



PLANNING & ZONING ADVISORY BOARD

Minutes of August 29, 2011

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

1. ROLL CALL

P&Z Board Members

Table with 12 columns (MEMBERS, 8/29/11, 7/18/11, 6/20/11, 5/16/11, 4/25/11, 4/4/11, 3/7/11, 2/7/11, 1/18/11, 1/3/11, 12/20/10) and 12 rows of member attendance records.

* Reappointed ** Resigned *** New appointment

STAFF PRESENT: Matt Wood, Director
Jason Chockley, Planner
Ro Woodward, Administrative Coordinator

APPLICANTS: Johanna Lundgren, Esq., City Attorney

Mr. Aronson welcomed Commissioner Green and Commissioner Sims to the meeting.

2. P&Z BOARD - MINUTES - WAIVE/APPROVE - JULY 18, 2011 MOTION TO WAIVE READING OF MINUTES OF 7/18/11: Motion to waive the reading of the minutes made by Mr. Valenti and seconded by Ms. Sori. All ayes on voice vote. APPROVE: Motion to approve made by Mr. Roper and seconded by Mr. Valenti. There were all ayes on voice vote. Motion was approved.

3. CORRESPONDENCE: None.

4. NEW BUSINESS:

Mr. Aronson commented that he was going to take the items on the agenda out of order.

B. MONTERRA - SOLANO AVENUE CROSS SECTIONS - LOCATED BETWEEN STIRLING ROAD AND SHERIDAN STREET, WES OF UNIVERSITY DRIVE

- 1. *PUBLIC HEARING - VARIANCE PETITION # V 6-1-11
2. *PUBLIC HEARING - REZONING - DESIGN GUIDELINES PETITION # Z 6-1-11
3. PLAT AMENDEMENT PETITION # PA 6-1-11.

MOTION: TO TABLE AT THE REQUEST OF THE APPLICANT TO THE SEPTEMBER 19, 2011 P&Z BOARD MEETING. MOTION MADE BY MS. MCCOY

AND SECONDED BY MR. VALENTI. There were all ayes on roll call vote. Motion was approved.

Mr. Wood commented that this item is being tabled to September 19th, 2011 at the request of the applicant. The applicant did not meet their requirement for posting of the notice on the property so they have requested to go to the next Board meeting.

Ms. Sori remarked that for the record she not be present for the September Meeting.

A. DISCUSSION FOR POSSIBLE CHANGES TO AMEND CHAPTER 25, ARTICLE II OF THE MUNICIPAL CODE OF ORDINANCES RELATIVE POLITICAL SIGN CODE

Mr. Wood explained that the Growth Management Department Staff and the City Attorney's Office have coordinated their efforts to prepare a certain sign code changes primarily related to temporary political signs, which was at the direction of the City Commission originally. The City Attorney's Office is here to explain that it is more than political signs and is to keep consistency between political and other temporary signs. We have made other changes to other aspects of the sign code for those consistency purposes.

Ms. Johanna Lundgren, Asst. City Attorney and commented that there are some proposed changes to Chapter 25 of the City sign regulations. She explained that they were first directed to make some specific changes that relate to temporary signs and additionally some other changes throughout Chapter 25 for clarification and improvement of enforcement.

Ms. Lundgren commented that as background there is an important consideration of the 1st Amendment of the US Constitution and dealing with any regulations of signage. Signs are protected and certain types of signs are non-commercial speech and have a higher level of scrutiny when the City makes its regulations of signage. It is important to evaluate any potential changes to the code and every now and then evaluate the sign code generally to ensure that the City is best protected from a potential legal challenge as well. It is important because there are a lot of potential claims against cities coming from billboard companies. Basically it's a shake-down scheme. A billboard company may come to the City and try to pick a part a provision of its sign code and contend that the City is in violation of the 1st Amendment by having some regulation that favors one type of speech that is protected over another type of speech. It is important for them to evaluate any potential change in light of that fact and do occasional review to ensure that we are up to date with the most current case law and the 1st Amendment standards. She then explained that these changes are to clarify and improve the existing code and make some specific targeted changes. The City's basis for regulating signs is the health, safety and welfare which are the reason that the City really regulates anything. In a lot of cases proliferation of signs and sign letter can create hazardous conditions, traffic safety and related problems can occur as a result of signs that are in the wrong place or are too large. It is important to consider that and understanding why the cities are in the business of regulating signs in the first place and the reasons behind our code and the potential regulations.

Ms. Lundgren then to the memo that explains the amendments that concern political signs are designed to ensure consistency of regulations of political signs with regulations of other

temporary signs which is important for 1st Amendment reasons. Consistent standards for political signs are required to protect the City from the argument that it is regulating political speech more stringently than other protected kinds of speech such as commercial speech. Political speech is considered the epitome of protected speech. It is important to regulate it in a manner that is consistent with the 1st Amendment.

