

ORDINANCE NO. 07-94

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA AMENDING CHAPTER 33, ARTICLE VI SIGNS AND CREATING ARTICLE 9.0 SIGNS; PROVIDING FOR PURPOSE, DEFINITIONS, GENERAL REQUIREMENTS, SIGNS ADDITIONAL REQUIREMENTS PRE-EXISTING NON-CONFORMING SIGNS AND ADMINISTRATION; ALL AS INCLUDED IN EXHIBIT "A" HEREIN; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the "Town"), upon incorporation, adopted Chapter 33 "Zoning" of the Code of Miami-Dade County to serve as the Town's Land Development Code; and

WHEREAS, the Town desires to update and streamline the existing Town Land Development Code and to tailor it to the Town's particular needs and community visions; and

WHEREAS, the Town has undertaken a comprehensive rewriting of the Land Development Code and, after having conducted workshops and public hearings regarding the Code, is replacing §33-82 through §33-121 of the Miami-Dade County Code in its entirety with the Sign Code, attached as Exhibit "A"; and

WHEREAS, after conducting a properly noticed public hearing, the Town Local Planning Agency has recommended that the referenced regulations are consistent with the Town Comprehensive Plan; and

WHEREAS, after conducting a properly noticed hearing and considering the recommendations of the public, the Local Planning Agency and the Town staff, the Town Council wishes to adopt the regulations for including in the Land Development Code; and

WHEREAS, the Town has determined that there is a need to amend its sign regulations to address recent federal cases addressing sign regulation in the Eleventh Circuit Court of Appeals; and

WHEREAS, the Town Council finds and determines that the Town's sign regulations were always intended to maintain and improve the aesthetics, quality of life, and safety of the Town and its residents, while meeting the need for signage that clearly identifies locations, advertises businesses, and otherwise communicates commercial and noncommercial messages; and

WHEREAS, sign regulation to advance the governmental purpose of aesthetics has long been upheld by the state and federal courts; and

WHEREAS, as long ago as 1954, the U.S. Supreme Court recognized that "the concept of the public welfare is broad and inclusive," that the values it represents are "spiritual as well as physical, aesthetic as well as monetary," and that it is within the power of the Town Council to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled," in *Berman v. Parker*, 348 U.S. 26, 33 (1954), which was followed by *State v. Miami Beach Redevelopment Agency*, 392 So. 2d 875 (Fla. 1980); and

WHEREAS, sign regulations have been held to advance these aesthetic purposes and advance the public welfare in *City of Lake Wales v. Lamar Advertising Ass'n of Lakeland, Florida*, 414 So. 2d 1030 (Fla. 1982); and

WHEREAS, the Town Council finds and determines that the Town's land development regulations are required to regulate signs as provided by Section 163.3202(2)(f), Florida Statutes; and

WHEREAS, the Town Council finds and determines that this Ordinance is consistent with all applicable policies of the Town's adopted Comprehensive Plan; and

WHEREAS, the Town Council finds and determines that the Town has consistently adopted severability provisions in connection with its Code of Ordinances

and Land Development Code, and that the Town wishes to assure that its severability provisions will be applied to its Land Development Code; and

WHEREAS, in several recent judicial decisions, the courts have failed to give full effect to severability provisions applicable to sign regulations, and expressed uncertainty over whether Town Council's intended that severability would apply to certain factual situations despite the plain and ordinary meaning of the severability clauses; and

WHEREAS, the Town Council is aware that the failure of some courts to apply severability clauses has led to an increase in litigation by billboard developers and other applicants seeking to strike down sign regulations in their entirety so that they may argue that their applications to erect billboards or other signs must be granted; and

WHEREAS, the Town Council desires that there be an ample and unequivocal record of its intention that the severability clauses it has adopted related to its sign regulations shall be applied to the maximum extent possible, even if less speech would result from a determination that any exceptions, limitations, variances, or other sign provisions are invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the Town Council desires that its prohibition of billboards be given full effect, regardless of the invalidity or unconstitutionality of any or all of the Town's sign regulations, land development regulations, or other regulations; and

WHEREAS, the Town Council further finds and determines that the Town has long allowed non-commercial speech to appear wherever commercial speech appears and that it has codified that practice through the adoption of a substitution clause that expressly allows non-commercial messages to be substituted for commercial messages; and

WHEREAS, the Town Council specifically intends that this substitution clause and past practice be applied so that its sign regulations can never be construed to

impermissibly favor commercial messages over noncommercial messages, and desires to amplify this substitution clause in this Ordinance to bolster its effectiveness; and

WHEREAS, the Town further provides for the political expression of its residents, as required by *City of Ladue v. Gilleo*, 512 U.S. 43 (1994), by allowing a permanent non-commercial sign to be posted in any residential zoning district;

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed hearing on April 24, 2007, and recommended its adoption; and

WHEREAS, the Town Council has reviewed this Ordinance at a duly noticed hearing and determined that it is consistent with 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. Adoption of the Sign Code. The Town Council hereby adopts revised the Sign Code, attached as Exhibit "A" hereto and incorporated herein.

Section 3. 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 4. 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 5. Inclusion in the Code. It is the intention of the Town Council, and it is hereby ordained that the provision of this Ordinance shall become and made part of the Town of Miami Lakes, Florida, Code of Ordinances; 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.

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Roberto Alonso, who moved its adoption on first reading. The motion was seconded by Mayor Wayne Slaton and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	yes
Vice Mayor Mary Collins	yes
Councilmember Roberto Alonso	yes
Councilmember Robert Meador	absent
Councilmember Michael Pizzi	no
Councilmember Richard Pulido	yes
Councilmember Nancy Simon	no


PASSED AND ADOPTED on first reading this 24th day of April, 2007.

The foregoing Ordinance was offered by Vice Mayor Mary Collins, who moved its adoption on second reading. The motion was seconded by Councilmember Michael Pizzi, and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	yes
Vice Mayor Mary Collins	yes
Councilmember Roberto Alonso	yes
Councilmember Robert Meador	yes
Councilmember Michael Pizzi	yes
Councilmember Richard Pulido	yes

Councilmember Nancy Simon yes

PASSED AND ADOPTED on second reading this 22nd day of May, 2007.



Wayne Slaton
MAYOR

ATTEST:



DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF MIAMI LAKES ONLY:



WEISS, SEROTA, HELFMAN, PASTORIZA, COLE & BONISKE, P.A.
TOWN ATTORNEY

EXHIBIT A

TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE

ARTICLE 9.0 SIGNS

DIVISION 9.1 SCOPE, PURPOSE, SUBSTITUTION AND SEVERABILITY

- A. Scope: The provisions of this Article shall govern the number, size, location, and character of all signs which may be permitted either as a main or accessory use under the terms of this Article. No signs shall be permitted on a plot or parcel either as a main or accessory use except in accordance with the provisions of this Article.
- B. Purpose: This article shall be known as the "Town of Miami Lakes Sign Code". The purpose of this Article is to regulate and restrict signs and other advertising devices within the Town in order to protect and enhance the scenic, historic and aesthetic qualities of the Town and the safety, convenience and general welfare of its inhabitants. This article is implemented so as to support and complement land use objectives as set forth in the Comprehensive Development Master Plan.
- C. Substitution of noncommercial speech for commercial speech: Notwithstanding any provisions of this Article to the contrary, to the extent that this Article permits a sign containing commercial copy, it shall permit a noncommercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Article.
- D. Severability:
 - 1. Generally: If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article.
 - 2. Severability where less speech results: This division shall not be interpreted to limit the effect of division (1) above, or any other applicable severability provisions on the code of ordinances or any

adopting ordinance. The Town Council specifically intends that severability shall be applied to these sign regulations even if the result would be to allow less speech in the Town, whether by subjecting currently exempt signs to permitting or by some other means.

