criteria for signs that are legible and proportional to the size of the parcel and structure on which the sign is to be placed, or to which it pertains;

(11) Regulate signs so that they are effective in performing the function of identifying and safely directing pedestrian and vehicular traffic to a destination;

(12) Preclude signs from conflicting with the principal use of the parcel and adjoining parcels;

(13) Regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;

(14) Except to the extent expressly preempted by state, Broward County or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;

(15) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the City;

(16) Allow traffic control devices consistent with national standards without regulation in this Chapter, because they promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and by notifying road users of regulations and providing nationally consistent warnings and guidance needed for the safe, uniform and efficient operation of all modes of travel, while regulating private signs to ensure that their size, location and other attributes do not impair the effectiveness of such traffic control devices;

(17) Protect property values by precluding, to the maximum extent possible, signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;

(18) Protect property values by ensuring that the size, number and appearance of signs are in harmony with Buildings, neighborhoods, structures, and conforming signs in the area;

(19) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the City and that complements the natural surroundings in recognition of the City's reliance on its natural surroundings and beautification efforts as a source of economic advantage as an attractive place to live and work;

(20) Classify and categorize signs by type and zoning district;

(21) Not regulate signs more than necessary to accomplish the compelling and important governmental objectives described herein;

(22) Enable the fair and consistent enforcement of these sign regulations;

(23) Permit, regulate and encourage the use of signs with a scale, graphic character, and type of lighting compatible with buildings and uses in the area, so as to support and complement the goals, objectives and policies set forth in the City's Comprehensive Plan;

(24) Establish regulations of the design, erection and maintenance of signs for the purpose of ensuring equitable access to graphic communication, while maintaining a harmonious and aesthetically pleasing visual environment within the City, recognizing that signs form an integral part of architectural building and site design and require equal attention in their design, placement and construction; and

(25) Be considered the maximum standards allowed for signage, and regulate signs in a permissive manner so that any sign is not allowed unless expressly permitted and not expressly prohibited.

§ 156.02 SCOPE.

(A) This chapter ~~shall not relate to building design, nor does not~~ regulate ~~official directional and traffic control devices signs; signs not intended that are not designed to be viewed from or are not legible from a vehicle or pedestrian in any a public right-of-way; window displays of merchandise; point of purchase advertising displays such as candy machines and other product dispensers; or signs that are required by law to be posted on public or private property. national flags or the flags of any political subdivision; gravestones; barber poles; or historical site plaques.~~

(B) The primary intent of this chapter is to regulate signs of a commercial nature ~~intended designed to be viewed from or legible from a vehicle or pedestrian in any public right-of-way intended to be viewed from any public right-of-way~~, and to provide for the protection of the health, safety, property values, and general welfare of the citizens of the city. It is also the intent of this chapter to improve vehicular and pedestrian safety, provide more open space, curb the deterioration of natural beauty within the community, and reduce visual blight. This chapter recognizes that aesthetics and design quality cannot be a satisfactorily legislated; it is recognized, however, that a great percentage of that which is unattractive can be eliminated by sensible quality control and by reasonable guidelines formulated to minimize clutter.

(C) This chapter does not regulate government signs on property owned by the CRA, City, Broward County or the State of Florida.

(D) In the event of any conflict between this Code and any declaration of covenants, bylaws, or other restrictions applying to any property within the City, the language affording the more restrictive interpretation shall apply.

(E) The City specifically finds that these sign regulations are narrowly tailored to achieve the compelling and substantial governmental interests of traffic safety and aesthetics, and that there is no other way for the City to further these interests.

§ 156.03 DEFINITIONS.

For the purpose of this chapter the following definitions for words, terms and phrases used in the Sign Code shall apply unless the context clearly indicates or requires a different meaning. The figures in Appendix A are intended to be illustrative in nature and, in the event of conflict between a figure and the wording of this chapter, the wording shall govern.

ABANDONED SIGN. A sign is considered abandoned if a business advertised on that sign no longer maintains a valid business tax receipt, or no longer has a certificate of occupancy, or is no longer doing business at that location; or it is more than 7 days after the event with which a temporary sign was associated. Noncommercial signs that do not relate to an event or timeframe shall not be considered abandoned unless the current tenant, occupant or property owner affirms that such signs are no longer communicating a message on their behalf.

ABANDONED SIGN STRUCTURE. A structure designed for displaying signs and missing all of its copy for a period of three weeks, or an empty sign frame.

ADDRESS SIGN. A sign which is non-illuminated and less than three square feet in sign area, with letter height limited to six inches, required to be located at and used to identify any premises.

~~**ADVERTISING BENCH.** A bench, as a park bench, for the use of the public and bearing a commercial message.~~

~~**ADVERTISING MESSAGE.** That copy of The message displayed on a commercial sign describing products or services being offered to the public.~~

~~**A-FRAME SIGN.** A moveable sign not permanently affixed or attached to the ground as required by this chapter~~ A temporary sign that is supported by its own frame forming the cross-sectional shape of an A. This shall include, but is not limited to, sandwich and sidewalk signs oriented for pedestrians. See Figures 1 and 2 in Appendix A as illustrative examples.

~~**ANIMATED SIGN.** A sign visible from a public right-of-way with action or motion including, but not limited to, swinging, rotating, revolving, flashing, blinking, twinkling, chasing, or scintillating. Any sign which has alterations or variations in color, motion, copy, characters, illumination, illumination intensity, or any other image change more frequently than once every twelve seconds. The action or motion may be caused by electrical energy, electronic or manufactured sources of supply, or wind actuated elements. The sign may be exterior signs or interior signs. A sign with action or motion using electrical energy, electronic or manufactured sources of supply, or wind actuated elements, including rotating, revolving, or flashing sign; however, fiber optic cable with synchronized color changing effects will not be construed as an animated sign provided the color changes occur at a rate no faster than one color every four seconds and such treatment does not convey an advertising message.~~

~~**ATTENTION-GAINING DEVICES.** Any device, structure, fixture or object with or without lettering used to attract the attention of the public to a specific location for the purpose of identifying or advertising any establishment, product, goods or service. This definition shall include, but not be limited to, spotlights, spinning and/or whirling devices; devices that emit~~

sound, smoke or bubbles; mannequins, pennants, streamers, rotating or fluttering devices; and balloons and other air-filled or gas-filled figures or shapes.

~~**AWNING, CANOPY, ROLLER CURTAIN, or UMBRELLA SIGN.** Any signs painted, stamped, perforated, or stitched on the surface area of any awning, canopy, roller curtain, or umbrella.~~

~~**BANNER.** Any temporary sign which is made of or having the characters, letters, illustrations, or ornamentations applied to cloth, paper, vinyl, balloons or other air-filled or gas-filled figure or shape, or fabric of any kind with only material for foundation.~~

~~**BILLBOARDS and GENERAL ADVERTISING SIGNS.** An off-premise commercial sign, or a signs or framework installed for the purpose of advertising merchandise, services, or entertainment, for hire that is sold, produced, manufactured, or furnished at a place other than the location of the sign or framework.~~

~~**BLADE SIGN.** A projecting sign which is suspended from a mounting attached directly to the building wall, and hangs perpendicular to the building wall.~~

~~**BUILDING.** Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.~~

~~**BUILDING FACADE.** That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the business establishment frontage. See Figure 3 in Appendix A as an illustrative example.~~

~~**BUSINESS ESTABLISHMENT FRONTAGE.** The length of the building or lease lines of any building, the legal use of which is one of commercial or industrial enterprise and shall include the location of the main public entrance(s) to the establishment. On BSC zoned land, any business establishment occupying a minimum of 100 feet of frontage, and 10,000 square feet, exclusive of common areas, of floor space with a minimum width of 100 feet regardless of the existence of a main public entrance to the establishment.~~

~~**CABINET SIGN.** A flat sign not permitted in Residential or Commercial Districts that contains all the text and/or logo symbols within a single enclosed box and may or may not be illuminated. See Figure 4 in Appendix A as an illustrative example.~~

~~**CASE SIGN.** A wall mounted, manual changeable copy flat sign at a nonresidential premises whose placement is at a height and copy is of a size to convey a message to an adjacent pedestrian.~~

~~**CANOPY SIGN.** Any sign painted, stamped, perforated, or stitched on the surface area of any canopy, awning, roller curtain, or umbrella, or is mounted on top of or directly under a horizontal canopy, parallel to a pedestrian pathway or sidewalk.~~

~~**CHANGEABLE COPY SIGN, MANUAL.** A sign on which copy is changed manually in the field through the use of attached letters, numbers, symbols, or similar characters, or changeable pictorial panels.~~

CHANGEABLE COPY SIGN, AUTOMATIC. A sign permitted in nonresidential districts on which copy is changed through an automatic and/or remotely controlled process and that shall not change copy more frequently than every twelve seconds (5 changes per minute) and shall not be operated as an animated sign.

CHANNEL LETTER SIGN. A flat sign comprising individual letters that are independently mounted to a wall or other surface with a covered face, which may be internally illuminated.

COMMERCIAL FLAG. A piece of fabric with a color or pattern or copy that represents a commercial idea.

COMMERCIAL SIGN. Any sign which identifies or directs attention to a commercial product, place, activity, persons, institution, business, service, or other entertainment.

COMMUNITY SERVICE SIGN. A temporary sign which advertises solely a function of a nonprofit organization.

CONSTRUCTION SIGN. A temporary on-premise sign displayed while identifying those engaged in construction occurs on any building site. This includes the builder, contractor, developer, architect, engineer, painter, plumber, or other persons or artisans concerned in the construction. See Figure 5 in Appendix A as an illustrative example.

CORPORATE FLAG. A piece of fabric bearing the emblem or insignia of any duly registered and undissolved corporation.

DEVELOPMENT SERVICES DEPARTMENT. As defined in Chapter 155 (Zoning Code).

DEVELOPMENT SIGN. A temporary sign advertising the sale or rental of structures under construction on land which is under development.

DIRECTIONAL SIGN. A sign permanently erected or permitted by the city, county, state, or federal agency to denote the name of any thoroughfare, the route to any city, town, village, educational institution, public building, historic place, shrine, or hospital; to direct and regulate traffic; to denote any railroad crossing, bridge, ferry, or other transportation company for the direction or safety of the public. See Figure 6 in Appendix A as an illustrative example.

DIRECTORY SIGN. An exterior sign indicating the name of a tourist accommodation center with or without applied identification signs relating to accessory uses, the name of an apartment building with or without a list of names and apartment numbers of its residents, the name of a shopping center with or without a list of the names of the individual businesses in the shopping center, or the name of an office building with or without a list of the names and office numbers of its occupants, in the form of a flat or free-standing sign. See Figures 7 and 8 in Appendix A as illustrative examples.

DOUBLE-FACED SIGN. A sign with two faces which are parallel to each other and back to back.

~~ENTRANCE SIGN.~~ ~~An identification structure located at the main entrance to a city approved subdivision or development; the only advertising on the structure shall be the name of the subdivision or development.~~

~~FENCE OR FREE-STANDING WALL SIGN.~~ ~~A sign attached to and erected parallel to the face of, or erected or painted on a fence or free-standing wall, and supported throughout its length by the fence or free-standing wall; or any sign in any way applied flat against a fence or free-standing wall. The sign will be considered a flat sign for the purpose of this subchapter. See Figure 9 in Appendix A as an illustrative example.~~

FLAG. A piece of fabric with a color or pattern or copy that represents a non-commercial idea or institution, such as a government or civic club ~~country, state, county, or city.~~

FLASHING SIGN. Any sign visible from the public right-of-way, used for identification, directional, advertising, or promotional purposes, that includes approved lighting fixtures which flash, blink, cut on and off intermittently, ~~and are used as~~ whether exterior signs or interior signs ~~visible from the public right-of-way.~~

FLAT SIGN. A sign attached to and erected parallel to the face of, or erected or painted on the outside wall of a building and supported throughout its length by the wall or building or any sign in any way applied flat against a wall. May also be referred to as a wall sign. See Figure 10 in Appendix A as an illustrative example.

FREE-STANDING SIGN. A sign supported by one or more columns, uprights, or braces in or on the ground, independent of any building for support.

~~GAS STATION PRICE SIGN.~~ ~~A free-standing sign that displays all of the prices of the fuel that is sold at a specific location. Gas station pricing signs shall not be considered message-center signs. See Figure 11 in Appendix A as an illustrative example.~~

GRANDFATHERED SIGN. A sign which does not comply with the standards of this Chapter, but which is not required to be removed or brought into compliance with the standards of this Chapter pursuant to the requirements of Section 156.17(E).

~~IDENTIFICATION SIGN.~~ ~~A sign which identifies the name of the business located thereon or its principals and address.~~

~~INDUSTRIAL USE.~~ ~~That use of land and the structures thereon pertaining to those manufacturing or other operations through which marketable commodities are produced.~~

~~INFORMATIONAL SIGN.~~ ~~Any sign which serves solely to designate the location or direction of any place or area such as restroom, public telephone, walkway, or sign providing information such as parking lot entrance or exit, signs and those of a similar nature which contains no advertising copy. See Figure 12 in Appendix A as an illustrative example~~

ITEM OF INFORMATION. A word, an initial, a logo, an abbreviation, a number, a symbol or a geometric shape.

LANDMARK SIGN. A sign that, by its construction material, unusual age, prominent location, unique design or craftsmanship from another period, contributes to the cultural, historic or aesthetic quality of the city's streetscape, meeting the requirements of Section §156.17(E) for designation as a Landmark Sign.

LED SIGN. Any sign or portion thereof that uses light emitting diode (LED) technology or other similar semiconductor technology to produce an illuminated image, picture or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses liquid crystal display (LCD), plasma or LED technology of any kind whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), flexible liquid crystal displays (LCD), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electroluminescence (OEL), or other electroluminescence (EL) displays, or any similar technology.

LEGAL NONCONFORMING SIGN. Any sign or sign structure for which a permit was issued prior to the effective date of this chapter, or any amendment to this chapter.

LIMITED ACCESS HIGHWAY. A major traffic thoroughfare or part thereof for which owners, tenants, or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway. Such highways have been identified as the Florida Turnpike and Interstate 95.

LIMITED ACCESS HIGHWAY SIGN. A free-standing pole sign facing a limited access highway which is permitted for properties abutting a limited access highway.

