

Temp. Ord. No. 1721

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**CITY OF MIRAMAR  
MIRAMAR, FLORIDA**

**ORDINANCE NO. 19-14**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, RELATING TO SIGNS; MAKING FINDINGS; REVISING SECTION 403.4 CIVIC AND RECREATIONAL DISTRICT TABLES AND SECTION 403.5 ACTIVITY CENTER AND WORKPLACE DISTRICT TABLES AND COMMERCIAL AND INDUSTRIAL USE TABLES TO PERMIT OFF-PREMISES SIGNAGE/BILLBOARDS SUBJECT TO SPECIFIC CONDITIONS; CREATING SECTION 405.6a PROVIDING FOR DISTANCE SEPARATION BETWEEN CEMETERIES/MAUSOLEUM AND OFF-PREMISES SIGNAGE OR BILLBOARDS; CREATING SECTION 405.15a PROVIDING FOR DISTANCE SEPARATION BETWEEN PARKS, RESERVATIONS, PLAYGROUNDS, AND STATE OR NATIONAL FORESTS FROM OFFPREMISES SIGNAGE OR BILLBOARDS; AMENDING 405.13 PROVIDING FOR DISTANCE SEPARATION BETWEEN CEMETERIES/MAUSOLEUM AND OFF-PREMISES SIGNAGE OR BILLBOARDS; CREATING SECTION 405.13 RELATING TO OFFPREMISES SIGNAGE AND DISTANCE SEPARATION FROM SPECIFIC USES; AMENDING 405.19 PROVIDING FOR DISTANCE SEPARATION BETWEEN PLACES OF WORSHIP AND OFF-PREMISES SIGNAGE OR BILLBOARDS; AMENDING SECTION 405.24(k) PROVIDING FOR DISTANCE SEPARATION BETWEEN SCHOOLS AND OFF-PREMISES SIGNAGE OR BILLBOARDS; AMENDING SECTION 1002 RELATING TO SIGN CODE DEFINITIONS; REPEALING SECTION 1003(c)(4) RELATING TO THE PROHIBITION OF OFF-PREMISES SIGNS; AMENDING SECTION 1009 RELATING TO PROHIBITED SIGNS; CREATING SECTION 1014 PROVIDING FOR OFF-PREMISES SIGNAGE AND BILLBOARDS; PROVIDING THAT OFF-PREMISES SIGNAGE AND BILLBOARDS MAY ONLY BE DIGITAL IN NATURE; SETTING TIME, PLACE AND MANNER STANDARDS; 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 desires to provide for additional opportunities for economic development; and

**WHEREAS**, additional advertising will allow Miramar businesses to expand their customer base; and

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**WHEREAS**, digital billboards will provide an opportunity to advertise City events and provide for emergency announcements; and

**WHEREAS**, federal courts, including the U.S. Supreme Court in Metromedia, Inc. v. City of San Diego, 101 S.Ct. 2882 (1981), Reed v. Town of Gilbert, 135 S.Ct. 2218 (2015)(Alito, J., concurring), and the Eleventh Circuit Court of Appeals in Messer v. City of Douglasville, Georgia, 975 F.2d 1505 (11<sup>th</sup> 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**, federal courts, including the U.S. Supreme Court in Members of the City Council v. Taxpayers for Vincent, 104 S.Ct. 2118, 2129 (1984), and Metromedia, Inc.

v. City of San Diego, 101 S.Ct. 2882 (1981), and Reed v. Town of Gilbert, 135 S.Ct. 2218

(2015),and the Eleventh Circuit Court of Appeals, in Messer v. City of Douglasville, Georgia, 975 F.2d 1505 (11<sup>th</sup> Cir. 1992), have found that it is fully legal and consistent with the First Amendment to the U.S. Constitution to regulate billboards in the interest of promoting the public interest in community aesthetics; 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**, 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

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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 existing LDC, the Planning and Zoning Board has found that the proposed Ordinance is legally required, because billboards are not currently permitted within the City, and the proposed Ordinance will not only permit limited Billboard communication but will set reasonable time, place, and manner standards to promote the traffic safety and aesthetics of the City in so doing; and

**WHEREAS**, the Planning and Zoning Board finds that a principal purpose of this Ordinance is to allow Billboards in limited zoning districts along the Florida Turnpike and I-75 or located within 1,500 feet from a ramp for Interstate 75 or the Florida Turnpike (the City's "Major Expressways"); 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

**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,

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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 providing a constitutionally consistent regulatory structure for billboards by limiting billboards to sites in selected more intensive commercial and industrial zoning districts adjacent to the City's Major Expressways; 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 redevelopment 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

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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 with urban services and infrastructure in 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, 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 provides:

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**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 billboards while providing for an effective means of communication along Miramar's Major Expressways; and

**WHEREAS**, digital billboards can be programmed change messages in a manner so as to minimize distraction to motorists, and by being able to change messages, the need for numerous billboards is minimized; 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 limited numbers of billboards with changeable messages only along the City's Major Expressways in intensive industrial and commercial areas, thereby minimizing the number of billboards; 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

