TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/(797-1101)
Prepared by: Bradley Swing, AICP, Planner II

SUBJECT: Resolution – Amendment to Annexation Agreement – Jolmy Enterprises

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING AN ANNEXATION AGREEMENT BETWEEN THE TOWN OF DAVIE AND JOLMY ENTERPRISES, INC., AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The resolution before Town Council this evening is based on the need to provide for an amendment to the Annexation Agreement between the Town of Davie and Jolmy Enterprises, Inc. On June 19, 1996, the Town entered into an Annexation Agreement with Jolmy Enterprises, Inc. to annex property into the Town located at the southeast corner of I-595 and Florida's Turnpike. The Annexation Agreement included a provision that Jolmy shall be allowed to construct a total of three (3) billboards on the property which will also contain a full-service travel business center.

The purpose of this resolution is for Town Council to authorize Mayor to execute the amendment to the Annexation Agreement. This amendment specifically relates to Paragraph 6 of the Agreement, entitled "Sign Regulations". Approval of this resolution will allow the Town to process permits for the proposed billboard sites in accordance with Section 12-237 through Section 12-245 of the Town of Davie Code of Ordinances and all applicable regulations of the State of Florida, Department of Transportation.

PREVIOUS ACTIONS: None

CONCURRENCES: None.

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the resolution complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Resolution, Letter from Jolmy Enterprises, Proposed Billboard Location Site, Zoning and Aerial Map, Future Land Use Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING AN ANNEXATION AGREEMENT BETWEEN THE TOWN OF DAVIE AND JOLMY ENTERPRISES, INC., AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 19, 1996, by Town of Davie Resolution Number R-96-194, the parties, Town of Davie and Jolmy Enterprises, Inc. entered into an Annexation Agreement, providing that the property at issue in the Agreement was to be annexed into the Town; and

WHEREAS, it was the parties intention at the time of entering into the Agreement, and remains the parties intention, that Jolmy be allowed to construct three (3) billboards on the Property; and

WHEREAS, Paragraph number 6 of the Agreement, entitled "Sign Regulations" provided that the billboards were to be constructed in accordance to the style, size and lettering restrictions in Section 39-325 of the Broward County Code; and

WHEREAS, Paragraph number 5, Section number 8 of the Agreement, entitled "Amendments and Modifications" provides that the Agreement can be modified or amended upon written consent of both parties; and

WHEREAS, the attached Amendment to Annexation Agreement between the Town of Davie and Jolmy Enterprises, Inc., amends the agreement previously approved by Resolution Number R-96-194.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby authorize the Mayor, or his designee, to execute the Amendment to Annexation Agreement between the Town of Davie and Jolmy Enterprises, Inc., attached hereto and made a part hereof as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2003.

_____
MAYOR/COUNCILMEMBER

ATTEST:

_____
TOWN CLERK

APPROVED THIS _____ DAY OF _____,2003.

EXHIBIT "A"

AMENDMENT TO ANNEXATION AGREEMENT BETWEEN THE TOWN OF DAVIE AND JOLMY ENTERPRISES, INC.

WHEREAS, on June 19, 1996, the parties, Town of Davie (Town) and Jolmy Enterprises, Inc. (Jolmy) entered into an Annexation Agreement (The Agreement) providing that the property described in the Agreement (The Property) was to be annexed into the Town; and

WHEREAS, a copy of the June 19, 1996 Annexation Agreement is attached hereto; and

WHEREAS, it was the parties intention at the time of entering into the Agreement, and remains the parties intention, that Jolmy be allowed to construct three (3) billboards on the Property; and

WHEREAS, Paragraph numbered 6 of the Agreement, entitled Sign Regulations, provides that the billboards were to be constructed in accordance with the style, size and lettering permitted in Section 39-325 of the Broward County Code, as it may be amended from time to time or modified by state statute, federal regulation or judicial action; and

WHEREAS, in order for such billboards to be useful and effective, they need to be erected at a height which exceeds the height restrictions in the Broward County Code; and

WHEREAS, the parties desire that the construction of the billboards (height, sign area, etc.) be done in accordance with the current sign regulations of the Town; and

WHEREAS, Paragraph numbered 5, Section number 8 of the Agreement, entitled Amendments and Modifications, provides that the Agreement can be modified or amended upon the written consent of both parties.

NOW, THEREFORE, the parties wish to amend the Agreement and hereto agree as follows:

1. Sign Regulations. The Town and Jolmy agree that Paragraph 6 of the parties June 19, 1996 Agreement shall be deleted and shall henceforth read as follows:

> Town and Jolmy agree that, notwithstanding any regulations to the contrary, Jolmy shall be allowed to construct a total of three (3) billboards on the Property along Interstate 595 and the Florida Turnpike in accordance with the regulations set forth in Section 12-237 through Section 12-245 of the Town of Davie Code of Ordinances as these Sections exist at the time of the execution of this Amendment to Annexation Agreement; provided however, that (a) in no event shall Jolmy be allowed less than three (3) billboards, (b) in the event the Town of Davie Code of Ordinances relating to billboards is amended in the future and such amendment(s) are less restrictive, then such amendment(s) shall apply, and (c) Section 12-238(J)(9)(g) which provides "the Town Council shall have the right to reject any proposed site, notwithstanding the site's compliance with subsections (a) through (f) above" shall not apply. The design of the billboards

shall be submitted to the Town Site Plan Review Committee for review and comment and Jolmy shall incorporate such comments to the extent possible while maintaining the integrity of its design for the billboards. A copy of Section 12-237 through Section 12-245 of the Town of Davie Code of Ordinances as existing at the time of the execution of this Amendment to Annexation Agreement is attached hereto.

2. Compliance With State of Florida, Department of Transportation Regulations. The billboards described above will comply with all applicable regulations of the State of Florida, Department of Transportation.

IN WITNESS WHEREOF, the parties hereto have made and executed this Amendment to the Annexation Agreement on the respective dates under each signature; Jolmy signing by and through its duly authorized representative; and the Town through its Town Council, signing by and through its Mayor, or his designee, authorized to execute same by Town Council Action on _____ day of _____, 2003.

ATTEST:

TOWN
TOWN OF DAVIE, FLORIDA

_____
Town Clerk

By:_____
Mayor/Council member

Approved as to form:_____ day of _____, 2003

By:_____
Town Attorney

Witnesses:

_____

JOLMY ENTERPRISES, INC.

_____
William E. Myers, President

Approved as to form:_____ day of _____, 2003

ANNEXATION AGREEMENT BETWEEN
THE TOWN OF DAVIE AND JOLMY ENTERPRISES, INC.

THIS ANNEXATION AGREEMENT, executed this 19th day of June, 1996, made and entered into by and between the TOWN OF DAVIE, a municipal corporation of the State of Florida ("Town") and JOLMY ENTERPRISES, INC., a Florida corporation ("Jolmy").

W I T N E S S E T H:

WHEREAS, Jolmy holds fee simple title to the lands legally described in Exhibit "A" (the "Property"); and

WHEREAS, the Property was zoned by the Board of County Commissioners of Broward County as "A-5" or "Agricultural Excavation A-5 District"; and

WHEREAS, the land use for the Property was designated by the Broward County Comprehensive Plan as "Industrial"; and

WHEREAS, Jolmy desires to voluntarily annex the Property into the Town upon certain terms and conditions as set forth in this Annexation Agreement; and

WHEREAS, the Town Council of the Town of Davie (the "Town Council") has determined that:

A. The Property is owned by Jolmy;

B. The Property is contiguous to the municipal boundaries of the Town;

C. The Property is not included within the boundary of another incorporated municipality;

D. The Property is reasonably compact; and

E. The annexation of the Property will not result in the creation of enclaves; and

WHEREAS, the Town has determined that the size, location and transportation access of the Property make it ideally suited for future development and that such future development will foster the economic growth and development of the Town and that the Property may serve as a regional activity center; and

WHEREAS, the Town Council has approved this Annexation Agreement and has authorized the proper town officials to execute this Annexation Agreement by resolution passed at a regular meeting on June 19th, 1996; and

WHEREAS, Jolmy wishes to establish a full-service travel business center on the Property initially consisting of the following uses: truck stop, gas station, convenience store and fast food restaurant; and with possible additional uses to include: retail, truck service, office, warehouse and hotel.

NOW, THEREFORE, in consideration of the mutual promises and other considerations herein contained, the parties hereto agree as follows:

1. Recitations. The recitations set forth above are true and correct and are incorporated herein by this reference.

2. Annexation Petition. Simultaneously with the review and approval of this Annexation Agreement, Jolmy has applied to Town for annexation of the Property into the Town in accordance with the provisions of Section 171.044, Florida Statutes (the "Annexation Petition"). Upon approval of the Annexation Petition and annexation of the Property into the Town, this Annexation Agreement shall govern the rights and obligations of the parties regarding the Property. In the event that Town does not approve the Annexation Petition, then this Annexation Agreement shall be deemed terminated for all purposes and shall be of no further force and effect.

3. Zoning and Permitted Uses. Within thirty (30) days of the effective date of an ordinance passed to effectuate the annexation pursuant to this Annexation Agreement, Jolmy shall file the necessary application(s) to zone the Property to a M-3 and/or B-3 district as described in the Town of Davie Code of Ordinances. In the event that the existing zoning designations in the Town of Davie Code of Ordinances do not permit all of Jolmy's desired uses on the Property, the Town Council agrees to consider developing and adopting a new zoning designation to permit all such uses on the Property, which uses shall include a truck stop, gas station, convenience store, fast food restaurant, retail, truck service (major repair), warehouse (storage), office and hotel.

4. Road Improvements. The Town recognizes that it is important to make roadway improvements to Oakes Road and Burris Road, as described in Exhibit "B" hereto (the "Road Improvements") and the Town acknowledges that Jolmy is making all reasonable efforts to secure the necessary funding for such Road Improvements. However, to facilitate the completion of the Road Improvements, the Town hereby commits to pay up to one hundred fifty thousand dollars ($150,000) towards the cost of right-of-way acquisition necessary for the Road Improvements. In addition, the Town shall apply for an Economic Development Transportation Fund grant in the amount of one million two hundred thousand dollars ($1,200,000) to be applied toward the Road Improvements. Such grant request shall also request one hundred fifty thousand dollars ($150,000) as matching funds to the Town's $150,000 commitment for right-of-way acquisition. In the event the Town is unsuccessful in obtaining the aforementioned grant, Town shall, pursue alternative forms of public finance assistance which may include creation of a special assessment district pursuant to Florida Statutes.

5. Utilities, Assessments, and Public Services.

a. Utilities. The Town and Jolmy hereby agree to enter into a water and sewer service agreement similar to the agreement contained in Exhibit "C" of Resolution No. R-84-160 of the Town of Davie, Florida, except that for the purpose of assisting Jolmy in funding the construction of off-site improvements as described in Exhibit "C" of this Annexation Agreement, the Town hereby agrees to provide Jolmy with water and sewer line credits and a lift station as reflected on Exhibit "C" hereto.

b. Public Safety Services. The Town agrees to provide to Property municipal services, such as fire protection, law enforcement, community policing activities, emergency and other public safety services within the Property on a 24-hour per day basis. In the event all or a portion of the roadways within the Property have private rights-of-way, Jolmy shall provide the requisite public easement to the Town so that the Davie police and fire will have legal access for vehicular and pedestrian access over and across the private roadways within the Property.

c. Assessments. Jolmy shall not be subject to any special assessments, charges, fees or taxes imposed by the Town for any other municipal service now or in the future, unless such special assessment fee, tax or charge is imposed by the Town on a Town-wide basis or is voluntarily accepted by Jolmy. Nothing herein is to be construed as Jolmy waiving its rights to challenge any such special assessments, fees, taxes or charges, as provided by law.

6. Sign Regulations. Town and Jolmy agree that, notwithstanding any regulations to the contrary, Jolmy shall be allowed to construct a total of three (3) billboards on the Property along Interstate 595 and the Florida Turnpike of the same style, size and lettering permitted in Section 39-325 of the Broward County Code, as it may be amended from time to time or modified by State statute, federal regulation or judicial action. The design of the billboards shall be submitted to the Town Site Plan Review Committee for review and comment and Jolmy shall incorporate such comments to the extent possible while maintaining the integrity of its design for the billboards.

7. Severability. If any section, subsection, sentence, clause, phrase or portion of this Annexation Agreement is for any reason held invalid or unconstitutional in any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

8. Amendments or Modifications. This Annexation Agreement can only be modified or amended upon the written consent of the Town and Jolmy.

9. Successors and Assigns. This Annexation Agreement shall inure to the benefit of, and be binding upon, Jolmy's successors and assigns.

10. Legal Fees. The Town shall reimburse Jolmy for legal fees incurred in the preparation of this Annexation Agreement and the preparation and approval of the Annexation Petition, said reimbursement not to exceed the sum of ten thousand dollars ($10,000). The reimbursement shall be due and payable only upon approval of the Annexation Petition provided for herein. The Town shall be provided with copies of all statements for legal services for which Jolmy seeks reimbursement.

