

ORDINANCE NO. O 2018-004

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING A NEW DIVISION 1, SIGNS, CHAPTER 12, ARTICLE VIII OF THE LAND DEVELOPMENT CODE; AMENDING SECTION 12-309, REVIEW FOR VARIANCES; SECTION 12-438.20, SIGN REGULATIONS (REGIONAL ACTIVITY CENTER); PROVIDING FOR REPEAL OF THE EXISTING DIVISION 1, SIGNS, CHAPTER 12, ARTICLE VIII OF THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Town Council finds it periodically necessary to amend its Land Development Code in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, at a public hearing on January 10, 2018, the Planning and Zoning Board reviewed this ordinance and made a recommendation to Town Council; and

WHEREAS, following proper notice to the public and after having received input and participation from interested members of the public and staff, and having considered the recommendation of the Planning and Zoning Board, the Town Council finds this proposed ordinance consistent with its Comprehensive Plan, as amended, as well as Florida and Federal law; and

WHEREAS, the Town Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Town's residents; and

WHEREAS, the Town Council has held two advertised public hearings in accordance with Florida Statutes; and

WHEREAS, the Town Council deems it to be in the best interest of the citizens and residents of the Town of Davie to adopt the proposed amendments to the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. The Town of Davie Code of Ordinances, Chapter 12, Land Development Code, is hereby amended as set forth in Exhibit “A” (new language is underlined, deleted language is struck through).

SECTION 3. Division 1, Signs, Chapter 12, Article VIII of the Land Development Code, as existing immediately prior to the adoption of this ordinance, is hereby repealed.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by 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 portion of this ordinance.

SECTION 6. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS 21ST DAY OF FEBRUARY, 2018.

PASSED ON SECOND READING THIS 21ST DAY OF MARCH, 2018.


MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS 21ST DAY OF MARCH, 2018.

EXHIBIT "A"

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DIVISION 1, SIGNS

Section 12-230. Scope, Purpose and Severability.

(A) Scope.

- (1) The provisions of this Division shall govern the number, size, location, and character of all signs which may be permitted either as a main or accessory use under the terms of this Division. No signs shall be permitted on a plot or parcel either as a main or accessory use except in accordance with the provisions of this Division.
- (2) This Division does not regulate government signs on property owned by the Town of Davie or the State of Florida and does not regulate traffic control devices.

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

(B) **Purpose.**

- (1) **Florida Constitution.** Article II, Section 7 of the Florida Constitution provides that "[i]t shall be the policy of the state to conserve and protect its natural resources and scenic beauty. . . ." A beautiful environment preserves and enhances the desirability of the Town as a place to live and to do business. Implementing the Florida Constitution is a compelling governmental interest.
- (2) **Florida Statutes.** Florida law requires municipalities to adopt comprehensive plans and implement them through land development regulations and approval of development orders that are consistent with the comprehensive plan. See F.S. Chapter 163, Part II. Florida law specifically requires that the Town adopt sign regulations. See F.S. § 163.3202(2)(f). Complying with state law is a compelling governmental interest.
- (3) **Town Comprehensive Plan Goals, Objectives and Policies.** The Town's state-mandated comprehensive plan includes the following policies in regard to sign regulation:
 - (a) Policy 3-1 of the Future Land Use Element provides that, among other things, the land development regulations must contain minimum criteria for signage that shall be applied at the time of development approval.
 - (b) Policy 20-4 of the Future Land Use Element provides that the land development regulations shall address the size, quantity, location and character of on-premises and off-premises signs to promote community aesthetics and protect the health, safety and welfare of Town residents and to address nonconforming signs.
- (4) **Caselaw.** In accordance with the U.S. Supreme Court's cases on sign regulation, the regulations in this Division are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the Town's substantial and compelling governmental interests in preserving scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment. These cases and their holdings include, but are not limited to:

- (a) Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015) on the topic on noncommercial temporary signs;
 - (b) Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981) on the topic of commercial signs and off-premise signs;
 - (c) City of Ladue v. Gilleo, 512 U.S. 43 (1994) on the topic of political protest signs in residential areas;
 - (d) Linmark Assocs., Inc. v. Township of Willingboro, 431 U.S. 85 (1977) on the topic of real estate signs in residential areas;
 - (e) Burson v. Freeman, 504 U.S. 191 (1992) on the topic of election signs near polling places;
 - (f) Central Hudson Gas & Electric Corp. v. Public Service Commission, 447 U.S. 557 (1980) on the topic of commercial speech; and
 - (g) City Council v. Taxpayers for Vincent, 466 U.S. 789 (1984) on the topic of signs on Public Property or a Public Place.
- (5) ***Impact of Sign clutter.*** Excessive signage and sign clutter impair the legibility of the environment, and undermines the effectiveness of governmental signs, traffic control devices and other required signs (such as building, unit or house number signs, street identification signs, and building identity signs) that are essential to identifying locations for the delivery of emergency services and other compelling governmental purposes. The intent of these sign regulations is to enhance the visual environment of the Town, ensure that Town residents and visitors can safely navigate through the Town to their intended destinations, and promote the continued well-being of the Town. It is therefore the purpose of this Division to promote aesthetics and the public health, safety and general welfare, and assure the adequate provision of light and air within the Town through reasonable, consistent and nondiscriminatory standards for the posting, displaying, erection, use, and maintenance of signs and sign Structures that are no more restrictive than necessary to achieve these governmental interests.
- (6) ***Specific Legislative Intent.*** More specifically, this Division is intended to:
- (a) Encourage the effective use of signs as a means of communication in the Town;
 - (b) Maintain and enhance the scenic beauty of the aesthetic environment and the Town's ability to attract sources of economic development and growth;
 - (c) Ensure pedestrian safety and traffic safety;

- (d) Minimize the possible adverse effect of signs on nearby public places, public rights-of-way and private rights-of-way;
- (e) Foster the integration of signs with architectural and landscape designs;
- (f) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive sign area which compete for the attention of pedestrian and vehicular traffic and are not necessary to aid in wayfinding;
- (g) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (h) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the land uses, activities and functions to which they pertain;
- (i) Curtail the size and number of signs to the minimum reasonably necessary to identify a residential or business location, and the nature of such use, and to allow smooth navigation to these locations;
- (j) Establish dimensional limits and placement criteria for signs that are legible and proportional to the size of the parcel and structure on which the sign is to be placed, or to which it pertains;
- (k) Regulate signs so that they are effective in performing the function of identifying and safely directing pedestrian and vehicular traffic to a destination;
- (l) Preclude signs from conflicting with the principal use of the parcel and adjoining parcels;
- (m) Regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
- (n) Except to the extent expressly preempted by state, Broward County or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;

- (o) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the Town;
- (p) Allow traffic control devices consistent with national standards without regulation in this Division, because they promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and by notifying road users of regulations and providing nationally consistent warnings and guidance needed for the safe, uniform and efficient operation of all modes of travel, while regulating private signs to ensure that their size, location and other attributes do not impair the effectiveness of such traffic control devices;
- (q) Protect property values by precluding, to the maximum extent possible, signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (r) Protect property values by ensuring that the size, number and appearance of signs are in harmony with buildings, neighborhoods, structures, and conforming signs in the area;
- (s) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the Town and that complements the natural surroundings in recognition of the Town's reliance on its natural surroundings and beautification efforts as a source of economic advantage as an attractive place to live and work;
- (t) Classify and categorize signs by type and zoning district;
- (u) Not regulate signs more than necessary to accomplish the compelling and important governmental objectives described herein;
- (v) Enable the fair and consistent enforcement of these sign regulations;
- (w) Permit, regulate and encourage the use of signs with a scale, graphic character, and type of lighting compatible with buildings and uses in the area, so as to support and complement the goals, objectives and policies set forth in the Town's Comprehensive Plan;
- (x) Establish regulations of the design, erection and maintenance of signs for the purpose of ensuring equitable access to graphic communication, while maintaining a harmonious and aesthetically pleasing visual environment within the Town, recognizing that signs

form an integral part of architectural building and site design and require equal attention in their design, placement and construction; and

(C) ***Severability.***

- (1) ***Generally.*** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Division is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Division.
- (2) ***Severability of provisions pertaining to prohibited signs.*** This paragraph (3) shall not be interpreted to limit the effect of paragraph (1) above, or any other applicable severability provisions in the code of ordinances or any adopting ordinance. The Town Council specifically intends that severability shall be applied to Section 12-236 "Prohibited Signs," so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.
- (3) ***Severability of prohibition on Off-Premises Signs.*** This paragraph (4) shall not be interpreted to limit the effect of paragraph (1) above, or any other applicable severability provisions in the code of ordinances or any adopting ordinance. If any or all of these sign regulations or any other provision of the Town Code is declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the Town Council specifically intends that the declaration shall not affect the prohibition on off-premises signs in section 12-236.

Section 12-231. Substitution of noncommercial speech for commercial speech.

Notwithstanding any provisions of this Division to the contrary, to the extent that this Division permits a sign containing commercial content, it shall permit a noncommercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Division.

Section 12-232. Definitions

For purposes of this division, the following words, terms and phrases shall have the meanings set forth below.

Approved vehicular access point. Each point on the approved site plan where the project boundary intersects with the edge of a public or private street designed to provide regular vehicular access to the development, specifically excluding the access point leading to one single family lot.

Copy. The colors, graphics, logos, text or other messages on a sign surface, whether permanently affixed or in changeable letter form.

Erect. In terms of signage, to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.

Facade. The elevational surface of a building.

Flag. A piece of fabric with a color or pattern that represents a government, or other noncommercial organization or idea.

Height, sign. The vertical distance measured from the crown of the nearest street right-of-way providing vehicular access to the highest point of the sign or sign structure.

Logo. A symbol representing a whole word or phrase including trademarks and corporate or business identity symbols.

Noncommercial copy. Any message which does not promote a business or the sale of any product, service or activity. Examples include messages regarding political, social or environmental matters.

Public place. Any and all property, buildings, rights-of-way or portions thereof, owned by the Town of Davie.

Right-of-way, private. That area privately owned but dedicated and/or used for Street purposes, including but not limited to roadways, swales, bike paths, and sidewalks, by the residents of the community. This definition excludes parking lots and their access roads.

Right-of-way, public. All that area dedicated to public use or otherwise owned by a public agency for public Street purposes and shall include, but not be limited to, any public streets, roadways, swales, bike paths, and sidewalks.

Sign. Any object, device, display, structure, supporting structure, or part thereof situated outdoors or indoors that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, religious group, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. The following are not considered signs for purposes of regulation by this Division: merchandise and pictures or models of products or services incorporated in a window display, works of art that in no way identify a product, signs which are not visible from any nearby public property, public place, public right-of-way or private right-of-way.

Sign area. Sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination of shapes that will encompass the outer limits of

the writing, representation, emblem, logo or other display, together with any material or color forming an integral part of the background of the display or area used to differentiate the sign from the backdrop against which it is placed. Sign Area shall not include any supporting framework, bracing, or wall when such structure otherwise meets the regulations of this Division and is incidental to the display itself. Signs comprised of individual elements attached to a building wall shall be measured as one unit. When the faces of a double-faced sign are parallel or have an interior angle of fifteen (15) degrees or less, only one side shall be counted in computing sign area. If the two faces of such double-faced sign are of unequal area, the larger sign face shall be considered the area of the sign. Where the Code establishes a maximum combined sign area requirement for a sign type, it shall mean the sum of the sign areas of all of the signs of that type on a parcel.

Sign, animated. A sign which uses motion or the appearance of motion to attract attention, whether such motion is created by mechanical means, electrical means, natural wind pressure, variations in lighting or the emission of visible smoke or vapors.

Sign, awning. A sign located on an awning (an awning being a rooflike cover attached to a building and extending over a door, window or walkway).

Sign, balloon. A device filled with lighter-than-air gas which is tethered to a particular parcel of land in order to attract attention to an object, person, institution, organization, business, religious group, product, service, event or location.

Sign, banner. A sign in which characters, letters, symbols or illustrations are applied to a flexible material such as vinyl, plastic or fabric without a frame.

Sign, building. A sign located on any part of a building façade.

Sign, building address number. A sign depicting the Town-assigned street number of a building.

Sign, fascia. A sign that is located on the fascia of the building.

Sign, fence. A sign that is located, placed upon or attached to a fence.

Sign, ground-mounted. A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground and not supported by or attached to a building.

Sign, horizontal rooftop. A sign painted on or attached to a rooftop surface such that the sign surface is substantially horizontal to the rooftop and oriented for viewing by aircraft.

Sign, inflatable. A device filled with air or a lighter-than-air gas and located on or above a premises in order to attract attention to an object, person, institution, organization, business, religious group, product, service, event or location.

Sign, noncommercial. A sign that does not contain copy that advertises the availability of any commercial merchandise, service, institution, residential use available for sale or lease, entertainment, or activity. Regardless of the message conveyed, a noncommercial sign shall not be considered an off-premises sign.

Sign, off-premises. A sign that is not located on the same property as the establishment that the sign's message pertains to, or where the product, service or activity is not present, or where the message does not pertain to the use of their site.

Sign, off-premise directional. A temporary sign placed in a public right-of-way for the purpose of directing persons to an event which is to take place within a residential zoning district.

Sign, portable. A permanent sign mounted on a frame and/or chassis which is designed for easy and repeated relocation.

Sign, projected. Any image projected onto any surface or into the sky for the purpose of drawing attention to any object, person, institution, organization, business, religious group, product, service, event or location.

Sign, projecting. A sign attached to a building in which the sign face(s) is perpendicular to such building.

Sign, roof. Any sign erected upon, against or above the lowest roofline of any building or structure. For purposes of this Division, a mansard shall not be considered part of a roof.

