



MEMORANDUM

To: City Commission

From: Jason Chockley, Community Development Asst. Director

Date: March 22, 2022

Re: Window Signs

BRIEF DESCRIPTION: Code change to remove the requirement of a building permit for window signage. An informational memo pertaining to window sign regulations will be created and included in a new business LBTR application package but window signage will no longer require a permit or have an inspection.

PLANNING AND ZONING BOARD RECOMMENDATION: The Planning and Zoning Board, at their meeting of February 7, 2022, unanimously recommended approval of the proposed code change.

Sec. 25-26. Window signs.

(a) *Generally*

(1) Window signs shall be allowed on nonresidential property in accordance with the requirements of this section. All window signs shall be limited to two (2) colors per location on a clear background, provided, however, that registered, copyrighted trademarks and/or corporate logos are not subject to the color limitations provided herein and may be permitted in their standard color(s). Additionally, standard "Credit Cards Accepted" signs, with images of the various credit cards shall not be limited to the color restrictions of this section.

(c) *Permanent signs.*

~~(1) Any person wishing to install, alter, cause to be installed or altered, or has previously been installed without the benefit of a permit, within the municipal limits of the city any permanent window sign, must first obtain a permit from the building department of the city. Provided, however, that lettering for purposes of identification as may be required by this code of Florida law, shall be exempt from permitting requirements. The application fee for a permit for a permanent window sign shall be Twenty Dollars (\$20.00).~~

(1) Permanent window signs shall be comprised of two (2) colors on a clear background per location and shall be painted or affixed directly onto the window surface. The total area of such sign shall not exceed twenty-five percent (25%) of the total window area, or sixty (60) square feet, whichever is less.

(2) Information permitted to be included in such permanent window signs shall be the business name, business address, hours of operation, business telephone number and a description of the nature of the business and/or the services offered by the business, and a registered, copyrighted trademark or corporate logo.

(3) Permanent window signs which have been installed prior to the effective date of this section, (January 14, 2003), shall be brought into compliance with the provisions of this section within one (1) year of such effective date.

(d) *Lighting*

(1) Continuous electric lighting (incandescent, fluorescent or neon) shall be permitted mounted within and attached to the window casements as a border, provided it is absent any logo, graphic or signage.

(2) Such lighting must be of a single color per location.

(3) Only low-intensity lighting, not exceeding 2 foot-candle power as measured from a distance of twenty-five (25) feet from the window wall, shall be utilized.

(4) Continuous and/or intermittent, multi-colored electric lighting shall be permitted during the holiday season (October 15 through January 5). Strobe lighting is not permitted at any time.

(5) Lighting fixtures or chandeliers within the interior of the business, whether or not they contain lettering, graphics, logos, or symbols, are not considered window signs or lighting. (Ord. No. 2003-1-1; § 2, 1-14-2003)

(6) One lit "open" window sign shall be permitted per business establishment, subject to the following:

a. Lettering shall be limited to the word "open" and the sign shall be absent of any other lettering or graphics of any kind except that a continuous single border shall be allowed.

b. Lighting shall be continuous and shall be absent of any flashing or any animation.

c. Lettering shall be limited to a single color of either red, white, or blue. If a continuous single border is used, such border shall be limited to a single color of either red, white, or blue although such single color is not required to be the same single color as the lettering.

d. The background, support and any visible structural component of the sign shall be limited to be clear (colorless), black, or bronze, or a combination thereof.

e. The sign shall be limited to no greater than three (3) square feet in area.

f. The sign shall be turned off and non-illuminated when the location is closed.

g. ~~A building permit shall be required, subject to the provisions for window signage provided in this section, including regulation of window signage area.~~ The color of the lit open window sign shall not be considered in review of the color of other window signage at the location. Any and all requirements of the Florida Building Code, including, but not limited to electrical regulations, shall be satisfied. ~~prior to issuance of a building permit.~~ (Ord. 09-11-1; §2, 11-3-09)

Sec. 25-27. Sign permit.

(a) *Required.* Any person wishing to install, alter or cause to be installed or altered within the municipal limits of the city any sign, whether permanent or temporary, must first obtain a permit from the building department of the city. The permit shall be issued by the building department only after determination has been made that full compliance with all conditions of this article have been met and complied with.

(b) *Application.* Applications for a permit required by this section shall be filed with the building department and shall contain the following information:

- (1) Name and address of the owner of the proposed sign or his authorized agent;
- (2) Type of sign and/or sign structure with all relevant dimensions;
- (3) Location of premises upon which the sign is to be located;

(f) *Exempt signs.* The following signs, while covered by the general provisions of this article, shall be exempt from the permit requirements of this section. This exemption specifically in no way waives requirements of sign criteria, structural and/or safety requirements outlined by this article and/or the South Florida building code.

