ORDINANCE NO. 26-365

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING CHAPTER 13, THE LAND DEVELOPMENT CODE, ARTICLE IX, TITLED "SIGNS," BY AMENDING SECTION 13-1902, TITLED "DEFINITIONS," TO ADD A DEFINITION FOR "TOWN-SANCTIONED SIGN"; AND BY AMENDING SECTION 13-1903, TITLED "GENERAL REQUIREMENTS FOR ALL SIGNS," TO AUTHORIZE THE INSTALLATION OF TOWN-SANCTIONED SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY AND TO ESTABLISH STANDARDS FOR THEIR DESIGN, PLACEMENT, MAINTENANCE, AND REMOVAL; 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") regulates signs within the Town through Chapter 13, Article IX of the Land Development Code, which was comprehensively revised by Ordinance 22-289 to ensure content neutrality consistent with applicable law; and

WHEREAS, Section 13-1903(l)(11) of the Code generally prohibits signs within Town, State, or County-maintained rights-of-way. The provision further authorizes the Director of Public Works to permit certain noncommercial directional signage and roadway-safety awareness signs within the Town right-of-way; and

WHEREAS, the Town's advisory committees, including the Public Safety Committee, undertake initiatives to promote the health, safety, and welfare of Town residents, including efforts to reduce vehicle speeds and enhance pedestrian safety within residential neighborhoods; and

WHEREAS, the Town Council desires to authorize the placement of certain Town-sanctioned, public-safety-related committee signs within Town-maintained rights-of-way and swale areas, subject to approval by the Town Council, which shall serve as the final approving authority for such signs; and

WHEREAS, signs erected by or on behalf of the Town and adopted by the Town as its own message constitute government speech, and the distinction drawn herein is based upon governmental sponsorship rather than the content or viewpoint of any private message; and

WHEREAS, the Town Council finds that the signs authorized herein are intended solely as community-awareness and civic public-education messaging and are not intended to function as official traffic control devices regulating, warning, or guiding traffic within the meaning of Sections 316.003 and 316.0745, Florida Statutes; and

WHEREAS, the Town Council finds that this Ordinance serves a legitimate governmental interest in promoting public safety and the welfare of the Town's residents;

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

Section 1. Recitals Adopted. The foregoing recitals are true and correct and are hereby adopted and incorporated herein by reference.

Section 2. Amendment of Article IX, Chapter 13. Chapter 13, "Land Development Code," Article IX, "Signs," Sections 13-1902 and 13-1903 of the Code of the Town of Miami Lakes are hereby amended to read as follows (additions shown in underline):

Sec. 13-1902. Definitions.

* * *

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

Town-sanctioned sign means a noncommercial sign that (1) conveys a public safety awareness message; (2) is owned by the Town and is erected, installed, and maintained by or on behalf of the Town; (3) displays the name, seal, or official logo of the Town; and (4) has been approved by resolution of the Town Council in accordance with Section 13-1903(l)(11). A Town-

sanctioned sign is government speech. The term does not include any sign owned, erected, installed, or maintained by a private person or entity.

Wall means, 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. * * *

* * *

Sec. 13-1903. General requirements for all signs.

* * *

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

* * *

(15) Town-sanctioned signs approved by the Town Council pursuant to Section 13-1903(l)(11).

* * *

(l) Prohibited signs.

* * *

(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, swales, utility poles, and highway median strips. The Director of Public Works may authorize certain noncommercial directional signage and roadway-safety awareness signage to be placed in the Town right-of-way. Notwithstanding the prohibition set forth in this Subsection (l)(11), a Town-sanctioned sign may be installed and maintained within a Town-maintained right-of-way, including a swale, subject to each of the following requirements:

a. Town Council approval required. No Town-sanctioned sign shall be installed in any Town right-of-way unless the Town Council has first approved the sign by resolution. The resolution shall approve the sign's copy or message, design, color scheme, dimensions, maximum number, and the street segment or area within which the signs may be placed. The Town Council may approve, approve with conditions, or deny a proposed Town-sanctioned sign in the exercise of its legislative discretion, and the decision of the Town Council shall be final. The Town Council may modify, suspend, or rescind any approval granted under this Subsection at any time and may direct the removal of any sign installed hereunder.