LOGO. A graphic representation or symbol used to identify a company name, trademark, entity, product or service, uniquely designed for ready recognition.

MARQUEE. A permanent structure other than a roof, attached to, supported by, and projecting from a building and providing protection from the elements. ~~For the purposes of this chapter, a~~ Includes a free-standing, permanent, roof-like structure providing protection from the elements, such as a service station gas pump island, ~~will also be considered a~~ ***MARQUEE*** vehicular use canopy.

MARQUEE SIGN. Any sign attached to or supported from or on a marquee. ~~For the purpose of this chapter any sign or sign structure which and does not extends above a roof line or parapet shall be considered a roof sign. See Figure 12 in Appendix A as an illustrative example. In the~~ AOD and DPOD districts, marquee signs may extend above the roof line or parapet, and shall not be treated as a prohibited roof sign.

MASTER SIGN PROGRAM. As defined in Chapter 155 (Zoning Code).

MESSAGE CENTER SIGN. ~~An on premise digital sign display that is a portion of a free-standing or monument sign containing illuminated characters displayed alternately to provide general public service information such as time, date, weather, direction, information, or other messages of interest to the public, and may provide a limited number of advertising messages. MESSAGE CENTER SIGNS as permitted in this code, shall not change copy more frequently~~

~~than every twelve seconds (5 changes per minute) and there shall be no flashing, animation, scrolling or scintillating. Architectural Appearance Committee must review and approve all new installations. See Figure 13 in Appendix A as an illustrative example.~~

MODULE. A separate portion of unit of a sign that is clearly separable from other sign units by virtue of expression of a complete commercial or non-commercial message, including text and logos.

MONUMENT SIGN. A ground mounted free-standing sign where the supporting structure of the sign face is architecturally and aesthetically integrated into the overall design of the sign. The base of the supporting structure is embellished to conceal all structural or support members. The perimeter of said sign ~~is~~ landscaped to enhance the area adjacent to the sign. See Figure 22 of Appendix A as an illustrative example.

Horizontal Monument Sign: A monument sign whose width is greater than its height.

Vertical Monument Sign: A monument sign whose height is greater than its width.

~~**MURAL.** Artwork applied to the fence or wall of a building that covers all or substantially all of the wall and depicts a scene or event of natural, social, cultural, or historic significance. Murals determined by the Zoning Administrator to be advertising shall be considered a sign and shall be included in the calculations of allowable sign area, unless otherwise permitted in this chapter. See Figure 23 in Appendix A as an illustrative example.~~

~~**NAME PLATE SIGN.** A sign indicating the name, profession, or address of a person or persons residing on the premises or legally occupying the premises. Letter height limited to six inches.~~

NEW BUSINESS TAX RECEIPT HOLDER:

- (i) A business which has legally changed the name or ownership of the business operating at the location; or
- (ii) A business which is a new operation at the location. This does not include ancillary operations within an existing business; or
- (iii) Newly constructed buildings, shopping centers and similar principal structures.

NON-COMMERCIAL SIGN. Any sign other than a sign containing a commercial message. Non-commercial signs include but are not limited to any required sign, any public interest sign, any residential name plate identification signs, any residential development directional sign, any election signs, and any political or ideological sign. Any **NON-COMMERCIAL SIGN** shall be deemed to be an on-premises sign ~~as defined in this code~~ and shall not constitute an off-premises sign.

NONCONFORMING SIGN. A sign which does not conform to the provisions of this chapter, or of a future amendment to this chapter, but did comply at the time of its installation.

OCCUPANT. A person or persons residing in a residential building or portion thereof.

~~**OCCUPANT NAMEPLATE SIGN.** A sign indicating the name or address of a person or persons residing on the premises or legally occupying the premises.~~

OFF-PREMISE SIGN. ~~A sign n advertising structure, including a building, or any sign~~ advertising an establishment, merchandise, service, or entertainment which is sold, produced, manufactured, or furnished at a place other than on the property on which the sign is located (commonly called billboards). ~~Sign installations on city property as part of the Planned Commercial Development at Harbor Village located on the north side of East Atlantic Boulevard in between Northeast 26 Avenue and Northeast 28 Avenue shall not constitute an~~ ***OFF-PREMISE SIGN.***

ON-PREMISE SIGN. A sign that is not an off-premise sign.

PAINTED SIGN. A flat sign which is painted directly onto a wall.

PARAPET. A false front or wall extending above the roof line.

PEDESTRIAN WALKWAY. A hard-surfaced, all-weather way designed for pedestrians which is located on private property and are not intended for use by the general public. Pedestrian Walkways which are dedicated to public use are considered to be “Sidewalks”.

PERIMETER. ~~For the purpose of this chapter perimeter is defined as a geometric shape (square or rectangle only) required to enclose sign area.~~

PERIMETER FENCE OR PERIMETER WALL SIGN. A flat sign attached to and erected parallel to the face of, or erected or painted on a perimeter fence or perimeter wall, and supported throughout its length by the fence or wall; or any sign in any way applied flat against a perimeter fence or perimeter wall. See Figure 9 in Appendix A as an illustrative example. For purposes of this definition, a perimeter fence or perimeter wall is a free-standing fence or wall located on or near the property line or setback of a premises adjacent to a public right-of-way.

PERMIT TAG. A tag affixed to each sign which includes the address of the property on which the sign is located, permit number, date installed, and name of the installation company.

PERSON. An individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, or other similar entity.

POLE SIGN. A free-standing permanent sign, usually double faced, mounted to a round pole, square tube or other fabricated member without any type of secondary support. The pole or similar support structure is less than 50% of the width of the sign face. Temporary signs as defined in this chapter shall not be considered ***POLE SIGNS.*** See Figure 14 in Appendix A as an illustrative example.

PORTABLE SIGN. Any sign made of any material, ~~including paper, cardboard, wood, or metal,~~ which is capable of being moved easily and that is not permanently affixed to the ground or to a structure or building.

PREMISES. An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest unit of real estate that can be conveyed.

~~PROFESSIONAL NAMEPLATE SIGN.~~ ~~A sign which indicates the name or address of a profession on the premises where the sign is located in the form of a flat, projecting, or free-standing sign.~~

PROJECTING SIGN. A sign attached to a building and projecting at any angle from the face of the building at least 12 inches, that does not swing. No angle irons, guy wires, or braces shall be visible from where the sign is normally viewed.

PYLON SIGN. A free-standing sign with a visible support structure which is at least 50% of the width of the sign face, and which support structure may or may not be enclosed by a pole cover. See Figure 15 as an illustrative example.

REAL ESTATE SIGN. A temporary sign erected by the owner, or his agent, advertising the real estate upon which the sign is located as being for rent, lease, or sale, or announcing the real property is no longer available.

~~RIGHT-OF-WAY.~~ ~~For the purposes of this chapter, right-of-way shall be that road width permitted and required under this code or the Broward County Trafficways Plan, and shall include canals or waterways within the city limits. As defined in Chapter 155 (Zoning Code).~~

ROOF LINE. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

~~ROOF SIGN.~~ ~~An outdoor advertising display sign or sign structure, installed, constructed, or maintained on or above the roof line or parapet of any building. See Figure 12 in Appendix A as an illustrative example.~~

SCINTILLATING SIGN. A sign with moving parts or lights creating, excepting message center signs. ~~A scintillating sign shall also include a sign which has chasing action,~~ or scintillating action. Chasing action is the action of a row of lights commonly used to create the appearance of motion, the effect of which is obtained by turning a sequence of lights off at timed intervals so that a group of shadows appear to flow in one direction. Scintillating action is that effect which gives the appearance of twinkling lights with the lights blinking on and off in a random manner.

~~SHOPPING CENTER.~~ ~~A group of retail and/or service establishments planned, constructed and managed as a single entity, and which utilize a common parking area.~~

SIDEWALK. A hard-surfaced, all-weather way, within a right-of-way which is located between the curb line or the lateral line of a street and the adjacent property line and which is intended for use by pedestrians. Sidewalk also includes Pedestrian Walkways dedicated to public use.

SIGHT VISIBILITY TRIANGLE. As described and measured in §155.5101.G.9. When the subject property abuts the intersection of two or more public rights of way, a sight visibility triangle shall be provided. Sight visibility triangles are formed as follows: the area of property located at a corner formed by the intersection of two or more public rights of way with two sides of the triangular area being ten feet in length along the abutting public right of way, measured

from their point of intersection, and the third side being a line connecting the ends of the other two sides.

SIGN. Any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, or identifying an establishment, product or service, that is projected onto any surface or into the sky, and that is affixed or attached to premises, real property, fixtures on real property, or a vehicle. A sign that is not visible from any nearby public property, including without limitation a public Right-Of-Way, is not a sign subject to regulation under this Chapter. Any device, structure, or fixture using graphics, symbols, or written copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity, entertainment, or real or personal property. Any device, structure, or fixture using graphics, symbols, or written copy for the primary purpose of identifying or advertising any establishment, product, goods, or services, or otherwise communicating some information for the purposes of this chapter. This definition shall refer to the area upon which the advertising message is displayed and shall not include architectural embellishments, poles, pole covers, or any structure or portion of a building supporting the sign.

SIGN AREA.

(1) Projecting and free-standing. The area of a free-standing or projecting sign shall have only one face (the largest one) of any double-faced sign counted in calculating its area. The area of the sign shall be measured as follows, ~~if the sign is composed of one or two individual cabinets.~~

(a) The area around and enclosing the perimeter of each ~~cabinet~~ or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include architectural embellishments such as pole covers, framing, decorative roofing, and the like, provided that there is no text written advertising copy on the architectural embellishments. See Figure 17 in Appendix A as an illustrative example.

(b) If the sign is composed of more than two sign ~~cabinets~~ or modules, the area enclosing the entire perimeter of all ~~cabinets~~ or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of sign measurements if the pole cover, and the like, do not have text written advertising copy. See Figure 18 in Appendix A as an illustrative example.

(2) ~~Wall or Flat, illuminated or non-illuminated whether painted, plastic, wood, metal, or the like.~~ On a flat (~~wall~~) sign that is applied directly to a wall, within one module cabinet structure, or a marquee sign, the area shall be within a single continuous perimeter composed of any straight line geometric figure(s) which encloses the extreme limits of the advertising message; ~~however, if the sign is composed of individual letters or symbols using the wall as a background, the area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that encompasses the smallest perimeter of the sign's message.~~ Where a sign is composed of individual letters, characters or symbols applied directly to a building, canopy, marquee, mansard, fascia, façade, parapet, or awning the area of the sign shall be the smallest continuous geometric shape which will enclose all of the letters, characters or symbols. See Figures 19, 20 and 21 in Appendix A as illustrative examples.

SIGN BAND. A horizontal area above a multi-tenant building's entrance, architecturally designed to accommodate signage.

SIGN FACE. The part of a sign, including trim and background, which contains the message or informative content.

SIGN, HEIGHT. The height shall be measured from the existing average finished grade level of the premises where the sign is located to the highest point of the sign structure.

SIGN CODE COMPLIANCE PERMIT. A Development Order required before the construction, erection, installation, placement, posting, painting, display, alteration, or repair of any sign, certifying that such sign complies with the sign standards in this Chapter.

SNIPESIGN. ~~A sign of any material including paper, cardboard, wood, metal, and the like, when the sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, utility poles, traffic control devices or equipment, stakes, fences, or free-standing walls, or other objects or structures that are not designed or intended to display a sign, and where the sign does not apply to the premises or structures on which the sign is located.~~

TEMPORARY SIGN. ~~Hereinafter defined as applied to real estate signs, construction signs, development signs, political signs, special event signs, or signs of a similar nature and shall be construed to mean nonpermanent in nature. A sign that is moveable and not permanently affixed or attached to the ground in the manner required by this chapter for permanent signs. Where not otherwise specified in this chapter, the maximum time for which a temporary sign may be displayed is 90 days.~~

TEMPORARY SIGN FOR PARCEL WITH ACTIVE BUILDING PERMIT. A temporary on-premise sign on land which is under development or construction and is the subject of an active building permit. See Figure 5 in Appendix A as an illustrative example.

TEMPORARY WINDOW SIGN. Any temporary sign attached to, printed on or made of paper, cloth, fabric or similar material and located behind the glass area.

TENANT. A business or other nonresidential entity occupying land or property.

TRADEMARK. A word, phrase, symbol or design, or a combination thereof, that identifies and distinguishes the source of goods of one party from those of others, legally recognized under state or federal law.

TRAFFIC CONTROL DEVICE. Any sign, signal, marking or other device consistent with the Uniform Manual for Traffic Control Devices and other national standards that is used to regulate, warn or guide traffic placed on, over, or adjacent to a street, highway, pedestrian facility or shared use path by authority of the City or other public body having jurisdiction.

TRAFFIC HAZARD SIGN. Any sign which constitutes a traffic hazard or detriment to traffic safety by reason of its size, location, content, coloring, or method of illumination, or by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any traffic

control device which diverts or tends to divert the attention of drivers of motor vehicles from traffic movements on streets, roads, intersections, or access facilities. Any sign erected so that it obstructs the vision of pedestrians. Any sign using words such as stop, slow, danger, or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic. Any sign which simulates emergency lights on emergency vehicles, which simulates traffic-control signals or devices, or which simulates directional, informational, or warning signs erected by a government, railroad, public utility or similar entity or agency.

~~**UNDER-CANOPY SIGN.** A sign suspended below the ceiling or roof of a canopy or marquee.~~

~~**UNIFORM SIGN PROGRAM.** Required sign criteria for shopping centers and multi-tenant industrial developments that abut a designated arterial or collector road as defined by the County Trafficways Plan and exceeds 5,000 square feet of floor area. See Figure 16 in Appendix A as an illustrative example.~~

UNPERMITTED ACTIVITY SIGN. A sign advertising services, products, use or activities that are not permitted at that location pursuant to a valid Zoning Use Certificate and/or a valid Business Tax Receipt.

USE. The purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied, or maintained.

VEHICLE. For the purpose of this chapter, **VEHICLE** shall include automobiles, motorcycles, trucks, boats, campers, trailers, buses and similar motorized vehicles.

VEHICULAR ADVERTISING SIGN. A sign affixed to or painted on a ~~transportation~~ vehicle or trailer for the purpose of advertising anything other than the vehicle or its contents.