(1) Community service signs;

(2) Signs installed under the direction of a federal, state, county and/or municipal agency; (3) Temporary window signs;

(Ord. 01-4-4; § 1, 4-24-01)

(4) Real estate signs;

(5) Nameplate signs and identification signs when letters for the signs do not exceed six (6) inches in height and when the signs do not exceed two (2) square feet in overall dimensions;

(6) Signs indicating the availability of accommodations in hotels, motels, etc., when the signs conform with all other provisions of this article and when the signs do not exceed one and one-half (1½) square feet;

(7) A sign indicating the price of gasoline available, permanently displayed on each pump island, not to exceed three (3) square feet.

(8) Election signs.

(9) Free expression signs. (Ord. No. 12-1-1, § 3, 1-10-12)

(10) Window Signs



Draft

Minutes of February 7, 2022

Meeting Called to order at 7:00 P.M.

1. ROLL CALL

P&Z Board Members

MEMBERS	2/07/22	1/10/22	1/3/22	11/15/21	10/18/21	4/5/21	2/22/21	12/07/20	11/16/20	10/19/20
Jimmy Goulet	P	P	P	P	P	P	P	P	P	P
David Rouse	P	P	P	P	P	P	P	P	P	P
Jim Federici	P	P	P	P	P	P	P	P	P	P
Lisa Dodge	P	P	P	A	P	P	P	P	P	P
Kelly VanBuskirk	P	A	P	P	P	P	P	P	P	P
Jeremy Katzman	P	P	P	P	P	P	P	P	P	P
Alex Weisberg	P	P	P	P	P	P	A	P	P	P
Candy Coyne	P	P	P	P	P	P	P	P	P	P
William Barkins	P	P	P	P	P	P	P	P		
James Curran	P	P	P	P	P	A				

*Reappointed ** Resigned *** New appointment

STAFF PRESENT: Jason Chockley, Assistant Director of Community Development
Brandon Johnson, Planner

2. P&Z BOARD - MINUTES - WAIVE/APPROVE MINUTES OF 1/3/2022 & 1/10/2022:

Motion to waive the reading of the minutes made by Jeremy Katzman and seconded by James Curran. All ayes on voice vote. **MOTION WAS APPROVED.** Motion to approve the amended minutes made by Jeremy Katzman and seconded by Candace Coyne. All ayes on voice vote. **MOTION WAS APPROVED.**

3. PUBLIC COMMENTS:

None

4. NEW BUSINESS:

- A) MPO STIRLING ROAD PROJECTS
- B) WINDOW SIGNAGE CODE CHANGES
- C) VACANT LAND MAP

Chairman Rouse turned the item #4A to Mr. Chockley.

Mr. Chockley said we have a pretty straightforward meeting tonight. There are no outside applicants or anyone from the public expecting to attend. The first item of business is the MPO projects. We have two projects that were submitted to the MPO. I think the submittal date goes back probably at least two years ago. We just got a call from them a couple weeks ago that they had multiple projects dropout. We were not in the five year cycle for the projects; then we were in the five year cycle. Then we got a call a couple weeks ago that they were looking to bump us up really quickly within the five year cycle. The City engineer and I had been going through paperwork and getting the applications finalized. One of the things we needed was the new letter of support from City Commission. We also needed a letter of

support at a publicly advertised meeting so that is why this is before you now. We are very early in the process. The next step is actually to get funding to go into the actual design and engineering of the project. This is just an approval of support of the project as a whole. It's actually broken down into two projects which are two phases of Stirling Road. Ultimately, in a nutshell, it is to improve the drainage overall in those two segments of Stirling Road. I'm sure many of you drive it after it rains. You'll see it does pool up on the sides. There have been concerns with hydroplaning. This will remedy that entire situation and result in a repave over top of everything else. Attached are the submittals to the MPO. It has the dollar figures for the actual total cost of construction and a brief description of each of the phases. It has the map showing each of the phases broken down. So it's pretty straightforward. It's just a simple acknowledgement of support from a resident body that was advertised out. I will be happy to answer any questions if there is anything specific to it but it is early in the process. We don't have the formal engineering or design even completed yet.

Chairman Rouse turned it over to the Board for any questions they might have.

Mr. Katzman asked how long the work would take to complete and how it would disrupt the existing traffic.

