

**ORDINANCE NO. 12-152**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA AMENDING ARTICLE IX, SIGN CODE, OF CHAPTER 13, LAND DEVELOPMENT CODE, OF THE TOWN'S CODE BY AMENDING SECTION 13-1902, DEFINITIONS, SECTION 13-1903, GENERAL REQUIREMENTS FOR ALL SIGNS, AND SECTION 13-1904, ADDITIONAL REQUIREMENTS FOR SIGNS; TO CLARIFY DEFINITIONS; TO PROVIDE REGULATIONS FOR BANNERS AND TEMPORARY SIGNS; CHANGING REGULATIONS FOR SIGNS IN THE RIGHT-OF-WAY; TO AMEND REGULATIONS FOR BOX SIGNS; TO PROVIDE REGULATIONS FOR PROMOTIONAL EVENTS; PROVIDE FOR OPTING OUT OF CERTAIN PROVISIONS OF THE MIAMI-DADE COUNTY CODE RELATING TO HEIGHT OF POINT OF SALE SIGNS IN PROTECTED AREAS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the "Town") adopted Chapter 33 of the Miami – Dade County Code (2000), entitled "Zoning" as the Town of Miami Lakes Land Development Code ("the Town LDC") by Section 8.3 of the Town Charter; and

**WHEREAS**, subsequent to its adoption, the Town LDC has been amended by various ordinances adopted by the Town of Miami Lakes (the "LDC Ordinances") to better address and serve the needs of the Town; and

**WHEREAS**, on May 22, 2007, the Town adopted Ordinance 07-94, providing regulations for signage throughout the Town; and

**WHEREAS**, the limited access from the State Road 826 Limited Access Expressway combined with travel speeds on State Road 826 restrict the visibility of passing motorists looking for commercial and industrial developments in the IU District along the frontage road creating

challenges for passing traffic attempting to timely exit State Road 826 and access the abutting industrial zoned properties; and

**WHEREAS**, Miami-Dade County has adopted Division 5 of Article VI of Chapter 33 of the County Code, regulating point of sale signs within 600 feet of expressways, including signs within municipalities; and

**WHEREAS**, the Town wishes to opt out of the provisions of Division 5 of Article VI of Chapter 33 of the Miami-Dade County Code relating to the maximum permitted height of point of sale signs in the protected area, as provided for in Section 33-121.13 of the County Code; and

**WHEREAS**, the Town seeks to modify the requirements for banners and temporary signs, box signs, special and promotional events, and signs in the Town right-of-way; and

**WHEREAS**, the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program; and

**WHEREAS**, the proposed amendment is in conformance with all applicable requirements of the Town's Code of Ordinances, including the LDC; and

**WHEREAS**, the proposed amendment will not result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed neighboring property land use; and

**WHEREAS**, the proposed amendment will not adversely affect property values or adversely affect the general welfare; and

**WHEREAS**, the proposed amendment will result in an orderly and compatible land use pattern; and

**WHEREAS**, the proposed amendment will not be in conflict with the public interest, and are in harmony with the purpose and intent of the Comprehensive Plan; and

**WHEREAS**, the Town Council has reviewed this Ordinance at a duly noticed hearing, considered the recommendations of the Local Planning Agency, the Town staff, and comments from the public, and determined that it is consistent with all policies contained in the Town's Comprehensive Plan; and

**WHEREAS**, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** Each of the above stated recitals are true and correct and are incorporated herein by this reference.

**Section 2. Opt Out.** The Town Miami Lakes hereby opts out of the provisions of Division 5 of Article VI of Chapter 33, including Sections 33-121.13(b) of the Miami-Dade County Code relating to height of Point of Sale signs in the protected area, and directs the Town Manager to file a copy of this ordinance with the Director of the Department of Planning and Zoning of Miami-Dade County within fifteen days of the adoption of this ordinance.

**Section 3. Amendments to Article IX of Chapter 13, Land Development Code, entitled Sign Code, of the Town's Code. Preexisting, Non-Conforming Signs and Administration.**

Article IX of Chapter 13, Land Development Code, of the Town Code is hereby amended as follows<sup>1</sup>:

## **CHAPTER 13 – LAND DEVELOPMENT CODE**

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<sup>1</sup> Additions to the text are shown in underline and deletions from the text are shown in ~~strike through~~.

