



TOWN OF MIAMI LAKES, FLORIDA

AGENDA PLANNING & ZONING BOARD MEETING April 27, 2016 6:00 p.m. 6601 Main Street

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance/Moment of Silence**
- 4. Business Requiring Board Action**

QUASI-JUDICIAL PUBLIC HEARINGS – Please be advised that the following items on the Board's agenda are quasi-judicial in nature. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you do not wish to be either cross-examined or sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Any person presenting documents to the Board should provide the Town Clerk with a minimum of 10 copies. Further details of the quasi-judicial procedure may be obtained from the Clerk.

A. HEARING NUMBER: VARH2016-0010

APPLICANT: Ibrahim Remedios

FOLIO: 32-2015-009-0210

**LEGAL DESCRIPTION: Lot 6, Block 17 of Fourth Addition to Royal Oaks,
Plat Book 131, Page 53 of the Public Records of Miami-Dade County,
Florida**

LOCATION: 8024 NW 163rd Terrace, Miami Lakes, Florida

- B. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ADOPTING AMENDMENTS TO THE TRANSPORTATION ELEMENT AND THE CAPITAL IMPROVEMENTS ELEMENT OF THE GOALS, OBJECTIVES AND POLICIES OF THE TOWN OF MIAMI LAKES COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND REQUIRED REVIEW AGENCIES FOR REVIEW; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**
- C. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE BY AMENDING ARTICLE IX, SECTIONS 13-1901 THROUGH 13-1905, ADDING SECTIONS 13-1906 AND 13-1907; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey/Gastesi)**

5. Director's Report

6. Adjournment

This meeting is open to the public. A copy of this Agenda and the backup therefore, has been posted on the Town of Miami Lakes Website at www.miamilakes-fl.gov and is available at Government Center, 6601 Main Street, Miami Lakes, FL 33014. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact Town Hall at 305-364-6100 two days prior to the meeting.

Anyone wishing to appeal any decision made by the Miami Lakes Planning and Zoning Board with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.



Town of Miami Lakes Memorandum

To: Planning and Zoning Board

From: Brandon R. Schaad, Director of Planning

Subject: VARH2016-0010/Remedios Pool

Date: April 27, 2016

Recommendation:

See attached Staff Analysis and Recommendation.

Attachments:

[Staff Recommendation and Analysis](#)

[Exhibit 1 - Survey](#)

[Exhibit 2 - Site Plan](#)

[Exhibit 3 - Pictures](#)

[Exhibit 4 - Backup Materials](#)

[Exhibit 5- New Design Submitted by Applicant on 4-21-2016](#)



Department of Planning, Zoning and Code Compliance
 6601 Main Street • Miami Lakes, Florida 33014
 Office: (305) 364-6100 • Fax: (305) 558-8511
 Website: www.miamilakes-fl.gov

Staff Analysis and Recommendation

To: Planning and Zoning Board
From: Brandon R. Schaad, AICP, LEED AP
 Director of Planning
Re: **HEARING NUMBER:** VARH2016-0010
APPLICANT: Ibrahim Remedios
FOLIO: 32-2015-009-0210
LEGAL DESCRIPTION: Lot 6, Block 17 of Fourth Addition to Royal Oaks, Plat Book 131, Page 53 of the Public Records of Miami-Dade County, Florida
LOCATION: 8024 NW 163rd Terrace
 Miami Lakes, Florida 33018
Date: April 19, 2016

REQUEST(S)

In accordance with the Town of Miami Lakes Land Development Code (the "Town's LDC"), Ibrahim Remedios (the "Applicant") is requesting the following variance(s):

1. A variance from Subsection 13-1605(7) to allow a pool 9.17 feet waterward of the survey tie line where the Code does not allow pools waterward of the survey tie line.
2. A variance from Subsection 13-1605(c)d.2. to allow 570 square feet of pool deck waterward of the survey tie line where the Code allows only 225 square feet of pool deck waterward of the survey tie line.
3. A variance from Subsection 13-1605(c)d.2. to allow the deck area to be set back 5.04 feet from the west interior side property line and 5.17 feet from the east interior side property line where the Code states that decks shall be set back a minimum of 7.5 feet from the interior side property lines.

Summary of Proposal
and
Recommendation

The Applicant is requesting variances to allow a pool and 570 square feet of pool deck waterward of the top of the slope where the Code does not allow pools waterward of the top of the slope and only allows 225 square feet of deck waterward of the top of the slope. The Applicant is also requesting reduced side setbacks for each side of the pool deck in order to be closer than the required 7.5 feet. The property is currently under construction for a new single-family dwelling.

The Royal Oaks Homeowner's Association has denied this request.

Staff Recommendation

Request #1, #2 and #3: Staff recommends denial.

Background

Zoning District of Property: **RU-1 – Single-Family Residential District**

Future Land Use Designation: **Low Density Residential**

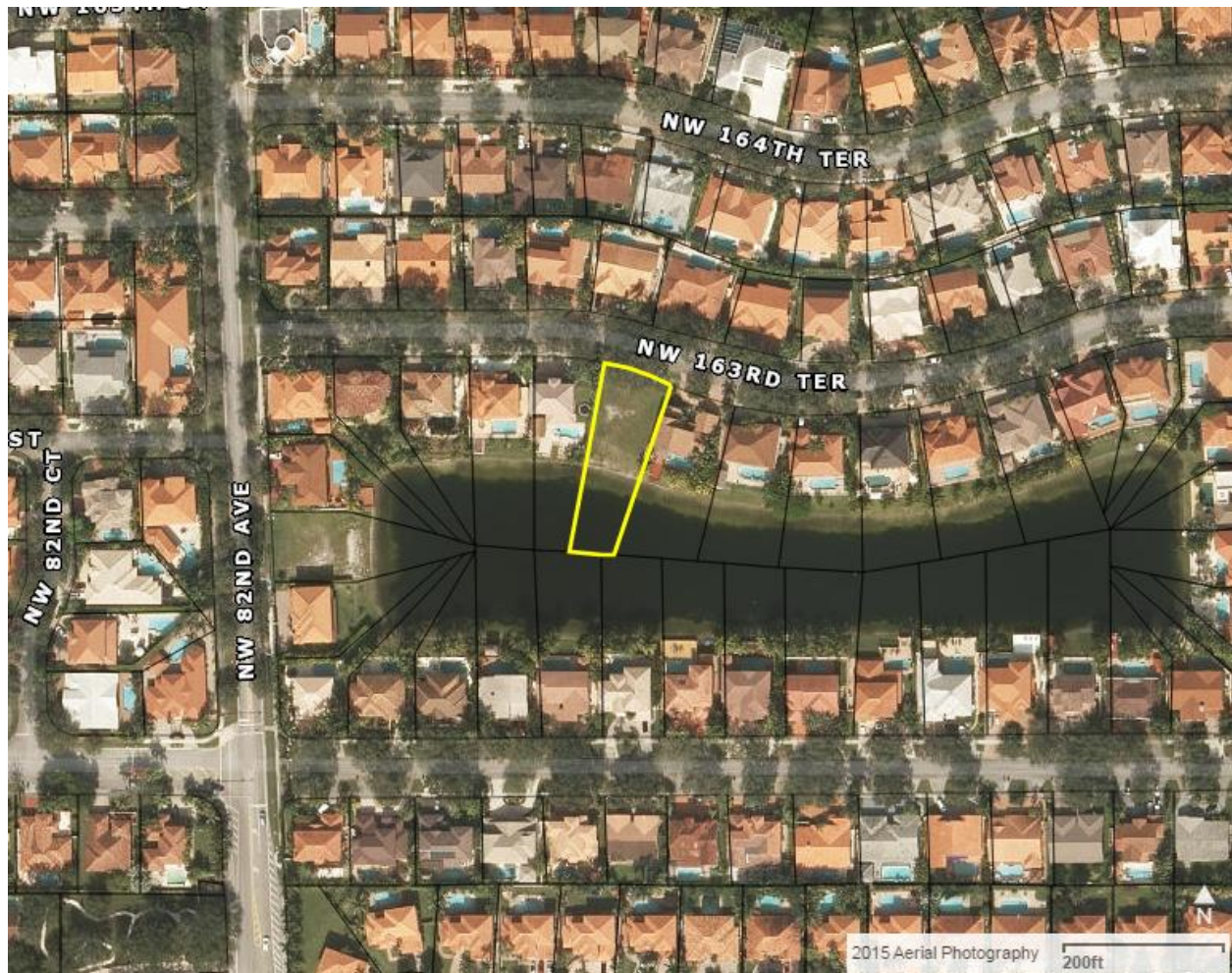
Subject Property:

The subject parcel is a 7,945 square foot lot on Lake Gloria. The site is currently under construction for a single-family residence, BLR2014-2671. It is located at 8024 NW 163rd Terrace. The property is located within the Low Density Residential Future Land Use Designation and is zoned RU-1 (Single-Family Residential District).

Surrounding Property:

	Future Land Use Category	Zoning District
North:	Low Density Residential	Single-Family Residential District, (RU-1)
South (across Lake Michael):	Low Density Residential	Single-Family Residential District, (RU-1)
East:	Low Density Residential	Single-Family Residential District, (RU-1)
West:	Low Density Residential	Single-Family Residential District, (RU-1)

Subject Property Location Map



not to scale

The following information is provided for informational purposes only and shall not be considered by the Planning and Zoning Board in providing its determination:

A. Open Building Permit(s) / Open Code Compliance Violation(s) / Zoning History:

There is one open building permit currently open for this property, BLR2015-3152, for a new pool and spa.

There are no open Code Compliance cases on this property.

Variance Criteria

Subsection 13-305(f)1 of the Town LDC allows the Planning and Zoning Board to approve non-use variance request(s) on the basis of practical difficulty on part of the Applicant by a majority vote of the members of the Planning and Zoning Board present. In order to authorize any variance on the basis of practical difficulty, the Planning and Zoning Board members at the meeting shall balance the rights of property owners in the Town as a whole against the need of the individual property owner to deviate from the requirements of the Land Development Code based on an evaluation of the factors below. All of the factors should be considered and given their due weight; however, no single factor is dispositive.

PRACTICAL DIFFICULTY VARIANCE FACTORS	
FACTOR	
a.	<p>The Town has received written support of the specifically identified variance requests from adjoining property owners;</p> <p><i>Analysis: The Town has not received any written support for this request. <u>This criterion is not met.</u></i></p>
b.	<p>The Variance would be compatible with development patterns in the Town;</p> <p><i>Analysis: The Applicant proposes to build a pool 9.17 feet beyond the top of the slope with 8 feet of pool deck beyond that. By Code, pools are not permitted beyond the top of the slope and the amount of deck allowed beyond the top of the slope is 225 square feet. The Applicant is requesting 570 square feet of pool deck beyond the top of the slope. Also, the Code requires an interior side setback of 7.5 feet for a deck. The Applicant is requesting a 5.17 foot setback on the east side of the property and a 5.04 foot setback on the west side of the property. Staff finds that these proposed improvements are not compatible with development patterns in the Town. Retaining green lake slopes, relatively free from built improvements, is an important part of the character of Miami Lakes, and the proposed improvements would detract from that character. <u>This criterion is not met.</u></i></p>
c.	<p>The essential character of the neighborhood would be preserved;</p> <p><i>Analysis: Like the remainder of Miami Lakes, the maintenance of green lake slopes is an important part of neighborhood character. While some improvements on the lake slope beyond that which is allowed by Code may be justified in certain cases, this proposal would create a large impact for the neighbors. The proposed pool and deck extend waterward of the top of the slope 17.17 feet and also extend into the required setbacks on each side. These requests are not justified given their impact on the lake slope and, thereby, the neighborhood. <u>This criterion is not met.</u></i></p>
d.	<p>The Variance can be approved without causing substantial detriment to adjoining properties;</p> <p><i>Analysis: While it appears that the properties to the east and west of the site have improvements beyond the lake slope, they appear to have respected the limits on improvements past the top of the slope. Allowing an encroachment of 17.17 feet</i></p>

	<i>into the lake slope and the reduced side setbacks on this property would substantially impact the adjoining properties. <u>This criterion is not met.</u></i>
e.	<p>The Variance will do substantial justice to the property owner as well as to other property owners justifying a relaxation of this Land Development Code to provide substantial relief;</p> <p><i>Analysis: Since this is new construction, the property owner had the design flexibility to incorporate the single-family dwelling and pool within the parameters of the Code. No variance would have been needed to do substantial justice to the property owner, as the owner's once vacant lot allowed a great degree of design flexibility without the need for variances. The requested variances also will not do substantial justice to other property owners. Quite the opposite, as they would detract from both the character of the neighborhood, and the character of the Town as a whole. <u>This criterion is not met.</u></i></p>
f.	<p>The plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of the Land Development Code unnecessarily burdensome; and</p> <p><i>Analysis: There are no unique circumstances that exist with the property and/or the Applicant that would make conforming to the Code unnecessarily burdensome. <u>This criterion is not met.</u></i></p>
g.	<p>The special conditions and circumstances which exist are the result of actions beyond the control of the applicant.</p> <p><i>Analysis: There are no special conditions or circumstances which exist that are the result of actions beyond the control of the Applicant. <u>This criterion is not met.</u></i></p>

ANALYSIS

The Applicant is requesting variances to allow a pool, pool deck and reduced side setbacks on property that is currently under construction for a new single-family dwelling.

Since this is new construction, the property owner had the design flexibility to incorporate the single-family dwelling and pool within the parameters of the Code. Instead the Applicant proposes a pool 9.17 feet beyond the top of the slope with 8 feet of pool deck beyond that. The Applicant is requesting 570 square feet of pool deck beyond the top of the slope with reduced setbacks on each side.

By Code, pools are not permitted beyond the top of the slope and the amount of deck allowed beyond the top of the slope is 225 square feet. Also, the Code requires an interior side setback of 7.5 feet for a deck. The Applicant is requesting a 5.17 foot setback on the east side of the property and a 5.04 foot setback on the west side of the property.

From the aerial photograph, it appears the slope around the lake is relatively clean of encroachments. Also, it appears that the properties to the east and west of the site have improvements beyond the lake slope but, they appear to have respected the limits on improvements past the top of the slope. Allowing an encroachment of 17.17 feet into the lake slope and the reduced side setbacks on this property would substantially impact the adjoining properties.

Staff finds that these proposed improvements are not compatible with development patterns in the Town or the neighborhood. Retaining green lake slopes, relatively free from built improvements is an important part of the character of Miami Lakes, and the proposed improvements would detract from that character.

Staff's analysis shows that the requested variances meet zero (0) of the seven (7) criteria for a variance.

Therefore, based on the above analysis and other factors contained in this report, Staff recommends:

- ***Requests #1, #2 and #3:*** Staff recommends denial.

