

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

First Reading Date: April 17, 2019

Second Reading Date: May 15, 2019

Presenter's Name and Title: Eric Silva, Director, on behalf of the Community & Economic Development Department

Prepared By: Michael Alpert, Principal Planner

Temp. Ord. Number: 1723

Item Description: FIRST READING of Temp. Ord. No. 1723, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, RELATING TO SIGNS; MAKING FINDINGS; REVISING SECTION 1002 DEFINITIONS; REVISING CODE REFERENCES N SECTIONS 1004.2 AND 1005 RELATING TO SIGN VARIANCES, DESIGN GUIDELINES, AND SIGN LOCATION STANDARDS; REVISING PERMANENT SIGN ZONING DISTRICT REFERENCES AND STANDARDS AND SPECIFICATIONS IN SECTION 1007; REVISING TEMPORARY SIGN ZONING DISTRICT REFERENCES, STANDARDS, AND SPECIFICATIONS IN SECTION 1008; REVISING THE LIST OF PROHIBITED SIGNS IN SECTION 1009; 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. (*Community and Economic Development Director Eric Silva*)

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

Instructions for the Office of the City Clerk: Click or tap here to enter text.

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 4/11/2019 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 by the City Commission.

Fiscal Impact: Yes ☐ No ☒

REMARKS: Click or tap here to enter text.

Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Ordinance TO 1723**
- **Attachment(s)**
 - **Attachment 1: Standards for Review for LDC Amendment Staff Report**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners
FROM: *Job* Vernon E. Hargray, City Manager *V. Hargray*
BY: Eric Silva, Community & Economic Development Director
DATE: April 11, 2019
RE: FIRST READING of Temp. Ord. No. 1723, Amendments to Land Development Code Chapter 10 Signs

RECOMMENDATION: The City Manager recommends approval of Temp. Ord. No. 1723, amending the City's Land Development Code ("LDC") Chapter 10 entitled "Signs"; specifically amending Sections 1002 "Definitions"; 1004 "Sign Permit Process"; 1005 "Design, Maintenance and General Standards", 1007 "Permanent Signs"; 1008 "Temporary Signs; and, 1009 "Specifically Prohibited Signs."

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

BACKGROUND: The City of Miramar recognizes that signs and advertising play an important role for economic development. Permitting more signage in terms of quantity, size and placement, will expand economic development opportunities and provide for increased visibility for Miramar businesses and City events, while maintaining the City's established design standards.

This Ordinance provides for bus bench advertising and park fence banners, which are currently listed under Section 1009 "Specifically Prohibited Signs." With this Ordinance, these types of signs would be permitted on public property to provide advertising and marketing opportunities through an agreement with the City. This Ordinance also revises some regulations for certain currently permitted permanent sign types; amends and adds some definitions; revises references to zoning districts that were recently amended in LDC Chapter 4 Zoning; clarifies some design, location and procedural standards; and addresses inconsistencies with other chapters and sections of the LDC.

The City's Local Planning Agency, the Planning & Zoning Board, heard this item on April 9, 2019 and recommended approval.

COMPREHENSIVE PLAN ELEMENTS: Staff believes that the proposed ordinance is consistent with the several elements, goals, objectives, and policies of the Comprehensive Plan, including:

Future Land Use Element:

Policy 2.1 - The City shall enforce the Land Development Code provisions for minimum adequate stormwater management including wetland preservation/restoration, open space, including historic and archaeological sites, safe and convenient on-site traffic flow, adequate parking, landscaping and signage and standards and clustering of residential units, by 2012.

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.

Policy 5E.3 - Maintain and improve existing architectural, site, signage, lighting and landscaping design standards contained in the City's Land Development Code to guide the recommendations of City staff and the decisions of the Planning and Zoning Board, and City Commission.

Transportation Element:

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

Policy 7.4 - The City shall 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.

Recreation & Open Space Element:

Policy 2.1.3 - Maintain and improve existing architectural, site, signage, lighting and landscaping design standards contained in the City Land Development Code to guide the recommendations of City staff and the decisions of the Planning and Zoning Board and City Commission.

Temp. Ord. No. 1723
3/13/19
4/8/19

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, RELATING TO SIGNS; MAKING FINDINGS; REVISING SECTION 1002 DEFINITIONS; REVISING CODE REFERENCES IN SECTIONS 1004.2 AND 1005 RELATING TO SIGN VARIANCES, DESIGN GUIDELINES, AND SIGN LOCATION STANDARDS; REVISING PERMANENT SIGN ZONING DISTRICT REFERENCES AND STANDARDS AND SPECIFICATIONS IN SECTION 1007; REVISING TEMPORARY SIGN ZONING DISTRICT REFERENCES, STANDARDS, AND SPECIFICATIONS IN SECTION 1008; REVISING THE LIST OF PROHIBITED SIGNS IN SECTION 1009; 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, the purpose of this Ordinance is to adjust certain time, place, and manner display requirements of selected signage; and

