

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

Meeting Date: August 23, 2017

Second Reading Date: September 6, 2017

Presenter's Name and Title: Bissy Vempala, City Engineer, on behalf of Construction & Facilities Management, and Michael Alpert, Principal Planner, on behalf of Community & Economic Development

Temp. Ord. Number: 1677

Item Description: FIRST READING of Temp. Ord. No. O1677, AMENDING THE CITY'S LAND DEVELOPMENT CODE AT CHAPTER 10 ENTITLED "SIGNS," TO CREATE SECTION 1013 "ROADSIDE MEMORIAL MARKERS"; AMENDING SECTION 1002 "DEFINITIONS"; AMENDING TABLE 2 IN SECTION 1008, "TEMPORARY SIGNS"; MAKING FINDINGS. (City Engineer Bissy Vempala and Principal Planner Michael Alpert)

Consent Resolution Ordinance Quasi-Judicial Public Hearing

Instructions for the Office of the City Clerk:

Public Notice – As Required by the Sec. _____ of the City Code and/or Sec. 166.041, Florida Statutes, public notice for this item was provided as follows: on July 27, 2017, in a legal display ad in the Sun-Sentinel; by the posting the property on _____ and/or by sending mailed notice to property owners within _____ feet of the property on _____. (Fill in all that apply)

Special Voting Requirement – As required by Sec. _____, of the City Code and/or Sec. _____ Florida Statutes, approval of this item requires a _____ (unanimous 4/5ths etc. vote of the City Commission.

Fiscal Impact: Yes No

REMARKS:

Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Ordinance TO No. O1677**
- **Attachment(s)**
 - **Attachment 1: Standards for Review for LDC Amendment Staff Report**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Kathleen Woods-Richardson, City Manager

THRU: Michael Moore, Assistant City Manager

BY: Bissy Vempala, City Engineer

DATE: August 17, 2017

RE: First Reading of Temp. Ord. No. O1677, amending the City's Land Development Code at Chapter 10 entitled "Signs," to create Section 1013 "Roadside Memorial Markers"; amending Section 1002 "Definitions"; amending Table 2 in Section 1008, "Temporary Signs"

RECOMMENDATION: The City Manager recommends approval of Temp. Ord. O1677.

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

BACKGROUND: The City of Miramar recognizes the need for people who are grieving to have a tangible way to express their grief over a loved one lost in a traffic accident. Accordingly, the City desires to establish a policy for the installation of roadside memorial markers on public streets within City limits for the uniform placement of roadside memorial markers to memorialize people who have died as a result of vehicle-related accidents in the City of Miramar. The Florida Department of Transportation ("FDOT") already has a policy for the installation of memorial markers on state roads and allowing roadside memorial markers consistent with the FDOT policy will provide for uniform memorials throughout the City.

As the Local Planning Agency, the Planning & Zoning Board will conduct a public hearing on this item on August 8, 2017.

Temp. Ord. No. O1677
06/08/17
07/05/17

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE AT CHAPTER 10 ENTITLED "SIGNS" TO CREATE SECTION 1013 "ROADSIDE MEMORIAL MARKERS"; AMENDING SECTION 1002 "DEFINITIONS; AMENDING TABLE 2 IN SECTION 1008, "TEMPORARY SIGNS"; MAKING FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Miramar recognizes the need for people who are grieving to have a tangible way to express their grief over a loved one lost in a traffic accident; and

WHEREAS, Broward County Policy on the installation of roadside memorial markers, requires that the City should have an Ordinance allowing the installation of memorial markers within City limits; and

WHEREAS, the City desires to establish a policy for the installation of roadside memorial markers in public streets within City limits in order to provide a policy for the uniform placement of roadside memorial markers to memorialize people who have died as a result of vehicle-related accidents in the City of Miramar; and

WHEREAS, the Florida Department of Transportation ("FDOT") already has a policy for the installation of roadside memorial markers on state roads; and

WHEREAS, allowing memorial markers consistent with the FDOT policy will provide for uniform memorials throughout the City; and

Ord. No. _____

Temp. Ord. No. O1677
06/08/17
06/13/17

WHEREAS, pursuant to Section 302.6 of the existing Land Development Code (“LDC”), the City Commission and the Planning and Zoning Board have reviewed this proposed amendment to the LDC, considered the general purpose and standards set forth in Chapter 3 of the LDC, finding the proposed Ordinance consistent with the general purpose and standards; and

WHEREAS, pursuant to Section 302.7 of the existing 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 of the existing LDC, the City Commission finds 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 City Commission finds that the proposed amendment is consistent with the authority and purpose of the LDC, because the LDC revisions will aid in providing for 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

Temp. Ord. No. O1677
06/08/17
06/13/17

WHEREAS, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment furthers the orderly development of the City by assuring development consistent with the Comprehensive Plan; and

WHEREAS, pursuant to Section 302.7 of the existing LDC, the City Commission finds that the proposed amendment improves the administration or execution of the development process, because the revision simplifies the LDC; 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 a provision concerning the placement of roadside memorial markers.