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**WHEREAS**, the Planning and Zoning Board finds that this Ordinance maintains the architectural and signage quality of the City by minimizing billboard location and 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 amendment will protect the public traffic safety and community aesthetics by allowing effective off premises advertising, along with accessory noncommercial advertising and community-oriented communication along the City's two Major Expressways while limiting sign and billboard clutter, protecting community aesthetics, and minimizing billboard advertising which can be distracting to the motoring public; 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**, 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 economic development through better communication while at the same time limiting billboards to more intensive commercial and industrial

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areas along the City's two Major Expressways in the interest to protecting the aesthetic character of the community; and

**WHEREAS**, pursuant to Section 302.7(4) of the LDC, the Planning and Zoning Board has found that the proposed Ordinance will further the preservation of community aesthetics by providing for the separation of certain passive uses, such as public or private schools, places of worship, cemeteries/mausoleum, public parks, public reservations, public playgrounds, state or national forests, or existing residential uses; 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 communicating to large numbers of people along the City's Major Expressways while at the same time minimizing deterioration of the community aesthetic interests and protecting the motoring public from undue large sign 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(5) of the LDC, the Planning and Zoning Board has found that the proposed Ordinance will improve the administration or execution of the development process by setting forth comprehensive regulatory restrictions on the erection and display of billboards; 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

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**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 provisions concerning Digital Billboards.

**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 403.4, Table 403-1 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

403.4 Civic and Recreational Districts Tables.

TABLE 403-1—CIVIC AND RECREATIONAL PRINCIPAL USES TABLE

Specific Use Standards	Principal Uses	CNS	OS	CR	CF	U
<b>LEGEND</b> P - Permitted by Right C - Conditional Use Permit Required * - Subject to Specific Use Standards; <i>Refer to LDC Section 405.</i> ** - Subject to Specific Use Standards, Refer to LDC Section 1014 " - Prohibited						
<b>Code Sec.</b>	<b>Agricultural Uses</b>					
405.3.3	Community Gardens	-	P*	-	-	-
405.3.2.2	Urban Gardens	-	P*	-	-	-
405.3.2.2	Urban Farms	-	P*	-	-	-
405.3.2.1	Greenhouses	-	P*	-	-	-
<b>Code Sec.</b>	<b>Civic/Governmental Uses</b>					
N/A	Cultural, civic and community centers	-	-	-	P	-
405.12	Libraries	-	-	-	P*	-
N/A	Police and fire protection facilities	-	-	-	P	-
N/A	Municipal government, administration, services and maintenance facilities	-	-	-	P	-
N/A	Non-municipal governmental buildings	-	-	-	P	-
<b>Code Sec.</b>	<b>Commercial Recreational Uses</b>					
N/A	Archery and pistol/gun shooting ranges	-	C	P	-	-
N/A	Golf course	-	P	P	-	-
N/A	Drive-in theater	-	-	C	-	-
N/A	Baseball driving range		P	P	-	-
N/A	Bowling alley	-	-	P	-	-
N/A	Jai alai frontons	-	-	P	-	-
N/A	Live Theater	-	-	P	P	-
N/A	Roller and ice skating rink	-	-	P	-	-
N/A	Laser tag	-	-	P	-	-
N/A	Miniature-golf	-	-	P	-	-
N/A	Movie Theater	-	-	P	-	-
N/A	Racetracks	-	-	C	-	-
N/A	Sport-oriented outdoor uses: Baseball driving range, racquetball, soccer fields	-	P	P	-	-
N/A	Sports stadium or arena	-	-	C	C	-
<b>Code Sec.</b>	<b>Schools/Educational Facilities</b>					
405.24	Charter	-	-	-	C*	-
405.24	Colleges and Universities	-	-	-	P*	-
405.24	Public and Private (K-12)	-	-	-	C*	-
405.24	Vocational	-	-	-	P*	-
<b>Code Sec.</b>	<b>Utilities</b>					
405.28	Electrical utility substations (Municipal)	-	-	-	-	P*
405.28	Electrical utility substations (Non-municipal)	-	-	-	-	C*