Sign, sandwich. A sign that is movable and not secured or attached directly or indirectly to the ground, a structure or a building.

Sign, structure. Any device or material that is specifically designed to support a sign in a stationery position, including decorative (roof-like) covers but specifically excluding buildings and fences.

Sign, temporary. A sign that is moveable and not permanently affixed or attached to the ground in the manner required by this Division for permanent signs. Where not otherwise specified in this Division, the maximum time for which a temporary sign may be displayed is 90 days.

Sign, under-canopy. A sign suspended beneath a canopy or awning, or overhangs which are designed to provide sheltered pedestrian walkways along business storefronts.

Sign, vehicle. A temporary or permanent sign attached to a motor vehicle, trailer or similar conveyance, which parked or stationed within fifty (50) feet of any public right-of-way for the purpose of directing persons from the public right-of-way to a product, service, business, or other activity on the same parcel as such motor vehicle, trailer or similar conveyance.

Sign, wall. A sign mounted parallel to a building façade, specifically excluding mansard signs, awning signs, undercanopy signs and window signs.

Sign, window. A type of temporary sign which is painted, applied or installed on a window or suspended within the frame of a window for purposes of viewing from outside the premises.

Section 12-233. Sign permit required; exceptions.

- (A) Sign permit required. Except as otherwise provided in this section, no permanent or temporary sign shall be erected, posted, painted or otherwise established, nor shall any existing permanent or temporary sign be altered, relocated or maintained within the Town of Davie except pursuant to a sign permit issued by the Town in accordance with this Division.
- (B) Exceptions. A sign permit is not required for the following:
 - (1) Signs and sign structures erected or required to be erected by a governmental agency.
 - (2) Flags otherwise meeting the requirements of Sec. 12-237.
 - (3) Change of copy on a lawfully established sign which is otherwise in compliance with this Division and which does not involve changes in the method of lighting or illumination, changes to the dimensions of the sign or modification or replacement of sign cabinets. This exception shall not be applicable to signs located in special districts governed by Sec. 12-239(A).
 - (4) Temporary signs otherwise meeting the standards of this Division.
 - (5) A-frame signs otherwise meeting the standards of this Division.
 - (6) Window signs otherwise meeting the standards of this Division.
 - (7) Signs placed on bus benches and bus shelters pursuant to a Town franchise agreement.
 - (8) Farm signs, to the extent that such signs are exempt from municipal regulation pursuant to Sec. 604.50, Florida Statutes.
 - (9) Signs associated with the retail sale of gasoline, to the extent that municipal regulation of such signs is preempted by Sec. 553.79(20)(a).
 - (10) To the extent that this subsection (B) allows a sign displaying commercial content to be exempt from the requirement to obtain a sign permit, it shall allow a sign with the same size, length of display, appearance, location, display area, and other physical characteristics to be exempt from permitting if it displays noncommercial content.

Section 12-234. Sign permit application procedure.

- (A) Application forms and fees. Applications for sign permit shall be submitted to the Town on forms provided by the Town Administrator, along with such fees as may be established by resolution of the Town Council to defray the cost of review. At a minimum, each application shall include such drawings and specifications as may be necessary to clearly indicate the sign location, type of materials and construction, method of illumination and sign copy.

The Town Administrator or designee shall maintain a checklist of the required drawings and specifications.

- (B) Application completeness. Upon the submission of an application, the Town shall have ten (10) days to determine whether it is complete. If the Town finds that the application is not complete, the Town shall provide the applicant with written notice of the deficiencies within the ten (10) day period. Upon resubmission of the application, the Town shall have five (5) additional days to determine whether the applicant's revisions are sufficient to complete the application. If they are not, the Town will again inform the applicant of any remaining deficiencies in writing. This process shall continue until the applicant has submitted a complete application, or demands that the application be reviewed "as is."
- (C) Compliance review and decision. The Town shall approve or deny the sign permit based on whether it complies with the requirements of this Division. The Town shall approve or deny the sign permit within 30 days after receipt of a complete application. If denied, the Town shall prepare a written notice of its decision, outlining the reasons for denial and describing the applicant's appeal rights.
- (D) Appeals. The applicant may file a written notice of appeal to the Town Council within 30 days after the date of receipt of the Town's written notice. The Town Council shall hold a public hearing at the next available Council meeting that is at least twenty five (25) days after the date of receiving the written notice of appeal, at which time the Town Council shall determine whether the application satisfies all Code requirements. If the Town Council does not approve the application, then the applicant may seek relief in the Circuit Court for Broward County, as provided by law.
- (E) Completion, inspection and use. All signs shall be constructed in accordance with the Building Code, including obtaining all required permits. No sign shall be approved for use unless it has been inspected by the Town and found to be in compliance with all the requirements of this Division and applicable codes.

Section 12-235. Required signs.

- (A) Building address and unit number signs are required so that persons can safely identify and navigate to their intended destination and also to identify locations in the event of an emergency. Sign area required by this section is not subject to the sign area limits of Sections 12-237 or 12-238.
 - (1) **Single-family, duplex and townhomes.**

- (a) Building address number signs shall be at least three inches in height and shall be either:
 - 1. Attached to that portion of the Structure facing the street on which the property is addressed so that there is an unobstructed view of the house numbers; or
 - 2. Located on a mailbox facing the street on which the property is addressed.

- (2) **Multi-family and Nonresidential uses.** Building address number signs at least four inches in height shall be provided at each building. Each separate unit within a building shall be identified by a unit number sign at least two inches in height.

- (3) **Additional Nonresidential Signage.** Each public entrance of each separately leasable unit shall include a building address number sign a minimum of four inches in height. Each rear service entrance of each separately leasable unit shall include an address or unit number sign a minimum of four inches in height and the name of the establishment, a minimum of two inches in height.

- (4) **Community Buildings.** Buildings owned and/or operated by community Associations shall provide at the main building entrance a building address number sign at least four inches in height.

Section 12-236. Prohibited signs.

- (A) Signs prohibited by type. The following types of signs are prohibited except as expressly provided elsewhere in this Division.
 - (1) Signs that do not comply with the provisions of this Division.
 - (2) Animated signs
 - (3) Signs that may be confused with a traffic control device.
 - (4) Signs painted directly onto a wall or other building surface, except as otherwise provided in section 12-239.
 - (5) Signs painted or mounted upon rocks or trees.
 - (6) Roof signs
 - (7) Horizontal rooftop signs
 - (8) Projected signs
 - (9) Searchlights

- (10) Portable signs
- (11) Vehicle signs
- (12) Off premises signs except as otherwise provided in Sec. 12-244.
- (13) Changeable copy signs.
- (14) Balloon signs and inflatable signs, except when located on the roof of a building for a maximum of 60 days after issuance of a business tax receipt for a new business.
- (15) 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.

(B) Signs prohibited by location.

- (1) Signs that obstruct any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building as required by law or as intended in the original design of the building.
- (2) Signs attached to a stand pipe or similar apparatus intended for public safety.
- (3) Signs which may obscure or interfere with the approved architectural elements of a building. For example, a sign shall not extend across windows, decorative stucco bands, arches, columns, cornices or similar architecturally distinct features.
- (4) Signs located within any of the following:
 - a. Private right-of-way.
 - b. Public right-of-way.
 - c. Lands owned by a governmental water management entity, except as provided in Sec. 12-243.
- (5) Signs located on or within public property except as provided in Sec. 12-243

Section 12-237. Allocation of sign area; permanent signs.

- (A) **Residential zoning districts.** The following standards apply to all permanent signs within residential zoning districts. Signs with the same physical and locational characteristics as those permitted below may devote all or part of their sign Faces to noncommercial content.

	Ground-mounted			Building	
	Max. Number (per parcel)	Max. Area (per parcel)	Max. Height	Max. Number	Max. Area
Single-family residential lot	None	None	NA	None	None
Single-family community common area	2 per approved vehicle access point	32 sq. ft.	6 ft.	NA	1 sq. ft. per lineal foot of building facade
Multi-family residential	2 per approved vehicle access point	32 sq. ft.	6 ft.	NA	1 sq. ft. per lineal foot of building facade

(B) **Nonresidential zoning districts.** The following standards apply to all permanent signs within nonresidential zoning districts. Signs with the same physical and locational characteristics as those permitted below may devote all or part of their sign Faces to noncommercial content.

	Ground-mounted			Building	
	Max. Number (per parcel)	Max. Area (per parcel)	Max. Height	Max. Number	Max. Area
Single-tenant commercial, industrial or institutional	2 per approved vehicle access point	See paragraph (H)	15 ft.	NA	2 sq. ft. per lineal foot of building facade
Multi-tenant commercial, industrial or institutional	2 per approved vehicle access point	See paragraph (H)	15 ft.	NA	2 sq. ft. per lineal foot of building facade

(C) **Noncommercial signs in residential zoning districts.**

	Ground-mounted				Building	
	Max. Number (per parcel)	Max. Area (per parcel)	Max. Area (per sign)	Max. Height	Max. Number	Max. Area
Single-family residential lot	NA	8 sq. ft.	NA	6 ft.	None	None
Single-family community common area	NA	NA	NA	NA	NA	NA
Multi-family residential	NA	16 sq. ft.	NA	6 ft.	NA	NA

(D) **Noncommercial signs in nonresidential zoning districts.**

	Ground-mounted				Building	
	Max. Number	Max. Area (per parcel)	Max. Area (per sign)	Max. Height	Max. Number	Max. Area
Single-tenant commercial, industrial or institutional	1 per approved vehicle access point	10% of the area allowed per paragraph (H)	NA	15 ft.	NA	2 sq. ft. per lineal foot of building facade
Multi-tenant commercial, industrial or institutional	1 per approved vehicle access point	10% of the area allowed per paragraph (H)	NA	15 ft.	NA	2 sq. ft. per lineal foot of building facade

(E) **Building entrance signs.** Each building may display one building entrance sign, either a ground-mounted sign or a building sign, no larger than six square

feet in area, placed no higher than fifteen feet above grade and located within ten feet of the main entrance.

(F) **Signs on accessory buildings and canopies.** Any accessory building or canopy associated with a permitted primary use, such as but not limited to a canopy over fuel pumps, shall be allocated building signage at one-half the rate for building signage provided in paragraphs (B) and (D) above.

(G) **Flags**

(1) **In general.** Flags shall only be displayed on flag poles which are otherwise in compliance with the standards of this paragraph (G). All flag poles shall meet the requirements of this paragraph (G), whether ground-mounted or attached to a building. Other than for single-family lot, flag pole locations must be as indicated on an approved site plan.

(2) **Maximum height.**

- (a) Flag poles in nonresidential zoning districts shall not exceed the allowed height of the zoning district or 70 feet, whichever is less.
- (b) Flag poles in residential zoning districts shall not exceed the height of the zoning district.

(3) **Maximum number and size.**

- (a) The dimensions of any flag shall be proportional to the flag pole height. The hoist side of the flag shall not exceed 20% of the vertical height of the pole. In addition, flags are subject to the following dimensional limitations:

<i>Pole Height</i>	<i>Maximum Flag Size</i>
Up to 25 feet	24 total square feet
25 to 39 feet	40 total square feet
40 to 49 feet	60 total square feet
50 to 59 feet	96 total square feet
60 to 69 feet	150 total square feet
70 feet	216 total square feet

- (b) Each property shall be allowed a maximum of one flag pole per acre but no less than one flag pole per property. A maximum of two flags shall be allowed per flag pole. References to flagpole height in this subsection refer to vertical flagpoles. References to the number of flags and flag poles and flag dimensions refer to both vertical flagpoles and mast-arm flagpoles (i.e., extending horizontally or at an angle from a building).
 - (c) **Setback.** A vertical flag pole must be set back from all property boundaries a distance that is at least equal to the height of the pole.
 - (d) **Condition of flags and flag poles.** Flags and flag poles shall be maintained in good repair. Flag poles with broken halyards shall not be used, and torn or frayed flags shall not be displayed.
- (4) **Exception for wireless telecommunication facilities.** The provisions of this paragraph (G) are not applicable to any flag attached to a telecommunication facility for the purpose of creating a “concealed telecommunication facility” pursuant to Article XV of this chapter.

(H) **Sign area allocation based on street frontage.**

Parcel Frontage at Street Right-of-way*	Max. Sign Area
Under 200 ft.	50
200—599 ft.	80
600—1,199 ft.	120
1,200 ft. and over	160

*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. Where more than one ground-mounted 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 ground-mounted sign(s). For example, a development with eight hundred (800) feet of street right-of-way frontage and two (2) access points may provide one (1) ground-mounted sign of up to one hundred sixty-eight (168) square feet, provided the other ground-mounted sign consists of no more than seventy-two (72) square feet.

- (I) **Sign height for State Road 84 frontage.** The maximum height for ground-mounted signs on parcels with frontage along State Road 84 shall be twenty (20) feet.
- (J) **Conflicting Standards.** Where applicable, signs must comply with stricter or different requirements of Town approvals, including without limitation development orders, development permits, uniform sign plans, planned development design standards and overlay districts. Where such signs conform to a Town approval but fail to conform to this Division, they are nonconforming and are regulated as provided in section 12-245.

Section 12-238. Allocation of sign area; temporary signs.

- (A) Non-commercial signs.