~~**VEHICULAR IDENTIFICATION SIGN.** A sign affixed to or painted on a transportation vehicle or trailer for the purpose of identification as required by law.~~

WARNING SIGN. A non-illuminated sign used to prevent trespassing, illegal dumping or other unlawful activity on private property, provided the sign does not exceed three square feet in sign area.

WINDOW SIGN. A sign installed or maintained inside a window or glass door located within 18 inches of the window surface or a sign attached to, printed on or affixed by any method directly to the interior or exterior of the glass of any door or window for the purpose of oriented to viewing from a dedicated right-of-way. ~~This term shall not include merchandise located in a window.~~

§ 156.04 GENERAL REQUIREMENTS.

~~(A) When a projecting sign is used, no angle irons, guy wires, or braces shall be visible from where the sign is normally viewed.~~

~~(B) The construction, alteration, repair, or maintenance of all signs regulated by this chapter shall conform to the provisions established by the Florida Building Code. Signs and activities subject to Florida Building Code. Certain signs and activities are subject to the Florida Building Code. The City's Building Department has the authority to determine which signs and activities are subject to the Florida Building Code. The construction, alteration, repair, or maintenance of all signs shall conform to the provisions established by the Florida Building Code. This includes mechanical and electrical components, as well as structural components subject to wind load standards. The Sign Code Compliance Permit is a zoning approval that is separate from, and shall be obtained prior to any required building permit.~~

~~(C) Nonconforming uses. A nonconforming use occupying a structure, as provided in, § 155.098 Article 7 (Nonconformities) of Chapter 155, Zoning Code, shall be governed by the provisions of this chapter which relate to the zoning district in which the use is ordinarily allowed.~~

~~(D) Residential offices. For residential buildings utilized as offices, as allowed by § 155.169, signs shall be limited to a professional nameplate no greater than one square foot in sign area or a non-illuminated free-standing sign of not more than six square feet in sign area per street frontage.~~

~~(E) Free-standing signs. A free-standing sign shall not be constructed or erected closer than four feet to any right-of-way and no closer than ten feet to any adjacent property line.~~

(1) Notwithstanding the four foot setback as required above, the City Commission may enter into a revocable license agreement in a form approved by the City Attorney with a property owner allowing an existing sign to remain within the above dimensions and providing:

- (a) The subject of the revocable license agreement is an existing free-standing sign which complied with the setback requirements when constructed;
- (b) The City Engineer's determination that the sign does not nor will not be a public safety hazard;
- (c) The agreement contains a provision that:
 - 1. The sign shall be removed upon notice by the city, county or state at property owner's expense;
 - 2. The property owner indemnifies and hold the city, its official and employees harmless;
 - 3. The agreement may not be assigned.

(2) Free-standing signs that are pole mounted must retro-fit the structure with a pole cover that is at least 50% the width of the sign face when requesting a permit for a face change. Free-standing signs must have a base at least 50% the width of the sign face; all nonconforming on-premise signs shall comply with this section within ten years of date of adoption of this section in compliance—are subject to the amortization schedule listed in §156.17(D)(3).

(3) Free-standing signs shall not encroach into sight visibility triangles. When the subject property abuts the intersection of two or more public rights-of-way, a sight visibility triangle shall be provided. The sight visibility triangle shall provide unobstructed cross-visibility for vehicular, pedestrian, and bicycle traffic at a level between three feet and six feet measured from grade level.

(4) Landscaping elements shall be provided around the base of all free-standing signs. None of the following requirements shall create any non-conformities on the site. Landscape requirements are as follows:

(a) Free-standing signs shall provide landscaping around the base of the sign. The landscaping shall consist of native vegetation and an irrigation plan. The dimensions of the landscaping shall extend at least three feet in all directions from the base of the sign. The landscaping's location shall not obscure the address of the building listed on the sign, as required in subsection (5) below.

(b) Free-standing signs are not to be located in required tree planting areas.

(c) If these requirements shall make the required parking area smaller, the landscaping area shall be reduced as necessary to incorporate the parking requirements.

(5) All free-standing signs must incorporate the address number of the building. Size of the numbers must be a minimum of six inches and maximum ten inches in overall height.

~~(DF)~~ Projecting signs. A sign projecting over a public right-of-way shall not extend closer than 18 inches to the right-of-way and shall be a minimum of nine feet above the grade of the walk immediately below the sign. A projecting sign shall be a minimum of 15 feet above an alley.

~~(G)~~ ~~All height measurements required by this chapter are to be taken from the existing average finished grade level of the property where the sign is located.~~

~~(EH)~~ Substitution. Any sign containing non-commercial copy shall be deemed an on-premises sign, and any sign authorized in this chapter is allowed to contain non-commercial copy in lieu of any other copy, in accordance with Section 156.22(B).

~~(I)~~ Uniform Sign Program. ~~All shopping centers and multi-tenant industrial developments that but a designated arterial or collector road as defined by the County Trafficways Plan that exceed 5,000 square feet of floor area shall participate in the Uniform Sign Program. Plans must be reviewed and approved by the Architectural Appearance Committee that establishes specific font, color, style and location for all signage that is part of the development.~~

§ 156.05 SINGLE- AND TWO-FAMILY DISTRICTS.

In single-family and two-family zoning districts, the following permanent signs are allowed. Temporary signs are addressed in Section 156.09.

~~—(A) One temporary, non-illuminated real estate sign, erected by the property owner or his agent, not more than four square feet in sign area per street frontage, not to exceed a height of four feet.~~

~~—(B)~~(A) One nonelectrical nameplate non-illuminated sign not more than three four square feet in sign area, with letter height limited to six inches, not to be in conflict with requirements of a home occupation-based business as provided in § 155.003-155.4303.S.

~~(C) One temporary non-illuminated construction or one temporary non-illuminated development sign not more than 24 square feet in sign area, not to exceed a height of six feet.~~

~~—(D) Three single or double-faced non-commercial signs per street frontage, provided the signs shall not exceed 12 square feet in area per face and not more than six feet in height. Such signs shall not be illuminated.~~

(B) Nonresidential uses allowed in single-family and two-family zoning districts, except home based businesses, may install or erect the following permanent signs

(1) One free-standing sign per street frontage not to exceed 32 square feet in sign area, or exceed 16 feet in height; and

(2) One wall sign per street frontage not to exceed 32 square feet in sign area.

§ 156.06 MULTIPLE-FAMILY DISTRICTS.

In multiple-family zoning districts, the following permanent signs are allowed. Temporary signs are addressed in Section 156.09.

~~—(A) One temporary, non-illuminated real estate sign, erected by the property owner or his agent, not more than 12 square feet in sign area per street frontage, not to exceed a height of six feet.~~

~~—(B) One temporary, non-illuminated construction or one temporary non-illuminated development sign not more than 32 square feet in sign area, not to exceed a height of nine feet.~~

~~(C)~~(A) ~~In addition to the above, a~~Any two of the following signs are allowed per street frontage: a free-standing sign not to exceed a height of ~~25~~ 16 feet; a flat sign; an awning sign; a marquee sign; or a projecting sign.

(B) Residential Uses.

(1) The total sign area per street frontage shall not exceed ~~five square feet per permitted dwelling unit with a maximum sign area of 75 square feet for dwellings for permanent occupancy and 125 square feet for dwellings for transient occupancy~~ the maximum sign area as shown in the following table 156.06(B).

<i>Table 156.06(B)</i> <i>Sign Area Permitted for Multi-Family By Occupancy for Residential Uses</i>			
<i>Transient Occupancy</i>		<i>Permanent Occupancy Residential Use</i>	
<i>Number of dwellings</i>	<i>Maximum sign area in square feet</i>	<i>Number of dwellings</i>	<i>Maximum sign area in square feet</i>
1—8	40	1 - 5	25
9—24	40 plus 5 additional square feet per permitted dwelling unit	6 - 14	25 plus 5 additional square feet per permitted dwelling unit
25+	125	15+	75

(C) Nonresidential Uses.

(1) Visitor Accommodation Uses. The total sign area per street frontage shall not exceed the maximum sign area as shown in table 156.06(C)(1).

<u>Table 156.06(C)(1)</u> <u>Sign Area Permitted for Visitor Accommodation Uses</u>	
<u>Number of lodging units</u>	<u>Maximum sign area in square feet</u>
<u>1 - 8</u>	<u>40</u>
<u>9 - 24</u>	<u>40 plus 5 additional square feet per permitted lodging unit</u>
<u>25+</u>	<u>125</u>

(a) Hotels and motels with 50 rooms or more may devote up to 25 square feet of their total sign area for a wall sign to advertise restaurants and bars operated as special exception accessory uses.

(b) Hotel and motel accessory use signs shall comply with the following design elements:

1. Light source shall be limited to white;
2. Illumination shall be limited to internal, indirect, spotlight or non-exposed neon tube.

~~—(2) Nothing in this division shall require a sign to be less than 25 square feet in sign area for dwellings for permanent occupancy or 40 square feet in sign area for dwellings for transient occupancy.~~

(2) Office Buildings. Office buildings may install or erect the following permanent signs:

- (a) One flat sign per tenant and each sign is limited to one square foot in sign area; or
- (b) One non-illuminated free-standing sign of not more than six square feet in sign area per street frontage, with letter height limited to six inches

(3) Other Nonresidential Uses. Nonresidential uses, not including Visitor Accommodation Uses or Office Buildings, may install or erect the following permanent signs:

- (a) One free-standing sign per street frontage not to exceed 32 square feet in sign area, or exceed 16 feet in height.
- (b) One wall sign per street frontage not to exceed 32 square feet in sign area.

~~—(D) One temporary non-illuminated non-commercial sign not more than 12 square feet in sign area per street frontage, not to exceed a height of six feet.~~

§ 156.07 ~~BUSINESS, COMMERCIAL, INDUSTRIAL~~ NONRESIDENTIAL DISTRICTS.

In business, commercial, and industrial nonresidential zoning districts, the following permanent signs are allowed. Temporary signs are addressed in Section 156.09.

—(A) One temporary, non-illuminated real estate sign, erected by the property owner or his agent, not more than 16 square feet in sign area per street frontage, not to exceed a height of ten feet in a business zone and not more than 32 square feet in sign area per street frontage, not to exceed a height of 15 feet in an industrial zone. The sign allowance for two or more street frontages may be combined in one sign.

—(B) One temporary, non-illuminated construction or one temporary, non-illuminated development sign not more than 32 square feet in sign area, not to exceed a height of 15 feet. The sign allowance for two or more street frontages may be combined in one sign.

—(C) One temporary, non-illuminated non-commercial sign not more than 32 square feet in sign area per street frontage, not to exceed a height of 15 feet.

—(D) Where property has a street frontage equal to or less than 200 lineal feet, the subject property shall be allowed one flat or free-standing sign per street frontage. An additional free-standing sign will be allowed per additional 200 lineal feet frontage or major fraction thereof. However, in no case shall two signs be separated by less than ten feet. Wall sign area shall be as provided in subsection (H) below. Size and height of permitted free-standing signs shall be based on the following. The sign allowance for two or more street frontages may be combined in one sign up to the maximum allowable sign area for that right-of-way.

—(1) Where the subject property fronts on a right-of-way 80 feet in width or less, the sign area shall not exceed one square foot for each three lineal feet of street frontage to a maximum of 100 square feet in sign area, and shall not exceed 16 feet in height. However, nothing in this division shall require the sign to be less than 32 square feet in sign area as shown in the following table.

<p align="center"><i>Table 1</i></p> <p align="center"><i>Maximum Sign Area Permitted by Street Frontage</i></p>	
<p><i>Businesses abutting a right-of-way 80 feet in width or less</i></p> <p><i>Formula: One square foot of sign area for each three lineal feet of street frontage</i></p>	
<i>Street frontage</i>	<i>Maximum sign area in square feet</i>
1–96	32
99–297	32 plus one square foot of signage for each three additional feet of street frontage
300+	100

—(2) Where the subject property fronts on a right-of-way greater than 80 feet in width, the sign area shall not exceed one square foot for each two lineal feet of street frontage to a maximum of 150 square feet in sign area, and shall not exceed 16 feet in height. However, nothing in this division shall require the sign to be less than 48 square feet in sign area as shown in the following table.

<p align="center"><i>Table 2</i></p> <p align="center"><i>Maximum Sign Area Permitted by Street Frontage</i></p>	
<p><i>Businesses abutting a right-of-way greater than 80 feet in width</i></p> <p><i>Formula: One square foot of sign area for each two lineal feet of street frontage</i></p>	

<i>Street frontage</i>	<i>Maximum sign area in square feet</i>
1—96	48
99—297	48 plus one square foot of signage for each two additional feet of street frontage
300+	150

—(3) Message center signs are allowed only in multi-tenant buildings that are greater than 25,000 square feet and with four or more tenants except when associated with community facility related uses limited to: fire stations, civic centers, libraries and religious institutions. Message center sign area allowance is restricted to 50% or less of the area of the overall sign square footage of the free standing sign.

—(E) Properties abutting limited access highways shall be allowed one sign not to exceed 45 feet in height with a maximum sign area determined as follows:

—(1) One square foot of sign for each two lineal feet of limited access highway frontage up to a maximum 150 square feet of signage shall be allowed for properties with 600 continuous lineal feet, or less, of such frontage.

—(2) The properties have been identified as having frontage along the Florida Turnpike or Interstate 95 in excess of 600 continuous lineal feet and, as such, are allowed one square foot of sign area for each three lineal feet of limited access highway frontage up to a maximum 600 square feet.

—(a) Festival Flea Market, 2900 West Sample Road.

—(b) Pompano Beach Medical Center, 600 S.W. Third Street.

—(c) Florida East Coast Railroad Property, 1801 N.W. 12th Avenue.

—(d) Centerport, 800 N.W. 33rd Street.

—(e) 350 400 Copans Road.

—(3) *Limitation on items of information.* Copy shall be held to a minimum to provide for signs and graphics that are simple and easily read by motorists traveling at high speeds along the highway. No more than five items of information shall be permitted per sign module per minute.

—(4) Architectural Appearance Committee approval required.

—(F) One projecting sign or flat sign on a perimeter fence or perimeter wall per street frontage may be substituted for a free standing sign. The maximum area of the sign shall be one half that of a permitted free standing sign under this division. The projecting sign shall not be less than nine feet above the grade of the closest sidewalk, shall not extend more than six feet beyond the building line, and shall not extend or project closer than 18 inches to the right of way. Signs on perimeter fences shall not be in any sight visibility triangle. Signs installed on city property at Harbor Village shall be no less than 7'6" above the grade of the sidewalk.

