

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

First Reading Date: November 5, 2018

Second Reading Date: November 28, 2018

Presenter's Name and Title: Michael Alpert, Principal Planner, on behalf of Community & Economic Development Department

Prepared By: Michael Alpert, Principal Planner

Temp. Ord. Number: 1704

Item Description: **FIRST READING** of Temp. Ord. #1704, AMENDING THE LAND DEVELOPMENT CODE; MAKING FINDINGS; AMENDING CHAPTER 10 RELATING TO SIGNAGE; AMENDING SECTIONS 1002, 1005, AND 1007 AND TABLE 1 PERTAINING TO DEFINITIONS, DESIGN, MAINTENANCE, GENERAL STANDARDS, AND PERMANENT SIGNS; PROVIDING FOR ASSOCIATED RENUMBERING AND RELETTERING MODIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR INTERPRETATION; AND PROVIDING FOR AN EFFECTIVE DATE. (Principal Planner Michael Alpert)

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. _____, Florida Statutes, public notice for this item was provided as follows: on _____ in a _____ ad in the _____; 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 by the City Commission.

Fiscal Impact: Yes ☐ No ☒

REMARKS: NONE

Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Resolution TO 1704**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Vernon E. Hargray, Interim City Manager *SDS FOR VH*

BY: Eric Silva, Director of Community & Economic Development

DATE: October 30, 2018

RE: FIRST READING of Temp. Ord. No. 1704, amending portions of the Land Development Code Chapter 10, relating to signage

RECOMMENDATION: The Interim City Manager recommends approval of Temp. Ord. 1704, amending portions of the Land Development Code ("LDC") Chapter 10, relating to signage.

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

BACKGROUND: Pursuant to LDC Section 1007, Table 1, fast food restaurants with a drive-thru component are permitted to incorporate a menu board monument sign and a menu board preview monument sign within the designated vehicular stacking lane. In recent times, restaurants have found the use of liquid crystal plasma display ("LCD") monitors to be more efficient than the classic signs, which have menu cards on the window panels of the monument sign.

The existing LDC regulations allow fast food restaurants with drive-thru service to have a menu board monument sign and a menu board preview monument sign per stacking lane. The Applicant, on behalf of McDonalds, is proposing to allow digital signage which would permit LCD monitors to display the items available for sale at such establishments. The proposed changes include amending the Definitions under Section 1002, the structural and design requirements for digital menu boards signs under Sections 1005 and 1007 (TABLE 1).

The Development Review Committee recommended approval on October 3, 2018. The Planning and Zoning Board recommended approval on October 9, 2018.

Temp. Ord. No. 1704
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**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE; MAKING FINDINGS; AMENDING CHAPTER 10 RELATING TO SIGNAGE; AMENDING SECTIONS 1002, 1005, AND 1007 (TABLE 1) PERTAINING TO DEFINITIONS, DESIGN, MAINTENANCE, GENERAL STANDARDS, AND PERMANENT SIGNS; PROVIDING FOR ASSOCIATED RENUMBERING AND RELETTERING MODIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR INTERPRETATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Miramar has adopted a Land Development Code “LDC” which provides comprehensive land development regulations for the City; and

WHEREAS, the proposed LDC changes satisfy the standards for reviewing proposed amendments to the text of the LDC, as contained in Section 302.7 of the LDC; and

WHEREAS, the proposed LDC changes are consistent with the City’s Comprehensive Plan; and

WHEREAS, the Applicant has complied with the noticing requirement of Section 301.11.1. of the LDC; and

WHEREAS, the City Commission has held two properly advertised public hearings pursuant to Sections 301 and 302 of the LDC, and Chapter 166, of the Florida Statutes; and

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WHEREAS, the Development Review Committee recommended approval of the proposed LDC amendments on October 3, 2018; and

WHEREAS, the Planning and Zoning Board recommended approval of the proposed LDC amendments on October 9, 2018; and

WHEREAS, the Interim City Manager recommends approval of the proposed amendments to Chapter 10 “Signs” of the LDC, as set forth herein; 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 “Signs” of the LDC, as provided herein.

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

Section 1: That the foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: **Intent; Inclusion in the Code of Ordinances.** That it is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall become and be made a part of the Land Development Code of the City of Miramar, and that the word “ordinance” may be changed to “section,” article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 3: **Findings.** That it finds the proposed changes are in conformance with the City’s Comprehensive Plan.