	Max. Area (total)	Max. Area (per sign)	Max. Height	Max. Duration of Display
Single-family residential lot	16 sq. ft. per acre [1][3]	4 sq. ft	6 ft.	[2]
Single-family community common area	16 sq. ft. per acre [1][3]	4 sq. ft	6ft.	[2]
Multi-family residential	16 sq. ft. per acre [1][3]	8 sq. ft.	6 ft.	[2]
Single-tenant commercial, industrial or institutional	16 sq. ft. per acre [1][3]	8 sq. ft.	6 ft.	[2]
Multi-tenant commercial, industrial or institutional	16 sq. ft. per acre [1][3]	8 sq. ft.	6 ft.	[2]

Notes

- [1] Parcels less than 1 acre are allowed 16 sq. ft.
- [2] Sign shall be displayed no more than 120 consecutive days in any calendar year.
- [3] Additional temporary signage shall be allowed for the 90 days prior to and seven calendar days following any Federal, State of Florida, Broward County, or Town election, not to exceed:

1. Three square feet per sign, but not to exceed a cumulative total of 12 additional square feet per frontage (street or waterway) in residential districts;

2. Twelve square feet per sign, but not to exceed a cumulative total of 21 square feet per frontage (street or waterway) in commercial zoning districts.

Section 12-239. Placement and design of permanent signs.

(A) Special district provisions.

- (1) **Western Theme District.** Signs within the Western Theme District, as defined in Article XIII, Division 1, shall be subject to the Western Theme Design Manual and shall comply with the following standards.
 - (a) Ground-mounted signs shall not be subject to the distance separation requirement set forth in paragraph (C)(5) below but shall:
 1. Not be permitted on lots with less than fifty (50) feet of public street right-of-way frontage.
 2. Not exceed a height of six (6) feet.
 3. Not exceed thirty-two (32) square feet in sign area with a minimum dimension of two (2) feet.
 - (b) Building signs within the Western Theme District shall not be subject to the prohibition on painted wall signs as set forth in Sec. 12-236.
- (2) **Signage in scenic corridors.** All signs within a scenic corridor, as defined in section 12-283, shall comply with the following standards.
 - (a) Sign faces 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) For permanent ground-mounted signs, the maximum sign area for shall be twenty-four (24) square feet, the maximum height shall be four and one-half (4½) feet and the minimum setback from the property line shall be ten (10) feet.
 - (c) Permanent ground-mounted signs shall include a planting bed at the sign base of at least four (4) feet in depth. The planting bed shall contain one hundred (100) percent native shrubs and supplemental native ground cover.

(3) **Griffin Road Corridor District.** (See Sec. 12-436.17)

(4) **Regional Activity Center.**

- (A) Conflict with other provisions. Where a parcel of land lies within both a Regional Activity Center zoning district and the Western Theme District, the provisions of the Western Theme District shall control.
- (B) Single-occupant and multi-tenant buildings that have no parking in between the building and street, with parking facilities and storefronts/public entrances oriented to interior parking facilities, shall be allowed wall signage for both the facade oriented to the street, and the facade oriented towards the interior/parking facility. Each such facade shall be permitted two (2) square feet of combined wall, fascia, awning, and canopy signage for each lineal footage of tenant storefront length along each such facade.
- (C) Ground-mounted signs are not permitted for any building or establishment that is situated within thirty (30) feet of a street line.
- (D) Signs should be integrated with the building facade on all primary frontage street ground floor uses.
- (E) Whenever possible, signs located on buildings within the same block face shall be placed at the same height in order to create a unified sign band

(B) **Design and lighting of signs in shopping centers and office and industrial parks.**

- (1) *Comprehensive sign plan.* Each shopping center, office park and industrial park is encouraged to have a comprehensive sign plan and to ensure that each tenant is allocated a reasonable amount of sign area and setting forth a limited number of sign colors and sign styles to ensure compatibility among tenants and compatibility with the overall architectural style of the development (as approved by the Town).
- (2) *Lighting and illumination.* Within each shopping center, office park and industrial park, all building signs, as referenced in paragraph (E) below, shall utilize a consistent form of lighting/illumination throughout the development by utilizing one (1) of the lighting/illumination standards as set forth in section 12-241. The Town Administrator or designee may allow exceptions in the case of ground-mounted, single tenant buildings or anchor stores where the storefront is accentuated by height or other architectural detailing so that the use of different lighting/illumination does not disrupt the visual continuity of the center.

(C) **Location of ground mounted signs.**

- (1) All ground mounted signs and associated sign structures shall be located within the parcel boundaries of the principal use to which it pertains. Signs located in private easements shall require permission of the easement holder.
- (2) **Setbacks.**
 - (a) Unless otherwise specified in this Division, ground mounted signs shall not be subject to the minimum yard requirements of Article 5.
 - (b) A ground mounted sign shall not be located closer to any property line or any street right-of-way line than the height of such ground mounted sign, as measured from the furthest horizontal extent of the ground mounted sign. For example, a ground mounted sign which is twelve (12) feet in height must be set back from a property line by at least twelve (12) feet.
 - (c) A new ground mounted sign shall be located no closer to any building or any other ground mounted sign than the height of such new ground mounted sign.
- (3) **Bufferyards.** Unless otherwise specified in this Division, ground mounted signs may be placed within a required landscape area or bufferyard, where such landscape area or bufferyard is adjacent to a public street right-of-way.
- (4) **Sight distance.** Ground mounted signs shall meet the minimum sight distance at points of access as set forth in Sec. 12-113.
- (5) **Separation of ground mounted signs.** A ground sign larger than 32 sq. ft. shall be separated at least 200 ft. from any other ground mounted sign within the same center or complex when said sign is visible from a public street right-of-way.

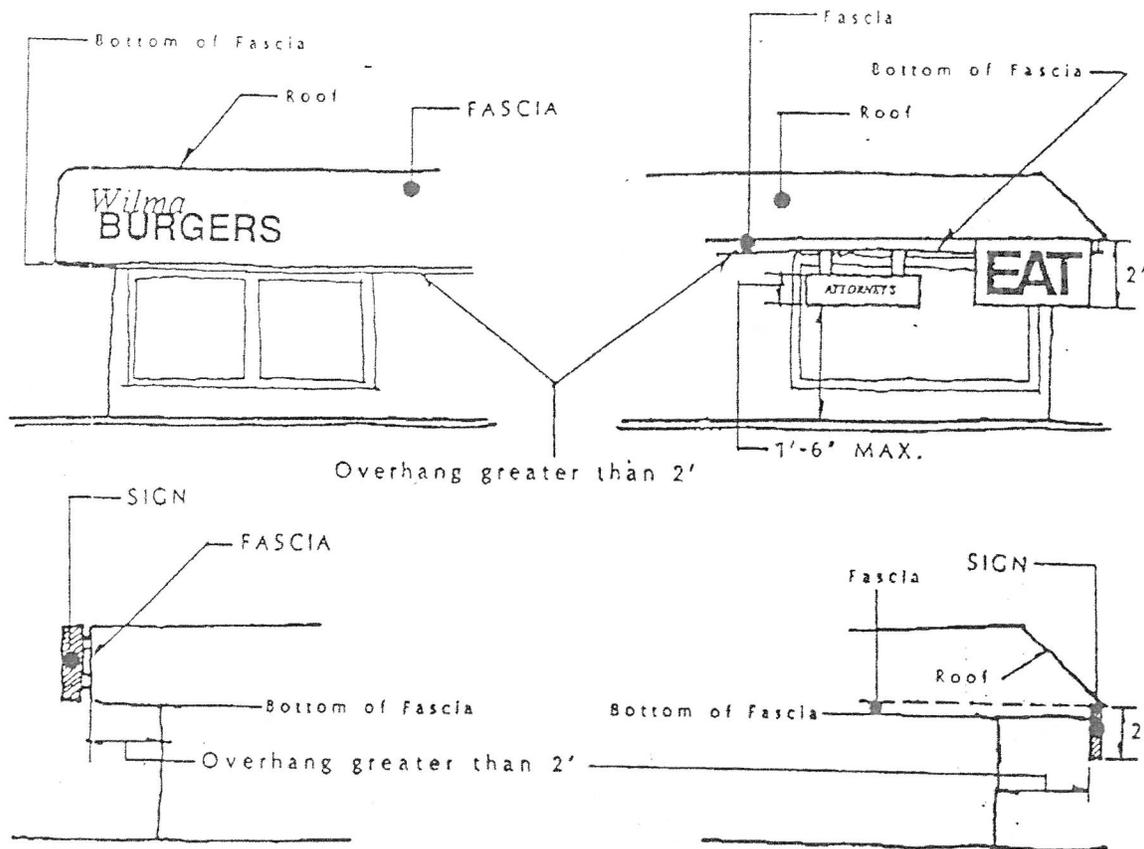
(D) **Design of ground mounted signs.**

- (1) **Base.** Ground mounted 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.
- (2) **Landscaping.** Ground mounted signs 32 square feet or more in area shall include a landscaped area with ground cover plants in area no less in area

than the area of the sign. When earthen berms are used as part of said landscaping, the earthen berms shall maintain a side slope of no greater than three to one (3:1) with a maximum berm height of three (3) feet above adjacent surrounding grade.

- (E) **Building signs:** Signs mounted on buildings shall comply with the standards of this paragraph (E). The overall sign area shall be limited to the amount allocated for “Building Signs” in Sec. 12-237 but may be installed in any combination of the types of signs set forth in this paragraph (E).
- (1) *Wall signs.* Wall signs shall either be mounted parallel to a building façade, extending no more than twelve (12) inches from such façade, or perpendicular to a building façade, extending no more than twenty-four (24) inches from such building façade.
- (2) *Mansard signs:* Where a mansard is otherwise shown as an architectural feature on an approved site plan, mansard signs shall be allowed as follows:
- (a) The mansard sign shall be placed parallel to the building façade and any angle irons or other supports should not be readily visible.
 - (b) The height of a mansard sign shall not be greater than one-half ($\frac{1}{2}$) the vertical distance between the top and bottom of the mansard upon which it is affixed.
 - (c) The mansard sign shall not extend above the highest point nor below the lowest point of the mansard to which it is affixed.
- (3) *Fascia signs:* A fascia 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.

Fascia Signs



- (4) *Awning signs.* Where an awning is otherwise shown as an architectural feature on an approved site plan, awning signs shall be allowed provided that no sign shall extend above or below such awning.
- (5) *Undercanopy signs.* Where an awning, canopy, arcade or similar feature architectural feature designed to create a sheltered pedestrian walkway is shown on an approved site plan, undercanopy signs shall be permitted as set forth below.
- (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.

- (F) *Fences.* A sign otherwise permitted by this Division may be mounted upon a fence or wall provided that the sign area is no more than 4 sq. ft.

- (G) *Internal message boards.* Parcels within the RAC-AV zoning district may erect internal message boards with the following limitations:
 - (1) The parcel shall be five (5) or more acres in size.
 - (2) Where more than two (2) internal message boards are proposed, such signs shall follow a consistent design theme as adopted in the Master Site Plan and Design Standards required by section 12-32.417.
 - (3) No internal message board shall be more than two hundred (200) square feet per sign face.
 - (4) Internal message board sign faces shall not be visible from any public street right-of-way.
 - (5) If visible from an internal drive, such drive shall have a design speed of no more than twenty-five (25) miles per hour.
 - (6) Despite any provision of this division to the contrary, an internal message board may include changeable copy and digital light displays, including full motion displays. Messages shall be limited to information concerning onsite, not-for-profit programs, parking and travel information and public safety information.

- (H) *External message boards.* Parcels within the RAC-AV and RAC-TC zoning districts may erect external message boards with the following limitations:
 - (1) The parcel shall be five (5) or more acres in size. In the RAC-TC district, the parcel must also be owned and managed by a governmental entity.
 - (2) Where more than two (2) external message boards are proposed, such signs shall follow a consistent design theme. In the RAC-AV district, the design must be adopted in the Master Site Plan and Design Standards required by section 12-32.417.
 - (3) No external message board shall be more than two hundred (200) square feet per sign face nor more than fifteen (15) feet in height.
 - (4) Despite any provision of this division to the contrary, an external message board may include changeable copy and digital light displays, including full motion displays, provided that the text changes no more than once every six (6) seconds. Messages shall be limited to information concerning onsite, not-for-profit programs, parking and travel information and public safety information.

Section 12-240. Design and placement of certain temporary signs.

(A) *Allocation of area.* The temporary signs identified in this section (12-240) shall be considered a separate allocation of signage and shall not count against the amount of signage allocated by Sections 12-237 and 12-238.

(B) *Banner signs in non-residential zoning districts.*

(1) Maximum area per building: Ten percent of the “building sign area” allocated pursuant to Section 12-237(A).

(2) Maximum area per sign: one-half foot per foot of building façade or 32 sq. ft., whichever is less.

(3) Location: Must be securely attached to a solid wall or building elevation such that no part of the sign moves freely with wind pressure.

(4) Duration: Maximum 30 days per building façade per calendar year.

(C) *Window signs in non-residential zoning districts.*

Up to ten (10) percent of any window may be covered with window signs provided that no such sign is larger than twenty (20) square feet.

(D) *A-frame signs in non-residential zoning districts.*

(1) Maximum area per sign: 8 sq. ft.

(2) Location: Limited to paved walkways on private property as shown on an approved site plan, no further than 100 ft. from the main entrance of the building to which it pertains.

(3) Duration: Shall be displayed only while the use to which it pertains is open.

(E) Public institution recognition. Despite any provision in this division to the contrary, public and non-profit educational institutions in any zoning district shall be allowed to display banner signs on fences where such banner signs are no more than 50 percent opaque, with lettering of a single color on a uniform background color, with no individual banner sign exceeding 32 sq. ft. Such banner signs shall not be considered off-premise signs provided that the purpose is to support the on-site institution or its related organizations.

(F) Off-Premise Directional Signs.

