



**Cooper City Commission Meeting
Agenda Item Request Form**

Date: 5/10/16
Requesting Commissioner/Department: Growth Management
Commission Regular Meeting Date: May 24, 2016
Commission Workshop Meeting Date: N/A
BID/RFP # N/A New Renewal
Contract name/description: N/A

AGENDA

Presentation Consent Regular Discussion

BACKGROUND & RECOMMENDATION (attach backup material to Item Request Form)

Ordinance proposing a Code change allowing for administrative approval of Sign Waiver Requests that are limited to trademarked or nationally recognized logos and otherwise conform with Code requirements and allowing for administrative approval of Sign Package Amendments that conform with Code requirements.

GENERAL LEDGER ACCOUNT NUMBER(S) AND AMOUNT(S):

APPROVALS:

Finance Director _____ City Manager  City Clerk _____

ORDINANCE NO. P16-6

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 25-23 “PERMANENT SIGNS” CONCERNING UNIFORM SHOPPING CENTER SIGN PLANS; AMENDING SECTION 25-29 “WAIVER PROCEDURE” TO PROVIDE WAIVER PROCEDURES FOR COLORS FOR CORPORATE TRADEMARKS AND LOGOS; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, the City of Cooper City is authorized to protect the public health, safety and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the City Commission of the City of Cooper City (“City Commission”) previously adopted definitions, permit procedures, and regulations, relating to the installation, construction, placement, and erection of signs in the City; and

WHEREAS, these sign provisions were codified within Article II “Signs” of Chapter 25 “Development Standards” of the City’s Land Development Code (“LDC”); and

WHEREAS, the City Commission finds it periodically necessary to amend its LDC in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, the City Commission finds and determines that the City’s sign regulations are intended to maintain and improve the aesthetics, quality of life, and safety of the City and its residents, while meeting the need for signage that clearly identifies locations, advertises

noncommercial messages and businesses, and otherwise communicates commercial and noncommercial speech; and

WHEREAS, the City Commission desires to streamline the processing of sign waivers which comply with the Code; and

WHEREAS, the City Commission desires to permit the utilization of registered trademarks and logos consistent with the provisions of the City Code; and

WHEREAS, the City Commission finds and determines that the City has consistently adopted severability provisions in connection with its Code of Ordinances and LDC, and that the City wishes to assure that its severability provisions will continue to be applied to its sign regulations; and

WHEREAS, in several recent judicial decisions, the courts have failed to give full effect to severability provisions applicable to sign regulations, and expressed uncertainty over whether local government authorities intended that severability would apply to certain factual situations despite the plain and ordinary meaning of the severability clauses; and

WHEREAS, the City Commission is aware that the failure of some courts to apply severability clauses has led to an increase in litigation by billboard developers and other applicants seeking to strike down sign regulations in their entirety so that they may argue that their applications to erect billboards or other signs must be granted; and

WHEREAS, the City Commission desires that there be an ample and unequivocal record of its intention that the severability clauses it has adopted related to its sign regulations shall be applied to the maximum extent possible, even if less speech would result from a determination that any

exceptions, limitations, variances, or other sign provisions are invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the City Commission desires that its prohibition of billboards be given full effect, regardless of the invalidity or unconstitutionality of any or all of the City's sign regulations, land development regulations, or other regulations; and

WHEREAS, the City Commission further finds and determines that the City has long allowed noncommercial speech to appear wherever commercial speech appears and that it has codified that practice through the adoption of a substitution clause that expressly allows non-commercial messages to be substituted for commercial messages; and

WHEREAS, the City Commission specifically intends that this substitution clause and past practice be applied so that its sign regulations can never be construed to impermissibly favor commercial messages over noncommercial messages, and desires to codify this substitution clause in this Ordinance to bolster its effectiveness; and

WHEREAS, following proper notice to the public and after having received input and participation by interested members of the public and staff, and having considered the recommendation of the Planning and Zoning Board, the City Commission finds this Ordinance consistent with its Comprehensive Plan; and

WHEREAS, the City Commission has held a public hearing in accordance with Florida law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:¹

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. City Code Amended. That Section 25-23 “Permanent Signs” of the Land Development Code is hereby amended to read, as follows:

Sec. 25-23. Permanent signs.