Section 4: Approval. That section 1002 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

Sec. 1002. - Definitions.

It is the intention of this section to classify all types of signs. If a sign is not specifically mentioned herein, the city manager or said manager's designee, shall choose the most appropriate classification(s) for that sign.

* * *

Digital clock: An electronic sign that displays only the time, date, or temperature. It may be attached or freestanding.

Digital menu board: A sign that utilizes electronic display, including but not limited to liquid crystal (LCD) plasma display or project images at a drive-thru facility and is not readable from off the premises of the drive-thru facility. It may be an attached or freestanding sign.

Digital menu board preview monument sign: A sign that precedes the location of the primary menu board within the vehicular stacking lanes which utilizes electronic display, including but not limited to liquid crystal (LCD) plasma display or project images which is located at a drive-thru restaurant and not readable from off the premises of the restaurant. It may be an attached or freestanding sign.

Digital sign: A sign that utilizes an electronic display, including but not limited to liquid crystal (LCD) plasma display or projects images, to show content. Permitted digital signs include digital menu boards, digital menu preview monument sign, menu board preview monument signs at gasoline service stations, wall signs, or city public information signs and message boards for non-profit uses. All other digital signs are prohibited.

Directional sign: A sign relating to navigation on the property on which it is located, that provides directional information to pedestrian and vehicular traffic, such as "Entrance," "Exit," "Parking," "Drive-thru," "Loading," or that identifies the name of a place or location on the property on which it is located with a directional symbol. It may be attached or freestanding.

* * *

Memorial sign: An attached sign or tablet used to denote the name of a building and date of erection and other related information.

Menu board: A sign that ~~advertises the prices or availability of both food and drink beverage products for sale~~ is located at a drive-thru restaurant, and is not readable from off the restaurant premises. It may be an attached or freestanding sign.

Menu board preview monument sign: A sign structure that precedes the location of the primary menu board within the vehicular stacking lanes ~~which advertises the prices or availability of selected food and drink products for sale at a drive-thru restaurant and is not readable from off the restaurant premises.~~ It may be attached or freestanding and may have a digital display (see digital menu board preview sign definition).

Message board: A sign with changeable text. Manual changeable copy message boards typically consist of letters attached to a surface within a transparent display case. Electronic Message Boards consist of any sign that is capable of displaying illuminated words, symbols, figures, or images that can be electronically changed by remote or automatic means, excluding any digital clock as defined in this chapter.

* * *

Section 5: **Approval.** That section 1005.3(c) of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

1005.3. Construction and materials.

* * *

(c) Illumination:

1. Wall signs may be internally illuminated or illuminated from an external light source such as a decorative wall-mounted light fixture. External neon tubing or strip lighting is prohibited. Ground-mounted signs may be internally illuminated or illuminated from an external light source that is appropriately visually screened by landscaping and must be submitted with the original sign permit application and design for approval. For permitted colors and illumination, see Section 813.2.1.2. An illuminated sign shall not be erected within 100 lineal feet of any portion of a residential district, except for monument entrance feature signs. Energy-efficient technology shall be used for all sign illumination, for signs receiving initial sign permits following the date of this amendment to this chapter (November 30, 2011). Replacement of existing bulbs with LED-light emitting diode bulbs is encouraged.

2. An electronic message board sign, if specifically permitted to be included within a conforming on-premises sign type allowed by this chapter, shall comply with the following requirements:

a. An electronic message board sign shall not exceed a maximum luminance intensity of 5,000 nits (candelas per square meter) during daylight hours and a maximum luminance of 500 nits between 15 minutes after sunset and 15 minutes before sunrise as measured from the sign face at maximum brightness. Sign copy may change only at intervals of not less than 60 seconds. Continuous scrolling, animation, or flashing of lights is prohibited.

b. Sign copy may change only at intervals of not less than 60

seconds. The entire electronic sign face shall appear and disappear uniformly and simultaneously. Copy shall not fade-out or fade-in, or appear or disappear in any pattern, spiral or movement, or migrate from a side, top or bottom. Any such effects shall cause the sign to be considered a prohibited sign.

c. An electronic message board sign shall not interfere with the effectiveness of, or obscure an official traffic sign, device or signal.

d. An electronic message board sign shall have a disconnecting switch located in accordance with the provisions of the National Electric Code. The sign shall include an automatic shutoff device which renders a blank screen in the event of a malfunction.

e. An electronic message board sign shall require both a sign permit and an electrical permit prior to installation.