b. Government speech; no public forum created. A Town-sanctioned sign is the speech of the Town. Each Town-sanctioned sign shall be owned by the Town, shall be installed and maintained by or on behalf of the Town, and shall display the name, seal, or official logo of the Town. A board or committee established by the Town Council may recommend a Town-sanctioned sign to the Town Council for approval; no such recommendation shall entitle any person, board, committee, organization, or entity to the installation of a sign or to the display of any message. Nothing in this Subsection creates a public forum, designated public forum, or limited public forum in any Town right-of-way, and nothing in this Subsection authorizes the placement of a sign within a right-of-way by any private person or entity.

c. Permitted content. A Town-sanctioned sign shall convey only a noncommercial public safety awareness message. No Town-sanctioned sign shall contain commercial advertising; the name, image, likeness, or voice of any elected or appointed official or of any candidate for public office; or any message supporting or opposing a candidate, political party, or ballot question.

d. Permitted traffic control device. A Town-sanctioned sign is a community awareness sign and is not a traffic control device. Prior to installation, the Director of Public Works, in consultation with the Town Engineer, shall make and retain a written determination that the sign, as designed and as proposed to be located, (i) does not copy, imitate, or resemble any official traffic control device conforming to the Manual on Uniform Traffic Control Devices adopted by the Florida Department of Transportation pursuant to Rule 14-15.010, Florida Administrative Code, including as to color, shape, legend, lettering, and retroreflectivity; and (iii) does not obscure, conflict with, or reduce the visibility of any official traffic control device. No Town-sanctioned sign shall employ a diamond shape or a yellow or fluorescent yellow-green back ground, shall use the words "STOP," "YIELD," "DANGER," or "SPEED LIMIT," or shall otherwise present or imply the need or requirement to stop, to yield, or to travel at a specified speed.

e. Location and installation standards. A Town-sanctioned sign shall:

i. be placed only within a right-of-way owned or maintained by the Town, and shall not be placed within any right-of-way owned or maintained by Miami-Dade County or the State of Florida;

ii. not exceed 3 square feet in sign area, and not exceed 3 feet in height measured from grade;

iii. be set back not less than 3 feet 6 inches from the edge of pavement, or if on curbed road no less than 2 feet from face of curd; not encroach upon any sidewalk, curb ramp, bicycle path, or driveway; and preserve a continuous accessible pedestrian route of not less than thirty-six (36) inches in width;

iv. not be located within any clear sight distance triangle, or within 50 feet of any official traffic control device; no less than 250 feet from an existing traffic signal, County roadways, State roadways, and the boundaries of the Town limits; no less than 100 feet from a roadway intersection; and

v. be of frangible or breakaway construction and be installed so as not to become airborne debris in high wind conditions; and

vi. not be illuminated or animated and contain no moving or movable parts.

f. Maintenance, duration, and removal. The Town shall maintain each Town-sanctioned sign in a safe and legible condition. Unless renewed by the Town Council, an approval granted under this Subsection shall expire 6 months after the effective date of the authorizing resolution, and all signs installed pursuant to that approval shall be removed. The Director of Public Works may remove or relocate any Town-sanctioned sign at any time and without prior notice upon a determination that the sign creates a hazard to vehicular or pedestrian traffic, interferes with maintenance, drainage, or utility operations, or fails to comply with this Subsection.

g. Permit. A Town-sanctioned sign approved under this Subsection shall not require a sign permit under Section 13-1903(b), but shall comply with all applicable law.

h. No waiver of immunity. Nothing in this Subsection shall be construed as a waiver of sovereign immunity or of the limitations on liability set forth in Section 768.28, Florida Statutes.

* * *

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Inclusion in the Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Miami Lakes, and that the sections of this Ordinance may be renumbered or relettered, and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to accomplish such intention.

Section 5. Conflicts. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

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

FIRST READING

The foregoing ordinance was offered by Councilmember Garcia who moved its adoption. The motion was seconded by Councilmember Sanchez and upon being put to a vote, the vote was as follows:

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

Passed on first reading this 15th day of September 2026.

**********THIS PORTION HAS BEEN LEFT PURPOSEFULLY BLANK*******

SECOND READING

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

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Angelo Cuadra Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alejandro Sanchez	Yes

Passed and adopted on second reading this 13th day of October 2026

Joshua Dieguez
Mayor

Attest:

Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:

Lorenzo Cobiella
Gastesi, Lopez, Mestre and Cobiella, PLLC
Deputy Town Clerk