

CITY COMMISSION WORKSHOP MEETING
SIGN CODE
CITY OF MARGATE, FLORIDA

Wednesday, October 30, 1996

City Commission Present

Mayor Arthur J. Bross
Vice Mayor Frank Talerico
Commissioner Mitch Anton
Commissioner Pam Donovan
Commissioner Joseph Varsallone

Also Present

City Manager Leonard B. Golub
City Attorney Eugene M. Steinfeld
City Clerk Shirley J. Baughman

A new code is being presented to the City Commission tonight and they have had sufficient time to review these as they were provided to them recently. They have been provided with sign valuation papers which will be reviewed.

The City Commission said that they would prefer to review each page of the new codes and that questions can be taken from the public after each page has been reviewed.

COMPARISON OF 1998 AND THE 1996 PROPOSED SIGN BILL (10/30/1996)

RESIDENTIAL DISTRICT SIGNS

The City Commission asked if anyone had any questions on this.

Recommendation by one of the City Commissioners: Redevelopment of Margate. Hedges have been raised to 6 ft. for residents. However, there is a concern that some hedges could obstruct the signs and subsequently he would prefer to discuss this in further detail.

There is currently no provision for a turf mandate although this may come under the landscaping code.

There is no extra provision for a mount. There is just the total height of the sign. If you put a 3 ft. mount and your height maximum is 6 ft. above grade and your base level is that grade, you have a 3 ft. mount and a 3 ft. sign on top of it for a total of 6 ft. Grade level is determined of the crown of the adjacent roadway.

A question was raised as to whether grade level is considered 12" above the crown of the road? The lowest a slab can be is 18" above the crown of the road. It was proposed that if anyone wanted a sign higher than the mandatory 18" in residential districts, they would have to seek approval first.

A question was raised as to the maximum size requirement of 30 sq. ft. It was suggested that most average signs are 32 sq. ft. by using one piece of marine plywood of 4 x 8 is 32 sq. . and wanted to know why there was a difference of 2" and it was 6 ft. in height x 5 ft. in width at 30 ft. Further explanation was provided that sign area is currently as the area of copy only. In the new code, the sign code is defined as the area of the structure. One of the City Commissioners believed that it should be the standard size of 32 sq. ft. as opposed to 30 sq. ft. Further, any trim such as any fancy décor incorporated onto the side of the sign should not be included in the 32 sq. ft. for copy only but the height should not be more than 6 ft.

Someone asked whether there would be a maximum as to what the area of the side should be. It was suggested that with an 8 ft. sign, it should be no more than 12" or 8" on either side which could also be a creative design (a frame).

A question was asked about the size of a monument sign. The definition of sign area in the proposed code is the area of the structure and not of the sign copy area.

A question concerning the 8" – 10" each wide on the side, would it cover that and it was explained with the framing, it would be 40 sq. ft. It was noted that 32 sq. ft. of copy mounted on 40 sq. ft. but it could not exceed that size. 6 ft. from the ground and the bottom of the sign can be from the top which is allowed to be 18" above the crown of the road. In essence, the sign at the top of the crown at road level can be 7 ft., 18" high.

There were no objections.

DIRECTIONAL SIGNS

There were concerns that the current 18" signs would not be efficient to view, especially at night time, and would need to be increased in size. It was suggested that if you are driving from a distance, visually, it would be difficult to read from a distance. Also, it was questioned whether the current size of the sign is consistent with other cities around the community.

However, it was clarified that "directional" signs are for matters such as "open house", "garage sale" and any informational sign put up by the County or Government is exempt from those conditions.

A government entity is treated differently from the public sector because of the different types of signage that are put up (one way, stop signs, etc).

Essential, what commercials have would be something that you would see at a drive-in food joint, (exit, enter, drive in this way, etc).

There is a limit on directional signage and that letter signs are only for directional signs. Although they had not, as yet, discussed the commercial area, the majority of letter heights within the city for average styles are between 12" and 24" with the majority probably at 18".

The codes that most signs are regulated to 4 sq. ft. There was a limitation for exempting signs and they would require a permit. It was suggested that why this rule could not stay in place as it would avoid the inconvenience of businesses re-applying for a new permit. The parking signs at *First Union* is an example that this organization had exceeded the size code. Further, it was mentioned that many organizations are using this as advertising by adding their name in large letters within the directional part of the sign.