—(G) In addition to the above, each business within a building shall be allowed the following.

—(1) One identification sign attached to the bottom of a marquee or permanent walkway cover for each business entrance on the premises, not to exceed five square feet in sign area. The signs shall be located in front of the public entrance and shall be not less than eight feet above the grade of the sidewalk or walkway under the sign.

—(2) Window signs (excluding temporary window signs), illuminated or non illuminated, not to exceed 20% of the gross window area per business establishment frontage. A maximum of up to four square feet of the total permitted window signage set forth above may be used for the display of one temporary window sign provided the sign is located behind the glass area.

—(3) A property may elect to install an additional wall sign in lieu of a free standing sign, only one wall sign is permitted per elevation notwithstanding the provisions of this chapter.

—(H) One of the following signs, provided the sign is attached to the wall of the business which it identifies and the business has its own main public entrance.

—(1) One flat sign, painted or otherwise, may cover 10% of the building facade but shall not exceed 200 square feet in sign area. However, nothing shall require the sign to be less than 20 square feet in sign area as shown in the following table.

<p align="center"><i>Table 3</i> <i>Sign Area Permitted by Building Facade</i></p>	
<p><i>Flat sign</i> <i>Formula: 10% of building facade</i></p>	
<i>Square footage of building facade</i>	<i>Maximum sign area in square feet</i>
0—200	20
201—1999	20.1—199.9, Not to exceed 10% of the building facade
2000+	200

—(2) One marquee sign, with sign area as provided in (G) (1) above.

—(I) Each business establishment located within a building with business establishment frontage on one street shall be allowed one additional identification sign per each additional right of way (not including alleys) provided the sign is limited to a flat or marquee sign. Sign area shall be as provided in division (H) above.

—(J) Each parcel shall be entitled to no more than three informational signs visible from right-of-way for on-site traffic maneuverability. Informational signs shall not exceed four square feet or four feet in overall height.

(A) Free-Standing Sign Regulations.

- (1) Free-Standing Signs, except for Limited Access Highway Signs, are permitted in accordance with Table 156.07(A)(1), for properties fronting on a right-of-way equal to or less than 80 feet in width or Table 156.07(A)(2), for properties fronting on a right-of-way greater than 80 feet in width.

<u>Table 156.07(A)(1)</u>			
<i>Free-Standing Sign Regulations: Right- Of-Way Equal to or Less than 80 Feet in Width</i>			
<u>Lineal feet of Street frontage</u>	<u>Maximum Number of Signs per Property</u>	<u>Maximum Sign Area per Sign</u>	<u>Maximum Height</u>
<u>Equal to or less than 300 ft</u>	<u>One</u>	<u>32 sq ft plus 1 sq ft for each 3 lineal feet above 100 feet. However in no case shall the sign area be greater than 100 sq ft (See Notes 1 and 2 below)</u>	<u>16 feet</u>
<u>301 ft to 400 ft</u>	<u>Two</u> <u>Signs must be separated by at least 10 feet</u>		
<u>401 or greater</u>	<u>One sign per 200 lineal feet of frontage or major fraction thereof</u> <u>Signs must be separated by at least 10 feet</u>		
<u>NOTES:</u>			
<u>1. Manual Changeable Copy Sign.</u> Manual Changeable Copy Signs may be utilized for 100% of the sign area.			
<u>2. Automatic Changeable Copy Sign.</u> Automatic Changeable Copy Signs are permitted only for multi-tenant buildings that are greater than 25,000 square feet and may only be utilized for 50% of the sign area. For purposes of this provision, multi-tenant means four or more tenants.			

<u>Table 156.07(A)(2)</u> <i>Free-Standing Sign Regulations: Right-Of-Way Greater than 80 Feet in Width</i>			
<u>Lineal feet of Street frontage</u>	<u>Maximum Number of Signs per Property</u>	<u>Maximum Sign Area per Sign</u>	<u>Maximum Height</u>
<u>Equal to or less than 300 ft</u>	<u>One</u>	<u>48 sq ft plus 1 sq ft for each 2 lineal feet above 100 feet.</u> <u>However in no case shall the sign area be greater than 150 sq ft. (See Notes 1 and 2 below)</u>	<u>16 feet</u>
<u>301 ft to 400 ft</u>	<u>Two</u> <u>Signs must be separated by at least 10 feet</u>		
<u>401 or greater</u>	<u>One sign per 200 lineal feet of frontage or major fraction thereof</u> <u>Signs must be separated by at least 10 feet</u>		
<u>NOTES:</u>			
<u>1. Manual Changeable Copy Sign. Manual Changeable Copy Signs may be utilized for 100% of the sign area.</u>			
<u>2. Automatic Changeable Copy Sign. Automatic Changeable Copy Signs are permitted only for multi-tenant buildings that are greater than 25,000 square feet and may only be utilized for 50% of the sign area. For purposes of this provision, multi-tenant means four or more tenants.</u>			

(2) Signs Permitted in Lieu of Free-Standing Sign.

- (a) Projecting Sign or Perimeter Fence or Perimeter Wall Sign.** Properties may substitute one Projecting Sign or one Perimeter Fence or Perimeter Wall Sign for 50% of their permitted Free-Standing Sign sign area provided in Table 156.07(A)(1) or 156.07(A)(2), in accordance with the following:
- Only one Projecting Sign or one Perimeter Fence or Perimeter Wall Sign may be provided per street frontage
 - The Projecting Sign shall not be less than nine feet above the grade of the closest pedestrian walkway or sidewalk, shall not extend more than six feet beyond the building line, and shall not extend or project closer than 18 inches to the right-of-way.
 - The Perimeter Fence or Perimeter Wall Sign shall not be in any sight visibility triangle.
 - Signs installed on city property at Harbor Village shall be no less than 7'6" above the grade of the sidewalk.

- (b) Flat Sign for Properties with Limited Front Yard Setback.** Properties which, due to limited front yard setback, are unable to install Free-Standing Sign(s) permitted per Table 156.07(A)(1) or 156.07(A)(2) may substitute one Flat Sign per elevation for 100% of the their permitted Free-Standing Sign sign area.

- (3) Limited Access Highway Sign Regulations.** In addition to the free-standing signage permitted per Table 156.07(A)(1) or 156.07(A)(2) properties abutting limited access highways are permitted to have one Limited Access Highway Sign in accordance with the standards in Table 156.07(A)(3)

<u>Table 156.07(A)(3)</u> <u>Limited Access Highway Signage</u>			
<u>Lineal Feet of Street Frontage</u>	<u>Sign Area Calculation</u>	<u>Maximum Sign Area</u>	<u>Maximum Height</u>
<u>Equal to or less than 600 ft</u>	<u>1 sq ft per 2 linear ft.</u>	<u>150 sq ft (See Notes 1 and 2 below)</u>	<u>45 ft</u>
<u>Greater than 600 ft. Specific properties are:</u> <ul style="list-style-type: none"><u>• Festival Flea Market, 2900 West Sample Road.</u><u>• Pompano Beach Medical Center, 600 S.W. Third Street.</u><u>• Florida East Coast Railroad Property, 1801 N.W. 12th Avenue.</u><u>• Centerport, 800 N.W. 33rd Street.</u><u>• 350-400 Copans Road.</u>	<u>1 sq ft per 3 linear ft</u>	<u>600 sq ft (See Notes 1 and 2 below)</u>	
<u>NOTES:</u> <u>1. Manual Changeable Copy Sign.</u> Manual Changeable Copy Signs may be utilized for 100% of the sign area. <u>2. Automatic Changeable Copy Sign.</u> Automatic Changeable Copy may only be utilized for 100% of the sign area.			

- (a) **Limited Access Highway Signs Copy Standards.** In order to ensure the safety of motorists and to reduce distraction of motorists, the sign copy for Limited Access Highway Signs shall be simple and easily read by motorists traveling at high speeds along the highway.

(B) **Building Signage Standards.** Buildings shall be allowed flat or projecting signage in accordance with Table 156.07(B)

<u>Table 156.07(B): Building Signage Standards</u>			
<u>Sign Type</u>	<u>Maximum Number of Signs</u>	<u>Maximum Sign Area</u>	<u>Additional Standards</u>
<u>Nonresidential Tenant Projecting Sign</u>	<ul style="list-style-type: none"> • One per tenant with a public entrance on the first floor. • Tenants in a corner unit may be permitted a maximum of one sign per elevation. 	5 sq ft per sign	<ul style="list-style-type: none"> • Sign shall be placed no higher than between first and second floor window openings • Shall be located in front of the public entrance.

<u>Nonresidential Tenant Flat Sign</u>	<ul style="list-style-type: none"> • <u>One per tenant with a public entrance on the first floor.</u> • <u>Tenants in a corner unit may be permitted a maximum of one sign per elevation.</u> 	<u>10% of tenant's frontage along building façade; Maximum 200 sq ft</u>	<u>Frontage is calculated as the height of façade multiplied by the length of the facade</u>
<u>Nonresidential Tenant Window Sign</u>		<u>20% of the gross window area per tenant's frontage.</u>	<ul style="list-style-type: none"> • <u>Signs are only permitted on first floor windows.</u> • <u>Permitted for tenants with a public entrance on the first floor.</u>
<u>Multi-Tenant Building Sign</u>	<ul style="list-style-type: none"> • <u>One per building for buildings with more than one tenant with a public entrance on the first floor</u> • <u>Buildings on a corner lot may be permitted one sign per street frontage.</u> 	<u>10% of building façade; Maximum 200 sq ft</u>	<u>Shall only be a Flat Sign or a Marquee Sign</u>

(C) Non-Commercial Permanent Signage Standards. One permanent non-commercial sign per property is allowed in any nonresidential zoning district and will not be counted in the total number of signs allowed for the property where it is located, provided the sign shall not exceed 32 square feet in sign area and shall not exceed 16 feet in height.

§ 156.08 OVERLAY DISTRICTS.

(A) *Atlantic Boulevard Overlay District (AOD) and Downtown Pompano Beach Overlay District (DPOD)*. The following sign provisions shall apply to all nonresidential and mixed-use development within the AOD and DPOD. Where not specifically defined for the AOD and DPOD, the provisions for all other signs, as specified in this chapter, shall apply.

- (1) *Building sign*. This sign is permitted on multi-tenant ~~commercial nonresidential or~~ multi-tenant mixed use buildings. ~~The property owner may give the building a name~~ according to the following specifications:
 - (a) Placement: near the top of building, above the top floor windows, but below the eaves, if any. Sign shall be directly on the wall surface, and the background shall be the building wall. Signs may be placed on a maximum of two building sides, with each sign facing a separate public street.
 - (b) Dimensions: a maximum of 60 square feet for each sign permitted, and lettering shall be a maximum of 36 inches in height. For buildings of more than four stories in height, each sign may be a maximum of 100 square feet in area, with lettering a maximum of 48 inches in height. ~~The sign may include a logo, which will be counted toward the allowable area.~~
 - (c) Materials: metal, stone, plaster, or durable synthetic materials.
 - (d) Lighting: signs may be front lit, back lit, or internally lit. No neon lighting is permitted.
 - (e) Design: sign should be consistent with the building architecture. No ~~moving message~~ automatic changeable face signs are permitted.
- (2) *Wall sign*. This type of sign is intended primarily for retail or service uses at street level to draw the attention of pedestrians and drivers.
 - (a) Placement:
 1. Multi-story building: on the primary building face between first and second floor window openings. The bottom of the wall sign shall be a minimum of ten feet above grade.
 2. Single and multi-story buildings: the sign shall be an integral part of the facade composition; the building wall may serve as the sign background.
 - (b) Dimensions: signs shall not exceed one square foot of sign area per one linear foot of tenant frontage. Individual elements or letters are limited to 24 inches in height.
 - (c) Materials: metal, stone, wood, paint, plaster, or durable synthetic materials.
 - (d) The following types of sign lighting are permitted: front lit, back lit, or internally lit.
 - (e) Design: wall sign shall be considered as an integral element of the building facade and be consistent with the building's architecture. Consistency of the wall sign in a single building is required.
- (3) *Bracket or blade sign*. These may be used in place of a sign or in addition if located in an arcade, or if not in conflict with the wall sign.
 - (a) Placement: perpendicular to the primary building facade, may be held by brackets, cantilevered, or suspended under a soffit, must allow a minimum clearance above the pedestrian walkway or sidewalk of ten feet.
 - (b) Dimensions: maximum of six square feet, may project a maximum of four feet from the building face, letters may have a maximum height of 12 inches, logos or artwork may be a maximum of 18 inches in any dimension.
 - (c) Materials: metal, wood, or durable synthetic materials.