## ARTICLE IX. - SIGNS

\* \* \*

### Section 13-1902. – Definitions.

\* \* \*

*Director* means the Director of Planning, ~~and Zoning~~ and Code Compliance or his designee.

\* \* \*

*Temporary sign* means any sign to be erected on a temporary basis, such as signs advertising the sale or rental of the premises on which located; signs advertising a subdivision of property; signs advertising construction actually being done on the premises on which the sign is located; signs advertising future construction to be done on the premises on which located, and special events, such as carnivals, concerts, public meetings, commercial and industrial, or other promotional events, sporting events, political campaigns or events of a similar nature, as determined by the Director.

\* \* \*

### Section 13-1903. – General requirements for all signs.

\* \* \*

(k) *Signs permitted without a sign permit.* The following signs may be erected or constructed without a permit when in accordance with the Florida Building Code and this article:

\* \* \*

(3) Awning, canopy, roller curtain, or umbrella sign or signs shall be limited to eight-inch letters in height or up to twelve-inch letters in height when in lieu of signage attached to a building per 13-1904(3)b., and shall not exceed a total coverage of 24 square feet. Any such sign shall be limited to the identification of the occupant and/or use of the property. No sign permit shall be required for the awning, canopy, roller curtain or umbrella sign, but the same shall comply with applicable technical codes.

(12) Banners and other decorative materials in conjunction with an event conducted pursuant to a dedication or a grand opening are permitted without a sign permit. Such banners and decorative materials shall not be more than 40 square feet (aggregate) and shall be subject to the same height and setback restrictions as Real Estate Signs (13-1903(p)) and shall ~~are~~ not to be posted more than 30 days preceding the event, and are to be removed within seven days following the grand opening day of the event.

\* \* \*

(1) *Prohibited signs.*

\* \* \*

(3) No sign shall be attached to trees, utility poles or any other unapproved supporting structure, as determined by the Director.

\* \* \*

(6) No signs shall be erected or painted on fence and wall enclosures in residential districts. Fence and wall signs shall be prohibited in the residential, commercial and industrial districts, unless approved by the Director as a Temporary sign. Notwithstanding the above referenced sentence, warning signs with the approval of the Director or if required by Florida Statutes shall be allowed.

(7) Even if not classified as a sign, blinking or flashing lights, streamer lights, pennants, banners (unless otherwise approved pursuant to this Article), streamers, and all fluttering, spinning or other type of attention attractors or advertising devices are prohibited except for national flags, flags of bona fide civic, charitable, fraternal and welfare organizations and further except during recognized holiday periods such attention attractors that pertain to such holiday periods may be displayed on a temporary basis during such periods. The flags permitted by this Subsection (1)(7) shall not be used in mass in order to circumvent this subsection by using said flags primarily as an advertising device.

\* \* \*

(10) Portable and pylon signs unless otherwise authorized by law, or approved by the Director in accordance with an approved Special Event, pursuant to this article, shall be prohibited, including those that are tied down with metal straps, chaining, or otherwise temporarily anchored to an existing structure or other similar method of anchoring.

(11) Any sign within the limits of any Town-, State- or County-maintained right-of-way is prohibited. The right-of-way includes, but is not limited to, all roadsides, sidewalks, utility poles, and highway median strips. The Director of Public Works may authorize certain non-commercial directional signage to be placed in the Town right-of-way.

\* \* \*

(13) The following shall be considered sign types or sign components that are not to be permitted:

- a. Moving or rotating signs, or signs with moving or flashing lights, strobes, light races, etc.

