

ORDINANCE NO. 2006-16-97

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 33-99 OF THE ZONING CODE ENTITLED: "CLASS A TEMPORARY SIGNS," TO ADD A PROVISION DEALING WITH TEMPORARY SIGNS FOR NATIONAL EVENTS, AND TO ADD SECTION 33-99.1 TO PROVIDE AN EXEMPTION FOR TEMPORARY SIGNS FOR NATIONAL SPECIAL EVENTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PERMITTING PROCESS; PROVIDING FOR GUIDELINES; PROVIDING FOR MAINTENANCE REQUIREMENTS; PROVIDING FOR DESIGN REVIEW; PROVIDING FOR PENALTIES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Miami Gardens is home of the 2007, Super Bowl event, and

WHEREAS, the Super Bowl is a unique national sporting event, and

WHEREAS, the Miami Dade County Zoning Code is made applicable to the City of Miami Gardens by virtue of Section 8.3 of the City's Charter, and

WHEREAS, and City staff has identified a deficiency in the current sign regulations of the City's Zoning Code, as adopted, that does not allow for certain types of sign advertising commensurate with this event, and

WHEREAS, the City Council deems it in the best interest of the community to allow for reasonable publicity and advertising of these types of events due to their positive economic impacts,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. AMENDMENT: Section 33-99 of the Miami Dade Zoning Code, as made applicable to the City of Miami Gardens pursuant to Section 8.3 of the City's Charter, is hereby amended as follows:

(See Chart below)

Sec. 33-99. Class "A" temporary signs.

Type of signs permitted: Real estate; subdivision; construction; future construction; special events; balloons.

TABLE INSET:

Type of Signs	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Real estate	<p>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</p> <p>Real estate signs in AU and GU Districts (of a residential character) and RU EU District shall</p>	1 sign only	<p>Real estate signs shall be no closer than 5 feet to an official r.o.w. line unless attached to an existing building</p> <p>15 feet to an interior side property line or centered on a lot between interior side property lines</p>	<p>Permitted</p> <p>See general provision on illumination</p>	<p>Real estate signs shall not exceed 10 feet measured from grade to top of sign</p>	<p>No permit required for signs that are no larger than 6 square feet and which are not electrically illuminated.</p> <p>Real estate signs shall only be permitted on premises advertised for rent or for sale.</p> <p>No Class "A" 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.</p>

	be limited to 4 square feet					
Subdivision signs	Maximum of 256 square feet per sign but total square footage for all signs shall not exceed 512 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 22 feet from ground to top of sign	Same as real estate signs
Construction signs	Maximum of 256 square feet for a detached sign When construction signs are painted on an approved construction shed, there is no size limitation	1 general sign and 1 for each trade provided the total sign area does not exceed 256 square feet	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

<p>Future construction signs</p>	<p>Maximum of 40 square feet in BU and IU District 24 square feet in AU, GU, EU and RU Districts</p>	<p>1 sign</p>	<p>Same as subdivision signs</p>	<p>Same as real estate signs</p>	<p>Shall not exceed 22 feet from ground level to top of sign</p>	<p>Same as real estate signs</p>
<p>Special events signs include carnivals, concerts, public meetings, sports events, political campaigns, and other uses of a similar nature <u>(see exemptions)</u></p>	<p>22 inches by 28 inches except as to site of use which shall be governed by applicable district regulations</p>	<p>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</p>	<p>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 district regulations</p>	<p>Same as real estate signs</p>	<p>Not applicable</p>	<p>Special events signs shall be removed within 30 days after the special event or last election which candidate or issue was on the ballot Promoters, sponsors and candidates shall be responsible for compliance with the provisions 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.</p>

<p><u>and additional requirements in section 33-99.1 below)</u></p>		<p>sale signs)</p>				<p>Additionally, any private owner who fails to remove an unlawful special events sign from his or her property shall be deemed in violation of this section. Above provisions of this section which require the removal of signs shall be applicable to both the unincorporated and incorporated areas of Miami Gardens, Florida</p>
<p>Balloons</p>	<p>Maximum of 32 feet in height and 25 feet in width</p>	<p>1 sign for each property</p>	<p>5 feet from official r.o.w. and property lines</p>	<p>Permitted until 11:00 p.m.</p>	<p>See provision on size</p>	<p>No balloon sign shall be maintained on the premises except for four (4) times each calendar year, for no more than once each calendar quarter. Balloons can be maintained on the premises up to a maximum of seventeen (17) days during any one (1) calendar quarter. Balloons may only be used in BU and IU Districts. Such signs are limited to identification of the</p>