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N/A	Structures used for flood control, drainage and water storage	P	P	-	-	P
N/A	Water and wastewater plants and pumping stations	-	-	-	-	P
N/A	Wellfields	-	-	-	-	P
<b>Code Sec.</b>	<b>Parks &amp; Open Space</b>					
	LEGEND P - Permitted by Right C - Conditional Use Permit Required * - Subject to Specific Use Standards; Refer to LDC Section 405. ** - Subject to Specific Use Standards, Refer to LDC Section 1014 " -" Prohibited					
<b>Specific Use Standards</b>	<b>Principal Uses</b>	<b>CNS</b>	<b>OS</b>	<b>CR</b>	<b>CF</b>	<b>U</b>
N/A	Hunting, fishing, boating and camping facilities	P	P	-	-	-
N/A	Nature centers and trails	P	P	-	-	-
N/A	Outdoor research stations	P	P	-	-	-
N/A	Parks	P	P	-	-	-
N/A	Walkways/Greenways	P	P	-	-	-
N/A	Wildlife sanctuaries and feeding stations	P	P	-	-	-
<b>Code Sec.</b>	<b>Religious Institutions</b>					
405.18/19	Sanctuary	-	-	-	P*	-
405.18/19	w/ multi-purpose building to include a childcare center	-	-	-	P*	-
405.18/19	w/ residential other than Pastor's home	-	-	-	C*	-
405.18/19	w/School (K-12)	-	-	-	C*	-
<b>Code Sec.</b>	<b>Medical &amp; Healthcare Uses</b>					
405.5	Assisted Living Facilities	-	-	-	C*	-
405.5.2	Adult day care	-	-	-	P*	-
405.5.4	Group homes	-	-	-	P*	-
405.5.3	Detoxification/Rehabilitation Centers	-	-	-	C*	-
N/A	Hospitals	-	-	-	C	-
N/A	Plasma/Blood donation center	-	-	-	P*	-
405.15	Medical & Dental offices	-	-	-	P*	-
405.15	Medical and Dental lab	-	-	-	P*	-
405.5.1	Nursing Home	-	-	-	P*	-
N/A	<b>Urgent Care Center</b>	-	-	-	P*	-
<b>Code Sec.</b>	<b>Miscellaneous Uses</b>					
405.7	Childcare Center	-	-	-	P*	-
405.11.1	Hotels and Motels	-	-	C*	-	-
N/A	Cemeteries, Crematoriums and Mausoleums	-	-	-	P	-
N/A	Funeral Homes and Mortuaries	-	-	-	P	-
N/A	State and Federal Native American Reservations	P	-	-	-	-
N/A	Wetland Mitigation	-	P*	-	-	-
405.13 and 1014	Off-Premises Signs; Billboards	-	-	-	-	P**

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**Section 3.** 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.

**TABLE 403-3  
COMMERCIAL AND INDUSTRIAL PRINCIPAL USES TABLE**

LEGEND	P - Permitted by Right C - Conditional Use Permit Required *—Subject to Specific Use Standards; Refer to LDC Section 405 ** - Subject to Specific Use Standards, Refer to LDC Section 1014 "-" Prohibited						
Specific Use Standards	Principal Uses	B1	B2	B3	OP	EC	PID
Code Sec.	Adult Entertainment						
405.2	Casino/Gambling Establishment	-	-	-	-	-	P*
405.2	Sexually-oriented businesses	-	-	-	-	-	P*
Code Sec.	Agricultural Uses						
405.3.3	Community Gardens	P*	P*	P*	-	-	P*
405.3.2.1	Indoor greenhouse nursery	P*	P*	P*	-	-	P*
405.3.2.2	Urban Garden	P*	P*	P*	-	-	P*
405.3.2.1	Urban Farm	P*	P*	P*	-	-	P*
Code Sec.	Animal Services						
405.29	Veterinary Clinic/Hospital (domesticated animals; with boarding)	-	C*	P*	-	P*	C*
405.29	Veterinary Clinic/Hospital (domesticated animals; without boarding)	P*	P*	P*	-	P*	C*
405.29	Kennel	-	-	C*	-	-	C*
405.29	Grooming	P*	P*	P*	-	P*	C*
405.29	Pet daycare/hotel	-	C*	P*	-	P*	C*
405.29	Pet store	-	P*	P*	-	-	-
Code Sec.	Automobile-related Services						
405.6.1	Automotive installation and repair	-	-	C*	-	-	C*
405.10	Car wash or auto detailing	-	C*	P*	-	-	P*
405.10	Gas/fuel service stations	-	C*	C*	-	-	-
405.6.2	New and used car sales/rental lots	-	-	C*	-	-	C*
Code Sec.	Clubs/Nightlife						
405.4	Bars, Taverns, and Lounges	-	C	P	-	-	C
405.4	Cigar Bar	-	C	P	-	-	C
405.4	Hookah Lounge	-	C	P	-	-	C
405.4	Lodge	-	C	C	-	-	C
405.4	Night club	-	C	C	-	-	C
Code Sec.	Entertainment						
N/A	Art Gallery	-	P	P	-	-	P

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405.17	Game room arcade/Penny arcade	P*	P*	P*	-	-	P*
N/A	Live Theater	-	P	P	-	-	C
N/A	Indoor commercial recreation: e.g. roller rink, laser tag, bowling	-	P	P	-	-	P
N/A	Outdoor commercial recreation: e.g. tennis courts, soccer fields, mini-golf	-	P	P	-	-	C
N/A	Movie Theater	C	P	P	-	-	C
N/A	Museums	-	P	P	-	-	P
Code Sec.	General Business Services						
N/A	Adult Daycare	-	P	P	-	-	-
N/A	Auction House	-	-	C	-	-	C

