





ADMINISTRATIVE MEMORANDUM NO. 19 - 119

DATE: May 7, 2019

TO: Planning and Zoning Board

VIA: David Recor, ICMA-CM, Director of Development Services 
Jennifer Gomez, AICP, Assistant Director of Development Services 

FROM: Matthew R. Edge, CNU-A, Planner 
Paola A. West, Principal Planner 

RE: Sign Code and Sign-Related Zoning Code Amendments
June 26th, 2019 Meeting

Background

On February 28, 2017, the City Commission passed an ordinance (2017-29) approving several changes to Chapter 156, Sign Code, based on the results of a law suit against the City of Pompano Beach. This text amendment was comprehensive and included provisions to revise the code to address content-based regulations and sign permitting procedures. This was in addition to the changes identified by staff at the time to improve user-friendliness and consistency with Zoning Code terminology.

Since the adoption of this ordinance, staff has reviewed over 175 sign permits using the new Sign Code Compliance Permit application and review policy. This policy requires a full Sign Code Compliance Permit review either before the plans are submitted to the Building Division, or concurrently with the building permit. The review requires the creation of a tracking number and, if the Sign Code Compliance Permit is approved, a development order. While it is important to provide an option for a review by the Planning and Zoning Division prior to the submittal of plans, staff has found the requirement to be duplicative and mostly unnecessary. Only one applicant has chosen to submit for the Sign Code Compliance Permit review prior to the submission for a building permit, and that particular applicant was not required to obtain a building permit due to the sign type proposed.

Because of the duplication of work and the unnecessary steps in review, staff is proposing a more streamlined way to review Sign Code Compliance Permits. This includes limiting the creation of tracking numbers and development orders to only Sign Code Compliance Permits that are submitted prior to building permit. Submissions that happen concurrently with building permits would be reviewed by the Planning and Zoning Division in the same manner as any other building permit review. This change requires amendments to Chapter 156, Sign Code. In addition, portions of Chapter 155, Zoning Code that refer to sign regulations will also be amended.

Text Amendments

The attached text amendments include changes to Chapter 155 Article 5 and Chapter 156 Sections 13 and 14. The following table lists and briefly describes the proposed changes. Attached is also the ~~Strike-Through~~ & Underline draft of the code amendments for your reference.

Page	Section	Change
1	155.5413.B	Revised language to remove the requirement of providing a Zoning Compliance Permit Application for sign reviews. Since sign reviews are based on the standards within the Sign Code, a zoning application is unnecessary.
1-2	156.13(A)	Adds language to the Sign Code that cross-references the sections of the Zoning Code that regulate signs in order to clarify that the Sign Code addresses all Zoning Code requirements. There is also a change in the timeframe allowed for staff to complete their review of revised submissions. The proposed change will mirror the timeframe allowed to review revised building permits.
1-2	156.13	Cleans up some language in the Sign Code to correct errors and use more accurate terminology.
2	156.14(A)	Clarify the requirement that nonconforming signs must be updated when a qualifying change happens, even if a sign code compliance permit is not needed based on the scope of work.

Staff Request

Staff recommends approval of the proposed code amendments.

155.2413. ZONING COMPLIANCE PERMIT

A. Purpose

The purpose of a Zoning Compliance Permit is to ensure that:

1. Proposed development other than mere changes in use that is not covered by other development permits authorized under this Code complies with the standards in this Code; and
2. Final, detailed plans for development authorized by prior approvals of preliminary or general plans both continue to comply with the standards of this Code at a detailed level and comply with any conditions of the prior approvals.

B. Applicability

A Zoning Compliance Permit is required before issuance of a Building Permit and before any other development except a mere change in use requiring a Zoning Use Certificate, or development authorized only by a Sign Code Compliance Permit, Tree Permit or Temporary Use Permit.

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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. 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, any signage related provisions required by Chapter 155, Zoning Code, {and in an approved master sign program, if applicable}.

(B) Sign code compliance permit application submittal requirements.

(1) *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 and any signage related provisions required by Chapter 155, Zoning Code, 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 site 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 **is** to be displayed.

(2) *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 **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 ten** 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."

(3) *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 **and any signage related provisions required by Chapter 155, Zoning Code.** 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.

(4) *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.

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

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156.14 SIGNS AND ACTIVITIES NOT REQUIRING SIGN CODE COMPLIANCE PERMIT.

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. **Nonconforming signs that are required to be brought into compliance in accordance with §156.17 must obtain a sign code compliance permit.**

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