

**SUNRISE, FLORIDA**  
**ORDINANCE NO. 402-24-A**

**AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING CHAPTER 16 “LAND DEVELOPMENT CODE” ARTICLE XIV “SIGNS” BY AMENDING SECTION 16-247 “PURPOSE, DEFINITIONS, SUBSTITUTION, AND SEVERABILITY;” AMENDING SECTION 16-248 “PROHIBITED SIGNS;” AMENDING SECTION 16-249 “REQUIRED SIGNS;” AMENDING SECTION 16-252 “NONRESIDENTIAL DISTRICT PERMANENT SIGNS;” AMENDING SECTION 16-253 “TEMPORARY AND RELIEF SIGNS;” AMENDING SECTION 16-254 “SUPPLEMENTAL SIGN REGULATIONS;” AMENDING SECTION 16-256 “LEGAL NONCONFORMING SIGNS;” AMENDING SECTION 16-257 “CONSTRUCTION SPECIFICATIONS;” AMENDING SECTION 16-259 “REMOVAL OF IMPROPER SIGNS;” AMENDING SECTION 16-261” APPROVAL PROCESS;” AMENDING SECTION 16-262 “SIGN WAIVERS;” AMENDING SECTION 16-263 “INSPECTIONS;” AND AMENDING SECTION 16-264 “UNIFORM SIGNAGE PLANS;” PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Article VIII of the State Constitution and Chapter 166, Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Commission of Sunrise (the “City”) finds and determines that the City’s land development regulations are required to regulate signs as provided by Section 163.3202(2)(f), Florida Statutes; and

WHEREAS, the City Commission does not wish to censor speech, but rather to provide for the public welfare by regulating signage in the City in a manner that enhances the aesthetics of the community, reduces visual pollution, provides clear information and minimizes distractions to drivers in the interests of traffic safety; and

WHEREAS, the City Commission desires to modify and update its regulation of signs in order to respond to recent caselaw including *Reed v. Town of Gilbert*, 576 U.S. 155, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015) (“*Reed*”) and *City of Austin, Texas v. Reagan Nat’l Advert. of Austin, LLC*, 142 S. Ct. 1464 (2022) (“*Austin*”); and

WHEREAS, the City finds and determines that the purpose and intent provisions of its signage regulations should be detailed so as to further describe the beneficial

aesthetic, traffic safety, and other effects of the City's sign regulations, and to reaffirm that the sign regulations are concerned with the secondary effects of speech and are not designed to censor speech or regulate the viewpoint of the speaker; and

WHEREAS, various signs that serve as signage for particular land uses are based upon content-neutral criteria in recognition of the functions served by those land uses, but not based upon any intent to favor any particular viewpoint or control the subject matter of public discourse; and

WHEREAS, the City finds and determines that the sign regulations adopted hereby allow and leave open adequate alternative means of communications, such as newspaper advertising, internet advertising and communications, advertising in shoppers and pamphlets, advertising in telephone books, advertising on cable television, advertising on UHF and/or VHF television, advertising on AM and/or FM radio, advertising on satellite radio, advertising on internet radio, advertising via direct mail, and other avenues of communication available in the City [see *State v. J & J Painting*, 167 N.J. Super. 384, 400 A.2d 1204, 1205 (Super. Ct. App. Div. 1979); *Board of Trustees of State University of New York v. Fox*, 492 U.S. 469, 477 (1989); *Green v. City of Raleigh*, 523 F.3d 293, 305-306 (4th Cir. 2007); *Naser Jewelers v. City of Concord*, 513 F.3d 27 (1st Cir. 2008); *Sullivan v. City of Augusta*, 511 F.3d 16, 43-44 (1st Cir. 2007); *La Tour v. City of Fayetteville*, 442 F.3d 1094, 1097 (8th Cir. 2006); *Reed v. Town of Gilbert*, 587 F.3d 866, 980-981 (9th Cir. 2009)]; and

WHEREAS, in *Reed*, the United States Supreme Court, in an opinion authored by Justice Thomas, and joined in by Chief Justices Roberts, Scalia, Alito, Kennedy and Sotomayer, addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs; and

WHEREAS, in *Reed*, Justice Alito in a concurring opinion joined in by Justices Kennedy and Sotomayer pointed out that municipalities still have the power to enact and enforce reasonable sign regulations; and

WHEREAS, Justice Alito further noted that in addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech [see *Pleasant Grove City v. Sumnum*, 555 U.S. 460, 467-469 (2009)], and that government entities may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots; and

WHEREAS, Justice Alito noted that the *Reed* decision, properly understood, will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate aesthetic objectives, including rules that distinguish between on-premises and off-premises signs; and

WHEREAS, under established Supreme Court precedent and Eleventh Circuit precedent, commercial speech may be subject to greater restrictions than noncommercial speech and that doctrine is true for both temporary signs as well as for permanent signs; and

WHEREAS, all of these findings pursuant to *Reed* and other prior caselaw have been reaffirmed and further reinforced by the *Austin* decision; and

WHEREAS, the City finds and determines that a traffic control device, as defined herein, should be exempt from regulation under the City's regulations for signage; and

WHEREAS, the City finds and determines that the regulation of signs within the City strongly contributes to the development and maintenance of a pleasing, visually attractive environment, and that these sign regulations are prepared with the intent of enhancing the environment and promoting the continued well-being of the City; and

WHEREAS, the City finds and determines that the regulation of signage for purposes of aesthetics has long been recognized as advancing the public welfare; and

WHEREAS, the City finds and determines that, as far back as 1954, the United States Supreme Court recognized that "the concept of the public welfare is broad and inclusive," that the values it represents are "spiritual as well as physical, aesthetic as well as monetary," and that it is within the power of the legislature "to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled" [in *Berman v. Parker*, 348 U.S. 26, 33 (1954)]; and

WHEREAS, the City finds and determines that aesthetics is a valid basis for zoning, and that the regulation of the size and appearance of signs and the prohibition of certain types of signs can be based upon aesthetic grounds alone as promoting the general welfare [see *Merritt v. Peters*, 65 So. 2d 861 (Fla. 1953); *Dade County v. Gould*, 99 So. 2d 236 (Fla. 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 878 (1970)]; and

WHEREAS, the City finds and determines that these sign regulations further the character and ambiance of the City, and reflect its commitment to maintaining and improving an attractive environment; and

WHEREAS, the City finds and determines that the beauty of the City's natural and built environment has provided the foundation for the economic base of the City's development, and that the City's sign regulations help create an attractive residential community for its residents; and

WHEREAS, the City finds and determines that the goals, objectives and policies of its plans over the years demonstrate a strong, long-term commitment to maintaining and improving the City's attractive and visual environment; and

WHEREAS, the City finds and determines that, from a planning perspective, one of the most important community goals is to define and protect aesthetic resources and community character; and

WHEREAS, the City finds and determines that the purpose of the regulation of signs as set forth in this Ordinance is to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements; and

WHEREAS, the City finds and determines that the sign regulations in this Ordinance are intended to lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic; and

WHEREAS, the City finds and determines that these sign regulations are intended to protect the public from the dangers of unsafe signs; and

WHEREAS, the City finds and determines that these sign regulations are intended to permit signs that are compatible with their surroundings and aid orientation, and to preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs; and

WHEREAS, the City finds and determines that these sign regulations are intended to regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians; and

WHEREAS, the City finds and determines that these sign regulations are intended to require signs to be constructed, installed and maintained in a safe and satisfactory manner; and