3. A digital menu board preview monument sign, if specifically permitted to be included within a conforming on-premises sign type allowed by this chapter, shall comply with the following requirements:

a. Digital menu board preview monument sign copy and images may change at intervals of not less than 60 seconds.

b. The entire digital menu board preview monument sign face shall appear and disappear uniformly and simultaneously. Copy shall not fade-out or fade-in, appear or disappear in any pattern, spiral or movement, or migrate from a side, top or bottom.

c. A digital menu board preview monument sign shall not interfere with the effectiveness, or obscure a traffic sign, device, or signal.

d. A digital menu board preview monument sign shall have a disconnecting switch located in accordance with the provisions of the National Electric Code and the Florida Building Code, as amended from time to time. The sign shall include an automatic shutoff device which renders a blank screen in the event of malfunction.

e. A digital menu board preview monument sign shall require both a sign permit and an electrical permit prior to installation.

f. A digital menu board preview monument sign shall require energy efficient LED-light emitting diode lighting.

g. A digital menu board preview monument sign shall have a powder-coating and be UV-ultraviolet resistant.

4. A digital menu board, if specifically permitted to be included within a conforming on-premises sign type allowed by this chapter, shall comply with the following requirements:

a. Digital menu board sign copy and images may change at intervals of not less than 60 seconds.

b. The entire digital menu board face shall appear and disappear uniformly and simultaneously. Copy shall not fade-out or fade-in, appear or disappear in any pattern, spiral or movement, or migrate from a side, top or bottom.

c. A digital menu board sign shall not interfere with the effectiveness, or obscure a traffic sign, device, or signal.

d. A digital menu board sign shall have a disconnecting switch located in accordance with the provisions of the National Electric Code and the Florida Building Code, as amended from time to time. The sign shall include an automatic shutoff device which renders a blank screen in the event of malfunction.

e. A digital menu board sign shall require both a sign permit and an electrical permit prior to installation.

f. A digital menu board sign shall require energy efficient LED - light emitting diode lighting.

g. A digital menu board sign shall have a powder-coating and be UV-ultraviolet resistant.

* * *

Section 6: Approval. That Table 1 in section 1007.2 of the Land Development

Code of the City of Miramar, Florida, is hereby amended to read as follows:

[LEGISLATIVE INTENT: The following shall be added in alphabetical order to the existing Table 1.]

Table 1. Permanent Signage

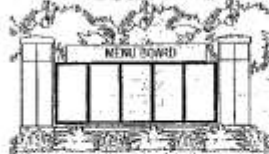
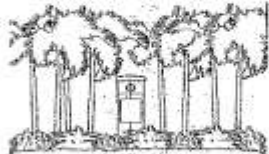
<u>Digital Menu Board</u> <u>(Drive-thru restaurants)</u>						<u>a. Quantity (max)</u>	<u>1 per drive-thru lane</u>
						<u>b. Sign Face Area</u>	<u>40 sq. ft.</u>
						<u>c. Sign Structure Area</u>	<u>80 sq. ft.</u>
						<u>d. Width</u>	<u>8 ft.</u>
						<u>e. Height</u>	<u>8 ft.</u>

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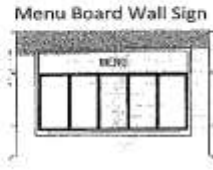
						<u>f. Depth/Projection</u>	<u>N/A</u>
						<u>g. Clearance</u>	<u>N/A</u>
						<u>h. Letter Height</u>	<u>N/A</u>
						<u>i. Setback</u>	<u>10 ft.</u>
						<u>j. Time of Display</u>	<u>N/A</u>
						<u>k. Landscaping/Illumination</u>	<u>Yes/Yes</u>
						<u>l. Other</u>	<u>Yes; Sec. 1007.3(q)</u>
<u>Digital Menu Board Preview</u> <u>Monument Sign</u> <u>(Drive-thru restaurants)</u>					■ ■	<u>a. Quantity (max)</u>	<u>1 per drive-thru lane</u>
						<u>b. Sign Face Area</u>	<u>15 sq. ft.</u>
						<u>c. Sign Structure Area</u>	<u>30 sq. ft.</u>
						<u>d. Width</u>	<u>3 ft.</u>
						<u>e. Height</u>	<u>6 ft.</u>
						<u>f. Depth/Projection</u>	<u>N/A</u>
						<u>g. Clearance</u>	<u>N/A</u>
						<u>h. Letter Height</u>	<u>N/A</u>
						<u>i. Setback</u>	<u>10 ft.</u>
						<u>j. Time of Display</u>	<u>N/A</u>
						<u>k. Landscaping/Illumination</u>	<u>Yes/Yes</u>

