

ORDINANCE NO. 11-138

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA AMENDING ARTICLE 9 "SIGNS" OF THE TOWN'S LAND DEVELOPMENT CODE TO PROVIDE FOR AMENDED ZONING REGULATIONS RELATED TO THE REGULATION OF SIGNS FOR COMMERCIAL AND INDUSTRIAL ZONED PROPERTIES THAT ABUT RED ROAD (NW 57 AVE), STATE ROAD 826 (THE PALMETTO EXPRESSWAY) AND INTERSTATE 75 (I-75); 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 Palmetto Expressway (SR 826) Frontage Road and Interstate 75 (I-75) combined with travel speeds on SR 826 and I-75 and elevation differences between SR 826 and I-75 and abutting properties restrict the visibility of passing motorists looking for commercial and industrial developments along the frontage road creating challenges for passing traffic attempting to timely exit the Palmetto Expressway and access the abutting industrial and business zoned properties; and

WHEREAS, properties that abut Red Road (NW 57 Avenue) are setback further from the edge of NW 57 Avenue due to the presence of the Red Road Canal, which makes it more

difficult for passing motorists to notice signage of the businesses that are located on NW 57 Avenue; and

WHEREAS, in order to provide appropriate regulations to address the visibility challenges for industrial and business properties located along the Palmetto Expressway (SR 826), I-75 and Red Road, the Town Council desires to amend the LDC; and

WHEREAS, the Town seeks to modify standards to allow for taller letter heights for signs attached to buildings, taller standing signs and larger standing signs for industrial and business zoned properties fronting on the Palmetto Expressway (SR 826), I-75 and Red Road on appropriate parcels in the Town; and

WHEREAS, the proposal is consistent with the Comprehensive Plan; 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 September 13, 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
Signs**

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DIVISION 9.4 – SIGNS – ADDITIONAL REQUIREMENTS

¹ Additions to the text are shown in underline and deletions from the text are shown in ~~strikethrough~~.

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(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.

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2. Criteria for signage attached to building:

- a. Except as specifically provided for hereinafter, 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.

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- 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, except as specifically provided for hereinafter. 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. Each business establishment that is situated on land that abuts the Red Road Canal right-of-way (regardless of the underlying zoning designation and the size of the occupancy) shall be permitted to have a maximum letter height of forty-two (42) inches for a sign that faces Red Road (NW 57 Avenue).

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- k. In addition to the wall signs allowed by the provisions above, 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~~ Any such signs shall be limited to a maximum square footage not to exceed 10% of the one face of the building to which the sign is attached, and the total aggregate of all signs on any one face shall be limited to ten (10) percent of the building face, and shall be subject to a maximum letter height (including ascenders and descenders) of forty-two (42) inches for a sign located in the RO Districts and fifty-four (54) inches for a sign located in the IU and BU Districts, 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". This allowed sign area may be divided between tenants of the building, but in such case shall be subject to the following restrictions (in addition to the provisions above):

1. The minimum letter height for all copy shall be twenty-four (24) inches.
2. There shall be a minimum of six inches between the portions of the sign devoted to individual tenants.
3. The total aggregate square footage of all signs on any one face of the building shall not exceed ten (10%) percent of the square footage of that building face.

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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, except as hereinafter specifically provided. 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 of 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, except as provided for hereinafter.

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- 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 facing or situated so as to be directed toward motorists on these expressways. Any such sign shall be on a fully supported base that is architecturally consistent with the main building of the parcel, and the freestanding sign it supports. This sign directly facing the Red Road Canal Right of Way or Limited Access Expressway, shall be limited to a maximum area of forty (40) square feet for first fifty (50) feet of initial street frontage on the Red Road Canal Right of Way or Limited Access Expressways plus .75 square foot for each additional foot of street frontage to a maximum sign size of ~~threetwo~~ ²³⁰⁰ hundred (2300) square feet, setback fifteen (15) feet from all property lines, with a maximum height of ~~twenty~~ ^{twenty} (20) feet, for buildings fronting on the Red Road Canal Right of Way and I-75, and a maximum height of ~~twenty-five~~ ^{twenty-five} (25) feet, for buildings fronting on SR 826, and such signs shall not interfere with clear sight distance triangle for driveways.

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 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 Code 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. That this Ordinance shall be effective immediately upon its adoption on second reading.

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

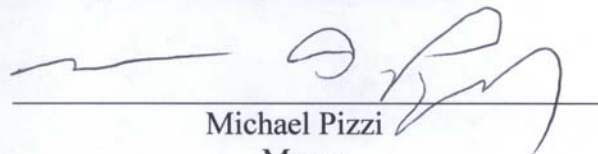
Mayor Michael Pizzi	Yes
Vice-Mayor Nick Perdomo	Absent
Councilmember Mary Collins	Yes
Councilmember Tim Daubert	Yes
Councilmember Nelson Hernandez	Yes
Councilmember Ceasar Mestre	Yes
Councilmember Richard Pulido	Absent

PASSED AND ADOPTED on first reading this 13th day of September, 2011.

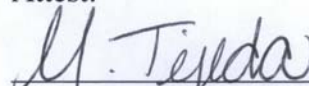
The foregoing Ordinance was offered by Councilmember Richard Pulido, who moved its adoption on second reading. The motion was seconded by Councilmember Michael Pizzi, and upon being put to a vote, the vote was as follows:

Mayor Michael Pizzi	<u>Yes</u>
Vice-Mayor Nick Perdomo	<u>Yes</u>
Councilmember Mary Collins	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Nelson Hernandez	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Yes</u>
Councilmember Richard Pulido	<u>Yes</u>

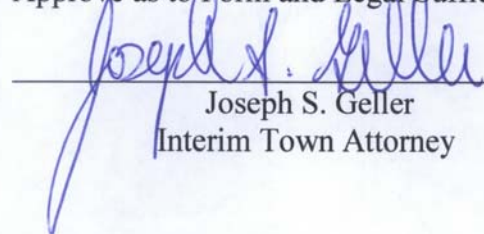
PASSED AND ADOPTED on second reading this 11th day of ~~November~~^{October}, 2011.



Michael Pizzi
Mayor

Attest:


Marjorie Tejeda
Town Clerk

Approve as to Form and Legal Sufficiency


Joseph S. Geller
Interim Town Attorney