WHEREAS, the City finds and determines that in meeting the purposes and goals established in these findings, it is appropriate to prohibit or to continue to prohibit certain sign types; and

WHEREAS, the City finds and determines that the prohibition of the construction of billboards and certain other sign types, as well as the establishment and continuation of height, size and other standards for on-premise signs, is consistent with the policy set forth in the Florida Constitution that it shall be the policy of the state to conserve and protect its scenic beauty; and

WHEREAS, the City finds that local governments may separately classify off-site and on-site advertising signs in taking steps to minimize visual pollution [see *City of Lake Wales v. Lamar Advertising Association of Lakeland Florida*, 414 So. 2d 1030, 1032 (Fla. 1982) and *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 142 S. Ct. 1464 (2022)]; and

WHEREAS, the City finds and determines that a prohibition on the erection of off-site outdoor advertising signs will reduce the number of driver distractions and the number of aesthetic eyesores along the roadways of the City [see, e.g., *E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1154 (5th Cir. 1970), cert. denied, 400 U.S. 878 (1970)]; and

WHEREAS, the City finds and determines that in order to preserve, protect and promote the safety and general welfare of the residents of the City, it is necessary to regulate off-site advertising signs, so as to prohibit the construction of off-site signs and billboards in all zoning districts, and to provide that the foregoing provisions shall be severable; and

WHEREAS, the City hereby finds and determines that anything beside the road which tends to distract the driver of a motor vehicle directly affects traffic safety, and that signs, which divert the attention of the driver and occupants of motor vehicles from the highway to objects away from it, may reasonably be found to increase the danger of accidents, and agrees with the courts that have reached the same determination [see *In re Opinion of the Justices*, 103 N.H. 268, 169 A.2d 762 (1961); and *Newman Signs, Inc. v. Hjelle*, 268 N.W.2d 741 (N.D.1978)]; and

WHEREAS, the City finds and determines that the City has allowed noncommercial speech to appear wherever commercial speech appears; and the City desires to continue that practice through the specific inclusion of a substitution clause that expressly allows non-commercial messages to be substituted for commercial messages (and non-commercial messages to be substituted for each other); and

WHEREAS, the City finds and determines that, by confirming in this Ordinance that noncommercial messages are allowed wherever commercial messages are permitted, the City will continue to overcome any constitutional objection that its ordinance impermissibly favors commercial speech over noncommercial speech [see *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1236-1237 (D. Kan. 1999)]; and

WHEREAS, the City finds and determines that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be permitted to stand provided (1) the unconstitutional provisions can be separated from the remaining valid provisions, (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void, (3) the good and the bad features are not so inseparable in substance that it can be said that the legislative body would have passed the one without the other, and (4) an act complete in itself remains after the valid provisions are stricken [see, e.g., *Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)]; and

WHEREAS, the City finds and determines that there have been several judicial decisions where courts have not given full effect to severability clauses that applied to

sign regulations and where the courts have expressed uncertainty over whether the legislative body intended that severability would apply to certain factual situations despite the presumption that would ordinarily flow from the presence of a severability clause; and

WHEREAS, the City finds and determines that the City has consistently adopted and enacted severability provisions in connection with its ordinance provisions, and that the City wishes to ensure that severability provisions apply to its regulations, including its sign regulations; and

WHEREAS, the City finds and determines that the Code's severability clauses were adopted with the intent of upholding and sustaining as much of the City's regulations, including its sign regulations, as possible in the event that any portion thereof (including any section, sentence, clause or phrase) be held invalid or unconstitutional by any court of competent jurisdiction; and

WHEREAS, the City finds and determines that there must be an ample record of its intention that the presence of a severability clause in connection with the City's sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any provision is invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the City finds and determines that there must be an ample record that it intends that the height and size limitations on free-standing, ground, wall, and other signs continue in effect regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the City's sign regulations, other code provisions, or other laws, for any reason (s) whatsoever; and

WHEREAS, the City finds and determines that there must be an ample record that it intends that each prohibited sign type continue in effect regardless of the invalidity or unconstitutionality of any, or even all, other provisions of the City's sign regulations, other code provisions, or other laws, for any reason(s) whatsoever; and

WHEREAS, the City Commission makes the detailed findings set forth in the amended Section 16-247 of Section 2 of this Ordinance as to the purpose, scope and intent of the City's sign regulations, and the substantial and compelling governmental interests that are advanced by these regulations; and

WHEREAS, the City Commission finds and determines that this Ordinance is consistent with all applicable policies of the City's adopted Comprehensive Plan; and

WHEREAS, the City Commission reiterates its desire that there be an ample and unequivocal record of its intention that the severability clauses it has adopted related to its sign regulations shall be applied to the maximum extent possible, even if less speech would result from a determination that any exceptions, limitations, variances, or other sign provisions are invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the City Commission, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed hearing on February 27, 2024, and recommended approval; and

WHEREAS, the City Commission conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the City Commission has determined that this Ordinance is consistent with the City's Comprehensive Plan and in the best interest of the public health, safety and welfare.

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

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. That section 16-247 of the Code of Ordinances of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 16-247. Purpose, definitions, substitution and severability.

- (a) *Intent.* The purpose of this article is to create a comprehensive system of street graphic controls, through the promotion of quality business identification and indexing; to facilitate clear communication of signs; to reduce traffic and structural hazards; and to enhance the visual appearance of the city.
- (b) *Scope.*
  - (1) The provisions of this article shall govern the number, size, location, and character of all signs which may be permitted either as a principal or accessory use under the terms of this article. No signs shall be permitted on a parcel either as a principal or accessory use except in accordance with the provisions of this article.
  - (2) This article does not regulate City signs on property owned by the City, Broward County, or the State of Florida, and does not regulate traffic control devices. Private signs on public property and rights of way are unauthorized, and subject to removal and disposal.
  - (3) In the event of any conflict between this Code and any declaration of covenants, bylaws, or other restrictions applying to any property within the City, the language affording the more restrictive interpretation shall apply.
  - (4) The City 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 City to further these interests.

(c) *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 City as a place to live and to do business. Implementing the Florida Constitution is a compelling governmental interest.
- (2) *Florida Statutes.* Florida law require cities to adopt comprehensive plans and implement them through land development regulations (also known as zoning regulations) and approval of development orders that are consistent with the comprehensive plan. See Part II of Chapter 163, Florida Statutes. Florida law specifically requires that the City adopt sign regulations. See Section 163.3202(2)(f), Florida Statutes. Complying with state law is a compelling governmental interest.
- (3) *City Comprehensive Plan.* The City is a diverse community with a wide range of land uses. Some areas are suburban in character, while the western edges of the City have been developed with a more urban character and contain regionally significant commercial and institutional uses. Several goals, objectives and policies of the City’s comprehensive plan require the City to maintain its scenic beauty and traffic safety through its land development regulations and actions. The Future Land Use and Transportation Elements of the City’s Comprehensive Plan calls for sign regulation and prioritizes aesthetics and traffic safety as follows:
  - a. Future Land Use Objective 1.3 – Protection of Residential Areas: Develop and implement land use controls which promote residential areas that are attractive, well maintained and protect the health, safety, and welfare of residential areas.
  - b. Future Land Use Policy 1.3.6 – Regulate signs in order to promote community aesthetics and scenic beauty in the City and protect the health, safety and welfare of the City residents.
  - c. Future Land Use Goal 2 – Commercial: Provide for a varied and diverse mix of commercial opportunities to serve the residents of the City of Sunrise and the South Florida Region.
  - d. Future Land Use Policy 2.2.5 Regulate signs in order to promote community aesthetics and scenic beauty in the City and protect the health, safety and welfare of the City residents.
  - e. Future Land Use Policy 3.4.1 – Regulate signs in order to promote community aesthetics and scenic beauty in the City and protect the health, safety and welfare of the City residents.



