

REQUESTED COMMISSION ACTION:

 Consent x Ordinance Resolution Consideration Workshop

SHORT TITLE OR MOTION: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 156, "SIGN CODE", OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.11, "PROHIBITED SIGNS," AND SECTION 156.13, "PERMIT EXEMPTIONS FROM ZONING APPROVAL," TO ALLOW SIGNAGE ON KIOSKS AND BICYCLES THAT ARE PART OF THE BIKE SHARING SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Summary of Purpose and Why:

Broward County Board of County Commissioners signed a partnership agreement with a private company, B-Cycle, in order to establish a bike sharing program in Broward County. This program is being made possible through the assistance of Florida Department of Transportation grant funding for intermodal improvements. The proposed amendments to Chapter 156 are required in order to allow the bike kiosks the same advertisement abilities that would be granted to our public transit providers.

This is a companion item to the resolution to approve the B-Cycle Revocable License Agreement. Code amendments must be advertised for ten days prior to public hearing, whereas the resolution does not have advertising requirements. This agenda item has been advertised for June 14, 2011. In order to place both companion items on the same City Commission agenda and still meet the advertisement requirements, this ordinance will receive its "second reading" on May 24, 2011 and the "first reading" on June 14, 2011.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Development Services Department
- (2) Primary staff contact: Jennifer Gomez/ Robin M. Bird Ext. 4640
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: _____

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER
Dev. Ser. Dept.	<u>55/14/11</u>	Approval Memo #11-131	<u>[Signature] MEETING DSD</u>
City Attorney	<u>4/21/11</u>	Prepared ordinance	<u>[Signature]</u>
<u> x </u> Advisory Board		<u>P&Z Approval 4/27/11</u>	
<u> </u> Development Services Director			
<u> x </u> City Manager			<u>[Signature]</u>


ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>	<u>Workshop</u>
1 st Reading _____	1st Reading _____	Results: _____	Results: _____
2 nd Reading _____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____



RECEIVED
PLANNING/ZONING
2011 APR 22 AM 7:39
CITY OF POMPANO BEACH


City Attorney's Communication #2011-975
April 21, 2011

TO: Jennifer Gomez, AICP, Principal Planner
FROM: Jill R. Mesojedec, FRP, Paralegal
VIA: Gordon B. Linn, City Attorney 
RE: Ordinance Amending Chapter 156, "Sign Code" – Bike Sharing Program

As requested in your memorandum of April 18, 2011, Department of Development Services Memorandum #11-150, the following form of ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 156, "SIGN CODE", OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 156.11, "PROHIBITED SIGNS," AND BY AMENDING SECTION 156.13, "PERMIT EXEMPTIONS FROM ZONING APPROVAL," TO ALLOW SIGNAGE ON KIOSKS AND BICYCLES THAT ARE PART OF THE BIKE SHARING SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.



JILL R. MESOJEDEC

/jrm
l:cor/zoning/2011-975

Attachment

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 156, "SIGN CODE", OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 156.11, "PROHIBITED SIGNS," AND BY AMENDING SECTION 156.13, "PERMIT EXEMPTIONS FROM ZONING APPROVAL," TO ALLOW SIGNAGE ON KIOSKS AND BICYCLES THAT ARE PART OF THE BIKE SHARING SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed Ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 156.11, "Prohibited Signs," of Chapter 156, "Sign Code," of the Code of Ordinances is hereby amended to read as follows:

§ 156.11 PROHIBITED SIGNS.

...

(A) Advertising bench, other than those authorized by the City Commission; however, signs advertising public transit may be placed on benches at bus stops, and/or kiosks that are part of a City Commission authorized bike sharing system.

...

(M) Signs attached to, or placed on, a vehicle or trailer. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business. Franchised buses, or taxicabs,

and bicycles that are part of a City Commission authorized bike sharing system are exempt from this provision.

...

