

**CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM**

Meeting Date: October 16, 2019

Second Reading Date: November 6, 2019

Presenter's Name and Title: Eric Silva, Community Development Director

Temp. Ord. Number: 1733

Item Description: SECOND READING of Temp. Ord. No. 1733, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, RELATING TO SIGNS; MAKING FINDINGS; REVISING SECTIONS 1002 DEFINITIONS AND 1014.3 REGULATIONS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING THAT OFFICIALS ARE AUTHORIZED TO TAKE ACTION; AND PROVIDING FOR AN EFFECTIVE DATE. (*Eric Silva, Community Development Director*)

Consent ☐ Resolution ☐ Ordinance ☒ Quasi-Judicial ☐ Public Hearing ☐

Instructions for the Office of the City Clerk:

Public Notice – As Required by the Sec. _____ of the City Code and/or Sec. 166.041, Florida Statutes, public notice for this item was provided as follows: on October 8, 2019, in a legal display ad in the Sun-Sentinel; by the posting the property on _____ and/or by sending mailed notice to property owners within _____ feet of the property on _____. (Fill in all that apply)

Special Voting Requirement – As required by Sec. _____, of the City Code and/or Sec. _____ Florida Statutes, approval of this item requires a _____ (unanimous 4/5ths etc. vote of the City Commission).

Fiscal Impact: Yes ☐ No ☒

REMARKS:

Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Ordinance TO 1733**
- **Attachment(s)**
 - **Attachment 1: Standards for Review for LDC Amendment Staff Report**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners
FROM: Vernon E. Hargray, City Manager *[Signature]*
THRU: Kelvin Baker, Assistant City Manager
BY: Eric Silva, Community Development Department Director
DATE: October 31, 2019
RE: Second Reading of Temp. Ord. No. 1733, amending the City's Land Development Code Chapter 10 entitled "Signs", revising Sections 1002 "Definitions" and 1014.3 "Regulations"

RECOMMENDATION: The City Manager recommends approval of Temp. Ord. 1733, amending the City's Land Development Code ("LDC") Chapter 10 entitled "Signs", revising Sections 1002 "Definitions" and 1014.3 "Regulations."

ISSUE: City Commission approval is required for any amendments to the Land Development Code.

BACKGROUND: On February 20, 2019, the City Commission adopted Ordinance No. 19-14 which provided for off-premises signage in the form of digital billboards. The City of Miramar recognizes that digital advertising plays an important role for economic development. Permitting digital billboards along the Florida Turnpike's Homestead Extension and Interstate-75 will expand economic development opportunities, provide increased visibility for Miramar businesses and City events, as well as enhance the City's emergency notification capabilities.

The purpose of this ordinance to revise three standards of the Chapter 10 of the LDC.

1) Illumination

Definitions and standards related to illumination are being revised to be more consistent with current industry standards. The proposed amendment will reflect foot candles as the brightness unit of measure. Section 1002 "Definitions" is being revised to delete the definition of "nits" and add a definition for "foot candle". Section 1014.3 "Regulations" (11) is being revised to delete the brightness standard for nits and provide a brightness

standard for foot candles. The proposed brightness standard is consistent with other cities and national studies.

2) Sign Face Orientation

Section 1014.3 (2) "Orientation" is being amended to allow for two sign faces at sites located within 1,500 feet of a ramp for Interstate-75 and the Florida Turnpike. This would allow for one sign face facing Interstate-75 and another facing Miramar Parkway near the Interstate-75 ramp. It would allow for a similar configuration at Red Road and the Florida Turnpike.

3) Landscaping

Section 1014.3 (2) "Landscaping" is being amended to clarify that native trees and other landscape material should buffer the billboard structure and associated equipment at the base of the structure.

The Local Planning Agency, the Planning & Zoning Board will hear this item on October 15, 2019.

Temp. Ord. No. 1733

10/1/19

10/29/19

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, RELATING TO SIGNS; MAKING FINDINGS; AMENDING SECTIONS 1002 DEFINITIONS AND 1014.3 REGULATIONS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING THAT OFFICIALS ARE AUTHORIZED TO TAKE ACTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 20, 2019 the City Commission adopted Ordinance No. 19-14 which provided for off-premises signage in the form of digital billboards;

WHEREAS, the proposed amendment to Chapter 10 of the Land Development Code ("LDC"), are needed to clarify digital billboard orientation, landscaping and illumination standards;

WHEREAS, the LDC is adopted in order to foster and preserve the public health, safety, comfort, and welfare, and to aid in the harmonious, orderly and progressive development of the City; and

WHEREAS, pursuant to Section 302.7(2) of the LDC, the Planning and Zoning Board, sitting as the Local Planning Agency, has found that the proposed amendment is consistent with the goals, objectives, and policies of the City's Comprehensive Plan; and

WHEREAS, pursuant to Section 302.7(3) of the LDC, the Planning and Zoning Board has found that the proposed Ordinance is consistent with the authority and purpose of this Code, because it is tailored to implement and be consistent with state

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statutory requirements for highway advertising set forth in Chapter 479, Florida Statutes, and Chapter 14-10, Florida Administrative Code, as adopted by the Florida

Department of Transportation; and

WHEREAS, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to amend Chapter 10 of the Land Development Code entitled "Signs".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AS FOLLOWS:

Section 1: Recitals. The foregoing "**WHEREAS**" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. That section 403.5, Table 403-3 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

403.5. Activity Center and workplace districts tables.

* * *

Section 3. That section 1002 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

Sec. 1002. – Definitions.