- f. Future Land Use Policy 4.4.1 – Regulate signs in order to promote community aesthetics and scenic beauty in the City and protect the health, safety and welfare of the City residents.
- g. Future Land Use Policy 5.2.5 – Regulate signs in order to promote community aesthetics and scenic beauty in the City and protect the health, safety and welfare of the City residents.
- h. Transportation Goal 1 – The City will actively promote the provision of a safe, convenient, and efficient transportation system for all modes of travel.
- i. Transportation Goal 3 – The City will encourage a transportation system which minimizes environmental impact and conserves energy.
- j. Transportation Goal 7 – Protect, maintain, and where feasible improve the City of Sunrise’s transportation system in a manner that provides for safety and security, convenience and energy efficiency; that coordinates and balances the transportation system, with the state, regional and countywide multi-modal plans, programs and systems; that is considerate of sensitive environmental issues and areas; and that addresses the transportation needs of present and future populations including the transportation disadvantaged.

Implementing the City Comprehensive Plan is a compelling governmental interest.

- (d) *Case/law.* In accordance with the U.S. Supreme Court’s cases on sign regulation, the regulations in this article 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 City’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:
  - (1) *Reed v. Town of Gilbert*, 576 U.S. 576, U.S.155, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015) on the topic on noncommercial temporary signs;
  - (2) *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981) on the topic of commercial signs and off-premise signs;
  - (3) *City of Ladue v. Gilleo*, 512 U.S. 43 (1994) on the topic of political protest signs in residential areas;
  - (4) *Linmark Assocs., Inc. v. Township of Willingboro*, 431 U.S. 85 (1977) on the topic of real estate signs in residential areas;

- (5) *Burson v. Freeman*, 504 U.S. 191 (1992) on the topic of election signs near polling places;
  - (6) *Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447 U.S. 557 (1980) on the topic of commercial speech; and
  - (7) *City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984) on the topic of signs on public property.
  - (8) *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 142 S. Ct. 1464 (2022) on the topic of off-premises sign regulation.
  - (9) *Shurtleff v. City of Boston, Massachusetts*, 142 S. Ct. 1583, 1584 (2022) on the topic of commercial flags and government speech.
- (e) *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 address, directional, directory, and identification 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 City, ensure that City residents, visitors and emergency responders can safely navigate through the City to their intended destinations, and promote the continued well-being of the City. It is therefore the purpose of this article to promote aesthetics and the public health, safety and general welfare, and assure the adequate provision of light and air within the City 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.
- (f) *Specific Legislative Intent.* More specifically, the sign regulations are intended to:
- (1) Encourage the effective use of signs as a means of communication in the City;
  - (2) Maintain and enhance the scenic beauty of the aesthetic environment and the City's ability to attract sources of economic development and growth;
  - (3) Ensure all modes of pedestrian safety and traffic safety;
  - (4) Minimize the possible adverse effect of signs on nearby public property, public rights-of-way and private property;
  - (5) Foster the integration of signs with architectural and landscape designs;
  - (6) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive sign height, and

excessive sign area which compete for the attention of pedestrian and vehicular traffic and are not necessary to aid in wayfinding;

- (7) 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;
- (8) 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;
- (9) Curtail the size and number of signs to the minimum reasonably necessary to identify the location and the nature of a land use, and to allow smooth navigation to these locations;
- (10) 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;
- (11) Regulate signs so that they are effective in performing the function of identifying and safely directing pedestrian and vehicular traffic to a destination;
- (12) Preclude signs from conflicting with the principal use of the parcel and adjoining parcels;
- (13) Regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
- (14) 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;
- (15) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the City;
- (16) Allow traffic control devices consistent with national standards without regulation in this article, 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;
- (17) 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;

- (18) 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;
- (19) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the City and that complements the natural surroundings in recognition of the City's reliance on its natural surroundings and beautification efforts as a source of economic advantage as an attractive place to live and work;
- (20) Classify and categorize signs by type and zoning district;
- (21) Not regulate signs more than necessary to accomplish the compelling and important governmental objectives described herein;
- (22) Enable the fair and consistent enforcement of these sign regulations;
- (23) 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 City's Comprehensive Plan;
- (24) Establish regulations for 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 City, recognizing that signs form an integral part of architectural building and site design and require equal attention in their design, placement and construction; and
- (25) Provide for the unique signage needs of multi-tenant properties through the uniform signage plans that assure a consistent and cohesive appearance and enhance legibility of sign messages through their common design; and
- (26) Provide an effective method to deter individuals and businesses from attaching unsightly and distracting signs to public structures within or adjacent to public rights of way; and
- (27) Be considered the maximum standards allowed for signage, and regulate signs in a permissive manner so that any sign is not allowed unless expressly permitted and not expressly prohibited.

(g) *Definitions* (see also Article XVII).

*Advertise or Advertising:* shall mean to convey or conveying a commercial message.

*Animated sign:* A sign which uses motion of any part of by any means, or displays flashing, oscillating, sequentially or intermittent lights. Excludes changeable copy sign, automatic.

*Architectural projection:* Any projection not intended for occupancy, which extends beyond the property line, not including signs, canopies or marquees.

*Awning sign:* A sign placed on an awning, which is supported entirely from the exterior wall of a building and composed of a no rigid material except for the supporting framework.

*Banner sign:* A sign having the characters, letters or illustrations applied to cloth, paper or fabric of any kind with only such material for backing.

*Billboard:* See off-premises sign.

*Bunting:* Any kind of pennant, streamer or other similar fabric decoration.

*Cabinet sign:* A sign that contains all the text and/or logo symbols within a single enclosed box and may or may not be illuminated.

*Canopy sign:* A sign hung underneath a pedestrian shelter canopy in a multitenant non-residential structure.

*Changeable copy sign, manual,* Signs displaying messages, which can be, or are intended to be, changed by use of removable letters and numerals.

*Changeable copy sign, automatic:* A sign permitted by a uniform sign plan in the Western Sunrise Area on which copy is changed through an automatic or remotely controlled process, no more frequently than every 8 seconds. Shall not be operated as an animated sign.

*Cold air balloon sign:* Any sign of fabric type material, inflated by cold air to a point of semi-rigidity for the purpose of floating above the ground.

*Commercial, Commercial message, Commercial copy or Commercial sign* shall mean any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to an entity, product, commodity, service, sale or sales event or other commercial activity.

*Contractor sign:* A sign displayed while a building permit is active on the property on which it is located whether non-residential or residential.

*Copy area:* See sign area.

*Corner lot:* A lot or outlot abutting two (2) public rights-of-way at their intersection.

*Development or neighborhood identification sign:* A sign that is placed around the perimeter of a development or neighborhood and used to identify the development or neighborhood.

*Directional sign:*

- a. A noncommercial on premises sign, providing information to all modes of pedestrian and vehicular traffic, such as but not limited to "entrance," "exit," "caution" "parking," and "no trespassing."
- b. A sign within a development, or at the entrances thereto, used to identify the locations of the subdivisions comprising the development, or a particular building within the development or subdivision.

*Directory sign:* An index used to identify tenants of an office building, shopping center or other multitenant business complex.

*Double-faced sign:* A freestanding sign with copy on both sides, the sign area of which shall be measured by one (1) face.

*Façade:* The face of a building from the ground to the roof line.