BY:

RECEIVED
03.03.16
TOML/SA

Certificate of Authorization No.:4249

N.W. 163TH + TERR.

(Lot 7, Block 17)
"FOUR ADDITION
TO ROYAL OAKS"
(P.B. 131 - PG. 53)

60' TOTAL R/W

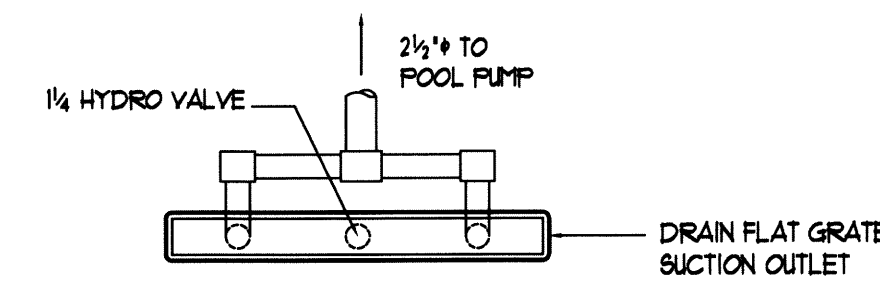
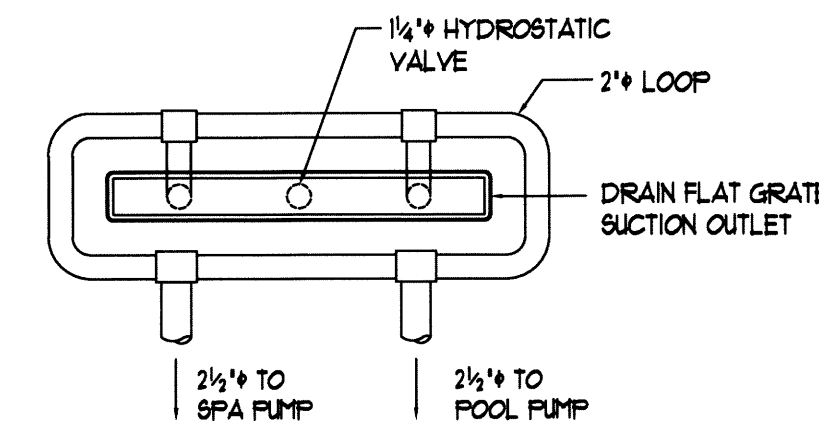
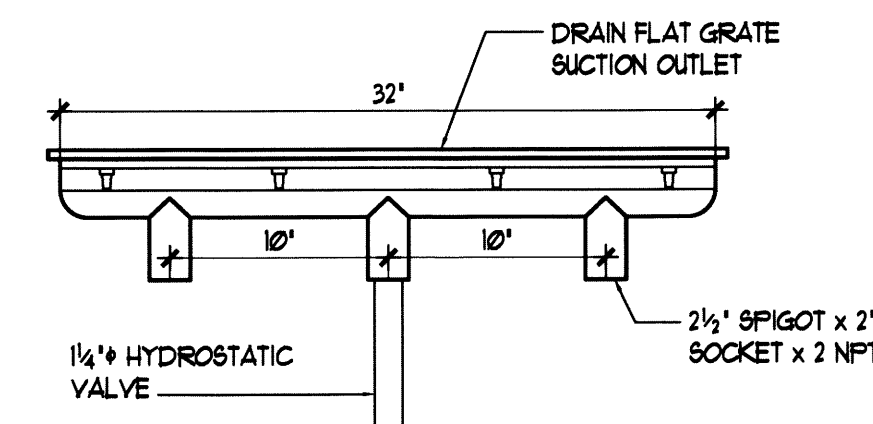
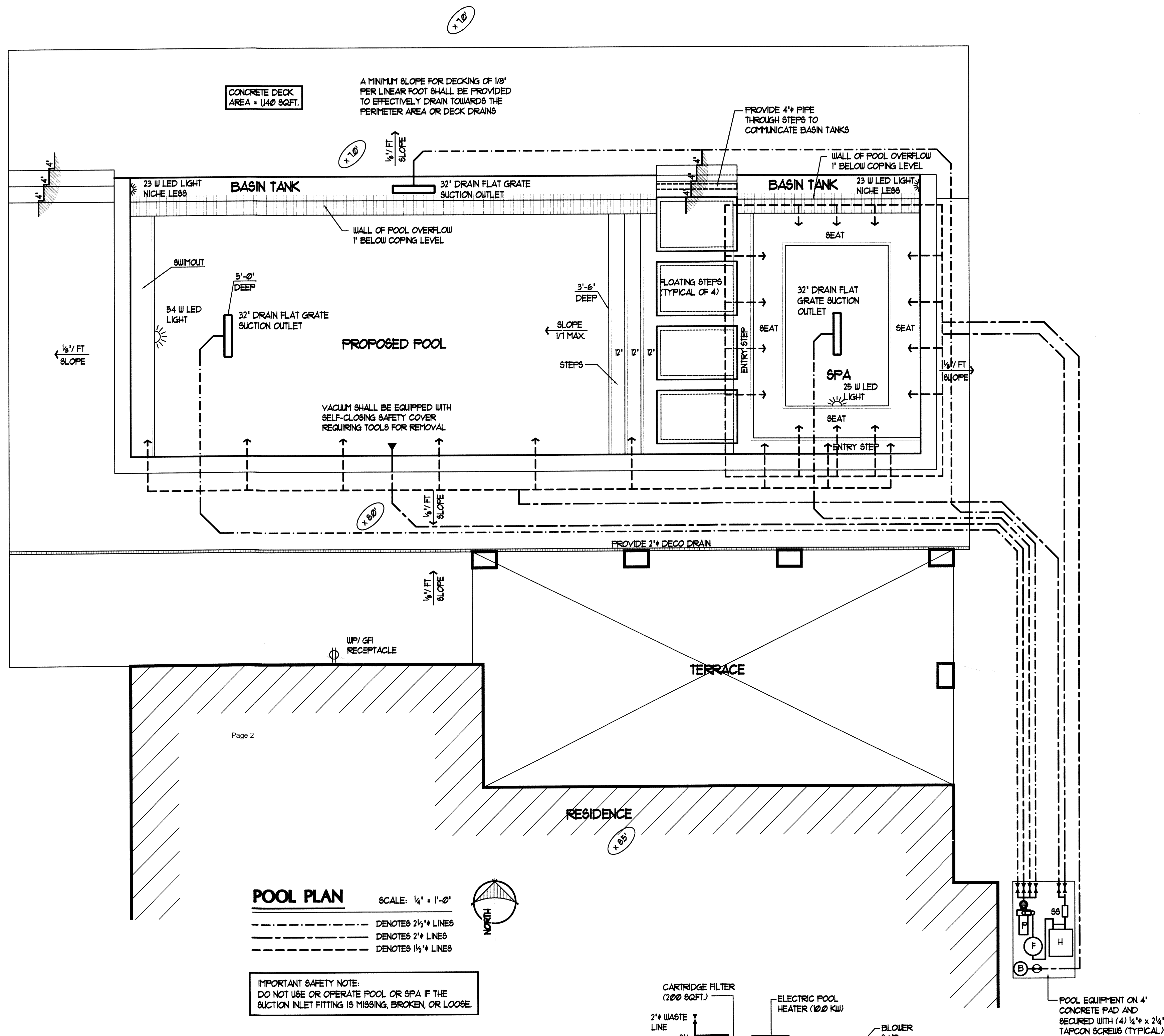
Original J.N.:
27760

Professional Engineer Seal for State of Florida, No. 3332, Mark Prais Jr.

THIS NOT A VALID CERTIFICATION
WITHOUT THE SURVEYOR'S ORIGINAL
SIGNATURE AND RAISED EMBOSSED
SEAL PRESENT.

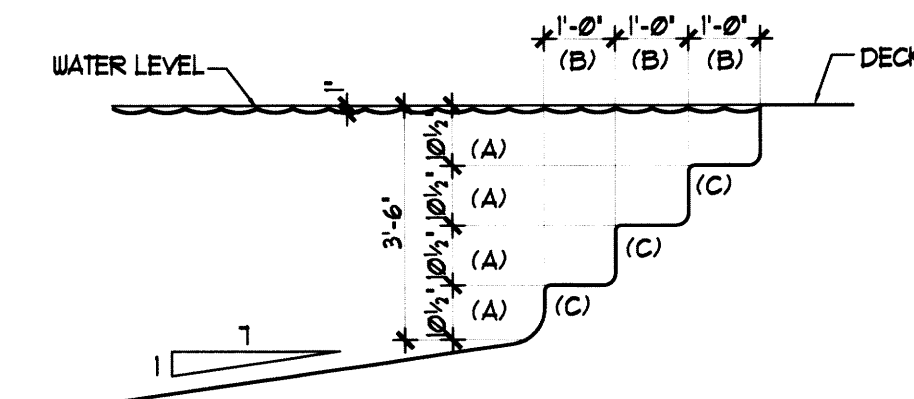
- 1- ALL FLOORS AND WALLS OF POOL TO BE CONCRETE SHALL BE FULLY FINISHED (SHOTCRETE OR GUNITE) A 28 DAY MINIMUM COMPRESSIVE STRENGTH OF 2500 PSI.
- 2- ALL REINFORCING STEEL TO CONFORM TO ASTM 635 GRADE 60. ALL POOL FIRING OR BOILER ROOMS SHALL BE 2" POI BEARING 8" APPROX. WITH LOGS PROTECTED. PLASTIC PIPE SUBJECT TO A PERIOD OF PROLONGED SUNLIGHT EXPOSURE SHALL BE COATED TO PROTECT IT FROM ULTRAVIOLET LIGHT DEGRADE - FBC R4010.6.5
- 4- FILTER BACKSHAU SHALL COMPLY WITH CHAPTER R4010.2 OF THE FBC.
- 5- NO POOL OR SPA DECK SHALL BEAR ON ANY TYPE OF SOILS EXCEPT SAND OR ROCK. DECK SHALL BE COMPACTED TO PROVIDE A STABLE BEARING CAPACITY OF 3000 PSF. ANY ORGANICS, MARLS, OR OTHER TYPES OF DELETERIOUS MATERIALS ENCOUNTERED ON EXCAVATION SHALL BE REMOVED (DEMUCKED) IN THEIR ENTIRETY AND THE AREA SHALL BE BACKFILLED WITH ACCEPTABLE SOIL AND COMPACTED IN 12" THICK LAYERS. WHERE THE CONTRACTOR CAN NOT REMOVE THE ORGANICS DUE TO UNWATERY CAUSED, THE POOL SHALL BE RECONSTRUCTED.
- 6- IN ALL CASES THE POOL CONTRACTOR SHALL TAKE ALL PRECAUTIONS TO PROTECT EXISTING STRUCTURES FROM FAILURE BY SHORING, UNDERPINNING OR ANY OTHER METHOD IF REQUIRED. THE DESIGN ENGINEER ASSUMES NO RESPONSIBILITY FOR THE SAFETY OF EXISTING STRUCTURE.
- 7- THE DESIGN ENGINEER ASSUMES NO RESPONSIBILITY FOR THE POOL EXCAVATION IN EXISTING OR REQUIRED SETBACK AREAS. PLOT PLANS NOT PREPARED FROM LEGAL SURVEYS OF THE EXISTING LOT AND RESIDENCE ARE SO INDICATED. POOL CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD AND ESTABLISH LOT LINES IF NECESSARY. CONTRACTOR AND / OR OWNER SHALL VERIFY LAYOUT SHOWN AND ALL DIMENSIONS PRIOR TO CONSTRUCTION.
- 8- CONTRACTOR SHALL ESTABLISH LOCATIONS OF UTILITIES AT THE SITE PRIOR TO EXCAVATION. DIMENSIONS SHALL BE HELD AND NOTED AS REQUIRED BY THE LOCAL REGULATORY AGENCY IN GENERAL. HOLD A DISTANCE OF 10 FEET FROM OVERHEAD ELECTRIC LINES TO OPEN POOL WATER EDGE AND 5 FEET FROM UNDERGROUND ELECTRIC LINES.
- 9- POOL SLIDES TO BE INSTALLED IN ACCORDANCE WITH LATEST EDITION OF CONSUMER PRODUCTS SAFETY COMMISSION U.D.C. AND FBC R4014.2
- 10- ALL 4'-0" HIGH OR GREATER WALLS SHALL BE HELD AND NOTED AS REQUIRED IN UNCREOSSED AREAS. COMPLY WITH CHAPTER R4014.2 OF THE 2014 F.B.C.
- 11- WHERE POOLS ABUT OR ARE PLACED NEARBY SEAWALLS OR BULKHEADS SPECIAL CARE SHALL BE EMPLOYED. THE WALLS SHALL BE IN GOOD CONDITIONS NOT PERMITTING ANY SHIFTING OR REMOVAL OR LOOSENING OF THE SUPPORTING SOIL AROUND THE POOL. IF THE WALLS ARE NOT FULLY CONTAINING THE SOILS BEHIND THEM, THE CONTRACTOR SHALL BE REQUIRED CONTINUAL MAINTENANCE OF THE WALLS IS REQUIRED OF THE PROPERTY OWNER WHEN EXCAVATING FOR THE POOL. THE SEAWALL TIEBACKS SHALL NOT BE CUT. WHERE CONCRETE DEAD-MEN FALL WITHIN THE EXCAVATION, NOTIFY THE ENGINEER FOR INSTRUCTIONS.
- 12- THE CONTRACTOR SHALL BACKFILL THE POOL SHELL WITH CAUTION. THE FINISHING SHALL NOT BE DISTURBED. BACKFILL SHALL BE COMPLETED WITH CLEARLY FREE OF ORGANIC MATERIALS AND SHALL BE PLACED IN 12" THICK LAYERS. EACH LAYER SHALL BE COMPACTED TO 90% OF THE SOILS MAXIMUM DENSITY BY TAMPING SOLIDLY. SOILS BELOW THE PATIO SHALL BE PLACED IN A SIMILAR MANNER.
- 13- WHERE PATIOS ARE INDICATED BY OTHERS, THE PATIO DESIGN NOTES SHOWN ON THE TYPICAL WALL SECTION DO NOT APPLY. PATIO DESIGN NOTES SHALL BE BY THE ARCHITECT.
- 14- WARNING: TO EMPTY POOL AFTER CONSTRUCTION FOR REPAIRS OR ANY OTHER REASON, THE HYDROSTATIC UPLIFT PRESSURES BENEATH THE POOL MUST BE ELIMINATED TO PREVENT THE POOL FROM FLOATING UPWARD. THE OWNER MUST CONSULT A POOL REPAIR CONTRACTOR EXPERIENCED IN ELIMINATING UPLIFT PRESSURES.
- 15- THIS PLANS REMAINS THE PROPERTY OF THE DESIGN ENGINEER. IT IS NOT TRANSFERABLE FROM ONE CONTRACTOR TO ANOTHER WITHOUT THE WRITTEN PERMISSION OF THE DESIGN ENGINEER AND TO THE BEST OF OUR PROFESSIONAL KNOWLEDGE AND BELIEF, THEY HAVE BEEN PREPARED IN COMPLIANCE WITH THE ANSI-APFS-5-2005 AND 2014 FBC AND ALL APPLICABLE LOCAL CODES AND REGULATIONS.
- 16- CONTRACTOR POOL DECK SHALL BE PROVIDED W/ 1/4" WIDE SAUCIGT CRACK CONTROL JOINTS SPACED AT 5'-0" O.C. OR FOR AN EFFECTIVE CONCRETE AREA OF 50 SQ. FT. CRACK CONTROL JOINTS SHALL BE SAUCAT AT A DEPTH OF 1/3 THE SLAB THICKNESS.