- (d) Lighting: externally or internally lit.
- (e) Design: may be double faced, may include symbols such as barber poles, but shall otherwise be essentially two dimensional.
- (4) *Monument sign.* ~~Monument signs may be permitted for full block developments, for multi tenant properties with a minimum of 100 feet of frontage, or for properties fronting on Federal Highway, provided that the design of the monument sign is treated as an integral part of the site design. See Figure 23 in Appendix A as an illustrative example.~~
 - (a) Permitted Locations:
 - 1. Full block developments; or
 - 2. Multi-tenant properties with a minimum of 100 feet of frontage; or
 - 3. Properties fronting on Federal Highway, Atlantic Blvd, Dixie Highway, or MLK Jr. Boulevard.
 - (ab) Placement: no closer than four feet to any right-of-way, located only within front yard areas, close to the property line and the main building approach. Perpendicular to the ground; may be parallel or perpendicular to the primary building facade.
 - (bc) Dimensions: sign panel is limited to a maximum of 50 square feet; overall height is limited to six feet above grade without landscaping, or eight feet above grade when integrated into a landscaped feature.
 - (ed) Materials: metal, wood, composite.
 - (de) Lighting: externally lit, on ground or projecting from top of sign. Internal lighting is not permitted.
 - (ef) Design: sign shall be treated as an integral part of the site design. Sign shall be essentially two dimensional, and may be double faced. Sign panel may feature artwork or logos in a two dimensional graphic layout.
- (5) *Window sign.* These signs are intended for the pedestrian. They include permanent applied graphics such as name, hours of operation, telephone numbers, and street numbers.
 - (a) Placement: on storefront windows and doors, may be applied to interior surface of glass only. Shall not substantially obscure visibility through the window.
 - (b) Dimensions: graphics are limited to a maximum of 20% of the total glass area; letters may have a maximum height of six inches.
 - (c) Materials: vinyl or plastic letters, etched glass or professionally painted application.
 - (d) Design: simple and understated, limited to conveying the necessary information.
- ~~(6) *Sidewalk sign.* This type of sign includes movable A frame signs and menu cases, and is intended to accent a lively, pedestrian streetscape.~~
 - ~~(a) Placement: on the sidewalk, provided it does not interfere with pedestrian movement. Must be removed when business is not open.~~
 - ~~(b) Dimensions: A frame signs shall not exceed eight square feet per face, be no taller than four feet and no wider than 2½ feet. Menu cases shall not exceed two square feet in area.~~
 - ~~(c) Materials: A frame signs may be made of wood, chalkboard, or finished metal. Menu cases must be shallow glass fronted cases.~~
 - ~~(d) Lighting: menu cases may be externally lit.~~
- ~~(7) *Special sign types.*~~

- ~~(a) Kiosks are generally only permitted as part of a public streetscaping or wayfinding program and may not be installed by a private developer. An exception would be on private property in a large, multi-tenant shopping center.~~
- ~~(b) Murals. These are large signs or graphics applied directly to an otherwise blank wall. Murals are encouraged when there are few other alternatives for adding interest to a large, blank expanse. In general, they should perform a public art function, with commercial messages limited to no more than 5% of the total mural area. All murals will be reviewed and approved by the Architectural Appearance Committee for appropriateness and consistency with the district objectives.~~
- ~~(8) Prohibited signage. In addition to the signs prohibited in Chapter 156, the following sign types shall be prohibited in the AOD.~~
 - ~~(a) Large or illuminated signs behind the glass storefront that advertise on a permanent basis.~~
 - ~~(b) Applied window signs, such as cardboard panels.~~
 - ~~(c) Signs with iridescent or day-glow colors.~~
 - ~~(d) Change of copy signs, except as when associated with a community facility related use, such as fire stations, civic centers, library and religious institutions.~~
 - ~~(e) Message center signs, moving boards, or similar electronic signs may not be mounted on a building or on the site except when associated with community facility related uses, such as fire stations, civic centers, libraries and religious institutions and subject to the approval of the Architectural Appearance Committee.~~
- ~~(9) Nonconforming signs. Nonconforming signs are required to conform to this section if there is any destruction, modification or improvement to a structure, site characteristic or appurtenance that is more than 25% of the replacement value. All nonconforming signs shall be removed or made to conform by no later than January 4, 2016. Nonconforming signs shall not be:~~
 - ~~(a) Structurally altered to extend its useful life.~~
 - ~~(b) Destroyed, modified or improved by more than 25% of its replacement value.~~
 - ~~(c) Re-established if there is a change in use.~~
 - ~~(d) Re-established after a business has been abandoned for more than 90 days.~~
 - ~~(e) Structurally changed to another nonconforming sign.~~
 - ~~(f) Altered in any manner that increases the degree of nonconformity.~~
 - ~~(g) Re-established after destruction.~~
- ~~(10) Architectural Appearance Committee review. Signs proposed for multi-tenant buildings are required to receive Architectural Appearance Committee review and approval. See § 156.24 (C) for submittal requirements~~

§ 156.09 NON-COMMERCIAL SIGNS. TEMPORARY SIGNS.

~~—Non permanent non-commercial signs on behalf of candidates for public office or signs urging the passage or defeat of any ballot measure may be placed on private property provided the signs are in compliance with the following regulations.~~

~~—(A) A non-commercial sign shall not be allowed on property owned or used by the city or by any other governmental agency.~~

~~—(B) A non-commercial sign shall not exceed the maximum sign area for non-commercial signs provided in this chapter.~~

(A) *Nature.* All temporary signs must be on-premise. If not specified, the temporary sign may be commercial or non-commercial in nature.

(B) *Placement.* Temporary signs shall not be erected, placed or maintained in a sight visibility area as defined in §155.5101.G.9, in a parking space, or in an accessway to a parking area or placed in such a way as to interfere with vehicle or pedestrian traffic.

(C) *Sign Code Compliance Permits.* If Table 156.09 indicates that a Sign Code Compliance Permit is required for a temporary sign permitted by this subsection, prior to display of the sign, the applicant shall:

(1) Make a written application to the city and obtain the necessary city approval. The application must contain the dates the temporary sign(s) will be displayed, the location, and other information necessary to demonstrate if the sign complies with this Chapter.

(2) Pay an application fee of \$25.

(3) Each display of a temporary sign requires a separate application and a separate application fee.

Failure to obtain city approval or pay the required application fee prior to the displaying of the temporary sign(s) will result in a late fee of \$20 being added to the original application fee for the first occurrence, payable within seven days of notification by a Code Inspector. A \$20 late fee will be added to the application fee for all subsequent occurrences of the failure to obtain city approval, and the late fee shall be payable within seven days of notification by a Code Inspector.

(D) *Standards.* Additional standards for temporary signs are listed in Table 156.09 below.

TABLE 156.09: STANDARDS FOR TEMPORARY SIGNS

<u>Sign Type</u>	<u>Maximum</u>			<u>Permit Requirement and Additional Standards</u>
	<u>Number of Signs</u>	<u>Sign Area and Height</u>	<u>Time</u>	
<u>Temporary Sign for New Business Tax Receipt Holder</u>	One	24 sq ft	May be displayed within 60 days of the issuance of the new BTR and shall be displayed for a <u>maximum period of 20 days</u>	<ul style="list-style-type: none"> • <u>Sign Code Compliance Permit Required</u> • <u>The sign is restricted to non-illuminated banner(s) provided that pennants and streamers without text may be displayed in conjunction with the temporary sign(s).</u> • <u>Not allowed in RS and RD Zoning Districts</u>
<u>Temporary Sign Replacing Damaged Sign During City-Declared Disaster</u>	One for each <u>permanent sign that has sustained significant or severe damage or destruction related to City-wide disaster</u>	<u>Size of the sign may not exceed the size of the sign being replaced</u>	May be displayed for 6 months from the date of the effective date of implementing resolution declaring a disaster triggering this section, or until placement of the permanent sign, whichever is shorter.	<ul style="list-style-type: none"> • <u>Sign Code Compliance Permit Not Required</u> • <u>Location and placement of the sign must be the same as the sign being replaced.</u> • <u>The time period for display of temporary replacement signs throughout the city pursuant to this section may be extended by resolution of the City Commission if the Commission determines that the six month period is insufficient to allow for the permanent replacement of the damaged or destroyed signs.</u>
<u>Temporary Sign for Parcel With Active Building Permit in Single-Family and Two-Family (RS and RD) Zoning Districts</u>	One	<ul style="list-style-type: none"> • <u>4 sq ft per sign</u> • <u>4 ft in height</u> 	May be displayed while construction related to the active building permit for the parcel is actively ongoing, and shall be removed before issuance of a certificate of occupancy or certificate of completion.	<ul style="list-style-type: none"> • <u>Sign Code Compliance Permit Required if sign is larger than 16 sq ft or sign height is greater than 6 ft or sign is illuminated</u>
<u>Temporary Sign for Parcel With Active Building Permit in Multiple-Family (RM) and Nonresidential Zoning Districts</u>	One	<ul style="list-style-type: none"> • <u>24 sq ft per sign</u> • <u>10 ft in height</u> 		
<u>Temporary Commercial Sign in Nonresidential Zoning Districts</u>	One per street frontage	24 sq. ft. 10 ft. in height	May be displayed for a maximum of four consecutive days, no more than four times a year	<ul style="list-style-type: none"> • <u>Sign Code Compliance Permit Not Required</u> • <u>Non-illuminated banner(s), provided that pennants and streamers without advertising may be displayed in conjunction with the temporary commercial sign(s).</u> • <u>The sign allowance for two or more street frontages may be combined in one sign.</u>

<u>Temporary Window Sign in-lieu-of Permanent Window Sign</u>	<u>One in lieu of permanent window sign permitted per Table 156.15(C)(4): Building Signage Standards</u>	<u>Size of the sign may not exceed the size of the permanent window sign being replaced</u>	<u>May only be displayed while the permanent window sign is missing, for a maximum of 60 days</u>	<ul style="list-style-type: none"> • <u>Sign Code Compliance Permit Not Required</u> • <u>Must be located behind glass.</u>
<u>Temporary Non Commercial Signs in Single-Family and Two-Family (RS and RD) Zoning Districts</u>	<u>One. Corner properties shall be permitted one additional sign.</u>	<ul style="list-style-type: none"> • <u>4 sq ft per sign</u> • <u>4 ft in height</u> 	<u>May be displayed for 90 days.</u>	<ul style="list-style-type: none"> • <u>Sign Code Compliance Permit Required if sign is larger than 16 sq ft and/or sign height is greater than 6 ft.</u> • <u>Shall not be illuminated</u> • <u>Shall not be attached to or painted on the principal structure</u> • <u>The sign allowance in Nonresidential Zoning Districts for two or more street frontages may be combined in one sign</u>
<u>Temporary Non Commercial Signs in Multiple-Family (RM) and Nonresidential Zoning Districts</u>	<u>Two. Corner properties shall be permitted one additional sign.</u>	<ul style="list-style-type: none"> • <u>24 sq ft per sign</u> • <u>10 ft in height</u> 		
<u>Temporary Real Estate Sign in Single-Family and Two-Family (RS and RD) Zoning Districts</u>	<u>One per street frontage.</u>	<ul style="list-style-type: none"> • <u>4 sq ft per sign</u> • <u>4 ft in height</u> 	<u>May be displayed for 45 days.</u>	<ul style="list-style-type: none"> • <u>Sign Code Compliance Permit Required if sign is larger than 16 sq ft and/or sign height is greater than 6 ft</u> • <u>Shall not be illuminated</u> • <u>The sign allowance in Nonresidential Zoning Districts for two or more street frontages may be combined in one sign.</u>
<u>Temporary Real Estate Sign in Multiple-Family (RM) Zoning Districts</u>	<u>One per street frontage.</u>	<ul style="list-style-type: none"> • <u>12 sq ft per sign</u> • <u>6 ft in height</u> 		
<u>Temporary Real Estate Sign in Nonresidential Zoning Districts</u>	<u>One per street frontage.</u>	<ul style="list-style-type: none"> • <u>24 sq ft per sign</u> • <u>10 ft in height</u> 		

§ 156.10 ~~CONSTRUCTION AND DEVELOPMENT SIGNS~~RESERVED.

~~—(A) Construction signs and development signs shall be allowed, but are limited to the following requirements. The signs shall not be erected earlier than 180 days prior to the beginning of actual construction of a project and shall be removed prior to the issuance of a certificate of occupancy. If construction on the project is not started or continuously progressing toward completion, the signs shall be removed within ten days notice to the applicant for permit. The signs shall conform to all other applicable requirements of this chapter.~~

~~(B) Real estate signs, or development signs containing the words sold, rented, leased, or other words or phrases indicating the real property is no longer available, shall not be allowed to remain on the property for a period of time exceeding 45 days.~~

§ 156.11 ~~SPECIAL EXCEPTIONS~~ RESERVED.

~~(A) One temporary sign pertaining to special events such as but not limited to concerts, carnivals, or civic, philanthropic, or educational events shall be allowed per street frontage provided the sign does not exceed 32 square feet in sign area; however, no sign shall be allowed to remain on the premises for a period of time exceeding 14 days. Sign location shall be restricted to the premises where the event is proposed to be located. Additionally, the City Commission may designate a location on city-owned property to erect a sign upon which the above referenced activities may be displayed on a space available basis. The announcement to be displayed on such sign shall be subject to approval by the City Manager or his designee.~~

~~(B) City entrance signs or signs containing information for the benefit of the public, such as, but not limited to, institutional names, churches, and points of interest, may be allowed anywhere within the city limits. Civic organizations and churches may be permitted to place their insignia thereon. The insignia shall not exceed four feet in sign area. In any event, the total sign area shall not exceed 300 square feet, nor shall the sign exceed 30 feet in height.~~

~~(C) Churches, synagogues, and those permitted nonresidential uses in residential zoning districts, except residential buildings utilized as offices, as provided for in § 156.04, shall be allowed to install or erect the following signs, provided all other applicable requirements of this chapter are met.~~

~~—(a1) One free standing sign per street frontage not to exceed 32 square feet in sign area, or exceed 16 feet in height.~~

~~—(b2) One wall sign per street frontage not to exceed 32 square feet in sign area.~~

~~(3) A religious symbol shall not be deemed a sign for purposes of this section when used in conjunction with a church or synagogue.~~

~~—(BD) Time and temperature signs are allowed in any business or industrial zoning district and will not be counted in the total number of signs allowed for the premises where it is located, provided the following requirements are met:~~

~~—(1) No advertising copy shall be permitted on the sign or sign copy.~~

~~—(2) The signs shall not exceed 32 square feet in sign area and shall not exceed 25 feet in~~

height.