						<p>occupant and/or use of the property. Balloons suspended in air may not be elevated to a height greater than thirty-two (32) feet above the rooftop of the building in which the advertised use or occupant is located. Rooftop installations are permitted with the consent of the property owner. Balloon signs will be permitted for special events with prior approval of the County Manager or his or her designee and will be allowed for forty-eight (48) hours before the special event and must be removed within forty-eight (48) hours after the close of the special event. Such time may be extended for one (1) business day, if necessary, when the 48 hours after the close of the special event falls on a weekend or holiday. Prior to receiving any permit under this section each person erecting balloon signs shall post and maintain a \$2,500 cash bond, which shall remain in effect so long as such person continues to erect balloon signs</p>
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						<p>in Miami-Dade County <u>Gardens</u>. If any such person erects a balloon sign and fails to remove it in accordance with this section, the Director shall provide such person 48 hours' prior written notice of intent to forfeit the bond. Such notice shall be sufficient if delivered to the address provided by the person applying for the permit to erect a balloon sign. If the person does not cure the violation within 48</p>
						<p>hours after delivery of the Director's notice, the bond shall be forfeited. If a person's bond is forfeited and such person fails to post a new bond, all existing permits issued under this section shall be forfeited and all balloon signs shall be removed.</p>

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1 SECTION 3: AMENDMENT: Section 33-99 of the Zoning Code, is
2 hereby amended to add Section 33-99.1 "Temporary Signs for National Events", as
3 follows:

4
5 **Section 1. Definitions:**
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- 7 (a) *A National Event* is defined as an event that affects, impacts, or draws
8 attendance, resources or other attention from multiple States. The City
9 Manager shall make a determination in writing that an event meets the
10 definition of a national event.
11
12 (b) *Wallscape signs* are defined as temporary signage constructed of
13 canvass, nylon, plastics, and or other similar materials affixed to buildings
14 for the purposes of advertising National Events.
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16 **Section 2. Exemptions:**
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18 Temporary signs involving national events as herein defined are exempted from
19 the provisions of Section 33-99 of the Zoning Code.
20

21 **Section 3. Suspension of Current Regulations:**
22

23 The regulations outlined under Section 33-99.1, Temporary Signs for National
24 Special Events shall control all temporary signage for national events as
25 described herein.
26

27 **Section 4. Compliance with codes:**
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- 29 (1) *Required.* All signs shall conform to the requirements of the building,
30 electrical, and other applicable technical codes, except as may be
31 otherwise provided herein.
32
33 (2) *Advertising conflicting with other zoning rules.* No temporary sign(s) for
34 National Special Events, as herein defined, shall be erected or used to
35 advertise any use or matter, which would conflict with the minimum and/or

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1 additional standards as prescribed, by the City Manager or his/her
2 designee.

- 3
4 (3) *Building Code Compliance.* All national temporary signs are required to
5 meet the minimum standards of the Florida Building code for installation
6 and workmanship.
7

8
9 **Section 5. Permits Required:**

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11 (1) *Applications and permits.*

12
13 (a) No temporary sign(s) for National Special Events, as herein
14 defined, shall be erected, constructed, posted, painted, altered,
15 maintained, or relocated, except as provided in this article and until
16 a permit has been issued by the Department. Before any permit is
17 issued, an application, on a form to be provided by the City, shall
18 be filed. All signs, which are electrically illuminated by neon or any
19 other means, shall require a separate electric permit and
20 inspection.
21

22 (b) *Consent of property owner.* No sign shall be placed on any
23 property unless the applicant has the written consent of the owner
24 and lessee, if any, of the property.
25

26 (c) *Calculating number of signs.* A single sign containing identical
27 advertisement on each side shall be counted as one (1) sign. Every
28 other sign shall be counted as a separate sign for each face
29 thereof.
30

31 (d) *Calculating sign size.* The area of a sign shall include borders and
32 framing. Heights shall be measured to the top extremity of the sign
33 and distances to the farthest point. The square footage in a circular
34 rotating or revolving sign shall be determined by multiplying one-
35 half (1/2) of the circumference by the height of the rotating sign,
36 except in the case of the flat rotating sign, the area will be
37 determined by the square footage of one (1) side of such sign. The
38 Director shall have the discretion of determining the area of any
39 sign which is irregular in shape, and in such cases will be guided by