IN WITNESS WHEREOF, the parties hereto have made and executed this Annexation Agreement on the respective dates under each signature; Jolmy signing by and through its duly authorized representative; and Town through its Town Council, signing by and through its Mayor, authorized to execute same by Town Council action on 19th day of JUNE, 1996.

ATTEST:

_____, Town Clerk

TOWN

TOWN OF DAVIE, FLORIDA

By:_____, Mayor

___ day of _____, 1996

Approved as to form:

By:_____

_____,
Town Attorney

AGREEMENT BETWEEN TOWN OF DAVIE AND JOLMY ENTERPRISES, INC.

Witnesses:

_____

_____

JOLMY ENTERPRISES, INC.

_____ Pres.
William E. Myers, President

19 day of MAR, 1997

A portion of FERNCREST RIDGE, according to the Plat ther , as recorded in Plat Book 49, at Page 29, of the Public Records of Broward County, Florida; more particularly described as follows:

Commence at the Northeast corner of said Plat, same being the Southeast corner of Tract 1, Tier 9 of NEWMAN'S SURVEY, according to the Plat thereof, as recorded in Plat Book 2, Page 26, of the Public Records of Dade County, Florida; thence South 14°50'17" West, along the East line of aforesaid Plat of FERNCREST RIDGE, 262.07 feet to the Point of Beginning; thence continue South 14°50'17" West, along said East line 366.93 feet; thence North 87°36'09" West, 533.83 feet to the South line of Tract 2 of aforesaid Plat of NEWMAN'S SURVEY; thence North 75°09'43" West, along said South line, 79.82 feet; thence South 14°50'17" West, 242.01 feet to a South line of aforesaid Plat of FERNCREST RIDGE; thence North 89°56'59" West, along said South line, 79.72 feet; thence North 85°42'13" West, continue along said South line 201.56 feet; thence South 89°31'58" West, continue along said South line, 300.00 feet; thence South 84°46'09" West, continue along said South line, 36.12 feet to the Southwest corner of said Plat of FERNCREST RIDGE; thence North 14°50'17" East, along a West line of said Plat, 390.82 feet to the Southeast corner of Tract 2, Tier 13 of aforesaid Plat of NEWMAN'S SURVEY; thence North 75°09'43" West, along aforesaid South line of said Tract 2, 132.06 feet; thence North 22°52'26" East 52.57 feet; thence North 12°18'27" East 113.11 feet; thence North 14°50'17" East, 157.00 feet; thence North 83°46'38" East, 138.99 feet to the Northeast corner of the South one-half (S½) of said Tract 2, Tier 13; thence North 14°50'17" East, along the East line of said Tract 2, Tier 13; same being the West line of aforesaid Plat of FERNCREST RIDGE, 372.00 feet to the Northeast corner of aforesaid Tract 2, Tier 13; thence South 75°09'43" East, along said North Line of said Tract 2, 343.67 feet; thence South 64°34'02" East, 259.54 feet; thence South 46°33'49" East, 154.11 feet; thence South 50°28"26' East, 390.71 feet; thence South 80°43'06" East, 112.84 feet to the Point of Beginning.

Said lands lying in Broward County, Florida, containing 22.35 acres, more or less.

EXHIBIT "A"

EXHIBIT "B"

ROAD IMPROVEMENTS

This project will provide for a four lane non divided curb and gutter section of relocated Oakes Road with a new intersection at U.S. 441 being modified. This will provide for approximately 2200 feet of roadway that will provide for a connection to Burris Road and also a smooth transition up to Southwest 47th Avenue which is another major thoroughfare that serves Florida's Turnpike from Griffin Road. Along with the improvements to Oakes Road will be approximately 2700 feet of Burris Road which will also be four lane non divided curb and gutter section and the final 1000 feet of State Road 84 Spur which will lead into the proposed Travel Business Center.

These improvements are intended to include a non divided curb and gutter section with storm water drainage, but shall not include sidewalks, lighting, and landscaping which will be undertaken by others in the future.

EXHIBIT "C"
OFF-SITE UTILITY IMPROVEMENTS FILE NO. 95-001

WATER AND SEWER SERVICE AGREEMENT
TOWN OF DAVIE UTILITIES DEPARTMENT

THIS AGREEMENT, made and entered into this ___ day of June, 1998 by and between the TOWN OF DAVIE, a municipal corporation of the State of Florida, hereby called "UTILITY" and Joimy Enterprises hereinafter called "OWNERS".

WHEREAS, UTILITY is presently engaged in providing water and sewer services: and,

WHEREAS, OWNER owns or controls certain property in Broward County, Florida, legally described as follows:

SEE ATTACHED EXHIBIT "A"

also known as: CCC Trucking Facility at Oakes Road (SW 36 St and SR 7 (US 441) Davie, Florida: all references, hereinafter contained, to OWNER'S property mean the property herein referred to: and,

WHEREAS, OWNER'S are desirous of availing themselves of the facilities of the UTILITY to obtain Water and/or Sewer Service for Commercial use composed of Truck Stop, Hotel, Fuel Depot, Mall, Shopping Center, Freight Area, Truck Repair Shop and Service Center located, or to be constructed on OWNER'S property, as shown on EXHIBIT "A",

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1. UTILITY agrees to furnish water and/or sewer service to the structures within OWNERS property, in accordance with the terms, provisions and stipulations set forth in the standard UTILITY service policy as approved by Town Council under Resolution No. R84-160 which is made a part hereof as if fully set out in this agreement.

2. The OWNERS, for themselves, their heirs, executors, administrators, or successors do hereby covenant and agree to accept said water and/or sewer service in accordance to the terms, provisions and conditions set forth in the standard UTILITY service policy mentioned herein above.

3. The OWNERS without further action, do hereby grant and give to the UTILITY an easement in, under, upon, over and across the said property, including all necessary rights of ingress and egress that the UTILITY shall reasonably require in order to construct, maintain and operate the water and sewer service to the said property and any adjoining or adjacent property provided such easements do not interfere with the OWNER'S use of the property. As further evidence of said granting of easements, and prior to the rendering of service by the UTILITY, OWNER shall convey said easements to UTILITY by this easement grant document, in recordable form prescribed by UTILITY.

4. The OWNERS agree to pay the connection, tap-in, line extension and meter installation charges in accordance with the calculations and schedule shown in EXHIBIT "B" attached hereto and made a part hereof.

5. By these presents, OWNER hereby transfers to Utility title to all water distribution and/or sewage system facilities installed by OWNER or OWNER,S contractor, pursuant to the provisions of this Agreement and the standard utility service policy mentioned herein above. Such conveyance shall take effect without further action upon completion of the installation and upon the acceptance of the new facilities by the Town Engineer. As further evidence of such transfer of title, OWNER shall convey to the UTILITY, by Bill of Sale, in form provided by the UTILITY, the complete water distribution and sewage system facilities as constructed by OWNER and approved by the UTILITY.

Both parties agree that this agreement shall be binding on them, their heirs, executors, administrators or successors in title to the **OWNER'S** property. However, any other assignment or transfer of **OWNER'S** rights and obligations under this agreement is hereby prohibited.

7. If the **UTILITY** is required to retain counsel to enforce any term or condition of the agreement, the **UTILITY** will be able to recover from the **OWNER'S** all costs incurred, including a reasonable attorney's fee

8. The **UTILITY** is not responsible for replacement of driveways, survey stakes, swales, sidewalks, landscaping, fences and etc.

9. Capacity reservations fee's will become due and payable to the **UTILITY** in accordance with **EXHIBIT 'C'** attached hereto and made a part thereof.

10. The **UTILITY** reserves the right to adjust the connection charges if and when the actual flows of the project are found to be in excess of the estimated flows shown in attached **EXHIBIT "B"**, or at any time the site plan or occupancy of the existing building is changed.

IN WITNESS THEREOF THE parties have caused the due execution thereof the day and year first above written.

signed, sealed and delivered in the presence of:

THE TOWN OF DAVIE:

WITNESS

MAYOR

WITNESS

ATTEST

Robert Rawls

WITNESS

ROBERT RAWLS

(name of witness typed or printed)

JOLMY ENTERPRISES

William Myers

WILLIAM MYERS, PRESIDENT

Maria Blackiston

WITNESS

MARIA Blackiston

(name of witness typed or printed)

CORPORATE SEAL

STATE OF FLORIDA
COUNTY OF BROWARD

The Foregoing instrument was acknowledged before me this 19 day of ~~JUNE~~ MARCH ~~1996~~ 1997, by **WILLIAM MYERS, as PRESIDENT of JOLMY ENTERPRISES** who is personally known to me or who has produced _____ as identification and who did/did not take an oath on their behalf.

My commission expires:

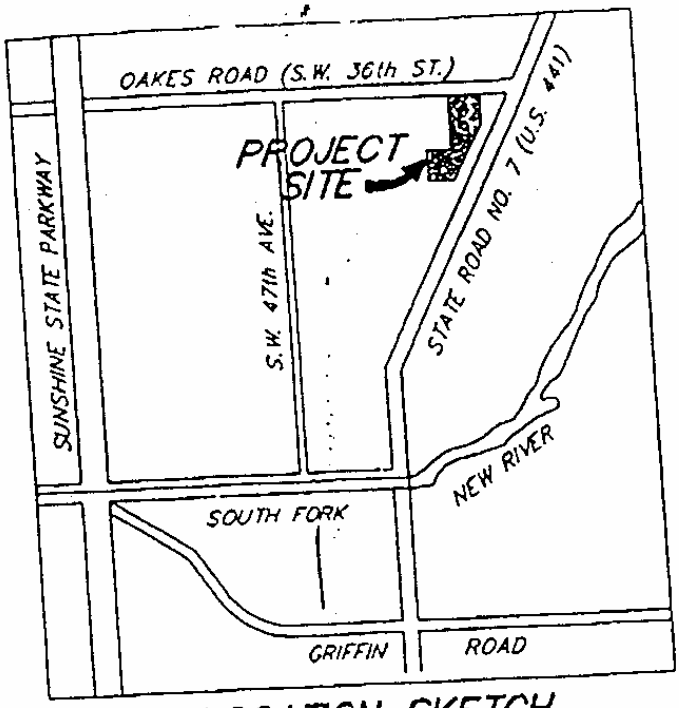
Maria Blackiston

SIGNATURE OF NOTARY

MARIA Blackiston

(NAME OF NOTARY, TYPED, PRINTED OR STAMPED)

EXHIBIT "A"



LOCATION SKETCH
(SECTION 25, TWP. 50S., RGE. 41 E.)
(N.T.S.)

LEGAL DESCRIPTION

PARCEL "A", I.D.F. PLAT, according to the plat thereof as recorded in Plat Book 87, Page 15 of the public records of Broward County, Florida.

LESS AND EXCEPT:

A portion of Parcel "A", I.D.F., according to the plat thereof as recorded in Plat Book 87, Page 15 of the public records of Broward County, Florida.

Commencing at the Southwest corner of said Parcel "A", thence North 00°13'99" West, on the West line of said Parcel "A", a distance of 426.35 feet to the POINT OF BEGINNING; thence continuing North 00°13'00" West, on said West line, a distance of 838.35 feet to a Point of Curve; thence Northeasterly on a curve to the right, with a radius of 25.00 feet, a central angle of 90°20'00", an arc distance of 39.42 feet, to a point of tangency of the North line of said Parcel "A"; thence South 89°53'00" East, on said North line, a distance of 255.85 feet; thence South 00°13'00" East, a distance of 864.00 feet; thence North 89°53'00" West, a distance of 281.00 feet, to the POINT OF BEGINNING.