~~(3) One such sign shall be allowed per premises.~~

~~(4) All other applicable requirements of this chapter are met.~~

~~(E) Grand opening signs are permitted provided all the following conditions are met:~~

~~— (1) The business wishing to display a grand opening sign must be a new business tax receipt holder. For the purpose of this section, a **NEW BUSINESS TAX RECEIPT HOLDER** is defined as:~~

~~— (a) A business which has legally changed the name or ownership of the business operating at the location; or~~

~~— (b) A business which is a new operation at the location. This does not include ancillary operations within an existing business; or~~

~~— (c) Newly constructed buildings, shopping centers and similar principal structures.~~

~~— (2) Grand opening signs shall not be displayed more than 20 days from the first day of display. Additionally, grand opening signs shall be restricted to on-premise banners, streamers, pennants or cold air balloons.~~

~~— (3) Grand opening signs shall not be permitted if they violate the provisions contained in subsections (O), (P), (S) or (T) under § 156.11.~~

~~— (4) Prior to displaying any grand opening sign(s) permitted by this subsection, applicant shall:~~

~~— (a) Make a written application to the city and obtain the necessary city approval. The application must contain the dates the grand opening sign(s) will be displayed, the location and other information the city deems necessary.~~

~~— (b) Pay an application fee of \$25.~~

~~— (5) Failure to obtain city approval and/or pay the required application fee prior to the displaying of the temporary sign(s) will result in a late fee of \$20 being added to the original application fee, payable within seven days of notification by a Code Inspector.~~

~~(F) Holiday decorations, which are in conflict with the provisions of this chapter, shall be permitted provided all of the following conditions are met:~~

~~— (1) Holiday decorations as provided for in this section shall only be permitted from Thanksgiving Day through the first city work day after January 1st.~~

~~— (2) Holiday decorations as provided for in this section shall not be used for advertising purposes and shall have no advertising copy, advertising messages, logos or any other means of advertising.~~

~~— (3) Holiday decorations as provided for in this section shall be restricted to items or decorations normally associated with the holiday.~~

~~— (4) Holiday decorations as provided for in this section shall not be erected, placed or maintained on city, county, state or federal property without the written approval of the applicable agency.~~

~~— (5) Holiday decorations as provided for in this section shall not be erected, placed or maintained in visibility areas as defined in § 155.040, in a parking space, in an accessway to a parking area or parking space or placed in such a way as to interfere with vehicle or pedestrian traffic.~~

~~— (6) Except as set forth in this section, holiday decorations shall be bound by all other provisions of this chapter.~~

~~— (7) Holiday decorations as provided for in this section are not exempt from the provisions of~~

~~the Florida Building Code or any other applicable city, county, state or federal regulations.~~

~~—(G) Temporary sign(s) for special sales shall be permitted provided all of the following conditions are met:~~

~~—(1) One temporary sign not to exceed 20 square feet shall be permitted per street frontage but limited to one sign per street frontage.~~

~~—(2) The temporary sign(s) shall be restricted to on-premises non-illuminated banner(s) provided that pennants and streamers without advertising may be displayed in conjunction with the temporary sign(s).~~

~~—(3) Temporary sign(s) shall not be displayed for more than four consecutive days and no establishment shall display temporary sign(s) more than four times in a calendar year.~~

~~—(4) Temporary sign(s) shall not be erected, placed or maintained in a visibility area as defined in § 155.040, in a parking space, in an accessway to a parking area or parking space or placed in such a way as to interfere with vehicle or pedestrian traffic.~~

~~—(5) Except as set forth in this section, temporary sign(s) shall be bound by all the provisions of this chapter.~~

~~—(6) Temporary sign(s) as provided for in this section are not exempt from the provisions of the Florida Building Code or any other applicable city, county, state or federal regulations.~~

~~—(7) Prior to displaying any temporary sign(s) permitted by this subsection, the responsible individual must:~~

~~—(a) Make a written application to the city and obtain the necessary city approval. The application must contain the dates the temporary sign(s) will be displayed, the location and other information the city deems necessary.~~

~~—(b) Pay an application fee of \$25 for each special sale.~~

~~—(c) Each special sale requires a separate application and a separate application fee.~~

~~—(8) Failure to obtain city approval and/or pay the required application fee prior to the displaying of the temporary sign(s) will result in a late fee of \$10 being added to the original application fee, for the first occurrence, payable within seven days of notification by a Code Inspector. A \$20 late fee will be added to the application fee for all subsequent occurrences of the failure to obtain city approval and the late fee shall be payable within seven days of notification by a Code Inspector.~~

~~—(H) One temporary sign for buildings under construction of a new facade are permitted provided the following conditions are met:~~

~~—(1) Applicant must file a written notification with the Zoning Division and provide the building permit number that correlates to the facade construction.~~

~~—(2) Applicant must agree to remove the sign immediately when the required building facade permit is closed.~~

~~—(3) Banner sign may not exceed 20 square feet.~~

~~—(4) Applicant pay application fee of \$25.~~

§ 156.12 PROHIBITED SIGNS.

~~From and after March 1, 1981, it shall be~~ It is unlawful for any person, ~~which term shall include, but is not limited to, an individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, or other similar entities,~~ to erect, install, affix, place, or to assist or participate in same, or allow to be erected, installed, affixed, or placed any of the following signs that is not designated as a landmark sign:

(A) ~~Advertising bench, other than those authorized by the City Commission; however, signs advertising public transit may be placed on benches at bus stops, and/or kiosks that are part of a City Commission authorized bike sharing system.~~ Traffic hazard signs.

(B) ~~A frame signs and p Pole signs used for anything other than limited highway access signs unless otherwise permitted in this chapter. Pole signs in existence as of December 11, 2012 are considered nonconforming signs and are subject to the amortization schedule per Ordinance 2013-31.~~

(C) Animated signs.

(D) ~~Banner signs unless otherwise permitted in this chapter.~~ Vehicular Advertising Signs.

(E) Billboards and general advertising signs.

(F) Flashing signs.

(G) Off-premise signs.

(H) Portable signs.

(I) Roof signs.

(J) Scintillating signs.

(K) Snipe signs.

(L) ~~Swinging projecting signs~~ Any sign which obstructs a fire escape, window, door or other passageway or opening which may be used as a means of ingress or egress.

(M) ~~Signs attached to, or placed on, a vehicle or trailer. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business. Franchised buses, taxicabs, and bicycles that are part of a City Commission authorized bike sharing system are exempt from this provision.~~

(~~N~~M) Electrical or illuminated signs in single-family and two-family dwelling districts.

~~(O) LED signs and any sign which constitutes a traffic hazard or detriment to traffic safety by reason of its size, location, content, coloring, or method of illumination, or by obstructing the~~

~~vision of drivers, or by obstructing or detracting from the visibility of an official traffic control device which diverts or tends to divert the attention of drivers of motor vehicles from traffic movements on streets, roads, intersections, or access facilities. No sign shall be erected so that it obstructs the vision of pedestrians. No sign shall use the words, stop, slow, danger, or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.~~

(~~PO~~) Signs not properly maintained or kept in a good state of repair, showing neglect, or in such a dilapidated or hazardous condition as to violate the purpose, intent, and objectives of this chapter, or which are in violation of the Florida Building Code.

(~~QP~~) ~~Any window signs not specifically permitted by this chapter.~~ Signs made of exposed neon tubes.

(~~RQ~~) Any sign that revolves.

(~~SR~~) ~~Any sign displaying any message of an obscene, indecent, or immoral nature. Any sign which obstructs passage across a roof, or any sign which interferes with any opening required for ventilation.~~

~~—(T) Any sign displaying specified anatomical areas as defined in § 155.003.~~

(~~SU~~) Any sign which does not comply with the terms, conditions, provisions, or intent of this chapter or any other applicable federal, state, or local law, including any requirement to obtain a Sign Code Compliance Permit or a building permit.

(~~TV~~) ~~There shall be no Private signs permitted upon, within or otherwise encroaching on public right-of-way, upon a structure located in the right-of-way, or on public property. except those erected by the city, county, state, or their contractors, licensees, or authorized agents, provided, however, that this restriction shall not apply to those signs permitted pursuant to § 156.10(A), (B), § 156.11(A), and § 156.18 of this code of ordinances of the city.~~

(~~UW~~) Abandoned signs.

(~~VX~~) Abandoned sign structures.

(~~WY~~) Attention-gaining devices.

(X) Additional Signs prohibited in the Atlantic Boulevard Overlay District (AOD) and Downtown Pompano Beach Overlay District (DPOD).

- (1) Signs with iridescent or day-glow colors or signs with reflective material.
- (2) A-Frame Sign.
- (3) Changeable Copy Sign, including Manual and Automatic.
- (4) Cabinet Sign.
- (5) Pylon Signs.
- (6) Painted Sign.
- (7) Temporary Window Sign.

~~(ZY) Any city, county, state, federal, or national flag, banner, or insignia which is not properly maintained and or kept in a good state of repair.~~ Unpermitted Activity Sign.

~~(AA) Cabinet signs unless otherwise permitted in this.~~

§ 156.13 SIGN CODE COMPLIANCE PERMIT SUBMITTAL AND APPROVAL AND REQUIREMENTS.

(A) *Sign Code Compliance Permits required.* Except as provided herein, it shall be unlawful for any person or firm to post, display, repair, change, paint, or erect any sign or sign structure without first obtaining a Sign Code Compliance Permit from the Building Division in accordance with the provisions of the Florida Building Code. Fees shall be paid in accordance with the fee schedule provided in § 155.243. Each sign or sign structure shall require a separate Sign Code Compliance Permit. Signs may also be required to obtain a building permit, after obtaining the Sign Code Compliance Permit and before they can be displayed.

(1) Sign Code Compliance Permit fees. Fees shall be paid in accordance with the fee schedule provided in the Zoning Code, Appendix C (Fee Schedule).

(2) Sign Code Compliance Permit tags. Sign Code Compliance Permit tags, which shall include the address of the property on which the sign is located, permit number, date installed, and the name of the installation company or person, shall be affixed to each new sign permitted pursuant to this chapter. Sign Code Compliance Permit tags shall be affixed in a location readily visible on the sign and shall be supplied by the installation company or person.

(3) Sign Code Compliance Permit approval. Approval by the Development Services Department shall be based on evidence of compliance with applicable standards in this Chapter (and in an approved Master Sign Program, if applicable).

(B) *Sign Code Compliance Permit application submittal requirements.*

(2) Application Submittal. Before any Sign Code Compliance Permit is issued, a written application, in the form provided by the City, shall be filed, together with such drawings and specifications as are necessary to demonstrate that the sign complies with the requirements of this Chapter, including but not limited to the location, construction, materials, manner of illuminating, method of securing or fastening, the number of signs applied for, any existing signs on the premises, and the consent of the property owner. Applications for freestanding and projecting signs shall also include a fully dimensioned plot plan, to scale, indicating the proposed height of the sign(s) and the property lines, rights-of-way, streets, sidewalks, overhead utility lines, parking areas, and any building or structures on the premises, details of the surrounding landscaping, and a sealed survey of the property on which the sign to be displayed.

(3) Determination of Complete Application. All Sign Code Compliance Permit applications shall be submitted to the Development Services Department. Upon the submission of a Sign Code Compliance Permit application, the City shall have ten days to determine whether the application it is complete. If the City finds that the application is not complete, the City shall provide the applicant with written notice of the deficiencies within the ten-day period. Upon resubmission of the application, the City shall have five additional days to determine whether the applicant's revisions are sufficient to complete the application. If they are not, the City will again inform the applicant of any remaining deficiencies in writing. This process shall continue until the applicant has submitted a complete application, or demands that the application be reviewed "as is."

(4) Permit Approval or Denial. The City shall approve or deny the Sign Code Compliance Permit based solely on whether it complies with the requirements of this Chapter. The City shall approve or deny the Sign Code Compliance Permit within 30 days after receipt of a complete application. In the event that the Development Services Department fails to timely render a final determination on a Sign Code Compliance Permit application, the applicant may erect and maintain the sign proposed in the application.

(5) Appeal Provisions. If the Sign Code Compliance Permit application is denied, the City shall prepare a written notice of its decision, describing the applicant's appeal rights, and send it to the applicant. The applicant may file a written notice of appeal to the City Commission within 30 days after the date of receipt of the City's written notice. The City Commission shall hold a public hearing at the next available Commission meeting that is at least 25 days after the date of receiving the written notice of appeal, at which the City Commission shall determine whether the application satisfies the requirements of this Chapter. If the City Commission does not approve the application, then the applicant may seek relief in the Circuit Court for Broward County, as provided by law.

~~Procedure. Application for a sign permit requires four sets of plans to be filed with the Building Division and shall include, but not be limited to, the following.~~

- ~~— (1) A building permit application.~~
- ~~— (2) Type of sign or sign structure as defined in this chapter.~~
- ~~— (3) Name, address, and telephone number of the applicant.~~
- ~~— (4) Name, address, and telephone number of the sign owner.~~
- ~~— (5) Name, address, and telephone number of the record titleholder of the property on which the sign or sign structure is to be posted, displayed, repaired, changed, printed, or erected.~~
- ~~— (6) Location by street number and legal description (tract, block, lot, subdivision) of the building, structure, or lot to which or on which the sign is to be installed or affixed.~~
- ~~— (7) A drawing showing the design of the sign, including dimensions, sign size, method of attachment, source of illumination.~~
- ~~— (8) Where application is made for a projecting sign or free-standing sign, a fully dimensioned plot plan, to scale, indicating the location of the sign relative to property lines, right-of-ways, streets, sidewalks, transmission lines, parking areas, and other buildings or structures on the premises.~~
- ~~— (9) A sealed survey of the property where the sign is to be installed or affixed (applicable to free-standing or projecting signs only).~~
- ~~— (10) On a site plan indicate the location of the free-standing sign to scale and include the dimensions to all respective property lines.~~
- ~~— (11) The proposed height of the sign at every dimension.~~
- ~~— (12) Number, size, and location of all existing signs on the same building, lot, or premises.~~
- ~~— (C) All sign applications shall be submitted to and reviewed by the Zoning Division. If the application demonstrates that the proposed sign meets the requirements of this section for an authorized sign, the application shall be approved and the permit shall issue. Otherwise, the application shall be denied.~~
- ~~— (D) Time for determining sign permit application; appeals.~~
- ~~— (1) The Zoning Division shall approve or deny the sign permit within 30 days after receipt of the application. If the permit is denied, the department shall prepare a written notice of its~~

~~decision, describing the applicant's appeal rights, and send it by certified mail, return receipt requested, to the applicant. In the event that the Zoning Division fails to timely render a final determination on a sign permit application, the applicant may erect and maintain the sign proposed in the application until such time as such application is denied and all appeals, if any, are exhausted.~~

~~—(2) If any applicant wishes to appeal a final decision of the department, the applicant may file a written notice of appeal to the City Commission within 15 days after the date of receipt of the department's written notice. The City Commission shall hear the appeal and render a decision within 45 days after the date of receiving the written notice of appeal. In the event that a decision with respect to any appeal is not rendered within 30 days of the date that the appeal was submitted to the Board, the applicant may erect and maintain the sign proposed in the application until such time as the appeal is denied.~~

~~—(3) If the City Commission does not grant the appeal, then the applicant may seek relief in the Circuit Court for Broward County, as provided by law.~~

(CE) All non-commercial signs are exempt from this section but shall adhere to all other applicable provisions of this chapter.

§ 156.14 SIGNS AND ACTIVITIES NOT REQUIRING SIGN CODE COMPLIANCE PERMIT EXEMPTIONS FROM ZONING APPROVAL.