(1) Purpose. Because residential areas generally lack the permanent signage, traffic signals and other visual cues available in commercial areas, off-premises direction signs can be useful in directing individuals to events

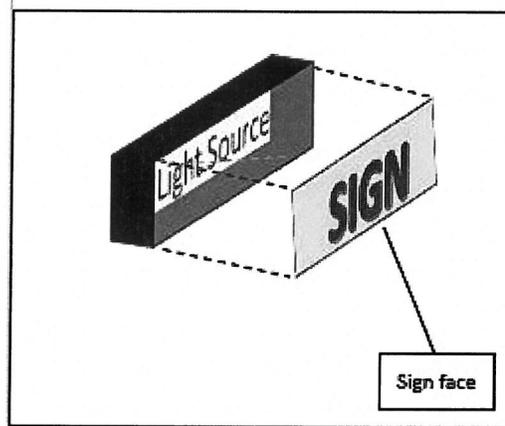
occurring within residential areas while avoiding unnecessary trips through other neighborhoods.

- (2) In general. Despite any provision in this division to the contrary, the owner or tenant of a parcel of property within a Town of Davie residential district, including the agent of such owner or tenant, may display one or more temporary off-premise directional signs as set forth in this section (12-40(F)).
- (3) Maximum area per sign: 4 sq. ft.
- (4) Maximum number of signs: 3 per event
- (5) Maximum sign height: 3 ft.
- (6) Location and manner: Signs shall be staked to the ground within a landscaped swale or median of a public right-of-way and placed no further than 2,500 feet (airline measurement) from the boundary of the parcel to which it pertains. Signs shall include the address of the parcel to which it pertains. Signs shall not be staked deeper than 12 inches and shall be removable without tools.
- (7) Duration: Signs shall be displayed not more than 24 hours prior to the event and not more than 24 hours after the conclusion of the event. In no case shall an off-premise direction sign be displayed for more than 3 consecutive days. Removal of signs shall be the responsibility of the landowner or agent as described in (2) above, provided that signs not meeting the requirements of this paragraph (F) shall also be subject to removal by the Town pursuant to Section 12-243.

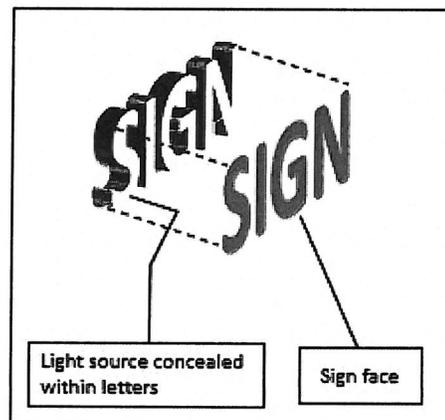
Section 12-241. Sign lighting and illumination.

- (A) The following shall be the only allowable methods of sign lighting and illumination within the Town:

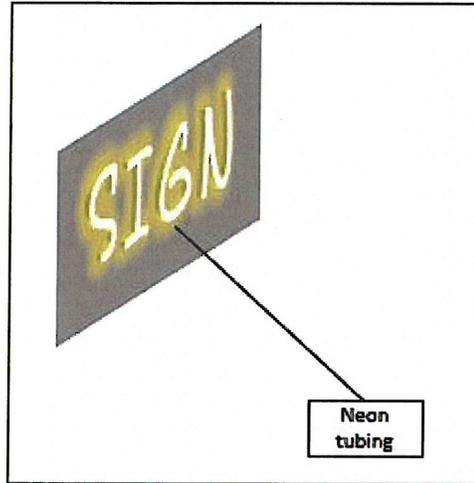
(1) Cabinet sign with internal light source.



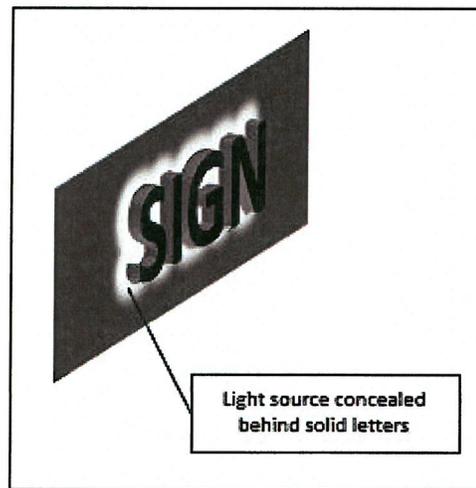
(2) Channel letter sign with Internal light source.



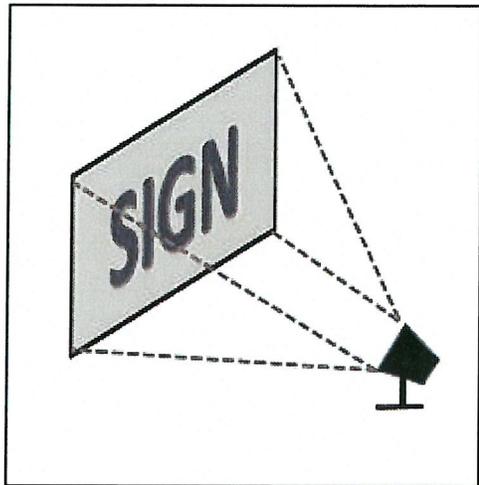
(3) Neon tubing formed into sign copy.



(4) Reverse channel letter sign with “halo lighting”.



(5) Shielded spotlight.



(B) Allowable sign lighting and illumination for permanent signs by zoning district:

	(1)	(2)	(3)	(4)	(5)
Zoning District	Cabinet sign with internal light source	Channel letter sign with Internal light source	Neon tubing formed into sign copy	Reverse channel letter sign with "halo lighting"	Shielded spotlight
Residential	N	N	N	Y	Y
Commercial, industrial, institutional	Y	Y	Y	Y	Y
Mixed use	Y	Y	Y	Y	Y

- (C) **Temporary signs.** Lighting and illumination of temporary signs in all zoning districts shall be limited to the type specified in paragraph (A)(5) above.
- (D) **Light source.** With the exception of neon tubing as set forth in paragraph (A)(3) above, the light source shall not be visible from adjoining properties or public rights-of-way and light emitters shall not be arranged in such a manner as to create sign copy.
- (E) **Neon tubing.** Neon tubing as set forth in paragraph (A)(3) above shall only be permitted in the form of a window sign in accordance with the standards of Section 12-240.

Section 12-242. Sign maintenance.

- (A) All signs shall be maintained as originally permitted and constructed, in good order with no missing, crooked, misplaced, faded, or damaged letters or other symbols or materials.
- (B) No person shall have any sign that is in a dangerous or defective condition on any premises he or she owns or controls. Within ten days of receiving notice of lack of maintenance, all signs shall be maintained in a safe presentable and good structural condition, including the replacement of defective parts, repainting, cleaning and other acts required for the maintenance of said sign.
- (C) Maintenance of area surrounding sign. All ground-mounted 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.

Section 12-243. Signs on rights-of-way and public property.

- (A) No signs shall be allowed a private right-of-way, a public right-of-way, or lands owned by a governmental water management entity, except noncommercial signs erected by or on behalf of a governmental entity or public utility.
- (B) No signs shall be allowed on public property or a public place, except those placed by or at the direction of the Town, or as may be required by this Division.
- (C) In addition to any other enforcement powers and remedies which may be available to the Town, any sign located within a public right-of-way or on public property which is not in compliance with this division shall be considered forfeited to the public and subject to confiscation by the Town.

Section 12-244. Off-premises signs.

Editorial note: The provisions allowing ten new off-premises signs were originally adopted by Ordinance 1996-30 and became effective on June 19, 1996. All ten signs authorized by Ordinance 1996-30 have been constructed.

- (A) It shall be unlawful to erect, construct or reconstruct an off-premises sign in any area of the Town except that up to ten (10) new off-premises signs may be erected within the Town of Davie, provided that the Town Council has determined that at least a minimum of five (5) percent of the gross revenues from the advertising on said off-premises signs, 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 off-premises signs may be erected and the proposed off-premises signs meet the following requirements:
 - (1) The off-premises sign is limited in size to fourteen (14) feet by forty-eight (48) feet and is supported by a single pole;
 - (2) The off-premises sign 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;
 - (3) The off-premises sign 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 off-premises sign;

- (4) The off-premises sign site is located adjacent to the I-595 or I-75 corridors or the Florida Turnpike;
 - (5) The off-premises sign is not located within one thousand five hundred (1,500) feet of a site previously certified by the Town Council; and
 - (6) Any additional reasonable regulations, including the posting of bonds if deemed necessary by the Town Council.
- (B) The Town Council shall have the right to reject any proposed site notwithstanding the site's compliance with subsections (1) through (6) above. A permit for these off-premises signs shall be issued by the Town of Davie upon submission to the Town Building Department of the following:
- (1) Certification that the Town Council has determined that the site and the proposed off-premises sign comply with the requirements of this section (12-244);
 - (2) An executed agreement by a company providing outdoor advertising substantially in the form provided in Ordinance 1996-30, together with the requisite evidence that the company has entered into an agreement with a nonprofit corporation to assure that at least five (5) percent of the gross revenues from the advertising on said off-premises signs, 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;
 - (3) A lease for the proposed site upon which the off-premises sign is to be erected;
 - (4) Plan reflecting that the off-premises sign is no more than sixty (60) feet above the crown of any adjacent, limited-access arterial roadway; and
 - (5) Plans reflecting that the off-premises sign 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 section (12-244).
- (C) 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 section (12-244), gross revenues shall not include monies received for payment of sales tax.

- (D) 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.

Section 12-245. Nonconforming signs.

(A) *Nonconforming signs Other Than Off-Premises signs.*

- (1) *In General.* Signs, other than off-premises signs, lawfully existing at the time of the adoption of this division 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 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 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.

- (2) *Limitations of Nonconforming signs.* A nonconforming sign which continues to exist beyond the amortization period set forth in paragraph (1), above shall be governed as follows:

- a. The sign shall not be structurally altered in any way, other than to create a conforming sign. This shall specifically prohibit the introduction of any new sign components or methods of sign illumination.
- b. If damaged or destroyed, the sign shall not be reconstructed.
- c. The sign shall not undergo a change of sign copy, except for lawfully established changeable copy signs.

(B) Nonconforming off-premises signs.

- (1) Although off-premises signs are currently prohibited, a number of off-premise signs were previously constructed lawfully within the Town. This

subsection provides for the legal status of the lawfully established off-premises signs and regulates the manner in which they may be maintained.

- (2) Off-premises signs lawfully established pursuant to a building permit prior to January 1, 2010, and which met all Town Code requirements in effect at the time of sign construction shall be considered conforming to this division provided that the sign is not modified other than as related to changes of copy consistent with the original, approved design. For example, and not by way of limitation, an off-premises sign originally designed as a static message sign with external illumination, shall not be modified to allow automatically rotating messages, digital messages or new methods of sign illumination. This paragraph is not intended to prohibit normal repair and maintenance or the replacement of sign lighting and other components consistent with the original, approved sign.

Section 12-246. Sign variances.

The Town Council may consider a variance to any of the provisions of Sections 12-235 through 12-243 pursuant to the procedures set forth in Section 12-309 of the Town Code.

Sec. 12-309. Review for variances.

(A)

A variance may only be considered for:

- (1) Height.
- (2) Area.
- (3) Yards (setbacks).
- (4) Separation requirements.
- (5) Open space.
- (6) Parking spaces.
- (7) Rural lifestyle fence design.
- (8) Sign provisions of Sections 12-235 through 12-243.

[Regional Activity Center]

Sec. 12-438.20. - ~~Signage regulations.~~ (Reserved)

The signage regulations of Article VIII shall apply to all signage in the RAC zoning districts, subject to the design criteria below, except that signage within areas designated Western Theme Overlay District shall be governed by the Western Theme Development Manual.

- (A) ~~Directory signage, including entryway features, shall be permitted within the public right-of-way—subject to jurisdictional approval for county and state right-of-way—for developments or activity centers of at least five hundred thousand (500,000) square feet, and the town center shopping district.~~
- (B) ~~Individual directory signs shall not exceed eight (8) square feet and seven (7) feet in height, and shall be subject to minimum clear zone requirements from edge of pavement. Town council approval shall be required for district or activity center entry features within the right-of-way.~~
- (C) ~~Single-occupant and multi-tenant buildings that have no parking in between the building and street, with parking facilities and storefronts/public entrances oriented to interior parking facilities, shall be allowed wall signage for both the facade oriented to the street, and the facade oriented towards the interior/parking facility. Each such facade shall be permitted two (2) square feet of combined wall, fascia, awning, and canopy signage for each lineal footage of tenant storefront length along each such facade.~~
- (D) ~~Freestanding signs are not permitted for any building or establishment that is situated within thirty (30) feet of a street line, except for buildings and establishments within shopping centers, business parks or similar complexes that were planned as one overall development unit and of at least ten (10) acres in land area or one hundred fifty thousand (150,000) square feet of building area.~~
- (E) ~~Architectural Requirements.~~
 - (1) ~~*Intent.* Signage and graphics will affect the overall character of the districts. In addition to serving the functional purpose of informing and directing pedestrian/vehicular traffic, well design signs establish a visual identity of an area. To be truly effective, all signs must contribute to the cohesiveness of the project. The RAC district will be serving a broad spectrum of people ranging from residents, tourists, students, and shoppers. Some will be walking or riding a bicycle others will be driving or utilizing transit. Public and private signage design must relate to all of these various users.~~
 - (2) ~~*Principles.*~~
 - (a) ~~Signs should be integrated with the building facade on all primary frontage street ground floor uses.~~
 - (b) ~~Whenever possible, signs located on buildings within the same block face shall be placed at the same height in order to create a unified sign band~~
 - (c) ~~Signs may be internally illuminated in a channel letter system or a box that is integrated into the architecture of the building.~~
 - (d) ~~Signage should be elegant and distinct with a small town charm.~~
 - (3) ~~*Requirements.*~~
 - (a) ~~Signs shall fit within the existing facade features, shall be confined to signature areas, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.~~

~~(b) Elevated free standing commercial or retail signage detached from the public realm of the development lot is prohibited.~~

~~(c) Lighting that follows the form a building, structure or sign is prohibited.~~



Town of Davie Sign Regulations: Achieving Consistency with Reed vs. Town of Gilbert, AZ – Supreme Court 2015

January 18, 2018

Reed vs. Town of Gilbert, AZ: The Municipal Sign Issue

- Plaintiff: A small church, which relied upon temporary directional signs to direct parishioners to the location
- Town of Gilbert sign code:
 - Ideological signs: 20sf max.
 - Political signs: 32sf max.
 - Temporary directional sign:
 - 6sf max. area
 - Display no more than 12 hrs. prior and 2 hrs. after event



Reed vs. Town of Gilbert, AZ: The Constitutional Issue

- Town of Gilbert sign code provided for various types of *message-specific signs*, with *wide variations* in size and timing restrictions (favoring one kind of speech over another)



Homeowners Assn signs (80 sq. ft.)