PLUMBING NOTES:

- ALL POOL AND EQUIPMENT PIPING SHALL BE SCHEDULE 40, PVC-FW, NON-THREADED, NSF APPROVED SUPPORTED CONTINUOUSLY ON GROUND OR ON MAXIMUM 4'0" CENTERS WITH CLEVIS HANGERS.
- ALL SUCTION PIPING SHALL BE 2" DIAMETER AND ALL PRESSURE PIPING 1 1/2" DIAMETER UNLESS OTHERWISE NOTED.
- POOL WATER DISPOSAL SHALL BE IN ACCORDANCE WITH LOCAL BUILDING DEPARTMENT REQUIREMENTS.
- ANTI VORTEX MAIN DRAIN SHALL HAVE ITS PLATE SECURELY FASTENED WITH TAMPERPROOF SCREWS.
- POOL VACUUM SHALL HAVE SPRING LOADED CAP IN ACCORDANCE WITH THE FLORIDA BUILDING CODE.
- ALL PIPING SHALL BE INSTALLED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE-PLUMBING SECTION 309.
- THE WATER VELOCITY THROUGH ALL SUCTION PIPING SHALL BE LESS THAN 8 FEET PER SECOND.
- THE WATER VELOCITY THROUGHOUT ALL PRESSURE PIPING SHALL BE LESS THAN 10 FEET PER SECOND.
- ALL PIPING SHALL BE SUITABLE FOR EXPOSURE TO ULTRA VIOLET RADIATION AND NORMAL OPERATING TEMPERATURES.
- VACUUM SHALL BE EQUIPPED WITH SELF-CLOSING SAFETY COVER REQUIRING TOOLS FOR REMOVAL.



RECEIVED
15-016151

REVISIONS	BY

JOB NUMBER
15-016151

Orlando M. Fortun
CIVIL / STRUCTURAL
PE 22249 CA 000092
CONSULTING ENGINEER, P.A.
1720 SW 39th TERRACE MIAMI, FLORIDA 33155
TEL - (305) 567-6275 FAX - (305) 567-2014
Email - orlandofortun@earthlink.net



PROPOSED POOL PLAN FOR:
MR. & Mrs. Ibrahim Remedios
LOCATED AT:
8024 NW 163 TERRACE MIAMI LAKES, FLORIDA, 33016

DRAWN: RMG
CHECKED: OMF
DATE: November '15
SCALE: SHOWN
JOB NO: 15-016151

SHEET
2
OF 3 SHEETS

JOB NUMBER
15-016151

PROPOSED POOL PLAN FOR:

MR. & Mrs. Ibrahim Remedios

LOCATED AT:

19024 NW 163 TERRACE MIAMI LAKES, FLORIDA, 33016

SHEET
3
OF 3 SHEETS



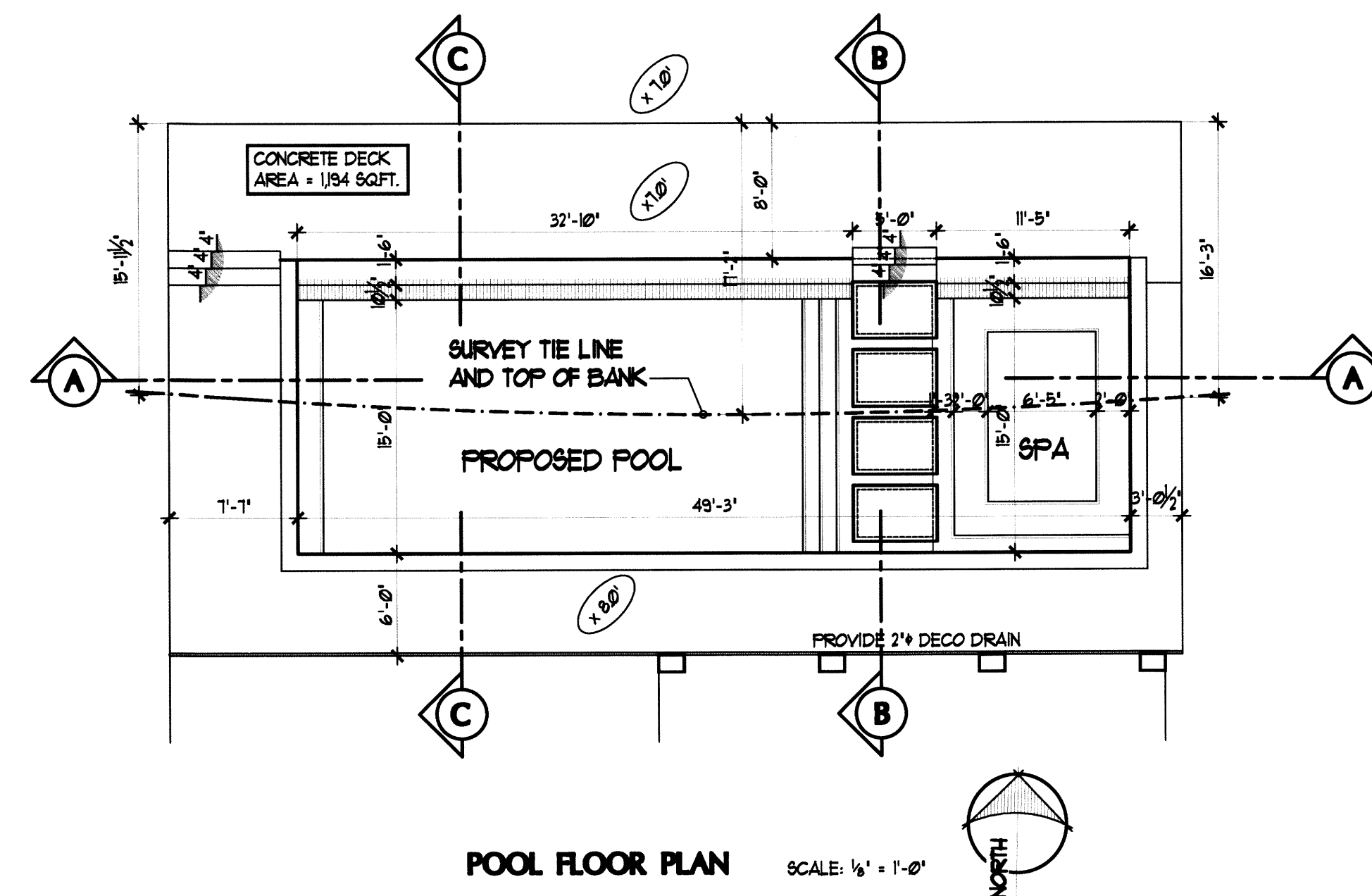
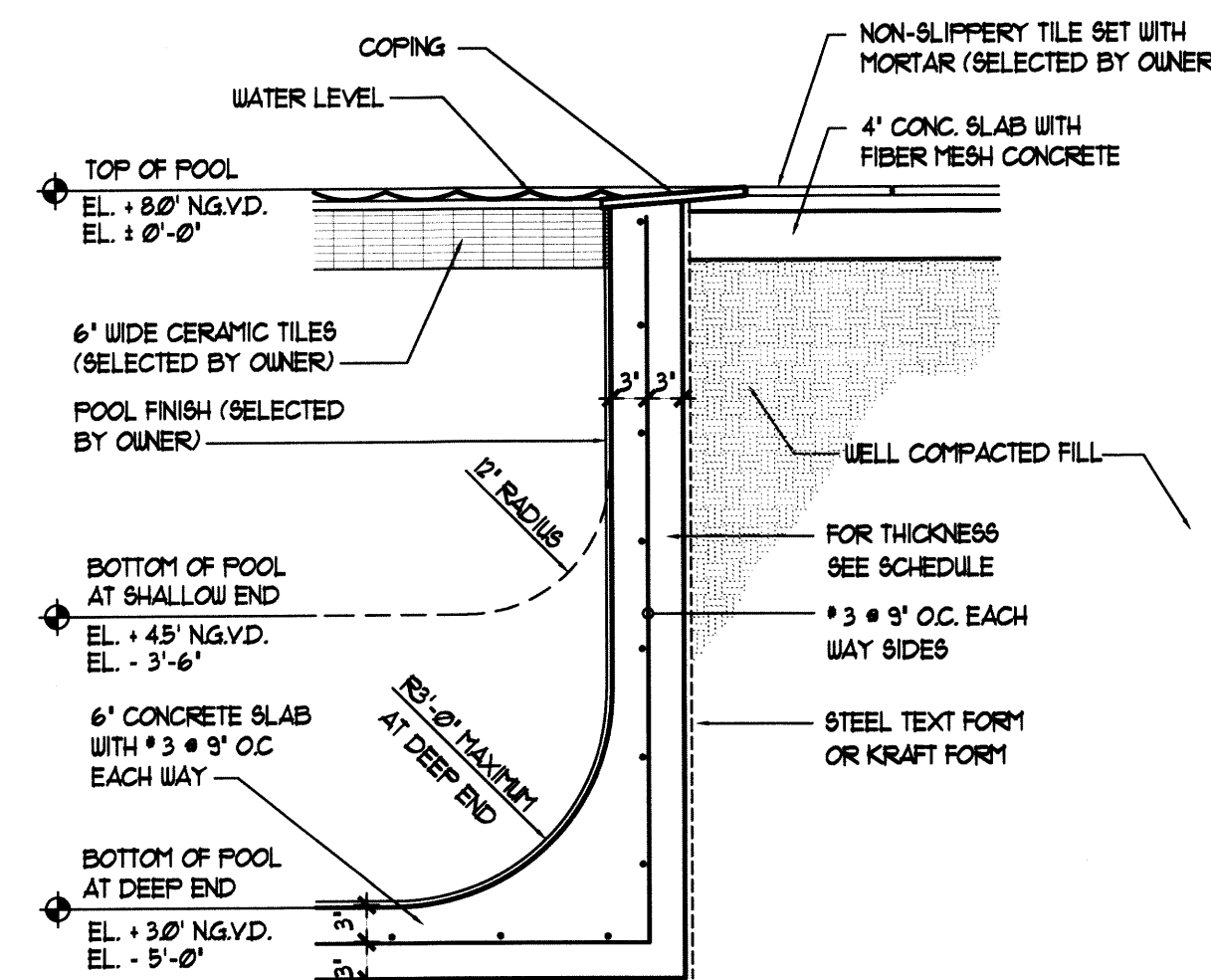
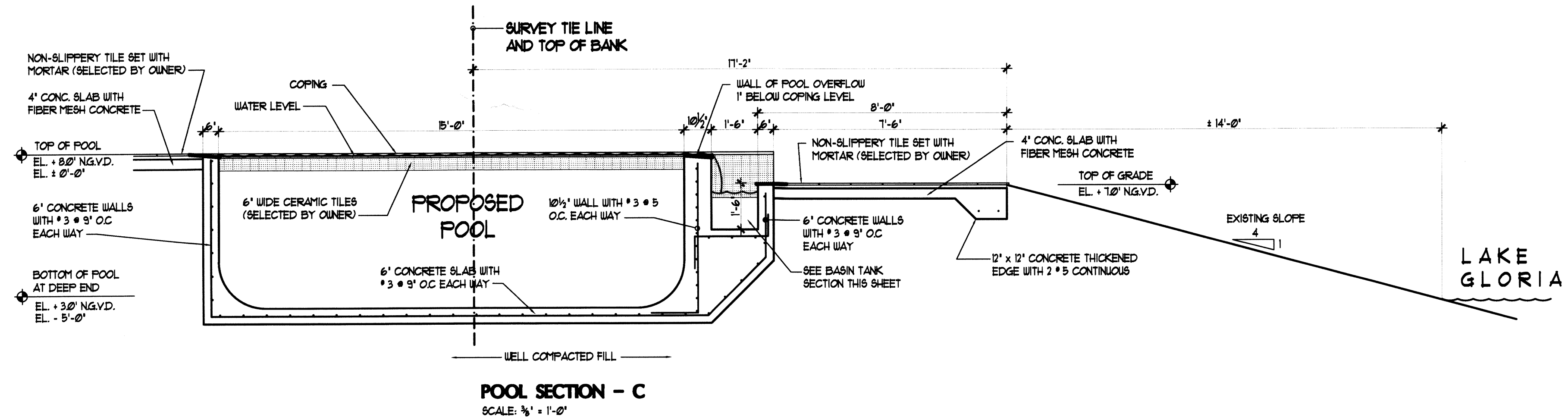
FLOTATION ANALYSIS	
WATER LEVEL ELEVATION (TOP OF WALL)	8'0"
POOL DEPTH	5'0"
LOW POINT POOL LEVEL	Pool Bottom 3'0"
BASE FLOOD "X" - FLOOD CRITERIA	6'0"
F.C. DEPTH LEVEL	3'0"
LESS 6" HYDROVERTICAL	-3'0"
HYDROSTATIC UPLIFT	1'0"
THEREFORE USE 6" CONCRETE SLAB	
$A s \text{ min.} = \frac{0.002 \times 1 \times (\text{Slab Thickness}) \times b (\text{column of water})}{144}$ $A s \text{ min.} = \frac{0.002 \times 6 \times 12 \times 104}{144}$ $\text{Spacing} = \frac{A s \text{ min.}}{0.34} = \frac{0.19 \times 9}{0.34}$	
THEREFORE USE 6" CONCRETE SLAB WITH # 3 @ 9" O.C. EACH WAY	

FLOOR AND WALL THICKNESS SCHEDULE		
WALL THICKNESS	TOP	BOTTOM
PLACED CONCRETE	6"	6"
FLOOR THICKNESS	BOTTOM	
PLACED CONCRETE	6"	

SOIL STATEMENT
 SOIL CONDITION AT SITE BY VISUAL INSPECTION INDICATES AN ALLOWABLE BEARING CAPACITY OF 1000 P.S.F. (UNDISTURBED SAND AND/OR ROCK) UPON EXCAVATION OF POOL. PRIOR TO THE INSTALLATION OF POOL FOUNDATION SYSTEM THE BUILDING OFFICIAL SHALL BE PROVIDED WITH A STATEMENT FROM AN ARCHITECT OR ENGINEER TO CERTIFY THE PRESUMPTIVE SOIL BEARING CAPACITY.

