



**REGULAR MEETING OF
THE PLANNING AND ZONING BOARD
MINUTES**

Tuesday, July 11, 2017

6:00 PM

City of Margate
Municipal Building

City Commission

Mayor Tommy Ruzzano
Vice Mayor Arlene R. Schwartz
Anthony N. Caggiano
Lesla Peerman
Joanne Simone

Interim City Manager

Samuel A. May

City Attorney

Douglas R. Gonzales

City Clerk

Joseph J. Kavanagh

PRESENT:

Todd E. Angier, Chair
Phil Hylander, Vice Chair
Antonio Arserio
August Mangeney (arrived 6:10 pm)
Richard Zucchini

ALSO PRESENT:

Douglas Gonzalez, City Attorney
Reddy Chitepu, Acting Director of Economic Development;
Director of Environmental and Engineering Services
Andrew Pinney, Associate Planner
Andy Dietz, Associate Planner

The regular meeting of the Planning and Zoning Board of the City of Margate, having been properly noticed, was called to order by Chair Todd Angier at 6:00 p.m. on Tuesday, July 11, 2017. A roll call of the Board members was done followed by the Pledge of Allegiance.

1A) **APPROVAL OF THE MINUTES FROM THE PLANNING AND ZONING BOARD MEETING ON JUNE 6, 2017**

Mr. Arserio made the following motion, seconded by Mr. Hylander:

MOTION: TO APPROVE THE MEETING MINUTES FOR JUNE 6, 2017

ROLL CALL: Mr. Arserio, Yes; Mr. Mangeney, Absent; Mr. Zucchini, Yes; Mr. Hylander, Yes; Mr. Angier, Yes. The motion passed with a 4-0 vote.

2) **NEW BUSINESS**

Economic Development Department

5790 Margate Boulevard, Margate, FL 33063 • Phone: (954) 935-5330 • Fax: (954) 935-5304
www.margatefl.com • edevdirector@margatefl.com

2A) **PZ-14-17** CONSIDERATION OF AN ORDINANCE TO PROVIDE DEFINITIONS AND REGULATIONS OF TEMPORARY FEATHER BANNER SIGNS AND INFLATABLE SIGNS
PETITIONER: CITY OF MARGATE, ECONOMIC DEVELOPMENT DEPARTMENT

Andrew Pinney led with a PowerPoint presentation. He explained that the ordinance before the Board was to amend the grand opening and special event signage. He explained that under the current Code grand opening signage was limited to businesses that had been issued a business tax receipt within the past 60 days and it gave them the opportunity to have a banner installed on the front of their store and to utilize the City's grand opening ground sign by the road. He said this ordinance would introduce the use of feather banners. He said two new terms would be added to the glossary of the Sign Code [Section 39.2 Definitions] and the regulatory provisions would be added to Section 39.7 [Temporary Signs]. He showed a slide which included the detailed definitions of a Feather Banner Sign and an Inflatable Sign and provided a brief description of both. He showed visual images of the proposed feather banner and inflatable signs. He said the ordinance was being written to allow three per grand opening and three per special event approval. Mr. Pinney said that Staff recommended approval of the ordinance.

Mr. Hylander commented that the proposed signs had been around for years whether legal or not and that the Margate Chamber had tried to get them approved years ago. He questioned the height limitation of 10-foot for the feather banner, noting that a Google search showed heights of up to 14-foot. He commented that a 10-foot feather sign might not be visible depending on where it was located. He referenced page 8, section 2b of the proposed ordinance which read that inflatable signs had to be within 15-foot of the customer entrance of the business; he said that seemed like an unrealistic determination as it could put the signs on sidewalks or in parking spaces in front of a business. He said he would prefer to see the height for the feather banners increased to 12 or 14-foot. He questioned whether it was necessary to have a distance requirement from the business for the inflatables, and he asked where an inflatable sign would be placed in a strip shopping center.