WHEREAS, an additional purpose of this Ordinance is to provide for display of government speech on bus benches, bus shelters, and park fence banners, given that signage on bus benches or bus shelters is not currently permitted regardless of whether they are located in the public right-of-way or on private property; and

WHEREAS, federal courts have found that government speech is not regulated by the First Amendment (right to free speech) to the U.S. Constitution, Walker v. Texas Division, Sons of Confederate Veterans, Inc., 135 S.Ct. 2239 (2015), Pleasant Grove City v. Summum, 129 S.Ct. 1125 (2009), and the Eleventh Circuit Court of Appeals in Mech v. School Board of Palm Beach County, Florida, 806 F.3d 1070 (11th Cir. 2015); and

Ord. No. _____

Temp. Ord. No. 1723
3/13/19
4/8/19

WHEREAS, to constitute government speech, three factors are considered, although the list is not a finite or exhaustive list of considerations, including: history of the regulation; whether reasonable observers would conclude that the government is expressing itself; and whether the government exercised direct control over the message presented, Walker v. Texas Division, Sons of Confederate Veterans, Inc., 135 S.Ct. 2239 (2015), and the Eleventh Circuit Court of Appeals in Mech v. School Board of Palm Beach County, Florida, 806 F.3d 1070 (11th Cir. 2015); and

WHEREAS, in this case, the City has a long history of regulating bus benches or bus shelters on public rights-of-way and signage by not permitting such signage; and

WHEREAS, the City does not permit signage in public rights-of-way except as specifically erected by government or with City approval; and

WHEREAS, reasonable observers would conclude that signage erected in the public right-of-way or at a public park, given: (i) the City's history of restricting erecting of signage in public rights-of-way and parks, (ii) the fact that reasonable people would conclude that it is not common for property owners to open up their property for the erection of signage that convey a message with which the City is in firm disagreement; and given the fact that public rights-of-way and parks "are closely identified in the public mind with the government unit that owns the land." Pleasant Grove City v. Summum, 129 S.Ct. 1125 (2009); and

Temp. Ord. No. 1723
3/13/19
4/8/19

WHEREAS, the City will effectively through contract control the language used on signage in public parks and rights-of-way; and

WHEREAS, the display of government speech on bus benches, bus shelters, and park fence banners is in effect government speech; and

WHEREAS, government regulation of park fence banner signage at a public park has been specifically found to be government speech, not subject to the First Amendment to the U.S. Constitution in Mech v. School Board of Palm Beach County, Florida, 806 F.3d 1070 (11th Cir. 2015); and

WHEREAS, alternatively, regulation by a city of bus bench advertising on public rights-of-way has been specifically found not to be conducted on a public forum when governmental regulation of bus bench advertising is reasonable and viewpoint neutral, Uptown Pawn & Jewelry, Inc. v. City of Hollywood, 337 F.3d 1275 (11th Cir. 2003); and

WHEREAS, the City has spent years developing and implementing architectural and development standards to provide an aesthetically pleasing and desirable environment for the residential and business communities and has a substantial and compelling interest in protecting community aesthetics and promoting traffic safety; and

WHEREAS, effective municipal regulatory control over bus bench, bus shelter, and park fence banner signage will promote those goals; and

Temp. Ord. No. 1723
3/13/19
4/8/19

WHEREAS, pursuant to Section 102 of the Land Development Code (“LDC”), the authority and the LDC’s purpose is to implement and further the City’s Comprehensive Plan by establishing regulations, procedures, and standards for review and approval of all Development and use of land in the City in addition to and in more detail than the regulations in the Comprehensive Plan; and

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(1) of the LDC, the Planning and Zoning Board has found that the proposed Ordinance is legally required, because bus bench and bus shelter signage on public rights-of-way and park banner signage at public parks are not currently permitted within the City, and the proposed Ordinance will not only permit limited bus bench, bus shelter, and park banner signage while permitting reasonable City control over government speech in an effort to promote the traffic safety and aesthetics of the City in so doing; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the City’s Comprehensive Plan and consistent with Section 163.3194, Florida Statutes, and Section 302.7(2) of the LDC, finds that this Ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan; and

Temp. Ord. No. 1723
3/13/19
4/8/19

WHEREAS, the proposed Ordinance is particularly consistent with Policies 2.1 and 3.13 of the Future Land Use Element which states:

Policy 2.1 - The City shall enforce the Land Development Code provisions for minimum adequate stormwater management including wetland preservation/restoration, open space, including historic and archaeological sites, safe and convenient on-site traffic flow, adequate parking, landscaping and signage and standards and clustering of residential units, by 2012.