*Ground or monument sign:* Any freestanding solid monument structure containing a sign face which is supported solely by its own ground-mounted base and which is not attached or affixed in any way to a building or other structure. The ground mounted base shall be equal to or greater than the length of the sign face including the cabinet or any structure within which the sign is located.

*Illuminated sign:* Any sign having characters, letters/designs, logos or outlines illuminated by electric lights or luminous tubes designed for that purpose, whether or not said lights or tubes are physically attached to the sign.

*Logo:* A distinctive on-premises graphic symbol, wholly separated and individual from the alphabetical and/or numerical lettering, identifying a tenant in a nonresidential property.

*Model sign:* A sign displayed when dwelling unit exhibited to depict other units of a similar design that are for sale.

*Multitenant center:* Any shopping center, office center or business center in which two (2) or more occupancies abut each other or share common parking facilities or driveways or are otherwise related.

*Noncommercial sign:* A sign containing only noncommercial copy. Regardless of the content of the copy, a noncommercial sign shall not be construed to be an off-premise sign.

*Nonconforming sign, (legal):* An existing sign, which legally received a city sign permit or other city approval but which does not meet the requirements of the current code.

*Off-premise sign:* Any sign advertising a commercial establishment, activity, product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which the sign is located. An off-premise sign is a principal use of the property on which it is located.

*Parcel.* Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or

developer as land to be used or developed as a unit or that has been used or developed as a unit.

*Pole sign:* Any sign erected upon a pole, poles or a pylon, and which is wholly independent of any building and/or other structure for support.

*Portable sign:* Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; skid-mounted signs; signs converted to A- or T-frames; and signs attached to or painted on vehicles parking to clearly provide advertising close to the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business, the sign area is less than two (2) square feet per side and there is no reasonable alternative storage space. This definition shall not be construed to include a sandwich sign.

*Project sign:* A sign displayed when a project is under construction or in the City permitting process.

*Projecting sign:* A sign directly attached to and extending from a building or other structure by more than fifteen (15) inches. This definition shall not be construed to include a canopy sign or awning sign.

*Real estate sign:* A sign erected on-site by the owner or his agent, indicating property which is for rent, lease or sale, open for inspection, shown by appointment only or any similar announcement.

*Roof sign:* A sign erected over, across or on the roof of any building, which is dependent on the roof, parapet or upper walls of a building for support.

*Sandwich sign:* A temporary, moveable, freestanding sign, single or double faced, not secured or attached to the ground that can be folded and carried by an individual, including A-frame.

*Searchlight:* A device designed to project a beam of light for the purpose of attracting attention rather than for illumination during hours of darkness.

*Sign:* Any commercial or noncommercial wording, illustration, logo, insignia or symbol and all parts composing the same, together with the actual sign face, frame, background, structure or support therefore, which is used for advertising or display purposes. Any sculpture molding, casting or other objects used for advertising or display purposes, or any flags, lighting, bunting or material used for display or advertising purposes of a commercial or noncommercial nature, or for the purpose of attracting the attention of the public shall also be considered a sign. A sign that is located on private property so that it is not visible or legible from any vehicular right-of-way or public property does not impact traffic safety or aesthetics of the public realm and is therefore not regulated by this article. However, such signs are not exempt from the structural, electrical or material specifications as set forth in this Code and the applicable building codes.

*Sign area:* The square foot area enclosed by the perimeter of the sign structure. A sign is composed of individual letters, symbols, logos illustrations or designs only, and the sign area is the area enclosed by a perimeter line (forming a single rectangle or square) enclosing all letters, symbols, logos illustrations or designs. When a sign is a

ground sign, the square foot area from the ground to the maximum height times width is the sign area.

*Sign height:* For ground and monument signs, if the area around the sign is bermed, then the height of the sign is determined from the crown of the fronting street, unless such berm is required by section 16-169, in which case, the height of the sign is measured from the top of the grade of the required berm or from two (2) feet above the crown of the fronting street, whichever is lower.

*Snipe sign:* A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, walls, trash receptacles, bus shelters, benches, utility boxes, other public structures, or fences, or to other objects which are not intended or designed to serve as supports for signs.

*Temporary sign:* Any sign to be displayed for a limited period as specified in Table 3 of subsection 16-253(a) shall be deemed a temporary sign.

*Traffic control device:* Any sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard and as may be revised from time to time. A traffic control device sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not be readily apparent), and guide signs (that show route destinations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information). These devices are not regulated as signs under this article.

*Unified property:* Two (2) or more plots or parcels of land, within a common property boundary, used to identify a single project or development, regardless of the number of buildings on the site or the individual ownerships of lots or outlots. The parcels shall be legally bound together by unity of title, covenant, site plan, declaration or other legally enforceable agreement.

*V-shaped sign:* Two (2) or more signs attached by the same frame, designed to display from two (2) or more directions, the sign area of which shall be measured by all faces that display.

*Wall sign:* A sign which is affixed to and flat against an exterior wall, fascia, cantilever, marquee, mansard, door or window of any building which is parallel thereto and supported by said wall, fascia, cantilever, marquee, awning, mansard or building. No wall sign shall project higher than the top of said wall, fascia, mansard or building.

*Window sign:* A sign attached inside a store front window or door used to identify the occupant.

(h) *Substitution Clause.* It is not the intent of this article to afford greater protection to commercial speech than to noncommercial speech. Any sign, display or device allowed under this article may contain, in lieu of any other copy, any otherwise lawful noncommercial message that complies with all other requirements of this article. 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 article.

(i) *Severability.*

- (1) The sections, paragraphs, sentences, clauses and phrases of this article are severable, and if any phrase, clause, sentence, paragraph or section of this article shall be declared unconstitutional or void or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article.
- (2) This subsection shall not be interpreted to limit the effect of subsection (1) above, or any other applicable severability provision in this Code or any adopting ordinance. The city commission specifically intends that severability shall be applied to sign regulations even if the result would be to allow less speech in the city, whether by subjecting currently exempt signs to permitting or by some other means.
- (3) This subsection shall not be interpreted to limit the effect of subsections (1) or (2) above, or any other applicable severability provision in this Code or any adopting ordinance. The city commission specifically intends that severability shall be applied to prohibited signs so that each of the prohibited sign types listed in the city Code in section 16-248 shall continue to be prohibited irrespective of whether another or any other sign prohibition is declared unconstitutional or invalid.
- (4) This subsection shall not be interpreted to limit the effect of subsections (1), (2) or (3) above, or any other applicable severability provision in this Code or any adopting ordinance. The city commission specifically intends that severability shall be applied to section 16-248 of the sign regulations so that if all or any of such provisions are declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the city commission intends that such declaration shall not affect any other prohibition on animated, flashing or off-premise signs in the aforesaid section.

Section 3. That section 16-248 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 16-248. Prohibited Signs.

- (a) The following signs are prohibited anywhere in the city:
  - (1) Abandoned signs, pursuant to section 16-258.
  - (2) Animated signs.

- (3) Any sign not prescribed as a permitted sign by this article.
- (4) Any sign that could be confused with a traffic control device.
- (5) Buntings
- (6) Cabinet signs.
- (7) Off-premises signs.
- (8) Painted signs.
- (9) Pole signs.
- (10) Portable signs.
- (11) Projecting signs.
- (12) Roof signs.
- (13) Snipe signs.
- (14) Strip lighting used to outline roofs or any part of a building or window.
- (15) Exposed neon or bare bulb signs.
- (16) Any signs that are placed within a site visibility triangle.
- (17) Private signs attached to public structures or placed on public property or rights of way, attached to public structures, or placed on public property or rights of way.