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- 1 calculations as made by a licensed, registered engineer when
2 same are shown on the drawing.
3
- 4 (e) Where the erection of any sign requires compliance with the Florida
5 Building Code, the erector of the sign shall qualify with the
6 respective examining board.
7
- 8 (f) No sign, where a permit is necessary, shall be exhibited unless the
9 required permit fees are paid, and a permit has been issued.
10
- 11 (g) Each sign requiring a permit shall carry the permit number and the
12 name of the person or firm placing the sign on the premises; such
13 marking shall be permanently attached and clearly visible from the
14 ground.
15
- 16 (h) The owner and/or tenant of the premises, and the owner and/or
17 erector of the sign shall be held responsible for any violation of this
18 Ordinance.
19
- 20 (2) Time limitation of permits.
21
- 22 (a) All signs shall be erected on or before the expiration of ninety (90)
23 days from the date of issuance of the permit. If the sign is not
24 erected within said ninety (90) days, the permit shall become null
25 and void, and a new permit required and all fees paid for such
26 permit shall be forfeited; provided, however, that upon the payment
27 of an additional fee equal to 25% of the original fee, the Director
28 may extend such permit for a period of ninety (90) days from the
29 date of the expiration of the permit if written application for such
30 extension is received and approved by the Director prior to the
31 expiration date of the initial permit and provided that the proposed
32 sign complies with all requirements in effect at the date of such
33 renewal.
34
- 35 (b) No temporary sign as prescribed and defined herein shall be
36 allowed to be erected for more than 4 consecutive months and only
37 one such sign at the premise location permitted is allowed within
38 any 12 month period.
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(3) Inspection.

No sign 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 Ordinance and applicable technical codes. The holder of a permit for a sign shall request inspections of a sign as follows:

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

Section 6. Illumination:

Signs illuminated by flashing, moving, intermittent, chasing or rotating lights are prohibited. Signs may be illuminated by exposed bulbs, fluorescent tubes, interior lighting, or by indirect lighting from any external source. Indirect lighting, such as floodlights, shall not shine directly on adjacent property, motorists or pedestrians. Illumination shall be such that it will provide reasonable illumination and eliminate glare and intensity, which might pose safety hazards to drivers and pedestrians. Revolving and rotating signs shall be illuminated by internal lighting only.

Section 7. Maintenance;

- (a) *Required.* All signs shall be properly maintained in a safe and legible condition at all times. Sign removal shall be the responsibility of the owner of the property.

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- 1 (b) *Latticework, painting, etc.* Where the rear of any sign is visible from a
2 street, waterway, park or residence, or from a EU, RU, or BU District, the
3 exposed structural members of such sign shall be either concealed by
4 painted latticework, slats or be suitably painted or decorated, and such
5 back screening shall be designed, painted and maintained to the
6 satisfaction of the Director.
7
- 8 (c) *Weeds/Debris.* The owner of each sign not attached to a building shall be
9 responsible for removing debris and cutting the weeds on his/her property
10 within a radius of fifty (50) feet or to the nearest highway or waterway.
11
- 12 (d) *Removal of dilapidated signs.* The Director may cause to be removed any
13 sign which shows neglect or becomes dilapidated or where the area
14 around such sign is not maintained as provided herein after due notice
15 has been given. The owner of the sign and/or the property shall be
16 financially responsible for the removal of the sign.
17

18 **Section 8. Design review:**
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20 All applications for temporary sign permits as permitted and provided for herein,
21 including all Wallscape signs, shall be submitted to the Director of Development
22 Services to be reviewed and recommended for approval or denial based on the
23 following criteria:
24

- 25 (a) The relationship of the scale and placement of the sign to the building or
26 premises upon which it is to be displayed. Signs should respect the
27 architectural features of the facade and be sized and placed subordinate
28 to those features. Overlapping of functional windows, extensions beyond
29 parapet edges obscuring architectural ornamentation or disruption of
30 dominant facade lines are examples of sign design problems considered
31 unacceptable.
32
- 33 (b) The relationship of colors of the sign to the building it is to be attached to
34 and colors of adjacent buildings and nearby street graphics. The sign's
35 color and value (shades of light and dark) should be harmonious with
36 building materials. Strong contrasts in color or value between the sign and
37 building that draw undue visual attention to the sign at the expense of the
38 overall architectural composition should be avoided.
39