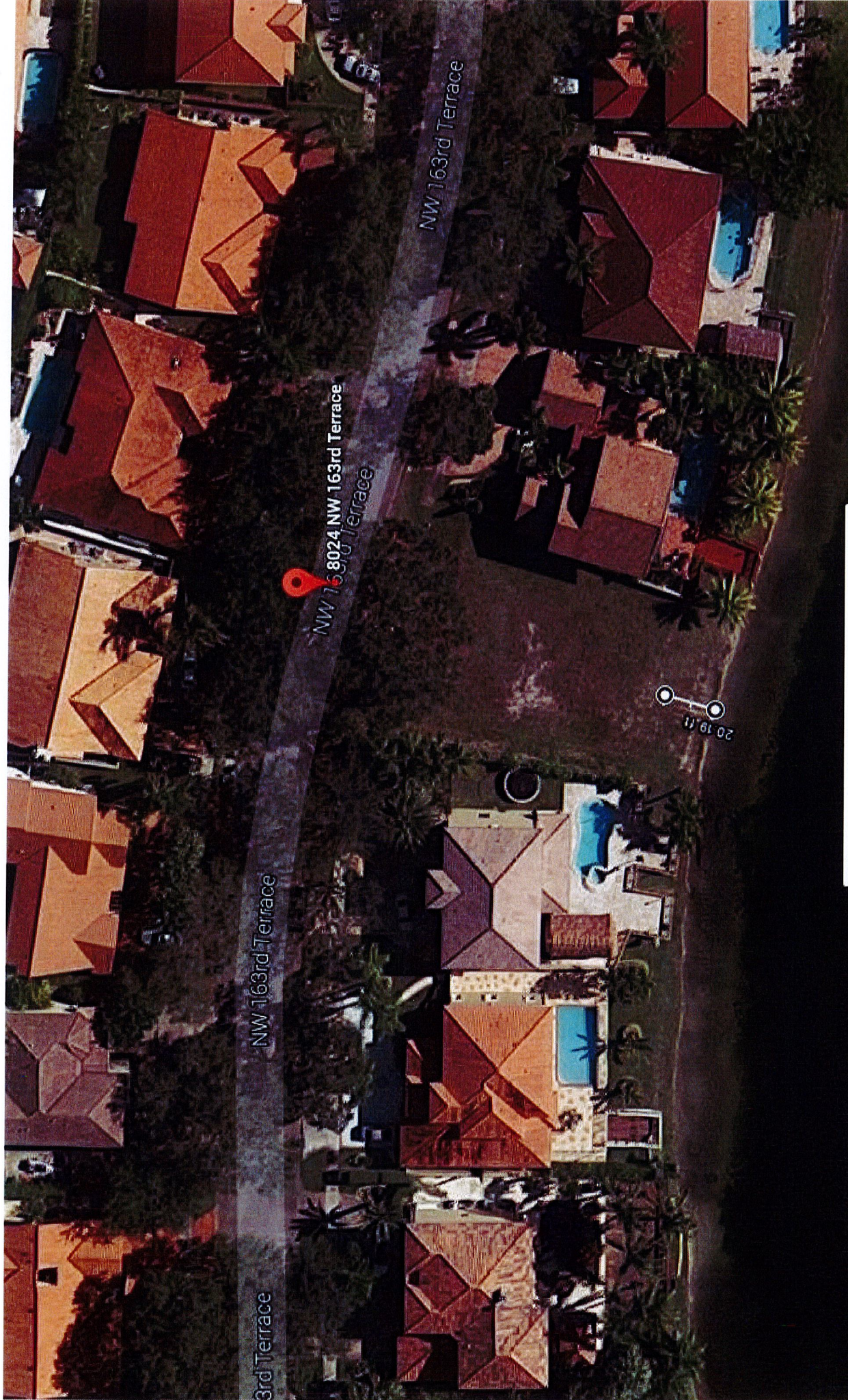
STRUCTURAL NOTES:

1. ALL POOL CONCRETE SHALL DEVELOP A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF $f'_{c}=2500$ PSI.
2. ALL REINFORCING STEEL SHALL HAVE A MINIMUM YIELD STRENGTH OF $F_{y}=60,000$ PSI.
3. ALL DECK CONCRETE (WHEN INSTALLED UNDER THESE PLANS) SHALL HAVE A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF $f'_{c}=2500$ PSI.
4. THE DESIGN OF THIS PROJECT HAS INCORPORATED A RATIONAL DESIGN APPROACH BASED ON ACCREDITED ENGINEERING PRINCIPLES.
5. ALL REINFORCING SPLICES SHALL BE 18" IN LENGTH UNLESS OTHERWISE INDICATED ON THESE PLANS.



RECEIVED
24.11.10

A circular license stamp for Orlando Martinez-Fortuna, License No. 22249, State of Florida. The stamp includes the text "ORLANDO MARTINEZ-FORTUNA", "LICENSE", "No. 22249", "STATE OF FLORIDA", and "APR 07 2016". There is a signature over the stamp.



×

Measure distance

Total distance: 20.19 ft (6.15 m)

Click on the map to add to your path





6601 Main Street • Miami Lakes, Florida, 33016

Office: (305) 364-6100 • Fax: (305) 558-8511

Website: www.miamilakes-fl.gov

03-03-16 A09:47 IN

PLANNING AND ZONING PUBLIC HEARING APPLICATION

"Remedios Pool"

UAR# 2016-0010 File #

04.01.16 Date Received

TOML/SA

03.07.16 Date of Pre-application Meeting

32-2015-009-0210

NOTE TO APPLICANTS: A pre-application meeting with the Town's Planning and Zoning Department staff is required prior to official application filing. Please call 305 364-6100 for an appointment.

1. Name of Applicant IBRAHIM E NEYZA REMEDIOS
- If applicant is owner, give name exactly as recorded on deed.
 - If applicant is lessee, attach copy of valid lease of 1 year or more and Owner's Sworn-to-Consent form.
 - If applicant is corporation, partnership, limited partnership, or trustee, a separate Disclosure of Interest form must be completed.

Mailing Address _____

City MIAMI LAKES State FL ZIP 33016Tel. # (during working hours) 786-412-5541 Other _____E-Mail: APEX72 @ AOL . com Mobile #: 786-412-5541

2. Name of Property Owner SAME AS ABOVE

Mailing Address _____

City _____ State _____ ZIP _____

Tel. # (during working hours) _____ Other _____

3. Contact Person ~~SAME AS ABOVE~~ SAME AS ABOVE

Mailing Address _____

City _____ State _____ ZIP _____

Tel. # (during working hours) _____ Other _____

E-Mail: _____ Mobile #: _____

4. LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION
- If subdivided, provide lot, block, complete name of subdivision, plat book and page number.
 - If metes and bounds description, provide complete description (including section, township, and range).
 - Attach a separate typed sheet, if necessary. Please verify the accuracy of your legal description

4TH ADDITION TO ROYAL OAKS LOT 6 BLK 17

5. Address or location of property (including section, township, and range): _____

8024 ~~8100~~ NW 163 TR

6. Size of property: _____ × _____ Acres _____

7. Date subject property ☐ acquired or ☐ leased _____ day of _____

Term of lease: _____ years/months.

8. Does property owner own contiguous property to the subject property? If so, give complete legal description of entire contiguous property. (If lengthy, please type on a sheet labeled "Contiguous Property.")

NO

9. Is there an option to ☐ purchase or ☐ lease the subject property or property contiguous thereto? ☐ Yes ☒ No

If yes, who are the potential purchasers or lessees? (Complete section of Disclosure of Interest form, also.)

10. Present zoning classification(s): SFR/AO-1 Present land use classification(s): _____

11. REQUEST(S) COVERED UNDER THIS APPLICATION:

Please check the appropriate box and give a brief description of the nature of the request in the space provided. Be advised that all zone changes require concurrent site plan approval.

- ☐ District Boundary (Zone) Change(s):
Zoning Requested: _____

- ☐ Future Land Use Map (FLUM) Amendment:
Future Land Use Requested: _____

- ☐ Site Plan Approval _____

- ☒ Variance PLACE POOL SLIGHTLY BEYOND SURVEY TIE LINE.

- ☐ Preliminary Plat Approval: _____

- ☐ Final Plat Approval: _____

- ☐ Modification of Previous Resolution/Plan/Ordinance _____

- ☐ Modification of Declaration or Covenant _____

12. Has a public hearing been held on this property within the last year and a half? ☐ Yes ☐ No

If yes, applicant's name _____ Date of Hearing _____

Nature of Hearing _____

Decision of Hearing _____ Resolution # _____

13. Is this hearing being requested as a result of a violation notice? ☐ Yes ☒ No

If yes, give name to whom violation notice was served _____

Nature of violation _____

14. Are there any existing structures on the property? ☒ Yes ☐ No

If yes, briefly describe NEW CONSTRUCTION

15. Is there any existing use on the property? ☐ Yes ☒ No

If yes, what is the use and when was it established? _____

**OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL**

STATE OF FLORIDA

Public Hearing No. _____

COUNTY OF MIAMI-DADE

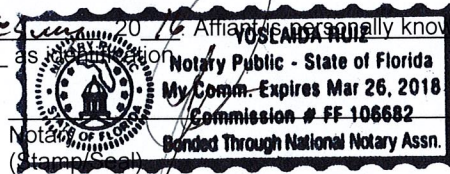
Before me, the undersigned authority, personally appeared, hereinafter the Affiants, who being first duly sworn by me, on oath, depose and say:

1. Affiants are the fee owners of the property which is the subject of the proposed hearing.
2. The subject property is legally described as: _____

3. Affiants understand this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:_____
Signature_____
Print Name_____
Signature_____
Print Name

Sworn to and subscribed before me on the 18 day of February, 2016. Affiant is personally known to me or has produced _____ as identification.

My Commission Expires: Mar 26 / 2018Affiant
Witnesses:_____
Signature_____
Print Name_____
Signature_____
Print Name

Sworn to and subscribed before me on the _____ day of _____, 20____. Affiant is personally known to me or has produced _____ as identification.

Notary
(Stamp/Seal)

My Commission Expires: _____

**OWNERSHIP AFFIDAVIT
FOR
TRUSTEE**

STATE OF _____

Public Hearing No. _____

COUNTY OF _____

Before me, the undersigned authority, personally appeared _____, hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the Trustee of the Trust which owns the property which is the subject of the proposed hearing.
2. Affiant is legally authorized as Trustee to apply for the proposed hearing.
3. The subject property is legally described as: _____

4. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:_____
Signature_____
Affiant's Signature_____
Print Name_____
Print Name_____
Signature_____
Print Name

Sworn to and subscribed before me on the _____ day of _____, 20____. Affiant is personally known to me or has produced _____ as identification.

Notary Public, State of _____

My Commission Expires:

Print Name

From: Oscar Vazquez <OVazquez@grsmanagement.com>
To: apex72 <apex72@aol.com>
Subject: Royal Oaks HOA
Date: Thu, Apr 7, 2016 4:58 pm

Good afternoon:

As per our conversation this afternoon, your ARB request for your pool was denied. The Architectural Review Board (ARB) has agreed to review your request once again if you are granted approval from the Town of Miami Lakes. If you have any questions, please feel free to contact our office at 305-823-0072.

Regards,

Oscar Vazquez

GRS Management, Inc

8140 NW 155th ST. STE 101

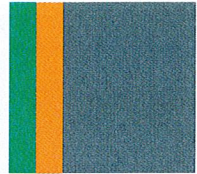
Miami Lakes, FL 33016

T: 305-823-0072 Ext. 106 F: 305-823-4888

www.grsmanagement.com

Ibrahim Remedios

7845 N.W. 165 Terrace Miami Lakes, FL. 33016
(786) 412-5541 - Apex72@aol.com



April 7, 2016

Re: Request for Zoning Variance
New construction at
8024 N.W. 163 Terr.
Miami Lakes, FL. 33016

Distinguish Members of: **Planning & Zoning Board,**

We are currently pursuing our family dream of building our home. As a resident of Miami Lakes of over 19 years, we could not think of a better place to raise our kids. The variance requested will enhance the overall aesthetics and add to the beauty of our town. The lot for which the variance is requested sits on Lake Gloria; and what better way of enhancing the lake than with an infinity pool. There will only be a 12-inch water cascade that will be visible to homeowners around the lake. Ultimately, this type of pool construction increases property values and the overall appearance of the lake.

Detail of variance requested:

Build pool and paver slab past the survey tie line by 17 feet and 2 inches at the farthest point.
The pool would extend 9 feet 2 inches
Paver deck would extend 8 feet.
Overall length 59 feet 10 inches

The idea for this pool design came about after visiting a neighbor with a similar setup. Their variance was granted when they came before this board. Our proposal is consistent with their request and consistent with the neighborhood aesthetics. We respectfully request that this board grant our request.