Font: A set of letters, numerals and shapes that conform to a specific set of design criteria.

Foot candle: The unit of measurement for luminance is foot candles (fc), which is the illuminance on a one square foot surface from a uniform source of light.

Freestanding sign: A self-supported structure not attached or affixed in any way to a building or any other structure.

* * *

Nightclubs means a place of entertainment open at night usually serving food and

alcoholic beverages, as defined in s. 561.01(4)(a), Florida Statutes, and providing music and space for dancing and often having a floor show; an establishment for evening entertainment, generally open until the early morning, that serves liquor and usually food and offers patrons music, comedy acts, a floor show, or dancing; nightspot.

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~~Nits (nt) The unit of measurement for luminance is nits (nt), which is the total amount of light emitted from a sign divided by the surface area of the sign (candelas per square meter (cd/m²).~~

Nonconforming lot of record means a lot of record which does not meet the area or width requirements of this LDC Code for the zoning district in which it is located.

Section 4. That section 1014 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

1014.3. Regulations. Off-premises or billboard signage may only be designed and erected, as set forth in this section 1014. Off-premises or billboard signage may only consist of a digital billboard in locations meeting the following requirements and otherwise meeting the following requirements:

(1) Locations.

(A) All digital billboards must be located within one of the following zoning districts: B2, B3, OP, EC, PID, PUD which is used exclusively for commercial or industrial purposes, and U; and

(B) All digital billboards must be located on property adjacent and contiguous to city's major expressways; and

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(2) Orientation.

~~All digital billboards must be oriented solely for advertisement to the traveling public on the city's major expressways meaning that the digital billboard shall be placed in such a manner that sign face is directed at motor vehicles on Interstate 75 or the Florida Turnpike; and~~

All digital billboards shall be placed in such a manner that the sign face is directed at motor vehicles on major expressways or a road with a minimum of six lanes that connects directly to a major expressway; and

(3) Number of faces. No more than two (2) digital billboard structures and billboards may be erected on any one property. Each digital billboard structure may have not more than two (2) sign faces. Digital billboard signage with more than one face shall be placed at an angle to form a single "V" or placed back-to-back, and shall not be placed in a straight line. For V-type, or back-to back signs, to be considered one sign for spacing purposes, the sign facings must either be connected by the same sign structure or cross-bracing, or the sign structures must be not more than fifteen (15) feet apart at their nearest point; and

(8) Sign face area. A billboard sign face area shall not exceed 14 feet by 48 feet (672 square feet). Digital images shall be confined to the digital sign face; and

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(9) Landscaping. Native trees or other landscaping material shall be planted around or near the base of each billboard structure, sufficient to screen the base of the billboard base structure and any ground equipment from view of the public traveling on adjacent roads and at the property line. If a fence is provided around the base and ground equipment, landscaping shall be placed at the outside perimeter of the fence. ~~along all property lines at a maximum average spacing of 30 feet on center.~~ Said trees shall be of a species typically grown in Broward County which normally mature to a height of at least 20 feet and shall have a clear trunk of 4 feet, an overall height of 12 feet and a minimum caliper of 2 inches (as measured pursuant to the provisions of the LDC) at time of planting; provided, however, that native trees and vegetation shall be managed such that no tree or vegetation on the property obscures vision of motorists on the city's major expressways; and

(10) Compliance with LDC and building-related codes. The proposed digital billboard structure shall be required to meet all other requirements of this code and the Florida Building Code, and shall have a painted finish for the pole and frame; and

(11) Illumination:

(A) No auditory message, smoke, or mechanical sounds shall be emitted from the sign; and

(B) The sign shall not display any illumination that moves, appears to move, blinks, fades, rolls, dissolves, flashes, zooms, scrolls, shows animated movement, or changes in intensity during the static display period; and

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(C) ~~All digital billboards shall be modulated so that, from sunset to sunrise, the brightness shall not be more than 500 Nits. Sunset and sunrise times are those times established by the Miami office of the National Weather Service. At all other times, the maximum brightness levels shall not exceed 5,000 Nits. All digital signs shall have installed ambient light monitors and at all times shall allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions; and~~

Messages on all digital billboards shall not operate at a brightness level of more than .3 foot candles above ambient light, as measured using a foot candle meter at a distance of 250 feet for 14' x 48' digital billboards and at a distance of 200 feet for 10'6" x 36' digital billboards. Each digital billboard display shall have a light sensing device that will adjust the brightness of the billboard display as ambient light conditions change; and

(D) The message display shall not change more often than once each eight (8) seconds, with all moving parts or illumination moving or changing simultaneously. The change from one message to the next message shall be instantaneous over the entire sign face; and,

Section 5. Each and every section and subsection of Chapter 10 of the City of Miramar Land Development Code not revised herein shall remain in full force and effect as previously adopted.