Mayor Bross gave a recommendation that they continue the practice of 4 sq. ft. for this particular sign which will also create for a positive attitude of new businesses in Margate. Further, it is the City's duty that they have a responsibility for producing clear and large signs so that they can be read at ease.

CONSENSUS: For 4 sq. ft.

GENERAL INFORMATION SIGNS

Mayor Bross explained that currently, there is inclusion under directional signs and the miscellaneous category of areas of displaying signs not in excess of 12 ft. He questioned what the difference was for general information sign verses a directional sign.

A member of the Planning Department explained that examples of a general information sign would be a sign at an entrance of a parking lot such as tow-away zone or neighborhood watch, etc.

However, a cautious approach should be applied as this could cause confliction. For example, a towing sign, which is probably regulated under other provisions and this may further question as to why they are permitted to have the size of the sign which they are currently not able to have. Therefore, their case may be referred to the Board of Adjustment to seek a waiver. It was suggested that consistency has to be adhered for everyone so that if towing companies have one provision and everyone has another provision, then this could cause a conflict. However, it was stated that even signs have different provisions in the State statutes. There is not a "one common size fits all" for these type of signs.

A member of the Planning Department said that on a public street, a governmental agency would regulate a sign but in a condo or shopping center parking lot, then that is the responsibility of the property owner.

Mayor Bross reiterated that he would recommend the 4 sq. ft. for directional signs.

He said any matters such as neighborhood watch, no parking, etc., would have to comply with this code.

Someone asked Mayor Bross how many signs are permitted to be erected in a public area. Mayor Bross said that you can have one wall or monument sign or two wall signs located at the entrance to the sub-division.

Any future signs proposed to be installed would be regulated by this and the recommendation would be 3 ft.

Any previous signs which exceed 3 ft. will not be affected by this subject to them being maintained. It will only affect future signs in residential districts.

A member of the Planning Department said that he would add a line to the effect that this must meet all applicable State recommendations. If the sign is moved or relocated, if there is any maintenance that needs to be done and the cost of this exceeds more than 50% of the original cost of the sign, then they must put in something which conforms.

MODEL HOME SIGNS

It was suggested by Mayor Bross that this is standard in every sub division.

QUESTIONS TAKEN FROM THE FLOOR

Resident Todd Anger asked that on the first section for sub division signs for 32 sq. ft. for the copy and asked for 8" to 10" for a border on every side. He suggests that it would make it a 60 sq. ft. and not a 40 sq. ft. sign but Mayor Bross explained that it just for both signs on a copy.

A representative on behalf of Faith Baptist Church wanted to know how the signage would affect churches and synagogues. There is a separate section in the sign code for free standing schools and houses of workshops.

Section 22.8.5 states that any freestanding school or place of worship would be allowed the same area or the height of a freestanding sign as would any sort of commercial district building as well as the same sort of wall signage. However, the permitted 20 sq. ft. could be of a changeable copy style. They are under the same restrictions as a free standing sign in a commercial district which currently is listed as 7 ft. above grade and no more than 50 ft. in total area. 7 ft. high and 7 ft. wide. If they are within the dimensions, they confirm but if they are outside of the dimensions, they will have to change to the new stipulations.

However, the church will have to change their signs every 5 years to meet and conform to the current guidelines.

This will ensure that the signs in the city look professional and adhere to a uniformed standard within the city.

Mayor Bross explained our Sign Code Inspector finds it extremely difficult to answer questions concerning signage as there are currently three differing codes on the books and it is really down to your own interpretation as to whether the signs are permitted at all.

With City Attorney Steinfeld and the City Commissions' permission, one person said that he would like to seek information on banners concerning yearly expenses. The existing policy is that the only time you are permitted to have a banner is for a grand opening which has caused problems for churches and synagogues. With no banners, it makes it difficult to communicate to the public for events such as bible study classes or bingo. It was questioned whether all activities have the same ability to demand public attention. The rule was changed two years ago where a place of worship could erect a banner up to 15 days prior to matters such as grand openings or announcements. For grand openings, this could be renewed for a further 15 days prior to grand opening. However, this resulted in too many banners being displayed within the city. It was also suggested that a yearly permit of around \$15 for churches and synagogues to change their signage could be a possibility.

The fee for the DRC permit is \$100. It was suggested that if the sum of \$100 could be reduced if the event is held during a normal DRC meeting without advertising requirements but this would need the input from the Attorney. Some said that they did not believe that this would cause any problems for non-profit organizations.