Warm regards,

Ibrahim Remedios





FOLIO	PTXADDRESS	OWNERS NAME	MAIL_ADDRESS	CITY_ST	MAIL_ZIP
3220150090480	8115 NW 162 ST	MARIANO VALLE &W	8115 NW 162 ST	MIAMI, FL	33016-6108
3220150090510	16225 NW 82 AVE	JUAN ALBERTO FUENTES	16225 NW 82ND AVE	HIALEAH, FL	33016-6114
3220150090060	7953 NW 163 TER	NORBERTO MARTINEZ &W EULALIA	7953 NW 163 TERR	MIAMI, FL	33016-6105
3220150090270	7934 NW 163 TER	RAUL SOTO &W ALINA	7934 NW 163 TERR	MIAMI, FL	33016-6100
3220150080250	8015 NW 164 TER	STEPHEN JOSEPH SCHAFFER	8015 NW 164 TERR	MIAMI LAKES, FL	33018
3220150090470	8105 NW 162 ST	MIGUEL TOST &W ESTELA C	8105 NW 162 ST	MIAMI, FL	33016-6108
3220150320100	8043 NW 161 TER	MARTHA M HORSTMANN	8043 NW 161 TERR	HIALEAH, FL	33018
3220150090200	8034 NW 163 TER	JESUS ALVAREZ QUINTERO	8034 NW 163 TER	HIALEAH, FL	33016
3220150090610	8006 NW 162 ST	NARIMAN APAID HALLOUN JTRS	8006 NW 162 ST	MIAMI LAKES, FL	33016
3220150080210	7945 NW 164 TER	NICHOLAS D NITTI	7945 NW 164 TER	MIAMI LAKES, FL	33016
3220150090410	7965 NW 162 ST	LILIA FERNANDEZ	7965 NW 162 ST	MIAMI LAKES, FL	33016-6106
3220150090430	8005 NW 162 ST	ELISABET GONZALEZ	8005 NW 162 ST	MIAMI, FL	33016
3220150080440	7952 NW 164 TER	LEONARDO D ESPINOSA &W	7952 NW 164 TER	MIAMI LAKES, FL	33016
3220150320070	8123 NW 161 TER	JOSE D DOMINGUEZ	8123 NW 161 TERR	MIAMI, FL	33016-6659
3220150090280	7924 NW 163 TER	ELADIA ESTEVEZ &H GONZALO	7924 NW 163 TERR	MIAMI, FL	33016-6100
3220150080460	7932 NW 164 TER	JOSE J CARDENAS &W	7932 NW 164 TERR	MIAMI LAKES, FL	33016
3220150090440	8015 NW 162 ST	SHADI SHOMAR	8015 NW 162 ST	MIAMI LAKES, FL	33016-6107
3220150090600	8016 NW 162 ST	RAUL E BILLINI	8016 NW 162 ST	MIAMI LAKES, FL	33016
3220150080300	8125 NW 164 TER	FRANCISCO HERNANDEZ &W VILMA	8125 NW 164 TERR	MIAMI, FL	33016-6196
3220150090550	8126 NW 162 ST	SONIA LOSA	8126 NW 162 ST	MIAMI LAKES, FL	33016
3220150080290	8115 NW 164 TER	EMILIO BLANCO &W MIRTA	8115 NW 164 TERR	MIAMI, FL	33016-6196
3220150090520		LA PERLA CONTRACTORS INC	2607 WEST 72 PLACE	HIALEAH, FL	33016
3220150090390	7945 NW 162 ST	JUAN A IGLESIAS &W CYNTHIA	7945 NW 162 ST	MIAMI LAKES, FL	33016-6106
3220150090040	7933 NW 163 TER	ELVIRA HERNANDEZ	7933 NW 163 TERRACE	MIAMI LAKES, FL	33016
3220150080230	7965 NW 164 TER	IVAN P MORALES &W BARBARA L	7965 NW 164 TERR	HIALEAH, FL	33016-3462
3220150080220	7955 NW 164 TER	ELIU & ELIZABETH MOLINER	7955 NW 164 TERR	MIAMI, FL	33016-3462
3220150090130	8113 NW 163 TER	ARMANDO RODRIGUEZ &W MABEL	8113 W 163 TERR	MIAMI LAKES, FL	33016
3220150080280	8105 NW 164 TER	VIRGIL ABREU	8105 NW 164 TERR	HIALEAH, FL	33016-6196
3220150090100	8023 NW 163 TER	VICTOR C MARRERO &W JACQUELINE	8023 NW 163 TERR	MIAMI, FL	33016-6104
3220150080270	8035 NW 164 TER	PEDRO RODRIGUEZ &W ANA	8035 NW 164 TERR	MIAMI, FL	33016-3464
3220150090220	8014 NW 163 TER	RAFAEL A BERGOLLA &W ELSA G	8014 NW 163 TERR	MIAMI, FL	33016-6101
3220150080360	8122 NW 164 TER	PEDRO J SOLER &W MARIA	8122 NW 164 TERR	MIAMI, FL	33016-6195
3220150090490	8125 NW 162 ST	WILLIAM MACHIN &W MARIA E	8125 NW 162 ST	MIAMI LAKES, FL	33016-6108

3220150320120	8023 NW 161 TER	MARIA R GONZALEZ	8023 NW 161 TER	HIALEAH, FL	33016
3220150080400	8022 NW 164 TER	LULA TAYLOR	8022 NW 164 TERR	HIALEAH, FL	33016-3463
3220150090460	8035 NW 162 ST	JORGE GARCIA-BARBON &W FRANCES	8035 NW 162 ST	MIAMI, FL	33016-6107
3220150090050	7943 NW 163 TER	LUIS L AGUILAR &W	7943 NW 163 TERR	MIAMI LAKES, FL	33016-6105
3220150090450	8025 NW 162 ST	ANGEL A GUTIERREZ &W IRENE M	8025 NW 162 ST	MIAMI, FL	33016-6107
3220150090210		IBRAHIM REMEDIOS	7845 NW 165 TER	MIAMI LAKES, FL	33016
3220150120720	8201 NW 162 ST	JUAN R OJEDA	8201 NW 162 ST	MIAMI LAKES, FL	33016-8509
3220150090160	8144 NW 163 TER	JORGE PEREZ &W	8144 NW 163 TERR	HIALEAH, FL	33016
3220150080380	8102 NW 164 TER	FRANK J DE LA GRANA	8102 NW 164 TER	MIAMI LAKES, FL	33016
3220150080450	7942 NW 164 TER	ROOSEVELT BRADLEY &W CYNTHIA	7942 NW 164 TER `R	HIALEAH, FL	33016
3220150320110	8033 NW 161 TER	JAVIER FERREIRA	8033 NW 161 TER	MIAMI LAKES, FL	33016
3220150090170	8124 NW 163 TER	JUAN I MONTENEGRO	8124 NW 163 TER	MIAMI LAKES, FL	33016
3220150090250	7954 NW 163 TER	SALVADOR BRAVO	6944 BOTTLE BRUSH DR	MIAMI LAKES, FL	33014
3220150090080	8003 NW 163 TER	JORGE A DIAZ &W MARIA A	8003 NW 163 TERR	MIAMI, FL	33016-6104
3220150120710	8200 NW 163 ST	ANTHONY DITIZIO	8200 NW 163 ST	MIAMI, FL	33016
3220150090420	7975 NW 162 ST	RICARDO MARTINEZ &W	7975 NW 162 ST	HIALEAH, FL	33016-6106
3220150080310	8135 NW 164 TER	ARLENE S GARCIA	8135 NW 164 TERRACE	MIAMI LAKES, FL	33015
3220150090580	8036 NW 162 ST	JORGE L ROIG &W CARMEN L	8036 NW 162 ST	MIAMI, FL	33016-6110
3220150090090	8013 NW 163 TER	JOSE A TENDERO &W MAYRA	8013 NW 163 TERR	MIAMI, FL	33016-6104
3220150080370	8112 NW 164 TER	ORLANDO GARCIA &W ARAY	8112 NW 164 TERR	MIAMI, FL	33016-6195
3220150090630	7966 NW 162 ST	PEDRO SAN JORGE	7966 NW 162 ST	MIAMI LAKES, FL	33016
3220150090400	7955 NW 162 ST	NELSON FLECHES &W LUCY	7955 NW 162 ST	MIAMI LAKES, FL	33016-6106
3220150090620	7976 NW 162 ST	RANDY DOMINGUEZ	7976 NW 162 ST	MIAMI, FL	33016
3220150090260	7944 NW 163 TER	BENJAMIN ESSIEN	7944 NW 163 TERR	MIAMI LAKES, FL	33016-6100
3220150080260	8025 NW 164 TER	ONELIA DEL POZO SAAVEDRA	8025 NW 164 TERR	MIAMI, FL	33016
3220150080430	7962 NW 164 TER	RENALD WILLIAMS	7962 NW 164 TER	MIAMI LAKES, FL	33016
3220150090240	7964 NW 163 TER	JULIO VARELA & CRISTINA CAMARA	7964 NW 163 TERR	MIAMI LAKES, FL	33016-6100
3220150090500	8135 NW 162 ST	HILDEBRANDO MORONTA &W MARLENE	8135 NW 162 ST	MIAMI LAKES, FL	33016-6108
3220150090570	8106 NW 162 ST	DALIA MILIAN & DELIA MILIAN	8106 NW 162 ST	MIAMI, FL	33016-6109
3220150090140	8123 NW 163 TER	EMILIO M SOTO &W ARLENE M	8123 NW 163 TERR	MIAMI LAKES, FL	33016-6103
3220150080240	8005 NW 164 TER	JUAN BARROSO	8005 NW 164 TERR	MIAMI LAKES, FL	33016-3464
3220150090120	8103 NW 163 TER	MAGALY CEPERO & JTRS	8103 NW 163 TERR	HIALEAH, FL	33016-6103
3220150090230	7974 NW 163 TER	LUIS C SARDO &W LIZANDRA	7974 NW 163 TERR	MIAMI LAKES, FL	33016-6100
3220150090180	8114 NW 163 TER	GUSTAVO CIFUENTES &W ODALYS	8114 NW 163 TERR	MIAMI, FL	33016-6102

3220150090560	8116 NW 162 ST	LILLIAN RODRIGUEZ	8116 NW 162ND ST	MIAMI, FL	33016
3220150320090	8053 NW 161 TER	HECTOR LESENDE &W AGUSTINA G	8053 NW 161 TERR	MIAMI, FL	33016-6658
3220150120680	16211 NW 82 CT	HISNARDO C SANCHEZ &W VIVIAN A	16211 NW 82 CT	MIAMI LAKES, FL	33016-6119
3220150090070	7963 NW 163 TER	JUAN CARLOS FERNANDEZ	7963 NW 163 TER	MIAMI LAKES, FL	33016
3220150080410	8012 NW 164 TER	MARCO LUX &W DOLLY	8012 NW 164 TERR	MIAMI LAKES, FL	33016-3463
3220150120450	8200 NW 164 ST	WILLIAM CORO	8200 NW 164 ST	MIAMI, FL	33016-3482
3220150090590	8026 NW 162 ST	LISBET SOSA &H HANSELL ROJAS	8026 NW 162 STREET	HIALEAH, FL	33016-6110
3220150080350	8132 NW 164 TER	PEDRO GOMEZ	8132 NW 164 TERR	MIAMI, FL	33016
3220150090380	7935 NW 162 ST	DAVID F MANERO	7935 NW 162 ST	MIAMI LAKES, FL	33016
3220150090640	7956 NW 162 ST	JORGE L RODRIGUEZ &W TANIA	7956 NW 162 ST	MIAMI, FL	33016-6111
3220150090540	8198 NW 162 ST	DAGOBERTO RUBI	8196 NW 162 ST	MIAMI LAKES, FL	33016
3220150320130	7993 NW 161 TER	HUMBERTO CABANAS &W HILDA	7993 NW 161 TERR	MIAMI, FL	33016-6657
3220150080420	8002 NW 164 TER	GREGORIO GONZALEZ &W AYVIN	4555 E 9 CT	HIALEAH, FL	33013-2009
3220150090190	8104 NW 163 TER	CLAUDIA S MUNOZ	8104 NW 163 TERR	MIAMI LAKES, FL	33016-6102
3220150320060	8133 NW 161 TER	JOSEFINA FABREGAS	8133 NW 161 TERR	MIAMI, FL	33016-6659
3220150090150	8133 NW 163 TER	ALONDRA M DELGADO	8133 NW 163 TER	MIAMI LAKES, FL	33016
3220150320080	8113 NW 161 TER	TIFFANY MONSERRATE	8113 NW 161 TERR	MIAMI, FL	33016-6659
3220150090530	16253 NW 82 AVE	QUINTIN A VALIENTE &W	16253 NW 82 AVE	MIAMI LAKES, FL	33016
3220150080390	8032 NW 164 TER	REGINO RODRIGUEZ	8032 NW 164 TERR	MIAMI, FL	33016-3463
3220150120690	16221 NW 82 CT	EDGARDO ACOSTA	16221 NW 82 COURT	MIAMI LAKES, FL	33016
3220150090110	8033 NW 163 TER	GONZALO ESTEVEZ &W MARGARITA	8033 NW 163 TERR	MIAMI LAKES, FL	33016-6104

KEY NOTES:

- PAVER DRIVEWAY.
- NEW (5'-0") CONCRETE SIDE WALK. PROVIDE SAW CUT JOINTS AT 5'-0" O.C.
- HOSEBIB WITH SHUT-OFF VALVE.
- HOSEBIB.
- ELECTRICAL METER.
- FUTURE POOL UNDER SEPARATE PERMIT.
- 6' HIGH ALUMINUM FENCE WITH 3' WIDE GATE. FENCE AND GATE TO BE COVERED WITH SOLID ALUMINUM PANEL.
- 6' HIGH ALUMINUM FENCE WITH WIDE GATE
- LIGHT POST IN ISLAND TO BE SELECTED BY OWNER.
- TRASH AND RECYCLE BINS HIDDEN FROM STREET VIEW.
- 12"x12" CONCRETE COL. (7'-0") HIGH).
- TOP OF COMPRESSOR PADS TO BE AT 8.00' N.G.V.D.

FLOOD LEGEND:

- FLOOD ZONE: "AE"
- ADDRESS: NW 82ND AVENUE AND NW 163RD TERRACE, MIAMI LAKES, FL. 33016
- LOT: 6 BLOCK: 17
- PLAT BOOK: 131 PAGE: 53
- OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
- HIGHEST CROWN OF ROAD ELEV: 6.85 E.T. N.G.V.D.
- HIGHEST CROWN OF ROAD ELEV WAS TAKEN FROM THE ATTACHED CERTIFIED SURVEY
- PREPARED BY: MARIO PRATS JR. PLS LIC. # 3332
- SURVEYORS NAME
- LOWEST FLOOR ELEVATION: PROPOSED: 8.00'
- GARAGE FLOOR ELEVATION: PROPOSED: 7.5"
- ADJACENT GRADE ELEVATION: PROPOSED: VARIES SEE SURVEY
- ALL ELECTRICAL, MECHANICAL AND PLUMBING WILL BE PLACED AT OR ABOVE THE BASE FLOOD ELEVATION (B.F.E.)
- ALL AREAS BELOW B.F.E. SHALL BE PROVIDE WITH A MINIMUM OF TWO (2) OPENINGS HAVING A TOTAL NET AREA OF LESS THAN ONE SQUARE INCH OF OPENING FOR EVERY SQUARE FOOT OF ENCLOSED AREA SUBJECT TO FLOODING. THE BOTTOM OF THE OPENING WILL BE NO HIGHER THAN ONE (1) FOOT ABOVE GRADE AND LOCATED ON DIFFERENT SIDES OF THE ENCLOSED AREA. OPENINGS WILL BE EQUIPPED WITH SCREENS OR LOUVERS. FLOOD RESISTANT MATERIALS WILL BE USED BELOW B.F.E.
- ALTERNATIVELY A CERTIFICATION BY: P.E. ON THE PLAN NOTES INDICATING THAT THE DESIGN WILL ALLOWED FOR THE AUTOMATIC EQUALIZATION OF HYDROSTATIC FLOOD FORCES ON EXTERIOR WALLS.
- THE SITE WILL BE GRADE IN A MANNER TO PREVENT THE FLOODING OF ADJACENT PROPERTIES. WHERE NECESSARY INTERCEPTOR SWELLS WILL BE CONSTRUCTED ON-SITE WITH NO ENCRoACHMENT OVER ADJACENT PROPERTIES.
- 0'-0"= 8.5' N.G.V.D.