Political signs (nonresidential zone) (32 sq. ft.)

Ideological signs (20 sq. ft.)

Qualifying Event signs (6. sq. ft.)

Lessons of “Reed” for local sign ordinances

- Sign codes that regulate speech or expression are subject to strict scrutiny (code provisions that cannot meet this test may be found invalid)
- OK to regulate signs by type and location for valid public purpose, including community aesthetics
- Must ensure fair allocation of signage opportunities

How Will the Town Comply with “Reed”?

Significant Changes

- Re-define signs by type and location (not by the message)
- Allocate temporary signage by district
 - No permit required to erect sign
 - Increased allocation 90 days prior to elections
- Allocate permanent signage by district
 - Permit required for sign itself but no permit required for change of copy (except special design districts)
- Establish limits on flags and flag poles in proportion to parcel size
 - Content of flag displays not regulated

Items Essentially Unchanged:

- Special district design standards (Western Theme, Griffin Corridor, Regional Activity Center)
- Ban on off-premise signs (billboards)
- Ban on animated signs
- Limitations on LED message boards
- Height, setback and area standards for permanent ground-mounted and building-mounted signs
- Sign illumination standards
- General prohibition of signs in right-of-way (other than for governmental purposes)
- Signs pre-empted to the State, such as farm signs and fuel price signs

Allocation of Permanent Sign Area

Residential Districts

	Ground-mounted			Building	
	Max. Number (per parcel)	Max. Area (per parcel)	Max. Height	Max. Number	Max. Area
Single-family residential lot	None	None	NA	None	None
Single-family community common area	2 per approved vehicle access point	32 sq. ft.	6 ft.	NA	1 sq. ft. per lineal foot of building facade
Multi-family residential	2 per approved vehicle access point	32 sq. ft.	6 ft.	NA	1 sq. ft. per lineal foot of building facade

Non-residential Districts

	Ground-mounted			Building	
	Max. Number (per parcel)	Max. Area (per parcel)	Max. Height	Max. Number	Max. Area
Single-tenant commercial, industrial or institutional	2 per approved vehicle access point	See paragraph (H)	15 ft.	NA	2 sq. ft. per lineal foot of building facade
Multi-tenant commercial, industrial or institutional	2 per approved vehicle access point	See paragraph (H)	15 ft.	NA	2 sq. ft. per lineal foot of building facade

Allocation of Permanent Sign Area

Non-Commercial Signs in Residential Districts

	Ground-mounted				Building	
	Max. Number (per parcel)	Max. Area (per parcel)	Max. Area (per sign)	Max. Height	Max. Number	Max. Area
Single-family residential lot	NA	8 sq. ft.	NA	6 ft.	None	None
Single-family community common area	NA	NA	NA	NA	NA	NA
Multi-family residential	NA	16 sq. ft.	NA	6 ft.	NA	NA

Non-Commercial Signs in Non-Residential Districts

	Ground-mounted				Building	
	Max. Number	Max. Area (per parcel)	Max. Area (per sign)	Max. Height	Max. Number	Max. Area
Single-tenant commercial, industrial or institutional	1 per approved vehicle access point	10% of the area allowed per paragraph (H)	NA	15 ft.	NA	2 per lineal foot of building facade
Multi-tenant commercial, industrial or institutional	1 per approved vehicle access point	10% of the area allowed per paragraph (H)	NA	15 ft.	NA	2 per lineal foot of building facade

Allocation of Temporary Sign Area

Non-Commercial Signs (All Districts)

	Max. Area (total)	Max. Area (per sign)	Max. Height	Max. Duration of Display
Single-family residential lot	16 sq. ft. per acre [*]	4 sq. ft.	6 ft.	120 days/yr
Single-family community common area	16 sq. ft. per acre [*]	4 sq. ft.	6 ft.	120 days/yr
Multi-family residential	16 sq. ft. per acre [*]	8 sq. ft.	6 ft.	120 days/yr
Single-tenant commercial, industrial or institutional	16 sq. ft. per acre [*]	8 sq. ft.	6 ft.	120 days/yr
Multi-tenant commercial, industrial or institutional	16 sq. ft. per acre [*]	8 sq. ft.	6 ft.	120 days/yr

[*] Additional temporary signage allowed for the 90 days prior to and seven calendar days following any election, not to exceed:

1. Three square feet per sign, but not to exceed a cumulative total of 12 additional square feet per frontage (street or waterway) in residential districts;
2. Twelve square feet per sign, but not to exceed a cumulative total of 21 square feet per frontage (street or waterway) in commercial zoning districts.

Additional Allocation for Temporary Signs

- Banner signs
 - Up to 10% of building sign area
 - Up to ½ sq. ft. per lineal foot of building facade; maximum of 32 sq. ft.
 - Attached to a building
 - 30 days per building facade per year
- Window signs
 - Up to 10% of window; maximum of 20 sq. ft.
- A-frame signs
 - Maximum 8 sq. ft. on paved walkways on private property
- Public institution recognition
 - Uniform banner signs on fences of public and non-profit institutional uses

DIVISION 1. - SIGNS⁽⁸⁾

Footnotes:

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Editor's note— Ord. No. 2011-26, § 2(Exh. A), adopted Aug. 17, 2011, repealed the former Art. VIII, Div. 1, §§ 12-237—12-246, and enacted a new Art. VIII, Div. 1, as set out herein. For a complete history of the former Art. VIII, Div. 1, see the Code Comparative Table.

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. 2011-26, § 2(Exh. A), 8-17-11)

Sec. 12-237.5. - Severability.

It is the specific intent of the Town of Davie that each provision of this Code shall stand alone and operate independently of any other provision herein. If any section, subsection, sentence, phrase, or portion of this Code is declared invalid for any reason, it is specifically declared by the Town of Davie that such section, subsection, sentence, phrase or portion is separate, distinct, and independent of all other sections, subsections, sentences, phrases, or portions of this Code all other provisions are intended to remain valid.

(Ord. No. 2011-26, § 2(Exh. A), 8-17-11)

Sec. 12-237.6. - Definitions.

For purposes of this division, the following words, terms and phrases shall have the meanings set forth below.

Banner. A sign having characters, letters, symbols or illustrations which is typically nonilluminated, made of or applied to vinyl, plastic or fabric of any kind, with or without a frame, and usually used as temporary display for the special announcement of a coming event.

Copy. The wording on a sign surface in either permanent or removable letter form.

Erect. In terms of signage, to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.

Facade. The elevational surface of a building.

Flags. Devices generally made of flexible materials, such as cloth, paper or plastic and displayed on strings or wires.

Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases to cause momentary blindness.

Height, sign. The vertical distance as measured from the grade of the closest street right-of-way which accesses the site and from which the sign is located to the highest point of such sign.

Logo. A symbol representing a whole word or phrase including trademarks and corporate or business identity symbols.

Mural. A picture or photograph painted or applied directly on a wall and which in no way identifies a product.

Noncommercial copy. Any message which does not promote a business or the sale of any product, service or activity. Examples include messages regarding political, social or environmental matters.

Sign. Any object, device, display, structure, supporting structure, or part thereof situated outdoors or indoors that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, religious group, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, county, city, town or religious, fraternal or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art that in no way identify a product, or score boards located on athletic fields.

Sign, abandoned. A sign which no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where the sign is displayed.

Sign, area of. The total surface of a sign including its background and frame but not structural supporting elements outside its frame. Where a sign is composed of letters, characters or symbols applied to a frame or to a background which provides no border or frame, the area of the sign shall be the smallest rectangle, triangle or circle which will include the sign display.

Sign, auxiliary. A sign that provides special information such as direction, price, sales information, hours of operation or warning, and which does not include names, brand names or information regarding product lines or services. Examples of such signs include directories of tenants in buildings, "no trespassing" signs and signs which list prices of gasoline.

Sign, awning or canopy. A sign that is fastened to an awning or canopy including signs which are attached by metal screws or metal bands and that are hung from, or attached to, the underside and made of any material.

Sign, balloon. A sign supported by wind or air and attached to the ground, a building, structure or other sign.

Sign, construction. A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Sign, development. A sign that by symbol or name, identifies a development. It may also provide an index of uses (tenants) included in the development.

Sign, directory. A sign used to identify the tenants of a shopping center and office and industrial parks.

Sign, election campaign. Signs that support a candidates for public office or measures on an election ballot.

Sign, fascia. A sign that is located on the fascia of the building.

Sign, fence. A sign that is located, placed upon or attached to a fence.

Sign, freestanding. A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground and not supported by or attached to a building.

Sign, governmental. Any sign used for posting legal notices, identification of streets, traffic regulations, notices of danger, or other emergencies by a governmental authority.

Sign, ground. See definition of "Sign, freestanding."

Sign, illuminated. A sign that has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes designed and provided for such illumination.

Sign, inflatable. See definition of "Sign, Balloon."

Sign, memorial and plaques. Any sign or tablet used for the purpose of identifying the names of buildings and the date of erection and which are cut into any masonry surface or inlaid so as to be part of the building or structure, or which are attached to a building or structure and which are constructed of bronze or other noncombustible material.

Sign, messenger. A sign displaying the time, date, temperature or other information.

Sign, model. A sign which designates a particular dwelling unit design which is not for sale, but rather represents other units of a similar design that are for sale.

Sign, noncommercial. A sign which contains only noncommercial copy.

Sign, nonilluminated. A sign that is not illuminated by lights, designed and provided for the purpose, either external or internal.

Sign, off-site directional. A sign that provides off-site directional information following a standard format for important municipal, emergency or educational uses.

Sign, off-premises. A sign that is not located on the same property as the establishment that the sign's message pertains to, or where the product, service or activity is not present, or where the message does not pertain to the use of their site. A sign which contains only noncommercial copy shall not constitute an off-site or off-premises sign.

Sign, onsite directional. A sign indicating the direction or location of some onsite facility or service incidental to a use and not advertising the use in any way. Such signs shall include vehicular entrance and exit signs, vehicular flow signs and instructional signs.

Sign, onsite. A sign that is located on the same property as the establishment that the sign's message pertains to, or where the product, service or activity is present, or where the message pertains to the uses of the site upon which the sign is located. A sign which contains only noncommercial copy shall be deemed to constitute an onsite or onpremises sign.

Sign, painted wall. Any sign that is applied with paint or similar substance on the face of a building wall.

Sign, portable. A permanent sign mounted on a frame and/or chassis, which is designed for easy and repeated relocation.

Sign, real estate. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

Sign, roof. Any sign erected upon, against or above the lowest roofline of any building or structure for purposes of these regulations, a mansard shall not be considered part of a roof.

Sign, sandwich. A sign that is movable and not secured or attached directly or indirectly to the ground, structure or building.

Sign, snipe. A temporary sign or poster affixed to a pole, tree, structure, building, fence, etc.

Sign, structure. Any device or material that supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers or sign roofs.

Sign, subdivision entrance or identification. Any sign whose purpose is exclusively limited to the identification of a platted subdivision or residential area, and which names such subdivision or area without further elaboration, display or advertisement.

Sign, temporary. A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood or other light material and intended to be displayed for a short period of time (thirty (30) or less consecutive days). Included in this category are retailers' signs temporarily displayed for the purpose of informing the public of a sale or "special" offer.

Sign, trespassing. A sign intended to warn off trespassers upon the property on which the sign is located.

Sign, under-canopy. A sign suspended beneath a canopy or awning, or overhangs which are designed to provide sheltered pedestrian walkways along business storefronts.

Sign, use. The sign(s) permitted for each land use.

Sign, wall. A sign mounted parallel to a building facade or other vertical building surface. Wall signs shall also include those signs that are placed below the outside edge of a building overhang and those that are placed below the lowest roofline. Parallel signs shall not extend beyond 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.

Sign, window. A sign painted or installed on a window surface for purposes of viewing from outside the premises.

(Ord. No. 2011-26, § 2(Exh. A), 8-17-11; Ord. No. 2013-12, § 2(Exh. A), 6-5-13; Ord. No. 2016-014, § 2(Exh. A), 7-27-16)

Sec. 12-238. - General regulations.