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					I. Other	Yes; Sec. 1007.3(q)
<p>Menu Board Monument Sign</p> 					a. Quantity (max)	± 1 per drive-thru lane
					b. Sign Face Area	72 s.f.
					c. Sign Structure Area	108 s.f.
					d. Width	12 ft.
					e. Height	8 ft.
					f. Depth/Projection	24"
					g. Clearance	N/A
					h. Letter Height	N/A
					i. Setback	10 ft.
					j. Time of Display	N/A
					k. Landscaping/Illumination	Yes/Yes
					l. Other	Yes; Sec. 1007.3(q)
<p>Menu Board Preview Monument Sign</p> 					a. Quantity (max)	± 1 per drive-thru lane
					b. Sign Face Area	24 s.f.
					c. Sign Structure Area	36 s.f.
					d. Width	3 ft.
					e. Height	4 ft.
					f. Depth/Projection	N/A

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						g. Clearance	N/A
						h. Letter Height	N/A
						i. Setback	10 ft.
						j. Time of Display	N/A
						k. Landscaping/Illumination	Yes/Yes
						l. Other	Yes; Sec. 1007.3(q)
 <p>Menu Board Wall Sign</p>						a. Quantity (max)	<u>± 1 per drive-thru lane</u>
						b. Sign Face Area	24 s.f.
						c. Sign Structure Area	30 s.f.
						d. Width	6 ft.
						e. Height	4 ft.
						f. Depth/Projection	8"
						g. Clearance	N/A
						h. Letter Height	N/A
						i. Setback	N/A
						j. Time of Display	N/A
						k. Landscaping/Illumination	No/Yes
						l. Other	No

1007.3. Specific sign standards (supplemental to Table 1)

Section 7: **Approval.** That section 1007.3 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

1007.3. Specific sign standards (supplemental to Table 1).

* * *

- q. Menu board monument sign and menu board preview monument sign.
 - A. Advertising only permitted within sign face area.
 - B. Signs may be internally-illuminated as long as sign face is integrated into the monument and electrical components are not visible.
 - C. Signs may be externally-illuminated by ground light fixtures hidden within the ground cover landscaping bed. These fixtures may not exceed 18 inches in height.
 - D. Full landscaping treatment is required per Section 1005.5, regardless of size.
 - E. Preview menu board monument sign must be on architectural pedestal or integrated within vertical monument.
 - F. The digital menu board and the preview menu board monument sign must have a full color spectrum and energy efficient LED-light emitting diode lighting, a powder-coat and UV-ultraviolet resistant finishes, and a full landscaping treatment as required by section 1005.5, regardless of size.

* * *

Section 8: **Severability.** That should this Ordinance or any part thereof be declared invalid by a court of competent jurisdiction, the invalidity of any part of this Ordinance shall not otherwise affect the validity of the remaining provisions of this Ordinance, which shall be deemed to have been enacted without the invalid provision.

Section 9: **Interpretation.** In interpreting the provisions of this Ordinance, the following rules and symbols shall apply:

- (1) Words underlined are additions to existing text;
- (2) Words ~~stricken through~~ are deletions from existing text;

(3) Asterisks (* * *) indicate a deletion from the Ordinance of text existing in the code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in the Ordinance shall remain unchanged from the language existing prior to the adoption of this Ordinance; and

(4) Changes between first and second reading are shown in highlighted text.

(5) Legislative intent shall not be codified.

Section 11: City Officials Authorized to take Action. That the appropriate City officials are authorized to do all things necessary and expedient to carry out the aims of this Ordinance.

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Section 9: **Effective Date.** That this Ordinance shall take effect upon adoption.

PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Yvette Colbourne

ATTEST:

City Clerk, Denise A. Gibbs

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

City Attorney
Weiss Serota Helfman
Cole & Bierman, P. L.

Requested by Administration

Commissioner Winston F. Barnes
Commissioner Maxwell B. Chambers
Vice Mayor Yvette Colbourne
Commissioner Darline B. Riggs
Mayor Wayne M. Messam

Voted

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