* * *

(b) *Nonresidential land uses*: Nonresidential land uses shall be limited to the following types of permanent signs. (1) *Wall or canopy sign*. One (1) wall or canopy identification sign shall be permitted for each licensed establishment, not to exceed the following size limitations:

* * *

(8) *Shopping center sign plan.*

a. Shopping center sign plan required. A uniform sign plan must be presented to and reviewed by the Development Review Committee and the Planning and Zoning Board ~~the community appearance board~~ for all shopping centers at the next regular meeting after the application is submitted in an acceptable form in accordance with this article. ~~The community appearance board~~ Development Review Committee and the Planning and Zoning Board shall review the application and make a recommendation to the city commission either at the first meeting or at the next regular meeting. The review and recommendation of ~~the community appearance board~~ Planning and Zoning Board shall relate only to compliance with the following criteria:

a1. All signs shall conform to this article.

b2. All sign plans shall be coordinated through and approved by the shopping center owner.

e3. A uniform sign plan shall be presented for the whole shopping center that shall be compatible with the architectural design of the entire center and enhance the aesthetics of the center.

¹ Proposed additions to existing City Code text are indicated by an underline; proposed deletions from existing City Code text are indicated by ~~strikethrough~~.

d4. Signs shall be approved by the city commission as a unit.

e5. Box or cabinet signs shall be allowed when presented as part of a unit plan for a shopping center.

f6. All signs shall conform to color criteria as approved by the city commission.

b. Amendments to approved shopping center sign plans. Applications for amendments to approved shopping center sign plans, which do not involve any sign waiver requests, except those granted administratively pursuant to Section 25-29(b), and otherwise meet City Code requirements, shall be subject to administrative review and approval by the City's Growth Management Department which may grant or deny the amendment and may impose such conditions as deemed necessary. Applicants whose petitions are denied by the Growth Management Department may appeal that decision to the City Commission by filing a written request to the City Commission within thirty (30) days of such denial.

* * *

Section 3. City Code Amended. That Section 25-29 "Waiver Procedure" of the Land Development Code is hereby amended to read, as follows:

Sec. 25-29. Waiver procedure.

(a) *Permanent window signs.*

(1) Any person seeking a waiver from the provisions of this article for permanent window signs shall file a petition with the ~~City clerk~~ accompanied by a nonrefundable ~~one hundred fifty dollar (\$150.00)~~ application fee in accordance with the growth management department's fee schedule. ~~The waiver application fee for permanent window signs existing as of the effective date of this ordinance shall be twenty five dollars (\$25.00)~~

(2) Applications for sign waivers for permanent window signs shall be reviewed by the planning and zoning board.

The board shall make a recommendation to approve or deny the application to the city's development review committee. The development review committee will then, based on the city code and the board's recommendation, make a final decision to grant or deny the waiver. Applicants whose petitions are denied by the development review committee may appeal that decision to the city commission by filing a written request to the city commission within thirty (30) days of such denial.

(b) ~~All other signs.~~ Trademarked or Nationally Recognized Logos.

Applications for sign waivers from established colors for permanent signs which are necessary to permit trademarked or nationally recognized logos shall be subject to administrative review and approval by the City's Growth Management Department. The

Growth Management Department may grant or deny the waiver permitting the waiver from established colors for the trademarked or nationally recognized logo and may impose such conditions as deemed necessary. Applicants whose petitions are denied by the Growth Management Department may appeal that decision to the City Commission by filing a written request to the City Commission within thirty (30) days of such denial.

(c) All other signs

(1) Any person seeking a waiver from the provisions of this article for signs other than permanent window signs shall file a petition with the city clerk accompanied by a nonrefundable ~~four hundred dollar (\$400.00)~~ application fee in accordance with the growth management department's fee schedule.

(2) Applications for waivers for signs other than permanent window signs shall be reviewed by the planning and zoning board and the city's development review committee. The final decision to grant or deny the waiver petition shall be made by the city commission.