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; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, finds that this Ordinance will provide traffic safety and protect the community aesthetics by permitting a constitutionally consistent regulatory program for bus bench and bus shelter signage and park fence banner signage on publicly-owned property; and

WHEREAS, the proposed Ordinance is particularly consistent with Policy 5E.3 of the Future Land Use Element of the City's Comprehensive Plan which provides:

Policy 5E.3 - Maintain and improve existing architectural, site, signage, lighting and landscaping design standards contained in the City's Land Development Code to guide the recommendations of City staff and the decisions of the Planning and Zoning Board, and City Commission; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, finds that proposed Ordinance includes is consistent with the foregoing Policy 5E.3 of the Future Land Use Element of the Comprehensive Plan, because it will provide for bus bench, bus shelter, and park fence banner signage; and

Temp. Ord. No. 1723
3/13/19
4/8/19

WHEREAS, the proposed Ordinance is particularly consistent with Objective 7 and Policy 7.4 of the Transportation Element of the City's Comprehensive Plan which provides:

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

Policy 7.4 - The City shall 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; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, finds that this Ordinance will protect the community aesthetics along the transportation network by minimizing the use of bus bench or bus shelter signage and park fence banner signage while providing for an effective means of reasonable regulation for government speech; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, finds that this Ordinance will protect the community aesthetics and promote motorist safety by providing for bus bench or bus shelter signage and park fence banner signage only on public properties pursuant to City policies that will consider the limited locations for and limited number of park fence banners, bus benches, and bus shelters; and

WHEREAS, the proposed Ordinance is particularly consistent with Policy 2.1.3 of the Recreation & Open Space Element of the City's Comprehensive Plan which provides:

Temp. Ord. No. 1723
3/13/19
4/8/19

Policy 2.1.3 - Maintain and improve existing architectural, site, signage, lighting and landscaping design standards contained in the City Land Development Code to guide the recommendations of City staff and the decisions of the Planning and Zoning Board and City Commission; and

WHEREAS, the Planning and Zoning Board finds that this Ordinance maintains the architectural and signage quality of the City by minimizing bus bench, bus shelter, and park fence banner signage by permitting city regulation of location and number signs, and regulating design standards in the interest of promoting government speech; 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 will, as set forth in Section 102 of the LDC, foster and preserve public health, safety, comfort and welfare, and aid in the harmonious, orderly, and progressive development of the City with the intention of providing that the development process will be efficient, in terms of time and expense; effective, in terms of addressing the natural resource, public facility implications, traffic safety, and community aesthetics by allowing limited bus bench, bus shelter, and park fence banner signage which protects community aesthetics; and minimizing such signage which can be distracting to the motoring public; and

Temp. Ord. No. 1723
3/13/19
4/8/19

WHEREAS, pursuant to Section 302.7(4) of the LDC, the Planning and Zoning Board has found that the proposed Ordinance will further the orderly development of the City by allowing opportunities for better communication with the general public while at the same time limiting bus bench and bus shelter signage and park fence banner signage in the interest of protecting the aesthetic character of the community and recognizing the limited opportunities for such signage; and

WHEREAS, pursuant to Section 302.7(5) of the LDC, the Planning and Zoning Board has found that the proposed Ordinance will promote sustainability and efficiency of the City by providing opportunities for government speech and communication to large numbers of people using the City's roadways and public parks, while at the same time minimizing deterioration of the community aesthetic interests and protecting the motoring public from undue signage proliferation; and

WHEREAS, pursuant to Section 302.7(5) of the LDC, the Planning and Zoning Board has found that the proposed Ordinance promotes the health, safety, welfare, and aesthetics for the reasons stated herein; and

WHEREAS, pursuant to Section 302.7 of the existing LDC, the Planning and Zoning Board has found that the proposed amendment is legally required to meet the revision of the LDC, finding 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 of the existing LDC, the Planning and
Ord. No. _____ 8

Temp. Ord. No. 1723
3/13/19
4/8/19

Zoning Board has found that the proposed amendment is consistent with the authority and purpose of the LDC, because the LDC revisions will aid in the harmonious, orderly, and progressive development of the City by simplifying development requirements and assuring that the standards are consistent with the Comprehensive Plan; and

WHEREAS, the City Commission hereby adopts the findings of the Planning and Zoning Board; 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," to add provisions of this Ordinance.

NOW, THEREFORE, BE IT RESOLVED 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 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. In addition, the following terms shall be defined for purposes in this chapter 10 of the LDC.

* * *

Bulk regulations means those regulations set forth in Table 801-1 of this Code, including provisions regarding building height, minimum yards and parcel size.

Temp. Ord. No. 1723
3/13/19
4/8/19

Bus bench a long seat for two or more persons at a bus stop for people waiting for a bus located on a public right-of-way, city park, or governmentally owned easement or land.

Bus shelter means a covered structure at a bus stop providing protection against the weather for people waiting for a bus located on a public right-of-way, city park, or governmentally owned easement or land.

Canal means a body of water having a width of 100 feet or less for linear areas in excess of 200 feet in length and used principally for the conveyance of water.