LEGEND	P - Permitted by Right C - Conditional Use Permit Required *—Subject to Specific Use Standards; Refer to LDC Section 405 ** - Subject to Specific Use Standards, Refer to LDC Section 1014 "-" Prohibited							
	Specific Use Standards	Principal Uses	B1	B2	B3	OP	EC	PID
N/A	Barber/Beauty salon		P	P	P	-	P	-
N/A	Banks and Financial institutions (w/o drive through)		P	P	P	P	P	P
N/A	Banks and Financial institutions (w/ drive through)		-	C	C	-	C	C
N/A	Banquet Hall		-	P	P	-	-	C
N/A	Bail Bonds Agency		-	-	C	-	-	-
405.13 and 1014	Billboards ( <i>see</i> Off-Premises Signs)		-	P**	P**	P**	P**	P**
N/A	Body Art		-	P	P	-	-	-
N/A	Check cashing or pay day loan		-	-	C	-	-	-
405.7	Childcare Centers		P*	P*	P*	-	P*	P*
N/A	Catering Services		-	P	P	-	P	P
N/A	Consumer electronics and appliances repair		P	P	P	-	-	P
N/A	Dry cleaning		P	P	P	-	P	P
405.15	Drugstores		-	C*	C*	-	-	C*
N/A	Exterminating Services/Pest Control		-	-	P	-	-	P
N/A	Employment agency		P	P	P	P	P	P
N/A	Fortune-telling establishment		P	P	P	-	-	-
N/A	Fitness Studio: e.g. martial arts, dance and exercise studios/clubs		P	P	P	-	P	P
N/A	Laundromat		P	P	P	-	-	-
N/A	Massage establishment		-	P	P	-	P	-
405.13	Medical marijuana		-	-	-	-	-	-
405.15	Pain Management Clinic		-	C*	C*	C*	-	-
405.15	Pharmacy		-	C*	C*	C*	-	C*
N/A	Photography Studio		P	P	P	-	P	p
N/A	Print shop		P	P	P	-	P	p

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N/A	Recycling Center	-	-	-	-	C	p
N/A	Spa services	P	P	P	-	-	-
N/A	Solar Energy System	-	-	-	-	-	p
N/A	Tailoring and alterations and shoe repairs	P	P	P	-	P	-
N/A	Travel agency	P	P	P	P	P	p
N/A	Tutoring/After school learning center	P	P	P	-	-	C
Code Sec.	Medical and Health Care Uses						
N/A	Plasma/Blood facility	-	C	C	-	-	C
405.15	Medical and Dental offices	P*	P*	P*	P*	P*	P*
405.15	Medical and Dental lab	-	-	P*	-	-	P*
N/A	Urgent Care Center	-	P	P	-	P	p
Code Sec.	Multi-media uses						
N/A	Radio and Television Studios with Receiving and Transmitting Towers	-	-	P	-	P	p
N/A	Production Studio	-	-	P	P	P	p
N/A	Software development	-	P	P	P	P	p
Code Sec.	Offices						
N/A	Professional	P	P	P	P	P	p
N/A	Call centers	-	C	C	P	P	p

LEGEND	<p>P - Permitted by Right  C - Conditional Use Permit Required  *—Subject to Specific Use Standards; Refer to LDC Section 405  ** - Subject to Specific Use Standards, Refer to LDC Section 1014  "-" Prohibited</p>						
Specific Use Standards	Principal Uses	B1	B2	B3	OP	EC	PID
405.25.2	Research and Development	-	-	-	-	P*	P*
Code Sec.	Parking facilities, Commercial						
N/A	Surface	-	-	C	-	-	p
N/A	Structured	-	P	P	P	P	p
Code Sec.	Public Uses						
N/A	Civic facilities: e.g. post office, governmental administration offices	P	P	P	-	P	p
N/A	Municipal Facilities (maintenance, repair and storage)	-	-	-	-	-	C
Code Sec.	Religious Institutions						
405.18/19	Sanctuary	-	P*	P*	-	-	-
N/A	w/ multi-purpose building (including a childcare center)	-	P*	P*	-	-	-
N/A	w/ residential other than Pastor's home	-	-	-	-	-	-
N/A	w/School (K-12)	-	-	-	-	-	-
Code Sec.	Resale Items						
N/A	Antiques	P	P	P	-	-	-
405.16	Pawn Shop	-	-	C*	-	-	-
N/A	Second Hand Stores: e.g. Thrift Stores	-	P	P	-	-	-
Code Sec.	Restaurants						