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 the Land Development Code of the City of Miramar, Florida is hereby amended by adding a section to be numbered 1013, which said section reads as follows:

Sec. 1013. Roadside Memorial Markers

1013.1. Locations. Roadside memorial markers within the City shall be permitted with the following limitations:

- (1) Roadside memorial markers are permitted in locations only where

Temp. Ord. No. O1677
06/08/17
06/13/17

vehicular fatalities have occurred and may not be placed in swales adjoining residential properties.

(2) It is understood, particularly for urban area curb and gutter sections, the memorial marker may not necessarily be placed at the exact location of the fatality due to restricted space within the right of way, property owner complaints, or other constraints. The exact location will be at the discretion of the city engineer.

(3) A roadside memorial marker may be located within the swale of a public right-of-way, but shall be located at least three (3) feet from the edge of pavement or two (2) feet from the edge of a sidewalk, if no swale is present or as determined by the city engineer.

(4) There shall be no more than one (1) roadside memorial marker per accident in a location where a death has occurred.

1013.2. Applications.

(1) Application for a roadside memorial marker shall be made in writing to the city engineer. Application for a roadside memorial marker may be made by immediate family members or friends, with requests from friends requiring the written approval of the deceased's immediate family. For purposes of this section, "immediate family members" are defined as the parents, siblings, children, legal guardians, and/or spouse of the deceased.

(2) Roadside memorial markers shall be permitted for an initial period

Temp. Ord. No. O1677
06/08/17
06/13/17

of one (1) year, and may be renewed for one additional year upon reapplication, prior to the expiration of the initial permit.

1013.3. Design, Installation, and Maintenance.

(1) Roadside memorial markers must adhere to Table 2 in Sec. 1008. The roadside memorial markers shall consist of a 15" diameter aluminum sign panel with a white background of engineering grade sign sheeting, and black letters. The post for installing the roadside memorial marker shall be a standard 5-foot metal delineator post. Placement of the deceased's name on the sign will be at the immediate family's option.

(2) Roadside memorial markers shall be procured, installed, and maintained by city personnel after coordination with the appropriate agency(ies). Roadside memorial markers shall be the property of the city. Roadside memorial markers will not be allowed within the limits of active construction work zones.

(3) There shall be no activities while the roadside memorial marker is in place that pose a safety hazard to the public or violate any provisions of chapter 316, Florida Statutes, concerning stopping, standing, sitting, parking, or obstruction of traffic on public roads.

(4) Flowers, wreaths, or other paraphernalia affixed to, or placed adjacent to or near, the roadside memorial marker shall be subject to removal by the city at any time, without notice, and will be discarded.

Temp. Ord. No. O1677
06/08/17
06/13/17

(5) Any roadside memorial marker found installed contrary to the provisions of this section may be removed by the City.

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.

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

* * * *

Roadside memorial marker: A sign used to memorialize people who have died as a result of a vehicle-related accident.

* * * *

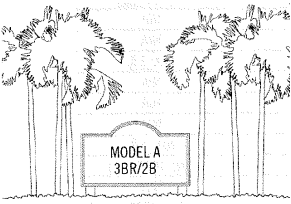
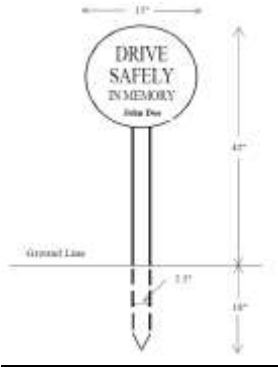
Section 4: That Table 2 of section 1008 of the Land Development Code of the City of Miramar, Florida, is here by amended as follows:

Sec. 1008. – Temporary Signs

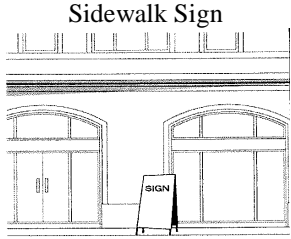
* * * *

[INTENTIONALLY LEFT BLANK]