* * *

Courtesy notice sign: A sign required per Land Development Code ("LDC") Section 301.11 501.14.

Development sign: A freestanding sign placed on a property outlining the name and type of development that is proposed for the site per an approved site plan.

Diameter breast height (DBH) means the diameter of the trunk of a tree measured at breast height. The DBH of trees with multiple trunks shall be the sum of the individual trunk diameters at breast height. Trees with less than four and one-half feet of clear trunk shall be measured as the diameter of the largest vertical branch or leader at breast height.

Digital billboard: A billboard as described in section 1014 with digital technology. Digital technology (signs). Electronic technology that allows for changes to a sign copy resulting from digital data input. Included in this technology are signs that use a series of lights, including light emitting diodes (LED), fiber optics, or other similar technology.

* * *

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.

Director: See "community and economic development director."

Director: The director of community development, or his or her designee.

Directory sign: An attached index consisting of the names of tenants of an office building, shopping center, or other multi-tenant business complex.

* * *

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.

Temp. Ord. No. 1723
3/13/19
4/8/19

~~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.~~

~~Off-premises sign: A sign that directs attention to a commercial business, commodity, service, product, or activity not conducted, sold, offered, or available on the premises where such sign is located, the copy of which may be intended to be changed periodically. An off-premises sign is a principal use of the property on which it is located. It may also be referred to as a "billboard." It includes a sign displayed on a trailer or the bed of a truck that advertises something other than the identity of the truck, the driver or its contents. Synonyms: Billboards/outdoor advertising.~~

~~Noncommercial sign: A sign containing only noncommercial copy. "Noncommercial" shall mean not-for-profit or commercial gain. Regardless of the content of the copy, a noncommercial sign shall not be construed to be an off-premises sign.~~

* * *

~~Off-premises sign: A sign that directs attention to a commercial business, commodity, service, product, or activity not conducted, sold, offered, or available on the premises where such sign is located, the copy of which may be intended to be changed periodically. An off-premises sign is the principal use of the property on which it is located. It may also be referred to as a "billboard." It includes a sign displayed on a trailer or the bed of a truck that advertises something other than the identity of the truck, the driver or its contents. Synonyms: Billboards/outdoor advertising.~~

* * *

~~Parapet sign: A sign installed on a parapet of a building.~~

~~Park fence banner sign: An advertising sign erected upon a city-owned park fence facing inwards, i.e., towards tracks, bleachers, or fields of an active or passive park.~~

~~Pole sign: A sign erected upon a pole, poles, post, or "pole-like" structure that are visible and wholly independent of any building or structure for support.~~

* * *

~~Snipe sign: A sign that is not otherwise authorized by this chapter, and is tacked, nailed, posted, pasted, glued, or otherwise fastened or attached to a wire frame and posted in the ground, or attached directly to trees, poles, stakes, fences or any other support device. A park fence banner sign shall not be interpreted to be a snipe sign.~~

* * *

Section 3: That section 1004.2 of the Land Development Code of the City of

Miramar, Florida, is hereby amended to read as follows:

1004.2. *Sign variances.* Persons seeking a variance from any requirement of this chapter shall apply for a variance pursuant to Section 315 506 of the LDC, and

Ord. No. _____

Temp. Ord. No. 1723
3/13/19
4/8/19

demonstrate compliance with each of the applicable standards in Section 315.7 ~~506.7~~. In no event shall any variance be granted to allow any sign listed in Section 1009 (prohibited signs).

Section 4: That section 1005.1 and 1005.2 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

Sec. 1005. - Design, maintenance, and general standards.

All signs, whether permanent, temporary, or exempt, as defined by this chapter, shall comply with the design criteria and community appearance standards and shall be used to enhance, not detract from, the buildings or site upon which they are placed.

1005.1. General guidelines. Any sign displayed in the city shall comply with the following:

- (a) All provisions of this chapter and the community appearance standards set forth in Section 813, "community appearance board";
- (b) All applicable provisions of the Florida Building Code and Fire Prevention Code ~~Code(s)~~ and the city code ~~Code~~ and all amendments thereto; and
- (c) All state and federal regulations pertaining to the display of signage; and
- (d) If any two or more sections of the above referenced regulations are in conflict, the most restrictive standard shall apply; and
- (e) Signs shall be limited to a maximum of two faces.

1005.2. Sign location. Signs or their supports shall not be placed in such position or manner as to obstruct or interfere, either physically or visually, with any other pre-established legally conforming and permitted sign, or legally nonconforming sign; any backflow preventer, fire hydrant, fire department connection ("FDC"), fire alarm, police alarm, traffic signal or sign, transformer, light pole, utility pole, or any devices maintained by or under public authority; landscaping pre-existing the placement of the sign; or with vehicular or pedestrian ingress or egress to or from any public or private ROW, roadway, driveway, or sidewalk. Where applicable, signs shall be erected only at locations shown on plans approved by the city, and maintain a clear site triangle as provided in Section 804.8.2. Written consent from the easement holder(s) shall be submitted to the city for location within any easement.