(b) Prohibited signs shall be removed as required in Section 16-259.

Section 4. That section 16-249 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 16-249. Required signs.

- (a) The following signs must be placed where relevant, and are not regulated by this Code:
  - (1) Warning signs at gasoline stations, as prescribed by fire marshal.
  - (2) Fire lane markings, no smoking, locked/blocked doors, blocked, apartment identification, not an exit, and others similar signs, as may be prescribed by the fire marshal. Seating capacity or occupant load signs, as determined by the building division or fire department.
  - (3) Building identification:
    - a. Residential building with four (4) dwelling units or less-Address numerals at least four (4) inches high but not greater than ten (10) inches.
    - b. Residential building with more than four (4) dwelling units-Address numerals at least ten (10) inches high.

- c. Nonresidential buildings – address numerals at least ten (10) inches high.
- (4) Handicapped parking signs in accordance with state requirements.
- (5) Street signs, traffic signs and legally required public notice signs when required by this code, or County, state or federal law.

Section 5. That section 16-252 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 16-252. Nonresidential district permanent signs.

Table 2 authorizes the following signs in CR, CF, B-1, B-2, B-3, B3-A, B-4, B-5, B-6, B-7, and I-1 districts.

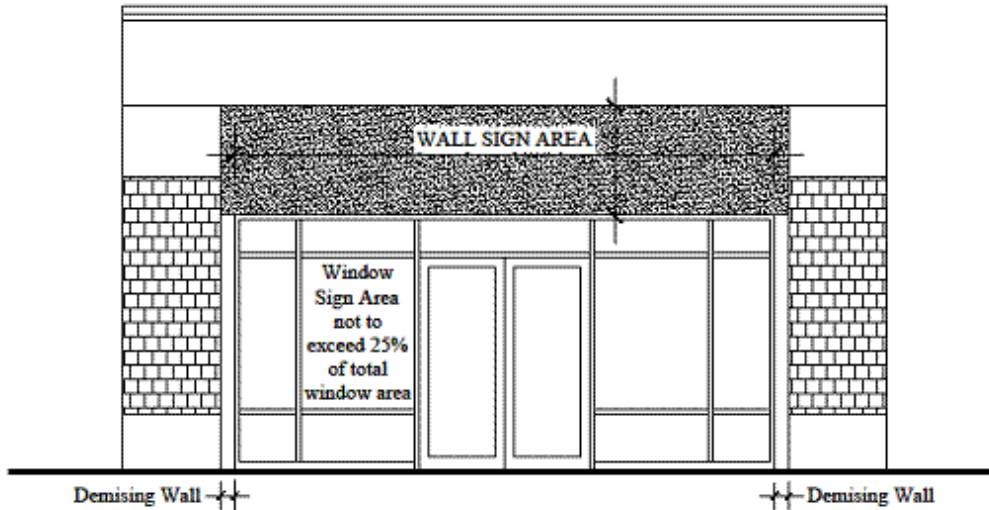
**TABLE 2**

<b>Ground sign:</b>	
•Number maximum	1 per unified property
•Setback minimum	10 ft. from right-of-way
•Height maximum	6 ft.
•Area maximum:	
200 ft. or more of frontage	60 sq. ft. (see note 1)
Less than 200 ft. of frontage	36 sq. ft. (see note 1)
•Spacing	100 ft. minimum
•Address	Shall prominently display address or address range in letters not less than four (4) inches in height.
•Landscaping	See section 16-255
<b>Directional signs:</b>	
•Number maximum	6
•Area maximum	3 sq. ft.
•Height maximum	4 ft
•Other restrictions	No advertising copy; one (1) additional sign may be placed over a tenant main entrance and be included in allowable wall copy sign area, not to exceed cumulatively the allowable copy area for a wall sign
<b>Wall sign: (see note 2)</b>	
•Number maximum	1 sign per establishment. Corner lots may have one (1) sign on each side of a building, which fronts the public right-of-way.
•Area maximum (refer to figure XIV-1)	1 sq. ft. per linear foot of unit/bay space
•Height maximum	Top of façade or wall
<b>Canopy sign:</b>	

<b>•Number maximum</b>	1 per establishment
<b>•Area maximum</b>	3 sq. ft.
<b>•Minimum clearance above ground</b>	8 ft.
<b>•Other restrictions</b>	Must be rigidly attached; Must meet all requirements of section 16-254; and must be compatible with the colors of the shopping plaza as determined by the department
<b>Awning sign (in addition to, wall sign):</b>	
<b>•Lettering</b>	1 line; letters not to exceed 9 in. in height
<b>•Logo</b>	Maximum of 6 sq. ft.
<b>Directory sign:</b>	
<b>•Number maximum</b>	1 per multi-tenant building over and above other signs
<b>•Area maximum</b>	64 sq. ft.
<b>•Location</b>	On wall (or freestanding courtyard)
<b>Window signs: See Figure XIV-1</b>	
	Signs in windows may not be grouped together or so large that they restrict the visibility of an entrance/exit or conflict with Crime Prevention Through Environmental Design (CPTED) guidelines.
<b>•Number maximum</b>	1 per establishment frontage
<b>•Letter height</b>	7 inches
<b>•Area maximum</b>	25% of total window area per frontage
<b>•Location</b>	On window or hung in window or within 5 feet of window
<b>•Permit</b>	No
<b>•Other</b>	Signs must be designed in a professional manner on wood, metal, plastic, or similar solid material
	No illumination

- (1) If a sign is to be located behind an existing required hedge or if visibility of an existing sign is blocked by an existing required hedge and the hedge has a minimum required height of thirty (30) inches or more, then the ground sign may have a maximum height of eight and one-half (8½) feet. In such an instance the sign area shall not exceed fifty-one (51) square feet for frontage less than two hundred (200) feet, or eighty-five (85) square feet for frontage two hundred (200) feet or greater. In no case shall a sign base be higher than the shrub line in front of the sign.
- (2) See subsection 16-254(b) and (c) for gas station signs.

Typical Advertising Sign Placement - Figure XIV - 1



Section 6. That section 16-253 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 16-253. Temporary signs.

(a) Only the following temporary signs shall be permitted:

**TABLE 3**

	Residential District	Nonresidential District
Commercial Banner sign:		
•Number	1 per project	1 per establishment
•Area maximum	40 sq. ft.	40 sq. ft.
•Length of display	45 days, non-renewable, following the issuance of a new Business Tax Receipt	45 days, non-renewable, following the issuance of a new Business Tax Receipt
•Height maximum above grade	Roof line of building	Roof line of building
•Setback minimum	May be hung from the front of a building or a minimum of 10 feet from right-of-way	May only be hung from the front of a building
Commercial Searchlight:		

•Number	Not permitted	1 permit per property. There shall be no more than one active searchlight permit or grand opening searchlight permit within a radius of 10,000 feet.
•Length of display	Not applicable	10 days, non-renewable, following the issuance of a new Business Tax Receipt
•Setback minimum	Not applicable	10 ft. from right-of-way
•Time of operation	Not applicable	From dusk until 11:00 p.m.
•Additional restrictions	Not applicable	The number and placement of searchlights will be determined by the director of community development, or designee, based upon the size and location of the property and event. Searchlights shall be placed and operated in a manner so as not to cause a traffic hazard or constitute a nuisance to an adjacent or surrounding property. Searchlights shall be operated so that the beam is not displayed at an angle greater than 45 degrees from the vertical and shall avoid any direct beam at any building
Model sign:		
•Number maximum	1 per model lot and per office lot	N/A
•Area maximum	6 sq. ft.	N/A
•Model arrow signs	3 per development not to exceed 4 sq. ft.	N/A
•Flags	2 per model office lot, 1 per model lot	N/A
Length of display	From receipt of first building permit until 1 year after certificate of occupancy is issued for last house in development	
•Other restrictions	Signs shall be installed only upon model lots and office lots	N/A
Non-commercial		