- b. Signs employing exposed raceways, ballast boxes, or transformers.
- c. Signs exhibiting the names, stamps, or decals of the sign manufacturer or installer.
- d. Signs of box or cabinet type employing luminous plastic panels. Signs of a box or cabinet type employing plastic or routed metal face with protruding or cut-out letters, and/or designed to have an appearance of a monument sign and employing internal illumination (wherein only the letters are illuminated) may be approved if said signs are consistent or compatible with the architecture of the principal structure and other signage on the property as determined by the Director.
- e. Signs employing luminous or nonluminous vacuum-formed type plastic letters.
- f. Cloth, wood, paper, or cardboard signs, stickers, decals, or temporary painted signs around or on exterior surfaces (doors and/or glass) of the demised commercial establishment.
- g. Signs employing the use of any soundmaking or noisemaking devices or components.
- h. Signs, letters, symbols, or identification of any nature painted directly on surfaces exterior to the demised commercial establishment.
- i. Signs on any vehicle, trailer, etc., permanently parked so as to attract attention to a place of business.
- j. Any permanent or temporary advertising device using flags, a hot air balloon or any aerial device, illuminated or nonilluminated, shall be prohibited, except as may be permitted in writing by the Director for special events in accordance with this article.

\* \* \*

- (p) *Temporary signs.* Before a temporary sign (other than a sign placed in a window) shall be put in place, a permit shall be obtained unless specified by (k) of this Section. Temporary signs that conform with all regulations of this article shall be permitted for a maximum of 90 days, unless otherwise specified herein, from the date of issuance of the permit or if no permit is required as outlined below:

\* \* \*

**Section 13-1904. – Additional requirements for signs.**

No sign shall be permitted except signs that meet the general requirements of Section 13-1903 and the following additional requirements:

\* \* \*

- (3) *Mix-Use (RO-13, RO-50); Business (BU-1, BU-1A, BU-2, BU-3) and Industrial Districts (IU-1, IU-2, IU-3, IU-C)*. No sign shall be permitted in an area zoned (RO), (BU) or (IU) District except signs permitted under this section and the following: There may be one sign where a leasing office is set out, two square feet in area and shall not exceed a height above the ground of eight feet.

\* \* \*

b. *Criteria for signage attached to a building.*

\* \* \*

3. All signs shall be individual letters pin mounted to the building, unless otherwise specified in this Article. (No exposed neon or box type signs permitted employing luminous plastic panels permitted.) Signs of a box or cabinet type employing plastic or routed metal face with protruding or cut-out letters and employing internal illumination (wherein only the letters are illuminated) may be approved if said signs are consistent or compatible with the architecture of the principal structure and other signage on the property as determined by the Director.

\* \* \*

7. All signage on the building ~~shall be the same color and~~ should exhibit a uniform color and design scheme. No permanent sign shall contain more than two colors, no sign shall contain red or green lights if such colors would, in the opinion of the Town Engineer, constitute a driving hazard. Both black and white are considered separately as colors for enumeration under this section.

\* \* \*

- c. *Standing signs.* In addition to the number of signs allowed in Subsection (3)b of this section, the Town Manager or his designee through the administrative site plan review process may authorize a special permit for a standing sign after finding that the nature and use of the premises or the location of the building with reference to the street or streets is such that a standing sign may be permitted in harmony with the general purpose and intent of this Sign Code subject to the following requirements:

\* \* \*

- 5.