Temp. Ord. No. O1677
 06/08/17
 06/13/17

| Table 2. Temporary Signage | | | | | | | |
|---|-----|-----|-----|-----|-----|------------------------------------|---------------------|
| | RS | RM | MU | CM | CA | Specifications | |
| *** | *** | *** | *** | *** | *** | *** | |
| Residential Model Signs  | ■ | ■ | ■ | | | a. Quantity (max) | Sec. 1008.3 |
| | | | | | | b. Sign Face Area | 6 s.f. |
| | | | | | | c. Sign Structure Area | N/A |
| | | | | | | d. Width | N/A |
| | | | | | | e. Height | 4 s.f. |
| | | | | | | f. Depth/Projection | N/A |
| | | | | | | g. Clearance | N/A |
| | | | | | | h. Letter Height | N/A |
| | | | | | | i. Setback | Sec. 1008.3 |
| | | | | | | j. Time of Display | Sec. 1008.3 |
| | | | | | | k. Landscaping/Illumination | N/A |
| | | | | | | l. Other | Yes; Sec. 1008.3 |
| <u>Roadside Memorial Marker</u>  | | | | | | <u>a. Quantity (max)</u> | <u>Sec. 1013</u> |
| | | | | | | <u>b. Sign Face Area</u> | <u>15" diameter</u> |
| | | | | | | <u>c. Sign Structure Area</u> | <u>N/A</u> |
| | | | | | | <u>d. Width</u> | <u>N/A</u> |
| | | | | | | <u>e. Height</u> | <u>5 ft.</u> |
| | | | | | | <u>f. Depth/Projection</u> | <u>N/A</u> |
| | | | | | | <u>g. Clearance</u> | <u>N/A</u> |
| | | | | | | <u>h. Letter Height</u> | <u>N/A</u> |
| | | | | | | <u>i. Setback</u> | <u>Sec. 1013</u> |
| | | | | | | <u>j. Time of Display</u> | <u>Sec. 1013</u> |
| | | | | | | <u>k. Landscaping/Illumination</u> | <u>N/A</u> |
| | | | | | | <u>l. Other</u> | <u>N/A</u> |

Temp. Ord. No. O1677
 06/08/17
 06/13/17

| | | | | | | | | |
|--|-----|-----|-----|-----|-----|------------------------|-----------------------------|-----|
|  <p style="text-align: center;">Sidewalk Sign</p> | | | | | | a. Quantity (max) | 1 | |
| | | | | | | b. Sign Face Area | N/A | |
| | | | | | | c. Sign Structure Area | N/A | |
| | | | | | | d. Width | 36" max. | |
| | | | | | | e. Height | 42" max. | |
| | | | | | | f. Depth/Projection | N/A | |
| | | | | ■ | ■ | ■ | g. Clearance | N/A |
| | | | | | | | h. Letter Height | N/A |
| | | | | | | | i. Setback | N/A |
| | | | | | | | j. Time of Display | N/A |
| | | | | | | | k. Landscaping/Illumination | N/A |
| | | | | | | l. Other | Yes; Sec. 1008.5(j) | |
| *** | *** | *** | *** | *** | *** | *** | *** | |

*

*

*

*

Section 5: Interpretation; Code provision not revised. 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

Temp. Ord. No. O1677
06/08/17
06/13/17

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: *Incorporation in code; 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.

Section 8: *Authorization of City officials.* 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. O1677
06/08/17
06/13/17

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

PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Winston F. Barnes

ATTEST:

City Clerk, Denise A. Gibbs

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

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

| <u>Requested by Administration</u> | <u>Voted</u> |
|---|---------------------|
| Vice Mayor Winston F. Barnes | _____ |
| Commissioner Maxwell B. Chambers | _____ |
| Commissioner Yvette Colbourne | _____ |
| Commissioner Darline B. Riggs | _____ |
| Mayor Wayne M. Messam | _____ |

Ord. No. _____



ATTACHMENT 1

City of Miramar Community & Economic Development Department Development Review Report

I) Application Summary / Background

These are proposed amendments to the Land Development Code (LDC) to permit roadside memorials as a permitted temporary sign.

Applicant: City of Miramar, Construction & Facilities Management (*Engineering Division*) and Community & Economic Development (*Planning & Redevelopment Division*) Departments, in coordination with the Police and Public Works Departments.

II) Standards for Reviewing Proposed Text Amendments:

The City's Land Development Code provides that consideration of proposed text amendments includes a review of the following standards (*Section 302.7*).

(a) *The proposed amendment is legally required.*

Staff's Evaluation:

This amendment is legally required, as this type of accessory sign structure is currently not addressed in either the Land Development Code or the City Code of Ordinances.

(b) *The proposed amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.*

Staff's Evaluation:

The proposed amendment is consistent with overall goals, policies, and objectives of the Transportation and Intergovernmental Coordination Elements of the Comprehensive Plan.