* * *

Section 5: That section 1007 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

Ord. No. _____

Temp. Ord. No. 1723
3/13/19
4/8/19

Sec. 1007. - Permanent signs.

The signs specified in the permanent signs table (Table 1) are permitted to be erected or maintained upon any structure, building lot, plot or parcel of land, subject to the standards listed in Table 1, the limitations of this chapter and the issuance of the appropriate permit, unless specifically required to obtain additional approval. If it is possible to define a sign using more than one of the definitions contained in Section 1002, and one of the corresponding sign types is referenced in Table 1, then the sign type that provides the most restrictive standard shall apply. Notwithstanding any provision of this chapter to the contrary, to the extent that this section permits a sign containing commercial copy, it shall permit a noncommercial sign to the same extent. In any instance where the provisions of Table 1 conflict with the textual provisions of this section, the textual provisions shall govern.

1007.1. General intent. The intent of regulating signs that are visible from the public frontage is to ensure proper dimensioning and placement with respect to existing or planned architectural features, to maintain or improve public safety, to maintain or improve the aesthetic character of the context in which they are located, and to provide legible information for pedestrians, as well as motorists and cyclists.

"Residential property" shall refer to the RL, E, RS1 RS-1, RS2 R1-B, RS3 RS-3, RS4 RS-4, RS5 RS-5, RS6 RS-6, RS7 RS-7, RM1 RM-10, RM2 RM-16, RM3 RM-25 and RM4 districts or any other residential zoning district. "Nonresidential property" shall refer to the TND, TOC, B1 B-1, B2 B-2, B3 B-3, OP, M-1, PID, EC, CR, CF, OS, U or any other nonresidential or mixed use zoning district.

Parcels, tracts, or lots that are located within a residential zoning district, but are dedicated to nonresidential uses, shall be regulated as if they were in a nonresidential zoning district. References in both the permanent and temporary sign tables to locations where such signs are permitted include RS, Residential Single-Family Homes (including RL, E, RS1 RS-1, RS2 R1-B, RS3 RS-3, RS4 RS-4, RS5 RS-5, RS6 RS-6, RS7 RS-7 districts); RM, Residential Multi-Family (including RM1 RM-10, RM2 RM-16, RM3 RM-25 and RM4 districts); MU, Mixed Use Districts (including TND and TOC districts); CM, Commercial and other non-residential property (including B1 B-1, B2 B-2, B3 B-3, OP, M-1, PID, EC districts); and CA, Communal and Civic areas (including CR, CF, OS, U districts, and including common public areas of RS and RM).

(a) Signs may not be located in any easements unless a formal consent to encroach agreement has been approved by the city and all applicable easement

Temp. Ord. No. 1723
3/13/19
4/8/19

holders.

(b) No portion of a blade sign, canopy or awning sign shall be lower than eight feet clearance from the pedestrian walkway or ground surface.

(c) All monument signs other than major roadway and residential monument signs must include an address number or address range.

1007.2. Table 1, Permanent Sign Table.

Purpose: These sign regulations are intended to define, permit, and control the placement of signs within the city. The city commission has adopted these regulations in order to achieve the following community goals and objectives:

- (a) Protect the health, safety, and welfare of the public;
- (b) Safeguard the public use and nature of the streets and sidewalks;
- (c) Protect and enhance the visual environment of the city;
- (d) Minimize visual distractions to motorists using the public streets;
- (e) Promote an aesthetically pleasing environment for Miramar residents;
- (f) Promote the economic growth of Miramar by creating a community image that is conducive to attracting new business and industrial development;
- (g) Allow legible and effective signs and prevent their over-concentration, improper placement, and excessive height, bulk, density, and area;
- (h) Promote the safety of persons and property by requiring that signs not create a hazard due to collapse, fire, decay, or abandonment;
- (i) Ensure that signs do not obstruct fire-fighting efforts, and do not create traffic hazards by confusing or distracting motorists or by impairing drivers' ability to see pedestrians, obstacles, or other vehicles or to read traffic signs;
- (j) Allow the identification of commercial and noncommercial uses, ideas, products and services in the community; and
- (k) Control visual clutter and encourage high professional standards in sign design and display.

Temp. Ord. No. 1723
 3/13/19
 4/8/19

Zoning Districts:

RS	Residential Single-Family; RL, E, <u>RS1, RS2, RS3, RS4, RS5, RS6, RS7, RS8,</u> RS 1, R1-B, RS 3, RS 4, RS 5, RS 6, RS 7, PUD, and T districts.
RM	Residential Multi-Family; <u>RM1, RM2, RM3, RM4</u> RM-10, RM-16, RM-25 and PUD districts.
MU	Mixed Use; TND, TOC districts.
CM	Commercial and other non-residential property; <u>B1, B2, B3,</u> B 1, B 2, B 3, OP, M-4, PID, PUD, and EC districts.
CA	Communal and Civic areas; CR, CF, OS, CNS, and U districts, and includes common public areas of RS (single-family) and RM (multi-family) residential communities.