<p>•Area maximum</p>	<p>8 sq. ft.  Vacant parcels of undeveloped land over 3 acres may have 2 signs, maximum of 16 sq. ft.  For properties adjacent to I-595, I-75 and Sawgrass Expressway, maximum sign area is increased to 64 sq. ft. with a minimum font height of 8 inches, and signage must be located on premise facing the interstate right-of-way  An additional 8 sq. ft. of temporary noncommercial signage may be posted during the 90 calendar days prior to any federal, municipal, state, or county election.</p>	<p>32 sq. ft.  Vacant parcels of undeveloped land over 3 acres may have 2 signs, maximum of 64 sq. ft. Corner lots may have 32 sq. ft on each side of a building which fronts the public right-of-way.  For properties adjacent to I-595, I-75 and Sawgrass Expressway, maximum sign area is increased to 64 sq. ft. with a minimum font height of 8 inches, and signage must be located on premise facing the interstate right-of-way.  An additional 16 sq. ft. of temporary noncommercial signage may be posted during the 90 calendar days prior to any municipal, federal, state, or county election.</p>
<p>•Length of display</p>	<p>90 days  The date of posting must be indicated on the sign</p>	<p>90 days  The date of posting must be indicated on the sign</p>
<p>•Height maximum above grade</p>	<p>6 ft.</p>	<p>8 ft.</p>
<p>•Setback minimum</p>	<p>10 ft. from right-of-way</p>	<p>10 ft. from right-of-way</p>
<p>Real estate signs:</p>		
<p>•Number maximum</p>	<p>1 per parcel on-site    Vacant parcels of undeveloped land over 3 acres may have 2 signs.</p>	<p>1 per parcel on-site    Corner lots may have 1 sign on each side of a building which fronts the public right-of-way;    Vacant parcels of undeveloped land over 3 acres may have 2 signs.</p>

•Area maximum	6 sq. ft.  For properties adjacent to I-595, I-75 and Sawgrass Expressway, maximum sign area is increased to 64 sq. ft. with a minimum font height of 8 inches, and signage must be located on premise facing the interstate right-of-way.	32 sq. ft.  For properties adjacent to I-595, I-75 and Sawgrass Expressway, maximum sign area is increased to 64 sq. ft. with a minimum font height of 8 inches, and signage must be located on premise facing the interstate right-of-way.
•Length of display	From the date the property is listed with a broker up to the date of closing; if the sale is by owner, the owner shall notify the code enforcement division before posting a sign	From the date the property is listed with a broker up to the date of closing; if the sale is by owner, the owner shall notify the code enforcement division before posting a sign
•Height maximum above grade	6 ft.	8 ft.
•Setback minimum	10 ft. from right-of-way	10 ft. from right-of-way
Contractor sign:		
•Number maximum	1 per project on-site	1 per project on-site
•Area maximum	6 sq. ft.	24 sq. ft.
•Length of display	From the date any building permit is issued until the building permit expires or the date any certificate of occupancy is issued	From the date any building permit is issued until the building permit expires or the date any certificate of occupancy is issued
•Height maximum above grade	6 ft.	6 ft.
•Setback minimum	10 ft. from right-of-way	10 ft. from right-of-way
Commercial sign:		
•Number maximum	1 per lot on-site	Not permitted
•Area maximum	6 sq. ft.	Not applicable
•Length of display	max. of 1 week during 6-month period	Not applicable
•Height maximum above grade	6 ft.	Not applicable



•Setback minimum	10 ft. from right-of-way	Not applicable
Project sign:		
•Number per project	1 per project on-site	1 per project on-site
•Area maximum	8 sq. ft.	32 sq. ft.
•Length of display	From the date of site plan approval until the date the final certificate of occupancy is issued or 18 months, whichever is first	From the date of site plan approval until the date any certificate of occupancy is issued or 18 months, whichever is first
•Height maximum	6 ft.	6 ft.
•Setback minimum	10 ft. from right-of-way	10 ft. from right-of-way
Sandwich signs:		
•Number maximum	Not permitted	1 per establishment in multitenant buildings or centers  3 per parcel for properties in single occupancy (such as a freestanding building on a parcel or outparcel).
•Size	Not applicable	4 ft. tall, 2 ft. wide
•Location	Not applicable	In multitenant center, on private sidewalk of business storefront within the demising walls of the tenant/bay area; or within the private property of a freestanding building on a parcel or outparcel.
•Time of operation	Not applicable	Business hours only
•Additional restrictions	Not applicable	Must have 3 ft. accessible route on sidewalk available after placement of sign. No signs shall be placed in the public right-of-way.

(b) Temporary signs not removed by the end of the specified time shall constitute a public nuisance, which may be abated in accordance with Chapter 9 of the City Code.

Section 7. That section 16-254 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 16-254. Supplemental regulations.

- (a) Sign criteria for multitenant centers.
- (1) A sign application for any portion of a multitenant building shall provide a written statement of uniform criteria established for a multitenant center or complex regarding the uniform color of all signs, type of signs, type of illumination, style of mounting, size of letters (maximum and minimum), and overall size of signs, including a sketch thereof, must be attached to the sign and site plan applications. Canopy signs must only be uniform with respect to material and to color of background and border of the sign. The written criteria shall be approved by the director of community development or his/her designee if they meet the requirements of this Code.
  - (2) Nationally or state registered trademark lettering is exempt from the uniform criteria, with the exception of lettering color. Logos, as defined in this article, are exempt from the established criteria of the multitenant center but must meet other requirements of this article.
  - (3) Once the criteria have been established for a multitenant center or complex, the criteria shall apply to the entire center, as well as each individual occupant, and shall remain as long as the center exists, regardless of change of ownership or management. The criteria may only be changed if all signs in the center are changed to conform to the new approved criteria. New criteria and an amortization period of not more than five (5) years for on premise signs, with replacement of no less than twenty (20) percent of total on premise signs per year, shall be approved by the director of community development or his/her designee.
  - (4) Written consent to the plans and criteria must be provided by the owner of the building, structure or land to which or on which the sign structure is to be erected, relocated, maintained or altered.
- (b) *Changeable copy signs.* Permitted to be used only for theaters, playhouses, other entertainment businesses, schools, drive-thru establishments, car washes, and gasoline service stations, subject to the following restrictions and section 16-252:
- (1) *Manual changeable copy signs.*
    - a. Drive-through establishments shall be permitted to have a movable letter sign showing featured items provided it has a transparent protective locked cover.
    - b. The sign must be located adjacent to the drive-in service window or the drive-in lane area.
    - c. If freestanding, the top of the sign shall not exceed six (6) feet in height.