Ms. Lundgren remarked that currently under the code there is a requirement for a bond for temporary political signs to ensure that they are removed in a timely manner after a campaign. Because this is a consideration not only for political signs, but also for other types of temporary signs there is a proposed change in this regulation to remove the bond requirement and add a registration requirement for persons or organizations that post more than four (4) temporary signs and is regardless of the type of temporary sign. Additionally for purposes of the 1st Amendment protection of non-commercial speech, this is important to protect the City from illegal challenge.

Ms. Lundgren commented that it is proposed that non-commercial window signs are allowed in the event that commercial window sign is allowed under Section 25-26. Generally throughout the temporary sign regulations there are a number of changes that are intended to provide for consistency with regard to the placement, the time of posting and removal with the non-commercial speech and political speech not being treated unfavorably compared to business speech, signs for businesses such as real estate signs, business grand opening signs, banners and other business signage.

Ms. Lundgren mentioned there is additional a clarification and the temporary signs as explained on page 2 of the memo that explains the clarification to the vehicle sign regulation, which will clarify that it is not permitted to park a vehicle or trailer as stationary signage and dealing with a common problem that comes up with temporary signs.

Ms. Lundgren pointed out that additionally they are clarifying some of the regulations and providing for clearer statement regarding the allowance for signage and the right-of-way on government property. That makes it clearer for enforcement in the future and understanding of that provision.

Ms. Lundgren commented that are other changes that pertain to temporary sign types dealing with in general the process for permitting and placement and enforcement of temporary signage and making it clearer for all types of temporary signs and what the regulations are for posting the signs and getting permission initially to place them and then for removal and enforcement in the event of a violation. She then remarked that throughout the regulations for temporary signage, we ensure that there is a clear process in order to meet the 1st Amendment scrutiny for the review of the permit, for the placement of the sign and for the process for enforcement and removal that is consistent for different sign types.

Ms. Lundgren pointed out the definitions throughout the sign code, which are also located in Section 21 of the general land development code, she has clarified definitions to make it easier to identify the signs that are subject to regulation and then address it and enforce those within the

regulations. There are several new definitions, as well as some changes to the definitions which make them more understandable and clearer for enforcement purposes.

Ms. Lundgren referred to page 4 of the proposed ordinance it looks like a lot of legalese and in general terms legal terms such as applicability, substitution clause and severability and the reason that these additional provisions are proposed is in order to further improve the City's legal defensibility in the event of a sign code challenge. The applicability provision explains why the City regulates the signs. Substitution is an important provision for purposes of 1st Amendment protections for the City in the event that the City was challenged based on treatment of a sign or based on its regulations of certain signs over others. This provides that in the event that the City's code was struck down for some reason that challenge provision would be severed and the rest of the code would stand including potentially the Cities provision on billboards and other types of problem signs.

Ms. Lundgren pointed out that additionally there were changes to the prohibited list starting on page 5 and 6 which are intended to further specify and make clear the problem signs that are enforcement issues and make it easier to identify it and enforcing those types of signs.

Ms. Lundgren then commented that she has addressed the points of the proposed changes and was not going through every single line, but would be happy to answer any questions about the changes. She pointed out there were provisions concerning real estate open house signs that were adopted a couple of years ago and said those were on page 7 and 8. They were previously adopted into the code, but are now being forwarded into Chapter 25 and formalized here.

Mr. Aronson commented that procedurally this is not a public hearing but in deference to the City Commissioners present, he thought the Board should hear their input and then in deference to several members of the public present, he thought the Board should also hear what they have to say as well. He remarked that the Commissioners could use as much time as they want, but the public would use our normal public hearing procedures and limit comments to three minutes and then the Board would have their discussion.

Ms. Sori remarked that two Commissioners are not supposed to be at the same place at the same time.

Mr. Aronson responded that this meeting was a publically advertised meeting and they are permitted to be here.

Ms. Lundgren also responded that it has been noticed to allow for more than one Commissioner to be present.

Commissioner Sims commented that he would encourage public input at all P&Z Board meetings. He remarked that he has a problem with the definition political issues; he assumed that means amendment and things of that nature. He said that if he says that he doesn't want the SPCA killing dogs and cats, is that a political issue and he has the right to put a sign up. He didn't know if there was any limitation in regards to the definition since we eliminated the public election portion of the definition on page 1, paragraph 6. He commented that they did not have

to raise the issue now or discuss it. He referred to page 4, 25-19(b) where the City is exempted and commented that frankly he thought they needed to set an example. There have been cases where we have said as a City or municipality that you can't put banner signs up and not allowed to have signs on fences, etc., yet the City goes ahead and does that and there were complaints that he received whereas the City is not setting the example and are dictating that you can't do this, but it's okay for us. He didn't know if that paragraph or the actual sentence that says "signs posted by the City including but not limited to traffic signs and legal notices shall not be subject to this" and does that apply to any and every kind of sign or are there going to be some delineations with that. He commented that quite frankly, he didn't like the community service signs stricken, only because he didn't know what that means. He referred to page 9 where community service sign is stricken.....

