

ORDINANCE NO. 2012-12-285

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING CHAPTER 34, ARTICLE XVII, SIGN REGULATIONS OF THE CITY'S LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 34-654, NON-CONFORMING SIGNS/AMORTIZATION; AMENDING SECTION 34-658, DIRECTIONAL/INFORMATION SIGN DESIGN STANDARDS, WALL SIGNS; AMENDING SECTION 34-660, ENTRY FEATURE SIGNS; AMENDING SECTION 34-669, TEMPORARY SIGNS; AMENDING SECTION 34-667 SIGNAGE ALONG PRINCIPAL ARTERIAL AND MINOR ARTERIAL CORRIDORS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in February 2008, the City Council adopted a sign code, and

WHEREAS, many of the regulations are primarily applicable to the City's commercial areas and on the City's major roadways, and

WHEREAS, the City Council directed City staff to provide a mechanism to reduce the number of variances that will be required to come before the City Council as it relates to commercial properties along the City's major arterials, and

WHEREAS, City staff is making recommendations for amendments to the sign code for this purpose, as well as other amendments, and

WHEREAS, the proposed amendments would allow for more flexibility from the with respect to compliance with the sign code,

NOW, THEREFORE, BE IT ORDAINED 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: Chapter 34, Article XVIII, Section 34-654 – Sign Regulations of the City of Miami Gardens' Land Development Regulations, is hereby amended as follows:

Sec. 34-654. - Nonconforming signs/amortization.

Any lawful permanent sign installed, erected, prior to the adoption of this article that does not comply with the regulations set forth herein, shall be removed or altered to comply with the applicable regulations of this article within five years of the date of adoption of the ordinance from which this article is derived.

- (1) *Amortization of nonconformities.* Legally existing signs that become nonconforming as of the effective date of the adoption of this article shall maintain legally nonconforming status until February 13, 2013, with exceptions as herein contained. At which time all signs not in compliance shall become illegal signs. It shall be unlawful for any sign owner not to be in compliance with the following amortization provisions, with exceptions as herein contained:
 - a. Within two years of the effective date above, all owners of legally nonconforming signs are required to prepare and submit to the city a proposed sign plan in accordance to regulations herein.
 - b. Within three years of the effective date above, all owners of legally nonconforming signs are required to have an approved sign plan in compliance with this article.
 - c. Within five years of the effective date above, all legally nonconforming signs and their supporting members shall be altered, and/or removed from the property.
 - d. The city may deny the issuance of any licenses, permits, certificates of use, etc. to an owner if it is determined that the amortization article is not being complied with.
 - e. A property owner may file an application with the City to obtain approval for a certificate of legal conformity. Such determination shall be made by the administrative official after consideration and review of plans that demonstrate that signage on the property is or will be improved to the best extent physically possible to comply with all applicable regulations of this chapter. The administrative official may also grant a certificate of legal conformity upon a determination by said official that the financial costs of compliance will unreasonably exceed the public benefits of compliance. The city shall establish written administrative guidelines for the review and issuance of a certificate of legal conformity for signage that become nonconforming as of the effective date

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of this amortization provision. Said guidelines may be revised, amended, and modified administratively from time to time.

Section 3. AMENDMENT: Chapter 34, Article XVIII, Section 34-658 - Sign Regulations of the City of Miami Gardens' Land Development Regulations, is hereby amended as follows:

Sec. 34-658. - Directional/information sign design standards.

Directional/informational signs are for the purpose of providing information and directions on-site to the general public, and are not intended for advertising purposes. In designing directional and information signage the following standards shall be complied with:

- (2) *Size.* Directional/informational sign shall not exceed two square feet in size. Except that along collector and all other rights-of-way, including N.W. 13 Avenue shall not exceed eight square feet in size the administrative official shall determine the maximum size of directional/information signs, based on the purpose and intent, and location of the signs.

- (10) Temporary and off-site directional/informational signage. The administrative official, when deemed necessary to alleviate traffic congestion or other conditions impacting surrounding properties may issue an approval, where authorized, of temporary directional/informational signage which may be located on and/or off-premise to the business or entity requesting said signage.

Section 4. AMENDMENT: Chapter 34, Article XVIII, Section 34-660 - Sign Regulations of the City of Miami Gardens' Land Development Regulations, is hereby amended as follows:

Sec. 34-660. - Entrance feature signs.

Entrance feature signs shall be permitted on all residential developments, and mix-use developments, and as identification signs for areas, neighborhoods, or subdivision in the City, subject to compliance to the following standards:

(8) Identification signs. The City or a property owner(s) may submit to the administrative official for approval for an entry feature sign to identify a specific area, neighborhood, or subdivision in the City subject to the following:

a. Number. A maximum of one (1) freestanding identification sign may be approved for each major entranceway or visibility point for the area or neighborhood. The administrative official, at his/her sole discretion, shall make the determination on the number of signs.

b. Size. The maximum size of an entry feature identification sign shall be thirty-two (32) square feet.

c. Location. Entry feature identification signs may be located on private property, or on public right-of-way as may be authorized or permitted by the authorized agency; shall not be located the safe sight distance triangle of any intersection or right-of-way; and shall not create a potential hazardous, obstruction, or dangerous situation for travelers or pedestrians.

d. Copy. Copy shall be limited to the name of the area, neighborhood, or subdivision, and may only include names, logos of businesses located in the designated area the identification sign is intended to serve.

Section 5. AMENDMENT: Chapter 34, Article XVII, Section 34-667 - Signage along principal arterial and minor arterial corridors is hereby amended as follows:

Sec. 34-667. - Signage along principal arterial and minor arterial corridors (PAMA).