(3)

EXHIBIT "B"

DATE: 1/9/96
Proj #96-001

WATER AND SEWER SERVICE AGREEMENT
TOWN OF DAVIE UTILITIES DEPARTMENT

I. OWNER'S NAME:
II. PROJECT NAME: TRUCK STOP AT SR84 SW 47 AVE
III. PROJECT ADDRESS: SOUTH OF SR84 & I-595 WEST OF SW 47 AVE AND EAST OF TURNPIKE
IV. INTENDED USE: COMMERCIAL/Truck Stop
V. ANTICIPATED FLOW GPD 68299.90
VI. BASIS OF CALCULATION:

1. Hotel with 200 rooms @ 150 gal/room	30000.00 GPD
2. Restaruant 10,000 SF @ 50 Gal/100 SF =	5000.00 GPD
3. Fuel Depot 40,000 SF & 16 Pumps 100 gal/pump =	1600.00 GPD
4. Mall (2 floors) 60,000 SF @ .1 GPD/SF =	6000.00 GPD
5. Shopping Center (2 Floors) 34,100 SF @ .1 GPD/SF =	3410.00 GPD
6. Freight Area 72,700 SF @ .04 GPD/SF =	2908.00 GPD
7. Truck Repair Shop 90,765 SF @ .1 GPD/SF =	9076.50 GPD
8. Service Center 103,054 SF @ .1 GPD/SF =	10306.40 GPD
TOTAL GPD	68299.90 GPD

VII. NUMBER OF ERC'S THIS PROJECT (350 G.P.D./ERC) = ERC'S 195.14

CONTRIBUTION CHARGES — CHARGES

VIII. WATER SYSTEM

A. Plant Connection Charge: $437.50/ERC — $85,373.75
B. Hydraulic Share of Existing Main lines: $262.50/ERC — $51,224.25

TOTAL WATER CONTRIBUTION CHARGES — $136,598.00

IX. SEWAGE SYSTEM

A. Plant Connection Charge @ $700.00/ERC — $136,598.00
B. Hydraulic Share of Existing Transmission/Collection lines and equipment: $250.00/ERC — $48,785.00
C. Effluent Disposal Service Charge: $350.00/ERC — $68,299.00

TOTAL SEWER CONTRIBUTION CHARGE — $253,682.00

TOTAL CONTRIBUTION CHARGES — $390,280.00

X. WATER SERVICES

A. TAPPING CHARGE: * tap @ /TAP

* PIPE CROSSING X $ /CROSSING LF

C. SERVICE LINE EXTENSIONS:
L.F. OF * LINE X $ /L.F.
L.F. OF * LINE X $ /L.F. MTRS

D. METER INSTALLATION CHARGE:

TOTAL OTHER CHARGES FOR WATER SERVICES — $0.00

ALL SEWER TAPPING AND SEWER LINE EXTENSIONS WILL BE DONE BY DEVELOPER AT HIS OWN EXPENSE.

Credit will be given to Owner/Contractor for the following improvements to the Off Site Water and Sewer lines needed to bring Water and Sewer to the above project.

Credit for Off Site Water Lines @ $262.50 per ERC =	-$33,638.75
Credit for Off Site Sewer Lines @ $250.00 per ERC =	-$32,035.00
Credit for construction of master lift station to be done by owner/contractor	-$50,000.00
Total Credit	-$115,671.75

XI CHARGES FOR ON-SITE CONSTRUCTION WORK DONE BY TOWN FORCES
(See attached breakdown)

XI EXTENSION OF FORCE MAIN IS TO BE DONE AND PAID FOR BY CONTRACTOR/OWNER

TOTAL OWED TO TOWN FOR THIS PROJECT: $274,608.25

XII REMARKS: * work to be done and paid for by the contractor/owner
** cost of meter to be determined before installation

XIV SCHEDULE OF PAYMENT:

25% due upon execution of agreement	$68,652.06
25% due upon execution of agreement	$68,652.06
50% due before issuance of CO	$137,304.13

EXHIBIT "C"

CAPACITY RESERVATION FEES

1. IMPLEMENTATION: Upon receiving a "Certificate of Occupancy" for any unit, or six (6) months from the date of this agreement, whichever occurs first, **OWNER** agrees to pay the **UTILITY** monthly charges as **CAPACITY RESERVATION FEES** based upon the following:

(a) Payments for each ERC covered by this agreement shall be equal to the base service charge for water and sewer service for a residential single family house in accordance with the current rate schedule of the **UTILITY.**

(b) Guaranteed Revenue payments shall commence on the first of the month following the receipt of the Certificate of Occupancy, or six (6) months from the date of this Agreement, whichever shall occur first.

(c) As units are sold or rented and the accounts are placed in the consumers name, the **OWNER** shall be relieved of the responsibility for payments of the capacity reservation fees for that particular unit.

2. TREATMENT OF CAPACITY RESERVATION FEES: The parties acknowledge that payments of **CAPACITY RESERVATION FEE** made by the **OWNER** shall be considered as revenue (income) on the **UTILITIES** books. Under no circumstances shall payments of such fees be considered contributions in aide of construction. It is further recognized, understood and agreed that such **CAPACITY RESERVATION FEES** are in lieu of actual revenue from consumers for that interim period of time prior to the construction and occupancy of dwelling and building.

3. FAILURE TO PAY: Failure to pay the **CAPACITY RESERVATION FEES** by the FIFTEENTH of each month shall be considered a default by **OWNER.** As a consequence of such default by the **OWNER**, any reserved plant capacity under this Agreement shall automatically be rescinded and forfeited any and all payments made to reserve such plant capacity shall be applied against the outstanding invoices for **CAPACITY RESERVATION FEES.**

4. REQUIREMENT TO PAY: The requirement for the payment of said **CAPACITY RESERVATION FEE** shall be a covenant running with the land and shall be a condition precedent to further service and binding upon the **OWNER**, its successors and assigns or subsequent owners holding by or through the **OWNER.**

5. WAIVING OF CAPACITY RESERVATION FEES: The above **CAPACITY RESERVATION FEES** will be waived if **OWNER** pays in full all connection and other contribution charges, at the time the Water and Sewer Agreement is executed. However, if after 36 months from the date of execution of the Water and Sewer agreement any of the reserved units within the project has not yet been occupied by a consumer receiving active Water and/or Sewer Service, then monthly payment for **CAPACITY RESERVATION FEES**, shall be started for all units not yet occupied.

WATER AND SEWER SERVICE AGREEMENT FILE NUMBER 96-001 , BETWEEN
THE TOWN OF DAVIE AND
JOLMY ENTERPRISES

APPROVED AS TO FORM:

_____
BARRY S. WEBBER, TOWN ATTORNEY

DATE: _____

Zoning
15
M-3
(Industry)

be utilized for or be deemed to meet the requirements of this article for off-street loading facilities.

(G) Nothing in this section shall prevent the collective, joint or combined provision of off-street loading facilities for two (2) or more buildings or uses; provided, that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.

(H) Plans for buildings or uses requiring off-street loading facilities under the provisions of this section shall clearly indicate the location, dimensions, clearances and access of all such required off-street loading facilities.
(Ord. No. 90-4, § 7, 2-21-90)

Secs. 12-213—12-236. Reserved.

ARTICLE VIII. SIGNS, LIGHTING

DIVISION 1. SIGNS*

Sec. 12-237. Purpose.

The purpose of this division is to regulate the type, location, erection, movement, reconstruction, enlargement, conversion, placement, size, number and character of signs in the Town of Davie. This division is further intended to allow for the overall improvement of the visual environment of the town through such sign regulation in order to promote the environment, social and economic well-being of the community.
(Ord. No. 90-58, § 2(12-220), 10-17-90)

*Editor's note—Section 2 of Ord. No. 90-58, adopted Oct. 17, 1990, amended the Code by adding provisions pertaining to signs and designated as §§ 12-220—12-228. In as much as Ord. No. 90-4, adopted Feb. 21, 1990, had already reserved Div. 1 of Art. VIII, §§ 12-237—12-259, for sign regulations, the editor has renumbered these provisions as §§ 12-237—12-245. The original numbering of these provisions has been preserved in the history note following each section and in the Code Comparative Table at the back of this volume in order to aid in tracking.

Sec. 12-238. General regulations.

(A) *Sign Standards and Area Determinat ,n:* Sign area shall be defined by the following (also see Illustration 12-238(A) and the general definition of "Sign, Area of" in Section 12-503):

(1) In the case of freestanding, awning or canopy and changeable copy signs, the entire surface area of the sign designed for the placement of the message is the sign area. The supporting structure or bracing of a sign shall not be counted as a part of the sign area. Where a sign has two (2) display faces back to back, the area of only one (1) face shall be considered the sign area. The area of only one (1) face shall be considered the sign area where double-faced signs with opposing faces have an interior angle of fifteen (15) degrees or less.

(2) For wall, fascia and graphic signs whose message is fabricated together with the background which borders or frames that message, the sign area shall be the total area of the entire background.

(B) *Sign Location and Setbacks:*

(1) No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance or exit.

(2) No signs, including traffic signs and similar regulatory notices, except those of a duly constituted governing body, shall be allowed to project or be located within road right-of-way nor upon any portion of the right-of-way area of the South New River Canal lying within the town.

(3) Signs shall be set back from any existing right-of-way line or property line a distance equal to or greater than the sign height except as provided in the Western Theme District. Signs may be located within a required bufferyard along a public street right-of-way, except where otherwise prohibited by this division. No signs, however, shall be located along any side or rear lot line within a required bufferyard.

(C) *Building Permits Required; Exceptions:* No person shall erect, alter, or relocate any sign

within the incorporated areas of the Town without first obtaining a building permit, with the following exceptions:

(1) Memorial signs and tablets displayed on public property or in cemeteries;

(2) Address numerals and signs not exceeding one (1) square foot in area and bearing the names of occupants of the premises;

(3) Legal notices;

(4) Traffic-control and directional signs; off-street parking signs. The maximum size of such signs shall not exceed three (3) square feet in area each and shall bear no advertising.

(5) Governmental signs and governmental entity flags, which are the official flags of the United States, State of Florida, Broward County, the Town of Davie or other recognized governmental agency and which are properly displayed.

(6) "No Trespassing" and "No Dumping" signs; provided, that no such sign shall exceed two (2) square feet in surface area.

(7) Combined on-site nameplates and addresses for residences, provided, that no such combined nameplate and address sign shall exceed three (3) square feet of combined area.

(8) No more than one (1) "Open/Closed" and one (1) "Vacancy/No Vacancy" sign, not to exceed two (2) square feet in area each, may be displayed for each business.

(9) The change of copy on permitted changeable copy signs.

(10) Real estate signs provided that they adhere to the provisions of Section 12-243(D)(2) of this article.

(11) Temporary development signs provided that they adhere to the provisions of Section 12-243(D)(3) of this article.

(12) Window and wall openings signs provided that they adhere to the provisions of Section 12-238(D)(1) and (2) of this article.

(13) Signs erected, used or maintained on a farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, service, or entertainment sold, produced, manufactured, or furnished on such farm. It is specifically recognized that any structure that would otherwise constitute a billboard, shall be subject to all of this Code's conditions, restrictions and prohibitions applicable to billboards.

(D) *Window Signs:*

(1) Window signs, identifying the business name, address, hours of operation, and telephone number only and consisting of lettering affixed directly to the window surface without a background, shall not exceed five (5) square feet in area.

(2) Window and wall opening signs advertising the business, services or products offered on the premises shall be permitted to be the greater of ten (10) square feet or ten (10) percent of the glass area of the facade or wall opening area, and located so as not to extend beyond the exterior edges of the building wall. Window advertising signs and wall opening advertising signs in excess of these requirements, shall be subject to the wall sign limitations contained in Section 12-242 B herein and to the temporary sign limitations contined in Section 12-243 (D)(5) herein.

(E) *Maintenance:* The repainting, changing of parts and preventive maintenance of signs not normally requiring a building permit shall be permitted; provided, however, that such maintenance is consistent with the originally approved sign plan and is otherwise in conformance with this division.

(F) *Spotlights:* Any spotlights permitted to illuminate signs shall be shielded such that their light source cannot be seen from adjoining roads.

(G) *Height/Clearance:*

(1) The height of a freestanding sign shall be measured as indicated for the definition of "Height, Sign."

(2) The clearance of a projecting sign shall be measured from the base of the sign face area to the ground below.

(3) The height of a wall sign shall be measured from the grade level of the base of the building below the sign to the top of the sign area. The top of the sign shall be no higher than the maximum permitted building height.

(H) *Construction and Maintenance Above Roof Line Prohibited Generally.* No signs shall be erected, constructed and maintained upon or above the roof line of any building, nor shall any sign be erected, constructed or maintained so as to extend above said roof line, except as herein provided for mansard signs, below, and horizontal rooftop signs in section 12-242(G).

(I) *Mansard Signs:* A sign attached to or erected against a mansard of a building, with the sign face horizontally parallel to the building wall, is deemed to be a wall sign and not a roof sign, provided said sign further complies with the following limitations:

(1) The height of a mansard sign shall not be greater than one-half the vertical distance between the top and bottom of the mansard upon which it is affixed.

(2) The sign shall be designed to cover or otherwise obscure from public view all struts, angle irons or other supports to the sign.

(3) Mansard signs shall not extend above the highest point nor below the lowest point of the mansard to which it is affixed.

(4) Mansard signs shall be in accordance with an approved site plan.

(J) *Signs Prohibited in All Districts:*

(1) No flashing, fluttering, undulating, swinging, rotating or otherwise moving signs or other decorations shall be permitted.

(2) Any sign which, or any part of which, is in motion by any mechanical or electrical means, including fluttering, rotating or other signs.

(3) Any sign or message board displaying flashing, alternating or intermittent lights or lights of changing degrees of intensity or changes.

(4) Lighting, either by exposed tubing or strings of lights, either outlining any part of a building or affixed to any ornamental feature thereof except strings of lights used for the celebration of the December holidays and strip lighting regulated under the provisions of Section 12-245. Nonblinking, white lighting in a string of lights is permitted to outline a building and its architectural features in the Western Theme Area throughout the year. Such lighting shall be maintained in operating condition.

(5) Any sign that obscures or interferes with a sign displayed by public authority for the purpose of giving traffic instructions or direction or other public information.