- (A) *Sign standards and area determination:* 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 onsite 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) (Reserved).
 - (11) Temporary signs meeting the standards of section 12-243(D), except as otherwise noted.
 - (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) Farm signs, to the extent that such signs are exempt from municipal regulation pursuant to Sec. 604.50, Florida Statutes.
 - (14) A noncommercial sign located in a residentially zoned district not exceeding two (2) square feet in area and three (3) feet in height. No illumination of the sign shall be permitted.
 - (15) Banners and similar temporary signs on Town-owned property which are twenty-five (25) square feet or less per face, not prohibited pursuant to section 12-238(J), and approved by the Town Administrator or his/her designee pursuant to guidelines established by resolution of the town council.
- (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 continued 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 ($\frac{1}{2}$) 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.
 - (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 or as intended in the original design of the building. No sign shall be attached to a stand pipe.
 - (7.1) Any sign that obscures or interferes with the approved architectural elements of a building. For example, a sign shall not extend across decorative stucco bands, arches, columns, cornices or similar architecturally distinct features.
 - (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-premises signs. It shall be unlawful to erect, construct or reconstruct an off-premises sign in any area of the Town except that up to ten (10) new off-premises signs may be erected within the Town of Davie, provided that the Town Council has determined that at least a minimum of five (5) percent of the gross revenues from the advertising on said off-premises signs, 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 off-premises signs may be erected and the proposed off-premises signs meet the following requirements:
 - (a) The off-premises sign is limited in size to fourteen (14) feet by forty-eight (48) feet and is supported by a single pole;

- (b) The off-premises sign 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 off-premises sign 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 off-premises sign;
- (d) The off-premises sign site is located adjacent to the I-595 or I-75 corridors or the Florida Turnpike;
- (e) The off-premises sign 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 off-premises signs shall be issued by the Town of Davie upon submission to the Town Building Department of the following:
 1. Certification that the Town Council has determined that the site and the proposed off-premises sign comply with the requirements of this subsection (9);
 2. 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 five (5) percent of the gross revenues from the advertising on said off-premises signs, 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
 3. A lease for the proposed site upon which the off-premises sign is to be erected.
 4. Plan reflecting that the off-premises sign is no more than sixty (60) feet above the crown of any adjacent, limited-access arterial roadway;
 5. Plans reflecting that the off-premises sign 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.

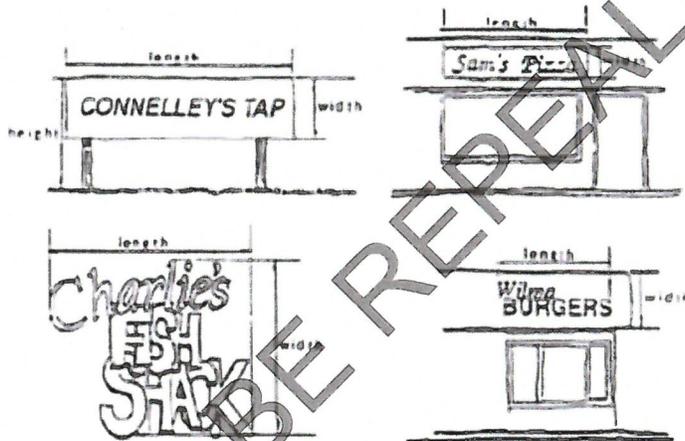
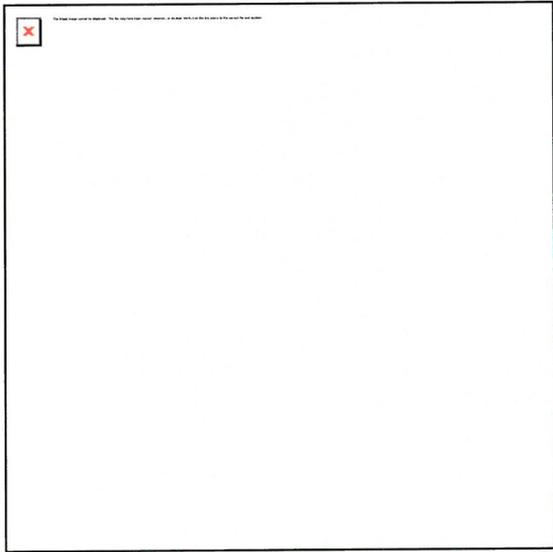
- (10) Portable trailer signs, either fixed or movable.
- (11) Off-site directional signs except as provided for by section 12-243(B).
- (12) Sandwich signs except in the Western Theme Area.
- (13) Any sign located within a public right-of-way except as provided by this division.

- (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 or walls except as permitted under section 12-242(B) and 12-243(D)(5).
 - (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 onsite 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 onsite 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) *(Reserved)*.
- (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.

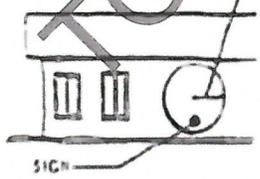
- (b) Any single-family residence with access on a designated road shall be permitted one (1) address sign of not more than one (1) square foot area per dwelling unit.
- (c) A nonresidential development site located within a scenic corridor shall be permitted one (1) freestanding sign, for identification 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 (1½) square feet shall be allowed at each permitted access way or access point along the designated roads.
- (e) Freestanding signs shall not exceed four and one-half (4½) 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) Freestanding signs shall be set back a minimum of ten (10) feet from the edge of the road right-of-way.

(R) *Noncommercial signs:*

- (1) *Sign review criteria.* All sign applications (application are not required for those signs not requiring permits as noted herein), shall be submitted to the building department. If the application demonstrates that the proposed sign meets the requirements of this section, the application shall be approved. Otherwise, the application shall be denied.
- (2) *Sign permit application.* Application for a sign permit shall be made on a form provided by the building department and shall set forth and contain the following information and material:
 - (a) Two (2) copies of a plan showing:
 - i. The location and size of any building or structures, both existing and proposed, on the property proposed as the location of the sign.
 - ii. The position of the proposed sign and its relation to adjacent buildings and structures.
 - iii. The design and size, colors proposed, and proposed location of the sign or sign structure on the property.
 - iv. When the application is for a directional sign, plans shall indicate the location of off-street parking facilities, including major points of ingress and egress for motor vehicles.
 - v. The sizes and dimensions of all other signs existing on the property upon which the proposed sign is to be located.
 - (b) Such other information as may reasonably be required to determine compliance with this and other applicable ordinances.
- (3) *Time for determining a sign permit application; Appeals.* Planning and zoning division shall render a final and appealable written determination on a sign permit application within thirty (30) days from the date such application is filed with the building department. In the event that the planning and zoning division fails to timely render such a final determination on a sign permit application, the applicant may erect and maintain the sign proposed in the application until such time as such application is denied and all appeals, if any, are exhausted. If any citizen wishes to appeal any final written determination regarding a sign permit application, such appeal shall be made in writing and filed with the Town Administrator within thirty (30) days from the date of the final written determination being appealed. The town council shall hear and determine the appeal of the applicant within thirty (30) days of the Town Administrator's receipt of the appeal or the decision of the planning and zoning division shall be deemed to be reversed. The decision of the Town Council is final.



Sign size measured by the RADIUS of the circle, multiplied by 147%



Angle created must not be greater than 15 degrees

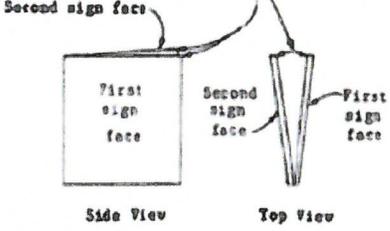


Illustration 12-238A

(Ord. No. 2011-26, § 2(Exh. A), 8-17-11; Ord. No. 2013-12, § 2(Exh. A), 6-5-13; Ord. No. 2016-014, § 2(Exh. A), 7-27-16)

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) *Non-illuminated.* 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 the sign face. The spotlights are fully shielded so that they are not visible from streets or adjoining property.
- (6) *Neon tubing fashioned to form a sign or sign copy.* Architectural neon and similar strip lighting that does not constitute a sign or sign copy is regulated by Article VIII, Division 2.

TO BE REPEALED

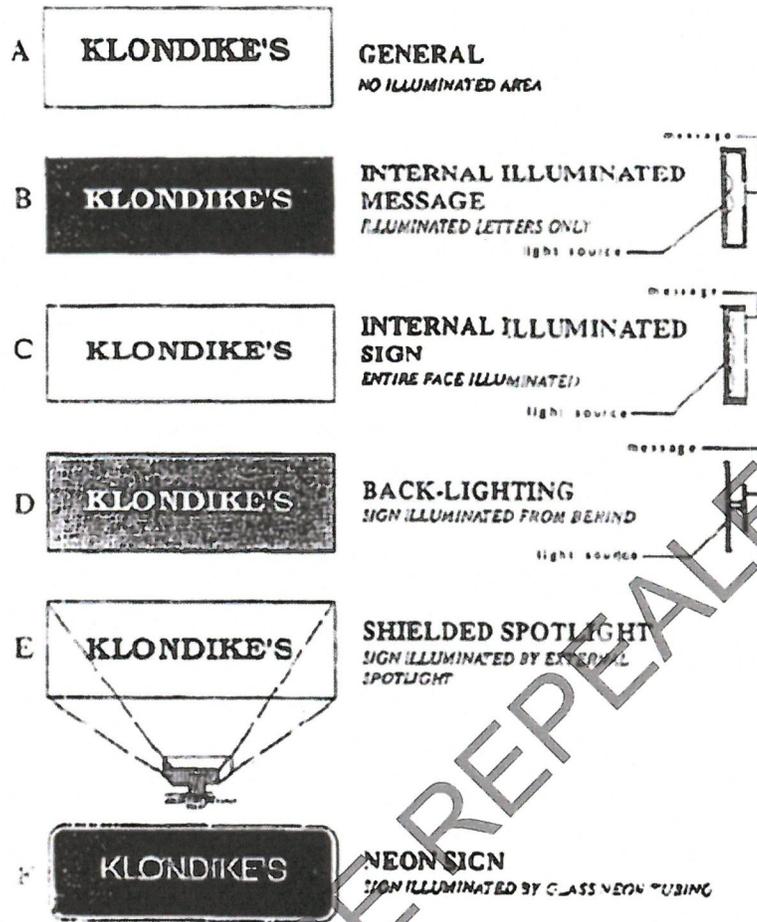


Illustration 12-239(1)

(Ord. No. 2011-26, § 2(Exh. A), 8-17-11; Ord. No. 2016-014, § 2(Exh. A), 7-27-16)

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

- (A) *Comprehensive sign plan.* Each shopping center, office park and industrial park is encouraged to have a comprehensive sign plan and to ensure that each tenant is allocated a reasonable amount of sign area and setting forth a limited number of sign colors and sign styles to ensure compatibility among tenants and compatibility with the overall architectural style of the development (as approved by the Town).
- (B) *Lighting and illumination.* All wall, fascia and awning signs within a center or park shall utilize a consistent form of lighting/illumination throughout the development, utilizing one (1) of the lighting/illumination standards as set forth in section 12-239. The Town Administrator or designee may allow exceptions in the case of single tenant (freestanding) buildings or anchor stores, where the storefront is accentuated by height or other architectural detailing so that the use of different signage does not disrupt the visual continuity of the center.

- (C) *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.
- (D) *On-site directory signage .* On-site directory signs not visible from the public right-of-way may be permitted within the development as a freestanding or wall sign, utilizing a common theme throughout the development. 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.

(Ord. No. 2011-26, § 2(Exh. A), 8-17-11; Ord. No. 2016-014, § 2(Exh. A), 7-27-16)

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.

Use	Freestanding Tenant Directory	Freestanding Center Identification	Wall ^a	Facia ^a	Awning ^a	Changeable Copy
Shopping Center	1/ent ^c	Y ^f	Y	Y	Y	N ^e
Shopping Center Outparcel	N	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	N ^d	N	N	N	N ^e
Freestanding Businesses (single-occupant building, not included in a center or park)	N	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 identification 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. 2011-26, § 2(Exh. A), 8-17-11)

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:*

- (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—1,199	120	15	8
1,200 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). For 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 located 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 (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.
 - (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 facade length. 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.
- (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) *Limitations:*

- (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) A gas station or convenience store with gas pump islands shall be permitted to incorporate a changeable copy fuel price sign into any otherwise permitted sign. Despite any provision to the contrary in section 12-239, a changeable copy fuel price sign may utilize digital light displays of a single color, provided that such sign displays only the actual, per gallon price of fuel remains static other than as manually changed in accordance with an actual change in fuel price, and otherwise complies with the provisions of this division.
- (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. 2011-26, § 2(Exh. A), 8-17-11; Ord. No. 2013-12, §2(Exh. A), 6-5-13, Ord. No. 2016-014, § 2(Exh. A), 7-27-16)

Illustration 2-242(A)

Freestanding Signs

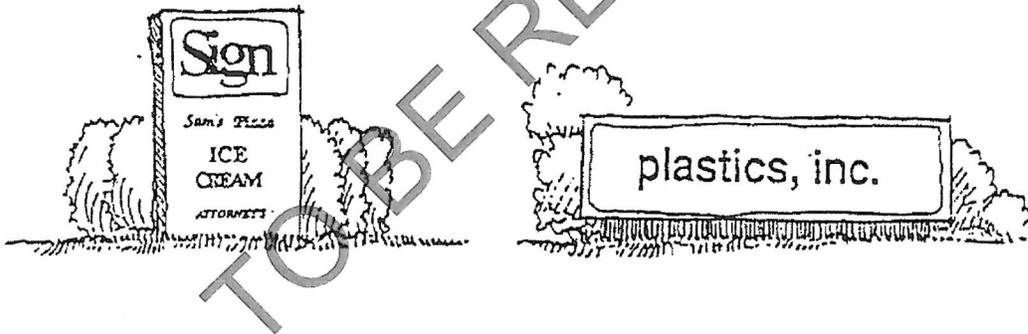


Illustration 2-242(R)