(ed) Conditions for granting waivers.

Waivers may only be granted by the city where at least one of the following criteria is determined to be met.

(1) Signs permitted under this article cannot be properly viewed due to physical site distinctions other than those imposed by city ordinances or created by the petitioner.

(2) The architectural design of a structure and/or site plan poses unique and extenuating characteristics whereby waiver of sign code provisions is in the city's best interests.

(3) Literal enforcement of this article would result in unreasonable and undue hardship upon the petitioner.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. That it is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be

made a part of the Code of the City of Cooper City; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on First Reading this ____ day of _____, A.D., 2016.

PASSED AND FINAL ADOPTION on Second Reading this ____ day of _____, A.D., 2016.

GREG ROSS
Mayor

ATTEST:

SUSAN POLING
City Clerk

Approved As To Form:

DAVID M. WOLPIN
City Attorney

ROLL CALL

Mayor Ross _____
Commissioner Sims _____
Commissioner Mallozzi _____
Commissioner Curran _____
Commissioner Green _____



Minutes of May 02, 2016

Meeting Called to order at 7:00 p.m.

1. ROLL CALL

P&Z Board Members

MEMBERS	05/03/16	03/21/16	03/07/16	02/01/16	12/07/15	11/16/15	10/26/15	07/20/15	06/15/15
Elliot Weiner	P	P	A	P	A	P	P	P	P
Craig Konhauzer	P	P	P	P	P	P	P	P	A
David Rouse	P	P	P	P	P	P	P	P	P
Al Scotti	A	A	P	P	A	A	P	P	P
Charles Cutler	A	A	P	P	P	A	P	P	P
Matt Williamson	A	P	P	A	P	P	P	P	P***
Bobby Jenkins	A	A	P	P	A	P	P	P	P
Michael de Miranda	P	P	P	P	P	P	P	P	P
Michelle Stern	P	P	P	A	P	A	P	P	P
Mark Aronson, Chair	P	P	P	P	P	P	P	P	P

** Reappointed ** Resigned *** New appointment*

STAFF PRESENT: *Matt Wood, Director
Jason Chockley, Planner
Carlos Vega, Administrative Specialist*

APPLICANT: *Francesco Falchetti, from AA Signlines*

2. P&Z BOARD - MINUTES - WAIVE/APPROVE MINUTES OF 03/21/16: Motion to waive the reading of the minutes made by David Rouse and seconded by Michelle Stern. All ayes on voice vote. **MOTION WAS APPROVED.** Motion to approve the minutes made by Craig Konhauzer and seconded by Michael de Miranda. There were all ayes on voice vote. **MOTION WAS APPROVED.**

3. CORRESPONDENCE: None

4. NEW BUSINESS:

A. Dairy Queen Sign Waiver #SW 4-1-16

Chairman Aronson turned the item over to Mr. Wood and he proceeded to read the Staff report for item 4A Dairy Queen Sign Waiver # SW 4-1-16 hereby summarized as follows: Item 4A Sign Waiver # SW 4-1-16 is a petition seeking deviation from the adopted sign package for Stirling Palm Plaza which allows only white channel letters in bold sans serif font. The sign waiver request is to allow three substitute colors for the sign face - red, blue and gold. All other size and placement criteria of the sign code will continue to be met.

N/A

Chairman Aronson turned the meeting over to the Applicant to present their petition.

Victor Villa introduced himself representing AA Signlines. He proceeded to say that they concur with the staff's recommendation.

Chairman Aronson asked if there was any discussion. There was no discussion.

MOTION: TO APPROVE DAIRY QUEEN SIGN WAIVER # SW 4-1-16 – MOTION MADE BY CRAIG KONHAUZER AND SECONDED BY ELLIOT WEINER. THERE WERE ALL AYES ON ROLL CALL VOTE. MOTION WAS APPROVED.

4. **NEW BUSINESS:**

B. Proposed Code Change - Section 25-23 & 25-29 Permanent Sign and Sign Waiver Procedures.

Chairman Aronson said that we had discussed the fact that there really shouldn't be a need for nationally trademark brand to require a sign waiver and Mr. Wood has gotten us a proposed ordinance.