Mayor Bross said that sub-division could be on several streets and different addresses.

Mayor Bross questioned the City Attorney if they would be infringing on what copy they could put on the sign.

City Attorney Steinfeld said that there is a provision for commercial districts that any monument sign representing a multi-tenant center has the name of the project as well as addresses. For residential areas, it would take up quite a bit of space.

It was suggested that Margate should not enforce everyone having to have a sub-division sign otherwise this will force people do things which they may not necessarily want to do and we would also be fostering the proliferation of signs but he would not advise the City Commission to do this. However, you could have sub-divisions without mandating it.

NONRESIDENTIAL DISTRICTS

Mayor Bross asked if there were any questions in this respect.

When the City Commission reviewed the monument signs, they unanimously agreed for 8 ft. monument signs and now three or four months later after some have erected the 8 ft. monument signs, the code has now been changed to 7 ft. and Commissioner Donovan wanted to know what the reasoning was. Mayor Bross explained that it is 7 ft. above Grade. The old code stipulated 5 ft. to 8 ft. in size depending on the width of the right of way. However, Commissioner Donovan further explained that she did not want an influx of businesses returning for waivers and would prefer if the code stays at maximum height of 8 ft. from level ground at the location of the sign rather than the crown of the roadway.

However, some businesses were forewarned that prior warning was initiated and that there could be a potential change in the sign code that they may be subject to adhere to.

After a lengthy discussion and disagreements on what the actually size of the signage should be, it was agreed that:

Any business that meets the other requirements and does not have one large anchor store on it and eight tenants would be permitted to have an 8 ft. signage (from level ground at the side of the sign). However, some parts of Sample Road could be 14 ft. above the ground and therefore, it was suggested that the size of the sign should be that every subdivision determines its level and grade. All concurred that it should be 8 ft. from level ground at the site the sign is placed. For example, Peppertree Plaza set their own grade when they were built not necessarily 12" above the crown of the road. However, Mayor Bross said the size should be determined from the subdivision grade. Mayor Bross explained that the subdivision grade is established by the site plan.

It was suggested that it would be difficult on sign makers to find out the name of the subdivision. It was also suggested that the person who is filing for the permit write the details of the subdivision on the application. Mayor Bross indicated that every subdivision west to One Mile Canal should be aware of their grade as this information would be to their advantage, especially concerning flood insurance. Also, most who are knowledgeable about insurance policies would have an engineering certificate that certifies the grade which would affect their policy.

After further discussion, it was finally agreed that the code for 7 ft. be changed to 8 ft. above subdivision grade to which all the City Commissioners and City Attorney Steinfeld agreed to.

A further question was asked about the directional signs of four on both the directional and general information signs and asked whether we would be changing it here for commercial organizations. It was indicated to City Attorney Steinfeld that this information would be in all categories.

CANOPY SIGNS

No questions were taken on this topic.

BUILDING DIRECT SIGNS

Mayor Bross indicated that there are 3 sections with no code on them. There were no further changes to this.

INTERIOR WINDOW SIGNS

Non illuminated/neon signs. City Attorney Steinfeld explained that there was provision for one illuminated sign no more than 2 sq. ft. Although there was some discussion about whether Christmas lights would be classed as a form of neon lights/signage, it was decided to keep this simple. It is also down to shop owners to use their discretion in this respect.

EXTERIOR WINDOW SIGNS

Commissioner Donovan informed the group that for new businesses starting out, due to high costs, sometimes the only way to advertise is by putting something on their windows announcing who they are but it is suggested in the new code that they would need to buy a permit due to the fact that the exterior letters should be in white vinyl. City Attorney Steinfeld said that this was put in place allowing consistency as otherwise, it would encourage others to advertise in different colors.

Commissioner Donovan also questioned why the exterior signs had to be in white and explained that it should be to their own preference. Some companies have color logos. She believes that it infringes on free speech. Mayor Bross said that the logo is exempt and the organizations colors can be incorporated on the display.

One of the City Commissioners agreed with City Attorney Steinfeld saying that the colors should be kept in a uniform style and to keep the design simple to avoid it looking tacky which may degrade or devalue the area.

City Attorney Steinfeld indicated that if they register their company with the City, they can put the company's logo on the exterior part of the glass.

City Attorney Steinfeld confirmed that existing companies have to change to the code stipulated above within 12 months but in reality, the signs may not be permitted now.