- (a) ~~Buildings~~ In the IU, BU or RO Districts, each building of at least 7,500 square feet that fronts on the Red Road Canal Right-of-Way or the following Limited Access Expressways (SR 826 and I-75) shall be permitted one detached standing sign facing or situated so as to be directed toward motorists on this roadway these expressways. Any such sign shall be on a fully supported base that is architecturally consistent with the sign it supports, any other signs on the same parcel and any buildings on the same the main building of the parcel, and the freestanding sign it supports.
  - (b) This standing sign shall be located at least 100 feet from any other standing sign on the same parcel, and shall be set back at least seven feet from any Right-of-Way and at least 15 feet from any other property lines.
  - (c) The maximum height for this sign shall be 20 feet.
  - (d) This standing sign shall be limited to a maximum area of 40 square feet for the first 50 feet of initial frontage on the Red Road Canal Right-of-Way, or Limited Access Expressways plus 0.75 square feet for each additional foot of frontage to a maximum sign size of 300 square feet, setback 15 feet from all property lines, with a maximum height of 20 feet, for buildings fronting on the Red Road Canal Right-of-Way and I-75, and a maximum height of 25 feet for buildings fronting on SR 826, and such signs shall not
  - (e) No sign allowed by this sub-section shall interfere with clear sight distance triangle for driveways.
6. In addition to any other standing signs allowed by this section, properties adjacent to the SR 826 right-of-way shall be eligible for additional standing signs, as provided below, provided such properties meet all of the following criteria: are located within a BU District; the property has both frontage and vehicular access on the SR 826 right-of-way and such vehicular access directly faces the motorists on the main travel lanes of this roadway; and, the property is wholly located within 1,400 linear feet of a crossing of SR 826 with another roadway (interchange or overpass; distance to be measured from the center of the interchange or overpass). Additionally, notwithstanding other provisions to the contrary, the number of signs allowed under this sub-section shall be limited to one sign per each 300 feet of linear frontage on the SR 826 right-of-way (but including a minimum allowed of one per parcel).
- (a) Each parcel where the property meets the above criteria shall be permitted one detached standing sign facing or situated so as to be directed toward motorists on SR 826. This sign is allowed in addition to any other standing signs allowed by this sub-section. Any such sign shall be on a fully supported base that is architecturally consistent with any buildings on the same parcel.
  - (b) Each building of at least 7,500 square feet located on a property that meets the above criteria shall be permitted one detached standing sign facing or situated so as to be directed toward motorists on this roadway, located on the same parcel as said building. This sign is



allowed in addition to any other standing signs allowed by this sub-section. Any such sign shall be on a fully supported base that is architecturally consistent with any buildings on the same parcel.

- (c) The standing signs allowed by (a) and (b) above shall be located at least 100 feet from any other standing sign on the same parcel, and shall be set back at least seven feet from any Right-of-Way and at least 15 feet from any other property line.
- (d) The maximum height of a sign as allowed by (a) above shall be 40 feet.
- (e) The maximum height of a sign as allowed by (b) above shall be 25 feet, except that if any portion of the business advertised on the sign is within 400 feet of a crossing of SR 826 with another roadway (interchange or overpass; distance to be measured from the center of such interchange or overpass), the maximum height shall be 30 feet.
- (d) The standing signs authorized by (a) and (b) above shall be limited to a maximum area of 40 square feet for first 50 feet of initial frontage of the entire parcel on SR 826, plus one square foot for each additional foot of frontage to a maximum sign size (area) of 300 square feet. However, the maximum sign size (area) shall be reduced by ten percent for each five-foot increment of height, or fractional part thereof, greater than 25 feet.
- (e) No sign allowed by this sub-section shall interfere with clear sight distance triangle for driveways.

7.

- (a) Each parcel in the IU or RO Districts that fronts on the Red Road Canal Right-of-Way or SR 826 shall be permitted one detached standing sign facing or situated so as to be directed toward motorists on these roadways. Any such sign shall be on a fully supported base that is architecturally consistent with the sign it supports, any other signs on the same parcel and any buildings on the same parcel.
- (b) This standing sign shall be located at least 100 feet from any other standing sign on the same parcel, and shall be set back at least seven (7) feet from any Right-of-Way and at least 15 feet from any other property lines.
- (c) The maximum height for this sign shall be 20 feet for parcels on the Red Road Canal Right-of-Way, and 25 feet for parcels on SR 826.
- (d) This standing sign shall be limited to a maximum area of 40 square feet for the first 50 feet of initial frontage on the Red Road Canal Right-of-Way and or SR 826, plus 0.75 square feet for each additional foot of frontage to a maximum sign size of 300 square feet.
- (e) No sign allowed by this sub-section shall interfere with clear sight distance triangle for driveways.