(6) Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution because of the existence of danger or which is a copy of imitation of or which, for any reason, is likely to be confused with any sign displayed by public authority.

(7) Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building as required by law. No sign shall be attached to a stand pipe.

(8) Any sign or illumination that causes any direct glare into or upon any building, other than the building to which the sign may be related.

(9) Off-site signs which advertise businesses, establishments, activities, goods, products, facilities or services or other message not made, produced, sold or present on the premises or site where the sign is installed and maintained. Additionally, it shall be unlawful to erect, construct or reconstruct a billboard sign in any area of the Town. A building permit, to be renewed annually, must be obtained for each existing billboard sign location, except that up to ten (10) new billboards may be erected within the Town of Davie, provided that the Town Council has deter-

mined that at least a minimum of five (5) percent of the gross revenues from the advertising on said billboards, which under no circumstances shall be less than eight thousand dollars ($8,000.00) per year per sign, are directed to nonprofit corporations serving the residents of the Town of Davie, which funds will assist in funding such nonprofit corporation projects serving the interest of the citizens of the Town of Davie, subject to the Town Council certifying that any potential site upon which these billboards may be erected and the proposed billboards meet the following requirements:

(a) The billboard is limited in size to fourteen (14) feet by forty-eight (48) feet and is supported by a single pole;

(b) The billboard structure under the sign includes a statement that revenues from the sign are used to help a specific non-profit corporation which shall be named in the statement in lettering no less than eighteen (18) inches tall.

(c) The billboard site is not located within a residential zoning designation, nor is it within one hundred (100) feet of a residential zoning district as measured from the nearest portion of the billboard;

(d) The billboard site is located adjacent to the I-595 or I-75 corridors or the Florida Turnpike;

(e) The billboard site is not located within one thousand five hundred (1,500) feet of a site previously certified by the Town Council; and

(f) Any additional reasonable regulations, including the posting of bonds if deemed necessary by the Town Council.

(g) The Town Council shall have the right to reject any proposed site notwithstanding the site's compliance with subsections (a) through (f) above.

A permit for these billboards shall be issued by the Town of Davie upon submission to the Town Building Department of the following:

(a) Certification that the Town Council has determined that the site for the billboard and the proposed billboard comply with the requirements of this subsection (9);

(b) An executed agreement by a company providing outdoor advertising substantially in the form attached hereto and incorporated herein by reference, together with the requisite evidence that the company has entered into an agreement with a nonprofit corporation to assure that at least a minimum of five (5) percent of the gross revenues from the advertising on said billboards, which under no circumstances shall be less than eight thousand dollars ($8,000.00) per year per sign, are directed to said nonprofit corporation to assist in funding such nonprofit corporation's projects exclusively serving the residents of the Town of Davie; and

(c) A lease for the proposed site upon which the billboard is to be erected.

(d) Plan reflecting that the billboard is no more than sixty (60) feet above the crown of any adjacent, limited-access arterial roadway;

(e) Plans reflecting that the billboard placement within the site conforms with the requirements of Chapter 479, Florida Statutes, all other applicable federal, state and county regulations, and municipal regulations, not in conflict with the provisions of this subsection (9).

A certified public accountant serving as an outside auditor to the permit holder shall, at the permit holder's expense, provide to the Town on an annual basis a statement verifying revenues from each permitted sign for purposes of verification

of the gross revenues. The Town's Finance Department shall thereafter be authorized to inquire of the certified public accountant as to the statement and to review the work papers of the certified public accountant and verify the findings. For purposes of this subsection (9), gross revenues shall not include monies received for payment of sales tax.

Certification of any site shall terminate one hundred eighty (180) days after certification if a building permit for the sign has not been issued within the one-hundred-eighty-day period. In the event a permittee uses all sites allowable under its agreement with the Town, the certification of all additional sites shall then immediately expire.

(10) Portable trailer signs, either fixed or movable.

(11) Off-site directional signs except as provided for by Section 12-243(B).

(12) Sandwich signs except in the Western Theme Area.

(13) Any sign located within a public right-of-way except as provided by this division.

(14) Wall signs which are painted directly upon walls except as may be permitted in the Western Theme Area.

(15) Signs as a principal use in any zoning district except as otherwise provided for in this division.

(16) The posting of any signs on any permanent or temporary structure or building, pole or tree located in any public street right-of-way, public park or other public way or place within the Town without Town approval.

(17) Vehicles or other property with "For Sale" signs when located on any public property.

(18) Signs mounted to fences except as permitted under Section 12-242(B).

(19) Temporary signs affixed to permanent signs for a period exceeding thirty (30) days.

(20) Signs that are painted or mounted on rocks or other natural features or affixed to trees.

(21) No sign of any character, including any sign advertising the exact nature and kind of business conducted on the premises, shall be permitted for the exhibition, by posting, painting or in any other manner displaying, of any statement, word, character or illustration of any obscene, indecent or immoral nature.

(22) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices, nor be lighted in such a way so as to cause glare or impair driver visibility upon public ways.

(K) *Abandonment:* All signs and sign messages shall be removed by the owner or lessee to the premises upon which an on-site sign is located when the business it advertises is no longer conducted or, for an off-site sign, when lease payment and rental income are no longer provided. All sign messages shall be removed by the owner or lessee from the premises upon which an on-site sign message or sign is located within thirty (30) days of the vacation of the premises. If the owner or lessee fails to remove the sign or sign message, the sign or sign message shall be deemed in violation of this division.

(L) *Vehicular Signs:* A sign on a motor vehicle or trailer while operating in the normal course of business which conveys the name, address, telephone number and/or logo of a licensed business for which the vehicle is used shall be permitted. No person shall park any motor vehicle or trailer on public or private property so as to be seen from the public right-of-way which has attached thereto or located thereon any sign for the purpose of advertising a product or directing people to a business activity.

(M) *Sign Maintenance:* The owner of any sign shall keep it in good maintenance and repair, which includes restoring, repainting or replacement of a worn or damaged legally existing sign to its original condition, and shall maintain the

premises on which the sign is erected in a clean, sanitary and inoffensive condition, free and clear of obnoxious substances, rubbish and weeds.

(N) *Signs Located in the Western Theme Area:* Signs located in the delineated Western Theme Area in the town shall also follow those guidelines established in the publication titled *Western Theme Development Manual* as adopted by the town council and as referenced herein.

(O) *Signs Located in the Agriculture (AG) and A-1 Districts:* Signs located within the Agriculture (AG) and A-1 districts of the town shall follow the following guidelines:

(1) There may be one (1) identification sign for each firm, ranch, grove, nursery or other permitted agricultural use. Such sign shall not exceed thirty-two (32) square feet in area.

(2) There may be directional signs on a plot which shall not exceed three (3) square feet in area and which shall not be visible from a public street right-of-way.

(3) Where the primary use of the premises is a grove, farm or any combination thereof upon which citrus products or produce is grown, the following regulations shall apply to only those signs which advertise for sale products grown on the premises:

(a) Two (2) signs not over thirty-two (32) square feet in sign area.

(b) No sign shall be illuminated.

(c) The signs may accommodate changeable copy to indicate the currently available products.

(4) All such signs shall otherwise follow all other applicable sign regulations set forth in this division.

(P) *Noncommercial Copy.* Any sign authorized in sections 12-237 through 12-245 of the Town Code is allowed to contain noncommercial copy in lieu of other copy.

(Q) *Signage in Scenic Corridors.*

(1) Signage proposed in the scenic corridor, as defined in section 12-283, is intended to be minimal in appearance and to harmonize with the natural surroundings. Therefore, special sign regulations shall apply to scenic corridors. No sign shall be permitted in the scenic corridor which does not comply with the following standards:

(a) The face of all signs shall be made of natural materials or substances derived from natural materials, including, but not limited to, wood, stucco, stone, brick and clay tile.

(b) Any single-family residence with access on a designated road shall be permitted one (1) address sign of not more than one (1) square foot area per dwelling unit.

(c) A non-residential development site located within a scenic corridor shall be permitted one (1) free-standing sign, for identification purposes only, of not more than twenty-four (24) square feet in copy area per use. Any signage square footage approved in the scenic corridor shall be subtracted from the allowable square footage of the parcel identification sign.

(d) One street name or street identification sign of not more than one and one-half (1.5) square feet shall be allowed at each permitted access way or access point along the designated roads.

(e) Free-standing signs shall not exceed four and one-half (4.5) feet in height.

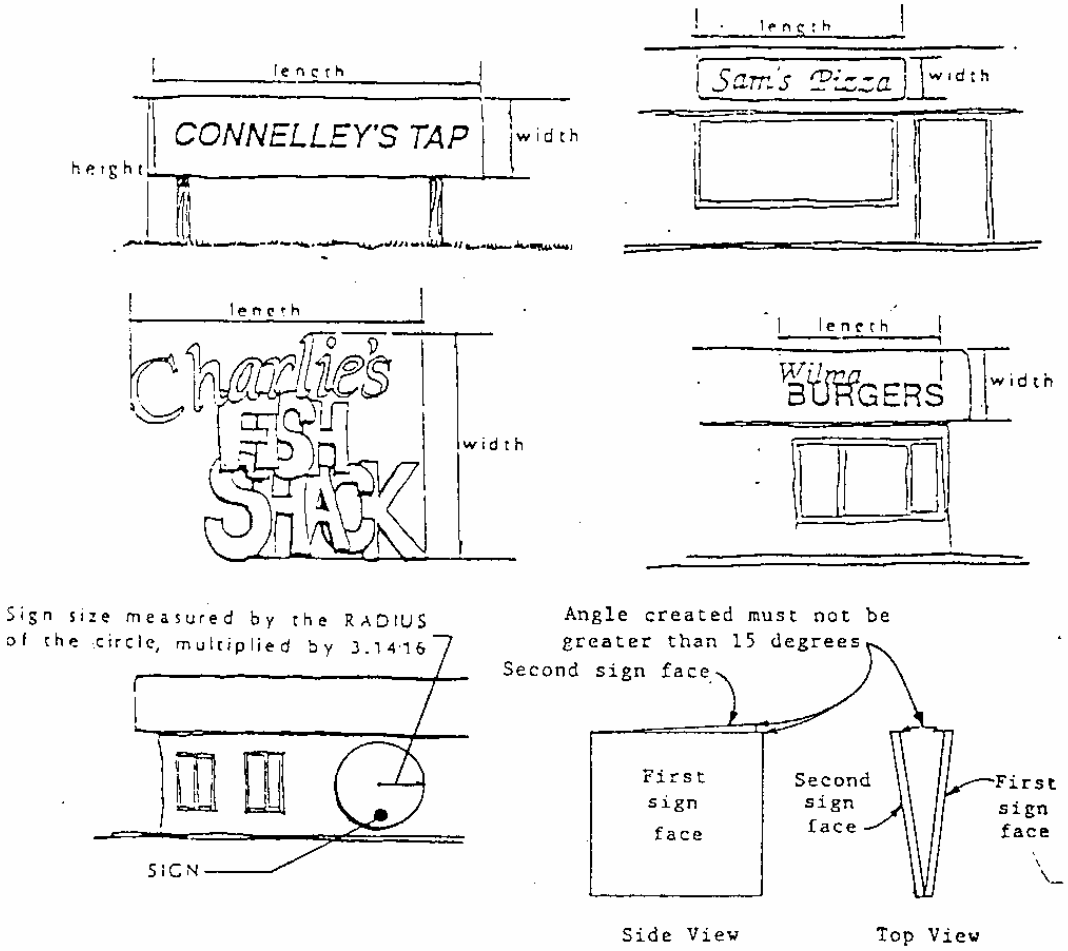
(f) A planting bed at least four (4) feet in depth shall surround the sign. This bed shall contain one hundred (100) percent native shrubs and supplemental native ground cover, and shall be shown on the site plan.

(g) Free-standing signs shall be set back a minimum of ten (10) feet from the edge of the road right-of-way.

(Ord. No. 90-58, § 2(12-221), 10-17-90; Ord. No. 91-33, 9-4-91; Ord. No. 90-67, § 1, 12-19-90; Ord. No. 92-17, § 4, 5-6-92; Ord. No. 95-15, § 1, 3-15-95; Ord. No. 95-42, § 1, 12-6-95; Ord. No. 96-30, § 1,

6-19-96; Ord. No. 97-32, § 1, 6-18-97; Ord. No. 97-49, § 1, 9-3-97; Ord. No. 2000-29, § 6, 7-19-00; Ord. No. 2002-35, § 1, 10-16-02)

Illustration 12-238(A)
Sign Standards and Area Determination



Sec. 12-239. Sign lighting and illumination.

Permitted methods of sign lighting and illumination may be divided into several types as described below. Illustration 12-239(1) demonstrates how signs shall be illuminated.

(1) *Generally.* The sign has neither an internal light nor an external light source which is intended to specifically light that sign. Rather, the sign depends on the general lighting of the area (i.e., parking lot, street or pedestrian area lighting) for illumination.

(2) *Internal illuminated message.* The sign is made of metal, wood, or other material that is not translucent, and the message is cut out of the material and replaced with translucent material. The sign's light source is located inside the sign.