Mr. Pinney responded that this was new territory and Staff was looking for something that would be equitable for multi-tenant situations. He recommended that the Board entertain a motion to amend the height of the feather banners and the location of the inflatables.

Mr. Zucchini commented that the ordinance addressed the locations where signs were not permitted but it did not address where signs could be placed. Mr. Pinney responded that inflatable signs had to be located within 15-foot of the customer entrance of a business and some properties might not have the opportunity to utilize them if the property did not have much frontage. He noted that several different types of grand opening signage were being made available to businesses for that reason.

Mr. Hylander commented that the purpose for the signs was to make them more visible to the public and he asked whether the signs could be five foot from the right-of-way. Mr. Pinney responded that inflatables were often powered by an electric motor which would result in electrical lines running across parking lots or a having a generator. By requiring they be within 15-foot of the business provided a power source close by he said. Attorney Douglas Gonzalez pointed out that the proximity of the signs to the roadway needed to be taken into consideration because the closer the signs were to the road, the more of a distraction they

became to drivers especially those that moved such as the feather and inflatables signs. He referenced the example of a sign used by Miami Subs that was distracting because it was so close to U.S. 441. He said the driving force behind the ordinance was to limit the length of time the signs could be used as well as the location.

Mr. Hylander suggested wording the ordinance to restrict wiring from crossing a parking lot or a walkway.

Mr. Angier said that there should be some type of standard because everyone's situation was going to be a little different. He agreed that the height should be a little higher, but he said the 15-foot distance requirement could be re-addressed in the future.

Mr. Hylander asked if there was a height limitation for the inflatable signs. Attorney Gonzalez said there was a maximum height limitation in the ordinance under *Grand Opening Signs* which indicated that feather banners and inflatable signs were limited to ten (10) feet above grade.

Mr. Hylander commented that the height issue should be addressed because he thought the majority of inflatable signs were over 10 foot. As for the sign's location, he suggested allowing the sign to be located within the plaza where the business was located subject to the same codes as the monument signs where they could not be in the site triangle, right-of-way, etc.

Mr. Arserio asked if language could be added to allow the sign to be 15 foot from the entrance of the building or located within the premise of the property, whichever was closer. Mr. Hylander commented that there was no place to put a sign within 15-foot of a front door without being on a paved surface at Peppertree Plaza. Mr. Pinney commented that it had an arcade frontage so it would be limited in height but could be within 15-foot of a front door.

Mr. Manganey commented how the inflatables could touch the ground on windy days; therefore, they needed to be at least far enough away that they would not touch the road or a parking space if they were lying on their side.

Mr. Angier commented that 15-foot was a good starting point and that some signs might need to be allowed to be taller; however, trying to solve every business's problem within the ordinance could not be done because there were so many variations.

Mr. Hylander commented that if the ordinance did not prohibit inflatables on paved surfaces, then a business could have one in a parking space that was marked off in front of their business. Mr. Manganey commented that the same problem would exist with inflatables blowing over in a parking lot onto cars. Both agreed that the safety could not be sacrificed.

There was a short back and forth discussion about a height increase but leaving the 15-foot distance. Mr. Arserio suggested allowing a business to seek a variance if they were able to prove a legitimate hardship, and if it became a trend, then the language in the ordinance could be revisited.

Mr. Hylander suggested the height increase to 20-25 foot for the inflatables. Attorney Gonzalez said, based on his observation on the diagram shown, the bottom bend seemed to occur at 10 feet in height and it went up another 15 feet so it was about 25 foot in height.

Mr. Hylander said he looked online at various sign companies and the majority of the feather banners were 12-14 foot tall.

Mr. Manganey commented that there could be a problem if an inflatable that was 25-foot in height and at a distance of 15-foot from the building were to blow over. Mr. Angier commented that it was unrealistic to limit the inflatables to 10-foot in height if most of them were 20-25 foot.