Mr. Chockley said as far as disruptions, I don't know what would happen as far as actual lane closures. Right now, we are looking to try and get the design possibly done by the end of this year and funding for starting construction hopefully as soon as next year. But in regard to lane closures and how that would deviate traffic flow, I have no idea right now.

Chairman Rouse said as far as 106th and Stirling, we had talked about maybe getting DOT involved with changing the timing of those signals. He asked if this would this be an opportune time to talk to DOT about these issues.

Mr. Chockley said Stirling and 106th is actually not DOT. That is the County. DOT is Griffin Road. What was happening at Stirling and 106th, relative to Kingfisher Reserve, as you remember, they were going to do the intersection improvements with adding additional stacking for a left out as part of their construction of the homes. And then that had to be completed before the subdivision was closed out. And then once those new trips were put on the road, and traffic improvements were done, they were going to do a study and submit it to Broward County on behalf of the City to look at signal timing. You obviously want to submit the report with all the trips on the road to actually have the merits to possibly change it.

Chairman Rouse turned it over to Commissioner Meltzer for a question.

Inaudible discussion followed.

Mr. Chockley said right now that project is actually tied up in litigation so we do not have an anticipated start date.

MOTION: TO APPROVE LETTER OF SUPPORT FOR MPO PROJECTS MADE BY JAMES CURRAN AND SECONDED BY WILLIAM BARKINS. THERE WERE ALL EYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.

Chairman Rouse turned the Item #4B over to Mr. Chockley.

Mr. Chockley said the Item #4B is a Code change relative to window sign permits. A brief description is a Code change to remove the requirement of a building permit for window signage. An informational memo pertaining to the regulation information will be created and included in the new business LBTR application package. Window signage will no longer require a permit or an inspection. The above change was at the request of City Commission. The Planning and Zoning Board is requested to make a recommendation which will be forwarded to City Commission for final action. You can see the attached strike through and underlying language. In Article C underneath permanent signs, the entire subsection one is being completely eliminated. The subsequent numbering is updated under article G. The first sentence is being removed and the last sentence is being amended, removing the building permit requirement. And then under exempt signs, window signs is being added.

Chairman Rouse turned it over for any questions or comments from the Board.

Mr. Curran said on permanent signs under number one, it says something about the twenty-five percent were not to exceed the sixty square foot rule. He asked about the limo tint on storefront windows.

Mr. Chockley said the tint gets more into a security type design through Broward Sheriff's office with transparency through the windows. There have been certain businesses that have sought that approval and gotten approval relative to what is stored in there, whether it be pharmaceutical type uses that are sensitive to sunlight and so forth. That is through Broward Sheriff's office, not necessarily window lettering, if it's just black tint. If it is tinted that where you see through with the pictures and graphics that would fall under it. However, if it is just tint, then that is through the Broward Sheriff's office.

Mr. Curran asked if it was limo tinted, and you cannot see in the business at all day or night, if that was legal.

Mr. Chockley said that would require approval from Broward Sheriff's office. That would not fall under actual signage.

Mr. Federici asked if it was limited to two colors unless you're some type of national chain.

Mr. Chockley said it just has to be trademarked or registered. If you are trademarked or registered, you do not have to follow the two colors. Your logo or your trademark can be whatever colors they are.

Mr. Federici asked if this was kind of beating up on the little guy. He said two or three colors is kind of boring. He asked if we were limiting them to just two colors and if this would be on a big picture window or if it would be just on a door.

Mr. Chockley said you can go up to twenty-five percent of the sixty square feet. You could have a substantial amount of signage. We have relaxed that requirement where it doesn't have to be nationally trademarked. You can do just a registered logo through the State of Florida. I think it's twenty or thirty dollars. It's a minor application fee. It's a minor process. And we will recognize that now so it is not excluding out small companies from doing a basic trademark. All of that is still subject to landlord approval.

Mr. Weisberg asked if the City was being flooded with these requests for these permits for signs and if that was the motivation behind this.

Mr. Chockley said this came from a Commission directive that they did not feel that a building code permit would be required for signage.

Mr. Katzman said looking at the fact that they are limited to two colors, I think we are putting our small businesses at a disadvantage in this situation. Larger business, or some businesses, might have a trademark on their logo, and some would not. I don't really see any reason why we would restrict the number of colors from four colors or as many colors as you can have and then everything else is blended. He asked if we could just unrestrict the amount of colors.

Mr. Chockley said that could be written in Code although all of that is still subject to landlord approval. A lot of times they like to keep a consistent type look.

Mr. Katzman said that would be my suggestion. We're trying to be welcoming to the business community here. I don't see any disadvantage to limiting the colors, especially because it's not a fair playing field for everybody, if you don't have a trademark. He asked if people were getting permits for these window signs or if they were just doing it illegally.

