

Temp. Ord. No. 1785

12/28/21

1/19/22

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. 22-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, RELATING TO CHAPTER 10 – SIGNS, OF THE LAND DEVELOPMENT CODE; MAKING FINDINGS; REVISING SECTION 1002 – DEFINITIONS, SECTION 1007 – PERMANENT SIGNS, SECTION 1008 – TEMPORARY SIGNS, SECTION 1009 – SPECIFICALLY PROHIBITED SIGNS, SECTION 1010 – EXEMPT SIGNS, AND SECTION 1014 – DIGITAL BILLBOARDS OFF PREMISES SIGNAGE; 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 City has a need to revise Land Development Code, Chapter 10 – Signs (the “Sign Code”), to address internal inconsistencies in the Sign Code, address outdated provisions and maintain consistency with federal case law; and

WHEREAS, the U.S. Supreme Court in Reed v. Town of Gilbert, 135 S.Ct. 2218 (2015) (Alito, J., concurring), places greater limitations on how much the City’s sign regulations can be tailored based on the functions or content of sign types; and

WHEREAS, federal courts, including the U.S. Supreme Court in Metromedia, Inc. v. City of San Diego, 101 S.Ct. 2882 (1981), and the Eleventh Circuit Court of Appeals in Messer v. City of Douglasville, Georgia, 975 F.2d 1505 (11th Cir. 1992), have found that it is fully legal and consistent with the First Amendment to the U. S. Constitution to regulate billboards and off-premises signage (billboards”) in the interest of protecting traffic safety and the motoring public; and

WHEREAS, the City has spent many years developing and implementing architectural and development standards to provide an aesthetically pleasing and

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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, pursuant to Section 163.3202, Florida Statutes (F.S.) and 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 policies 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 163.3174, F.S., and Section 302.7(2) of the LDC, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed this Ordinance and found same to be consistent with the goals, objectives, and policies of the Comprehensive Plan; and

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 proposed Ordinance is particularly consistent with Policy 2.9, Policy 4A.1, and Objective 11 of the Future Land Use Element, and Policy 4.1 of the Transportation Element, which state:

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.

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; and

Policy 4.A1 Continue to coordinate with Broward County to provide a safe transportation roadway network through implementation of, but not limited to, the following programs, activities, or actions * * *

2. The City shall continue to maintain land development regulations governing on-site traffic flow, parking, and signage.

Policy 4.1 By 2011, coordinate with Broward County to provide a safe transportation roadway network through implementation of, but not limited to, the following programs, activities, or actions * * *

2. The City shall continue to maintain land development regulations governing on-site traffic flow, parking, and signage; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, find that this Ordinance will provide traffic safety and protect the community aesthetics by concentrating digital billboard development along the City's Major Expressways (the Florida Turnpike and I-75) with urban services and infrastructure in

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order to conserve natural resources, and by limiting off-premises signage/billboards to the foregoing locations while providing economic communication to motorists and tourists; 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 the proposed Ordinance includes detailed time, place, and manner restrictions which balance the exposition of First Amendment communicative rights against the need to regulate in the interest of limiting sign clutter, massive billboard expansion and the promotion of aesthetic standards of the community by limiting billboards to locations adjacent to the City's two Major Expressways in more intensive commercial and industrial zoning districts; and

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 state in pertinent terms:

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

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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 billboards while providing for an effective means of communication along Miramar's Major Expressways (the Florida Turnpike and I-75); 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:

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 regulating design standards; 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 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

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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 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 the following provisions.

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.

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Section 2: That Section 1002 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

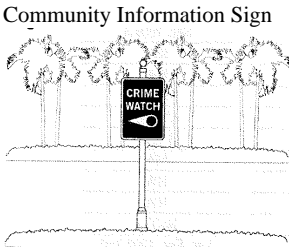
Sec. 1002. – Definitions.

City public information sign: means a sign erected by the city for the purpose of providing noncommercial public announcements of city-sponsored meetings, events, and activities to the community. ~~It may be a freestanding sign that includes an electronic message board with animated text within the sign's structure. It may also be in the form of an A-frame sign. City public information signs may be installed within the public right-of-way or median by city officials or subject to an agreement with the city.~~

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.~~

Section 3: That Section 1007 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

Sec. 1007. – Permanent Signs.

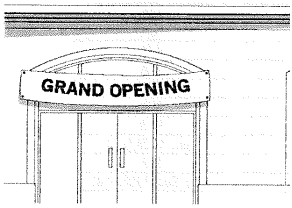
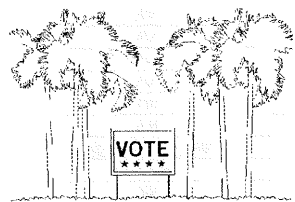
 <p>Community Information Sign</p>	<p>■ ■ ■</p>	a. Quantity (max)	3/parcel
		b. Sign Face Area	4 s.f.
		c. Sign Structure Area	N/A
		d. Width	N/A
		e. Height	8 ft.
		f. Depth/Projection	N/A
		g. Clearance	N/A
		h. Letter Height	N/A
		i. Setback	5 ft.
		j. Time of Display	N/A
		k. Landscaping/Illumination	N/A
		l. Other	Yes; Sec. 1007.3(g)
Digital Billboard	■ ■	Shall have the specifications noted in Section 1014.	Sec. 1014

f. City public information sign. May be a static sign or a freestanding sign that includes an electronic message board with animated text. It may also be in the form of an A-frame sign. City public information signs may be installed within the public right-of-way or median by city officials or subject to an agreement with the city. Message board may be electronic and must be integrated into an architectural monument, subject to Section 1005.3(c).