3. Severability of provisions pertaining to prohibited signs: This division shall not be interpreted to limit the effect of division (1) above, or any other applicable severability provisions in the code of ordinances or any adopting ordinance. The Town Council specifically intends that severability shall be applied to 9.3.L "Prohibited Signs," so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.
4. Severability of prohibition on off premises signs: This division shall not be interpreted to limit the effect of division (1) above, or any other applicable severability provisions in the code of ordinances or any adopting ordinance. If any or all of this Article 9.0 "Sign Code," or any other provision of the Town's code of ordinances is declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the Town Council specifically intends that the declaration shall not affect the prohibition on off-premises signs in 9.3.L.5.

DIVISION 9.2 DEFINITIONS

- A. For the purposes of this division the following words and phrases are hereby defined as provided in this section, unless the context clearly indicates otherwise. Where there is a question as to the correct classification or definition of a sign, it shall be the prerogative of the Director to place said sign in the strictest category and/or classification.
 1. Attraction board: A sign or portion of a sign on which copy is changed periodically, advertising special sales, bargains, etc. Said attraction board may be incorporated into the sign permitted.
 2. Awning, canopy, roller curtain or umbrella sign: Any sign, stamped, perforated, or stitched on the surface area of an awning, canopy, roller curtain or umbrella.
 3. Cantilever: That portion of a building, projecting horizontally, whether it be on the same plane as the roof line or not.
 4. Cantilever sign: Any sign which is mounted on a cantilever. No cantilever sign may extend beyond the cantilever.

5. Temporary Sign: Any sign(s) 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, sporting events, political campaigns or events of a similar nature.
6. Point of Sale Sign: Any sign advertising or designating the use, occupant of the premises, or merchandise and products sold on the premises, shall be deemed to be a point of sale sign and shall be located on the same premises whereon such is situated or the products sold.
7. Off Premise (commercial advertising signs): Any sign which is used for any purpose other than that of advertising to the public the legal or exact firm name of business carried on the premises, or for advertising any service or product or products actually and actively being offered for sale on the premises. Off premise signs may be in the form of a billboard, bulletin board, or poster board, or may be affixed flat to a building or painted thereon.
8. Detached sign: Any sign not attached to a building, but which is affixed and permanently attached to the ground. Permanently attached as used herein shall mean that the supporting structure of the sign is attached to the ground by a concrete foundation.
9. Director: The Director of Planning and Zoning or his/her designee.
10. Directional sign: A sign which guides or directs the public and contains no advertising. The name of the facility (such as store name), which the sign is giving direction to, may be included when specified conditions in the ordinance are complied with.
11. Entrance features: Any combination of decorative structures and landscape elements located at the entrance to a development, which identifies or draws attention to the development and/or exercises control of ingress and egress to the development. An entrance feature may include, although not necessarily be limited to, ornamental walls, fences, identifying lettering, logos, works of art, and other decorative structures, earthworks, water bodies, fountains, trees, plantings, and other landscape elements, as well as gatehouses, either singly or in any combination thereof.

12. Flat sign: Any sign attached to and erected parallel to the face of, or erected or painted on the outside wall of any building, and supported throughout its length by such wall or building.
13. Marquee: A covered structure projecting from, and supported by the building with independent roof and drainage provisions, and which is erected over a doorway or entranceway as protection against the weather.
14. Marquee sign: Any sign attached to or hung from a marquee.
15. Non-Commercial Sign: A sign not connected with a commercial enterprise.
16. *Person*: Person shall include any individual, corporation, society, association, partnership trust or other entity.
17. Portable sign: Any sign not attached to or painted on a building and not affixed or permanently attached to the ground.
18. Projecting sign: Any sign which is an independent structure, which is attached to the building wall, and which extends at any angle from the face of the wall. No projecting sign shall extend above the roof or parapet wall in any residential district.
19. *Public Right-of-Way*: Public Right-of-Way means any public road and shall include a private road that is open to public use.
20. Pylon: A vertical extension of a building, constructed integrally and concurrently with the building, or in connection with a major remodeling or alteration of a building. To classify as a pylon for sign purposes, the pylon structure must be an integral part of the building structure, extending to ground level. In business and industrial districts only, the material and construction may vary from the materials and type of construction of the exterior walls of the building, but same must be approved by the Director. In all cases, the pylon shall have the appearance of a solid structure.
21. Pylon sign: A flat sign attached to or painted on the face of a pylon. The outer edge of the sign shall not extend beyond the pylon nor above the roof line.
22. Roof sign: Any sign which is, fastened to, or supported by the roof or erected over the roof.

23. Semaphore: Any sign consisting of two (2) dual-face signs extending horizontally from a light standard. Such sign projecting from opposite sides of such light standard, and such signs must be located in the parking lot of a shopping center to identify the location of parking areas. No advertising is permitted on the sign.
24. Sign: Any display of characters, letters, logos, illustrations or any ornamentation designed or used as an advertisement, announcement, or to indicate direction that is on a public right-of-way or on private property within public view of a public right-of-way or public park. Use of merchandise, products, vehicles, equipment, inflated balloons, flags, or the like as an attention attractor or advertising device, with or without a printed or written message or advertisement, shall be considered a sign. The above definition shall include signs located inside a window but shall not include the display of merchandise visible through such window.
25. *Standing Sign*: A standing sign shall include any and every sign erected on or affixed to the land and any and every exterior sign that is not attached to a building.
26. Wall: For sign purposes, that portion of the building's exterior, horizontal surface on the same plane, regardless of vertical or horizontal indentations, and including the surface of parapets and pylons projecting from the building. For sign purposes, there shall be considered to be only four (4) planes to any building and it shall be the prerogative of the Director to determine which portion of odd-shaped buildings, such as buildings of hexagon or octagon design, to which flat signs may be affixed, with such location to be so determined as to prevent a grouping of signs which can be viewed from one (1) direction.
27. Wall sign: Any sign attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one (1) advertising surface.

DIVISION 9.3 GENERAL REQUIREMENTS - ALL SIGNS

A. Interpretation.

Only those signs that are specially authorized by this sign code shall be permitted. Those that are not listed or authorized shall be deemed prohibited.