(3) *Internal illuminated sign.* The sign face is made of translucent material with internal light source.

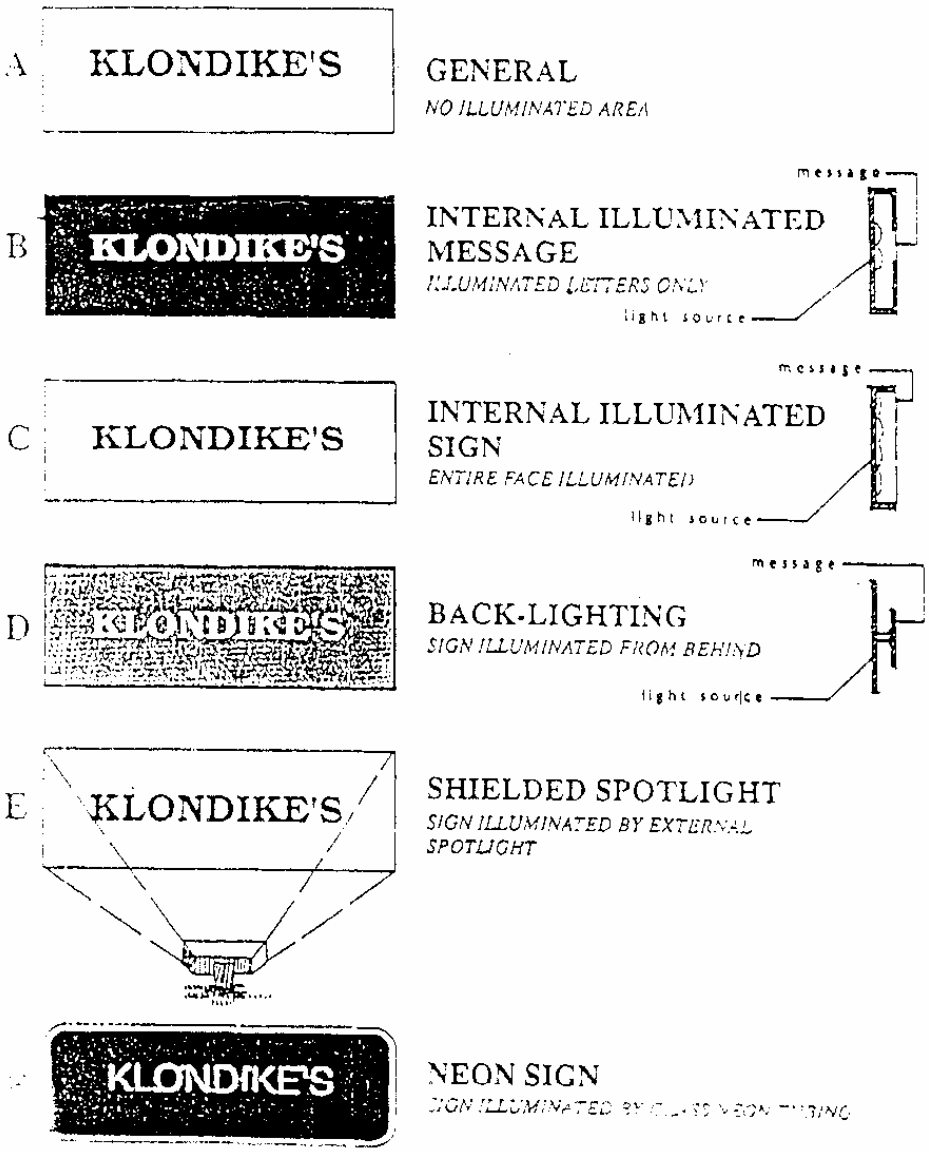
(4) *Back-lighting.* The message is raised beyond the sign's background and the lighting illuminates the sign from behind in the form of back-lighting or reversed channel lighting.

(5) *Shielded spotlight.* The sign is lighted by spotlights specifically directed at it. The spotlights are fully shielded so that they are not visible from streets or adjoining property.

(6) *Neon signs.* The message is conveyed through the use of neon tubing; not to be considered strip lighting as regulated in section 12-245 of this division.

Illustration 12-239(1)

Sign Illuminations



(Ord. No. 90-58, § 2(12-222), 10-17-90)

Sec. 12-240. Signs in shopping centers and office and industrial parks.

In shopping centers and office and industrial parks, all signage shall be designed in accordance with an approved signage plan for the development that sets a standard sign design for the entire center or park. The signage plan shall include, at minimum, the following components: limitations on the colors of lettering and background, method of illumination, materials and sign placement. For the purpose of this division, white shall be considered a color.

The signage plan shall be filed as part of the land development approval process, shall be enforced by the town as well as by the developer or his legal assignee, and shall conform with the following requirements:

(A) *Shopping Centers:*

(1) *Typical tenant signage:*

(a) Background and Border Colors: All signs, except anchor signs, shall be on a background of a single color. The same color shall be used throughout the development. One (1) or two (2) colors may be used in the same relationship on all signs as a sign border.

(b) Lettering and Logo Colors: In addition to the background and border colors, no more than two (2) colors shall be used for lettering in the development, except as provided for in subparagraph (4) below for anchor signs. A sign may include a logo which shall not encompass more than fifteen (15) percent of the total allowed sign area and logos are not subject to color restrictions.

(c) Lighting: All signs shall have the same form of lighting throughout the development.

(d) Anchor Store Signs: These signs shall include those of the anchor store tenants in the shopping center. All such anchor store tenants shall be located in buildings that are either freestanding or accentuated by their height, staggered building lines or other architectural detailing so that the use of different signage does not disrupt the visual continuity of the center.

(e) Service Entrance, Rear Access: Each service entrance or rear access to a business shall be identified by address numerals and name of business; said identification shall not exceed four (4) square feet in size.

(2) *Freestanding and on-site directory signage:*

(a) Freestanding signs, as may be permitted pursuant to section 12-241, shall be part of the signage plan approved for the center and shall be compatible with the approved typical tenant sign.

(b) On-site directory signs, not visible from the public right-of-way, may be permitted within the development as a freestanding or wall sign. A maximum of one (1) on-site directory sign may be permitted per roadway entrance, and each sign shall be limited to a maximum of thirty-two (32) square feet in size. Such directory sign(s) shall be compatible with the signage plan approved for the center.

(B) *Office and Industrial Parks:*

(1) *Typical tenant signage:*

(a) These uses do not have limited signage colors except where buildings are divided into a series of units with individual outside access and signage. In such cases, signage shall follow the shopping center regulations without the sign logo exemption.

(b) The signage plan shall set forth the permitted mix, in percent of the total sign area allocated to each of the used sign types, between freestanding, wall and fascia signs as permitted in section 12-242.

(c) Each service entrance or rear access to a business shall be identified by address numerals and name of business; said identification shall not exceed four (4) square feet in size.

(2) *Freestanding and on-site directory signage:*

(a) Freestanding signs, as may be permitted pursuant to section 12-241, shall

be part of the signage plan approved for the center and shall be compatible with the approved typical tenant sign.

(b) On-site directory signs, not visible from the public right-of-way, may be permitted within the development as a freestanding or wall sign. A maximum of one (1) on-site directory sign may be permitted per roadway entrance and each sign shall be limited to a maximum of thirty-two (32) square feet in size. Such directory sign(s) shall be compatible with the signage plan approved for the center.

(Ord. No. 90-58, § 2(12-223), 10-17-90)

Sec. 12-241. Permitted signs.

No signs shall be permitted for any use except as provided in this section and division. Each use shall be permitted at least one (1) sign and some uses shall be permitted more than one (1) sign.

	Type of Sign					
Use	*Freestanding Tenant Directory*	*Freestanding Center Identification*	*Wall*[a]	*Fascia*[a]	*Awning*[a]	*Changeable Copy*
Shopping Center	1/ent[c]	Y[f]	Y	Y	Y	N[e]
Shopping Center Outparcel	N	b	Y	Y	Y	N[e]
Office Park	1/ent[c]	Y[f]	Y	Y	Y	N[e]
Industrial Park	1/ent[c]	Y[f]	Y	Y	Y	N[e]
Residential Development	1/ent[d]	d	N	N	N[e]	
Freestanding Businesses (single-occupant building not included in a center or park)	N	b	Y	Y	Y	N[e]

Y = This sign type is permitted.

N = This sign type is not permitted.

1/ent = One (1) sign per road entrance located at said entrance is permitted, subject to a minimum distance separation (see section 12-242(A)(4)). All entrance signs shall indicate the address numerals of the center, park or development.

a = With respect to wall, fascia and awning/canopy, where more than one (1) of these sign types are shown as a "permitted sign," the total combined sign area (maximum sign size) of all such signs cannot exceed that maximum sign area requirements of any one (1) of the permitted sign types indicated in section 12-242(B).

b = An outparcel or freestanding business may provide a freestanding identification sign, which shall comply with the size limitations contained herein. The location of outparcel or freestanding business indentification signs shall not be limited per section 12-242(A)(4).

c = The entrance sign may include the names of those businesses housed in the center in a directory fashion pursuant to the regulations contained in section 12-242(A). Freestanding tenant directory signs are subject to a minimum distance separation of two hundred (200) feet between signs (See section 12-242(A)(4)).

d = See Section 12-243(A), Detailed Sign Regulations for Residential Development Signs.

e = The following businesses are permitted a changeable copy sign, whether located in a center or park, or as a freestanding building: institutions; gas station/pump islands; motel-hotel; movie theater (see Section 12-242(E)).

f = Freestanding center identification signs shall be located a minimum of one hundred (100) feet from other freestanding signs and shall be limited exclusively to the center name and, at the discretion of the applicant, the center address.

(Ord. No. 90-58, § 2(12-224), 10-17-90; Ord. No. 92-17, § 5, 5-6-92)

Sec. 12-242. Sign performance standards.

This section states the specifications for each of the sign performance standards according to sign type (five (5) sign types are permitted by this division) and according to land use. These standards shall be subject to additional requirements as stated in other sections of this division. For each sign type where appropriate, the maximum sign area, the maximum permitted height, the permitted lighting source, and any additional requirements or limitations are specified.

(A) *Freestanding Signs:*

Commentary: Illustration 12-242(A) graphically shows some samples of freestanding signs.

(1) *Maximum sign size (square feet) and height (feet).* The following sets forth the maximum sign size and height for freestanding signs:

Site Frontage at Street Right-of-way (feet)*	*Maximum Sign Area (square feet)*	*Maximum Sign Height** (feet)*	*Maximum No. Businesses Listed****
Under 200	50	15	4
200-599	80	15	6
600—1199	120	15	8
1200 and over	160	15	10

*If a site has more than one street frontage, the street frontage on which the sign will be located shall be used to determine maximum sign area. The inclusion of the center or complex name shall not be included in the calculation of maximum number of business listings.

**The maximum sign height for parcels with site frontage at the street right-of-way for State Road 84 shall be twenty (20) feet for signs on the State Road 84 frontage.

***Where permitted; see Section 12-241.

(2) Where more than one freestanding sign may be permitted for a particular development, the maximum size of any sign may be increased by up to forty (40) percent, provided there is a corresponding reduction in sign area of the remaining freestanding sign(s).

Commentary: As an example, a development with eight hundred (800) feet of street right-of-way frontage and two (2) access points may provide one (1) freestanding sign of up to one hundred sixty-eight (168) square feet, provided the other freestanding sign consists of no more than fifty-four (54) square feet.

(3) *Permitted lighting.* Shielded spotlight and internally illuminated message signs are permitted in all districts. Internally illuminated signs and backlighting are permitted in the SC, UC, FB, and Commercial Conservation districts only. Neon lighting is not permitted.

(4) *Distance of sign to other objects or property.* No freestanding sign shall be closer than a distance equal to the height of the sign to any other sign, building, structure or property line. No freestanding sign may be located closer than two hundred (200) feet from another freestanding sign within the same center or complex when said freestanding sign is visible from a public street right-of-way.

(5) *Maintenance of area surrounding sign.* All freestanding signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances.

(6) *Freestanding signs located within the Western Theme Area.* Freestanding signs lo-

cated in the Western Theme Area shall not be permitted on lots with less than fifty (50) feet of public street right-of-way frontage. They shall not exceed a height of six (6) feet and shall have a maximum of thirty-two (32) square feet of sign area with a minimum dimension of two (2) feet. Freestanding signs in the Western Theme District shall not be subject to the two hundred (200) foot separation requirement in number four (4) of this subsection.

(7) *Required landscaping at base of freestanding sign.* All freestanding signs shall provide a minimum landscaped area with appropriate natural plant material, ground cover and other landscape plantings located at the base of said freestanding sign equal in area to the sign area of sign. When earthen berms are used as part of said landscaping, the earthen berms shall maintain a side slope of three to one (3:1) with a maximum berm height of three (3) feet above adjacent surrounding grade.