Ms. Lundgren interjected that it is actually not stricken, but moved for purposes of clarity and continuity and was moved to page 15.

Mr. Wood commented that he was glad that was brought up because there are whole sections that have been stricken through and didn't want everyone to think that and a lot of that was relocated.

Commissioner Sims remarked that the code was being rearranged to flow better and apologized for that.

Ms. Lundgren remarked that are ellipsis's where certain provisions that they were not touching the current code is omitted from this draft because they were only changes certain provisions.

Commissioner Sims mentioned that there were some issues in the political sign code that exists today that he didn't like and a lot of it was based on selective enforcement issues that don't need to be discussed here, but he didn't understand outside of what Ms. Lundgren has already explained why they should allow bigger signs. If it is a 1st Amendment legal issue, he was fine with it, but do they have the right as a City to regulate that further under home rule powers? He was not sure.

Ms. Lundgren responded that the reason that the limitation on size has to be addressed is that the size limitation can be as the City sees fit as the Staff and City Commission determines to be appropriate.

Commissioner Sims interjected that they could maintain it a 16 square feet as it stands now.

Ms. Lundgren responded that the problem with as it stands now is the fact that there are different types of signs that are allowed to be larger and it creates a problem for purposes of

Commissioner Sims interjected that was part of their discussion he disclosed prior to the meeting is the disparity, but yet there may be some case law or statute where in his opinion, he didn't believe political signs are on the same level as commercial. He knew they had a greater 1st Amendment protection, but does that apply to the rest of the standards. He commented that this issue has been discussed over the past 3 or 4 years and even prior to that. He commended Ms.

Lundgren on doing a good job and was sure that they would see it refined even more and remarked that he appreciated the work that everyone does here. He commented that he was sure that by the time it gets before the Commission for approval, he would make the same comments if they are not a detriment to the City.

Commissioner Green chose not to speak at this time.

Mr. Aronson asked if these changes were modeled from county or other cities ordinances and is this consistent with other cities, or is this just modeled off what we think should be right.

Ms. Lundgren responded that as far as the sign size and the locations those regulations that are particular to Cooper City those regulations that staff has recommended are based on what the City needs, nature of the City and its properties. Certain best practices for drafting a constitutionally defensible sign code that we have adopted in other cities are brought into this amendment, but as far as the actual sign regulations, the size, and type point is in a manner that is based on what the City needs for its own particular.....

Mr. Aronson interjected that if he went to Weston, Pembroke Pines, or Hollywood their sign code may not look anything like this.

Ms. Lundgren responded that she thought it would be pretty different. The format and the general content and substantive regulations are different for different types of cities and different development patterns and so forth.

Ms. Gladys Wilson, who stated she was a former City Commission and she has served on the Planning & Zoning Board. She said that she knows a little bit about what you do and why you do it, however, she stated that she was not happy with what she was hearing tonight and thought that when the residents find out about this, the residents will not be happy either. She mentioned the vehicular signs and commented they should be done away with. Larger signs are not necessary. She remarked that it seems that what they are doing contrary to Commissioner Sims... She expressed that she felt what they were doing is messing with a good thing. She commented they were making a mountain out of a mole hill. It's not fair to the residents. She remarked that she has been very happy with the signs as they have been produced each election year. The only issue that came about was the vehicular signs and the parades which ultimately followed some of them. Why change just for political correctness to avoid for a possible law suit. She didn't believe the City has ever been sued over a political sign in the past. She asked if anyone knew and stated she has lived here 28 years. Why are we going to make all of these changes just to satisfy the City Attorney and what they want to install in our code. She again stated that she was unhappy and that you didn't want to make Mrs. Wilson unhappy. She asked them to please think about this. We have had no problems in the past so why create problems for the future through all this political correctness and legalese that you are trying to put into this sign ordinance. It isn't necessary for Cooper City.

Mr. Konhauzer asked if there have been cases in other cities where there have been lawsuits due to the 1st Amendment rights.