B. Permits required.

1. Applications and permits: No sign, unless excepted by this article, shall be erected, constructed, posted, painted, altered, maintained, or relocated, except as provided in this article and until a permit has been issued by the Town. Before any permit is issued, an application for such permit shall be filed together with three (3) sets of drawings and/or specifications (one (1) to be returned to the applicant) as may be necessary to fully advise and acquaint the issuing department with the location, method of construction, type of materials, manner of illumination, method of erection, securing or fastening, number and type of signs applied for, and advertisement to be carried. All signs which are electrically illuminated by any means shall require a separate electric permit and inspection.
2. Consent of property owner: No sign shall be placed on any property unless the applicant has the written consent of the owner and lessee, if any, of the property.
3. Calculating number of signs: A single sign containing advertisement on each side shall be counted as one (1) sign. Every other sign shall be counted as a separate sign for each face thereof.
4. Calculating sign size: For a sign, either free standing or attached the area shall be considered to include all lettering, including any ascenders and decenders wording, and accompanying designs and symbols, together with the background whether open or enclosed on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting framework and bracing incidental to the display itself.

The Director shall have the discretion of determining the area of any sign which is irregular in shape, and in such cases will be guided by calculations as made by a licensed, registered engineer when same are shown on the drawing.

C. Compliance with codes.

1. All signs shall conform to the requirements of the building, electrical, and other applicable Code requirements, except as may be otherwise provided herein.
2. Advertising conflicting with zoning rules: No sign shall be erected or used to advertise any use or matter which would conflict with the regulations for the zoning district in which it is located or be in conflict with the use permitted under the certificate of use or occupancy for the property.

D. Qualification and certification of erector.

Where the erection of any sign requires compliance with any Florida Building Code requirement, the erector of the sign shall qualify with the respective examining board.

E. Fees Required.

No sign, where a permit is necessary shall be exhibited unless the required permit fees are paid.

F. Time limitation of permits.

All signs shall be erected on or before the expiration of one hundred and eighty (180) days from the date of issuance of the permit. If the sign is not erected within said one hundred and eighty (180) days, the permit shall become null and void, and a new permit required; provided, however, that the Director may extend such permit for a period of ninety (90) days from the date of the expiration of the permit if written application for such extension is received and approved by the Director prior to the expiration date of the initial permit and provided that the proposed sign complies with all requirements in effect at the date of such renewal.

G. Identification of Permit Holder on Sign.

Each sign requiring a permit shall carry the permit number and the name of the person or firm placing the sign on the premises; such marking shall be permanently attached and clearly visible from the ground.

H. Responsibility for Sign.

The owner and/or tenant of the premises, and the owner and/or erector of the sign shall be held responsible for any violation of this Article; provided, however, that when the sign has been erected in accordance with this Article, the sign company shall be relieved of further responsibility after final approval of the sign.

I. Inspection.

No sign, temporary or permanent shall be approved for use, unless the same shall have been inspected by the Department issuing the permit, and no sign shall be erected or used unless it complies with all the requirements of this Article and applicable Florida Building Code requirements. The holder of a permit for a sign shall request inspections of a sign as follows:

1. Foundation inspection (this shall include method of fastening to building or other approved structure).
2. Shop inspection (electrical and/or structural where indicated on the permit and/or approved plan).
3. Final inspection (this shall include structural framing, electrical work identification of permit number and erector of sign, etc.).
4. Any additional inspections which may be specified on the permit and/or approved plans.

J. Maintenance of signs.

1. All signs shall be properly maintained in a safe and legible condition at all times. In the event that a use having a sign is discontinued for a period of forty-five (45) days, all signs and all component parts which identified the use are to be removed from the site, and the site on which the sign was located left in a presentable manner. Sign removal shall be the responsibility of the owner of the property.
2. Latticework, painting, etc. Where the rear of any sign is visible from a street, waterway, park or residence, or from a RU, RO, RM, BU, or IU District, the exposed structural members of such sign shall be either concealed by painted latticework, slats or be suitably painted or decorated, and such back screening shall be designed, painted and maintained to the satisfaction of the Director.
3. Cutting weeds. The owner of each sign not attached to a building shall be responsible for keeping the weeds cut on his property within a radius of fifty (50) feet from the sign or to the nearest highway or waterway.
4. Removal of dilapidated signs. The Director may cause to be removed any sign which shows neglect or becomes dilapidated or where the area around such sign is not maintained as provided herein after due notice has been given. The owner of the sign and/or the property shall be financially responsible for the removal of the sign.

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:

1. Temporary signs not exceeding six (6) square feet in area, and not electrically illuminated will not require a sign permit, but must otherwise comply with this Article and applicable building codes.
2. Traffic signs, provisional warnings and signs indicating danger, are exempt from this article. Such exempted signs shall not contain any commercial advertisement.
3. Awning, canopy, roller curtain, or umbrella sign or signs shall be limited to eight-inch letters in height, and shall not exceed a total coverage of twenty-four (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.
4. Disabled, Baby Stroller or Handicapped Parking Signs. Signs required by State law or County ordinance for parking spaces reserved for disabled or handicapped persons shall not require a sign permit, and signs required for parking spaces reserved for persons transporting young children and Baby Stroller Parking Signs shall not require a sign permit.
5. Signs not exceeding one and one-half (1.5) square feet in area and bearing only property street numbers, post box numbers, or name of occupant of premises.
6. Flags and insignia of any government, except when displayed in connection with commercial promotion. Installation of a permanent flag pole or other permanent mounting device shall require a building permit.
7. Legal notices, identification, information, or directional signs erected by or on behalf of governmental bodies.
8. Integral decorative and architectural features of buildings except letters, logos, trademarks, moving parts or moving lights.
9. Signs within enclosed buildings or structures which are so located that they are not visible from public or private streets or adjacent properties such as signs in interior areas of malls, commercial buildings, ball parks, stadiums and similar structures or uses, providing said signs are erected in such a manner as not to be hazardous. If illuminated, the necessary electrical permits shall be obtained.

10. Temporary holiday decorations provided said decorations carry no advertising matter and further provided that such decoration is not up more than sixty (60) days for a single holiday and is removed within fourteen (14) days after the holiday ends.
11. "Danger," "No Parking," "Post No Bills," "Bad Dog," and similar warning signs, provided such signs do not exceed an area of one (1) and one-half (1.5) square feet. Signs shall be provided in keeping with zoning district regulations.
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 are not to be posted more than thirty (30) days preceding the event, and are to be removed within seven (7) days following the grand opening day of the event.
13. Signs required by law.
14. "No Trespassing" signs, provided such signs do not exceed an area of one (1) and one-half (1.5) square feet. Signs shall be provided in keeping with zoning district regulations.
15. A permanent sign displaying non-commercial copy not exceeding an area of one (1) and one-half (1.5) square feet. Signs shall be provided in keeping with zoning district regulations.