Section 4: That Section 1008 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

Sec. 1007. – Temporary Signs.

<p>Grand Opening Residential Sign (Banner)</p>	<p>■ ■ ■</p>	a. Quantity (max)	1 per street frontage
		b. Sign Face Area	32 s.f.
		c. Sign Structure Area	N/A
		d. Width	N/A

				e. Height f. Depth/Projection g. Clearance h. Letter Height i. Setback j. Time of Display k. Landscaping/Illumination l. Other	N/A N/A N/A N/A N/A Sec. 1008.5(g) N/A Yes; Sec. 1008.5(g)
Political Sign  (Residential/Non-Residential)				a. Quantity (max) b. Sign Face Area c. Sign Structure Area d. Width e. Height f. Depth/Projection g. Clearance h. Letter Height i. Setback j. Time of Display	2 Sec. 1010(h) Sec. 1010(h) N/A N/A N/A N/A N/A N/A 40-ft Sec. 1010(h) Sec. 1010(h)

m. *Yard/Garage 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.

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B. Up to two banners per applicant per park.

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

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

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

Section 5: 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, development, digital billboard, family event, feather flag, fence wraps, gasoline price, gasoline pump advertising, grand opening, handheld human, identification (where the name of the establishment happens to indicate a product or service offered), interior (where not visible

outside the building), leasing/real estate, marquee, menu, including preview board, including digital, park fence banner, residential model, sidewalk, special event, window, and yard/garage sale signs;

(w) No sign shall be placed within a sight triangle that would obstruct visibility by pedestrian or vehicle traffic.

~~w)~~ (x) 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 6: That Section 1010 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

Sec. 1010. – Exempt Signs.

(r) Yard/Garage sale signs;

h. *Political sign.*

A. Political signs may not be placed on a utility pole.

B. Political signs may not be placed on public property, within public rights-of-way, or within a sight triangle that would obstruct visibility by pedestrian or vehicle traffic

~~B.C.~~ Each ~~residential~~ private property may have ~~two~~ one or more political signs per candidate or issue per parcel, not to exceed ~~four~~ 48 square feet of sign area ~~per sign~~.

~~C.~~ Each ~~nonresidential~~ property may have ~~two~~ political signs per candidate or issue per establishment or activity, not to exceed ~~16~~ square feet of sign area ~~per sign~~.

D. *Posting:* Not earlier than 90 days prior to the election to which it relates or the date of candidate qualification, if applicable.

Removal: By the person placing the sign, or his/her designee, within seven days after the election.

E. Supplemental pre-election posting: In addition to the political signs allowed by this subsection, no earlier than five days prior to the commencement of voting, including the commencement of any established early voting period:

1. Political signs may be placed upon parcels which include a polling place or early voting site provided that such signs shall be no closer than 100 feet from the public entrance to the polling place or early voting site in accordance with F.S. § 102.031(4)(a).

~~2. Each non-residential parcel that does not include a polling place or early voting site may have two additional political signs for a total of four~~

~~political signs per candidate or issue per parcel, not to exceed 16 square feet of sign area per sign.~~

~~3.~~ 2. [Reserved.]

~~F. Vacant rural properties: For the purposes of this section, property which is currently zoned Rural (RL), and upon which no residential construction has occurred, shall be considered non-residential and shall be subject to the provisions in Section 1010.h.A., C., D., and E., above.~~

Section 7: That Section 1014 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

Sec. 1014. – Digital Billboards; Off Premises Signage.

1014.1 Definitions. All terms in this section 1014 are defined as follows:

- (7) "Major expressways" means Interstate-75 or the Florida Turnpike. ~~or a site located within 1,500 feet from a ramp for Interstate 75 or the Florida Turnpike.~~

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, MU, PID, PUD which is used exclusively for commercial or industrial purposes, and U; and

(B) All digital billboards must be located on property 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

(2) *Orientation.* 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

1014.4. Applications.

(1) Application for a digital billboard shall be made to the Community ~~and economic~~ Development department for administrative site plan approval.

Section 8: 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 9: 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 10: 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.

Section 11: 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 12: Effective Date. This Ordinance shall become effective immediately upon adoption.

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PASSED FIRST READING: _____ February 16, 2022 _____

PASSED AND ADOPTED ON SECOND READING: _____ March 1, 2022 _____

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,
Austin Pamies Norris Weeks Powell, P.L.L.C

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