(8) *Menu board signs.* Freestanding signs not visible from the public right-of-way or adjacent property lines designed to provide information for permitted drive-through activities shall be limited to one (1) sign per drive-through lane, not to exceed twenty-eight (28) square feet in size.

(9) *Design standards.* Freestanding signs shall be designed so that the minimum combined horizontal dimension of the support structure casings, where parallel to the sign faces, are at least one-third (1/3) the maximum horizontal dimension of the sign faces. The base or support structure casings shall be either encased by, or constructed of, stuccoed concrete brick, stone, painted aluminum, or wood, as appropriate to match or compliment the sign face background or frame material and texture.

(B) *Wall Signs:*

Commentary: Illustration 12-242(B) graphically illustrates examples of wall signs.

(1) *Maximum sign size for wall, fascia and awning or canopy signs.* The maximum sign size is expressed in terms of square feet and relates to the maximum sign area that may be devoted to a particular business, notwithstanding the number or combination of wall, fascia, awning or canopy signs.

Where a building has more than one (1) street frontage or a tenant has more than one (1) storefront facade, the larger of the two (2) shall be used to determine the total amount of permitted signage.

(a) Multitenant Buildings: Signage may be provided not to exceed a maximum of two (2) square feet of signage per lineal foot of tenant storefront facade length, except that signage in the Western Theme Area shall not exceed four (4) square feet of signage per lineal foot of tenant storefront facade length. Only the first-floor occupants of such buildings with individual separate entrances from the exterior of the building shall be allowed wall, fascia or canopy signage. Office buildings where there are multiple tenants that do not have individual separate entrances to the exterior of the building shall not be considered multiple-tenant buildings for the application of these standards. Typical tenant signage for multiple-tenant buildings shall be reviewed pursuant to the site plan review process.

(b) Single-Occupant Buildings: Signage may be provided not to exceed a maximum of two (2) square feet of signage per lineal foot of building frontage at the street right-of-way to a maximum of one hundred fifty (150) square feet of total sign area. Office and/or industrial buildings where there are multiple tenants that do not have individual separate entrances to the exterior of the building shall be considered single-tenant buildings for the application of these

standards. Applications for single-tenant signage shall be reviewed pursuant to the site plan review process.

(2) *Permitted lighting.* Shielded spotlight and internally illuminated message signs are permitted in all districts. Internally illuminated signs, back-lighting and neon signs are permitted in the SC, UC, FB, and Commercial Conservation districts only, except that neon signs are permitted in the Western Theme Area consistent with the *Western Theme Development Manual.*

(3) *Painted wall signs.* Wall signs painted directly onto a wall shall not be permitted unless located within the delineated Western Theme Area.

(4) *Fences as walls.* For the purposes of this division, wall signs attached to fences shall be limited to four (4) square feet in area per sign and two (2) such signs per fence, unless additional signage is necessary for public safety purposes.

(5) *Placement and location.* Wall signs must be mounted parallel to a building facade or other vertical surface. Wall signs shall not extend above or below the edge of any wall or other surface to which they are mounted nor shall they project more than eighteen (18) inches from the wall surface.

(C) *Fascia Signs:*

Commentary: Illustration 12-242(C) graphically illustrates some examples of fascia signs.

(1) *Maximum sign size (in square feet).* See subsection (B)(1) for maximum sign size requirements.

(2) *Permitted lighting.* Shielded spotlight and internally illuminated message signs are permitted in all districts. Internally illuminated signs, back-lighting and neon signs are permitted in the SC, UC, FB, and Commercial Conservation districts only, except that neon signs are permitted in the Western Theme Area consistent with the *Western Theme Development Manual.*

(3) *Placement.* A sign measuring a maximum two (2) feet in height may be placed upon a building fascia which measures less than two (2) feet in height. Said sign shall not be placed to extend above the top edge of the fascia overhang and shall be placed below the lowest roof line. Alternatively, a sign meeting the dimensional requirements of a fascia sign but not exceeding two (2) feet in height may be placed below the fascia. This concept is illustrated in Illustration 12-242(C).

(D) *Awning or Canopy Signs:*

Commentary: Illustration 12-242(D) graphically illustrates some examples of awning and canopy signs. Undercanopy and underawning signs shall also be considered awning or canopy signs; however, such signs shall not apply to the maximum sign area limitations contained in Section 12-242(B).

(1) *Maximum sign size (in square feet).* See subsection (B)(1) for maximum sign size requirements.

(2) *Permitted lighting.* Shielded spotlight and internally illuminated message signs are permitted in all districts. Internally illuminated signs and back-lighting are permitted in the SC, UC, FB and Commercial Conservation districts only.

(3) *Minimum height of awning and canopy signs.* Awning and canopy signs in all districts shall maintain the minimum clearance from the surrounding grade established in the South Florida Building Code.

(4) *Undercanopy signs.* Signs shall be permitted to be located under canopies and/or awnings for pedestrian view only. Undercanopy signs shall meet the following standards:

(a) Undercanopy signs shall be limited in size to a maximum of four (4) square feet in area.

(b) Undercanopy signs shall not be counted towards the maximum permitted sign area.

(c) Undercanopy signs shall be limited to one (1) such sign per business.

For the purposes of this section, undercanopy signs shall include signs suspended from overhangs which are designed to provide sheltered pedestrian walkways along business storefronts. Such signs shall maintain the minimum height clearances necessary pursuant to the South Florida Building Code.

(E) *Changeable Copy Signs:*

Commentary: Illustration 12-242(E) graphically illustrates some examples of changeable copy signs.

(1) *Maximum sign size (in square feet):*

(a) Theater (includes theaters, movie theaters, auditoriums and forums): sign not to exceed seventy-five (75) square feet in area; multiple screen theaters may be permitted additional sign area, not to exceed twenty-five (25) square feet per additional screen.

(b) Institutions: sign not to exceed fifty (50) square feet in area.

(c) Gas station or convenience store with gas pump islands: where a freestanding sign is permitted, said freestanding sign shall be designed to incorporate a changeable copy price sign. Where a freestanding sign is not provided, a double-faced changeable copy price sign not to exceed fifteen (15) square feet shall be permitted.

(d) Motel-hotel: sign not to exceed thirty-two (32) square feet in area.

(2) *Permitted lighting.* Shielded spotlight and internally illuminated message signs are permitted in all districts. Internally illuminated signs and back-lighting are permitted in the SC, UC, FB and Commercial Conservation districts only.

(F) *Graphic Signs:* Logos are permitted pursuant to Section 12-240(A)(1) on wall signs. However, this section does not preclude the incorporation of graphics into freestanding signs or wall signs not subject to the limitations of Section 12-240(A)(1). Said graphics shall count towards the maximum permitted sign area pursuant to Section 12-238(A).

(G) *Horizontal Rooftop Signs:*

Purpose: To allow a limited, controlled number of rooftop signs, oriented horizontally for visibility to commercial aircraft approaching or departing Fort Lauderdale/Hollywood International Airport, on buildings owned by not-for-profit organizations, including buildings owned by educational institutions or the public, for the purpose of providing revenues from the leasing of rooftop areas to advertisers, or for facility identification, limited to colleges, universities, performing art theaters, spectator arenas or similar community facilities only.

(1) *Definition.* Signs permitted under this subsection are painted on or attached to a rooftop surface such that the sign surface is substantially horizontal, oriented for viewing by aircraft only, and is parallel to the roof surface the sign is attached to.

(2) *Permitted locations.* Horizontal rooftop signs are permitted east of University Drive, north of Orange Drive, south of Nova Drive and west of Davie Road in the CF and RS Districts only.

(3) *Qualifying roof surfaces.* Signs permitted hereunder are allowed only on rooftop surfaces of at least ten thousand (10,000) square feet in area, with pitches of one to twelve (1:12) or less. The lowest point of the rooftop must be at least twenty (20) feet above grade.

(4) *Maximum size.* The sign and sign structure may cover up to eighty (80) percent of qualifying roof surfaces, and shall be centered, or nearly centered, such that there is a rooftop surface border area around the sign containing no signage or signage structure.

(5) *Maximum height.* Signs permitted under this subsection shall not exceed the height limitation for principle structures established by the applicable zoning district, nor shall they exceed a height of four (4) feet above the highest elevation of the

rooftop surface the sign is attached to, excluding mechanical equipment, shafts, architectural features not essential to the roof structure, or other projections.

(6) *Intersign distance.* In order to ensure the effectiveness of the signs, and to prevent a proliferation of such signs resulting in visual clutter, there shall be a minimum distance of one thousand (1,000) feet between horizontal rooftop signs, measured from the closest points of any two (2) signs.

(7) *Illumination.* Illumination of any kind shall require a special permit approval by the Town Council. The illumination shall be the minimum necessary for aerial visibility during darkness, and shall not spill over onto adjacent property or public right-of-way in excess of three (3) footcandles horizontal illumination, measured at grade. Application for special permit shall include a letter signed and sealed by a registered engineer or architect and a lighting plan illumination grid, both demonstrating compliance with these requirements. The installation shall not be placed in permanent use until a letter of compliance signed and sealed by a registered engineer or architect is provided to the town, stating that the lights have been field tested and meet the standards set forth above.

(Ord. No. 92-3, §§ 3, 4, 1-2-92; Ord. No. 92-17, § 6, 5-6-92; Ord. No. 97-32, § 1, 6-18-97; Ord. No. 97-58, § 2, 10-15-97)

Illustration 12-242(A)

Freestanding Signs

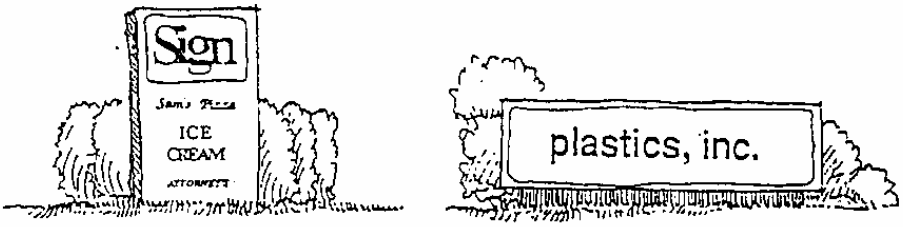


Illustration 12-242(B)

Wall Signs

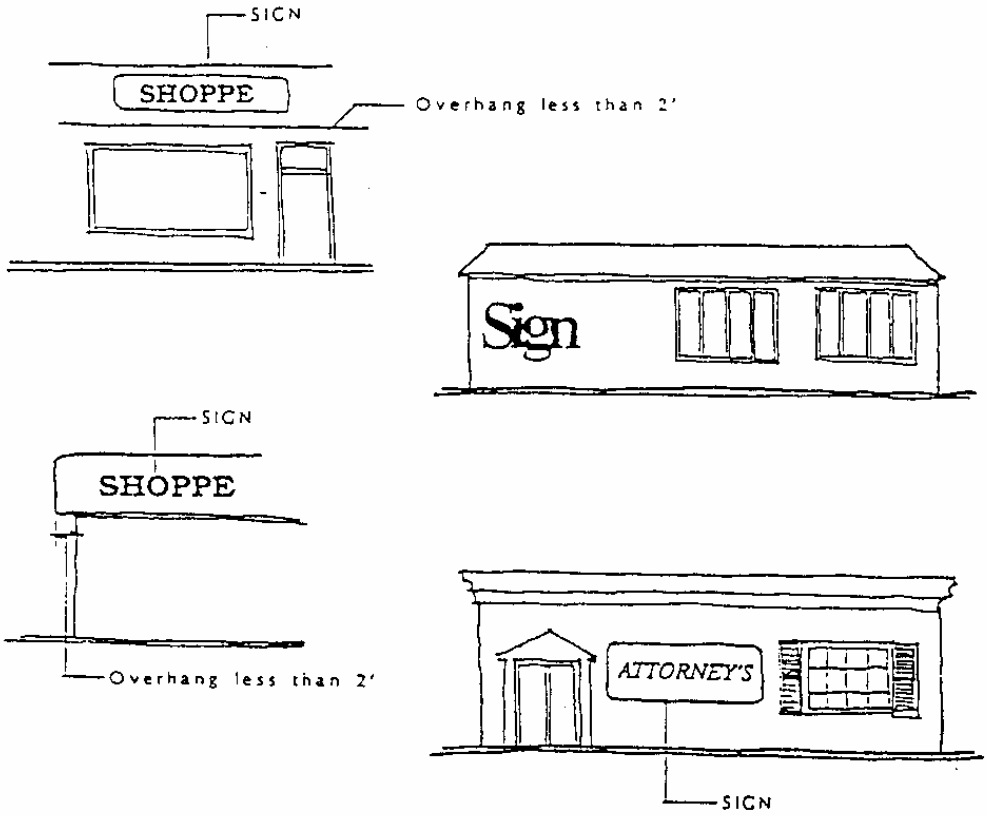


Illustration 12-242(C)