L. Prohibited signs.

1. No sign shall be so located as to constitute a danger to public safety. Signs which are incorporated within benches and shelters are prohibited.
2. No sign shall exhibit thereon any lewd or lascivious matter.
3. No sign shall be attached to trees, utility poles or any other unapproved supporting structure.
4. Roof signs are prohibited in all the districts.
5. Off Premise (commercial advertising signs) are prohibited in all districts. A Real Estate Open House sign shall not be considered an Off Premise sign / Billboard.
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 districts. 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, 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 shall not be used in mass in order to circumvent this subsection by using said flags primarily as an advertising device.
8. No revolving or rotating sign shall be permitted or erected. No Automatic Electric Changing (ACS) sign shall be permitted unless erected by or on behalf of governmental bodies.
9. Any signs which are not traffic signs, which use the word "stop" or "danger" or present or imply the need or requirement of stopping, or which are copies or imitations of official signs. Red, green or amber (or any color combination thereof) revolving or flashing light giving the impression of a police or caution light is a prohibited sign, whether on a sign or on an independent structure.
10. Portable and Pylon signs unless otherwise authorized by law 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.
12. Signs painted or affixed in any manner to any vehicle, trailer or pickup truck, van or similar transportable device and which is used to advertise a place of business or activity as viewed from a public road shall be prohibited. This shall not be interpreted to prohibit identification of commercial vehicles provided such vehicles are operational and moved and used daily for delivery or service purposes and are not used, or intended for use, as portable signs. This sign shall also not be interpreted to apply to buses, taxicabs, and similar common carrier vehicles which are licensed or certified by the Town or other governmental agency.

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.
- (e). Signs employing luminous or non-luminous 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 sound or noise making 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 non-illuminated, shall be prohibited, except as may be permitted in writing by the Director for special events.

M. MOVEMENT: No sign shall contain any visible moving or movable parts, except such portions of a sign as consist solely of indicators of time and/or temperature and except further that only for non-profit institutions individual letters and/or numerals that make up the message of sign that are normally and routinely removed and replaced on a regular basis shall not be considered movable parts. No sign shall be portable except when used as temporary signs pursuant to this Sign Code.

N. ILLUMINATION: No sign shall be illuminated between the hours of 11:00 p.m. and 7 a.m. unless, in the case of a sign, the premises on which it is located are open for business, and except as provided in Division 9.4 herein.

1. No sign shall contain any moving, flashing, intermittent, rotating, chasing or animated lights, except such portions of a sign as consist solely of indicators of time and/or temperature.
2. No illumination shall be permitted of an intensity that might pose safety hazards to drivers and pedestrians, or that casts glare onto pedestrians or any portion of any street that would, in the opinion of the Town Engineer, constitute a driving hazard.
3. The provisions of this section shall apply not only to exterior signs, but also to interior signs that are designed or placed to show through windows of buildings.

O. WINDOW SIGNS: Non-illuminated signs in the RO, BU, or IU Districts where retail and/or service retail occur on the ground floor, placed on the inside of the glass of a window shall be permitted at a maximum of eight (8) square feet in the aggregate, and temporary signs provided that the aggregate area of such signs does not exceed twenty-five (25) percent of the area of the window glass on the ground floor and shall be located on the same premises whereon such is situated or the products sold. Such signs shall be permitted for no more than fourteen (14) calendar days in a three (3) month Calendar Quarter period. Ground floor window signs for an atrium multi-story glass curtain wall shall not exceed a maximum square footage of 10% of the one face of the total glass to which the sign is attached, and must otherwise comply with this article and applicable building codes.

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. Temporary signs that conform with all regulations of this Article shall be permitted for a maximum of ninety (90) days from the date of issuance of the permit or if no permit is required as outlined below:

Type of signs permitted: Real estate; subdivision; construction; future construction; special events. No permit required for signs that are no larger than six (6) square feet and which are not electrically illuminated.

Type of Signs	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Construction signs	Maximum of 40 square feet for a detached sign, including construction signs painted on an approved construction shed, 22 inches by 28 inches in RU Districts.	1 general sign to include each trade provided the total sign area does not exceed 40 square feet, except for in RU districts the sign may not exceed 22 inches by 28 inches.	15 feet from official r.o.w. 15 feet to property under different ownership or centered between interior property lines.	Same as real estate signs	Same as subdivision signs	Same as real estate signs
Future construction signs	Maximum of 40 square feet in BU, AU, RO, RM, GU and IU District, 22 inches by 28 inches in RU Districts.	1 sign	Same as subdivision signs	Same as real estate signs	Shall not exceed 15 feet from ground level to top of sign.	Same as real estate signs

Type of Signs	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Real estate	Real estate signs in an AU/GU District (not of a residential character) and all BU and IU Zones shall be limited to 40 square feet. Real estate signs in AU and GU Districts (of a residential character) and RU shall be limited to 22 inches by 28 inches. RM, and RO Districts shall be limited to 24 square feet.	1 sign only	Real estate signs shall be no closer than 5 feet to an official r.o.w. line unless attached to an existing building 15 feet to an interior side property line or centered on a lot between interior side property lines.	Permitted See general provision on illumination	Real estate signs shall not exceed 10 feet measured from grade to top of sign	No permit required for signs that are no larger than 6 square feet and which are not electrically illuminated. Real estate signs shall only be permitted on premises advertised for rent or for sale. No temporary sign shall be maintained on the premises for a period to exceed 90 days, unless justifiable reason is shown to the satisfaction of the Director and approval is secured upon proper application. Upon the expiration of the approved period, the sign shall be removed from the premises.

Type of Signs	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Subdivision signs	Maximum of 40 square feet per sign. Subdivisions of 200 feet or more lineal street frontage the total square footage for all signs shall not exceed 120 square feet.	3 per subdivision	Not closer than 15 feet to official r.o.w. Not closer than 15 feet to property under a different ownership.	Same as real estate signs	Shall not exceed 15 feet from ground to top of sign.	Same as real estate signs
Special events signs include carnivals, concerts, public meetings, real estate open house events, sports events, political campaigns, non commercial speech and other uses of a similar nature.	Maximum size of 22 inches by 28 inches except as to site of use which shall be governed by applicable zoning district regulations.	Signs shall be unlimited in number as to off-site locations and limited to, number as permitted in the zoning district for on-site locations (point of sale signs). Except Real estate open house events shall be permitted only in the RU and RM Districts and the total number of signs per open house event shall be 4 signs one per property with written consent of the property owner.	5 feet from official r.o.w. and 5 feet from property under different ownership, except for site of use which shall be governed by applicable zoning district regulations.	Same as real estate signs	Not applicable, except for in residential RU and RM Districts political signs shall be permitted at a height not to exceed 2 feet, measured from grade to top of sign.	Special events signs shall be removed within 10 days after the special event or last election which candidate or issue was on the ballot. Promoters, and sponsors and candidates shall be responsible for compliance with the provisions of this section and shall remove signs promoting or endorsing their respective special events or candidacies when such signs are displayed or used in violation of this section.

Q. ROOF SIGNS: A sign that projects above the top of the wall to which it is attached (but not including a canopy, marquee, or roof-type decorative shelter) and a sign primarily placed on top of a structure shall not be permitted.