Chairman Aronson turned the item over to Mr. Wood and he proceeded to read a synopsis for item 4B Proposed Code Change - Section 25-23 & 25-29 Permanent Sign and Sign Waiver procedures hereby summarized as follows: Item 4B is an ordinance that updates the approval authority for shopping centers sign plans from the Community Appearance Board which was made years ago but it is still in the code to the Development Review Committee and the Planning and Zoning Board. It also allows for amendments to approved shopping center sign plans to be administratively approved which would be a staff level approval rather than making them go thru P&Z Board and Commission where they do not involve any sign waiver request. A sign waiver is deviation from code so basically it's a sign variance.

Ms. Stern asked if it is as long as they meet code.

Mr. Wood said correct. If it's a waiver then it would still have to go thru the process.

Mr. Wood continued the synopsis saying if there are any appeals of the administrative review and decisions, they would be appealed to the City Commission.

Chairman Aronson asked then the appeals wouldn't come thru us.

Mr. Wood said no.

Mr. Wood continued saying that this updates the fees for the sign waivers to the current fee schedules as there's some outdated fees that were still codified. Part two of the ordinance provides for administrative approval of sign waivers from established colors for trademarked or nationally recognized logos.

Mr. Wood said as far as waivers are concerned, the only proposal that we are making for administrative approval would be if they are involved with a trademark or nationally recognized logo. The last few petitions we've had have all been related to the argument that this is a nationally recognized logo and they want to just go with the established colors.

Ms. Stern said that collectively as a board we all kind of feel the same way when we talk about the national logos.

Chairman Aronson said if you remember this came up after the last sign waiver and I suggested that maybe we could do something and there seemed to be a consensus.

Mr. Wood said that is the way it is going to be presented to the Commission that it was at the recommendation of this board. Staff had previously discussed and suggested that we do this as well.

Chairman Aronson said that this is not anymore work for you because you have to do the application process anyways.

Mr. Wood said right it's less work.

Mr. Konhauzer asked if you see any friction coming from anybody.

Mr. Wood said we did bring it to the Commission for discussion and direction and they all thought it was a great idea. Basically it was brought before them and they said to go forth with the ordinance so that is what we are doing.

Ms. Stern asked if this is something you need us to make a motion to approve.

Mr. Wood said yes.

MOTION: TO APPROVE PROPOSED CODE CHANGE - SECTION 25-23 & 25-29 PERMANENT SIGNS AND SIGN WAIVER PROCEDURES – MOTION MADE BY MICHELLE STERN AND SECONDED BY CRAIG KONHAUZER.

Chairman Aronson asked if there was any further discussion on the motion.

Mr. de Miranda asked because this is an ordinance will this require a public hearing.

Mr. Wood said the ordinance will be a public hearing at the second reading of the ordinance at City Commission.

THERE WERE ALL AYES ON ROLL CALL VOTE. MOTION WAS APPROVED.

4. NEW BUSINESS:

C. Proposed Code Change - Section 13-59(c) Temporary Housing During Declared Emergencies.

N/A
Chairman Aronson said that this proposed ordinance was made at the request of the County that each municipality adopt this emergency housing ordinance.

Mr. Wood said that the County did suggest and that they were looking to try to get a consensus among all the cities to adopt a temporary disaster ordinance. Cooper City would be the 13th out of the 31 cities in Broward County to adopt. Not everyone has done it but everyone is starting to get on board. The idea is that this ordinance provides for use of temporary housing during declared housing emergency. The ordinance is activated upon declaration of a state of housing emergencies by the Cooper City Commission for all or a portion of the Cooper City limits. The status of that declaration is to be evaluated every 90 days. Temporary units such as manufactured housing, RVs or pre-fab (modular) units, may be used by persons displaced from the primary residence deemed uninhabitable in areas zoned only for single family or duplex units. A permit is required to place the temporary unit and only allowed for 90 days with 90 day extensions allowed up to 18 months max. A maximum of one (1) temporary unit is allowed, and it must have water, sewer and electrical service installed by a license contractor.