- ~~—The following signs or operations shall not require Zoning approval but shall be in conformance with all other provisions of this chapter and the Florida Building Code.~~
- ~~—(A) Changing the copy of a sign, bulletin board, display encasement, or marquee where no structural or electrical changes are made, or the changing of interchangeable letters on sign designed and intended for use of interchangeable letters.~~
- ~~—(B) Painting, repainting, cleaning, or other normal maintenance and general repairs of a sign which does not involve structural or electrical changes.~~
- ~~—(C) Occupant nameplate signs which are non-illuminated and less than three square feet in sign area at any legal residence.~~
- ~~—(D) Warning or notice type signs, such as, but not limited to, no trespassing, private driveway, no dumping, provided the sign does not exceed three square feet in sign area, and provided further that the signs are non-illuminated.~~
- ~~—(E) Window decals denoting acceptance of credit cards or affiliation with civic groups or signs of a similar nature.~~
- ~~—(F) Tablets, such as, but not limited to, memorials, cornerstones, date of erection, or signs of a similar nature, when built into the walls of a building.~~
- ~~—(G) Non-illuminated real estate signs of no more than 16 square feet in sign area.~~
- ~~—(H) Window signs as permitted in this chapter.~~
- ~~—(I) Signs installed under the direction of municipal, county, state, or federal flag, agencies.~~
- ~~—(J) Any city, county, state, national, or federal flag, banner, or insignia provided such flag, banner or insignia is properly maintained and kept in a good state of repair.~~
- ~~—(K) Commemorative plaques or emblems of recognized historical agencies or fraternal orders (nonprofit), provided the plaque or identification emblem does not exceed four square feet in sign area, not provided further that the plaque or identification emblem is a flat sign.~~
- ~~—(L) Directional signs as defined in § 156.03.~~
- ~~—(M) Signs on advertising benches authorized by the City Commission or signs advertising public transit authority bus stops, or advertising on kiosk stations and bicycles that are part of City Commission authorized bike sharing system.~~
- ~~—(N) Vehicular identification signs as defined in § 156.03.~~
- ~~—(O) Illuminated or non-illuminated, informational signs under four square feet in sign area and not visible from any right of way.~~
- ~~—(P) Neon tubing, fiber optic cable or similar special effect lighting provided such treatment does not convey an advertising message and in no way can be perceived as a sign. Display of special effect lighting shall be limited to two paralleled lines.~~
- ~~—(Q) Temporary community service signs not exceeding nine square feet announcing an event shall be allowed in any residential district for not more than five business days (Monday through Friday) prior to the event and not more than one business day after the event.~~
- ~~—(R) One corporate flag not excluding 24 square feet in size of any duly registered corporation occupying at least 10,000 square feet of land in any non-residential zoning district or one corporate flag not exceeding 12 square feet in size of any duly registered corporation occupying at least 5,000 square feet of land in any non-residential zoning district.~~

Unless otherwise provided herein, illuminated signs must obtain a Sign Code Compliance Permit. The following signs and activities are exempt from the requirement to obtain a Sign Code Compliance Permit. All signs shall comply with the standards of this Chapter, as

applicable, and with any other applicable laws.

(A) Changing the copy of a sign, bulletin board, case sign, or marquee where no structural or electrical changes are made, or the changing of interchangeable letters on sign designed and intended for use of interchangeable letters.

(B) Repainting, cleaning, or other normal maintenance and general repairs of a sign which does not involve structural or electrical changes. This exemption does not include painting a new wall sign, which requires a Sign Code Compliance Permit.

(C) Required address signs and warning signs.

(D) Permanent Window Signs and Window decals such as, but not limited to, those denoting acceptance of credit cards or affiliation with civic groups.

(E) Cornerstones, memorial tablets and other signs built into the wall of a building

(F) Non-commercial signs that are less than four square feet in sign area.

(F) Those temporary signs which per Table 156.13 do not require a Sign Code Compliance Permit.

(G) Flags.

(H) One commercial flag not exceeding 24 square feet in size on premises that are at least 10,000 square feet of land in any nonresidential zoning district, or one commercial flag not exceeding 12 square feet in size on premises that are at least 5,000 square feet of land in any nonresidential zoning district.

(I) Neon tubing, fiber optic cable or similar special effect or architectural lighting provided such lighting does not serve a commercial purpose or convey an advertising message. Displays of linear special effect lighting shall be limited to two parallel lines.

§ 156.15 FEE SCHEDULE.

The fees required in this chapter must be paid to the city pursuant to the schedule of fees found in the Zoning Code, Appendix C § 152.18 of this code.

§ 156.16 INSPECTIONS.

The Development Services Department shall inspect each sign to insure compliance with this chapter and with the Sign Code Compliance Permit and Architectural Appearance Committee requirements where applicable, on request for final inspection. The Development Services Department may require an on-site inspection of a sign prior to the installation of the sign when the sign is inaccessible due to height or location. This condition shall be so stated on the permit Sign Code Compliance Permit. ~~The sign installer shall also be required to secure any and all inspections required under the Florida Building Code. The Building Division shall be the enforcement agency for the Code.~~

§ 156.17 NONCONFORMING SIGNS.

~~—(A) Any sign for which a valid permit has been issued from any state, county, or city authority, or which has been in continuous existence from a date prior to February 28, 1977 shall be exempt from the provisions of this chapter until December 2, 1990 unless otherwise set forth herein.~~

~~—(B) The exempt status of an existing sign as set forth in subsection (A) above shall apply until one of the conditions set forth in subsections (E) or (F) below occurs.~~

~~—(C) In order to qualify for the exempt status set forth in subsection (A) above, the owner, tenant, or one who has a beneficial interest in the property must demonstrate that he has the required valid permits demonstrating compliance with all applicable codes at the time of issuance, or that the sign has been in continuous existence from a date prior to February 28, 1977. The city shall not be required to assist those seeking exemptions in their efforts to prove the existence of a valid permit, or prove existence prior to February 28, 1977.~~

~~—(D) Upon receiving notice that a sign is considered to be nonconforming, the owner, tenant, or one who has a beneficial interest in the property shall within 15 days of receipt of notice present to the Code Officer the requisite permit or proof that the sign has been in continuous existence from a date prior to February 28, 1977. Upon request of the owner, tenant, or one who has a beneficial interest in the property, the Code Officer may grant an additional 15-day period to furnish the necessary proof.~~

~~—(E) Any sign exempt pursuant to subsection (A) above shall forfeit such exempt status and shall comply with all requirements of this chapter upon receiving notice from the Code Officer that the sign has become structurally, mechanically, or electrically hazardous, is in a deteriorated condition, or has become a wind hazard. All of the aforementioned conditions or hazards shall be determined pursuant to the Florida Building Code.~~

~~—(F) All signs currently exempt pursuant to subsection (A) above shall forfeit their exemption and shall comply with all requirements of this chapter upon the occurrence of any of the following events:~~

~~—(1) Change of ownership in the business.~~

~~—(2) Change of tenant in the business.~~

~~—(3) Change of business use which would require a change in a business tax receipt or certificate of occupancy.~~

~~—(4) The sign being abandoned as defined in § 156.03 herein.~~

~~—(5) The issuance of a permit for a new sign to an owner, tenant, or one who has a beneficial interest in the property shall forfeit the exemptions of all signs permitted the owner, tenant, or one who has a beneficial interest in the property on the property that the new permit is applicable to.~~

~~—(G) The exemptions provided for in this section shall not apply to any billboard or off-premise sign as defined in § 156.03. All such signs shall be removed in accordance with the following schedule:~~

~~—(1) By December 1, 1984 for all such signs located within the corporate limits as of March 1, 1971, except those located within the area annexed on November 1, 1980.~~

~~—(2) By February 8, 1986 for all such signs located within the area annexed on November 1, 1980.~~

~~—(3) By September 1, 1986 for all such signs located within the area annexed on September 1, 1983.~~

~~—(4) Upon the expiration of three years from the date of annexation for signs located within any future annexation area.~~

~~—(H) All exemptions provided for in this section shall expire on December 2, 1990. Any sign~~

~~which is not in full compliance with this chapter shall be removed or brought into conformity by that date.~~

~~—(I) The above provision notwithstanding any on-premise sign pertaining to permanent residential use for which a valid permit had been issued from any state, county or city authority or which has been in continuous existence from a date prior to February 28, 1977 shall be considered a legal nonconforming structure.~~

(A) A nonconforming on-premise sign shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless the entire structure thereafter conforms to the requirements of this Code.

(B) Normal repairs and maintenance to a nonconforming sign that are required to keep the sign in a safe condition are permitted, and do not trigger full compliance with the Code.

(C) Nonconforming on-premise signs shall be removed or brought into compliance with the standards of the Sign Code when at least one of the following conditions occur:

(1) More than 50 percent of the sign structure is destroyed or damaged, regardless of replacement value.

(2) The sign has structural inadequacies that affect its aesthetic appearance or purpose.

(3) There is a change in ownership in the business.

(4) There is a change of tenant in the business.

(5) There is a change of business which would require a change in a business tax receipt or certificate of occupancy.

(6) The business or building has been abandoned.

(7) An applicable amortization period has expired.

(D) *Amortization schedule.* Nonconforming signs subject to an adopted amortization schedule shall be brought into compliance with the standards of the sign code in accordance with the applicable amortization schedule. In accordance with Section 70.20 of Florida Statutes, an off-premise sign may only be required to be removed, altered or relocated after July 1, 2002 with payment of compensation or if the sign falls within an exception to that statute:

(1) *Per Ordinance 1985-6; Regarding Signs in existence as of 1987.* Per Ordinance 85-6 any sign which was determined to be nonconforming but for which a valid permit has been issued from any state, county, or city authority, or which has been in continuous existence from a date prior to February 28, 1987, were required to come into compliance by December 2, 1990. Any nonconforming sign which is not in full compliance by December 2, 1990 shall be removed.

(2) *Per Ordinance 1985-6; Regarding Billboards and Off-Site Signs.* Per Ordinance 85-6, any billboard or off-premise sign in existence as of November 13, 1984 was required to be removed in accordance with the following schedule:

(a) By December 1, 1984 for all such signs located within the corporate limits as of March 1, 1971, except those located within the area annexed on November 1, 1980.

(b) By February 8, 1986 for all such signs located within the area annexed on

November 1, 1980.

(c) By September 1, 1986 for all such signs located within the area annexed on September 1, 1983.

(3) Per Ordinance 2013-31; Regarding Nonconforming Free-Standing signs. Per Ordinance 2013-31 all free-standing signs in existence as of December 11, 2012 that are not in compliance with the requirement to have a pole cover that is at least 50% the width of the sign face or have a base at least 50% the width of the sign face, shall be removed or made to conform by no later than December 11, 2022.

(4) Nonconforming on-premise signs in the AOD and TO Districts.

a. Nonconforming on-premise signs in the AOD and TO Districts shall be removed or made to conform within five years of the effective date of this Ordinance, except that Temporary Window Signs and A-Frame Signs shall be removed within one year of the effective date of this Ordinance.

b. For properties which are subject to a rezoning to either AOD or TO, nonconforming on-premise signs shall be removed or made to conform within five years of the effective date of the rezoning ordinance, except that Temporary Window Signs and A-Frame Signs shall be removed within one year of the effective date of rezoning ordinance.

(E) Grandfathered Signs. The following sign types are not subject to the requirements in subsections (A), (B), and (C) above. They may be altered, repaired, or restored regardless of the standards of the Sign Code.

(1) Landmark Signs.

(a) Notwithstanding the provisions of this chapter, a sign owner may request designation from the City Commission as a landmark sign for certain signs, providing all of the following criteria are met:

1. The sign and use to which it pertains have been in continuous existence for not fewer than 25 years, or the sign is integrated into the architecture of the building.

2. The sign relates to a use which is or was located on the same property.

3. The sign is structurally safe or is capable of being made so without altering its historical significance.

4. The sign is unique.

(b) An applicant for a landmark sign shall attach a statement to their application explaining the manner in which the sign is unique and otherwise meets the requirements of this Section

(c) A landmark sign, approved and designated by the City Commission, shall be exempt from all other requirements of this Chapter but shall not be altered or moved in any way which increases its non-compliance with this Chapter.

(2) An on-premise sign for a permanent residential use for which a valid permit had been issued from any state, county or city authority on a date prior to February 28, 1977 or which has been in continuous existence from a date prior to February 28, 1977.

(3) An existing free-standing sign which is not in compliance with the four-foot setback per §157.14(B)(3)(a) but which complied with the setback requirements when constructed. The property owner shall enter in a revocable license agreement with the City Commission in a form approved by the City Attorney to establish the sign as a grandfathered sign provided the following:

(a) The City Engineer determines the sign is not and will not be a public safety hazard; and

(b) The agreement contains a provision that:

i. The sign shall be removed upon notice by the city, county or state at property owner's expense;

ii. The property owner indemnify and hold the city, its official and employees harmless;

iii. The agreement may not be assigned.

§ 156.18 PERMIT TAGS RESERVED.

Permit tags, which shall include the address of the property on which the sign is located, permit number, date installed, and the name of the installation company or person, shall be affixed to each new sign permitted pursuant to this chapter. Permit tags shall be affixed in a location readily visible on the sign and shall be supplied by the installation company or person.

§ 156.19 TEMPORARY BANNERS RESERVED.

—Temporary banners pertaining to drives or events of civic, philanthropic, educational, or religious organizations may be displayed for a period not exceeding 15 days for any single drive or event at a location to be determined by the City Manager or his designee. Temporary banners may be displayed for periods in excess of 15 days, but in no event to exceed 30 days, upon approval by the City Commission. In the event that a temporary banner is not removed by the day following the period of time granted for display, the city may remove or may cause to be removed such banner and the costs of removal shall be the responsibility of the organization which displayed the banner.

§ 156.20 LANDMARK SIGNS RESERVED.

—(A) Notwithstanding the provisions of this chapter, a nonconforming sign owner may elect to request an exemption from the requirement to comply with all provisions herein by claiming landmark status for certain signs, providing the following criteria are met:

- (1) The sign and use to which it pertains have been in continuous existence for not fewer than 25 years, or the sign is integrated into the architecture of the building.
- (2) The sign relates to a use which is located on the same property.
- (3) The sign is structurally safe or is capable of being made so without altering its historical significance.
- (4) The sign is unique and enhances the cultural, historic or aesthetic quality of the community.