Wall Signs

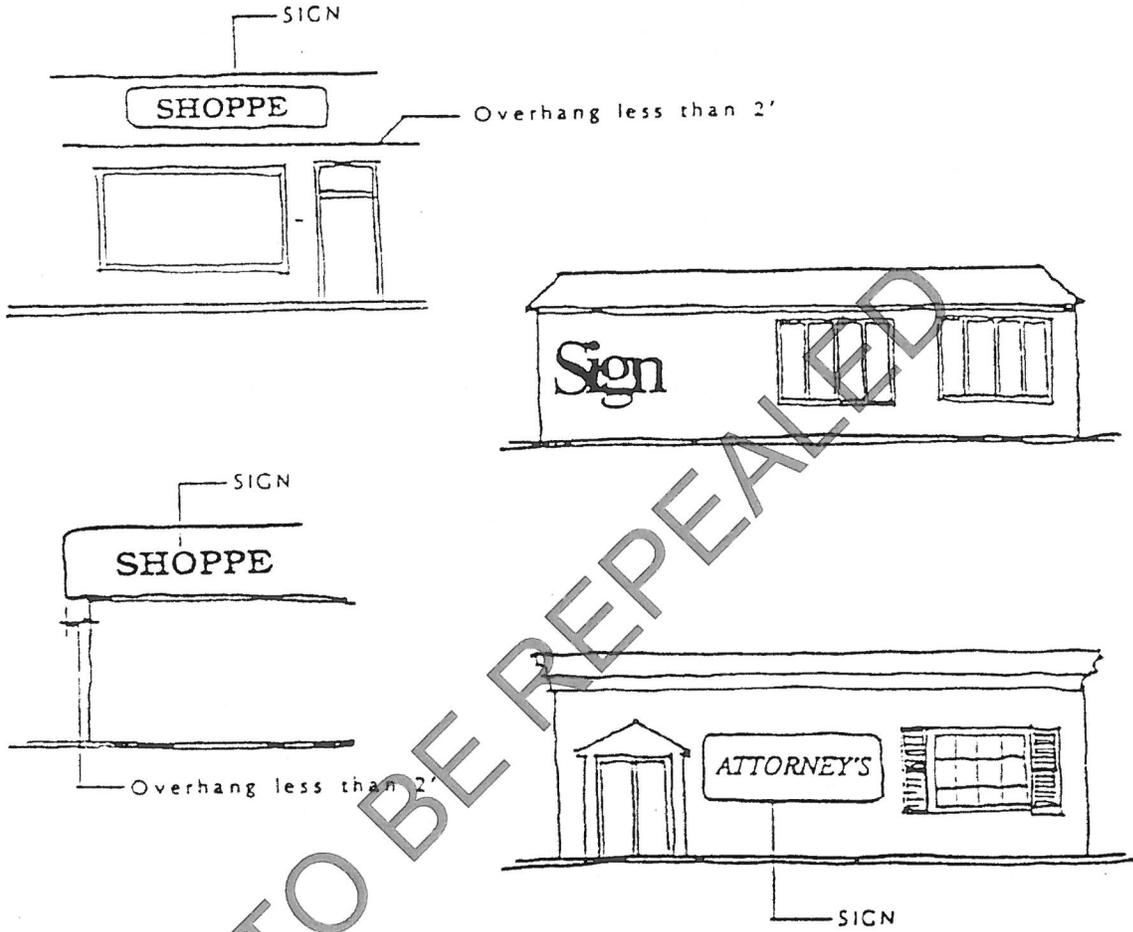


Illustration 2-242(C)

Fascia Signs

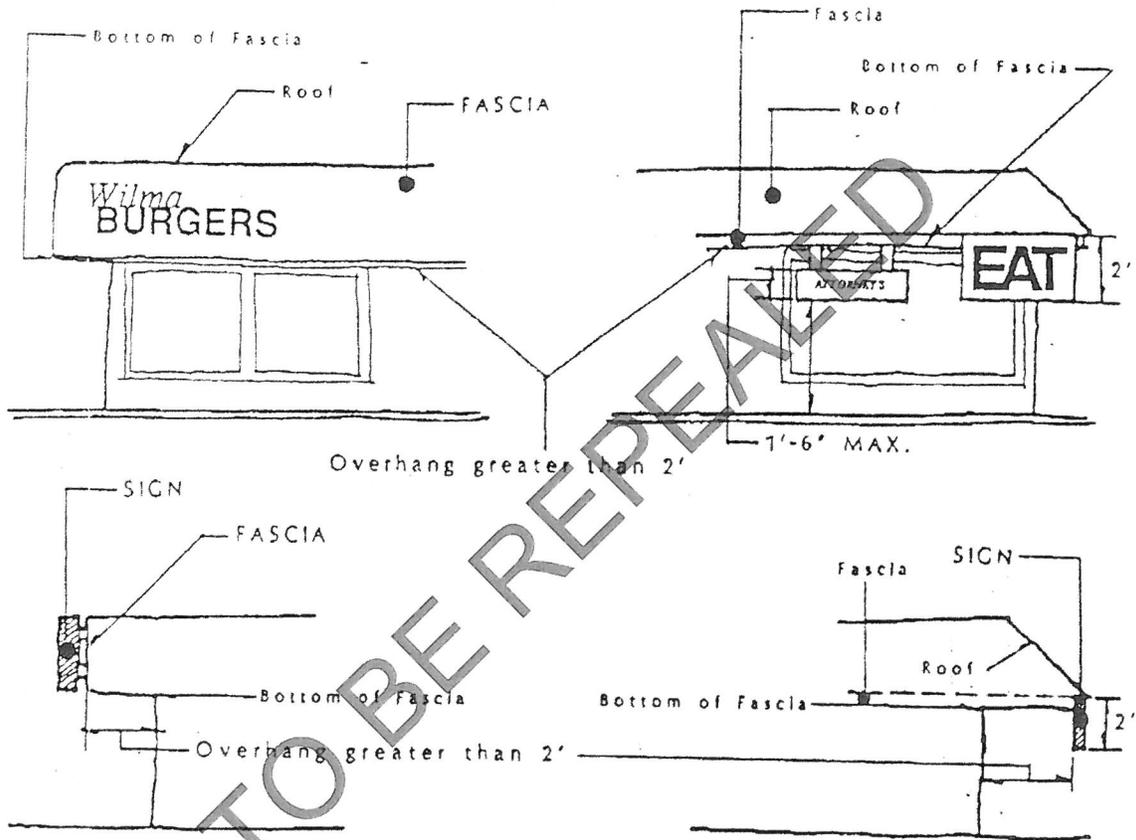


Illustration 2-242(D)

Awning or Canopy Signs

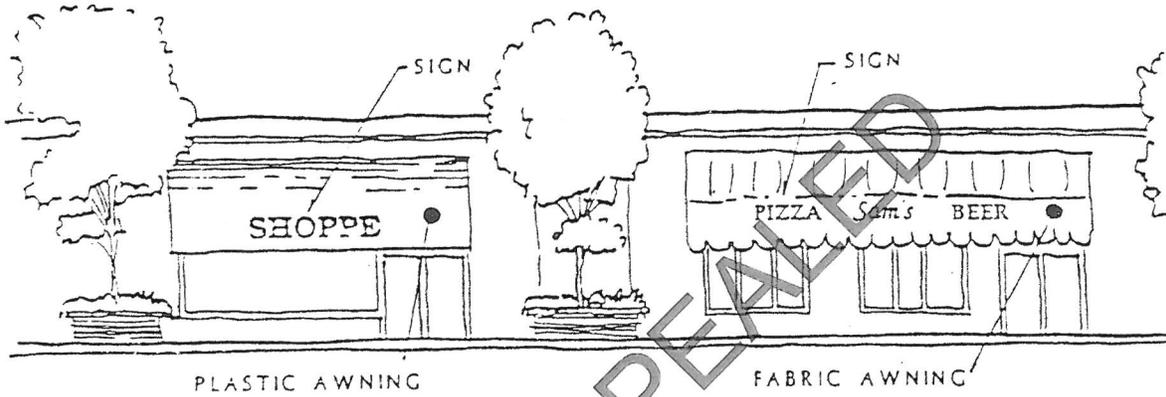
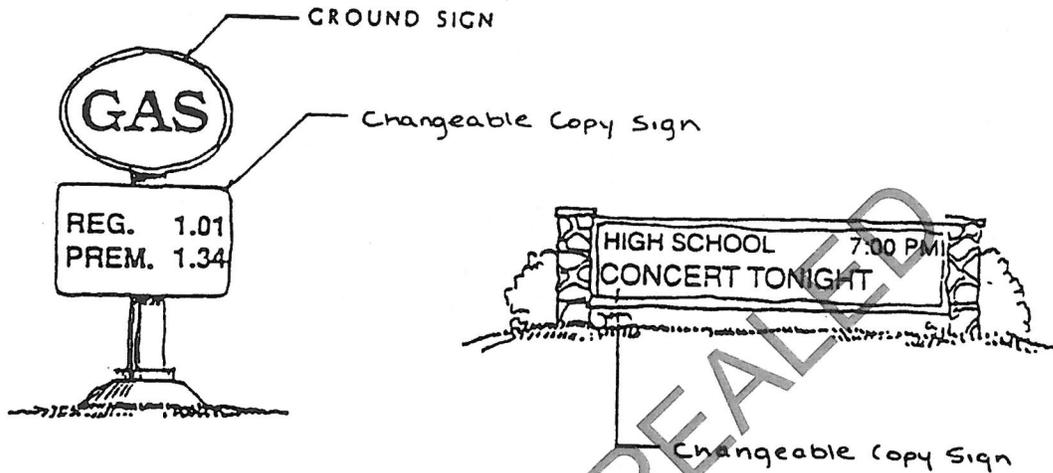


Illustration 2-242(F)

Changeable Copy Signs



Sec. 12-243. - Other sign standards.

- (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) Freestanding signs shall not exceed four and one-half (4½) 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.
 - (6) Notwithstanding section 12-238(J), town council may approve residential development signs within town right-of-way subject to an agreement as deemed appropriate by the town attorney, and the applicant accepts maintenance of sign. The town council may also waive or modify any town Code provisions relating to these signs as deemed appropriate to the circumstance.

- (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.
- (1) *Election campaign signs:* Temporary signs advertising political parties or candidates for election may be erected or displayed and maintained provided that:
 - (a) Signs shall not be internally illuminated and shall not exceed sixteen (16) square feet per sign face.
 - (b) Signs shall not be erected or displayed earlier than sixty (60) days prior to the primary or general election to which they pertain; the placement of any such sign requires the permission and consent of the property owner.
 - (c) The political party or candidate, or an authorized agent, deposits with the town clerk the sum of three hundred dollars (\$300.00) for Town of Davie municipal elections, or five hundred dollars (\$500.00) for county elections and statewide or national elections, as a guarantee that all the election campaign signs will be removed within seven (7) days after the date of the election to which the signs relate. Signs erected for a primary election may remain erected until the conclusion of the general election provided that the candidate's name remains on the general election ballot. Signs for unsuccessful primary election candidates must be removed within seven (7) days after the date of the primary election. If the signs are not removed at the end of the seven-day period, the town shall have them removed, with the permission of the landowner as applicable, and be due the appropriate cost recovery fee from the deposit as reimbursement to the town for actual expenses incurred and as identified in town Code section 6-9(c). Any signs removed by Town of Davie employees will be confiscated and held for five (5) business days. Signs not retrieved by close of business on the fifth business day shall be discarded and the charges due as outlined in Town Code section 6-9(c) will be deducted from the sign bond.
 - (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, or snipe signs shall be placed on public property owned or used by the town or by other governmental agencies or units in the incorporated areas of the town except when permission and consent is provided by the town or governmental agency; unapproved signs shall be removed in accordance with paragraph (f).