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N/A	Singular Use with or without Beer and Wine License	P	P	P	-	P	p
N/A	w/ entertainment as accessory use: e.g. stage	-	P	P	-	P	p
N/A	w/ outdoor seating	P	P	P	-	P	p
N/A	w/ drive-through	C	C	C	-	-	-
405.4	w/ full bar/liquor license	-	P*	P*	-	-	P*
405.4	Beer Garden	-	P*	P*	-	-	-
Code Sec.	Retail Services						
N/A	Arts and crafts	P	P	P	-	-	-
N/A	Automotive Parts (w/o installation)	-	P	P	-	-	-
N/A	Beauty supply store	P	P	P	-	C	-
N/A	Bookstores	P	P	P	-	P	-
N/A	Convenience store	P	P	P	-	C	-
N/A	Clothing store	P	P	P	-	C	-
405.26	Department store	-	P*	P*	-	-	-
N/A	Florist	P	P	P	-	C	-
N/A	Furniture and Mattresses	-	P	P	-	-	P
405.26	Grocery store	P*	P*	P*	-	C	-
N/A	Gun shop	-	-	C	-	-	-
405.26	Hardware/Home improvement store	P*	P*	P*	-	-	C
N/A	Jewelry	-	P	P	-	-	-
405.4	Liquor or package store	-	C*	C*	-	-	-
N/A	Plant nurseries	-	C	C	-	-	C
N/A	Small electronics	P	P	P	-	C	-
N/A	Specialty Food stores: e.g. Produce, Bakery, Poultry and Meat market	P	P	P	-	-	-
405.27	Swimming pools	-	P*	P*	-	-	C*
LEGEND	P - Permitted by Right C - Conditional Use Permit Required *—Subject to Specific Use Standards; Refer to LDC Section 405 ** - Subject to Specific Use Standards, Refer to LDC Section 1014 "-" Prohibited						
Specific Use Standards	Principal Uses	B1	B2	B3	OP	EC	PID
N/A	Tobacco retailer	-	C	P	-	-	-
Code Sec.	Schools/Educational Facilities						
405.24	Charter	-	-	-	-	-	-
405.24	Colleges and Universities	-	-	P*	-	P*	C*
405.24	Public and Private (K-12)	-	-	-	-	-	-
405.24	Vocational	-	-	P*	-	P*	C*
Code Sec.	Miscellaneous Uses						
N/A	Brewery	-	C	P	-	P	P
N/A	Cemeteries, Crematoriums and Mausoleums	-	-	P	-	-	-
N/A	Conference/Assembly: e.g. convention center	-	C	P	-	-	P
N/A	Funeral Homes and Mortuaries	-	-	P	-	-	-
405.11.1	Hotels and Motels	-	C*	C*	-	C*	C*

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405.11.3	Live-work	P*	P*	P*	-	-	-
405.25.3	Light Manufacturing/Industrial uses	-	-	P*	-	P*	P*
405.25.3	Medium Manufacturing/Industrial uses	-	-	-	-	P*	P*
405.25.3	Heavy Manufacturing/Industrial uses	-	-	-	-	-	-
405.13 and 1014	Off Premises Signs; Billboard	-	P**	P**	P**	P**	P**
405.24	Warehouse/Storage/Rental Self-storage Facilities	-	-	C*	-	-	P*

**Section 4:** That section 405.6a of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*405.6a. Cemetery/Mausoleum.* Cemeteries/mausoleums shall be located at least 100 feet from any off-premises sign or billboard. All measurements of distances shall be along a straight airline route from the nearest point on the property line of cemetery/mausoleum property to the nearest point of the edge of the sign face.

**Section 5.** That section 405.15a of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*405.15a. Parks, reservations, playgrounds, and state or national forests.* Public parks, public reservations, public playgrounds, and state or national forests shall be located at least 100 feet from any off-premises sign or billboard. All measurements of distances shall be along a straight airline route from the nearest point on the property line of the public park, public reservation, public playground, or state or national forest property to the nearest point of the edge of the sign face.

**Section 6.** That section 405.13 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*405.13. Off-Premises Signs.*

Off-premises signs shall be permitted only as described in section 1014 of this LDC. No off-premises sign or billboard sign shall be erected within 250 feet of an existing residential use. No off-premises sign or billboard sign shall be erected or placed

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within 100 feet of any place of worship, school, cemetery/mausoleum, public park, public reservation, public playground, state or national forest. All measurements of distances shall be along a straight airline route from the nearest point on the property line of the place of worship, public or private school, cemetery/mausoleum, existing residential use, public park, public reservation, public playground, or state or national forest property to the nearest point of the edge of the sign face.

**Section 7.** That section 405.19 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

*405.19. Place of worship.*

(a) Places of worship shall not be permitted to be located within 1,500 feet of an adult entertainment use. All measurements of distances shall be along a straight airline route from the nearest point on the property line of the place of worship property to the nearest point on the property line of the adult entertainment use.

(b) Places of worship shall not be located within 1,000 feet of any pain management clinic. Distances shall be measured using a straight an airline measurement from the property line of the property on which the place of worship is located to the nearest property line of the pain management clinic.

(c) Places of worship shall be at least 100 feet from any off-premises sign or billboard. All measurements of distances shall be along a straight airline route from the nearest point on the property line of the place of worship to the nearest point on the edge of the sign face.