Ms. Lundgren responded yes and there has been at least 3 in the past 10 or 15 years; Miramar, Coral Springs, Sunrise. The problem is that these billboard companies a huge pool of funds to go through each city's code to find a small defect in the sign code. They capitalize on that to try and allow types of signs that we would already prohibit. We already prohibit billboards and most cities don't want billboards in their backyards, or major thoroughfares. The problem is that these companies are finding it more and more difficult to find a city that would allow a billboard. They are looking for defects. They are looking for the smallest minutia of apparent legal defensibility problems in a sign code. She remarked that they sue and try and through the baby out with the bath water and come in and apply for a permit while the sign code isn't in existence anymore and it has happened around the Country. The case law is clear that they need to scrutinize any change that we make. It's not about deciding our size and policy because that's a separate animal. Once you get to the point where you are making the changes there has to be a real attention to making them in a way that is legally defensible.

Mr. Konhauzer commented that Commissioner Sims brought up the fact that the City is able to put certain banners out whereas the citizens are not able to and he referred to a digital sign in front of the Community Center and that is illegal to have digital signs in front of your house. The reason is for having that is for public service messages to serve our City.

Ms. Lundgren responded that there is a distinction that allows for that particular type of sign because it is considered for public services, such as for traffic safety, to announce that City Hall is a hurricane station where you can attain water and so forth. There are all kinds of important public messages that provide citizens with important information. Those are considered to be a different type of governmental speech. The same kind of speech that you see on the side of I-95 that explains where the next exist is or where the hurricane evacuation route is and so forth. There is a different level of protection that is allowed.

Mr. Aronson remarked that the City is exempt from lots of things. For instance Public Works doesn't have to come to us if they don't want to

Mr. Wood responded that if it is something that requires a building code.

Mr. Aronson mentioned they have had a lot of courtesy reviews in the past. He thought that the City for some procedural reasons would have to be exempt from this because it prevents anything from being put on City property unless the City is going to put everything on their property.

Ms. Sori commented that this was not initiated by the City Attorney, or the City, but by certain members of the Commission. As a point of clarification, she asked about "attention attracting devices" and wanted to know if that means this will allow them.

Ms. Lundgren responded no, it is a new definition that is clarifying on page 6, the prohibited list where banner signs flags or pennants' used for advertising purposes are now considered to be attention attracting devices. You see a lot of these on 441 these days like big balloons and all kinds of spinning and flowing signs that are very problematic for enforcement purposes because they can fly around and cause damage.

Mr. Nall expressed that he has the same concern as Commissioner Sims regarding political signs “for which a public election is scheduled to be held” has been stricken through. The way he reads it is that you can get a permit or whatever, but doesn’t see where they should allow anyone to make a political statement is they wish. The way he reads it is that they are not going to ban any type of political statement. He said that he would like to see the Commission and City Staff keep some sort of regulation on political speech or political signs during the times of elections, not just all the time because they would have political statements running amuck in this community. He asked the City Attorney is she could expound on that and doesn’t see where it limits political speech year round.

Ms. Lundgren responded that for political signs that are related to elections it is required that political sign that is related to campaign in an election can’t be placed until the time of qualification.

Mr. Nall asked what if a person has political speech when there isn’t an election.

Ms. Lundgren remarked there is case law that allows a person to have one such sign on their property and they can’t take that away, but what she is doing is requiring that where there is political campaign related political sign it can’t be placed until the date of the qualification deadline for the election. It has to be removed within 7 days following the election or the primary election. The existing situation people could have one sign on their property that relates to political or personal statement and that is allowed under the constitution. With this and these changes are just the political signs that relate to the election.

Ms. Keirnan thought that even if an election isn’t going on people, with this stricken, would be able to put any type of political statement anywhere other than just in their own yard.

Mr. Aronson commented that what the Attorney is saying is that they can do that now. They are constitutionally protected. This is just putting reasonable restrictions that the City wants and is really not changing the law. As an example, same sex marriage. If someone wants to put a same sex marriage sign in their yard, we can’t say no, if it meets a certain size and is in their yard. There is no particular vote on that coming up.

Ms. Sori remarked that the constitution clearly states that you can’t put up any kind of speech relating to over-through the government, treason or violence and that is the limitation.

Mr. Aronson responded that cities and states have the ability within their police power to regulate procedural items for lack of back of a better term on how that free speech

Ms. Lundgren interjected it was reasonable time, place and manner restrictions.

Mr. Roper commented that over all, he thought Ms. Lundgren had done a very good job. One problem that he said that he does have is to allow a 4X8 political sign and thought that was totally out of line. If they have to go back and look at reducing the size of project signs to where it meets 32 square feet, then he thought they should do that. He didn’t know if you could make

that 16 square feet and leave the project signs at 32 square feet. Over all there are very few changes and it is just a matter of reorganizing the wording and terminology that is put in.