Fascia Signs

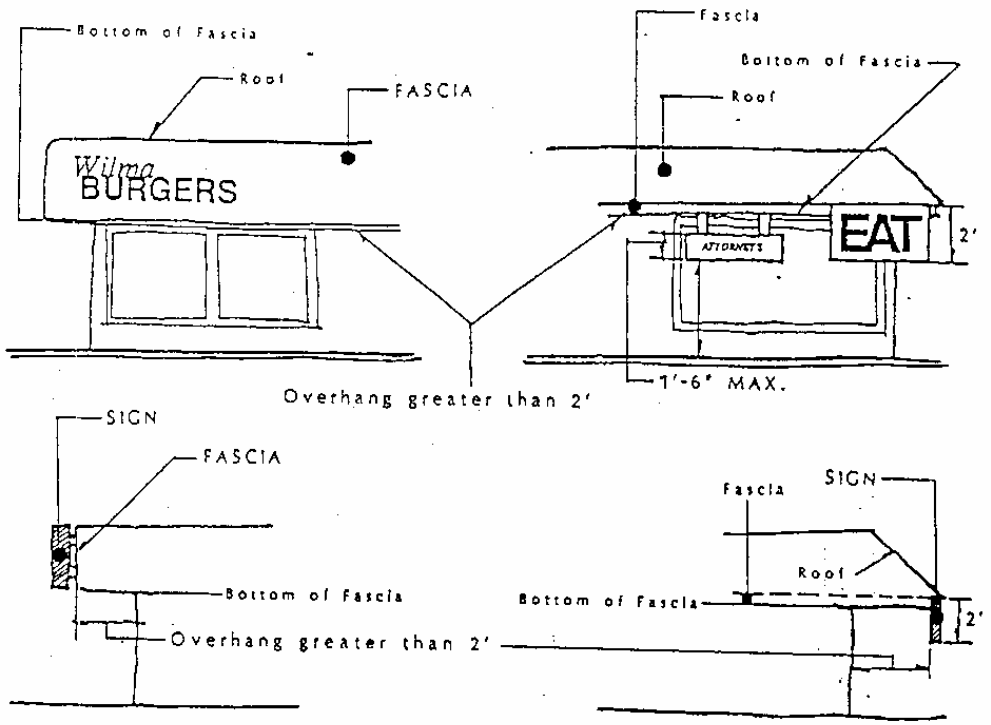
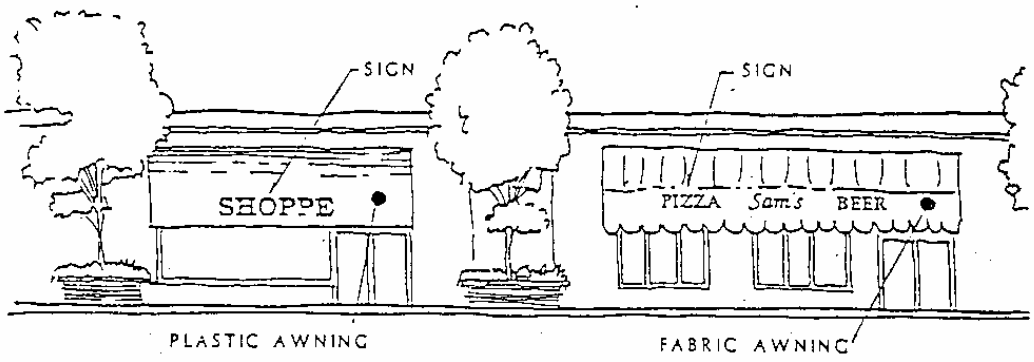


Illustration 12-242(D)

Awning or Canopy Signs



Changeable Copy Signs

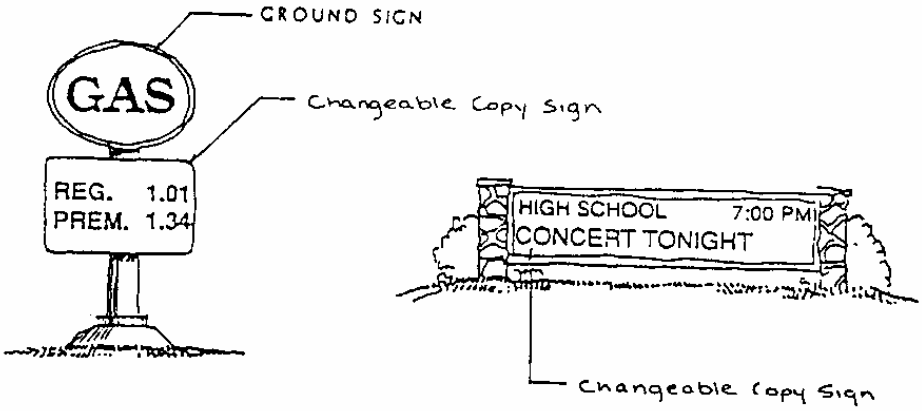


Illustration 12-242(E) Changeable Copy Signs

Sec. 12-243. Detailed sign regulations.

(A) *Residential Development Signs:* It is the intent of these regulations to encourage the incorporation of signage into entranceway features which include landscaping and other amenities that express and enhance the residential character of the development. To that end, the following shall apply:

(1) Residential development signs shall only provide the name of the subdivision and primary address numeral(s).

(2) Lighting of a development sign may be provided by internal lighting, back-lighting, the general lighting of the sign area, or by shielded spotlights. Lighting shall not spill over onto residential lots.

(3) Residential development signage may be provided at each roadway entrance to the overall development. Signage may consist of a maximum of two (2) signs per entranceway; however, the total maximum sign area shall not exceed sixty-four (64) square feet per entranceway.

(4) All signage shall be subject to the site plan review process and approval.

(5) Within a designated scenic corridor, the following sign standards shall apply:

(a) Free-standing signs shall not exceed four and one-half (4.5) feet in height; and

(b) A planting bed at least four (4) feet in depth shall surround the sign. This bed shall contain one hundred (100) percent native shrubs and supplemental native ground cover, and shall be shown on the site plan.

(B) *Directional Signs:* Off-site directional signs are permitted so as to give sufficient notice of the location of governmental facilities, hospitals, colleges, schools, unincorporated communities. The maximum size of each sign shall be four (4) square feet.

(C) *Model Signs:* Model signs are permitted in all residential zoning districts as set forth below:

(1) One (1) freestanding sign is allowed per model.

(2) The sign area is not to exceed three (3) square feet.

(3) The sign copy of a model sign may include only the following information:

(a) Model or development name;

(b) Builder, architect, agent;

(c) Number of bedrooms and baths;

(d) Telephone number; and

(e) Prices.

(4) One (1) flag per model.

(5) Model signs should be located on the lot of the model.

(D) *Temporary Signs:* Temporary signs must conform to all regulations of this section. However, notwithstanding the requirements of this section, the town recognizes that signs erected, used or maintained on a farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, service, or entertainment sold, produced, manufactured, or furnished on such farm are specifically excepted from the requirements of this subsection. It is specifically recognized that any structure that would otherwise constitute a billboard, shall be subject to all of this Code's conditions, restrictions and prohibitions applicable to billboards.

(1) *Election campaign signs.* Temporary signs advertising political parties or candidates for election may be erected or displayed and maintained provided that:

(a) The size of any such sign is not in excess of sixteen (16) square feet.

(b) The signs shall not be erected or displayed earlier than thirty (30) days prior to the election to which they pertain. A list of locations must be filed at the time of deposit (see paragraph (c) below).

(c) The political party or candidate, or an authorized agent, deposits with the town clerk the sum of one hundred dollars ($100.00) per each thirty (30) signs erected, or fraction thereof, as a guarantee that all the signs will be removed within seven (7) days

after the date of the election to which the signs relate. If the signs are not removed at the end of the seven-day period, the town shall have them removed and keep the full sum deposited to reimburse the town for expenses incurred.

(d) The provisions of this section shall not apply to what are commonly referred to as "bumper stickers" or "car-top" signs when such signs are placed on motor vehicle bumpers or tops, respectively.

(e) No political or election signs of any type or size, advertisements, handbills, snipe signs or billboards shall be placed on property owned or used by the town or by other governmental agencies or units in the incorporated areas of the town.

(f) Any violation of this section shall result in the forfeiture of the deposit required under paragraph (c) above and shall be subject to further ordinance enforcement penalties.

(2) *Real estate signs:*

(a) Only one (1) real estate sign may be located adjacent to each separate street frontage of a lot, except as provided in (d) below. However, when the street frontage of a lot exceeds twelve hundred (1200) lineal feet, one (1) sign per twelve hundred (1200) lineal feet or fraction thereof may be permitted. Signs shall be located entirely within the property to which the signs apply; they shall not be directly illuminated. Real estate signs shall be removed within seven (7) days after a deed has been recorded for the same or a lease signed for the rental or lease of the property. Real estate signs shall not exceed the following maximum area requirements:

1. For the SC, UC, FB, and Commercial Conservation districts: thirty-two (32) square feet.

2. For all other districts: four (4) square feet.

(b) Real estate signs are permitted within the established setback areas of all zoning districts. However, no real estate sign shall be nearer than ten (10) feet from the property line if placed upon vacant property, and if placed on land improved by building, it shall not be placed nearer than five (5) feet from any property line unless the building is less than five (5) feet from the property line, in which case it may be placed in or upon a front or side door or window of the building. If there is a wall upon the property line, then such sign may be placed on or against such wall.

(c) In residential districts, a maximum of three (3) signs may be hung from or attached to the approved temporary sign for announcing additional information such as "By Appointment Only," "Sold," etc. A "Sold" sign may be attached to the sign for a period of ten (10) days subsequent to the date of closing. The maximum permitted size of such signs is eight (8) inches by twenty-four (24) inches.

(d) Open house signs. An open house sign may be posted on property available for inspection. A maximum of two (2) off-site open house signs may be placed on privately owned property to direct attention to the property available for inspection. Open house signs shall not exceed a maximum of four (4) square feet in area and shall indicate the responsible agency or owner of the sign. Open house signs may be posted only on weekends and holidays, between the hours of 10:00 a.m and 6:00 p.m. Open house signs may be posted at the aforementioned times and dates only when the premises are actually available for inspection.

(3) *Temporary development signs.* Temporary signs advertising a pending development may be erected or displayed and maintained; provided, that:

(a) The sign copy may include only the following:

1. Name of the project;
2. Nature of the development;
3. General contractor;
4. Architect;
5. Lending institution;
6. Owner or agent;
7. Telephone number; and
8. Price.

(b) Such development signs shall not exceed thirty-two (32) square feet in area and may be permitted to be posted from the issuance date of a site development permit up to thirty (30) days after the date the final certificate of occupancy is issued on the site.

(4) *Inflatable advertising devices or signs.* Inflatable advertising devices or signs may be allowed, pursuant to a building permit, provided said device or sign meets the following conditions:

(a) A permit application for an inflatable device shall be accompanied by documentation indicating the approval of the landlord or property owner, if the landlord or property owner is not the permit applicant.

(b) No more than one (1) inflatable device may be displayed within a shopping center inclusive of outparcels at any one time.

(c) No more than one (1) inflatable device may be permitted per year per business.

(d) Such device or sign shall not be permitted to be displayed for a period greater than thirty (30) days.

(e) Such device or sign must be displayed on the building.

(5) *Temporary banners.* Temporary banners may be permitted by a building permit to advertise a grand opening, special event or other special occasion, provided said banners meet the following conditions:

(a) Such banner shall not be permitted to be displayed for a period greater than thirty (30) days.

(b) A banner may be displayed up to four (4) times per year per business establishment. Each display period must be separated by a minimum period of thirty (30) days.

(c) The maximum size of a banner shall not exceed four (4) square feet per lineal foot of storefront facade length. Where a building has more than one (1) facade length, the facade on which the banner will be located shall be used to determine maximum banner size.

(d) Said banner must be displayed on the building.

(Ord. No. 90-58, § 2(12-226), 10-17-90; Ord. No. 90-67, § 2, 12-19-90; Ord. No. 92-17, § 7, 5-6-92; Ord. No. 2000-29, § 7, 7-19-00; Ord. No. 2002-35, § 1, 10-16-02)

Sec. 12-244. Existing signs.

(A) *Amortization Period for Nonconforming Signs:* Signs lawfully existing at the time of the adoption of this division (not including billboards) may be continued for an amortization period not to exceed five (5) years although their size, location or other physical attributes do not conform to this division.

All such signs lawfully existing at the time of the adoption of this division (not including billboards) shall be considered legal nonconforming signs during their five-year amortization period. However, all legal nonconforming signs shall be deemed to have exhausted their economic life after said amortization period. The amortization period shall begin at the time of the adoption of this division. Nonconforming signs, after this amortization period, shall either be made to conform to the terms and requirements of this division or shall be removed by the owner, owner's agent or person

repair, which tends to or makes the sign less in compliance with the requirements of this division than it was before the alteration.

(2) The sign is damaged to such an extent that the cost of the repair or reconstruction of the sign exceeds fifty (50) percent of the value of the sign.

(3) The design, logo or wording of the sign is altered, except as provided for billboards pursuant to Section 12-238(J)(9) and except as provided for in changeable copy signs.