R. CONSTRUCTION AND MAINTENANCE: No sign shall be painted or posted on the exterior surface of any wall but all signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface that shall be securely affixed to the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices securely affixed to the exterior wall of a building. All signs, together with their structural elements, shall be kept in good working repair and in a proper state of preservation to the reasonable satisfaction of the Director.

DIVISION 9.4 SIGNS - ADDITIONAL REQUIREMENTS

No sign shall be permitted except signs that meet the General Requirements of Section 9.3 and the following additional requirements:

A. SINGLE RESIDENCE (RU-1, RU-1B, RU-1A, RU-1Z, RU-2), TOWNHOUSE RESIDENCE (RU-TH), AND MULTI-DENSITY RESIDENTIAL (RM-13, RM-23, RM-36, RM-50) DISTRICTS: No sign shall be erected or maintained on any lot in a Single Residence, Townhome Residence, Multi-Density Residential District except as hereafter expressly permitted:

1. Number and Size: There may be one such sign for each lot indicating only the name of the owner or occupant, the street number. Such sign may be a standing sign but shall not exceed one and one-half (1.5) square feet.
2. Temporary Sign: There may be one (1) temporary unlighted sign on each lot as permitted in Division 9.3.P. This shall include, for Political Campaign signs, one Temporary Special Event Sign for each candidate and one Temporary Special Event Sign for each issue.
3. Permanent Sign: one (1) permanent sign displaying non-commercial copy not exceeding an area of one (1) and one-half (1.5) square feet.
4. Warning Sign: There may be **one (1) warning sign, such as "No Trespassing", "Danger," "No Parking," "Post No Bills," "Bad Dog,"** provided such sign does not exceed an area of eighty (80) square inches Notwithstanding the above referenced sentence, if a Florida Statute or the Miami-Dade County Code requires a specific size, location, number, or color of such signage the Florida Statute or Miami-Dade County Code requirement shall apply.
5. Illumination: No sign shall be illuminated except:
 - (a). By a white, steady, stationery light of reasonable intensity, shielded and directed solely at the sign; or,
 - (b). By interior non-exposed lights of reasonable intensity.
 - (c). The foregoing is not applicable to temporary holiday decorations or Town of Miami Lakes entry features.
6. Color: No permanent sign shall contain more than two colors, temporary signs may contain multiple 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.

B. MULTI-DENSITY RESIDENTIAL (RM-13, RM-23, RM-36, RM-50) DISTRICTS:

1. There may be one sign where a, leasing office is set out, two (2) square feet in area and shall not exceed a height above the ground of eight (8) feet.
2. In addition to the number of signs allowed in Section 9.4.A.1., a standing or attached sign is allowed subject to following requirements:
 - (a). Total size of sign cannot exceed forty (40) square feet. All signs must be fabricated of ¼" aluminum plate with appropriate internal structuring to properly support each sign face or concrete. All copy must be white on a dark background color (Matthew's Dark Bronze 41-313 or similar) or the reverse, dark copy on a background color resembling the building's color. The subdivision logo is permitted as well as the subdivision name attached to the subdivision wall. One additional standing sign may be permitted for sites with linear street frontage of two-hundred (200) feet or more, spaced one-hundred (100) feet from any standing sign;
 - (b). The height of the sign from its base to its top cannot exceed six (6) feet in height;
 - (c). If the sign is to be located on a mound, the height of the top of the sign cannot exceed eight (8) feet above the crown of the closest adjacent road; and
 - (d). Sign location on site must respect a setback for all property lines of seven (7) feet for a sign not exceeding forty (40) square feet and not interfere with clear sight distance triangle for driveways.

C. 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 Section 9.4 and the following: There may be one sign where a, leasing office, is set out, two (2) square feet in area and shall not exceed a height above the ground of eight (8) feet.

1. Location:

- (a). A sign shall be affixed to a building except as hereinafter provided as to standing signs.
- (b). A sign affixed to a building shall be parallel with a wall of the building and shall not project beyond the face of any other wall to which it is affixed.
- (c). The base of the sign shall not project more than 16 inches from the wall to which it is affixed, in the case of a sign parallel with the wall.

2. Criteria for signage attached to building:

- (a). No more than two (2) wall mounted signs with a maximum letter height of thirty (30) inches (including any ascenders and descenders) shall be permitted per building, one sign affixed to each wall in which an entrance is located.
- (b). Where retail and/or service retail occur on the ground floor, individual point of sale ground floor tenant signage may occur in a signage band on the building, marquee or canopy, provided it is done in a coordinated manner and it complies with 9.4.B.2.e below. Buildings in the BU District offering ground floor retail space (retail storefronts) and in the RO, IU Districts a business consisting of more than one building shall submit a comprehensive signage program to the Director through the Administrative Site Plan Review process for review and approval on a building by building basis. (See Figure 1 & 2 for required dimensions)
- (c). All signs shall be individual letters pin mounted to the building. (No exposed neon or box type signs permitted.)
- (d). Maximum square footage of a sign must not exceed 10% of the one face of the building to which the sign is attached. For purposes of applying this maximum space limitation, any intermediary removable surface to which a sign is affixed shall be deemed part of the sign; and any sign composed of separate letters or devices cut into or affixed to a wall shall be deemed to occupy the entire area within a single continuous perimeter enclosing the extreme limits of the sign, including any structural elements.

- (e). If a single building consists of more than one (1) business establishment, there shall not be more than one (1) exterior point of sale sign affixed to the building for each such business establishment. Maximum capital letter height on any service retail tenant sign in a multi-tenanted shopping or office building shall be eighteen (18) inches (including any ascenders and descenders) for tenants occupying less than 5,000 square feet and twenty-four (24) inches for tenants occupying greater than 5,000 square feet. Maximum capital letter height (including ascenders and descenders) for single-tenanted buildings of less than 20,000 square feet shall be twenty-four (24) inches. Maximum capital letter height (including ascenders and descenders) for single-tenanted buildings exceeding 20,000 square feet shall be thirty (30) inches. Maximum square footage of a sign must not exceed 10% of the one face of the occupied building area to which the sign is attached. If a business establishment in the IU District consists of more than one (1) building, a secondary sign may be affixed to a wall of each such building. The secondary sign or signs for any business establishment shall not exceed, 50 percent of the maximum permissible area for a single sign for said business.
- (f). A semaphore sign consisting of two (2) dual-face signs extending horizontally from a light standard. Such sign projecting from opposite sides of a light standard, should be located in the parking lot of a (BU District) shopping center with over one-hundred (100) parking spaces to identify the location of parking areas. No advertising is permitted on the sign.
- (g). All signage on the building shall be the same color and should exhibit a uniform color 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.
- (h). On the BU District building where a colonnade or arcade is located and where retail and/or service retail occur on the ground floor, individual point of sale ground floor tenant signage may occur in a hanging sign not to exceed six (6) square feet in size placed on the building over the entry, provided it is done in a coordinated manner and it complies with 9.4.B.2.e. Buildings in the BU District offering ground

floor retail space (retail storefronts) and in the RO, IU Districts a business consisting of more than one building shall submit a comprehensive signage program to the Director through the Administrative Site Plan Review process for review and approval on a building by building basis. Three dimensional "Symbol" signs shall be permitted after a public hearing. (See Figure 1 & 2 for required dimensions)