Mr. Wood commented that to clarify for the record the 32 square foot political sign is only allowed in non-residential areas. In the residential areas it is limited to 4 square feet.

Mr. Aronson remarked that this goes back to his question as to what other cities or counties require because if some political candidate or state office or congress is making signs, they shouldn't have to make special signs for every city, and that is why he asked what some of the other cities have in terms of if that is a good example for size.

Mr. Wood thought that Mr. Roper had a good point in that if you wanted to find another type of sign in the code there is one that is limited to 16 square feet.

Ms. McCoy referred to page 3, political signs where it is stricken through ("for which a public election is scheduled to be held"), and then on page 9 where it says "shall not be erected prior to the filing date of any election" and said that you can't have it both ways on two different pages. It's either anyone can put up a political sign at anytime, or they can put it up after the filing date of an election.

Mr. Aronson thought they were talking about two different issues.

Mr. Wood commented that what it is saying is if it's a political sign related to an election then it has to come down 7 days after the election or no sooner than the qualifying period, but if it's a non-election political type sign that is protected under the constitution where you can put one on your own property then it's not limited to those restrictions.

Ms. Lundgren agreed with Mr. Wood and said that was correct.

Ms. McCoy then remarked that she agreed with Ms. Wilson regarding the sign ordinance. She commented that she never really felt that there were overwhelming need to re-do this over to this extent. She expressed some confusion as to how this reads and asked if there were any fees involved with the political signs now. She asked if there was a \$25 fee to put up signs period or is it exempt.

Ms. Lundgren responded that there is no \$150 bond that is required under this.

Mr. Wood remarked that the requirement for the \$150 bond was being removed.

Ms. McCoy commented that the \$150 bond in that past was so that people didn't remove their signs then the \$150 would cover the cost to take them down. She didn't know of anybody that has gotten fines for signs.

Ms. Lundgren responded that they won't be requiring a bond under this change, but if there is a problem with a candidate or anyone else put signs out and fails to remove them they can be cited under the removal enforcement requirement, which is on page 12.

Ms. McCoy wanted to know how it was addressed if you put a political sign inside a business window. Was it covered by the 4 foot political sign or was it covered by the 25 square foot of the window.

Mr. Aronson thought the window sign code would limit what the sign topic would be and you could only advertise certain things.

Ms. McCoy remarked that throughout political campaigns these signs end up in business windows and how would you allow 16 foot or something like that in a store front.

Ms. Lundgren referred to page 13 and 14 and commented that there is existing requirements for window signs that limit the area of the commercial window that the sign can take up is limited to 25% of window area.

Ms. McCoy responded that she realizes that, but if you have a space that has a lot of window space then you could put a big sign in the window. She said that 25% of 500 square feet that is a lot of area. We have stores in the City that have large window locations.

Mr. Wood remarked that it says 25% provided however that no window sign shall exceed 60 square feet. What it does is allows the political sign to be substituted for any other type of window sign.

Mr. Aronson responded no, if 60 square feet of total signage, so if you have a window sign now for your business that reduces out what political sign....

Ms. Lundgren interjected that was correct and the business owner would have to sacrifice all of his other business related signage, and she didn't think business owners would do that.

Ms. McCoy wanted to know what would stop somebody from breaking a tenant space that had a lot of windows and putting up to 60 square feet.

Ms. Sori commented that it was done all the time during elections.

Mr. Konhauzer mentioned that if you look at 6 tiles times 10, that was a big area.

Mr. Aronson remarked that the one observation that he had is that he didn't think this was a major change to the sign code. If you read all the way through some things were moved around and some things are changed, but the entire bulk of this is not a major shift, it is some clarifications. He understands there should be some questions. He said that he was getting the impression that they have just created a brand new animal and they didn't. It was just some minor modifications to an existing ordinance.

Ms. McCoy agreed with Mr. Aronson and remarked that if you are going to codify things that you can have more square feet here and so many square feet there and thought that window signs were an appropriate consideration here. She thought there needed to be something added that

political sign under the store front use with a size certain and 60 square feet is a lot of square feet.

Mr. Aronson mentioned that was in the old code and was not a proposed change.

Mr. Wood commented that was where the Board has to be careful to not regulate non commercial content differently than commercial content. That is part of what they were doing was to rewrite some of the codes to protect ourselves.

Ms. McCoy remarked that if it's a political sign in a commercial window then it is no longer a commercial sign, it's a political sign so if you want to review the part where you talk about the size of signs then you need to add something that negate somebody from taking a large space and it doesn't even have to be a local political it could be a national political entity that comes in here and takes up big tenant space. There is a lot of vacant tenant space in the City.

