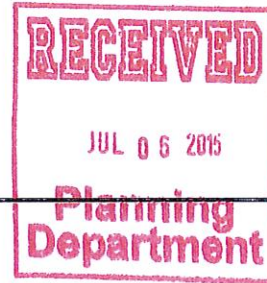


Memo

To: Thomas Ansbro, Esq., City Attorney
From: James White, Esq.,
Date: June 25, 2015
Re: PARK 'N GO Sign (VR-021-15)



QUESTION:

Is the proposed PARK 'N GO Sign submitted as part of Sign Variance application (VR-021-15) a prohibited sign type?

SHORT ANSWER:

No. The proposed PARK 'N Go sign is not a "prohibited" sign type pursuant to City Code.

I. Background

The Applicant (PARK 'N GO) has submitted a Sign Variance request (VR-021-15) pursuant to City Code Article 625 for a type of freestanding sign (City Code excludes any "pole sign"). The subject property associated with the Sign Variance request is located within the Port Everglades Development District (PEDD).

City Code Article 325 establishes the PEDD, which is intended to provide for and encourage appropriate and consistent land use patterns within the jurisdictional boundaries of Port Everglades irrespective of whether the land being regulated lies within the municipal boundaries of the cities of Hollywood, Fort Lauderdale or Dania Beach or within the unincorporated territory of Broward County.

The uses and standards allowed within this district recognize the need to accommodate the use of the lands within Port Everglades which is a major regional facility essential to the continued economic vitality of the cities and the county.

II. PEDD Signage

It is important to note the City's signage regulations of Article 505 apply City-wide, except that signage within the PEDD is regulated within Article 320. Signage for PEDD is

regulated separately from other areas of the city, because the PEDD is the subject of an interlocal agreement among Fort Lauderdale, Hollywood, Dania Beach and Broward County that contains special signage provisions.

City Code Section 320-50(g) governing “Signs” within the PEDD provides limited information and details concerning signage. As such, the general sign regulations of the City, in Article 505 are applicable, provided there is no conflict or inconsistency with the signage provisions set forth in Article 320.

Specifically, City Code Section 320-50(g) “Signs” permits “freestanding” advertising signage, but provides no related definitions. As such, the default sign regulations of Article 505 related to definitions are applicable. Sign Code Section 505-20 "Definitions" provides the following definitions:

Freestanding sign. A sign that is affixed to, and supported by, the ground and is not attached to any building or other structure.

Monument sign. A free-standing sign of monolithic design in which the structure supporting the sign face is concealed from view, or is architecturally and aesthetically integrated into the overall design of the sign.

In addition, City Code Section 320-50(g) provides for the maximum sign area and height related to permitted freestanding commercial advertising signage.

III. PEDD Sign Variance

City Code Section 320-80 “Variance” within the PEDD provides that “*any variance of the regulations contained within this article shall be processed pursuant to the variance procedures established within Article 625.*” But, in accordance with the requirements of that article and of the sign code, the criteria governing the sign variance are those in City Code Section 505-180 “Relief from requirements, sign variances.”

City Code Section 505-180(B) provides that a sign variance shall not be granted to allow a type of sign that is prohibited under City Code Section 505-50. Pursuant to City Code Section 505-50(AA), all pole signs and projecting poles signs not specifically authorized, are prohibited within the City.

The PARK’N GO Sign Variance request is specifically limited to the PEDD sign regulations pursuant to City Code Section 320-50(g) concerning the maximum sign area and height of a permissible “freestanding” sign type (excluding pole signs) as defined under City Code Section 505-20.

IV. Prohibited Pole Signage Within The City

City Code Section 505-50 “Prohibited Signs” provides “*any sign not specifically permitted, exempted, or authorized by this article is prohibited. It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign described as follows:*

(AA) All pole signs and projecting pole signs that are not specifically authorized for shopping centers, hotels, office complexes and industrial complexes within one thousand (1,000) feet of I-95 or I-595 in accordance with City Code Section 505-130 and the Hotel Overlay District regulations of City Code Section 315-50."

City Code Section 505-20 "Definitions" provides the following:

Pole sign. Any sign supported by visible uprights or braces placed upon the ground and not attached to any part of any building. A flag on a flagpole is not a pole sign

V. Conclusion

The proposed PARK’N Go Sign submitted as part of the Sign Variance request (VR-021-15) does not fall within the above referenced “Pole Sign” definition and likewise does not fall within the “Prohibited Signs” category established pursuant to City Code Section 505-50(AA) for pole signs. The proposed sign is a freestanding sign type (something other than a prohibited pole sign) which is permitted.

As such, Park’N Go may submit a Sign Variance pursuant to City Code Article 625 for a type of freestanding sign, as long as it is not a prohibited pole sign. The Sign Variance request is specifically limited to PEDD sign regulations pursuant to City Code Section 320-50(g) concerning maximum sign area and height.

The Sign Variance request is to be processed utilizing the variance process set forth for Variances established in the City Code pursuant to Article 625. However, in accordance with the requirements of that article and of the sign code, the criteria governing the sign variance are those in City Code Section 505-180.