Notes on Tables:

If "Yes" indicator is present, then:

Landscaping is required, consistent with the requirements of Section 1005.5.

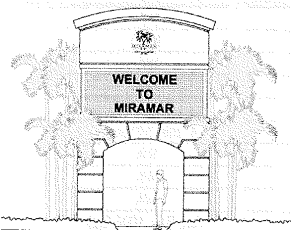
Illumination is permitted, consistent with the requirements of Section 1005.3(c).

In Other category, refer to text in Sections 1007, 1008, or 1010 for more detailed information.

The sign face area indicates the maximum area permitted for the sign face.

Table 1. Permanent Signage						
	RS	RM	MU	CM	CA	Specifications
	*	*			*	

Temp. Ord. No. 1723
 3/13/19
 4/8/19

<p>City Public Information Sign</p> 						a. Quantity (max)	1
						b. Sign Face Area	<u>110</u> 48 s.f.
						c. Sign Structure Area	<u>200</u> 144 s.f.
						d. Width	<u>12</u> 10 ft.
						e. Height	24 ft.
						f. Depth/Projection	<u>6</u> 4 ft.
						g. Clearance	8 ft.
						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(f)

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Ord. No. _____

Temp. Ord. No. 1723
3/13/19
4/8/19

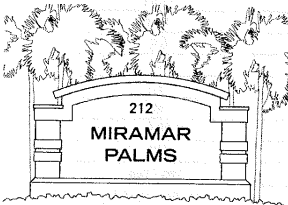
Digital Menu Board (Drive-thru restaurants)			■	■		a. Quantity (max)	1 per drive-thru <u>lane</u> land
						b. Sign Face Area	40 s.f.
						c. Sign Structure Area	80 s.f.
						d. Width	8 ft.
						e. Height	8 ft.
						f. Depth/Projection	N/A
						g. Clearance	N/A
						h. Letter Height	N/A
						i. Setback	10 ft.
						j. Time of Display	N/A
						k. Landscaping / Illumination	Yes/Yes
l. Other	Yes; Sec. 1007.3(g)						
Digital Menu Board Preview Monument Sign (Drive-thru restaurants)			■	■		a. Quantity (max)	1 per drive-thru <u>lane</u> land
						b. Sign Face Area	15 s.f.
						c. Sign Structure Area	30 s.f.
						d. Width	3 ft.

						e. Height	6 ft.
						f. Depth/Projection	N/A
						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(g)

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<p>Major Roadway Sign</p> 	■	■	■	■	■	a. Quantity (max)	4 max.
						b. Sign Face Area	<u>96</u> 48 s.f.
						c. Sign Structure Area	<u>180</u> 144 s.f.
						d. Width	15 42 ft.
						e. Height	12 ft.
						f. Depth/Projection	N/A
						g. Clearance	N/A
						h. Letter Height	30" max.
						i. Setback	10 ft.
						j. Time of Display	N/A
						k. Landscaping / Illumination	Yes/Yes

						I. Other	Yes; Sec. 1007.3(o)
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1007.3. *Specific sign standards (supplemental to Table 1).*

- . * * *
- m. *Individual building monument identification sign.*
- A. Address sign is required.
 - B. Main occupant (as determined by owner) may have up to 36 square feet of sign face area for identification, including logo.
 - C. May be double-sided if sign is perpendicular to the street.
 - D. Up to four ~~two~~ tenant signs may be included in the 36 square feet of total sign face area.
 - E. Signs may be internally-illuminated as long as sign face illumination is integrated into the monument and electrical components are not visible.
 - F. 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.
 - G. Banners may not be hung over a portion of the sign, except as a temporary replacement for a permanent sign and as approved with a temporary sign permit.

- * * *
- o. *Major roadway monument identification sign, residential and non-residential.*
- A. General address indication or address range is required.
 - B. Name of commercial center or residential subdivision is required; parcel or pod identification is optional, but no more than six pods or parcels and/or eight (8) tenant signs may be identified on a single identification sign.
 - C. One per street frontage—Not to exceed four per parcel.

- * * *
- bb. *Tower entrance feature wall sign.*
- A. The design standards shall be determined by a master sign plan for the property.
 - B. Each residential property may have a maximum of two entrance towers, each facing a different frontage, to which signage may be attached.
 - C. Each commercial and mixed-use property may have a maximum of two entrance towers, each facing a different frontage, to which signage may be attached.
 - D. Each residential entrance tower may have a maximum of one wall sign identifying the name of the community, which is limited to a total sign area of 36 ~~30~~ square feet in area.

