

CITY OF MARGATE, FLORIDA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING APPENDIX-A ZONING; ARTICLE XXXIX SIGN CODE, SECTION 39.8 SUPPLEMENTAL REGULATIONS; PROVIDING FOR WINDOW SIGNS; PROVIDING FOR MINIMUM STANDARDS; PROVIDING FOR AMORTIZATION; PROVIDING FOR REPEAL; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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**SECTION 1:** The Code of the City of Margate, Florida, Appendix-A Zoning, Article XXXIX Sign Code Section 39.8 Supplemental regulations is hereby amended to read as follows:

**Section 39.8. - Supplemental regulations.**

. . .

(G) *Window signs:* The total area of all window signs (interior, exterior and illuminated) may be no greater than fifty (50) per cent of the total window area of each frontage, including glass doors per window.

(1) *Interior window signs.*

(a) Located within ten (10) feet of the window;

~~(b) Shall be professionally drawn or constructed;~~

~~(c) May be a maximum of five (5) colors;~~

~~(b)~~ (d) Shall be nonilluminated;

~~(e) Letters must be no more than eight (8) inches in height;~~

<sup>1</sup>CODING: Words in ~~struck through~~ text are deletions from existing text, words in underscoring text are additions to existing text, and **shaded** text are changes between First and Second Readings.

1 ~~(f) No flashing or strobe lights are permitted.~~

2  
3  
4 (2) *Exterior window signs:*

5  
6 (a) Signs must be constructed from vinyl and may  
7 ~~feature letters no greater than twelve (12)~~  
8 ~~inches in height;~~

9  
10 ~~(b) Logos may be five (5) colors and a maximum of~~  
11 ~~four (4) square feet;~~

12  
13 ~~(c) Said signs shall not state any price;~~

14  
15 ~~(b)~~ (d) Signs shall not be applied to or cover any  
16 divider between individual panels in a window;

17  
18 ~~(e) Signs shall be kept in a condition that will~~  
19 ~~maintain their original aesthetic appearance.~~

20  
21 (3) *Illuminated window signs:*

22  
23 (a) Two (2) ~~One (1)~~ illuminated (including neon)  
24 signs may be permitted per bay per occupied  
25 business premises. Signs shall be installed  
26 inside of the occupied business premises  
27 frontage, with the number of bays being  
28 determined by the number of water meters on  
29 record for any subject property;

30  
31 (b) Each ~~The sign(s)~~ shall not exceed four (4)  
32 square feet in area;

33  
34 ~~(c) A maximum of five (5) colors are permitted on~~  
35 ~~the sign;~~

36  
37 ~~(d) Letters shall be no greater than twelve (12)~~  
38 ~~inches in height;~~

39  
40 ~~(c)~~ (e) The total area of signs in the window shall not  
41 exceed twenty-five (25) per cent of the total  
42 window area per window.

1  
2 (d) No flashing or strobe illumination is  
3 permitted.

4  
5 (e) Illuminated window signs that are not battery  
6 operated must have a permanent power source  
7 that has been professionally installed and  
8 permitted by the Margate Building Department.

9  
10 ~~(f) In addition, one (1) illuminated sign that~~  
11 ~~reads "open" may be permitted per bay per~~  
12 ~~frontage, provided that,~~

13  
14 ~~(i) The sign does not exceed four (4)~~  
15 ~~square feet in area;~~

16  
17 ~~(ii) The sign has a maximum of five (5)~~  
18 ~~colors;~~

19  
20 ~~(iii) The letters are no greater than~~  
21 ~~twelve (12) inches in height;~~

22  
23 ~~(iv) The total area of signs in the window~~  
24 ~~does not exceed twenty-five (25) per~~  
25 ~~cent of the total window area per~~  
26 ~~window;~~

27  
28 ~~(v) No flashing or strobe illumination is~~  
29 ~~permitted. The installation and~~  
30 ~~display of an illuminated window sign~~  
31 ~~shall require a permit to insure~~  
32 ~~compliance with the South Florida~~  
33 ~~Building Code and any other~~  
34 ~~applicable codes.~~

35  
36 ~~(4) [Year round provisions.] Window lighting. Any n~~Neon,  
37 LED, rope lighting, window outlining or other  
38 similar lighting devices are not permitted year  
39 round unless otherwise noted when professionally  
40 installed inside of a business. Said lighting shall  
41 not count toward limitations of window sign area.

42  
43 (5) Window transparency. Sunscreening material, such as  
44 tint or film, may be applied to non-residential

windows and glass doors, subject to the following limitations:

(a) No sunscreening material may be applied to windows and glass doors at any business premises that has the effect of making said windows or glass doors nontransparent. Sunscreening material(s) shall be limited to the solar reflectance and light transmittance limitations provided in Florida Statute 316.2953, as amended; and

(b) Sunscreening material shall not count toward window sign coverage, unless said material displays lettering or images.

[Note to Municipal Code: The rest of this section shall remain as codified.]

**SECTION 2:** The Code of the City of Margate, Florida, Appendix-A Zoning, Article XXXIX Sign Code Section 39.14 Legal nonconforming signs, nonconforming signs, abandoned signs, is hereby amended to read as follows:

**Section 39.14.** - Legal nonconforming signs, nonconforming signs, abandoned signs.

(D) Amortization. Window signs which are found to be non-  
conforming to this article shall be altered to conform  
to the provisions of these regulations no later than  
September 7, 2018.

[Note to Municipal Code: The rest of this section shall remain as codified.]

**SECTION 3:** The Code of the City of Margate, Florida, Appendix-A Zoning, Article XXXIX Sign Code Section 39.16 Signs exempt from permit requirements, is hereby amended to read as follows:

Section 39.16 - Signs exempt from permit requirements.