John Huff asked how far from the window can the sign be placed. Mayor Bross said that the neon sign had to be within 10 ft. of the window.

GASOLINE STATIONS AND AUTOMATED TELLER MACHINES

Mayor Bross explained that if you have four machines, you can have 16 sq. ft. which he believes should be capped. Another person agreed that one sign should be sufficient as most ATMs already have signs displayed in banks or grocery store.

Mayor Bross was informed from a banker that automatic banks and drive thru banks would be in place in the future and Mayor Bross said that it would be perfectly acceptable for a 4 sq. ft. sign on each row. Further, on multiple machines, he suggests no more 2 sq. ft. – 4 sq. ft. signs.

It was agreed that no more than one sign per two machines which would allow them to display one sign, area max would be 4 sq. ft. per sign, no more than two signs per site.

Concerning Gasoline stations, Mayor Bross agreed that advertisements for liquor signs will continue not to be permitted which most agreed with. However, it was also discussed that you can only prevent advertising a product if it is illegal and liquor does not fall into this category.

Mayor Bross asked whether they would permit 3 sq. ft. on each gas pump. This motion was agreed upon.

ALL DISTRICTS

No more than three flags of any kind shall be permitted on any poll. There are exceptions for flags of nations and other political subdivisions which are unconstitutional so the code has not been enforced. The Federal flag can also be flown. Currently, two are permitted on a poll.

Car dealer showrooms are able to display a number of flags.

Mayor Bross asked if there were any other questions pertaining to “all districts” which covers areas such as newspaper racks, trash receptacles and dumpsters, outdoor public telephone.

Someone raised a question concerning the poll above a telephone booth at Royal Palm at 9 ft. which is the minimum clearance for this state. Mayor Bross said that wireless telephones are the future so telephone booths may eventually be phased out. However, he agreed that the poll could be a 3 ft. clearance with a 12 ft. maximum.

CHANGEABLE COPY SIGN AND GAS STATION

No comment on this but it only concerns pricing.

HOSPITAL SIGN

This only applies to one current hospital in the city and therefore was not discussed in detail.

SCHOOLS, HOUSES OF WORSHIP AND MOVIE THEATRES

This would allow for a menu board at a drive-thru establishment.

UNIFORM SIGNED PLAN

Mayor Bross explained that this is the plan that covers the shopping center to be submitted. A shopping center decides in a certain period of time what their signs will look like. Thereafter, any business owner that leaves and is replaced by a new occupier, then the new sign has to adhere to the standards to which the shopping center set. The new occupier has two years and six months from the date of enactment to inform the City of their criteria.

It was also suggested that before signing a lease, a new occupier should be provided with a copy of the sign code and it should stipulate that they will have to be adopt any changes before agreeing to the lease with the shopping center.

Commissioner Donovan questioned the process of notifying new businesses that could be affected as they could potentially be given a warning without having any knowledge of the procedure.

City Attorney Steinfeld explained that this proposed sign code should really come as no surprise in the City. Two articles have been in the local paper, *The Sunset* and City Attorney Steinfeld has also informed new business owners and lease holders. He also said that he will try and incorporate this information into the newsletters and that it will be targeted for business users.

The Sign Code Inspector also visits business owners to provide information in this respect.

Commissioner Donovan disagreed and was concerned that most of this information presented this evening has not been communicated to business owners. She further states that many of the general public who attended this evening had to ring City Hall several times to find out what the date of this meeting was due to a lack of communication.

However, a sign workshop should forewarn business owners that there could be potential changes to the current code.

Mayor Bross explained that 100 notices are posted and it is also advertised in the local press but someone confirmed that the notices are not sent to local business owners but advised that they should in future.

Mayor Bross also suggested that the matter concerning signage for new business owners should be incorporated in their lease from the leasing agents which is conducted in other cities.

An “entrance” or “exit” sign on a door would not require a permit.

TEMPORARY SIGN

Mayor Bross suggested that they had already covered some of this information.

SPECIAL EVENTS SIGNS (City Attorney Steinfeld indicated that this should not read Promotional signs)
Mayor Bross suggested that they had already covered some of this information.

NOT FOR PROFIT SIGNS

Examples were provided that this would cover a pumpkin or tree sale by a non-profit group based in the city.