Mr. Chockley said multiple people do get permits for it. There are plenty of people who do it without permits. The con to not requiring permits anymore is that there is no more regulatory control of saying if this has permits or it does not. Code enforcement would have to go out and literally review the sign code relative to what they see in the window. There would be no record of this is what they had at this point and this was legal.

Dr. Barkins asked if it possible to have a stipulation that more than two colors would require Board approval. Landlord approval aside, you don't want some Peter Max thing and the store next to it having to deal with that type of sign. They might not like that. If we had a simple approval system for multi-colored signs, that would kind of calm things down.

Inaudible discussion followed.

Mr. Chockley said we treat signage as a sign waiver. No public hearings are required. It goes through to the P&Z Board and ultimately to City Commission. It's an abbreviated process, but there is an avenue to go beyond what Code stipulates.

Mr. Curran said I'll give you a perfect example of three colors. A barbershop pole is blue, white and red. I think it would be a landlord decision to go beyond that. I could see us doing three without really getting crazy outside the box. Two is kind of limited. If I was opening a business, I don't know if I would want to go through the businesses opening and then trying to get a trademark at the same time. I don't think signs are that important to the City if the signs are done in good taste. I think three colors are plenty. For any more than that, they could ask for a waiver.

Chairman Rouse asked for any additional comments or questions from the Board.

Ms. Coyne asked if this covers any glass on the storefront.

Mr. Chockley said window signage is taken as a whole.

Ms. Coyne asked if the door would be included.

Mr. Chockley said it does include the door. Also the twenty-five percent rule is flexible. So theoretically, if you had somebody with four window panels that were all the same size and they wanted to cover one completely with signage, we would look at that as twenty-five percent. If they wanted to take all four each with twenty-five percent individually, we would take that as well. So, that's up to them.

Mr. Katzman said I don't think we should limit colors on a decal of a logo. It's not the outside signage from my understanding. It's the decal on an inside of a window. I'm looking at the Cooper City logo. It has three colors and it is a pretty simple logo. I've seen a lot of logos that have three, four or five colors, and they look professional. I guess it's really subjective. Personally, I'd be okay just crossing off how many colors they can have. That's my opinion but we will see what the Board says. It's only twenty-five percent. It's not a billboard.

Ms. Vanbuskirk said I have a less of a concern on the number of colors. I agree with the majority of the Board. I think two colors is somewhat limiting. She asked if this item is just striking the permitting requirement.

Mr. Chockley said correct.

Ms. Vanbuskirk said it sounds like the permitting requirement is not being enforced uniformly as it stands currently. There would be a lot that would be grandfathered in. If we were going to decide to begin enforcing it, we couldn't go and remove signage that hasn't been permitted currently. She asked if this item is just bringing the Code up to current practice by striking language.

Mr. Chockley said no, everything in Code would apply. If there was a sign done without permits five years ago that is exceeding size, color, limitations, content, or anything along those lines would still be enforceable. Signage that gets put up tomorrow, even if this Code change goes through, is still enforceable to the regulations. It just doesn't require a building permit.

Ms. Vanbuskirk said okay.

Mr. Chockley said there would be no inspection of the sign. It would be up to the Code enforcement officer to review what's in the window versus what's in Code.

Ms. Vanbuskirk said the second concern I have is with reference the lighting section. The coloring and the logo all seem fine and germane to one's business logo. The lighting, fluorescent lighting and all of that seems more potentially problematic to me. She asked if removing the permitting requirements would allow a sign to be illuminated at any time including fluorescent lighting in a window. I see it in some plazas and it's not a great establishment. It's not a great look. She asked for clarification about what folks are allowed to put up without a variance or outside of Code or without a permit.

Mr. Chockley said everything is still outlined in Code. Everything that is in this section all still applies. We just don't get a permit for it.

Ms. Vanbuskirk asked if continuous electric lighting and fluorescent lighting is permitted within Code currently.

Mr. Chockley said yes.

Ms. Vanbuskirk said we would not be receiving the twenty dollar permit fee for it.

Mr. Chockley said some people are getting the twenty dollar permits and some are not, but we're no longer going to require the permit.

Ms. Vanbuskirk said okay.

Mr. Katzman said Ms. Vanbuskirk brought up a good point. He asked if we can still penalize people who didn't do this five years ago.

Mr. Chockley said if they are exceeding what Code allows, yes.

Mr. Katzman asked if we could decide today to make it three colors and keep it at twenty-five percent.