Section 6. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, Section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. In the event of a subsequent

change in applicable law, so the provision which had been held invalid is no longer invalid, the provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding under this Ordinance.

Section 7. Interpretation. It is the intention of the City Commission, and it is hereby ordained, that the provisions and revisions of this Ordinance shall become and be made a part of the Code of the City of Miramar; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word. That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (* * *) indicate a deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and do not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

Section 8. Officials Authorized to Take Action. The appropriate City officials are authorized to do all things necessary and expedient to carry out the intent and purpose of this Ordinance.

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Section 9. **Effective Date.** This Ordinance shall become effective immediately upon adoption.

PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Alexandra P. Davis

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this ORDINANCE as to form:

City Attorney
Austin Pamies Norris Weeks Powell, PLLC

Requested by Administration

Commissioner Winston F. Barnes
Commissioner Maxwell B. Chambers
Commissioner Yvette Colbourne
Vice Mayor Alexandra P. Davis
Mayor Wayne M. Messam

Voted



ATTACHMENT 1

City of Miramar Community Development Department Development Review Report

I) Application Summary / Background

These are proposed amendments related to illumination, sign face orientation and landscaping for digital billboards.

Applicant: City of Miramar

II) Standards for Reviewing Proposed Text Amendments:

The City's Land Development Code provides that consideration of proposed text amendments includes a review of the following standards (*Section 302.7*).

- (a) *The proposed amendment is legally required.*

Staff's Evaluation:

This amendment is legally required to clarify standards related to digital billboards.

- (b) *The proposed amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.*

Staff's Evaluation:

The proposed amendment is consistent with overall goals, policies, and objectives of the Comprehensive Plan.

With respect to the Future Land Use Element:

Policy 2.9: Development within the City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.

Policy 3.13: Prevent visual pollution by limiting and controlling the number and size of signs and by strict enforcement of signage standards contained in the City's adopted Sign Code.

Objective 11: Increase Miramar's attractiveness to tourists through the establishment of a land use pattern and development regulations aimed at enhancing the area's natural and man-made environments.

With respect to the Transportation Element:

Objective 7: The City of Miramar shall achieve an aesthetically pleasing transportation circulation environment that is compatible with adjacent development.

In summary, these amendments are consistent with the City of Miramar's Comprehensive Plan.

- (c) *The proposed amendment is consistent with the authority and purpose of this Code.*

Staff's Evaluation:

Pursuant to Land Development Code Section 102, the purpose of this LDC is to implement further the Comprehensive Plan ("the Plan") of the City by establishing regulations for all development and use of land and water in the City in addition to and in more detail than those in the Plan. Further, this LDC is adopted in order to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the City. It is the intent of this LDC that the land use patterns in the City of Miramar be effective, in terms of providing the proper balance of commercial and residential property; and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and the consideration of the long-term interests of the citizens of the City.

The proposed amendments support this section by expanding businesses opportunities while maintaining aesthetically pleasing transportation corridors.

- (d) *The proposed amendment furthers the orderly development of the City.*

Staff's Evaluation:

Developing a more user-friendly and understandable land development code, while establishing parameters for uses that are not previously mentioned or included in the city's standards, is a basic tool for addressing an issue that is meaningful to residents, and directly supports the goal of orderly development of the City.

- (e) *The proposed amendment promotes sustainability and efficiency of the city and whether the proposed amendment promotes the public health, safety, welfare, and aesthetics; and*

Staff's Evaluation:

The LDC is a living document and should be updated from time to time to reflect adapting environments, societal changes and new technology.

- (f) *The proposed amendment improves the administration or execution of the development process.*

Staff's Evaluation: The amendment will accomplish this by clarifying development standards.

IV) Planning & Zoning Board

Pursuant to Land Development Code Section 107.2(b), the Planning and Zoning Board will conduct a public hearing on these proposed amendments to the Land Development Code on October 15, 2019.

V) Staff Recommendation

Staff finds that the proposed amendments to the Land Development Code, amending Chapter 10 Signs, meet the criteria of the review standards of existing Land Development Code Section 302.7 for consideration of code text amendments and recommends approval by the City Commission.