ZONING INFORMATION:

- ZONING: RU-1 (SINGLE FAMILY RESIDENTIAL DISTRICT)
- SITE AREA: 9,967 S.F. (FROM FRONT TO EDGE OF WATER)

MIN. REQUIRED SETBACKS:

- FRONT: 25'
- REAR: 25' (FROM EDGE OF WATER)
- SIDES: 7'-6" OR 10% OF LOT WHICH EVER IS GREATER

PROPOSED SETBACKS:

- FRONT: 25'-0"
- REAR: 42'-11-1/2"
- SIDES: INTERIOR SIDE (EAST): 12'-4-1/2" INTERIOR SIDE (WEST): 7'-9"

LOT COVERAGE:

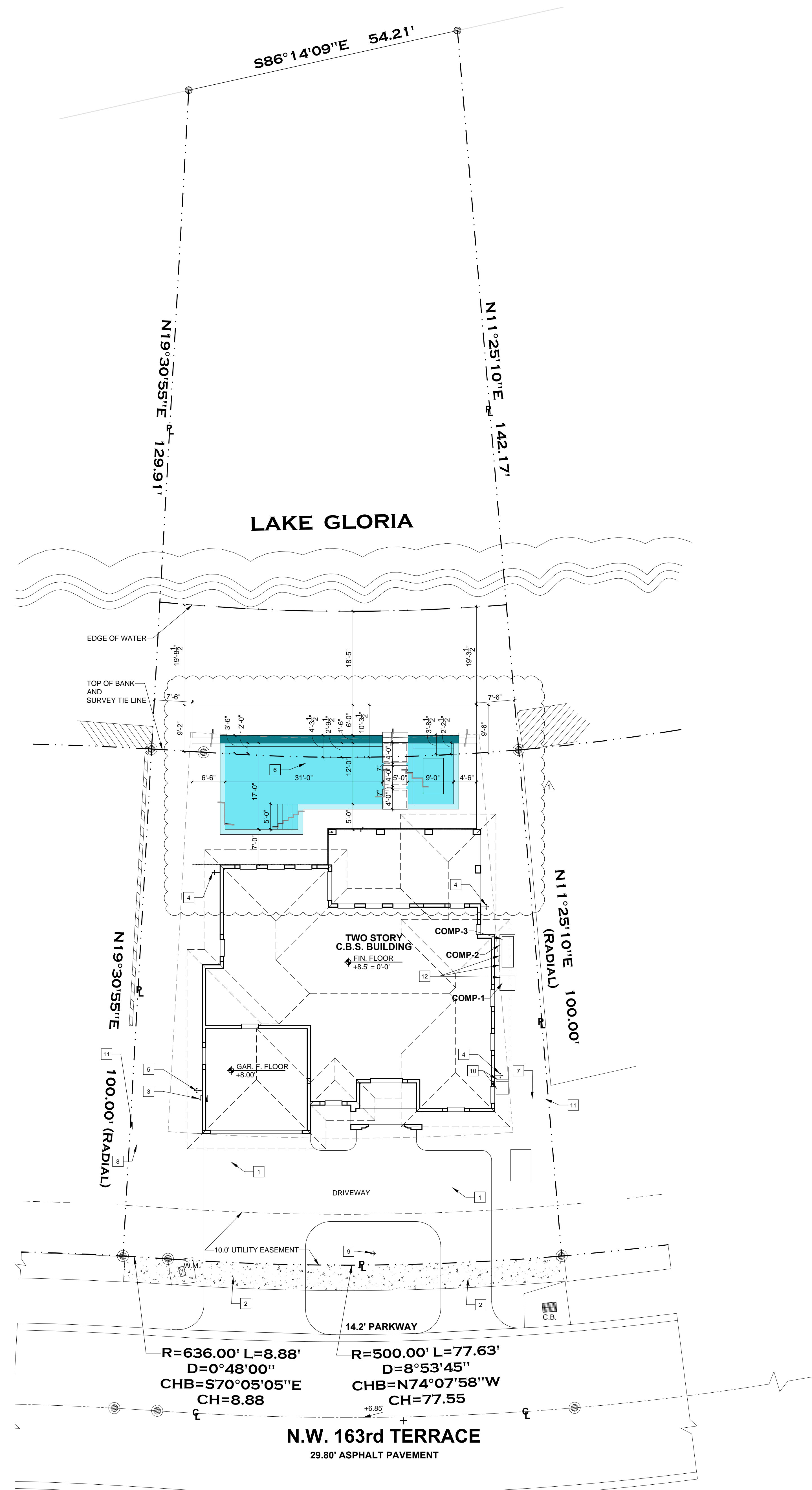
- ALLOWED: 35% OF NET LOT AREA 3,488 S.F.
- PROPOSED: 3,132 S.F. (31.4%) ALL AREAS UNDER ROOF INCLUDED

FRONT YARD AREA CALCULATIONS:

FRONT YARD AREA: 2,142 S.F.
MAXIMUM DRIVEYARD (HARDSCAPE ALLOWED 60% OF FRONT YARD 2,142 S.F. @ 60% = 1,285 S.F. OF HARDSCAPE ALLOWED 1,157 S.F. (54%) OF DRIVEWAY (HARDSCAPE) PROVIDED

LEGAL DESCRIPTION:

LOT 6 BLOCK 17, FOURTH EDITION TO ROYAL OAKS, ACORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 131 AT PAGE 53, OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA





Town of Miami Lakes Memorandum

To: Planning and Zoning Board

From: Brandon Schaad, Director of Planning

Subject: Comprehensive Plan - Transportation Amendments

Date: April 27, 2016

Recommendation:

It is recommended that the Planning and Zoning Board recommend approval of the attached Comprehensive Plan amendments to the Town Council.

Background:

The proposed ordinance would amend the Transportation Element and the Capital Improvements Element of the Comprehensive Plan to incorporate into the Comprehensive Plan the results of the extensive transportation planning efforts undertaken by the Town in the last few years. Since 2013, the Town has completed the Commute Trip Reduction Plan (CTRP) (2013), the Greenways and Trails Master Plan (2014), and Americans with Disabilities Act (ADA) Sidewalk Master Plan (2015) and the Alternative to Concurrency Study (2015), the latter of which recommends replacing the Town's traditional traffic concurrency program with a mobility fee. Additionally, the Town has recently completed an update to its Strategic Plan through a process which identified transportation and mobility issues as the top concern of both the Town's residents and the Town's businesses. Concurrently with development of the Strategic Plan, the Town in July 2015 conducted a Transportation Summit, the results of which, and the transportation planning efforts stemming from it, have led to the development of an extensive set of improvements and initiatives to be included in the Strategic Plan. This includes five major strategies, each of which includes a number of specific actions. The five strategies are: 1) Improve Transit and Pedestrian Mobility; 2) Improve Distribution of Traffic (Spatially and Temporally); 3) Improve East-West Connectivity; 4) Targeted Improvements at Trouble Spots; and, 5) Provide Mobility Alternatives for Intra-Town Trips.

Significantly, the Town Council directed staff to include the development of a complete streets policy and programs into the Strategic Plan and Comprehensive Plan.

Although transportation planning should be a continuous process, it is necessary at this to integrate many of the strategies and initiatives into the Comprehensive Plan, and this proposed ordinance will accomplish that.

Attachments:

[Ordinance - First Reading](#)

[Ordinance Exhibit 1: Text Amendments](#)

[Ordinance Exhibit 2: New Transportation Map Series](#)

[Memo Summarizing the 2015 Transportation Summit](#)

[Resolution 15-1330](#)

ORDINANCE NO. 16-

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ADOPTING AMENDMENTS TO THE TRANSPORTATION ELEMENT AND THE CAPITAL IMPROVEMENTS ELEMENT OF THE GOALS, OBJECTIVES AND POLICIES OF THE TOWN OF MIAMI LAKES COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND REQUIRED REVIEW AGENCIES FOR REVIEW; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes has recently completed an update to its Strategic Plan; and

WHEREAS, the Town's Strategic Plan process showed that transportation and mobility are top concerns of both residents and businesses in the Town; and

WHEREAS, the Town of Miami Lakes held a Transportation Summit in July 2015 to develop mobility solutions; and

WHEREAS, based on ideas and suggestions generated at the Transportation Summit, the Town of Miami Lakes has undertaken extensive transportation planning efforts; and

WHEREAS, the Town of Miami Lakes adopted completed a Commute Trip Reduction Plan (CTRP) in 2013 with recommended transportation demand management (TDM) strategies to address mobility and congestion; and

WHEREAS, the Town of Miami Lakes adopted its Greenways and Trails Master Plan in 2014; and

WHEREAS, the Town of Miami Lakes completed an Alternative to Concurrency Study in 2015 that recommends a mobility fee to partially address mobility funding needs

and to replace traffic concurrency; and

WHEREAS, the Town's transportation planning efforts have resulted in a number of initiatives, policies and specific infrastructure improvements to address mobility issues; and

WHEREAS, the Town of Miami Lakes has proposed amendments to the Transportation Element and the Capital Improvements Element of the Town's Comprehensive Plan to incorporate the results of transportation planning efforts into the Comprehensive Plan; and

WHEREAS, Section 13-307 of the Town of Miami Lakes Land Development Code ("Town LDC") sets forth the authority of the Town Council to consider and act upon an amendment to the text and maps of the Town Comprehensive Plan, and the criteria it shall consider in rendering its decision; and

WHEREAS, the Planning and Zoning Board, in its capacity as the Local Planning Agency, will review this Ordinance at its April 27, 2016 meeting and provide a recommendation to the Town Council; and

WHEREAS, after having received input and participation by the public, staff, and the Local Planning Agency at a public hearing, the Town Council wishes to transmit the proposed amendments to the Florida Department of Economic Opportunity and other units of local government and governmental agencies as required by law for their review; and

WHEREAS, the proposed amendments are subject to the Expedited State Review process pursuant to ss. 163.3184, Florida Statutes; and

WHEREAS, the Florida Department of Economic Opportunity, other units of local government and governmental agencies as required by law, will review the proposed

amendments to the Comprehensive Plan attached to this Ordinance, and submit any comment letter to the Town for consideration before final adoption of this Ordinance; and

WHEREAS, the Town Council finds the proposed amendments to the Comprehensive Plan as attached to this Ordinance are in compliance with and consistent with Florida law and its 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. Findings. In accordance with Section 13-307 of the Town LDC, the Town Council, having considered the testimony and evidence in the record presented by the public, staff, the Administrative Official, and the Local Planning Agency, at a duly noticed public hearing, finds that the proposed text amendments satisfy the applicable criteria contained in Section 13-307 of the Town LDC:

1. Whether the proposal is internally consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.
2. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing Comprehensive Plan, and whether such changes support or work against the proposed amendment.
3. Whether, and the extent to which, the proposal would 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.

4. Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.
5. Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.
6. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the Comprehensive Plan.
7. Whether the proposed amendment meets the requirements of Chapter 163.3161 et seq., Florida Statutes.
8. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.

Section 3. Transmittal to the Florida Department of Economic Opportunity.

The Administrative Official is directed to transmit the proposed amendments, attached as exhibits, to the Florida Department of Economic Opportunity and all other units of local government or governmental agencies required by Section 163.3184, Florida Statutes.

Section 4. Adoption of Text Amendments. The Town Council hereby adopts the amendments to the text of the Transportation Element and the Capital Improvements Element, of the Town of Miami Lakes Comprehensive Plan, as attached in EXHIBIT 1, attached hereto and made a part of this Ordinance.

Section 5. Adoption of Map Amendments. The Town Council hereby adopts the amendments to the maps of the Town of Miami Lakes Comprehensive Plan to delete the entire Transportation Element Map Series, with those maps contained in EXHIBIT 2, attached hereto and made a part of this Ordinance.

Section 6. Inclusion in the Comprehensive Plan. It is the intention of the Town Council and it is hereby ordained that the amendments to the Comprehensive Plan made by this Ordinance shall become part of the Comprehensive Plan of the Town of Miami Lakes.

Section 7. 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 8. 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 9. Effective Date. This Ordinance shall become effective according to the provisions of Section 163.3184, Florida Statutes.

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

Mayor Michael A. Pizzi, Jr.	_____
Vice-Mayor Tim Daubert	_____
Councilmember Manny Cid	_____
Councilmember Tony Lama	_____
Councilmember Frank Mingo	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____

PASSED on first reading this 3rd day of May 2016.

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

Mayor Michael A. Pizzi, Jr.	_____
Vice-Mayor Tim Daubert	_____
Councilmember Manny Cid	_____
Councilmember Tony Lama	_____
Councilmember Frank Mingo	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____

PASSED AND ADOPTED this _____ day of _____, 2016.

MICHAEL A. PIZZI, JR.
MAYOR

ATTEST:

GINA INGUANZO, TOWN CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR USE ONLY BY THE
TOWN OF MIAMI LAKES:

RAUL GASTESI
TOWN ATTORNEY

Exhibit 1

The Transportation Element shall be amended as follows:

II. TRANSPORTATION ELEMENT

Goal 2: Development and maintenance of a multimodal transportation system that meets the diverse circulation needs of Miami Lakes in a safe and efficient manner, reduces reliance on single-occupancy vehicles and protects the quality of life for all residents.

Objective 2.1: ~~ROADWAY~~ MOBILITY SYSTEM PLANNING AND IMPROVEMENT

Development of a safe, convenient, effective and sustainable ~~energy-efficient roadway~~ transportation network and support infrastructure that supports multimodal mobility throughout Miami Lakes operating at or above the adopted level of service.

Measurement: Progress toward achieving the infrastructure improvements in Table 2-1 ~~Annual update of Town transportation capital project needs.~~

Policy 2.1.1: Incorporate the capital improvement projects recommended in the Data and Analysis Support component to this Element to maintain adopted roadway level of service into the 5-year Schedule of Capital Improvements (SCI) contained in the Capital Improvements Element based on priority of need and availability of fiscal resources, and annually update the transportation portion of the SCI to address changing future roadway needs and enhancements. Pursue the mobility improvements identified in Table 2-1, and incorporate these improvements into the 5-year Schedule of Capital Improvements (SCI) contined in the Capital Improvements Element at appropriate times as priority of timing of these improvements is refined.