—(B) Procedure.

—(1) Upon filing an application for designation of a sign for landmark status, the request shall be forwarded to the Zoning Division for review and recommendation based on the standards set forth in division (A) above. The application shall be in the following form:

—CITY OF POMPANO BEACH
—REQUEST FOR DESIGNATION AS
—A LANDMARK SIGN

Sign owner: _____

Telephone no.: _____

Address: _____

Subdivision: _____

Block: _____ Lot: _____

Type of sign (free standing, projection, etc.): _____

Date installed: _____

—1) The sign is nonconforming with respect to the following code requirement(s):

—2) Submit documentation regarding the date which the sign was installed, and when the use of the property commenced, which shall be made part of this application and is specifically incorporated herein.

—3) Provide a sealed and certified statement from an engineer registered in the State of Florida as to whether the sign is in compliance with all applicable Florida Building Code Regulations and if not, whether it is capable of being made so without altering its historical significance. (Does not apply to painted wall signs.)

—4) Attach a statement explaining the manner in which the sign is unique and enhances the cultural, historical or aesthetic qualities of the community which shall be made a part of this application and is specifically incorporated herein.

—I certify that the foregoing information is true and correct.

Sign owner's name — Signature
—(print)

Property owner's — Signature
name (print)

—For Sign Owner:

STATE OF FLORIDA

COUNTY OF BROWARD

—SUBSCRIBED AND SWORN TO (OR AFFIRMED) before me on this ____ day of ____, 1920__ by _____ and, who is personally known to me or who has presented _____ (type of identification) as identification.

NOTARY'S SEAL: _____

NOTARY PUBLIC, STATE

OF FLORIDA

—(Signature of Notary taking acknowledgment)

—(Name of acknowledger,
typed, printed or stamped)

Commission number

—For property owner:

STATE OF FLORIDA

COUNTY OF BROWARD

—SUBSCRIBED AND SWORN TO (OR AFFIRMED) before me on this ____ day of ____, 1920__ by _____ and, who is personally known to me or who has presented _____ (type of identification) as identification.

NOTARY'S SEAL: _____

NOTARY PUBLIC, STATE

OF FLORIDA

—(Signature of Notary taking
acknowledgment)

§ 156.21 SIGNS ON VEHICLES OR EQUIPMENT.

Vehicular Advertising Signs are prohibited per Section 156.12. Other sSigns on vehicles ~~and~~ or equipment are permitted provided all the following conditions are met:

- (A) Primary purpose of such vehicle or equipment is not the display of a sign.
- (B) Signs are painted upon or applied directly to an integral part of the vehicle or equipment.
- (C) Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the function of the business to which such signs relate.
- (D) During period of inactivity exceeding three working days, such vehicle/equipment are not so parked or placed that the signs thereon are displayed to the public. Vehicles and equipment engaged in the active construction projects and vehicles offered to the general public for rent or sale shall not be subject to this section.
- (E) Vehicles parked in residential districts, as permitted in Chapter 155, may not contain commercial lettering greater than 7.5 square feet on each side or rear of the vehicle, or an altered cargo box.

§ 156.22 SEVERABILITY AND SUBSTITUTION OF NONCOMMERCIAL SPEECH AND SEVERANCE.

(A) Severability.

(1) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter.

(2) Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1), above, or elsewhere in this chapter, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

(3) Severability of provisions pertaining to prohibited signs. Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1), above, or elsewhere in this chapter, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under § 156.14~~2~~ of this chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of § 156.14~~2~~ is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of § 156.14~~2~~, therefore ensuring that as many prohibited sign-types as may be constitutionally prohibited continue to be prohibited.

(B) Substitution of noncommercial speech for commercial speech or for other non-commercial speech. Notwithstanding anything contained in this chapter or code to the contrary, any sign erected pursuant to the provisions of this chapter or code or otherwise lawfully existing with a commercial message may, at the option of the owner, contain a noncommercial message unrelated to the business located on the premises where the sign is erected. The noncommercial message may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign-type and provided that the size, height, setback and other dimensional criteria contained in this chapter and code have been satisfied.

§ 156.23 TEMPORARY REPLACEMENT SIGNAGE. RESERVED.

~~—(A) In the event that a natural or man-made disaster results in significant damage and destruction to signage within the City of Pompano Beach, the City Commission, by resolution, may permit the use of temporary signs under the following conditions:~~

~~—(1) One temporary replacement sign, replacing a sign that is permitted under this chapter and that has sustained significant or severe damage or destruction;~~

~~—(2) The location, size and placement of the temporary replacement sign must be the same as the sign being replaced except the size may be smaller;~~

~~—(3) No permit requirement for the temporary replacement sign.~~

~~—(4) A temporary replacement sign may not be affixed or constructed so as to require a building permit under the Florida Building Code.~~

~~—(B) A temporary replacement sign, as described above in subsection (A), may be displayed for a period of six months from the date of the effective date of implementing resolution. The time period for display of temporary replacement signs throughout the city pursuant to this section may be extended by subsequent resolution of the City Commission if the Commission determines that the six-month period is insufficient to allow for the permanent replacement of the damaged or destroyed signs.~~

§ 156.24 UNIFORM SIGN PROGRAM. RESERVED.

~~—The purpose of the uniform sign program is to establish required aesthetic standards to promote and encourage creativity and diversity for signage. New developments or redevelopment of existing shopping centers and multi-tenant industrial developments located along designated arterial or collector roads as defined by the County Trafficways Plan that exceed 5,000 square feet of floor area or subject to a major site plan review shall create a uniformed sign program. Shopping Centers and multi-tenant industrial developments in existence prior to adoption of this code section that do not have an approved uniform sign plan established with the city shall comply with this code section within ten years of adoption date. Review and approval by the Architectural Appearance Committee shall establish a specific font, color, style and location for all signage that is part of the development. The consideration may be with restrictions and shall be within the bounds of sound architectural practice and planning and in harmony with the general purpose and intent of the Uniform Sign Program.~~

~~—The purpose of the uniform sign program is to establish required aesthetic standards to promote and encourage creativity and diversity for signage. New developments or redevelopment of existing shopping centers and multi-tenant industrial developments located along designated arterial or collector roads as defined by the County Trafficways Plan that exceed 5,000 square feet of floor area or subject to a major site plan review shall create a uniformed sign program. Shopping Centers and multi-tenant industrial developments in existence prior to adoption of this code section that do not have an approved uniform sign plan established with the city shall comply with this code section within ten years of adoption date. Review and approval by the Architectural Appearance Committee shall establish a specific font, color, style and location for~~

~~all signage that is part of the development. The consideration may be with restrictions and shall be within the bounds of sound architectural practice and planning and in harmony with the general purpose and intent of the Uniform Sign Program.~~

~~—(A) Projects submitting a uniform sign plan as a part of the architectural review process must provide the following:~~

- ~~—(1) One completed sign permit application or copy of site plan application.~~
- ~~—(2) One copy of a notarized agent authorization letter.~~
- ~~—(3) One sealed copy of a current survey.~~
- ~~—(4) Eight color copies of the facade illustrations showing the sign(s) location(s).~~
- ~~—(5) List the style of font(s) to be used and the color of font on the facade and a color pallet.~~
- ~~—(6) Trademarks are exempt from specific font styles and color, however applicant must file a copy of the registered trademark with the city.~~

~~—(B) Criteria to be provided when submitting a uniform sign plan should include.~~

- ~~—(1) Tenant signs shall render the following information:~~
 - ~~—(a) Font(s);~~
 - ~~—(b) Text color(s);~~
 - ~~—(c) One sign frame color;~~
 - ~~—(d) Uniform material type; and~~
 - ~~—(e) One type of interior illumination.~~
- ~~—(2) Uniform sign plan shall include the following standards and specifications:~~
 - ~~—(a) Height (sign structure and sign copy);~~
 - ~~—(b) Length (sign structure and sign copy);~~
 - ~~—(c) Brightness. Illumination thresholds and hours of illumination;~~
 - ~~—(d) Number of signs;~~
 - ~~—(e) Typical sign type;~~
 - ~~—(f) Sign material(s);~~
 - ~~—(g) Method of illumination;~~
 - ~~—(G) Maximum sign coverage (as a percentage of sign band).~~
- ~~—(3) Uniform sign plans must incorporate illustration(s) of typical tenant sign to include:~~
 - ~~—(a) Dimensions of proposed sign to show height, length and width of sign (sign structure and sign copy);~~
 - ~~—(b) Area of proposed sign face and logos;~~
 - ~~—(c) Exterior color(s) of typical sign including sign face and frame;~~
 - ~~—(d) Font of sign face; and~~
 - ~~—(e) 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.~~
- ~~—(4) The following additional materials shall be included with each copy of a uniform sign plan:~~
 - ~~—(a) Color samples of all proposed colors on the sign face; and~~
 - ~~—(b) Color samples of the sign frame.~~
- ~~—(5) Each tenant in a shopping center or multi-tenant industrial development are allowed one flat sign. Tenants occupying a corner bay within a shopping center shall be allowed an secondary flat sign on an additional elevation no larger than 16 square feet in area.~~
- ~~—(C) A uniform sign plan utilizing legally registered and recognized logos, trademarks, or letter style when permitted with approval of both the landlord and the Architectural Appearance Committee. Logos, trademarks, or letter styles that are of a different color than the approved~~

~~Uniform Sign Program guidelines will be considered upon review of compatibility issues by the Architectural Appearance Committee.~~

~~—(D) Modifications to a uniform sign plan require Architectural Appearance Committee approval.~~

~~—(1) The owner or owner designated agent of a shopping center or multi tenant industrial development shall create or revise that plan to reflect the requirements of this section prior to the issuance of any future sign permits by the city.~~

~~—(2) A plan which is revised or modified to come into conformity with this section shall be reviewed and approved subject to the Architectural Appearance Committee review.~~

~~—(3) A property that is submitting a uniform sign plan because it did not previously have a sign program or is changing the program in a manner that is not merely to bring an existing sign plan into compliance with this section, shall be subject to the Architectural Appearance Committee review process.~~

~~—(4) Any shopping center or multi tenant industrial development with multiple signage which proposes any sign changes that exceed 25% of the total number of signs in any one year period is subject to these Uniform Sign Program requirements.~~

§ 156.25 GASOLINE STATIONS RESERVED .

~~—(A) Gasoline stations fuel pricing signs shall conform to the requirements as set forth in § 115.10.~~

~~—(B) All signs required by § 115.10 shall be exempt from any conflicting provisions of this code section and the zoning code, Chapter 155.~~

§ 156.26 ENFORCEMENT AGAINST PRIVATE SIGNS ON RIGHT-OF-WAY.

(A) *Prohibition of signs on rights-of-way.* It shall be unlawful for any person, ~~firm, corporation or other entity~~, for its own or the benefit of another, to erect, place, post, install, affix, attach or in any other way locate or maintain a sign upon, within or otherwise encroaching on a ~~city~~ right-of-way or upon a structure located within such a right-of-way. Information contained in any sign, including but not limited to names, addresses or phone numbers of persons ~~or entities~~ benefiting from or advertising on the sign, shall be sufficient evidence of ownership and/or beneficial use or interest for purposes of enforcing this section. More than one person ~~or entity~~ may be deemed jointly and severally liable for the placement or erection of the same sign. Each unlawful sign shall be deemed a separate violation of this section.

~~(B) *Exclusions.* Signs approved or permitted for placement or erection on the right of way under the city's Code or state or federal law are exempt from this section.~~

~~(C)~~ *Abatement.* Except as provided otherwise in this section, any sign located in violation of upon or encroaching on a city right of way as described in division (A) above shall be subject to immediate removal and impounding by Code Inspectors as defined in § 37.04 of this Code, or by city public works staff, or by law enforcement officers, at the joint and several expense of (1) the owner of the sign; (2) the person ~~or entity~~ which erected the sign; and (3) the person ~~or entity~~ for whose benefit the sign was erected or maintained.

(1) *Illegal signs of negligible or no value; destruction.* Any sign placed or erected in a ~~right-of-way in~~ violation of ~~division (A) above~~, which has negligible or no value due to its perishable or nondurable composition including, but not limited to, those made out of paper, cardboard or posterboard, shall be deemed abandoned and may be destroyed by the city after removal. No opportunity to reclaim such a sign shall be given by the city. Value shall be determined by the city in its reasonable discretion.

(2) *Recovery of impounded signs; abandonment and destruction.* ~~Except for those signs described in division (C)(1) above, a~~ Any sign with more than negligible value that is removed and impounded by the city shall be held in storage and the owner, if the owner's identity and whereabouts are known to city, shall be provided with written notice of impoundment and 15 days from the date of notice to reclaim any such sign. Any impounded sign stored by the city may be destroyed if not reclaimed within 15 days of the written notice date or within 15 days of the date of removal if the identity and whereabouts of the owner is not known to city.

~~(D) *Failure to pay.* A violator who fails to pay or request a hearing to contest the violation as provided herein shall be deemed to owe a civil debt to the city, which may be recovered with accrued interest by civil action in a court of competent jurisdiction.~~

~~(E)~~ *Prosecution and penalties.* Any violation of this section is hereby declared a civil infraction and may be brought in the Broward County Court pursuant to and in accordance to the provisions of § 37.12, of the City's Code or at the City's discretion, the City's Special Magistrate, pursuant to Chapter 31, shall have jurisdiction to hear and rule upon violations of this Chapter. Such enforcement is supplemental to any other means of enforcement available to the city under this or any other section of the Code including, but not limited to, prosecution for violation of § 156.12, punishable ~~under § 10.99~~ as set forth in subsection (1) below. Imprisonment is not a

penalty applicable to violations of this Chapter.

(1) *Civil penalty.*

i. Any person ~~or entity~~ found in violation shall be subject to a civil penalty of \$200 per violation if not contested, or \$250 for a first violation if contested, and a civil penalty double for repeat or subsequent violations. Community service hours shall not be substituted for payment of the monetary penalty.

ii. Any violation may be processed as a nuisance subject to concurrent code violation.

(2) *Restitution.* The courts may order a violator, in addition to a civil penalty, to make restitution to the city for the damage or loss caused by the violator, which may include, but is not limited to, any property damage caused by the placement or attachment of a sign or signs, the costs of any abatement action and court costs. Community service hours shall not be substituted for monetary restitution.