\* \* \*

d. *Illuminated signs.*

\* \* \*

4. Signs of a box or cabinet type employing a luminous plastic panel or sign face with exposed neon or fluorescent lights are prohibited. Signs of a box or cabinet type employing plastic or routed metal face with protruding or cut-out letters, and/or designed to have an appearance of a monument sign and employing internal illumination (wherein only the letters are illuminated) may be approved if said signs are consistent or compatible with the architecture of the principal structure and other signage on the property as determined by the Director.
  - (i) No sign shall be illuminated except by a white, steady, stationary light shielded and directed solely at the sign; or
  - (ii) By the interior nonexposed lights of reasonable intensity;
  - (iii) The foregoing is applicable whether the sign is exterior to a building or designed to be visible through a door or window.

\* \* \*

e. *Illumination of signs.*

1. Routed metal face, internally illuminated signs are preferred.
2. Reverse channel illuminated letters attached to a metal or masonry structure.
3. Ground illuminated signs are allowed provided the lighting does not glare or overlight adjacent areas or into the street. Light sources must be screened by landscaping.
4. ~~Signs of a box or cabinet type employing luminous plastic panel or sign face with exposed neon or fluorescent illumination are prohibited.~~

\* \* \*

- g. *Temporary signs.* There may be one temporary sign maintained for a period of not more than 90 days upon application to the Town Building Official showing that said temporary sign is required as a result of the repair and/or reconstruction of the existing permitted sign. Said temporary sign may be no larger than the permitted sign.

Banners and other decorative materials in conjunction with an event conducted pursuant to a dedication or a grand opening are permitted without a sign permit. Such banners and decorative materials shall not be more than 40

square feet (aggregate) and shall be subject to the same height and setback restrictions as Real Estate Signs (13-1903(p)) and shall not be posted more than 30 days preceding the event, and are to be removed within seven days following the grand opening day of the event.

\* \* \*

(4) *Miscellaneous type signs.*

f. Commercial and industrial promotional events: The Director may authorize temporary promotional events for commercial and industrial zoned properties to include installation of banners and / or other promotional materials via issuance of a Certificate of Use for a Special Event in accordance with the Town's procedures.

1. Said special event(s) may be conducted for a period of no longer than 2 days and may include installation of banner(s) not to exceed a total aggregate of 120 square feet subject to the height and setback requirements for real estate signs.
2. Temporary signage and banners associated with special events may be permitted to be installed a maximum of 14 days in advance of said special event and must be removed with a period of two (2) days after the event has occurred.
3. No off-site signage shall be permitted in conjunction with Special Events described herein.

**Section 4. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

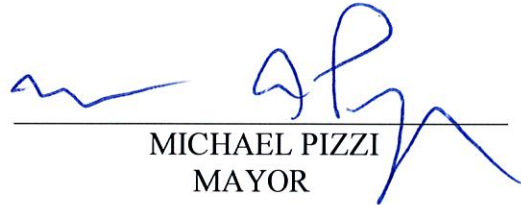
**Section 6. Inclusion in the Town Land Development Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and




The foregoing Ordinance was offered by Councilmember Mestre, who moved its adoption on second reading. The motion was seconded by Councilmember Rodriguez, and upon being put to a vote, the vote was as follows:

Mayor Michael Pizzi	<u>Yes</u>
Vice-Mayor Ceasar Mestre	<u>Yes</u>
Councilmember Manny Cid	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Nelson Hernandez	<u>Yes</u>
Councilmember Tony Lama	<u>Yes</u>
Councilmember Nelson Rodriguez	<u>Yes</u>

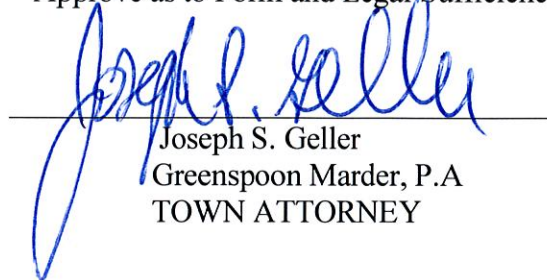
**PASSED AND ADOPTED** on second reading this 11<sup>th</sup> day of December, 2012.

  
MICHAEL PIZZI  
MAYOR

Attest:

  
Marjorie Tejeda  
TOWN CLERK

Approve as to Form and Legal Sufficiency

  
Joseph S. Geller  
Greenspoon Marder, P.A.  
TOWN ATTORNEY