Policy 2.1.2: The Town shall make transportation planning a continuous process, and shall reflect changes by updating the Transportation Element. ~~Update the Transportation Master Plan for the Town on a regular basis, with efforts being directed toward maintaining and enhancing local mobility and community character. This Plan will seek to establish strategies to accommodate local mobility needs while enhancing the character of the~~

~~community and improving the quality of life for residents by providing viable alternatives to the automobile.~~

Policy 2.1.3: Coordinate with the Miami-Dade County Public Works Department, Miami-Dade County MPO, the Miami-Dade Expressway Authority, the Miami-Dade County School Board, and FDOT and other agencies and partners as appropriate to solve transportation and mobility issues ~~fund traffic congestion improvement studies as needed~~ throughout the Town.

Policy 2.1.4: ~~Establish strategies to encourage local traffic to use alternatives to the Florida Intrastate Highway System to protect its interregional and intrastate functions.~~ The Town shall include as a primary factor in planning the future street network the need to increase connectivity, specifically including between the east and west sides of Miami Lakes, and provide as many different route options as possible for moving between places.

Policy 2.1.5: Continue to provide appropriate controls, through the Land Development Code, of the connections and access points of driveways and local collectors with major collectors and all arterial roadways.

Policy 2.1.6: Through its Land Development Code and development review process, the Town ~~will continue to~~ shall ensure safe and convenient on-site pedestrian, bicycle and automobile circulation ~~traffic flow, and require developers to provide necessary motorized and non-motorized vehicle parking.~~

Policy 2.1.7: The Town shall work with the Miami-Dade Expressway Authority (MDX), Miami-Dade MPO and other appropriate agencies and partners to pursue new interchanges with the Gratigny Expressway at NW 67th Avenue and NW 87th Avenue.

Policy 2.1.8: In-lieu of traditional transportation concurrency, the Town shall mitigate the mobility impacts of development and redevelopment, and provide a portion of funding needed to implement the improvements identified in the Element, through a mobility fee.

Objective 2.2: ~~ROADWAY~~ MULTIMODAL LEVELS-OF-SERVICE

Achieve ~~Maintain~~ the adopted levels-of-service for vehicular, bicycle, pedestrian and transit modes ~~all arterial, collector and local roads in Miami Lakes.~~

Measurement: Progress toward achieving the adopted levels of service
~~Number of traffic impact studies submitted annually by development review applicants.~~

Policy 2.2.1: Monitor, coordinate and regulate, if necessary, the timing of development, construction of roadway improvements and implementation of other transportation programs to maintain the following roadway level of service (LOS) standards for all roadways within or bordering the Town: For purposes of capital improvements planning, the Town hereby adopts the following vehicular level of service (LOS) standards:

* ***East of Palmetto Expressway (inside urban infill area):*** All roads must operate at LOS "E" (100% of capacity at peak hour) or better, on an areawide basis except where mass transit service having headways of 20 minutes or less is provided within ½ mile distance, then a road shall operate at no greater than 120% of its capacity at peak hour. Where extraordinary transit service such as commuter rail or express bus service exists, parallel roads within ½ mile shall operate at no greater than 150% of their capacity at peak hour.

* ***West of Palmetto Expressway (outside urban infill area):*** Major roadways must operate at LOS D (90% of capacity at peak hour) or better, except State urban Minor arterial roads which may operate at LOS "E" (100% of capacity at peak hour) or above. Where mass transit service having headways of 20 minutes or less is provided within ½ mile distance, then a road shall operate at or above LOS E at peak hour. When extraordinary transit service such as commuter rail or express bus service exists, parallel roads within ½ mile shall operate at no greater than 120% of their capacity at peak hour.

* ***SIS Roadways:*** The following is the Florida Department of Transportation's LOS standard as outlined in FDOT Systems Planning Topic No. 525-000-006a: "It is the Department's intent to plan, design, and operate the SHS at a generally acceptable LOS for the traveling public. LOS standards for the automobile mode on the SHS during the peak hour(s) are "D" in urbanized areas and "C" outside urbanized areas. LOS standards represent goals for Department and other entities to achieve and maintain. No specific LOS standards are established for other highway modes (e.g. bus, pedestrian, bicycle)."

Policy 2.2.2: All applicants ~~(except those involving five single homes or less)~~ for comprehensive plan amendments, rezonings and/or site plan approvals are required to provide a mobility traffic impact analysis study, utilizing

professionally acceptable methodologies to demonstrate how the amendment will impact the Town's goal, objectives and policies of this element, prepared by a registered traffic engineer, as part of the development review process to show how the adopted LOS on area roadways will be maintained.

Policy 2.2.3: For purposes of capital improvements planning, the Town hereby adopts the following bicycle level of service standard: by 2030, the infrastructure identified on the Greenways and Trails Map (Map TE-7) shall be fully implemented. Fully implement the provisions of the September 2013 Commute Trip Reduction Plan (CTRP), including its Transportation Demand Management (TDM) and transit recommendations.

Policy 2.2.4: The Town will address roadway LOS deficiencies by requiring new development and redevelopment to build or pay for the construction of traffic improvements along Town roads that are necessary to maintain the adopted transportation LOS standards, and coordinating with Miami-Dade County and the State to correct the roadway LOS deficiencies that occur on non-Town roadways. For purposes of capital improvements planning, the Town hereby adopts the following pedestrian level of service standards:

* **Sidewalk Coverage:** By 2030, all arterials (except limited access expressways) and collectors, and all streets in the area designated Town Center Mixed-Use (TCMU) on the Future Land Use Map, shall have sidewalks at least eight feet wide on both sides of the street, or shall have a path at least ten feet wide separated from the vehicle lanes by a curb and/or swale. All public local streets, and private local streets built hereafter that are required to be built to Town standards for public streets, shall have sidewalks at least six feet wide on both sides of the street.

* **Detached sidewalks:** By 2030, 90 percent of all lineal street footage in Miami Lakes (excluding limited access expressways and ramps thereto) shall include sidewalks separated from the vehicle lanes by a swale/street tree planting area with appropriate street trees.

* **Accessibility:** By 2030, all sidewalks, crosswalks and similar pedestrian facilities in rights-of-way controlled by the Town shall be compliant with Americans with Disabilities Act (ADA) standards.

Policy 2.2.5: For purposes of capital improvements planning, the Town hereby adopts the following transit level of service standard: the Town's Moover transit circulator system shall have scheduled headways of no greater than 25

minutes, and shall maintain 85 percent on-schedule stop performance. The Town, in cooperation with other public and private agencies, will use one or more of the following strategies, when feasible, to encourage local traffic to use alternatives to the SIS:

- ~~a. Work with the Miami Dade County MPO to coordinate a corridor study on NW 154th Street, near the Palmetto Expressway, to identify potential operational solutions near the major congestion point.~~
- ~~b. Work with Miami Dade County, adjacent landowners and other appropriate parties to ensure the intended multi-modal nature of the new section of NW 87th Avenue north of NW 154th Street is implemented fully.~~
- ~~c. Support and coordinate with Miami Dade County in the design and building of enhancements (widening) of NW 154th Street to relieve congestion along the roadway, particularly between NW 82nd Avenue and NW 89th Avenue.~~
- ~~d. Maintain and improve the Miami Lakes Moover local bus circulator system through improvements in routes and scheduling, implementation of GPS technology and creative marketing techniques to increase ridership.~~
- ~~e. Limit or eliminate the gating of local streets, thereby protecting the Town's grid street network.~~
- ~~f. Look at traffic control enforcement tools intended to keep signalized intersections clear during all phases of the signal.~~
- ~~g. Formally designate all or a portion of Miami Lakes as a Transportation Management Area (TMA) as one means to mitigate peak-hour traffic impacts through programs stressing demand-side strategies such as increased transit service, van pooling, flexible work hours or ridesharing programs are implemented to off set poor level of service conditions.~~
- ~~h. Work with the Miami Dade Transit Agency to study existing transit routes within the Town and determine the feasibility of improving service time (i.e. shorter headways) and/or the feasibility of introducing new service along heavily traveled corridors within Miami Lakes.~~
- ~~i. Create a transportation master plan for Miami Lakes to improve the quality of life for residents by providing viable alternatives to the automobile.~~
- ~~j. Improvements to roadways within the Town to include bicycle facilities that could encourage bicycling as a viable alternative to the automobile for trips up to one mile in length.~~

Policy 2.2.6:

In order to increase the vehicle capacity and speed characteristics of NW 57th Avenue, the Town will explore opportunities to reduce the number of signalized intersections along NW 57th Avenue, including working in

partnership with Miami-Dade County, the FDOT and the City of Miami Gardens. ~~Analyze the current traffic concurrency determination methodology utilized by the Town, and consider appropriate modifications to enhance the accuracy and effectiveness of the methodology, as well as consider alternative methods to evaluate transportation impacts of development that take greater consideration of infrastructure related to means of transportation other than the automobile.~~

Objective 2.3: RIGHT-OF-WAY PRESERVATION

Protect and reserve existing and future rights-of-way, for automobile, truck, transit, bicycle and pedestrian travel needs, to prevent structural encroachments and ensure adequate ~~ultimate roadway~~ widths for maintenance of ~~adopted level-of-service standards~~ infrastructure identified in this Comprehensive Plan, ~~consistent with this element, the 2025 Miami-Dade County MPO Long Range Transportation Plan and the Land Development Code (LDC).~~

~~Measurement: Amount of right-of-way, easements and other necessary rights acquired for the purpose of mobility infrastructure. Number of zoning, site plan and plat reviews for required setbacks and right-of-way reservation.~~

~~Measurement: Number of right-of-way permits issued annually.~~

Policy 2.3.1: Ensure all new construction and redevelopment projects comply with required setbacks through diligent zoning and site plan review, subject to legally-approved variances, ~~and require dedication of rights of way consistent with Town, County and MPO requirements.~~

Policy 2.3.2: Require all property owners and/or contractors, the Florida Department of Transportation, and Miami-Dade County to submit a permit application that will be reviewed and approved by the Town, prior to commencement of any work within road rights-of-way.

Policy 2.3.3 All new development, and all redevelopment to an extent that that all site improvements are required to brought into full compliance according to the Land Development Code, shall be required to dedicate any right-of-way or easement necessary to accommodate mobility infrastructure and other planned right-of-way features (including, but not limited to, sidewalks, greenways, trails, swales, landscaping, vehicle lanes, medians, street furniture, bus stop and other transit infrastructure), prior to issuance of a permit authorizing such work. Mobility infrastructure and planned right-of-way features shall include any specifically included in the Comprehensive

Plan, or plans, designs, guidelines or standards adopted pursuant to one or more of the policies of the Comprehensive Plan.

Objective 2.4: ROAD AND STREETSCAPE DESIGN COMPLETE STREETS

Development of a street system designed to fulfill the civic, social and mobility roles of each street, including providing infrastructure to promote and encourage all modes of transportation, and reduce reliance on single occupant vehicles. Maintain and enhance the landscape, open space and built features of Miami Lakes roadway and street corridors, to positively inform visitors of their presence in Miami Lakes, and reflect the unique and pleasing aesthetic qualities of the Town.

Measurement: Modal split of trips in Miami Lakes.

Policy 2.4.1: The Town shall pursue a policy of Complete Streets, including designing new streets and improvements to existing streets and rights-of-way that fulfill the civic, social and mobility functions of each street, and accommodate all modes of transportation (i.e. walking, bicycling, transit, ride-sharing and private automobile. Prepare design regulations for Town roadways and streets, consistent with the Community Design Element in this Plan and the future Miami Lakes Community Design Manual, and incorporate them into the Land Development Code by December 2004.

Policy 2.4.2: The Town shall pursue the development and publication of a Complete Streets Design Manual, which shall include typical cross-sections, designs and standards for the different types of streets in Miami Lakes. This document shall take account of the policies in the Comprehensive Plan, any neighborhood or other similar planning efforts, the Beautification Master Plan, the Greenways and Trails Master Plan, existing planned capital improvements, land use context (both existing and planned) and other such relevant factors to develop appropriate standards. The Town Code shall be amended as necessary to implement the Complete Streets Design Manual. All future arterial and major collector roads will adhere to the conceptual design guidelines as presented in the Community Design Element of the Comprehensive Plan.

Policy 2.4.3: Design an entry identification monument for the Maintain entry features to the Town and place it at primary roadway entry points into Miami Lakes.

Policy 2.4.4: Whenever possible, street designs should include a swale/street tree planting area, planted with appropriate street trees, between the vehicle lanes and the sidewalk, and where there are more than two total through lanes, a grass and landscaped median should be included.

Policy 2.4.5: With the exception of limited access expressways, all new street construction, and improvements and reconstruction of existing streets, must be designed such that lane widths when finished are no greater than ten feet.

Policy 2.4.6: The Complete Streets Design Manual pursuant to Policy 2.4.2 shall consider the Beautification Master Plan and other plans for the aesthetic enhancement of the Town's streets and other public and semi-public spaces.

Policy 2.4.7: New developments or redevelopment in which internal streets are proposed (whether public or private) shall implement the Town's complete street design standards.

Policy 2.4.8: The Town shall utilize crowd-sourcing and other innovative reconnaissance methods to help identify "incomplete streets" and opportunities to integrate multi-modal infrastructure on existing streets.

Policy 2.4.9: The Town shall pursue the use of adaptive traffic signal technology at appropriate corridors and intersections, including NW 154th Street west of the Palmetto Expressway. When utilized, adaptive traffic signals shall consider multimodal mobility, and shall account for the needs of transit vehicles, pedestrians and bicyclists.

Objective 2.5: TRANSIT SERVICE

Double the share of trips in Miami Lakes via transit between 2015 and 2030. Provide efficient public transportation services throughout Miami Lakes and smooth inter-connection of those services with the regional transit system based upon major trip generators and attractors, safe and convenient transit terminals and stops, land use patterns and accommodation of the special needs of the transportation of disadvantaged persons.

Measurement: Ridership of the Miami Lakes Moover bus circulator system.

Measurement: Number of boardings and alightings of Miami-Dade Transit routes at stops in Miami Lakes.

Measurement: Changes in the modal split of trips over time in Miami Lakes, as measured in the decennial Census, the American Community Survey and other relevant statistics on resident and commuters in Miami Lakes.