- (2) *Automatic changeable copy signs.* Allowed in the Western Sunrise Area if approved as part of a uniform sign plan.
- (e) *Gasoline stations.* In calculating linear feet of building frontage for purposes of determining wall sign size, gasoline station canopies shall not be included. A logo not to exceed four (4) square feet shall be permitted on each side of a canopy but no wall sign shall be permitted thereon. In addition to the gasoline service building wall sign and the company logo wall sign, one (1) additional wall sign, not to exceed twenty (20) square feet, shall be permitted on a detached car wash building which is an accessory use to the gasoline service station building. The wall sign shall be consistent with the color and style of other signage on the site.
- (f) *Maintenance.*
  - (1) All signs must be kept in good conditions, neat appearance and good state of repair.
  - (2) Weeds shall be kept out within a radius of fifty (50) feet of any sign and no rubbish or debris shall be permitted so near thereto, that the same shall constitute a fire hazard.
  - (3) Upon removal of any wall sign, the building exterior wall surface must be restored to meet subsection 16-12(6) of the City Code.
- (g) *Rear of signs.* Where the rear or side of any sign is visible from any street or from any adjoining residential district, said side of rear shall be finished in such a way as to conceal the structural member of the sign.
- (h) *Nuisance.*
  - (1) *Illumination:* No illuminated signs shall impact a residential district in such a way that the illumination increases the footcandle at the property line of the residential district or creates a nuisance to residents as determined by the director of community development or his/her designee. Nuisance shall not include the text of the sign.
  - (2) *Signs on or extending over public property or public right-of-way:* No sign of any kind shall be permitted to be erected upon public property or public right-of-way, or upon private property and extend into or above, or be anchored or placed, in public property or any portion of the right-of-way of a city street or public sidewalk.
  - (3) No sign shall be within a sight triangle, pursuant to section 16-168.
- (i) *[Reserved.]*
- (j) *Flags.*

- (1) Three (3) noncommercial flags may be displayed on poles not to exceed twenty-five (25) feet in height, and limited to no more than three (3) poles each per principal building.
  - (2) Commercial flags that are incorporated into a substantial pedestrian amenity or park at least one thousand (1,000) square feet in size, and including street furniture, extensive landscaping, a fountain with a water feature, hardscape features, and other similar pedestrian amenities as may be approved by staff, are permitted in non-residential zoning districts.
  - (3) Flags may be displayed at model units, pursuant to section 16-253.
- (k) *Attention attracting devices ~~prohibited~~.*
- (1) Balloons, pennants, streamers, spinners, tinsel, signs or other similar devices shall not be applied to any building or structure, or strung on wires, or otherwise used on any site.
  - (2) Balloons, flags, pennants, streamers, spinners, tinsel, signs or other similar devices shall only be applied to any outdoor vehicle, boat, equipment, machinery or other stock-in-trade merchandise as follows:
    - a. one (1) or more signs ~~is~~ may be attached per item of merchandise,
    - b. on any one (1) item of merchandise, the total sign area may not total more than two hundred (200) square inches and
    - c. no type or logos more than one (1) inch in height.

Section 8. That section 16-256 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 16-256. Legal nonconforming signs.

- (a) *Loss of legal nonconforming status.* A legal nonconforming sign shall immediately lose its legal nonconforming designation if:
  - (1) The sign is altered in any way (except for the normal use of changeable copy signs and normal maintenance) which tends to or makes the sign less in compliance with the requirements of this Code than it was before the alteration, including updating the technology used in a sign; or
  - (2) The sign is relocated to a position making it less in compliance with the requirements of this Code; or
  - (3) The sign is replaced or abandoned, as defined in section 16-258.

In the event that the director of community development determines that any one (1) of the events listed in this subsection have occurred, then the sign shall be immediately brought into compliance with this Code by securing a new permit or by removal of the sign.

- (b) *Legal nonconforming cabinet sign.* A legal nonconforming cabinet sign may be replaced providing there are no changes which tend to or make the sign less in compliance with the requirements of this Code than it was before the replacement.
- (c) *Legal nonconforming sign maintenance and repair.* Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this Code, regarding safety, maintenance and repair of signs, contained in this Code; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure or copy in any way which makes it more nonconforming whereby the sign shall lose its legal nonconforming status. All final determinations shall be made by the director of community development.

Section 9. That section 16-257 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 16-257. Construction specifications.

- (a) *Compliance with building code.* All signs shall comply with the appropriate detailed provisions of the applicable building code relating to design, structural members and connections. Signs shall also comply with the provisions of the applicable electrical code and the additional construction standards hereinafter set forth in this section.
- (b) *Permit tags for signs.*
  - (1) *Permit tag:* Each permanent sign hereafter erected or remodeled shall bear, in a permanent position thereon a clearly legible permit tag stating the name and address of the owner of the sign, and the person, firm or corporation responsible for its construction, erection and the date of erection. Electrical signs shall be marked with input amperages at the full load input similar to the UL(48) or its equivalent.
  - (2) *Permit sticker.* Each permanent sign shall have a sticker placed on one (1) of the faces of the sign that identifies the permit number that was originally issued by the department.
- (c) *Obstruction.*
  - (1) *Obstruction to exits:* No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.

- (2) *Obstruction to ventilation:* No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation.
- (d) *Construction and material standards.*
  - (1) *General:* The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this Code.
  - (2) All double-faced signs shall be fully enclosed.

Section 10. That section 16-259 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 16-259. Removal of improper signs.

- (a) *Types of violations.* The code enforcement division shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous or defective sign or an unlawful sign, i.e., a sign for which no permit has been issued, a prohibited sign or a sign which does not comply with the requirements set forth in this Code.
- (b) *Private signs attached to public structures or placed on public property or rights of way.* These signs are prohibited, and are subject to removal by code enforcement without compliance with the following notice and appeal procedures, and without a showing of an emergency or danger. For those signs with only negligible value, the signs are subject to immediate destruction by code enforcement. For those signs with more than negligible value, actual notice will be provided to whoever is identified on the sign that they can reclaim their sign and the sign will be stored for no more than 15 days. Action under this subsection is not subject to appeal to the city commission pursuant to subsection (f) below.
- (c) *Notice.* For sign violations other than those addressed in (b), the code enforcement division shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within fifteen (15) days, the sign may be removed by the city in accordance with the provisions of this section. All notice mailed by the code enforcement division shall be sent by certified mail, return receipt requested. Any time periods provided in the section shall be deemed to commence on the date of the receipt of the certified mail.
- (d) *Recipient.* The notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If known, or with reasonable care shown be known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.

- (e) *Appeal.* Any person having an interest in the sign or the property may appeal the determination of the code enforcement division ordering removal or compliance by filing a written notice of appeal with the city commission of the City of Sunrise within fifteen (15) days after the date of receiving said notice. The city commission shall hear the appeal and render a decision within thirty (30) days after the date of receiving the written notice of appeal. If the city commission does not grant the appeal, then the appellant may seek relief in the Circuit Court for Broward County, as provided by law.
- (f) *Emergency.* Notwithstanding the above, the code enforcement division may cause the immediate removal of any dangerous, defective, or unlawful sign without notice being served, in accordance with section 16-260 below.

Section 11. That section 16-261 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 16-261. Approval process.

- (a) *New development and site plans.* Any project requiring site plan or master development plan (entrance feature only) approval shall include the details (excluding content) of all signage for review in accordance with Article III. At the time of detailed sign design (prior to installation), (b) below shall also be required. Locations of such entrance feature signage shall be reviewed for easement preservation.
- (b) *Permits.*
  - (1) *Required.* Except as otherwise provided in this article, it shall be unlawful for any person to erect, construct, enlarge, post, paint, alter, maintain, move or convert any sign in the city, or cause the same to be done, without first obtaining a sign permit for each such sign from the department as required by this Code. These directives shall not be construed to require any permit for the repainting, cleaning and other normal maintenance or repair of a sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way.
  - (2) *Application procedure.* Before any permit is issued, a written application, in the form provided by the city, shall be filed, together with such drawings and specifications as may be necessary to fully advise the city with the location, construction, materials, manner of illuminating, method of securing or fastening, the number of signs applied for, the consent of the property owner, and the wording of the sign. The application shall include a copy of a business tax receipt for the applicable business. Upon the submission of an application, the City shall have ten (10) days to determine whether it is complete. If the City finds that the application is not complete, the City shall provide the applicant with written notice of the deficiencies within the ten-day period. Upon resubmission of the application, the City shall have five

additional days to determine whether the applicant's revisions are sufficient to complete the application. If they are not, the City 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."