Mr. Arserio made the following motion, seconded by Mr. Hylander:

MOTION: TO AMEND THE INFLATABLE SIGNS TO A MAXIMUM HEIGHT OF 25 FEET AND FEATHER SIGN TO 14 FEET

Charlie Artner, 6631 N.W. 22nd Court, spoke about a personal encounter he had with an inflatable when one hit his car's windshield while traveling at 45 miles per hour. He said his car tore it up but he had to keep driving because there were cars behind him. He said it was in a grassy area next to a sidewalk and he said he drove with it on his windshield for 20-30 feet before it blew off. He said they were dangerous for cars and should not be allowed even in parking lots because if a driver were to hit one in a parking lot, their visibility was lost.

Mr. Manganey asked about the distance between the commercial properties and the roadway and Mr. Pinney responded that they varied. He asked if the Board would want to entertain a setback from any right-of-way or drive aisle equal to the height of the inflatable installed with their amendments.

There was a short back and forth discussion between Mr. Arserio and Mr. Manganey about providing for distance limits and setbacks for inflatables that were equal to their height capped at 25-foot.

Attorney Gonzalez provided direction on the process. Mr. Manganey made the following motion, seconded by Mr. Arserio:

MOTION: TO ACCEPT STAFF'S RECOMMENDATION

Mr. Arserio made the following amendment, seconded by Mr. Manganey:

AMENDMENT: TO ALLOW FEATHER BANNERS UP TO A MAXIMUM HEIGHT OF 14 FEET; TO ALLOW INFLATABLE SIGNS UP TO MAXIMUM HEIGHT OF 25 FEET WITH A SETBACK EQUAL TO AT LEAST THE HEIGHT OF THE INFLATABLE SIGN CAPPED AT 25 FEET.

**ROLL CALL
ON THE**

AMENDMENT: Mr. Arserio, Yes; Mr. Manganey, Yes; Mr. Zucchini, Yes; Mr. Hylander, Yes; Mr. Angier, Yes. The amendment passed with a 5-0 vote.

**ROLL CALL ON
THE MOTION AS
AMENDED:**

Mr. Arserio, Yes; Mr. Mangeney, Yes; Mr. Zucchini, Yes;
Mr. Hylander, Yes; Mr. Angier, Yes. The motion passed with
a 5-0 vote.

3) **GENERAL DISCUSSION**

Mr. Mangeney apologized for being late.

Mr. Arserio asked whether, with Mr. Ziskal's departure, someone would be assigned in the interim to assist with questions. Andrew Pinney responded that Reddy Chitepu, the Director of the Department of Environmental and Engineering Services, was named interim Director of Economic Development.

Mr. Arserio commented that the topic discussed that evening was a good thing as long as it was within 60 days. He said that even though the signs had been around for a while, now that the ordinance was being updated, the City needed to make sure it was being enforced.

Mr. Hylander suggested that Economic Development look into a Code that was on the books that pertained to window coverings on commercial properties because it was not being adhered to. Attorney Gonzalez responded that the coverage percentage was 50 percent. He said the matter had been discussed and it was being brought before the City Commission. He said a decision would be made on whether to keep the restriction or eliminate it and then it would be enforced.

Mr. Angier said that he was sorry to hear of Mr. Ziskal's departure and that he really enjoyed working with him. He asked that if anyone spoke with Mr. Ziskal to let him know that Mr. Angier thought he was great for the City.

Mr. Pinney advised that Tim Finn, Senior Planner was also pursuing other opportunities.

Mr. Pinney advised there was a conflict on the date for the next Planning and Zoning Board meeting. He said the August 1st meeting conflicted with the City's National Night Out event also scheduled for 7:00 p.m. He asked the Board for their recommendation on a new date. After some discussion, the Board members agreed by consensus to Monday, August 7, 2017 at 7:00 p.m.

There being no further business, the meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Todd E. Angier, Chair