- 1  
2 (A) The following signs shall be exempt from permit  
3 requirements of this section:  
4
- 5 (1) Signs required by federal, state, county and/or  
6 municipal agencies.  
7
- 8 (2) Temporary window signs. Window signs that are  
9 permanently applied or affixed to a window, such  
10 as vinyl lettering or decals, require a permit.  
11 ~~(except illuminated window signs as provided for~~  
12 ~~in section 39.8(C)(3)).~~  
13
- 14 (3) Up to five (5) temporary and single-purpose  
15 signs, not exceeding six (6) square feet on any  
16 residentially zoned property.  
17
- 18 (4) Flags allowed under this Code. Flag poles  
19 require a permit.  
20
- 21 (5) Nameplate, and building address signs.  
22
- 23 (6) Tablets, such as memorials, cornerstones, date of  
24 erection, when built into the walls of a  
25 building.  
26
- 27 (7) Professionally drawn or constructed general  
28 information signs, such as trespass signs,  
29 private driveway, and no dumping, when such signs  
30 do not exceed four (4) square feet in area each,  
31 are not illuminated, and do not project over a  
32 public right-of-way provided total number of  
33 signs on a property or in a complex will not  
34 exceed five (5), unless additional signs are  
35 required for compliance with state or federal  
36 regulations.  
37
- 38 (8) Changing of copy in permitted changeable copy  
39 signs.  
40
- 41 (9) Changing of directory listing in a permitted  
42 directory sign provided the size, style, and  
43 color of the listing to be changed conforms with  
44 the existing lettering on the sign.

1  
2 (10) Traffic regulatory signs with approval from city  
3 engineer.  
4

5 (11) Special event signs and nonprofit sale signs as  
6 allowed in section 39.7(B)(7).  
7

8 (12) Replacement tenant panels as provided in section  
9 39.8(O).  
10

11 (13) Promotional advertising banners. Permanent poles  
12 for banners require a permit.  
13

14 (14) Car dealership signs as provided for in section  
15 39.8(P).  
16

17 (B) This exemption in no way waives the requirements of  
18 structural and/or safety requirements outlined by these  
19 regulations and/or the Florida Building Code.  
20

21 **SECTION 4:** The Code of the City of Margate, Florida,  
22 Appendix-A Zoning, Article XXXIX Sign Code Section 39.19  
23 Waivers, is hereby amended to read as follows:  
24

25 **Section 39.19. - Waivers.**

26 (A) No sign shall be permitted to be erected or displayed  
27 contrary to the provisions of this article unless a waiver  
28 is approved by a majority vote of the members of the board  
29 of adjustment.  
30

31 (B) A decision to grant a waiver by the board of adjustment  
32 must be in conformance with the following criteria:  
33

34 (1) There is something unique about the building or site  
35 configuration that would cause the signage permitted  
36 by this article to be ineffective in identifying a  
37 use or structure that would otherwise be entitled to  
38 a sign.  
39

40 (2) The granting of a waiver is not contrary to the  
41 intent of the sign code, ~~the adopted community~~  
42 ~~redevelopment plan, the City of Margate Comprehensive~~  
43 ~~Plan,~~ the aesthetics of the area, or does not create

1 a nuisance or adversely affect any neighboring  
2 properties.

3  
4 (3) Literal enforcement of this article would result in  
5 unreasonable and undue hardship upon the petitioner.  
6

7 (C) Any person may petition the board of adjustment for a  
8 waiver of the affecting provisions of this article  
9 provided they:

10  
11 (1) Complete a petition application form as provided by  
12 the economic development department;

13  
14 (2) Submit payment to the city in the amount specified by  
15 section 2-79 of the Code of the City of Margate;

16  
17 (3) Prove that the proposed sign meets the criteria laid  
18 out above.

19  
20 (D) Any waiver may be conditioned on requirements deemed  
21 necessary in granting said waiver. Variances pursuant to  
22 any other code shall not be available for signs (as  
23 defined by this Code). Except as provided herein, waivers  
24 as provided for in this section shall be heard and  
25 appealed pursuant to the procedures contained in section  
26 2-79 through section 2-81 of the Code of the City of  
27 Margate.

28  
29 (E) Any waiver granted pursuant to this section shall become  
30 null and void if a building permit for the approved sign  
31 is not applied for within one hundred eighty (180) days of  
32 the ruling from the board of adjustment or Margate City  
33 Commission. Additionally, said waiver shall become null  
34 and void in the event that a permit expires or is revoked.

35  
36 (F) All signs approved by this waiver process must be  
37 constructed and installed as per the information presented  
38 to the board of adjustment and/or Margate City Commission  
39 both in writing and verbally. Failure to construct a sign  
40 per the information presented shall render the waiver null  
41 and void and any sign installed in its place shall be  
42 immediately removed.

**SECTION 5:** All ordinances or parts of ordinances in conflict herewith are and the same is hereby repealed to the extent of such conflict.

**SECTION 6:** If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**SECTION 7:** It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the City of Margate Code, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 8:** This ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THIS \_\_\_\_\_ day of \_\_\_\_\_ 2018.

PASSED ON SECOND READING THIS \_\_\_\_\_ day of \_\_\_\_\_ 2018.

ATTEST:

\_\_\_\_\_  
JOSEPH KAVANAGH  
CITY CLERK

\_\_\_\_\_  
MAYOR ARLENE R. SCHWARTZ

RECORD OF VOTE - 1ST READING      RECORD OF VOTE - 2ND READING

Peerman	_____	Peerman	_____
Simone	_____	Simone	_____
Ruzzano	_____	Ruzzano	_____
Caggiano	_____	Caggiano	_____
Schwartz	_____	Schwartz	_____