(4) Signs determined to be abandoned under the provisions of Section 12-238(K) of this division.

(C) *Signs Erected Without a Permit:*

(1) *General sign removal.* Signs erected without a building permit shall be deemed as nonconforming signs for purposes of enforcement of this division.

(2) *Removal of snipe and sandwich signs.* Prior written notification shall not be required in the removal of prohibited snipe or sandwich signs. Snipe and sandwich signs can

having beneficial use of the property. Nonconforming signs, during the amortization period, shall be kept in good repair, but the cost of maintenance shall not be considered grounds for their continued use beyond the amortization period.

(B) *Loss of Legal Nonconforming Status of a Sign:* A sign loses its legal nonconforming status and shall be considered in violation of this division if one (1) or more of the following occurs:

(1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with the requirements of this division than it was before the alteration.

(2) The sign is damaged to such an extent that the cost of the repair or reconstruction of the sign exceeds fifty (50) percent of the value of the sign.

(3) The design, logo or wording of the sign is altered, except as provided for billboards pursuant to section 12-238(J)(9) and except as provided for in changeable copy signs.

(4) Signs determined to be abandoned under the provisions of section 12-238(K) of this division.

(C) *Signs Erected Without a Permit:*

(1) *General sign removal.* Signs erected without a building permit shall be deemed as nonconforming signs for purposes of enforcement of this division.

(2) *Removal of snipe and sandwich signs.* Prior written notification shall not be required in the removal of prohibited snipe or sandwich signs. Snipe and sandwich signs can be removed by authorized employees of the town upon observation by said employees.

(Ord. No. 90-58, § 2(12-227), 10-17-90)

Sec. 12-245. Regulation of strip lighting.

Neon strip lighting shall be regulated in the town by the following provisions:

(1) Strip lighting shall be prohibited in all residential districts.

(2) In all business and industrial districts, strip lighting shall be limited to a total footage equivalent to the length or width of the building along the street frontage including any off-set thereof. The size of the tubing shall not exceed fifteen (15) millimeters and any transformer for strip lighting shall not be larger than thirty (30) milliamperes.

(3) Neon strip lighting shall be placed below the lowest roofline and prohibited above the lowest roofline of any building.

(4) Strip lighting shall be reviewed during the project architectural review relative to color, location and compatibility with the architectural design of the project.

Commentary: Regulations governing neon signs are contained in sections 12-239(6), 12-242(B), and 12-242(C) of this division.

(Ord. No. 90-58, § 2(12-228), 10-17-90)

Secs. 12-246—12-259. Reserved.

DIVISION 2. LIGHTING

Sec. 12-260. Lighting standards.

Generally: All parking facilities and exterior site areas to be developed in the future, exclusive of single-family, duplex, and triplex units, shall be illuminated according to the standards contained herein:

(1) For the purposes of this section, exterior parking facilities shall include the parking surface of open parking lots and access thereto, and parking areas and other unenclosed areas at grade level for which the parking facilities are a requirement. Garage parking facilities shall include underground, multilevel parking garages, and enclosed grade level parking facilities.

(2) Intensity of illumination:

(a) For exterior parking facilities, the intensity of illumination shall provide an average maintained illumination of not less than one (1) footcandle equal to one (1) lumen per

JOLMY ENTERPRISES, INC.
4751 SW 30TH STREET
DAVIE, FL. 33314
954/583-7212

April 30, 2002

Mr. Tom Willi, Town Administrator
Town if Davie
6591 Orange Drive
Davie, Fl.

Re: Jolmy Billboards

Dear Mr. Willi;

As per our numerous telephone calls, meetings and discussions during the past 18 months, I am, at your request, putting in writing the proposal that Jolmy Enterprises, Inc. will agree to regarding the modification of the Town ordinance.

The billboards at the East and at the Southwest locations on our property are to be at a height not to exceed 65 feet above the crown of the adjacent road. The center billboard is to be at a height not to exceed 65 feet above the height of the crown of the road that is the westbound off-ramp of the Florida Turnpike onto I-595. Additionally, on this pole, there needs to be a 90-degree spread for the boards. These heights are the heights that are in the State of Florida code. The other specifications regarding size of the billboards, style and lettering will be unchanged and comply with the Town of Davie ordinance as written.

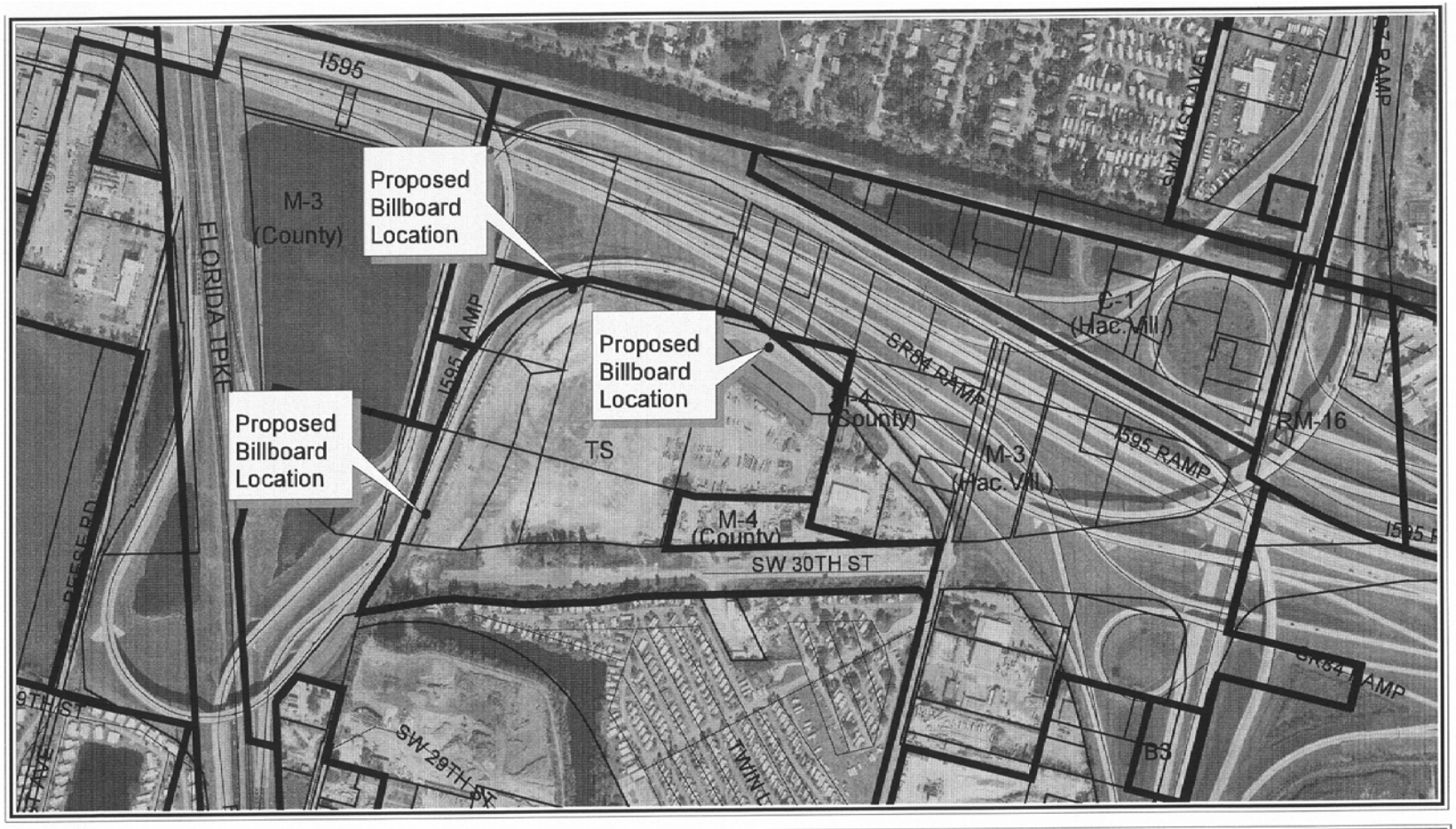
In exchange for the approval as requested herein, Jolmy Enterprises, Inc. will agree to make a donation to the charity(s) of the Towns choice as outlined in Ordinance 96-30, Section 1 (9) in a total amount equal to 5% (five per cent) of the gross income derived from each billboard pole with a minimum payment of $8,000.00 annually. In other words, regardless of the revenue generated from advertising, the charity(s) of the Towns choice will receive a minimum of $24,000.00 per year from the billboards located on the Jolmy Enterprises, Inc. site.

We will be awaiting your immediate reply.

Very truly yours,

William E. Myers, President

JOLMYBILLBOARD-TOWN-4-0



Date Flown:
12/31/00

N

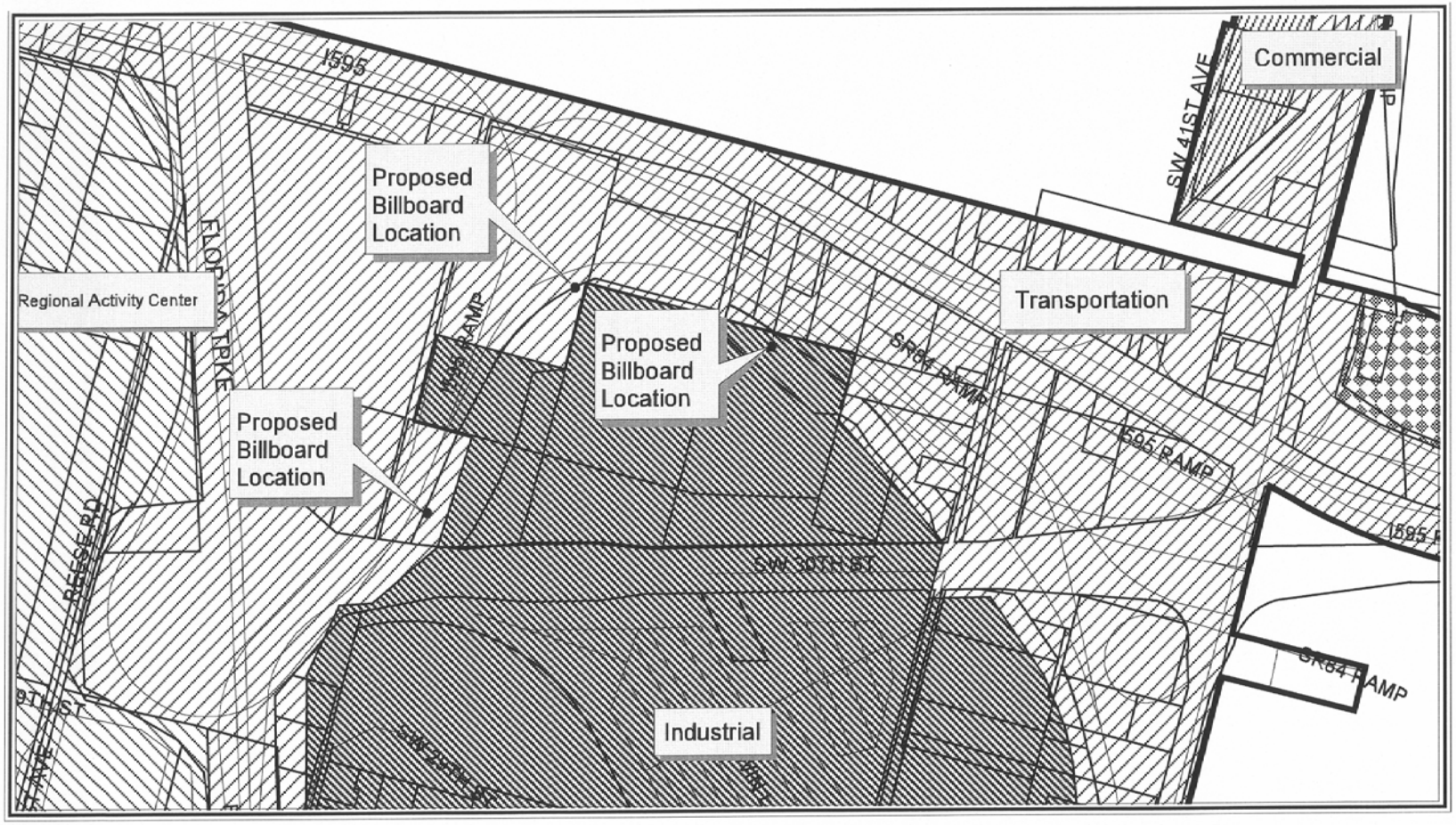
600 0 600 1200 Feet

Planning & Zoning Division - GIS

TOWN OF DAVIE FLORIDA

Proposed Billboard Location Sites, Zoning and Aerial Map

Prepared By: BS
Date Prepared: 7/14/03



Date Flown:
12/31/00

N

600 0 600 1200 Feet

Planning & Zoning Division - GIS

TOWN OF DAVIE FLORIDA

Proposed Billboard Location
Future Land Use Map

Prepared By: BS
Date Prepared: 7/14/03

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