- (3) *Application review.* The department shall approve or deny the sign permit based on whether it complies with the requirements of this article within thirty (30) days after receipt of the complete application. If the permit is denied, the department shall prepare a written notice of its decision, describing the applicant's appeal rights, and send it by certified mail, return receipt requested, to the applicant.
  - (4) *Appeal or waiver.* The applicant may file a written notice of appeal to the city commission within thirty (30) days after the date of receipt of the city's written notice. The city commission shall hold a public hearing at the next available commission meeting that is at least twenty-five (25) days after the date of receiving the written notice of appeal, at which the city commission shall determine whether the application satisfies all Code requirements. If the city commission does not approve the application, then the applicant may seek relief in the Circuit Court for Broward County, as provided by law. Alternatively, upon denial, the applicant may apply for a sign waiver pursuant to section 16-262.
  - (5) *Code requirements.* 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 and found to be in compliance with all the requirements of this Article and applicable codes.
- (c) *Exemptions.* A separate sign permit shall not be required for:
- (1) Changing of interchangeable letters or panels on signs designed for use of interchangeable letters or panels provided the owner thereof does not change.
  - (2) Real estate signs.
  - (3) Signs used to identify uses when such signs do not exceed two (2) square feet, are not illuminated, and do not project over a public right-of-way.
  - (4) Temporary signs.
  - (5) Tablets, such as but not limited to memorials, cornerstones, date of erection, when built into the walls of a building.
  - (6) Traffic control devices.
  - (7) Signage required by law.



To the extent that this subsection allows a sign displaying commercial or noncommercial copy to be exempt from permitting, 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 different noncommercial copy.

- (d) *Permit application.* Application for a permit shall be made in writing upon forms provided by the city and shall state the following information:
  - (1) Name, address and telephone number of the applicant.
  - (2) Name, address and telephone number of the sign owner, and property owner.
  - (3) Location by street number and legal description (tract, block, lot) of the building, structure or lot to which or upon which the sign is to be installed or affixed.
  - (4) A drawing to scale showing the design of the sign, including dimensions, sign size, method of attachment, source of illumination and showing the relationship to any building or structure to which it is, or is proposed to be installed or affixed, or to which it relates, signed and sealed by a professional architect or engineer registered in the State of Florida.
  - (5) A fully dimensioned plot plan (or site plan), to scale, indicating the location of the sign relative to property lines, rights-of-way, streets, easements, sidewalks and other buildings or structures on the premises.
  - (6) Number, size and location of all existing signs on the same building, lot or premises.
  - (7) Sign copy.
- (e) *Permission to install.* No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.
- (f) *Notice of change of sign owner or user.* Whenever there is a change in the sign user, owner or owner of the property on which the sign is located, the new sign user, owner or new property owner shall forthwith notify the department in writing of the change.
- (g) *Revocation.* The department may, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of fact or fraud. The written revocation shall describe the appeal process. The department shall send the revocation by certified mail, return receipt requested, to the sign owner. Any person having an interest in the sign or property may appeal the revocation by filing a written notice of revocation. The city commission shall hear the appeal within thirty (30) days after the date of receiving

the written notice of appeal. If the city commission does not grant the appeal, then the appellant may seek relief in the Circuit Court for Broward County, as provided by law.

- (h) *Permit fees.* Sign permit fees shall be charged in accordance with the development code fee schedule and paid to the city for each sign installation for which a sign permit is required by this Code and must be paid before any such sign permit is issued.

Section 12. That section 16-262 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 16-262. Sign waivers.

- (a) No sign shall be permitted to be erected contrary to the size, location and appearance provisions of this article unless a waiver is approved by the planning and zoning board in conformance with the following criteria:
  - (1) There is something unique about the building or site configuration that would cause the signage permitted by this article to be ineffective in identifying a use or structure that would otherwise be entitled to a sign.
  - (2) The waiver shall not be based on or relate to the sign copy.
  - (3) Sign waivers shall not be granted to allow prohibited signs.
- (b) The decision of the planning and zoning board may be appealed to city commission within fifteen (15) days after the date of receipt of the board's written notice of denial. The city commission shall hear the appeal and render a decision within thirty (30) days after the date of receiving the written notice of appeal. If the city commission grants an appeal and, subsequently, the property owner desires to apply for an amendment to the sign waiver, the review procedures shall be in accordance with this subsection and section 16-49. If the city commission does not grant the appeal, then the appellant may seek relief in the Circuit Court for Broward County, as provided by law.

Section 13. That section 16-263 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 16-263. Inspections.

Except as provided in Section 553.79(22)(a), Florida Statutes, the department is hereby empowered to enter or inspect any building, structure or premises in the city upon which, or in connection with which a sign, as defined by this Code, is located, for the purpose of inspection of the sign, its structural and electrical connections, and to insure compliance with the provisions of this Code. Such inspections shall be carried out during business hours, unless an emergency exists.

Section 14. That section 16-264 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 16-264. – Uniform signage plans.

- (a) The city commission may, by ordinance, approve uniform signage plans for certain developments and geographic areas in the city, which due to their nature, make it desirable to create a uniform signage plan governing special features, design characteristics, size, location and number of signs. In the event the city commission creates a uniform signage plan, the provisions of the uniform signage plan shall supersede any other sign requirements contained in the Code. The city commission may also provide for the removal of existing signs that do not conform with the uniform signage plan. An amortization period of not more than five (5) years, with replacement of no less than twenty (20) percent of total signs per year, shall be used to govern removal of any such on premise signs.
- (b) In determining whether to establish a uniform signage plan for a development or geographic area, the city commission shall consider the following factors:
  - (1) Whether the development or geographic area is included in a master development or redevelopment plan;
  - (2) Intensity of non-residential development;
  - (3) Any unique characteristics of the development existing or proposed;
  - (4) Number and age of existing signs;
  - (5) Extent to which a uniform signage plan would enhance the appearance of the area.
- (c) Section 16-262 of the City Code shall not be applicable to uniform signage plans. Changes in a plan may only be made through approval of a City Ordinance.

Section 15. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 16. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 17. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 18. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED upon this first reading this 27TH DAY OF FEBRUARY, 2024.

PASSED AND ADOPTED upon this second reading this 12TH DAY OF MARCH, 2024.

\_\_\_\_\_  
Mayor Michael J. Ryan

Authentication:

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Felicia M. Bravo  
City Clerk

FIRST READING

MOTION: SCUOTTO  
SECOND: GUZMAN

DOUGLAS: YEA  
GUZMAN: YEA  
KERCH: YEA  
SCUOTTO: YEA  
RYAN: YEA

SECOND READING

MOTION: SCUOTTO  
SECOND: DOUGLAS

DOUGLAS: YEA  
GUZMAN: YEA  
KERCH: ABSENT  
SCUOTTO: YEA  
RYAN: YEA

Approved by the City Attorney  
As to Form and Legal Sufficiency.

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Thomas P. Moss