- (i). Registered Corporate logos will be permitted subject to the approval of the Director or his/her designee. In such cases they will be reviewed in conjunction with the corporate name, if any, in determining compliance with the guidelines provided herein.
- (j). In addition to the foregoing sign or signs, one directory of the business establishments occupying a building may be affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of one (1) square foot for each establishment occupying the building.
- (k). Buildings in the IU, BU or RO Districts fronting on the Red Road Canal Right of Way or the following Limited Access Expressways (SR 826 and I-75) are permitted one (1) wall mounted sign directly facing the Red Road Canal Right of Way or Limited Access Expressway, with a maximum area of forty (40) square feet for RO district signs, and a maximum square footage not to exceed 10% of the one face of the building to which the sign is attached for a BU and IU district sign. Said signs shall comply with all Section 9.4.B.2 (a thru j) requirements for signage attached to a building. Maximum capital letter height (including ascenders and descenders) shall be 30".

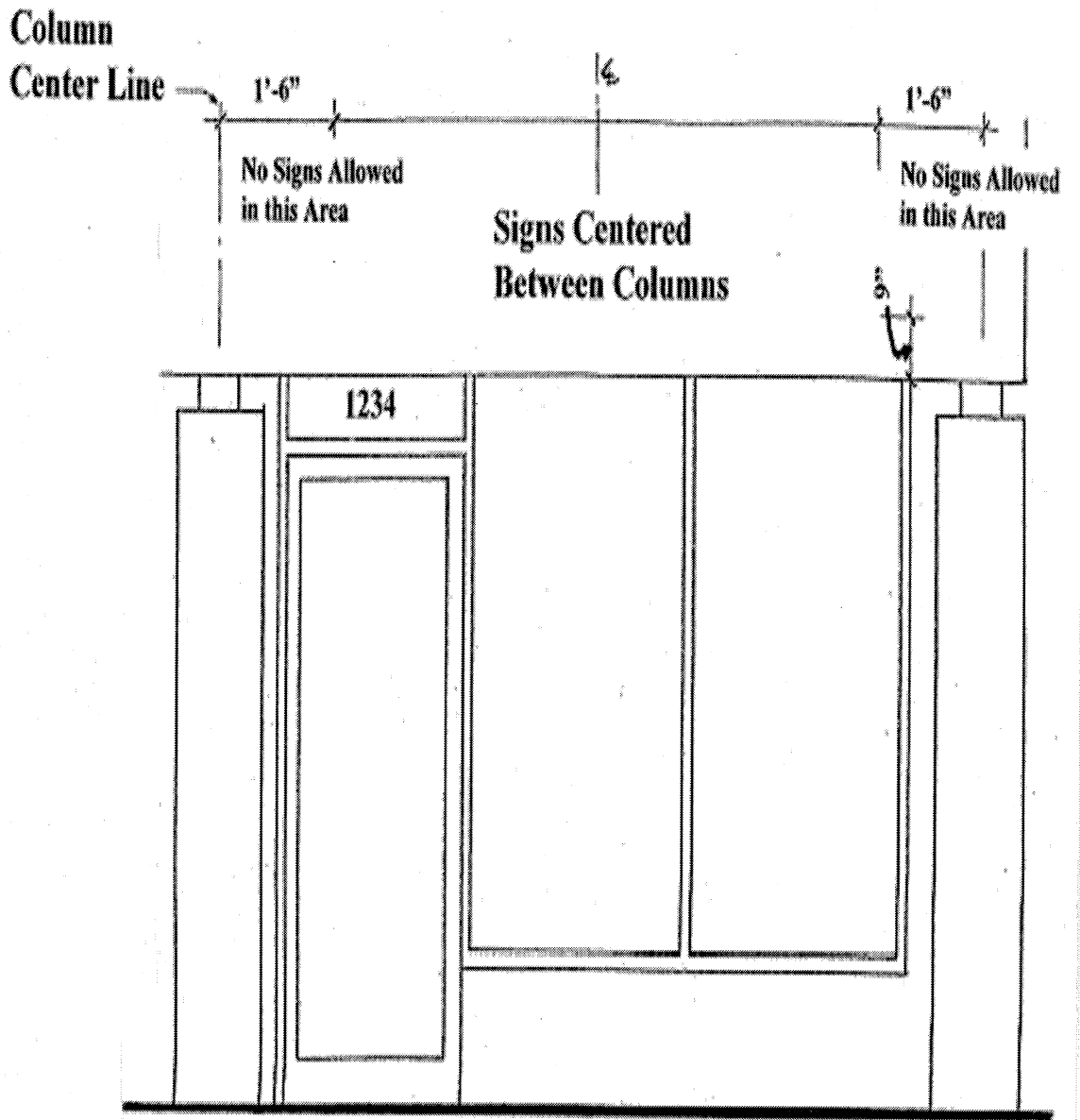


Figure 1

Typical Shop Front

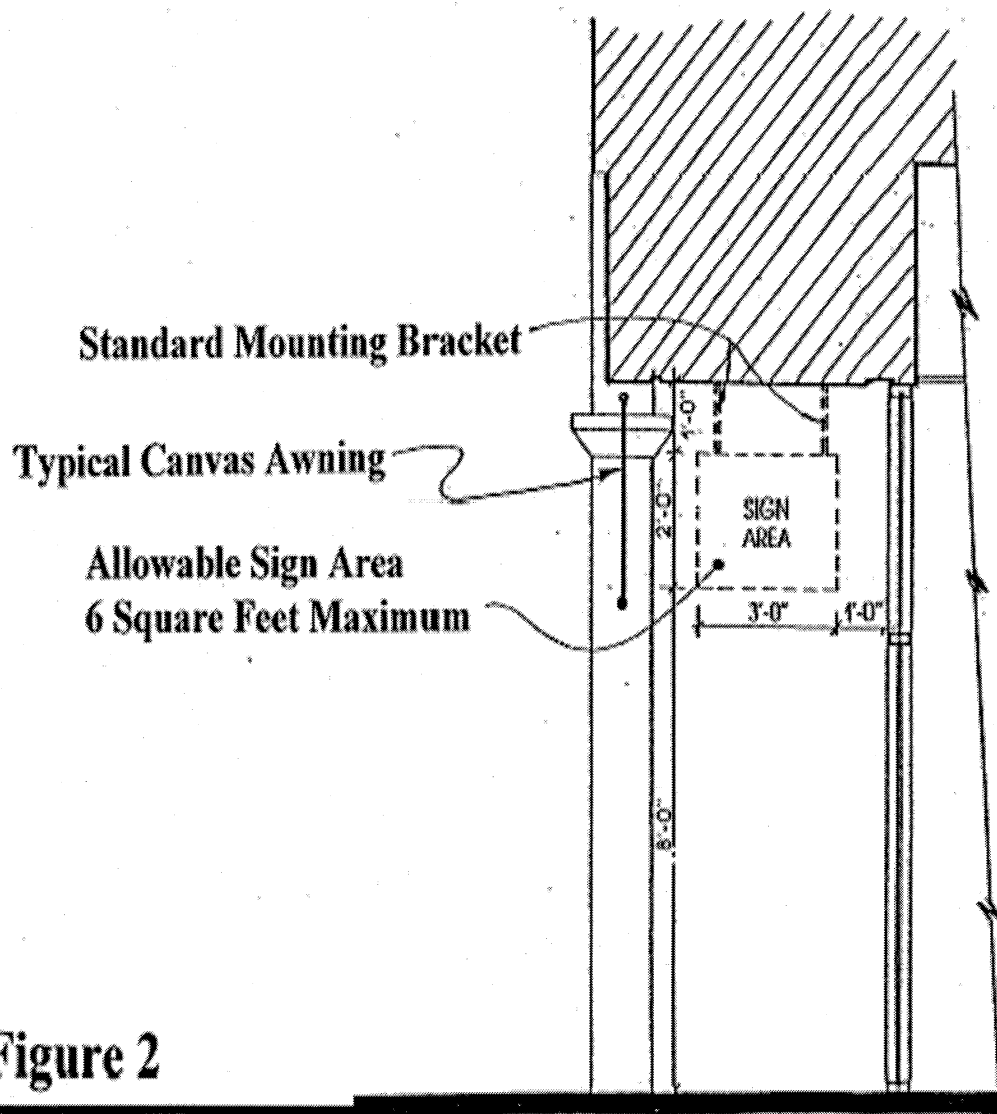


Figure 2

Typical Arcade

3. Standing Signs: In addition to the number of signs allowed in Section 9.4.B.2., 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:
- (a). Total size of sign cannot exceed forty (40) square feet. All signs must be fabricated of 1/4" aluminum plate with appropriate internal structuring to properly support each sign face or concrete. All copy must be white on a dark background color (Matthew's Dark Bronze 41-313 or similar) or the reverse, dark copy on a background color resembling the building's color. The corporate logo is permitted as well as the corporate name.
 - (b). The height of the sign from its base to its top cannot exceed six (6) feet in height.
 - (c). If the sign is to be located on a mound, the height of the top of the sign cannot exceed eight (8) feet above the crown of the closest adjacent road.
 - (d). Sign location on site must respect a setback for all property lines of seven (7) feet for a sign not exceeding forty (40) square feet and not interfere with clear sight distance triangle for driveways. One additional standing sign may be permitted for sites with linear street frontage of two-hundred (200) feet or more, spaced one-hundred (100) feet from any standing sign.
 - (e). Buildings in the IU, BU or RO Districts fronting on the Red Road Canal Right of Way or the following Limited Access Expressways (SR 826 and I-75) are permitted one (1) detached standing sign on a fully supported base that is architecturally consistent with the main building of the parcel, and the freestanding sign it supports. The sign directly facing the Red Road Canal Right of Way or Limited Access Expressway, shall be a maximum area of forty (40) square feet for first fifty (50) feet of initial street frontage plus .75 square foot for each additional foot of street frontage to a maximum sign size of two-hundred (200) square feet, setback fifteen (15) feet from all property lines, with a maximum height of fifteen (15) feet and not interfere with clear sight distance triangle for driveways.

4. Illuminated Signs:

- (a). If the sign is to be lighted, the letters shall be a "reverse channel" type. Letters must be metal pin mounted off the building and may be illuminated with back lighting by neon.
- (b). The sign shall be illuminated from a ground mounted source provided the lights are properly screened by landscaping and do not result in any glare or overlighting of adjacent areas or street right-of-way.
- (c). No roof mounted illumination will be permitted without special consideration of the Director through the Administrative Site Plan Review process.
- (d). Signs of a box or cabinet type employing a luminous plastic panel or sign face with exposed neon or fluorescent lights are prohibited.