Temp. Ord. No. 1723
3/13/19
4/8/19

E. Each non-residential or mixed-use development entrance tower may have a maximum of one wall sign identifying the name of the center, which is limited to a total sign area of 36 24 square feet in area.

F. Each non-residential or mixed-use development entrance tower may have a maximum of eight ~~two~~ wall signs identifying the names of tenants, which is limited to a total sign area of 48 16 square feet in area.

G. Each non-residential or mixed-use development entrance tower must have an address range installed on at least one face of the tower, with letters at least six inches tall.

H. The name of the center may be placed above or below the clock, but can be no higher than 24 feet above the crown of the adjacent roadway. The maximum letter height shall be 18 inches.

I. The tenant signs must be placed below the clock, but can be no higher than 16 feet above the crown of the adjacent roadway. The maximum letter height shall be 12 inches.

J. Each tower must be located at least ten feet from the property line.

K. Landscaping shall consist of a minimum of four ~~eight~~ trees and 48 shrubs and groundcover and shall be planted and maintained around and behind the sign base so as not to interfere with the visibility of the signage.

* * *

ff. Bus bench or bus shelter signage erected by the government or through written agreement with the city which agreement specifies the size, time of display, and other terms.

Section 6: That section 1008.4 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

1008.4. Table 2, Temporary Sign Table.

Purpose: These sign regulations are intended to define, permit, and control the placement of signs within the city. The city commission has adopted these regulations in order to achieve the following community goals and objectives:

- (a) Protect the health, safety, and welfare of the public;
- (b) Safeguard the public use and nature of the streets and sidewalks;
- (c) Protect and enhance the visual environment of the city;
- (d) Minimize visual distractions to motorists using the public streets;
- (e) Promote an aesthetically pleasing environment for Miramar residents;

Temp. Ord. No. 1723

3/13/19

4/8/19

(f) Promote the economic growth of Miramar by creating a community image that is conducive to attracting new business and industrial development;

(g) Allow legible and effective signs and prevent their over-concentration, improper placement, and excessive height, bulk, density, and area;

(h) Promote the safety of persons and property by requiring that signs not create a hazard due to collapse, fire, decay, or abandonment;

(i) Ensure that signs do not obstruct fire-fighting efforts, and do not create traffic hazards by confusing or distracting motorists or by impairing drivers' ability to see pedestrians, obstacles, or other vehicles or to read traffic signs;

(j) Allow the identification of commercial and noncommercial uses, ideas, products and services in the community; and

(k) Control visual clutter and encourage high professional standards in sign design and display.

Zoning Districts:

RS	Residential Single-Family; RL, E, <u>RS1, RS2, RS3, RS4, RS5, RS6, RS7, RS8,</u> RS 1, R1 B, RS 3, RS 4, RS 5, RS 6, RS 7, PUD, and T districts.
RM	Residential Multi-Family; <u>RM1, RM2, RM3, RM4</u> RM 10, RM 16, RM 25 and PUD districts.
MU	Mixed Use; TND, TOC districts.
CM	Commercial and other non-residential property; <u>B1, B2, B3,</u> B 1, B 2, B 3, OP, M-4, PID, PUD, and EC <u>districts.</u>
CA	Communal and Civic areas; CR, CF, OS, CNS, and U districts, and includes common public areas of RS (single-family) and RM (multi-family) residential communities.

*

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Notes on Tables: If "Yes" indicator is present, then:

Landscaping is required, consistent with the requirements of Section 1005.5.

Illumination is permitted, consistent with the requirements of Section 1005.3(c).

Temp. Ord. No. 1723

3/13/19

4/8/19

In Other ~~other~~ category, refer to text in Sections 1007, 1008, or 1010 for more detailed information.

The sign face area indicates the maximum area permitted for the sign face.

* * *

Section 7: That section 1008.5 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

1008.5. Specific sign standards (supplemental to Table 2).

* * *

k. *Special event sign/special event banner.*

A. May not be erected unless a TUP or TSP has been granted by the city.

B. May be freestanding on a post or posts (up to 32 square feet in sign area) or a wall-mounted banner (not to exceed 32 square feet in sign area for a one-story or two-story building, or no more than 60 square feet for a three-story or higher building).

C. No more than two special event signs of either type (banner or freestanding) are permitted per establishment during any single approval duration.

D. No more than twelve ~~four~~ special event signs may be erected during one calendar year for any individual property or establishment, or for any multi-tenant center, for no more than 3 ~~45~~ days at a time, provided that the sign permit is issued in accordance with a TUP.

E. Time of display: Banner or sign shall be removed immediately after the event.

* * *

m. *Yard sale sign.*

A. Up to two per dwelling unit on residential property only, provided it shall be set back at least five feet from any public ROW, does not exceed six square feet in sign area excluding posts, and does not exceed three feet in height including posts, measured from the yard at the post location.