- (f) Candidates will be notified by phone or e-mail of any violation and given 24 hours to cure any violation. Any violation of this section which is not cured by the candidate or their agents within twenty-four (24) hours shall result in the forfeiture of the appropriate cost recovery fee from the deposit required under paragraph (c) above and shall be subject to further ordinance enforcement penalties. Any signs removed by Town of Davie employees will be confiscated and held for five (5) business days. Signs not retrieved by close of business on the fifth business day shall be discarded.
- (g) No election campaign sign shall be placed or maintained in a manner that causes it to be a nuisance to the public health, safety or welfare due to its location, state of disrepair, or by placement in the sight triangle as noted in Town Code section 12-113; if any election campaign sign shall be a nuisance, the town is hereby authorized to remove the sign immediately. Any signs removed by Town of Davie employees will be confiscated and held for five (5) business days. Signs not retrieved by close of business on the fifth business day shall be discarded.
1. No more than ten (10) days after the election to which the signs pertain, a determination will be made by the Code Compliance Division whether all of a candidate's election signs have been removed. If confirmation is received from the Code Compliance Division that all signs have been removed and no violations exist, the town clerk's office will process a refund for any funds that are owed to the candidate.
 2. Any signs that remain will be considered in violation and handled in the manner prescribed in paragraph (f) referenced above.
- (h) Severability. This chapter and its sections hereunder, are hereby declared to be independent divisions, and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any section of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections and the application of such sections to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections would have been passed independently of such section or provision so known or found to be invalid. Should any procedural aspect of this chapter be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this chapter.
- (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 one thousand two hundred (1,200) lineal feet, one (1) sign per twelve hundred (1200) lineal feet or fraction thereof may be permitted. Real estate signs shall be located entirely within the property to which the signs apply and 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. Areas developed for single-family, duplex and single-family attached dwellings: four (4) square feet.
 2. For all other districts: thirty-two (32) square feet.
 - (b) Real estate signs shall not be subject to building setback (minimum yard) requirements but shall maintain required clear sight triangles at all driveways and streets.
 - (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) Residential transitory signs. Residential transitory signs are signs which facilitate garage sales, open houses, moving sales, yard sales, neighborhood meetings, HOA meetings, and the like. These types of signs shall be subject to the following:
1. In addition to one (1) sign at the residence where the activity is occurring, no more than two (2) directional signs may be permitted within the swale area of any two-lane street bounded on both sides by residential properties. Signs shall not exceed four (4) feet in height or four (4) square feet in sign area.
 2. Directional signs will not be permitted in the median or on any sidewalk, and must be set back at least five (5) feet from edge of pavement. Such signs shall only be staked or pressed into the ground and not attached to utility poles or traffic control signs.
 3. (Reserved)
 4. Directional signs must be erected and taken down on the same calendar day, but no later than 9:00 p.m.
 5. (Reserved)
 6. (Reserved)
 7. Where the public interest in the road right-of-way is limited to an easement, the consent of the owner of the property is required.
 8. Town staff shall have the authority to remove any residential transitory sign from a public right-of-way without notice if the sign deemed a safety hazard or if the event to which it pertains has ceased.
 9. The name and telephone number of the party responsible for removal of each sign must be clearly displayed on the sign enabling the town to contact the responsible party if necessary.
- (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 (1) 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) *Banners:*

- (a) *Permit required.* A banner may be approved pursuant to a building permit provided that:
 - (1) The purpose of the banner is to advertise a new business or a special sale or event involving the business.
 - (2) There is no more than one (1) banner per business at any time.
 - (3) The banner is attached to a freestanding building or, in the case of a multi-tenant building, to the facade of the business advertised.
 - (4) The area of the banner does not exceed two (2) square feet per lineal foot of business facade (using the longest façade line).
 - (5) No business shall display a banner for more than thirty (30) consecutive days nor more than thirty (30) days total in any calendar year. Each banner application must indicate the intended display period. If the application does not specify the intended display period, the permit will be deemed expired thirty-one (31) days after the date of issuance.
- (b) *Previously issued banner permits.* All permits issued between June 5, 2013 and March 1, 2016 related to the one-year trial program for banner signs, as adopted by section 12-243(D)(5)(a) of Ordinance 2013-12, shall be deemed expired on July 1, 2016.

(E) *Internal message boards.*

- 1. Parcels within the RAC-AV zoning district may erect internal message boards with the following limitations:
 - a. The parcel shall be five (5) or more acres in size.
 - b. Where more than two (2) internal message boards are proposed, such signs shall follow a consistent design theme as adopted in the Master Site Plan and Design Standards required by section 12-32.417.
 - c. No internal message board shall be more than two hundred (200) square feet per sign face.
 - d. Internal message board sign faces shall not be visible from any public street right-of-way.
 - e. If visible from an internal drive, such drive shall have a design speed of no more than twenty-five (25) miles per hour.
 - f. Despite any provision of this division to the contrary, an internal message board may include changeable copy and digital light displays, including full motion displays, and no building permit shall be required for such changeable copy. Messages shall be limited to information concerning onsite, not-for-profit programs, parking and travel information and public safety information.

(F) *External message boards.* Parcels within the RAC-AV and RAC-TC zoning districts may erect external message boards with the following limitations:

- 1. The parcel shall be five (5) or more acres in size. In the RAC-TC district, the parcel must also be owned and managed by a governmental entity.

2. Where more than two (2) external message boards are proposed, such signs shall follow a consistent design theme. In the RAC-AV district, the design must be adopted in the Master Site Plan and Design Standards required by section 12-32.417.
3. No external message board shall be more than two hundred (200) square feet per sign face nor more than fifteen (15) feet in height above finished grade.
4. Despite any provision of this division to the contrary, an external message board may include changeable copy and digital light displays, including full motion displays, provided that the text changes no more than once every six (6) seconds. No building permit shall be required for such changeable copy. Messages shall be limited to information concerning onsite, not-for-profit programs, parking and travel information and public safety information.

(Ord. No. 2010-5, § 2, 2-17-10; Ord. No. 2011-26, § 2(Exh. A), 8-17-11; Ord. No. 2012-2, § 2(Exh. A), 1-18-12; Ord. No. 2013-12, § 2(Exh. A), 6-5-13; Ord. No. 2014-23, § 2(Exh. A), 12-2-14; Ord. No. 2015-017, § 2(Exh. A), 6-10-15; Ord. No. 2016-014, § 2(Exh. A), 7-27-16)

Sec. 12-244. - Nonconforming signs.

(A) *Nonconforming Signs Other Than Off-Premises Signs.*

- (1) *In General.* Signs, other than off-premises signs, lawfully existing at the time of the adoption of this division 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 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 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.

- (2) *Limitations of Nonconforming Signs.* A nonconforming sign which continues to exist beyond the amortization period set forth in paragraph (1), above shall be governed as follows:
 - a. The sign shall not be structurally altered in any way, other than to create a conforming sign. This shall specifically prohibit the introduction of any new sign components or methods of sign illumination.
 - b. If damaged or destroyed, the sign shall not be reconstructed.
 - c. The sign shall not undergo a change of sign copy, except for lawfully established changeable copy signs.

(Ord. No. 2011-26, § 2(Exh. A), 8-17-11)

Sec. 12-245. - Off-premises signs.

Although off-premises signs are currently prohibited, a number of off-premise signs were previously constructed lawfully within the Town. This section provides for the legal status of the lawfully established off-premises signs and regulates the manner in which they may be maintained.

Off-premises signs lawfully established pursuant to a building permit prior to January 1, 2010, and which met all Town Code requirements in effect at the time of sign construction shall be considered

conforming to this division provided that the sign is not modified other than as related to changes of copy consistent with the original, approved design. For example, and not by way of limitation, an off-premises sign originally designed as a static message sign with external illumination, shall not be modified to allow automatically rotating messages, digital messages or new methods of sign illumination. This paragraph is not intended to prohibit normal repair and maintenance or the replacement of sign lighting and other components consistent with the original, approved sign.

(Ord. No. 2011-26, § 2(Exh. A), 8-17-11)

Sec. 12-246. - Design variations.

- (A) *In General.* In order to accommodate the unique circumstances of individual parcels or businesses, the town shall have the discretion to allow minor variations from the provisions of section 12-240 involving sign color and lighting as set forth below.
- (B) *Application Review.*
- (1) The landowner requesting the design variation shall submit an application on a form determined by the town administrator along with a fee as established by resolution of the town council.
 - (2) The application shall be reviewed by the site plan committee, which shall consider:
 - (a) Whether the proposed design variation is necessary to accommodate the specific needs of a particular business or location.
 - (b) Whether the proposed design variation is necessary to overcome conflicting sign requirements.
 - (c) Whether the proposed design variation, if allowed, would [be] contrary to the overall intent and purpose of the sign regulations.
 - (d) Whether any additional conditions or limitations are necessary to ensure that the proposed signage design remains consistent with the intent and purpose of the sign regulations.
- (C) *Decision on a Proposed Design Variation.* Based on the findings and recommendations of the site plan committee, the town administrator or his/her designee may approve, approve with conditions or deny the design variation. The decision of the town administrator may be appealed to the town council within thirty (30) days.

(Ord. No. 2011-26, § 2(Exh. A), 8-17-11)

Secs. 12-247—12-259. - Reserved.

NOTICE OF AMENDMENT TO THE CODE OF ORDINANCES

The Town of Davie proposes to amend the Code of Ordinances by adopting the following:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, REPEALING CHAPTER 12, ARTICLE V, SECTION 80.2, CODE OF ORDINANCES TITLED, "LIFE SAFETY REQUIREMENTS FOR GROUP HOMES"; CREATING CHAPTER 12, ARTICLE III, SECTION 12-34(Z)(2)(f), TITLED "LIFE SAFETY REQUIREMENTS FOR SPECIAL RESIDENTIAL FACILITIES"; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING A NEW DIVISION 1, SIGNS, CHAPTER 12, ARTICLE VIII OF THE LAND DEVELOPMENT CODE; AMENDING SECTION 12-309, REVIEW FOR VARIANCES; PROVIDING FOR REPEAL OF THE EXISTING DIVISION 1, SIGNS, CHAPTER 12, ARTICLE VIII OF THE LAND DEVELOPMENT CODE PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING CHAPTER 26, COMMERCIAL PHOTOGRAPHY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Council of the Town of Davie will hold public hearings on the proposed ordinances in the Council Chambers of the Davie Town Hall, 6591 Orange Drive, Davie, Florida on the dates hereinafter specified. These items will be discussed at 6:30 p.m. or as soon thereafter as practicable. Comments of any interested party relative to these matters may be submitted in writing and/or presented at the hearing.

DATE OF TOWN COUNCIL HEARING: March 21, 2018

The ordinances are available for inspection at the Planning and Zoning Division office. For information please call the Planning and Zoning Division at 954-797-1103.

The Town Council may continue or defer a hearing to a new date and time certain without further notice, provided the date and time of the continuance or deferral is announced at the hearing.

Pursuant to Florida Statute § 286.0105, if a person decides to appeal any decision made by this board, agency, committee, or council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings. For such purpose he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk at (954)797-1023 at least five business days prior to the meeting to request such accommodation. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (TDD).

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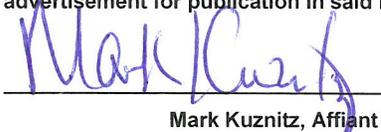
Boca Raton, Palm Beach County, Florida

Miami, Miami-Dade County, Florida

STATE OF FLORIDA

COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

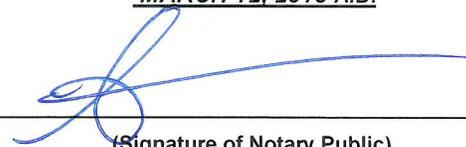
Before the undersigned authority personally appeared MARK KUZNITZ who on oath says that he/she is a duly authorized representative of the Classified Department of the Sun-Sentinel, daily newspaper published in Broward/Palm Beach/Miami-Dade County, Florida, that the attached copy of advertisement, being, a NOTICE OF PUBLIC HEARING in the Matter of THE TOWN OF DAVIE - AMENDMENT TO CODE OF ORDINANCES NOTICE appeared in the paper on MARCH 10, 2018 AD# 5485025 Affiant further says that the said Sun-Sentinel Said newspaper has heretofore been continuously published in said Broward/Palm Beach/Miami-Dade County, Florida, each day, and has entered as second class matter at the post office in Fort Lauderdale, in said Broward County, Florida, for a period of one year next preceding the first publication of the attached copy of she has neither paid, nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.



Mark Kuznitz, Affiant

Sworn to and subscribed before me on

MARCH 12, 2018 A.D.



(Signature of Notary Public)

(Name of Notary typed, printed or stamped)

Personally Known or Produced
Identification _____





**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

Item Number: 23.

To: Mayor and Councilmembers
From: David Quigley, Planning and Zoning Manager 954-797-1075)
Prepared By: David Quigley, Planning and Zoning Manager 954-797-1075) - Planning Zoning
Subject: Ordinance
Affected District: Town Wide
Item Request: Schedule for Council Meeting

Title of Agenda Item: **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING A NEW DIVISION 1, SIGNS, CHAPTER 12, ARTICLE VIII OF THE LAND DEVELOPMENT CODE; AMENDING SECTION 12-309, REVIEW FOR VARIANCES; SECTION 12-438.20, SIGN REGULATIONS (REGIONAL ACTIVITY CENTER); PROVIDING FOR REPEAL OF THE EXISTING DIVISION 1, SIGNS, CHAPTER 12, ARTICLE VIII OF THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on first reading on February 21, 2018. In a roll call vote: Mayor Paul - yes; Vice-Mayor Caletka - yes; Councilmember Luis - yes; Councilmember Hattan - yes; Councilmember Starkey - yes. (Motion carried 5-0)}**

Executive Summary: The proposed ordinance is intended to completely replace the existing sign regulations and is intended to ensure that the Town is in compliance with the Supreme Court decision of Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015). The primary purpose of the changes is to ensure content neutrality but the code provisions have also been updated for clarity as needed.

Key Points:

- A summary of the Supreme Court case and Town’s strategy to achieve compliance are attached for reference. A copy of the Town’s current sign code is also provided for reference.
- Staff made the following amendments to the draft after the Planning and Zoning Board meeting:
 - Amended Sec. 12-232 by deleting two unnecessary definitions (terms that were not actually used in the ordinance).
 - Amended Sec.12-230(A)(2) to clarify that government signs on County property are not categorically exempt from the ordinance.
 - Amended Sec. 12-243(C) to clarify that signs located in a public right-of-way or on public property which are not in compliance with the ordinance are subject to confiscation and disposal by the Town without further notice.

Previous Actions: On February 7, 2018, the item was tabled to the February 21, 2018 meeting.

Concurrences: On January 10, 2018, the Planning and Zoning Board took the following recommendation: Motion made by Vice Chair Jacob, seconded by Mr. Cory, to approve Code Amendment (ZB-TXT17-230) Sign Code Update. In a roll call vote, the motion passed unanimously (4-0), with Mr. Bender absent.

Fiscal Impact:

Has request been budgeted? N/A

If yes expected cost:

Account name and number:

If no, amount needed:

Account name funds will be appropriated from

Additional Comments

Recommendation: Motion to approve

Strategic Goals This Item Supports:

None

ATTACHMENTS:

File Name	Description
1 ord_02-28-18.pdf	Ordinance
2 EX A_02-28-18.pdf	Ordinance Exhibit
davie sign pres 10-18-18.pdf	case summary and Town strategy

▣ [3 DIVISION 1. SIGNS to be repealed.pdf](#)

existing sign code