 - (i). No sign located in the above mentioned Zoning District shall be illuminated except by a white, steady, stationery light shielded and directed solely at the sign; or
 - (ii). By the interior non-exposed 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.

5. Illumination of signs

- (a). Routed metal face, internally illuminated signs are preferred.
- (b). Reverse channel illuminated letters attached to a metal or masonry structure.
- (c). 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.
- (d). Signs of a box or cabinet type employing a luminous plastic panel or sign face with exposed neon or fluorescent illumination are prohibited.

6. Menu Type Signs:

- (a). All freestanding menu type signs which display the names of major building tenants must adhere to the height and square footage requirements set forth in Division 9.4.C.3. for standing signs
- (b). The copy for the sign shall include: the building's postal address number, the building name, and no more than four (4) major tenants' names or one name per 10,000 square feet of building whichever is greater.
- (c). All signs must be fabricated of ¼" aluminum plate with appropriate internal structuring to properly support each sign face.
- (d). Signs may be either illuminated or non-illuminated.
- (e). All copy for any menu size must be white on a dark background color (Matthew's Dark Bronze 41-313 or similar is suggested) or the reverse, dark copy on a background color resembling the building's color.

Copy shall be one of the following:

- cut out metal letters pin mounted
 - routed through face and internally illuminated
 - letter photographically silk-screened or
 - applied as white vinyl die-cut or Scotchlite letters
- (f). All copy is to be photographically or mechanically reproduced from a standard typeface. No hand lettering is permitted. Maximum capital letter height for tenant names and corporate logos is five (5) inches high.

7. Temporary Signs: There may be one temporary sign maintained for a period of not more than ninety (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.

D. Miscellaneous type signs:

1. On site directional type signs may be no larger than four (4) square feet and no taller than four (4) feet above the ground. No more than two per entry or exit may be used. Design and color for this signage must be cohesive with other signage on or about the building. Only directional information is permitted on directional signage.
2. Any directional sign not specifically mentioned in these criteria shall be submitted for Administrative Site Plan Approval before it will be allowed to be erected.
3. One sign of a temporary nature may be erected to announce a new business provided that it is approved by the Director prior to being erected. Such a sign may be no larger than a horizontal four (4) feet by eight (8) feet format and no taller than six (6) feet. It may be up no longer than ninety (90) days.
4. All permanent interior signs which are visible from the building's exterior must be submitted to the Director for Administrative Site Plan Approval including but not limited to temporary opaque window film or window display which shall be required while construction is occurring or premises are unoccupied.
5. Non-profit Institutions and gas stations: There may be one bulletin or announcement board, identification sign or entrance to the premises upon which a gas station or church, synagogue, school, or other non-profit organization is located not exceeding all together twenty-five (25) square feet in area.
6. Flagpoles:
 - (a). The flags must be flown on a regular daily basis or the poles must be removed.
 - (b). No more than three (3) flagpoles will be allowed per non-residential site, with corporate logos permitted, and one (1) flagpole per residential site. A maximum of two flags shall be allowed per flag pole. References to flagpole height in this division refer to vertical flagpoles.