**Section 8.** That section 405.23.4 of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

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*405.24. Schools: Development Standards for Kindergarten through Twelfth (12th)*

*Grades.* The following supplemental development standards shall apply to kindergarten through twelfth (12th) grade schools. Such schools, whether public or private, are only permitted as a conditional use in community facilities (CF) and single-family (RS2-8) and multi-family (RM1-4) residential districts. The conditional use, site plan, and CAB applications (and any other applications that may be necessary, e.g. plat, rezoning, variance) shall be processed through the city's cost recovery procedures in accordance with Ordinance 00-46, as amended.

(k) *Locational Standards.*

(1) Buildings, recreational areas, playgrounds and other areas used by students shall not be located within a high-voltage power transmission line right-of-way.

(2) Public or private nursery schools or schools containing any of the following grades: kindergarten through 12<sup>th</sup> grade, shall not be permitted to be located within 2,500 feet of an adult entertainment use. All measurements of distances shall be along a straight airline route from the nearest point on the property line of the school property to the nearest point on the property line of the adult entertainment use.

(3) Public or private schools containing any of the following grades: kindergarten through 12<sup>th</sup> grade, shall not be permitted to be located within 1,500 feet by straight airline measurement from any established facility selling alcoholic beverages for consumption on or off premises. The distance shall be measured from the main entrance point of the alcoholic beverage vendor's establishment to the nearest property line point of the public or private school containing any of the following grades:

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kindergarten through 12<sup>th</sup> grade, used as a part of the school facility, except as provided in chapter 563, Florida Statutes, as may be amended from time to time.

(4) Public or private schools containing any of the following grades: kindergarten through 12<sup>th</sup> grade shall not be located within 1,000 feet of any pain management clinic. Distances shall be measured using a straight an airline measurement from the property line of the property on which the school is located to the nearest property line of the pain management clinic.

(5) No public or private school shall be located within 100 feet of an off-premises sign or digital billboard. All measurements of distances shall be along a straight airline route from the nearest point on the property line of the public or private school to the nearest point on the edge of the sign face.

**Section 9.** 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 his/her 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.

*Bench sign:* A sign that is attached to, painted on or incorporated into a bench of any fashion, size, or construction.

*Billboard.* See *Off-premises sign*.

*Blade sign:* A sign mounted on the building façade, projecting at a 90-degree angle.

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*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.

*Director* See "community and economic development director."

*Logo:* An item of information or graphic used to signify an organization, corporation or the like.

*Luminance.* The measure of the light emanating from an object with respect to its size and is the term used to quantify electronic sign brightness.

*Major roadway monument identification sign:* A monument identification sign located at the intersection of two arterial roads, but within the limits of a property, that identifies such property

*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/m<sup>2</sup>).

*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.

**Section 10.** That section 1003(c) of the Land Development Code of the City of Miramar, Florida, is hereby amended to read as follows:

**Sec. 1003. - Applicability, substitution and severability.**

(c) <i>Severability.</i>
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(1) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter.

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(2) *Severability where less speech results.* This subsection (2) shall not be interpreted to limit the effect of subsection (1) above, or any other applicable severability provisions in the LDC or any adopting ordinance. The city commission specifically intends that severability shall be applied to these sign regulations even if the result would be to allow less speech in the city, whether by subjecting currently exempt signs to permitting or by some other means.

(3) *Severability of provisions pertaining to prohibited signs.* This subsection (3) shall not be interpreted to limit the effect of subsection (1) above, or any other applicable severability provisions in the LDC or any adopting ordinance. The city commission specifically intends that severability shall be applied to Section 1009 "specifically prohibited signs," so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.

**Section 11.** That section 1009 of the Land Development Code of the City of Miramar, Florida, is here by amended 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.

(j) Reserved;

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**Section 12.** That the Land Development Code of the City of Miramar, Florida is hereby amended by adding a section to be numbered 1014, which said section reads as follows:

**Sec. 1014. Digital Billboards; Off-Premises Signage.**

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

(1) "Automatic changeable face" means a sign face that is capable of delivering two or more advertising messages through an automated or remotely controlled process.

(2) "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services in the B2, B3, OP, EC, PID, PUD (which is used exclusively for commercial purposes), and U zoning districts. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; food service vendors; sports arenas; theaters; and tourist attractions. The term also includes utilities.

(3) "Crown" means the highest point of elevation on the road pavement of the main traveled roadway immediately adjacent to the sign.

(4) "Embellishment" means a temporary or permanent extension of a sign face which contains a portion of the message or informative contents, and which is added, modified, or removed when the message is changed.

(5) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, remove, maintain, operate, draw, or in any other way bring into being or establish or continue the establishment of an off-premises sign or billboard. The term

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does not include such activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

(6) "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of related services in the

EC, PID, PUD (which is used exclusively for industrial purposes), and U zoning districts.

The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. The term also includes utilities.

(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.