With respect to the Transportation Element, several policies and objectives, as well as support this amendment:

Goal I states that the City shall "Protect, maintain, and where feasible improve the City of Miramar transportation system in a manner that provides for safety and security,

convenience and energy efficiency; that coordinates and balances the transportation system with the state, regional and countywide multi-modal plans, programs and systems; that is considerate of sensitive environmental issues and areas; and that addresses the transportation needs of present and future populations including the transportation disadvantaged.”

Concurrency Objective 1: “The City of Miramar, in coordination with the transportation planning efforts of the State of Florida, Broward County, SFRPC, MPO, and adjacent municipalities shall continue to maintain and, where feasible, improve the functional relationship between the transportation system and applicable future land use maps to ensure that transportation modes and services meet the transportation needs of existing and future population densities, housing and employment patterns, and land uses.

Policy 2.3: “The City of Miramar will continue to participate in Highway Beautification agreements with Broward County and the State of Florida Department of Transportation.”

Policy 3.1: “Continue to protect existing rights-of-way from building encroachment through implementation of the City of Miramar Land Development Code provisions that no obstructions of any type which are deemed unsafe pursuant to City standards shall remain or be permitted in the ultimate right-of- way.”

Objective 4: “The City of Miramar shall continue to participate in cooperative intergovernmental plans and programs that will improve safety by 2011.”

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

Evaluation Measure 7: “By 2012, increase the number of enhanced roadways links in the City through the increase of landscaping and beautification improvements.”

Policy 7.1: “The City shall maintain, and enhance where possible, the strict landscape and design standards for the Miramar Parkway Scenic Corridor in the Land Development Code.”

Policy 7.2: “The City shall continue to utilize the City’s Landscape and Miramar Parkway Scenic Corridor Ordinances to landscape and beautify existing traffic network facilities.”

Policy 7.3: “The City shall effectively implement existing Land Development Regulations that require the landscaping and beautification of all road improvement projects, including parking lots, and ensure adherence to the City’s Master Street Tree Planting Plan.”

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.”

With respect to the Intergovernmental Coordination Element:

Objective 1 states that the City shall “continue to provide a mechanism for the effective coordination of the Comprehensive Plan with other units of local, regional, state and federal government that provides services in or to Miramar, but do not have regulatory authority of the use of land.”

Policy 2.6: “Work jointly with FDOT, Miami-Dade County, Broward County, and adjacent cities as applicable to address mutually-significant transportation issues and impacts affecting the subject jurisdictions.”

In summary, these amendments are consistent with the City of Miramar’s Comprehensive Plan and the vision set forth in the Broward Next Amendments to the Broward County land use plan.

- (c) *The proposed amendment is consistent with the authority and purpose of this Code.*

Staff’s Evaluation:

Pursuant to Land Development Code Section 102, the purpose of this LDC is to implement further the Comprehensive Plan ("the Plan") of the City by establishing regulations for all development and use of land and water in the City in addition to and in more detail than those in the Plan. Further, this LDC is adopted in order to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the City. It is the intent of this LDC that the land use patterns in the City of Miramar be effective, in terms of providing the proper balance of commercial and residential property; and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and the consideration of the long-term interests of the citizens of the City.

The proposed amendments support this section by clarifying the manner in which temporary roadside memorials could be established and incorporating graphics and tables to enhance user-friendliness, for easy reference and guidelines for city officials, residents and the development community.

- (d) *The proposed amendment furthers the orderly development of the City.*

Staff’s Evaluation:

Developing a more user-friendly and understandable land development code, while establishing parameters for uses that are not previously mentioned or included in the city’s standards, is a basic tool for addressing an issue that is meaningful to residents, and directly supports the goal of orderly development of the City.

- (e) *The proposed amendment promotes sustainability and efficiency of the city and whether the proposed amendment promotes the public health, safety, welfare, and aesthetics; and*

Staff's Evaluation:

The LDC is a living document and should be updated from time to time to reflect adapting environments and societal changes. Furthermore, the amendments open the door to a use and need not contemplated before. By allowing the use with regulations as to a process, standards, and timeframe, these amendments take the residents' welfare, safety concerns and environmental aesthetics into consideration.

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

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

IV) Planning & Zoning Board

Pursuant to Land Development Code Section 107.2(b), the Planning and Zoning Board will conduct a public hearing on these proposed amendments to the Land Development Code on August 8, 2017.

V) Staff Recommendation

Staff finds that the proposed amendments to the Land Development Code, amending existing Chapter 2 Definitions and Chapter 10 Signs, meet the criteria of the review standards of existing Land Development Code Section 302.7 for consideration of code text amendments and recommends approval by the City Commission.