Mr. Chockley said three colors would have to come back as another vote. You can make a recommendation of another Code change, but you have to have the strike through and underlying language before you and then voting on what's in the format. This is a Code change based off a Commission directive. So this vote would go through. If the Board has other suggestions for other elements to change, we will jot those down. We will put them in strike through and underlying format, and they will come back before you for another vote. We can have a discussion on what the Board wants as far as future changes to this section during Board member concerns.

MOTION: TO APPROVE CODE CHANGE TO REMOVE THE REQUIREMENT OF A BUILDING PERMIT FOR WINDOW SIGNAGE MADE BY CANDACE COYNE AND SECONDED BY ALEX WEISBERG. THERE WERE ALL AYES ON THE ROLL CALL VOTE. MOTION WAS APPROVED.

Chairman Rouse turned the item #4C over to Mr. Chockley.

Mr. Chockley said the third item before you tonight is just really just informational. It is the current vacant land map. There is a spreadsheet that breaks down the current owner, the location, the land use and the acreage. This is corresponding to the map on the third sheet which shows the area where it is located and the number. This came out of a Board member concern and previous discussions with what was still out there to be developed. This map does not take into account a lot of the projects that come in that are either a redevelopment or a change of use. Some examples of that is the Nur UI Islam. That was an existing site plan where they were doing additional buildings. Other examples include Crunch Fitness within Embassy Lakes and multiple other petitions such as Chabad of Southwest Broward taking over an existing use. This doesn't factor in a lot of the day to day petitions that pop up for already

developed parcels but pretty much all of these parcels on here are still vacant. They are not necessarily on the market but they are still floating around out there and could possibly have development. This was requested to be brought to the Board just as informational.

Chairman Rouse asked for any questions the Board might have. There were none.

5. COMMUNITY DEVELOPMENT REPORT:

Chairman Rouse turned it over to Mr. Chockley to inform what petitions they have upcoming.

Mr. Chockley said right now our next anticipated meeting would be for March 7th which is one month from today. We just got word from the attorney for the Toll Brothers' townhouse development which is the north piece of the USPS site that was originally slated to go in December. They tabled based off of Lockup being postponed. Then they were going to go in February. Lockup had previously gone in January and that did not go well so they postponed. We did just hear word that they do want to go to the P&Z Board, despite what happened with the self-storage. That is coming in for the meeting on the seventh. We'll also have a Code change relative to the definition for self-storage which is looking at adding an allowance for surface parking to be included within the outdoor storage. This still requires a conditional use approval where everything is vetted. It is not a by right change. That will be coming before you and I am also assuming we'll have some sign code changes as well. So 3/7/22 will be the next meeting.

6. BOARD MEMBER CONCERNS:

Chairman Rouse asked for any Board member's concerns.

Mr. Federici asked if lighting in windows of business is currently allowed.

Mr. Chockley said they are allowed within certain parameters. There is intensity. They have to be one color. They have to be constantly lit so you can't have the strobes. You can't have the flash and you can't have the raceway, but yes, there are allowances where you can have lighting in the windows.

Mr. Federici said okay.

Mr. Katzman asked that the Board be able to review the Code regarding how many colors are in the signs.

Ms. Coyne asked if changing the colors of signs would be potentially [inaudible].

Mr. Chockley said no.

Inaudible discussion followed.

Chairman Rouse said that it would be a good idea to start it when there is not controversy so we can establish a precedent. He said I think that regarding the sign-ins, it would be a good idea to know who

wants to talk and what they're going to be talking on so that we can make sure that it conforms to the agenda.

Mr. Curran said he would like to bring up LED lights and signs on windows at the same time as the amount of colors. Even though they sit back three or four feet, you see all the beer signs and everything in the windows when you ride up and down these streets now. There are some shopping centers where the signs are really big. Even though they are sitting back one aisle, you can still see them from the road. I'd like to address that as well. If it's the name of their business or something like that, I don't have a problem with the LED light. But if it is a commercial for a product that they're selling inside, like the vape stores, I'd want to look at those to see if that's what we really want as far as size or distance. I'd like us to decide as a group how far back they need to be or if they need to be taken out entirely when it comes to the kids seeing it.

Mr. Chockley asked if there was a recommendation on what you want to have as far as total number of colors.

Inaudible discussion followed.

Mr. Chockley said correct. They can always more restrictive than Code.

Chairman Rouse said let's just eliminate colors.

Mr. Chockley okay. It will be the elimination of restrictions for all colors for window signage.

7. **ADJOURNMENT:**

Meeting adjourned at 7:27 PM.