(2) *Wall signs (PAMA).*

a. *Number.*

1. ~~One wall sign per building facade with frontage on a right-of-way. up to a maximum of two wall signs. In lieu of a wall sign on the building facade with frontage on a right-of-way one~~ A additional wall sign may be located on the building facade if such building facade faces into the parking area and is not abutting single-family residentially developed property

b. *Size.*

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1. The total area of the wall sign shall not exceed ten (10) percent of the building facade with frontage on a right-of-way for the first 15 feet in height of the building, then the area may be increased by 1.5 percent for each foot of building height measured to the bottom of where the sign is located., ~~up to a maximum of 200 square feet for buildings with up to 100 feet of building facade with frontage on a right-of-way.~~ The sign area may be increased by five (5) percent of the building façade area for every 200 feet the building façade is spaced from the abutting right-of-way.
2. ~~Up to 400 square feet for buildings with more than 100 feet of building facade with frontage on a right-of way.~~

Section 5. AMENDMENT: Chapter 34, Article XVIII, Section 34-669 - Sign Regulations of the City of Miami Gardens' Land Development Regulations, is hereby amended as follows:

Sec. 34-669. - Temporary signs.

(6) *Banner signs.* Banner signs shall be permitted subject to compliance to the following standards:

- a. ~~*Number of signs.* One banner sign shall be permitted per tenant/use in conjunction with an event conducted pursuant to a dedication, a grand opening, going out of business, or promotion or sales event; or as a temporary wall sign. No more than three banner signs shall be permitted at any one time at a multi-tenant/multi-use development.~~
- b. ~~*Sign size.* Up to 50 square feet maximum.~~
- c. ~~*Setback.* Freestanding banner signs shall be setback a minimum of seven feet from all right-of-way lines.~~
- d. ~~*Location.* Freestanding banner signs shall only be located in a landscaped area, and shall not be located in the sight distance triangle. Banner signs may be affixed to a building or fence or other structure on the property, subject to all applicable standards set forth herein. Notwithstanding, no banner sign may be located on the property as to pose or create a hazardous or health safety concern. Temporary banner wall signs shall only be affixed or mounted to the building facade at a location as a wall sign may be approved.~~

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- e. ~~Spacing. Freestanding banner signs shall be spaced a minimum of ten feet from any other freestanding sign, and spaced 100 feet from any other banner sign; and banner signs affixed to a wall or fence shall be spaced a minimum of five feet from any other wall sign.~~
- f. ~~Duration. Each tenant/single may be issued only two banner sign permits per calendar year which shall be valid for a period of 30 consecutive days up until January 7, 2011; after which time, only one banner sign permit may be issued per calendar year for a period of 45 consecutive days. Temporary banner sign permits shall only be valid for a period of 60 days.~~
 - a. Permit. A sign permit shall be required for a banner sign;
 - b. Exception. Banner signs approved for a city sponsored or approved special event shall be exempt from these standards;
 - c. Temporary banner signs can only be issued to bona fide retail/commercial, institutional, educational, religious, or restaurant use located on a single site or in a shopping center;
 - d. Banner signs are only for purposes of advertising a grand opening, going out of business, or promotional or sales event;
 - e. Banner signs must be of a flexible material, no permanent type signage shall be considered a banner;
 - f. Only one banner sign per any one-year period for single use properties can be issued;
 - g. No more than three (3) banner signs shall be permitted at any one time and in any one year period in a shopping center with multiple tenants;
 - h. Banner signs must be installed in on the same property as the business and must be in close proximity to the actual business;
 - i. Banner signs must be spaced at least 10 feet from each other;
 - j. Banner signs may not be greater than 50 square feet in size;
 - k. Banner signs must be installed at least seven (7) feet from the sidewalk;
 - l. Banner signs must be mounted temporarily in a landscape area, on a fence or wall; no permanent installation is allowed; banners cannot be secured to trees, light poles or other structures;

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- m. No banner sign may be located on the property as to pose or create a hazardous or health safety concern;
- n. Applicants have up to 15 days to install the banner and the banner sign may only be displayed for 45 days. Permits will expire 60 days from date of issuance, and all signs shall be removed;
- o. The banner and any installation material must be completely removed after 45 days of being installed or before the expiration of the permit, whichever comes first, or the applicant may be subject to a civil code violation;
- p. The banner sign permit must be kept on the business premises and readily available for inspection by a Code Compliance officer or the applicant may be subject to a civil violation notice;

Section 6. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 7. 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 8. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the section of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

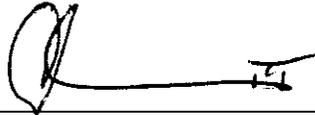
Section 9. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 5th DAY OF SEPTEMBER, 2012.

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PASSED ON SECOND READING ON THE 3rd DAY OF OCTOBER, 2012.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE 3RD DAY OF OCTOBER, 2012.



OLIVER GILBERT, III, MAYOR

ATTEST:



RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

Moved by: Vice Mayor Davis
Second by: Councilwoman Odom

VOTE: 6-0

Mayor Oliver Gilbert, III	<u> X </u> (Yes)	___ (No)
Vice Mayor Lisa Davis	<u> X </u> (Yes)	___ (No)
Councilwoman Lillie Q. Odom	<u> X </u> (Yes)	___ (No)
Councilman David Williams Jr	<u> X </u> (Yes)	___ (No)
Councilwoman Felicia Robinson	<u> X </u> (Yes)	___ (No)
Councilman Andre' Williams	___ (Yes)	___ (No) (not present)
Councilman Erhabor Ighadora, Ph.D	<u> X </u> (Yes)	___ (No)