

ORDINANCE No. 2009-08-180

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING THE CITY'S SIGN CODE AS ADOPTED BY ORDINANCE NO. 2008-04-140; PROVIDING FOR A DEFINITION AND REGULATIONS FOR NONCOMMERCIAL COPY; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 13, 2008, the City Council adopted Ordinance No. 2008-04-140 creating the City's Sign Regulations, and

WHEREAS, City staff has prepared amendments to the Sign Code to provide that at the option of the applicant or sign owner, a lawfully existing sign may noncommercial copy, and

WHEREAS, the City Council would like to adopt the requested amendments,

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 Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. AMENDMENT: Article IV – Definitions - of the City of Miami Gardens Sign Code, is hereby amended to add the following definition:

Noncommercial copy. Any sign or message that is not limited to advertising a commercial establishment, activity, product, service, or entertainment.

SECTION 3. AMENDMENT: Article VI. – Signs Permitted Without Sign Permits - Of the City of Miami Gardens Sign Code is hereby amended to add Section B as follows:

**B. Signs With Noncommercial Copy.** A lawfully existing sign may, at the option of the applicant or sign owner, contain noncommercial copy. The non-commercial message may occupy the entire sign face or a portion thereof. The sign face may be changed to contain noncommercial copy as frequently as desired, provided that the sign conforms to the regulations of this Code.

SECTION 4. AMENDMENT: Article IX. Signage Design Standards - of the City of Miami Gardens Sign Code is hereby amended as follows:

**(B) Monument Sign Design Standards.** The City seeks to achieve uniform and coordinated monument and freestanding signage within each development. Coordinated signage is created by consistency in the sign size, type, copy area, letters, location, color, and type of sign. In designing monument signs the following standards shall be complied with:

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10. Sign Copy Single Use Development.

- (a) Sign copy for single use development shall be limited to the primary name of the business, trademarked logos and/or slogans, and street address number. All other copy shall be prohibited; except that noncommercial copy as defined herein shall be permitted.

- (b) Copy should be identical on all faces of the sign.

11. Sign Copy Multi-use/Multi-tenant Development.

- i. Sign copy for multi-use/multi-tenant/mix-use development shall be limited to one (1) primary name of the business or complex or shopping center, and may list individual uses and tenants provided such lettering for the listing is a minimum of one (1) foot in height.
- ii. Copy may include the business name registered trademarks, logos and/or slogans. One street address number per sign. All other copy shall be prohibited; except that noncommercial copy as defined herein shall be permitted.
- iii. Copy should be identical on all faces of the sign.

12. Changeable Copy Sign Manual Standards. Monument signs with changeable copy shall be permitted subject to compliance to the following standards:

- i. The manual changeable copy portion of the sign shall be integrated into the design of the sign. Such changeable copy portions of the sign shall not be an "add-on" but rather must be fully integrated into the sign.
- ii. The manual changeable copy area shall not exceed thirty (30) percent of the total sign area.
- iii. Changeable copy shall be limited to advertising events, items and pricing, announcements, specials, slogans directly related to the sign owner. All other copy shall be prohibited; except that

- noncommercial copy as defined herein shall be permitted. The changing of copy on such signs shall not require a sign permit.
- iv. Manual changeable copy shall not change more than once a day.
  - v. Changeable copy shall only be permitted on monument signs. Changeable copy on wall signs, window signs or any other sign, are prohibited.

SECTION 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 4. 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 5. 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 sections 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; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 25<sup>th</sup> DAY OF FEBRUARY, 2009.

PASSED ON SECOND READING ON THE 11<sup>th</sup> DAY OF MARCH, 2009.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 11<sup>th</sup> DAY OF MARCH, 2009.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: SONJA DICKENS, CITY ATTORNEY AND  
DANNY CREW, CITY MANAGER

MOVED BY: Councilman Gilbert  
SECOND BY: Vice Mayor Watson

**VOTE: 6-0**

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Barbara Watson	<u> X </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> X </u> (Yes)	<u> </u> (No)
Councilman Aaron Campbell	<u> X </u> (Yes)	<u> </u> (No)
Councilman Oliver Gilbert, III	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> </u> (Yes)	<u> </u> (No) (not present)
Councilman André Williams	<u> X </u> (Yes)	<u> </u> (No)

SKD/teh



## City of Miami Gardens Agenda Cover Memo – Sign Regulations

<b>Council Meeting Date:</b>	March 11, 2009		<b>Item Type:</b>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>	
					X		
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b>		<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>
		x	<b>Public Hearing:</b> <i>(Enter X in box)</i>		Yes	No	Yes    No
							X
<b>Funding Source:</b>			<b>Advertising Requirement:</b>		<b>Yes</b>		<b>No</b>
<b>Contract/P.O. Required:</b>	Yes	No	<b>RFP/RFQ/Bid #:</b>				
		X					
<b>Sponsor Name</b>	City Manager and City Attorney		<b>Department:</b>		Planning and Zoning		

**Short Title:**

ORDINANCE No. 2008-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING THE CITY'S SIGN CODE AS ADOPTED BY ORDINANCE NO. 2008-04-140; PROVIDING FOR A DEFINITION AND REGULATIONS FOR NONCOMMERCIAL COPY; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

**Background**

The City adopted its Sign Regulations on February 13, 2008. The Code was amended in January 7, 2009. Based on review of the Code by the City Attorney and the attorney representing the City with the Florida League of Cities, an amendment is deemed necessary to clarify and refine sign copy provisions in order to insure compliance with certain speech related issues.

**Proposed Revisions.** The following provisions are proposed.

1. Add the following underlined language to **Article IV. Definitions:**

*Noncommercial copy.* Any sign or message that is not limited to advertising a commercial establishment, activity, product, service, or entertainment.

2. Add the following underlined language to **Article VI. Signs Permitted Without Sign Permit:**

**B. Signs With Noncommercial Copy. A lawfully existing sign may, at the option of the applicant or sign owner, contain noncommercial copy. The non-commercial message may occupy the entire sign face or a portion thereof. The sign face may be changed to contain noncommercial copy as frequently as desired, provided that the sign conforms to the regulations of this Code.**

3. Add the following underlined language to **Article IX . Signage Design Standards:**

**(B) Monument Sign Design Standards.** The City seeks to achieve uniform and coordinated monument and freestanding signage within each development. Coordinated signage is created by consistency in the sign size, type, copy area, letters, location, color, and type of sign. In designing monument signs the following standards shall be complied with:

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v. Changeable copy shall only be permitted on monument signs. Changeable copy on wall signs, window signs or any other sign, are prohibited.

## Current Situation

The attached ordinance was approved on 1<sup>st</sup> reading at the February 25, 2009 City Council meeting.

**Recommendation:**

It is recommended that Council adopt (on 2<sup>nd</sup> reading) the proposed ordinance to revise the Sign Regulations.

**Attachment:**

Proposed Ordinance