

ORDINANCE NO. 11-131

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA AMENDING ARTICLE 9, SIGN CODE, OF THE TOWN'S LAND DEVELOPMENT CODE BY AMENDING DIVISION 9.5, PRE-EXISTING, NON-CONFORMING SIGNS AND ADMINISTRATION, TO PROVIDE REGULATIONS FOR NONCONFORMING BOX SIGNS AND NONCONFORMING CABINET SIGNS, IN AN IU, BU OR RO DISTRICT ON PROPERTIES FRONTING THE STATE ROAD-826 AND RED ROAD/NORTHWEST 57 AVENUE; 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, BU and RO Districts along the frontage road creating challenges for passing traffic attempting to timely exit State Road 826 and access the abutting industrial and business zoned properties; and

WHEREAS, businesses in the Town of Miami Lakes on the west side of Red Road/Northwest 57 Avenue compete with businesses outside of the Town with different sign

regulations on the east side of Red Road/Northwest 57 Avenue and the Town Council desires to provide a comparable advertising scheme for businesses within the Town facing Red Road/Northwest 57 Avenue; and

WHEREAS, the Town's code prohibits box signs and cabinet signs and any box signs or cabinet signs which existed on May 22, 2007 are now non-conforming signs; and

WHEREAS, the Town's code requires that all non-conforming signs be removed no later than May 22, 2012; and

WHEREAS, the Town seeks to modify the requirements for legal nonconforming box signs and legal nonconforming cabinet signs in the IU, BU and RO Districts on properties fronting the State Road 826 Limited Access Expressway and Red Road/Northwest 57 Avenue to allow such existing signs to be replaced under certain circumstances; and

WHEREAS, the Town Council recognizes that certain types of signage in close proximity to residential zoning districts creates negative impacts on those residential areas and that these impacts should be addressed by appropriate regulation; and

WHEREAS, in order to provide appropriate regulations to address the visibility and competitive challenges for industrial and business properties located along State Road 826 and Red Road/Northwest 57 Avenue, the Town Council desires to amend the LDC; 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 proposed amendment meets the requirements of Chapter 163.3161 et seq., Florida Statutes; and

WHEREAS, the Local Planning Agency reviewed this request at its April 12, 2011 meeting and voted to recommend approval; 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. Amendments to Article 9, Division 9.4 of the Town's Land Development Code, entitled Signs. Additional Requirements. Article 9, Division 9.4, Signs – Additional Requirements, of the Town Code is hereby amended as follows¹:

ARTICLE 9

* * *

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. Legal nonconforming cabinet signs and box signs. A legal nonconforming cabinet sign or a legal nonconforming box sign located in an IU, BU or RO District on property fronting the State Road 826 Limited Access Expressway or Red Road/Northwest 57 Avenue, may be replaced providing there are no changes which tend to or make the sign less in compliance with the requirements of this Code than it was before the replacement, as determined by the Director, and in compliance with the following requirements:
 - (1) Any property owner who claims a pre-existing box or cabinet type sign constructed prior to May 22, 2007 shall file with the Town an affidavit indicating the pre-existence of the sign(s) with demonstrative evidence in the form of either photographs, permits, site plan approval or other documentation necessary to support the affidavit;

¹ Additions to the text are shown in underline and deletions from the text are shown in ~~striketrough~~. Additions to the text shown in double underline were added between first and second reading to reflect the recommendations of the LPA as adopted by the Council on first reading.

(2) Replacement signs shall only face the Limited Access Expressway or Red Road/Northwest 57 Avenue and shall not face any immediately abutting residentially zoned properties;

(3) There shall be no exposed neon or fluorescent illumination.

(1) The maximum number of lines of copy shall be two (2);

c. All other nonconforming signs. All nonconforming signs, other than a non conforming cabinet sign or a nonconforming box sign located in an IU, BU or RO District on a property fronting the State Road 826 Limited Access Expressway or Red Road/Northwest 57 Avenue, shall comply with the following:

(1)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.

(2)e- 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.

(3)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 .

(4)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.

(5)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.

(6)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.

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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 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 be made part of the Town LDC and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

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

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

| | |
|--------------------------------|-----|
| Mayor Michael Pizzi | Yes |
| Vice-Mayor Nick Perdomo | Yes |
| Councilmember Mary Collins | Yes |
| Councilmember Tim Daubert | Yes |
| Councilmember Nelson Hernandez | Yes |
| Councilmember Ceasar Mestre | Yes |
| Councilmember Richard Pulido | Yes |

PASSED AND ADOPTED on first reading this 12th day of April, 2011.

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

| | |
|--------------------------------|-----|
| Mayor Michael Pizzi | Yes |
| Vice-Mayor Nick Perdomo | Yes |
| Councilmember Mary Collins | Yes |
| Councilmember Tim Daubert | Yes |
| Councilmember Nelson Hernandez | Yes |
| Councilmember Ceasar Mestre | Yes |
| Councilmember Richard Pulido | Yes |

PASSED AND ADOPTED on second reading this 10th day of May, 2011.



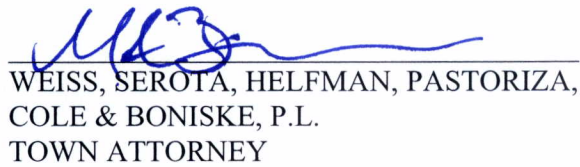
MICHAEL PIZZI
MAYOR

ATTEST:



MARJORIE TEJEDA, 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.L.
TOWN ATTORNEY