B. Time of display: Posting: One day prior to yard sale; Removal: Same day.

C. A yard sale sign may be posted no more than once every 180 days on any single parcel.

n. *Park fence banner sign.*

A. Allowable area is 40 square feet, 10-foot width and 4-foot height.

B. Up to two banners per applicant per park.

Temp. Ord. No. 1723

3/13/19

4/8/19

C. Banners shall be visible only from inside the park and not from the adjacent roadways and walkways.

D. Time of display: upon issuance of permit from the City of Miramar; Removal: upon expiration of permit approval.

E. Park fence banner signage is permitted only at public parks and when erected by the city or through written agreement with the city.

Section 8: That section 1009 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

Sec. 1009. - Specifically prohibited signs.

The following signs are specifically prohibited in the city. If it is possible to define a sign using more than one of the definitions contained in Section 1002, and one of the corresponding sign types is referenced in this section as being prohibited, then that sign shall be prohibited.

(a) Advertising sign, except for the following types: Activity, bench, blade advertising (temporary), contractor, family event, gasoline price, gasoline pump advertising, grand opening, identification (where the name of the establishment happens to indicate a product or service offered), leasing/real estate, marquee, menu board, park fence banner, window, and yard sale signs;

- (b) Animated sign;
- (c) Attention attracting device;
- (d) Balloon attached to a structure, landscaping feature or the ground;
- (e) Reserved Bench sign;
- (f) Reserved Bus shelter sign;
- (g) Flags, except as provided for in Section 1010;
- (h) Hazardous sign;
- (i) Mansard sign;
- (j) Reserved;
- (k) Painted wall sign;
- (l) Pole sign, if not specifically prescribed as a permitted sign by this chapter;
- (m) Portable sign;
- (n) Projecting sign, if not specifically prescribed as a permitted sign by this chapter;
- (o) Roof sign;
- (p) Snipe sign;

Temp. Ord. No. 1723
3/13/19
4/8/19

(q) Vehicle sign that acts as portable sign when the vehicle to which it is affixed or on which it is painted is not usually on the road during normal business hours;

In addition, the following conditions are prohibited:

(r) Signs in conjunction with a home occupation, assisted living facility in a residentially-zoned area;

(s) Sign installed on an external raceway;

(t) Sign and sign structure which is not properly maintained or is abandoned;

(u) Strip lighting used to outline roofs or any part of a building or window or sign frame;

(v) Any sign placed on public property or rights-of-way by someone other than the city. No sign shall be placed on any utility pole except for utility identification or similar purpose.

(w) Any sign not specifically prescribed as a permitted sign or exempted by this chapter, and permitted or exempted signs only to the extent allowed by this chapter.

Section 9. 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 10. 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 11. 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

Temp. Ord. No. 1723
3/13/19
4/8/19

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 12. 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.

Temp. Ord. No. 1723
3/13/19
4/8/19

Section 13. 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
Weiss Serota Helfman
Cole & Bierman, P. L.

<u>Requested by Administration</u>	<u>Voted</u>
Commissioner Winston F. Barnes	_____
Commissioner Maxwell B. Chambers	_____
Commissioner Yvette Colbourne	_____
Vice Mayor Alexandra P. Davis	_____
Mayor Wayne M. Messam	_____

Ord. No. _____



ATTACHMENT 1

City of Miramar Community & Economic Development Department Development Review Report

I) Application Summary / Background

These are proposed amendments to the Land Development Code (“LDC”) to permit bench signs and park fence banners, as well as modifying other sections of the sign code.

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, as these types of advertising signs are currently not permitted in either the Land Development Code or the City Code of Ordinances.

- (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.

Future Land Use Element:

Policy 2.1 The City shall enforce the Land Development Code provisions for minimum adequate stormwater management including wetland preservation/restoration, open space, including historic and archaeological sites, safe and convenient on-site traffic flow, adequate parking, landscaping and signage and standards and clustering of residential units, by 2012; and

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; and

Policy 5E.3 Maintain and improve existing architectural, site, signage, lighting and landscaping design standards contained in the City's Land Development Code to guide the recommendations of City staff and the decisions of the Planning and Zoning Board, and City Commission; and

Transportation Element:

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

Policy 7.4 The City shall 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; and

Recreation & Open Space Element:

Policy 2.1.3 Maintain and improve existing architectural, site, signage, lighting and landscaping design standards contained in the City Land Development Code to guide the recommendations of City staff and the decisions of the Planning and Zoning Board and City Commission.

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 greater communication. Furthermore, the amendments open the door to uses and needs not contemplated before. By allowing these signs with regulations as to a process, standards, and timeframe, these amendments take the residents' welfare, safety concerns and environmental aesthetics into consideration.

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

Staff's Evaluation: The amendment will accomplish this, as well as satisfying a need not previously addressed in the Code.

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 April 9, 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.