Mr. Aronson commented that the sign cannot be more than 25% of the window space and no more than a total of 60 square feet, so in order to get 60 square feet your window space has to be 240 square feet.

Mr. Konhauzer mentioned that would be a lot of the local restaurants. It is very possible that under these laws you could have a sign that's 60 square feet.

Ms. Lundgren interjected that it would be only if that business owner sacrificed all the other window signage. If they had existing window signage they would have to rip it out. Practically speaking, she thought it would be very hard to imagine that it would come to be a problem. There is a lot of existing window signage. The important consideration is that there does need to be ability to have substitution of non-commercial speech for purposes of 1st Amendment protection. This change was not a change to the existing window sign regulations except to clarify that is the case.

Mr. Aronson remarked that if there is a problem with this the Board can clarify it and reduce it, but what the Board will be reducing is the overall window sign rules, not just political.

Ms. McCoy commented that doesn't sound correct.

Ms. Sore remarked you could separate the two.

Mr. Konhauzer commented that was where the law suits were coming in.

Mr. Aronson responded that no, you cannot do that.

Mr. Konhauzer remarked that as an analogy of this is what is going on in his industry every day and he believes in all the handicap laws, but there are certain people out there that go from store to store. He had a client that was defending someone against it and the attorney for the other side sued the attorney that was representing the person because his water closet wasn't handicapped. There are people that have used and abused that and filled the courts with it.

Mr. Aronson asked if this Board wanted to entertain modifying that provision then let's talk about it, but understand this that the modifications will not be for political signs, but for window signs.

Ms. Sori remarked that she would like to do that because 60 square feet was too much.

Mr. Aronson also reminded the Board they went through window signs at nausim a year or two ago.

Ms. Sori commented that she would not like this rushed through just for expediency. She said that 60 square feet is too big.

Mr. Aronson responded that the point is that the Board decided that it wasn't too big when they did this the last time and they spent a lot of time on window signs. He didn't remember the discussion, but was sure when they discussed window signs they considered the 60 square foot.

Mr. Konhauzer interjected that it is a bit inconsistent if a political person for instance that you are only allowed a certain size sign on a lawn or somewhere else, but you have that stop gap. You can beat it if you go into a restaurant or a commercial space. He thought there was something to be said about that and if you are talking about lawsuits and being equal you are allowing for someone to go through that code by going to a commercial space and allowed to have a 60 square foot sign.

Mr. Aronson asked the City Attorney to note that as one of the Board's issues right now and asked what other issues they have with the proposed ordinance.

Ms. Keirnan mentioned the 32 square foot signs are an issue for some of them.

Mr. Aronson commented that the Board has talked over the years regarding some religious signs. He mentioned there are a lot of religious institutions in Cooper City.

Mr. Wood responded that the religious signs were more of a permanent nature. There was some interest in allowing changeable copy and electronic message boards, which is more of a permanent type of signage and what is before them now are more temporary types of signs. Political signs are more temporary signage.

Mr. Aronson commented that we all know there are some religious institutions that get a piece of plywood and two 2X4's and paint a sign, which becomes permanent when they put it in the ground, but it is really temporary.

Ms. Lundgren remarked that type of sign under this proposed ordinance would not be allowed and would follow under the permanent sign regulations for that particular type of property which is not being addressed here and is already in the code.

Mr. Roper mentioned that wouldn't that come under community signs?

Ms. Lundgren responded that those relate to an event or activity and are not of a permanent nature. She asked the Chair if he was speaking about permanent types of signs.

Mr. Aronson responded no he was speaking whether permanent or temporary because we have a lot of religious institutions that do whatever they want with banners, and signs.

Mr. Roper asked what does that fall under.

Ms. Lundgren referred to page 11, the community service sign provision has been relocated but it is the same existing provision that was on the books already and addresses community service signs that are within residential zoning districts and that could include place of worship within a residential zoning district.

Mr. Roper wanted to know if you could add religious institutions to community service provision.

Ms. Lundgren responded that it is already addressing religious organizations because the definition addresses nonprofit organizations and corporations which would be inclusive of a place or worship or religious organizations.

Mr. Aronson commented that if the Board wants to cover that type of signage he thought it should be clear in the code that we are trying to cover that, but he doesn't want to point them out specifically and was only bringing it up because of issues that have been raised in the City before.

Ms. Lundgren responded that in her read of the definition was that it was sufficiently clear to address that type of use as well as any other similar nonprofit.

Mr. Roper asked if this was addressed under community services.

Ms. Lundgren responded yes, it is already in the code and the only change that this amendment made is to move what is already in the code what is already in the code about community service signs and not changing anything substantive.

Mr. Roper agreed with Ms. Lundgren and commented that unless you are explicit that this is related to specific to religious institutions it will not be carried out. He thought that need to be included in that as a separate definition.