(8) "Property" means the property where the sign is located or is proposed to be located.

(9) "Sign face" or "sign facing" includes all automatic changeable faces as defined in section 1002 displayed at the same location and facing the same direction.

(10) "Sign Structure Height" means the total vertical distance from the crown of the main-traveled adjacent to the billboard to the top of the highest sign face or sign structure (whichever is higher), including any border or trim.

(11) "Utilities" includes all privately, publicly, or cooperatively owned lines, facilities, and systems for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, cable television, crude products, water, steam, waste, and stormwater not connected with the highway drainage, and other similar commodities.

*1014.2 Findings and Intent.*

(a) The control of signs in areas adjacent to the major expressways in the city are declared to be necessary to protect the public investment in the state highways; to attract visitors to this state by conserving the natural beauty of the state; to preserve and promote the recreational value of public travel; to assure that information in the specific interest of the traveling public is presented safely and aesthetically; to enhance the economic well-being of the state by promoting tourist-oriented businesses, such as public accommodations, vehicle services, attractions, campgrounds, parks, and recreational areas; and to promote points of scenic, historic, cultural, and educational interest.

(b) To minimize sign clutter and to protect public aesthetics, billboards and off-premises signage is being prohibited along all roadways in the city except along the major expressways Florida Turnpike and Interstate 75 as permitted in this section 1014. Digital billboards have the ability to accommodate instantly changeable copy, thereby permitting a greater number of messages on a billboard sign face which lessens the need for a greater number of billboards. Consequently, in an effort to minimize the number of off-premises signs and billboards in the city yet accommodate off-premises and other advertising, all billboards and off-premises signage shall consist only of digital billboards regulated as set forth in this section 1014.

(c) The intent of this section 1014 is to ensure an adequate means of communication through limited numbers of billboards and off-premises signage while maintaining the attractive visual appearance within the city. By specifying criteria for all off-premises signage as stated herein, this section 1014 is intended to serve the following purposes.

(1) Maintain the established suburban character and architectural quality of the city by regulating all billboards in a manner which promotes limited, high profile signage of high quality design to protect community and architectural aesthetics;

(2) Protect and maintain the visual integrity of roadway corridors within the city by prohibiting billboard signage adjacent to all roadway corridors except the major expressways in an effort to establish an optional amount of off-premises signage in the city while prohibiting visual clutter and distractions to the motoring public;

(3) Establish locations and setbacks for billboard signage which are designed to protect motorists from visual distractions, obstructions and hazards;

(4) Enhance the appearance of the physical environment by requiring that billboards be limited as to number and location of signage to more intensive commercial and industrial areas along major expressways in an effort to be sensitive to the existing natural environment, and prohibiting encroachment of billboards into non-commercial and non-industrial areas;

(5) Protect the unique character and quality of the city's appearance, which is essential to its economic, cultural, and social welfare, and preserve the same by limiting billboard signage to limited locations and only along specified major expressways;

(6) Preserve the property values of properties within the city, which are essential to the city's sustainability and the general welfare of its residents, by limiting billboards to limited locations and only along specified major expressways;

(7) Protect the safety of the motoring public by avoiding visual

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clutter of billboards, reducing conflicts between and among off-premises signs, reducing the incidence of certain design elements that tend to distract motorists, and promoting proper maintenance, by limiting the number, size, and location of off-premises signage;

(8) The number, size, scale, proportions, design and balance of billboard signs are regulated according to content-neutral standards that are based on architectural quality, character, limited number, location, and size of signage;

(9) The U.S. Constitutional First Amendment rights of property owners are respected, and the opportunity for billboard signage is regulated to protect the aesthetics of the city while minimizing the distractions to and aiding in the ease of navigation for drivers, consistent with the requirements of *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981) and other applicable case law.

(d) *Substitution of noncommercial speech for commercial speech.*

Notwithstanding anything contained in this section 1014 or the LDC to the contrary, any off-premises sign or billboard erected pursuant to the provisions of this section 1014 or otherwise lawfully existing with a commercial message may, at the option of the owner or tenant thereof, contain a noncommercial message unrelated to the business located on the property where the off-premises sign is erected. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face of the may be changed from commercial to noncommercial messages, or from one noncommercial message to another, subject to the provisions of this section 1014 as frequently as desired by the owner or tenant of the sign; provided, that the billboard or off-premises sign is not a prohibited sign or sign-type and provided that the size, sign structure height, setback and other dimensional criteria contained in this section 1014 and code have been satisfied.

(e) *Content neutrality as to sign message (viewpoint)*. Notwithstanding anything in this section 1014 or this LDC to the contrary, no off-premises sign or sign structure shall be subject to any regulatory limitation based upon the content of the message contained on such sign or displayed on such sign structure.

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

(1) Locations.

