

Temp. Ord. No. 1733

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**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. 20-02

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

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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 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.

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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.

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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; for the purposes of this section, contiguous is defined as touching along a boundary or separated only by a canal or access road dedicated by the property owner or their predecessors in title; and

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(2) Orientation.

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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,

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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.

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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.

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

PASSED FIRST READING: October 16, 2019

PASSED AND ADOPTED ON SECOND READING: November 6, 2019

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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

Voted

Commissioner Winston F. Barnes

Yes

Commissioner Maxwell B. Chambers

Yes

Commissioner Yvette Colbourne

Yes

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Vice Mayor Alexandra P. Davis

Yes

Mayor Wayne M. Messam

Yes