COMMENTS ON ELECTION SIGNS

Someone suggested the return to the 48 hours of removal signs after election and not 7 days. There was agreement to this although City Attorney Steinfeld said that there might be some difficulty in trying to enforce this. It was advised that some cities do not permit any form of election signs but in Coral Springs, it is unconstitutional and even the attorneys for Coral Springs understand this protocol. Further, you cannot by law delete or disallow any campaign signs on private property. However, you can prohibit signs on public property.

REMOVAL OF SEVERAL SIGNS

It is unconstitutional to have these signs in place as we cannot prohibit the number of signs. It is permitted in residential areas but not in non-residential districts. You can limit it to a person’s property but you cannot limit the number overall in the city.

It was also discussed that signs over 12 sq. ft. have to comply with the South Florida Building Code on all zones. Stickers, paper and cardboard signs are not permitted.

They have also requested that individuals file with the City, permission by a landowner in respect of election signs as this is a violation. All election signs require a permit. It was also agreed that a sticker will be issued when permits are granted in terms of placing election signs. This will need to be displayed on their front window or sign.

The City Commission also stipulated that they would not be liable for any illegally placed sign (ie, those which are oversized or do not have a permit) if they fell down and injured or caused damage.

OPINION SIGNS

This process is very similar to election signs in terms that a permit is required.

CONTRACTORS' SIGNS

It was confirmed that this is standard with other cities and that they will comply with the South Florida building code. For example, construction can no longer be 2" away from the sidewalk.

ANNOUNCEMENT SIGNS

No comments made.

PRE-CONSTRUCTION SIGNS

No comment made.

PERSONAL GAIN SIGN (IE, GARAGE SALES, ETC)

Enforcing this rule will prove extremely difficult but there will be some information pertaining to this.

NON-RESIDENTIAL SIGNS

The City Commission agreed that 4 x 8 should be sufficient.

CONSTRUCTION AND OTHER CHANGES

Spray paint signs such as Christmas and New Year messages were discussed briefly but this may fall under seasonal decorations code.

Holiday decorations are usually exempt but structural and electrical permits are required as per the South Florida building code.

It was suggested and agreed that there could be a paragraph added into the Definition of Sign that incorporates the exemption of holiday/seasonal decorations.

PROHIBITED AND EXEMPT SIGNS

No comment.

WHAT SIGNS ARE PERMITTED FOR NEW BUSINESSES

With the number of restrictions on signs being granted, a question was raised concerning what signs would be permitted for new businesses. City Attorney Steinfeld notified the City Commission that grand opening events allow banners and rigid signs with a maximum allowance of 8 sq. ft. in residential districts, 12 sq. ft. in non-residential districts and they must be hung from the front of the building.

Mayor Bross thought that the current code is very inflexible and may encourage business owners to find other cities to operate their organization.

Due to these restrictions, Mayor Bross believes that this code should be reviewed again and discussed at another sign code meeting.

WAIVERS

Commissioner Donovan indicated that the Board of Adjustment used to organize this but now it is being handled by the Community Redevelopment Board.

There was also concern that the costs of a variance was being increased by \$300. However, there was a disagreement and that the current \$200 does not cover the City's cost of a variance. Until a survey has been completed from the clerk's office which would indicate the actual administrative costs, it was suggested that the fee of \$200 should be retained until further notice.

Mayor Bross stated that he was not in favor of two entities being divided and given over to the CRA. It was confirmed that the Redevelopment Agency do not have to approve the Sign Codes on a code by code basis.

The Redevelopment Agency has to address some of the signage issues that exist and to give the CRA control over the area which they are supposed to control.

There was further discussion concerning the involvement of the CRA and Board of Adjustment concerning authorization of sign codes. It was suggested that it should be the City Commission that make the final decision.

A new building fee schedule is currently being prepared which will include the permit price for the white vinyl lettering on windows which will be need to be agreed by the City Commission.

MOTION: Agree that the Waiver is written and disregard the \$500 thereby retaining the current fee of \$200.

ROLL CALL: Commissioner Donovan NO, Commissioner Varsallone NO, Commissioner Anton YES, Vice Mayor Talerico YES, Mayor Bross YES.

City Attorney Steinfeld indicated to the City Commission that the draft Sign Code order does not include every provision. Mayor Bross suggested that if anything was significantly missed, a report should be submitted to the City Commission.

Meeting adjourned.

Respectfully submitted,

Transcribed by Salene E. Edwards via cassette

Joseph J. Kavanagh, City Clerk

Date