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

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

(2) Orientation. All digital billboards must be oriented solely for

advertisement to the traveling public on the city's major expressways, meaning that the digital billboard shall be placed in such a manner that sign face is directed at motor vehicles on the city's major expressways; 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

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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

- (4) Setback from Right-of-Way Line: The entire digital billboard sign face,

sign structure, and any embellishments must be setback at least 15 feet from any right-of-way and at least 5 feet from any interior property line; and

- (5) Spacing from other billboards and other uses.

- (A) No digital billboard sign structure, or billboard sign, or portion thereof, shall be located within 1,500 feet of another digital billboard sign or billboard or off-premises sign structure, regardless of which side of any major expressway that a digital billboard sign is located. The distance shall be calculated as the shortest straight airline measurable distance between the edge of one sign to the edge of the other sign. The width of any intersections will be included in the measured distance between signs. This distance is measured in a direct line from the points of intersection of the edges of the main-traveled way; and

- (B) No billboard sign shall be erected within 250 feet of an existing residential use. All measurement of distances shall be along a straight airline route from the nearest point of the edge of the sign face to the property line of the existing residence; and

- (C) No billboard sign shall be erected within 50 feet of an existing building, and no new building shall be permitted within 50 feet of an existing billboard sign. All measurement of distances shall be made from the nearest edge of the

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sign face by straight airline measurement to the nearest point of the building or proposed building, as the case may be; and

(D) No billboard sign shall be erected or placed within 100 feet of any place of worship, public or private school, cemetery/mausoleum, public park, public reservation, public playground, or state or national forest. All measurement of distances shall be along a straight airline route from the nearest point of the sign face to the property line of the place of worship, public or private school, cemetery/mausoleum, public park, public reservation, public playground, or state or national forest

(6) Prohibition on historical property. No digital billboard sign may be erected or placed on any property designated by a governmental agency as historical; and

(7) Sign height. No digital billboard sign structure or sign face shall have a sign structure height that at any point exceeds 50 feet; 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

(9) Landscaping. Native trees shall be planted 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 expressway; 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

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(11) Illumination:

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

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

(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

(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

(E) Any digital sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall immediately revert to a black screen and shall be restored to its normal operation conforming to the requirements of this section within twenty-four (24) hours; and

(F) For public safety purposes, any signs which use the word "stop" or "danger" or imply the need or requirement of stopping, or which are copies or imitations of official signs shall be prohibited; and

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(G) Red, green, blue, or amber (or any color combination thereof) revolving or flashing light giving the impression of a police or caution light is prohibited; and

(12) No embellishments extending from the sign face or sign structure are permitted on any billboard sign.

#### 1014.4. Applications

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

(2) The application shall include of a line-of-sight study certified to and for reliance by the city, prepared by a professional Florida registered engineer. The line-of-sight study shall depict the lighting impact on affected surrounding properties.

(3) Site plans for digital billboards that do not require variances shall be processed, and approved or denied, by the DRC. The procedure for site plan filing and submittal shall be as provided for in Section 310.3 and 310.4 of the LDC. In addition to the review criteria set forth in sections 310.6, staff shall consider the line-of-sight study and shall evaluate the site plan for compatibility with affected properties. Site plan approvals may be subject to conditions as approved by the DRC.

(4) An applicant or affected party may request a quasi-judicial City Commission hearing on an application subject to an administrative decision of the DRC under this subsection. Within ten days of the DRC's decision to grant or deny administrative approval of a site plan or other administrative approval under this subsection, the Director shall provide posted and mailed notice of the DRC's decision to the applicant and all owners of property located within 1,000 feet of the billboard that is

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subject to the site plan or administrative approval, advising them of their right to request a quasi-judicial hearing of the City Commission on the application by filing an application on a form provided by the Director. Such request for a hearing of the City Commission shall be made within 30 days of the mailing of the notice by the Director. An approved administrative site plan or administrative approval shall become effective 30 days following the Director's posting and mailing of the notification of the DRC's decision, provided that no request for City Commission hearing is filed. If a request for a quasi-judicial hearing is made by the applicant or an affected property owner, it shall be scheduled for the next available City Commission meeting following the Director's completion of his or her review of the request. The City Commission hearing and decision shall be governed by the standards applicable to site plans and administrative approvals under this section.

**Section 13.** 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 14. 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 15. 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

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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 16. 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. 1721  
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**Section 17. Effective Date.** This Ordinance shall become effective immediately upon adoption.

**PASSED FIRST READING: February 6, 2019**

**PASSED AND ADOPTED ON SECOND READING: February 20, 2019**

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Mayor, Wayne M. Messam

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Vice Mayor, Yvette Colbourne

ATTEST:

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City Clerk, Denise A. Gibbs

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

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

Temp. Ord. No. 1721

12/17/18

01/28/19

<b><u>Requested by Administration</u></b>	<b><u>Voted</u></b>
Commissioner Winston F. Barnes	Yes
Commissioner Maxwell B. Chambers	No
Vice Mayor Yvette Colbourne	Yes
Commissioner Darline B. Riggs	Yes
Mayor Wayne M. Messam	Yes