References to the number of flags and flag poles and flag dimensions refer to both vertical flagpoles and mast arm flagpoles (staffs extending at an angle from a building). On United States and Florida Holidays, there shall be no maximum flag size or number or other limitation on manner of display for U.S., State or Town of Miami Lakes flags.

(c). Height will be as follows: one story building will be allowed fifteen (15) feet height maximum, with an additional ten (10) feet allowed for each additional floor up to a maximum of fifty (50) feet in height. Except as otherwise provided herein flags shall be displayed on flag poles. Flag poles shall not be placed on top of buildings or light poles. Flag poles in residential districts shall not exceed twenty (20) feet and shall be permitted holiday flags in conjunction with holiday decorations. A vertical flag pole must be setback from all property boundaries a distance that is at least equal to the height of the pole.

(d). The flag and flag pole or other permanent mounting shall be maintained in good repair. Flag poles with broken halyards shall not be used, and torn or frayed flags shall not be displayed. Giant oversized flags of any type will not be allowed. The maximum dimensions of any flag shall be proportional to the flag pole height. The hoist side of the flag shall not exceed 25% of the vertical height of the pole. In addition flags are subject to the following dimensional limitations:

Pole Height: Up to 20 feet with Maximum Flag Size of 25 total square feet

Pole Height: 21 to 30 feet with Maximum Flag Size of 50 total square feet

Pole Height: 31 to 40 feet with Maximum Flag Size of 75 total square feet

Pole Height: 31 to 50 feet with Maximum Flag Size of 100 total square feet

E. Entry Features:

Signs for a building or a building complex entry feature for buildings in the BU District offering ground floor retail space (retail storefronts) and in the RO, IU Districts shall submit a comprehensive signage program to the Director through the Administrative Site Plan Review process for review and approval on a building by building basis. Each entry feature shall be reviewed in compliance with each of the standards enumerated below:

1. Buildings offering ground floor retail space (retail storefronts) shall submit a comprehensive signage program to the Director through the Administrative Site Plan Review process for review and approval on a building by building basis.
2. An executed covenant, stating that all structures shall be maintained in good condition and repair and that all landscaping shall likewise be so maintained, shall be delivered to the Department for review and, upon approval, shall be duly recorded prior to the issuance of any permits.
3. Entrance features shall be placed so as not to encroach upon utility lines or traffic control devices whether such lines or devices be located overhead or underground; and where a conflict is indeed encountered, the developer or designated property owner shall be responsible for the removal or relocation of the said features or a part thereof.
4. Entrance features shall be placed so as not to cause a visual obstruction and thereby create a traffic hazard, and should the use of illumination be incorporated in said features, such illumination shall be placed so as to be unobtrusive to moving traffic lanes or adjacent properties.
5. The character and scale of entrance features shall be of a design such that said features are complementary to the identified development and compatible with the immediate neighborhood insofar as its overall impact is concerned.
6. All structures within entrance features shall meet all standards of the Florida Building Code and any other applicable standards, and all water bodies with depths greater than eighteen (18) inches shall meet all applicable standards of this chapter, applicable to reflecting pools and water features, standards.

7. Applications for permits for entrance features shall be made by the fee owner of the property in question and shall be submitted to the Department. Applications shall include an accurately dimensioned plot use plan identifying all structures and landscaping incorporated in said features and identifying all setbacks and elevations of the same.
8. Upon receipt of all necessary information, the Administrative Official or his designee shall review the same, and in turn render a decision either approving, modifying, or denying the request. A copy of said decision shall be published in a newspaper of general circulation. The applicant, or any aggrieved property owner in the area, may appeal the decision to the Town Council to be considered at a Public Hearing.
9. All approvals or modifications shall not be effective until fifteen (15) days after the Town Managers' decision is published in a newspaper of general circulation. The decision of the Town Manager shall be recorded on the official zoning maps of the Town of Miami Lakes.

**DIVISION 9.5 PRE-EXISTING, NON-CONFORMING SIGNS and
ADMINISTRATION**

A. PREEXISTING, NON-CONFORMING SIGNS:

Preexisting, Non-Conforming Signs shall meet the following provisions:

1. Signs or sign structures made nonconforming upon passage of this Article, or on passage of any amendment thereto, shall be governed by the following regulations:
 - (a). A sign existing within the Town, or an area subsequently annexed to the Town, upon the passage of this Article or any amendment hereof which, because of its height, square foot area, location, or other characteristic, does not conform to this Article is hereby declared to be a nonconforming sign.
 - (b). A sign prohibited under this Article and not attached to a structure must be removed within sixty (60) days from the effective date of the ordinance creating the prohibition.

- (c). A Non-Conforming sign pursuant to this Article must be removed within five years from the effective date of the ordinance creating the non-conformity.
- (d). Failure to so remove a non-conforming or prohibited sign under this subsection within the time set forth above shall cause the sign to be declared an illegal sign.
- (e). The status afforded signs under this subsection shall not be applicable to any sign for which no permit or sign permit was ever issued; such signs are deemed non-complying signs and are subject to the provisions of this Article governing non-complying signs.
- (f). If any non-conforming sign is damaged by any cause and the cost of repairing the sign equals 50% or more of the original invoiced costs of the sign, then its classification as a non-conforming sign under this subsection shall be automatically revoked and repairs shall be made so that the sign shall meet the requirements of this Article.
- (g). A non-conforming sign shall immediately lose its non-conforming status and shall be immediately brought into compliance (with a new permit) or removed if the sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance) that tends to or makes the sign less in compliance with the requirements of this Article than it was before the alteration; including updating the technology used in the sign; or if the sign is relocated to a position making it less in compliance with the requirements of this Article; or if the sign is replaced or abandoned.

2. Non-Conforming Sign maintenance and Repair: Nothing in this section shall relieve the owner or user of a non-conforming sign or the owner of the property on which the non-conforming sign is located, from the provisions of this Article, regarding safety, maintenance or repair of the sign. However, any repainting, cleaning and other normal maintenance or repair of the sign, sign structure, or copy that in any way makes it more nonconforming, shall cause the sign to lose its legal non-conforming status.

B. ADMINISTRATION

1. ENFORCEMENT: This Article shall be enforced in accordance with § 8CC-10 of the Town Code.
2. PERMIT: Except for signs allowed pursuant to compliance with Section 9.3.K., no sign shall be erected, altered or enlarged until a permit has been issued by the Town Building Official. Such permit shall be issued only if the sign complies or will comply with all applicable provisions of this Article and any other applicable rules and regulations. A schedule of fees for permits may be determined from time to time by the Town Council. The provisions of this section shall not apply to signs permitted in a residential area or temporary signs to be placed in a window.
3. NON-COMPLYING: Any sign installed or placed on public property, except in conformance with the provisions of this Article, shall be prohibited and subject to removal by the Town. In addition to other remedies, the Town shall have the right to recover from the owner or person responsible for the placement of the sign the full costs of its removal and disposal.