SECTION 2. That Section 156.13, "Permit Exemptions From Zoning Approval," of Chapter 156, "Sign Code," of the Code of Ordinances is hereby amended to read as follows:

§ 156.13 PERMIT EXEMPTIONS FROM ZONING APPROVAL.

The following signs or operations shall not require Zoning approval but shall be in conformance with all other provisions of this chapter and the Florida Building Code.

...

(M) Signs on Advertising benches authorized by the City Commission or signs advertising public transit authority bus stops, or advertising on kiosk stations and bicycles that are part of City Commission authorized bike sharing system.

...

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2011.

PASSED SECOND READING this _____ day of _____, 2011.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

GBL/jrm
4/21/11
L:ord/ch156/2011-267


PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

MEMORANDUM #11-24

DATE: May 15, 2011
TO: City Commission
FROM: Planning and Zoning Board/Local Planning Agency
SUBJECT: CODE AMENDMENT – Chapter 156 – Sign Code

At the meeting of the Planning and Zoning Board/Local Planning Agency held on April 27, 2011, Board considered the provisions of Development Services Department Memorandum No. 11-131 setting forth proposed amendments to Chapter 156 (Sign Code) of the Code of Ordinances to accommodate the Bike Sharing Program as recently approved by the Broward County Board of County Commissioners in conjunction with a private company known as B-Cycle.

It is the unanimous recommendation of the Board that this proposed Code amendment be approved as submitted by Staff.



JIM BEESON
Chairman
Planning and Zoning Board/Local Planning Agency

lrh



**CITY OF POMPANO BEACH
DEVELOPMENT SERVICES DEPARTMENT**



ADMINISTRATIVE MEMORANDUM NO. 11-131

DATE: April 14, 2011
TO: Planning and Zoning Board
VIA: Robin M. Bird, Development Services Director
FROM: Jennifer Gomez, AICP, Principal Planner
RE: Code Amendments for Bike Sharing Program

Broward County Board of County Commissioners signed a partnership agreement with a private company, B-Cycle, in order to establish a bike sharing program in Broward County. This program is being made possible through the assistance of Florida Department of Transportation grant funding for intermodal improvements.

Bike sharing has been gaining popularity around the world and several large U.S. cities. Bike sharing allows individuals to have the benefits of bicycle use, when needed, without having to purchase a bike, store it, or bring it into town or on their vacations. To access bicycles, users can swipe a credit card or tap their membership card at the station kiosks, then use the bikes for short trips around town, and return them to any bike station kiosk.

B-Cycle has agreed to provide a minimum of 200 bikes and associated stations upon the launch date (six months from County Commission approval), and to grow the system to at least 500 bikes and associated stations within five years in Broward County. The following sign changes are required in order to allow the bike kiosks the same advertisement abilities that would be granted to our transit providers.

Section 156.11 PROHIBITED SIGNS.

From and after March 1, 1981, it shall be unlawful for any person, which term shall include, but is not limited to, an individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, or other similar entities, to erect, install, affix, place or allow to be erected, installed, affixed, or placed any of the following:

- (A) Advertising bench, other than those authorized by the City Commission; however signs may be placed on benches at bus stops, and/or kiosks that are part of a City Commission authorized bike sharing system.

...

- (M) Signs attached to, or placed on, a vehicle or trailer. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business. Franchised buses, ~~or~~ taxicabs, and bicycles that are part of a City Commission authorized bike sharing system are exempt from this provision.

Section 3. Amendment: Section 156.13 of the Code of Ordinances is hereby amended as follows:

Section 156.13 PERMIT EXEMPTIONS FROM ZONING APPROVAL

The following signs or operations shall not require Zoning approval but shall be in conformance with all other provisions of this chapter and the Florida Building Code.

- (M) Signs on advertising benches authorized by the City Commission or signs advertising public transit authority bus stops-, or advertisement signage at kiosk stations and bicycles that are part of City Commission authorized bike sharing system.