Mr. Aronson thought that should be included within the definition under community services.

Mr. Valenti commented that he was listening to the same old thing after 20 years or so. He remarked that his concern is that after the election and he thought the bond was important because most people just abandon those signs and somebody has to clean it up. He didn't know why they would do away with the bond.

Mr. Aronson asked if there was a particular reason for doing away with the bond.

Ms. Lundgren responded that the reason for having that change is because temporary signs and political signs are a type of temporary signs and the same considerations really apply to all types of temporary signs. So it is not legally advisable to consider the political signs to have to go through the bond requirement whereas other types of temporary signs don't. We are requiring a registration for the posting of 4 or more temporary signs regardless of whether they are political or some other type of temporary signage like a special event or other reason that someone might post temporary signs. They have to come to the City and register and the City then has on file this is the person or organization that posted the signs and they will know they are out there and they can be required to remove them.

Mr. Aronson thought that if somebody has a political sign up and the election is over and they may not be a resident of the City then how do you enforce that fine against them for not removing their signs.

Mr. Wood responded that it would be through that registration process.

Mr. Aronson commented that he understands that, but wanted to know what the fine was and was it \$70 (\$20+\$50) a sign? If there were 10 signs that would be \$700 and when they don't voluntarily pay you are going to go chase them and then it would cost you \$7,000 to collect your \$700.

Ms. Lundgren responded that the alternative would be to keep the bond requirement but be applicable to all temporary signs.

Mr. Konhauzer commented that if you have a bond and it is \$150 it still wouldn't cover you.

Mr. Valenti remarked that not only for the local people, but people from out of town like judges or congress, and they don't take down their signs and \$150 may not cover it all, but could help to pay to have them removed. He did see Commissioner Sims take his signs down. He thought something should be done about that.

Mr. Aronson referred to Section 25-21 on page 5 regarding the vehicle signs and says they should not be utilized at a specific location, it seemed like you could still park that in your driveway every night and leaves it there and it would not violate that ordinance, which he didn't know they wanted to permit.

Ms. McCoy asked if that was a City ordinance about leaving the vehicles with signage overnight or is that something that the homeowner associations have been.

Ms. Lundgren responded that in the event that a vehicle sign is used in a stationary location as signage ...

Mr. Konhauzer interjected in a parking lot, a van with a sign on it and that kind of a thing.

Ms. Lundgren further explained that it was not addressing the situation where someone would have their truck with a sign on it that was parked temporarily with a sign on it that was parked at

home or location and that was not the purpose of this ordinance. She was not aware of other City regulations on commercial signage.

Mr. Konhauzer remarked that another example of that would be “Quickies” in Pembroke Pines and they have their van parked in front of the store so you can see it off of Flamingo Road and its there as signage.

Ms. Lundgren commented that was the only issue that this proposed ordinance gets at is the use of vehicle signage as type of sign at a location where it is intended to be a sign.

Ms. Keirnan asked that the other part of the code that does not permit commercial vehicles with signage in your driveway and that was staying the same.

Mr. Wood and Ms. Lundgren both agreed that was correct.

Mr. Aronson then mentioned flags and commented that Ms. Lundgren struck the definition with non-commercial in it, but you have used it a few times undefined. It is referred to a non-commercial entity and a non-commercial flag. He thought that might be something that should have been defined better. He referred to page 1 of the amendment and on page 3 at the top where directional or informational signage is.

Mr. Wood remarked that it used to be that “governmental flags” were exempt, but they are changing it from government flags to non-commercial flags.

Mr. Aronson asked what a non-commercial flag was.

Ms. Lundgren responded that the reason for that change is again, the 1st Amendment. A non-commercial flag could be an organization, the Rotary Club flag that you would want at your location, or another type of non-commercial organization or interest, but the case law is clear that we can’t favor a government flag, such as the U.S. flag, so in our regulations it has to be equivalent for non-commercial speech. You can have a non-commercial flag that is in accordance with these limits.

Mr. Aronson then referred to attention attracting devises and the definition includes the word “flags”, but attention attracting devises are prohibited and that was not clear to him.

Ms. Lundgren responded that there is an exception within that definition for the type of flags that are permitted under that section that deals with flags. She explained that attention attracting devises is all those tacky type of multiple American flags that you would see on State Rd 7 in auto dealerships.

Mr. Aronson commented that in temporary open house signs it says in 6(e) says that “temporary open house signs shall be made of corrugated plastic, wood, aluminum, or steel, but the posts can only be made of aluminum or steel only.

Ms. Lundgren responded that was for structural integrity purposes. A wooden stake would potentially be less structurally sound.