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- 1 (c) The similarity or dissimilarity of the sign's size, shape and lettering to the
2 size, shape and lettering of other conforming signs in the surrounding
3 area.
4
- 5 (d) The compatibility of the type of illumination, if any, with the type
6 illumination in the surrounding area. A reverse channel letter that
7 silhouettes the sign against a lighted building is desirable. Lighting of a
8 sign should accompanied by accent lighting of the building's distinctive
9 architectural features and especially the facade area surrounding the
10 sign. Lighted signs on unlit buildings are unacceptable. The objective is a
11 visual lighting emphasis on the building with the lighted sign as
12 subordinate. The following types of sign illumination shall not be
13 permitted:
14
- 15 (1) Exposed fluorescent lighting other than neon;
 - 16 (2) Exposed quartz, high or low pressure sodium, mercury vapor, or
17 metal halide lighting;
 - 18 (3) Exposed incandescent lamps, other than low-wattage, purely
19 decorative lighting;
 - 20 (4) Signs projected onto the surface of a building.
- 21
- 22 (e) The compatibility of the materials used in the construction of the sign with
23 the material used in the construction of other conforming signs in the
24 surrounding area.
25
- 26 (f) The aesthetic and architectural compatibility of the proposed sign to the
27 building upon which the sign is suspended and the surrounding buildings.
28
- 29 (g) The proposed signs shall be of high quality, durable materials. Preferred
30 materials include hardwoods, painted woods, metal, or plastic.
31

32 **Section 9. Fees:**

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34 The City Council shall, by separate resolution, adopt a fee schedule for
35 temporary national special event signs by resolution.
36

37 **Section 10. Penalties:**
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1 Unless otherwise specified herein, the failure to obtain a permit as
2 required by this section results in irreparable harm and shall result in the
3 issuance of a fine for \$5,000.00, per day, per violation. All other
4 violations, shall result in a penalty of \$250.00 per day for the first violation
5 and \$500.00 per day, per repeat violation. The City also reserves the right
6 to remove the offending sign and to charge the violator for the cost of
7 removal of the sign. The City reserves the right to enforce the provisions
8 of this Code in accordance with Ordinance No. 2004-11-27, as amended
9 and in any other manner consistent with law.

10 SECTION 4. CONFLICT: All ordinances or Code provisions in conflict
11 herewith are hereby repealed to the extent of such conflict.

12 SECTION 5. SEVERABILITY: If any section, subsection, sentence,
13 clause, phrase or portion of this Ordinance is for any reason held invalid or
14 unconstitutional by any court of competent jurisdiction, such portion shall be
15 deemed a separate, distinct and independent provision and such holding shall not
16 affect the validity of the remaining portions of this Ordinance.

17 SECTION 6. INCLUSION IN CODE: It is the intention of the City Council
18 of the City of Miami Gardens that the provisions of this Ordinance shall become and
19 be made a part of the Code of Ordinances of the City of Miami Gardens and that
20 the sections of this Ordinance may be renumbered or relettered and the word
21 "Ordinance" may be changed to "Chapter," "Section," "Article" or such other
22 appropriate word or phrase, the use of which shall accomplish the intentions herein
23 expressed; provided, however, that Section 1 hereof or the provisions contemplated
24 thereby shall not be codified.

25 SECTION 7. EFFECTIVE DATE: This Ordinance shall become effective
26 immediately upon its final passage.

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PASSED ON FIRST READING IN FULL ON THE 26TH DAY OF JULY, 2006.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 13th DAY OF September, 2006.

SHIRLEY GIBSON, MAYOR

ATTEST:

RONETTA TAYLOR, CMC, CITY CLERK

Reviewed by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: The City Manager

MOVED BY: _____

SECONDED BY: _____

VOTE: 7-0

Mayor Shirley Gibson	<u> x </u> (Yes)	<u> </u> (No)
Vice-Mayor Oscar Braynon II	<u> x </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> x </u> (Yes)	<u> </u> (No)
Councilman Aaron Campbell Jr.	<u> x </u> (Yes)	<u> </u> (No)
Councilman Ulysses Harvard	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Barbara Watson	<u> x </u> (Yes)	<u> </u> (No)

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