Mr. Aronson referred to the open house signs times 10:00 a.m. to 6:00 p.m. and seems it should be a little more extended. He also mentioned that you cannot have an open house sign on a weekday.

Mr. Wood responded that was not a proposed change, but it is a relocation.

Mr. Nall referred to page 6(h) advertising bench signs affixed to people shelters or bus shelters and if thought that Commissioner Green brought up that people were standing on Stirling Road at the bus stops. He also knew that the Commission had directed the City Manager to look at possibly putting benches for the bus stops. It was also mentioned that they would probably not get it unless somebody was allowed to advertise so this might be a possible conflict because the Commission has directed the City to look at putting bus benches there...

Ms. Lundgren interjected that this was actually existing code and isn't a change and was showing the list of current prohibitions.

Mr. Wood commented that the Commission is aware that it would take a code change to change it from the way it reads right now. There was no direction to change it at this time.

Mr. Nall then referred to page 5 under flags and says that "flags may be displayed at one time on days other than Flag Day and July 4th" and asked why is that limited to just those 2 days and what about Memorial Day and Veterans Day which are just as important.

Ms. Lundgren responded that could be a recommendation and could certainly be changed.

Mr. Nall this is talking about a non-commercial entity.

Ms. Lundgren responded that it is a government or U.S. flag but the reason that this was changed because we couldn't favor a governmental flag over a non-commercial flag. Now non-commercial also includes government flags and it also includes other organizations.

Mr. Nall referred to page 6(e) that says "all signs that contain exposed lighting of any type or have the appearance of light fixtures and if you were going to consider a flag a sign, many people have light fixtures for the American flag.

Ms. Lundgren explained that this is a sign that contains exposed lighting. The flag usually always has a flood light and she has never seen a flag that has light in it.

Ms. Keirnan commented that they do have an LED lit up flag.

Mr. Nall remarked there are flag poles now that all one piece and they have LED imbedded into the flag pole that shines.

Ms. Lundgren responded that it is the sign that is regulated and not the pole. The pole has to comply with the Building Code and the height regulations. It is not addressed by this.

Mr. Aronson commented that he has noted three areas of concern:

1. 60 square foot limitation
2. 32 square foot signage size
3. Whether they want the Bond reinstated.

The Board expressed consensus that these were the concerns.

Mr. Konhauzer made a recommendation that Staff based on those 3 items revisit the draft ordinance and give a report to Board before their next meeting so they can think about it and be prepared to discuss at the next meeting.

Mr. Schulman asked if there was unanimity as to understanding as to what they want Staff to do with those 3 issues.

The Board all agreed.

Mr. Aronson commented that he would like to see what other cities have such as Weston, Davie, Pembroke Pines, and see how this compares with other cities.

Ms. Lundgren responded that she would bring back a report that indicates what each of those cities do with regard to sign size for political and temporary signs, window sign size, and with regard to the bond requirement for temporary signs.

Ms. Sori excused herself from the meeting as there would not be a vote on this tonight. She had received news of a death in the family and had to leave.

Mr. Aronson expressed the Board's sympathy to her and her family.

Ms. Lundgren thanked the Board for all their input.

5. OLD BUSINESS:

None.

6. GROWTH MANAGEMENT DIRECTOR'S REPORT:

Mr. Wood explained that the next regularly scheduled Board meeting falls on Labor Day and the City would be closed, so the next meeting would be on Monday September 19th, 2011.

7. BOARD MEMBERS' CONCERNS:

Mr. Roper asked about the 27 acres and since the ownership has changed and was they still obligated to put in fill, sod and irrigation and are they still going to.

Mr. Wood responded yes they are still going to bring it up to grade and deliver it to us properly. They are still going through the environmental permitting process. The wetland mitigation

process is taking time and was not the fault of the developer that dedicated that property to the City.

Mr. Valenti commented that they are only going to be filled and graded and the City has to pay to put in the fields and that we need the fields.

Mr. Wood remarked that was right.

Commissioner Sims also agreed that to put in the fields was their obligation.

Mr. Valenti commented that they are only obligated what they are going to do and that's it, but there are no facilities, no bathrooms, fields, it will be like a cow pasture and will be a long time down the road.

Mr. Roper mentioned that they are some things that they are not really obligated to do because of the bankruptcy and didn't think they were obligated to finish that are they.

Mr. Wood explained that the code requires for the developer to meet his recreational dedication requirements and that is to provide either money or in lieu of, but in this case they brought the property, deeded it to the City, but it can't be wetland property. That is their part of their obligation is to de-muck and bring it up to grade. He then commented that Mr. Valenti's is correct and their obligation is not to provide us ready to use soccer fields.

8. ADJOURNMENT:

The Meeting adjourned at 8:21p.m.