- Policy 2.5.1:** Maintain and improve the Miami Lakes Moover local bus circulator system through improvements in routes and scheduling, implementation of GPS technology and creative marketing techniques to increase ridership.
- Policy 2.5.2:** Coordinate with the Miami-Dade County Transit Agency and MPO to assess the feasibility of establishing frequent transit service between ~~the new Medley Metrorail Stations~~ and other premium transit, and commercial and industrial areas of Miami Lakes, possibly including the establishment of a centrally located park-n-ride lot in the Town. If feasible and acceptable to the Town, continue working with the transit agencies to implement the new service.
- Policy 2.5.3:** ~~As future development and redevelopment occurs in west Miami Lakes,~~ Coordinate with the Miami-Dade County Transit Agency in land use planning and development review decisions to ensure that adequate transit service will be provided as development and redevelopment projects build-out.
- Policy 2.5.4:** An assessment of transit service impacts and needs will be included in all development review applications requesting comprehensive plan amendments, rezonings and site plan approval.
- Policy 2.5.5:** Consider development of a park-and-ride and one or more intermodal transportation nodes within the Town.
- Policy 2.5.6:** ~~Through coordination with the Miami-Dade County Transit Agency,~~ Establish annual quantifiable indicators to measure improvement in overall mobility in Miami Lakes. Factors to be measured may include modal split, annual transit trips per capita, automobile occupancy rates, and other relevant indicators.
- Policy 2.5.7:** Work with the School Board to improve transportation systems, ~~including traffic congestion,~~ including transit, bikeways and sidewalks, within a 2-mile radius of all schools located in Miami Lakes.
- Policy 2.5.8:** The Town shall encourage future land uses that promote public transportation in the Town Center and other commercial/industrial areas.

- Policy 2.5.9:** ~~The Town will coordinate with Miami-Dade County Transit Agency to ensure that their minimum level of service standards are maintained within the Town.~~ The Town will pursue installation of queue jumps at key locations in the Town, in order to enhance transit service by helping to keep buses on schedule.
- Policy 2.5.10:** The Town shall work to enhance transit stops within the Town, including the addition of benches and shelters, based upon the locations with the highest existing and potential use.
- Policy 2.5.11:** Through the site plan review process, ensure that the highest densities and intensities of uses on each site are concentrated so as to encourage use of transit and other alternative travel modes, such as concentration near major intersections or commercial areas, and provision of pedestrian connections between existing and potential concentrations of residents and employment to transit stops and commercial areas.
- Policy 2.5.12:** Work with the Miami-Dade Transit Agency to study existing transit routes within the Town and determine the feasibility of improving service time (i.e. shorter headways).
- Policy 2.5.13:** If ridesharing is legalized by Miami-Dade County, explore the feasibility using ridesharing services as “feeder” systems for transit services in Miami Lakes, thereby potentially reducing diversion of transit routes from main routes and increasing frequency.
- Policy 2.5.14:** If ridesharing is legalized by Miami-Dade County, explore the feasibility of using subsidized ridesharing as a replacement of the Town’s current on-demand transportation service, to determine if an equal or greater number of persons can be served at greater cost efficiency.

Objective 2.6: BICYCLE AND PEDESTRIAN CIRCULATION

Maintain and enhance the pedestrian and bicycle system within the Town to provide easy access to all areas of Miami Lakes for walkers, runners and bicyclists, in a safe and efficient manner.

Measurement: Amount of grant money received for implementation of bicycle and pedestrian enhancements.

Measurement: Complete sidewalk network for Town by year 20320.

- Policy 2.6.1:** The area designated as Town Center Mixed-Use (TCMU) on the Future Land Use Map shall be a pedestrian-oriented area. Development regulations shall be aimed to create a walkable environment, including pedestrian oriented streetscape, buildings near to the street edge, methods to reduce overall parking requirements in order to limit aggregate parking supply, and similar regulatory strategies. Continue to implement the Town's sidewalk improvement program to provide a complete and inter-connected sidewalk network throughout the Town.
- Policy 2.6.2:** The Town shall improve pedestrian connectivity across NW 67th Avenue/Ludlam Road within the TCMU area by reducing vehicle lane widths of NW 67th Avenue within the TCMU area to 10 feet (in order to reduce pedestrian crossing distances and reduce automobile speeds on NW 67th Avenue during non-peak traffic times) and by establishing at least two additional sanctioned pedestrian crossings (besides at Main Street). As part of the Greenways and Trails Master Plan, analyze the existing bicycle circulation system in Miami Lakes and develop a capital improvement program to improve the current facilities, extend the system to unserved areas within the Town and inter-connect with the regional bikeway system. As part of the study, assess whether bikeways should be placed in pavement adjacent to vehicular travel lanes or should be separated from vehicular travel lanes by a buffer.
- Policy 2.6.3:** Review the land development code and, if appropriate, identify amendments to provide enhanced bikeway and sidewalk facilities from private development projects, and on-site bicycle parking facilities at all multi-family, commercial and industrial sites which are redeveloped or newly developed.
- Policy 2.6.4:** The Land Development Code shall include incentives for providing bicycle parking on sites directly adjacent to designated off-road greenway and trail facilities, such as reduced vehicular parking requirements. Review existing parking standards and, if appropriate, consider new standards that provide for space reduction and/or credit for those developments that provide bicycle facilities.
- Policy 2.6.5:** Seek enhancement grants from all appropriate and through the MPO, FDOT and other available sources to fund implementation of the bicycle and pedestrian improvements identified in this Element in Miami Lakes.
- Policy 2.6.6:** Work with public, private and nonprofit partners the MPO/State Bicycle and Pedestrian Coordinator to promote public education of the benefits of

walking and bicycling through distribution of information available on-line and printed materials.

Policy 2.6.7: Implement the—greenway and trails, bicycle, pedestrian and other improvements as indicated on Maps TE-7 And TE-8 recommendations of the Miami Lakes Greenways and Trails Master Plan.

Policy 2.6.8: All development and substantial redevelopment shall include constructing, reconstructing or repairing, as necessary, sidewalks on rights-of-way abutting the development/redevelopment site. If necessary, any required improvements shall include widening the sidewalk consistent with that required by this Element for the street in question. If necessary, a right-of-way or easement dedication shall be required, consistent with Policy 2.3.3. The Land Development Code shall be amended to implement this policy.

Policy 2.6.9: When supported by appropriate analysis, conditions may be imposed on applications for conditional uses and variances as mitigation for transportation impacts, including but not limited to constructing, reconstructing or repairing sidewalks abutting the site, striping bicycle lanes abutting the site, installing pedestrian street crossing facilities, installing street trees, etc., even where the extent of proposed physical improvements (if any) would not otherwise trigger requirements to bring site improvements into conformance with the current requirements of the Land Development Code.

Policy 2.6.10: The Town shall pursue development of a non-motorized mobility corridor between the western end of the Town and the portion of the City of Hialeah to the west of I-75, by means of the existing NW 154th Street right-of-way bridge over I-75. Such corridor shall remain closed to automobile traffic.

Objective 2.7: INTERGOVERNMENTAL COORDINATION

Coordinate the Town's Transportation Element and ~~Roadway~~ Capital Improvement Program with Miami-Dade County, the Miami-Dade County School District, MPO, MDX, and ~~and~~ FDOT and other appropriate agencies and organizations to ensure project and improvement consistency with regional and statewide plans and programs.

~~Measurement: Annual number of state or county transportation projects within Miami Lakes reviewed for consistency with the Town's Transportation Element.—Degree of consistency between the Town's Transportation Element and the MPO Long Range Transportation Plan.~~

~~Measurement: Regular attendance at monthly MPO Board and committee meetings by Town staff.~~

Policy 2.7.1: Transmit the Town's Transportation Element of the Comprehensive Plan to all affected agencies ~~Miami-Dade County, Miami-Dade County MPO and FDOT District VI~~ upon plan adoption.

Policy 2.7.2: Review state and county ~~road~~ transportation and mobility improvement projects within the Town to ensure compatibility with the goals, objectives and policies of this element.

Policy 2.7.3: Prepare and submit transportation grant proposals to all appropriate and available sources ~~the MPO and/or FDOT~~ for qualified projects in Miami Lakes when applicable grant programs are available.

Objective 2.8: **~~INTERNAL CONSISTENCY WITH OTHER PLAN ELEMENTS~~ CONGESTION REDUCTION**

~~Take targeted actions to ease traffic congestion and make the most efficient use of the existing vehicle transportation network. Coordinate the Town's transportation system with the other Elements contained in this Comprehensive Plan to ensure that the system is adequate to serve the planned population densities, housing and employment patterns, and future land uses at or above the adopted level of service standards.~~

~~Measurement: Annual assessment of future roadway conditions and development of alternative improvements to maintain and enhance LOS. Change in peak hour vehicular levels of service (LOS).~~

Policy 2.8.1: The Town shall prioritize targeted vehicular traffic infrastructure improvements that can be implemented relatively quickly to reduce vehicular congestion at trouble spots. Such priority projects include, but are not necessarily limited to:

- a) a "slip ramp" creating a direct connection from northbound NW 77th Court to the Palmetto Express southbound, adjacent to NW 154th Street but not mixing with other NW 154th Street traffic;
- b) Lengthen the existing right turn lane from northbound NW 77th Court to eastbound NW 154th Street;

- c) On northbound NW 67th Avenue at NW 167th Street, convert the existing right turn lane into a northbound through lane, and adding a new right turn lane (from NW 67th Avenue to NW 167th Street); and,
- d) Install adaptive traffic signals on the NW 154th Street corridor west of the Palmetto Expressway.

~~Utilize the Future Land Use Map, Zoning Map and approved development orders to annually project future traffic volumes in the Town and evaluate alternatives to maintain adopted levels of service on arterial and collector roads, in coordination with the Miami-Dade County MPO and FDOT.~~

Policy 2.8.2: Fully implement the provisions of the September 2013 Commute Trip Reduction Plan (CTRP), including its Transportation Demand Management (TDM) and transit recommendations.

Policy 2.8.3: Limit or eliminate the gating of local streets, thereby increasing connectivity.

Policy 2.8.4: Use traffic enforcement tools to keep signalized intersections clear during all phases of the signal.

Policy 2.8.5: Work with the Miami-Dade School Board to adjust school start and dismissal times to lessen the impact of school traffic on peak hour congestion.

Policy 2.8.6: Work with the Miami-Dade School Board to encourage alternative means of transportation to school, including awareness of the Moover and other transit options, and walking and bicycling to school.

Add new Table 2-1:

Table 2-1: Planned Mobility Improvement Projects

Study	Project Description	Location	Street Name	From	To	Cost Estimate	Existing Outside Funding	Potential Outside Funding	Town Cost	Quantity	Unit	Comment
Miami Lakes Greenways and Trails Master Plan 2014	Bike Lane Only	NW 158th St	NW 158th Street	NW 59th Avenue	NW 57th Avenue	\$5,000.00	-	\$2,500.00	\$2,500.00	0.26	Miles	-
	Bike Lane plus Sidewalk - Add Bike lanes (w/o drainage/curb alterations) plus sidewalk to east and west sides of road (2 sides)	NW 60th Ave	NW 60th Avenue	Miami Lakes Drive	NW 138th Street	\$450,000.00	-	\$225,000.00	\$225,000.00	0.77	Miles	-
	Bike Lane plus Sidewalk - Add Bike lanes (w/o drainage/curb alterations) plus sidewalk to north side of road (1 side)	NW 163rd St	NW 163rd Street	NW 58th Avenue	NW 57th Avenue	\$85,800.00	-	\$45,000.00	\$40,800.00	0.26	Miles	-
	Bike Lane plus Sidewalk - Add Bike lanes (w/o drainage/curb alterations) plus sidewalk to north side of road (1 side)	NW 59th Ave	NW 59th Avenue	NW 158th Street	NW 167 Street	\$125,000.00	-	\$65,000.00	\$60,000.00	0.38	Miles	-
	On-Street Striping and Sign Improvements - Pavement markings and signing improvements; Add Bike Sharrows	Big Cypress Dr	Big Cypress Drive	Twin Sabal Drive	S. Miami Lakeway	\$52,000.00	-	\$26,000.00	\$26,000.00	0.52	Miles	-
	On-Street Striping and Sign Improvements - Pavement markings and signing improvements; Add Bike Sharrows	Commerce Way/Oak Lane	Commerce Way/Oak Lane	NW 87th Avenue	NW 79th Court	\$11,900.00	-	\$6,000.00	\$5,900.00	11.9	Miles	-
	On-Street Striping and Sign Improvements - Pavement markings and signing improvements; Add Bike Sharrows	NW 146th Ter	NW 146th Terrace	NW 92nd Avenue	NW 89th Avenue	\$2,100.00	-	\$1,000.00	\$1,100.00	0.21	Miles	-
	On-Street Striping and Sign Improvements - Pavement markings and signing improvements; Add Bike Sharrows	NW 149th Ter	NW 149th Terrace	NW 92nd Avenue	NW 87th Avenue	\$5,000.00	-	\$2,000.00	\$3,000.00	0.49	Miles	-

	<u>On-Street Striping and Sign Improvements</u> - Pavement markings and signing improvements; Add Bike Sharrows	<u>NW 153rd Ter</u>	<u>NW 153rd Terrace</u>	<u>NW 92nd Avenue</u>	<u>NW 89th Avenue</u>	<u>\$2,500.00</u>	-	<u>\$1,500.00</u>	<u>\$1,000.00</u>	<u>0.25</u>	<u>Miles</u>	-
	<u>On-Street Striping and Sign Improvements</u> - Pavement markings and signing improvements; Add Bike Sharrows	<u>NW 79th Court</u>	<u>NW 79th Court</u>	<u>Oak Lane</u>	<u>NW 154th Street</u>	<u>\$3,000.00</u>	-	<u>\$1,500.00</u>	<u>\$1,500.00</u>	<u>0.3</u>	<u>Miles</u>	-
	<u>On-Street Striping and Sign Improvements</u> - Pavement markings and signing improvements; Add Bike Sharrows	<u>NW 80th Ave</u>	<u>NW 80th Avenue</u>	<u>NW 77th Court/Palmetto Frontage Road</u>	<u>Commerce Way/Oak Lane</u>	<u>\$15,000.00</u>	-	<u>\$7,000.00</u>	<u>\$8,000.00</u>	<u>0.15</u>	<u>Miles</u>	-
	<u>On-Street Striping and Sign Improvements</u> - Pavement markings and signing improvements; Add Bike Sharrows	<u>NW 92nd Ave</u>	<u>NW 92nd Avenue</u>	<u>NW 146th Terrace</u>	<u>NW 153rd Terrace</u>	<u>\$4,500.00</u>	-	<u>\$2,000.00</u>	<u>\$2,500.00</u>	<u>0.45</u>	<u>Miles</u>	-
	<u>On-Street Striping and Sign Improvements</u> - Pavement markings and signing improvements; Add Bike Sharrows	<u>Twin Sabal/Sabal/Leaning Pine Drive</u>	<u>Twin Sabal/Sabal/Leaning Pine Drive</u>	<u>Big Cypress Drive</u>	<u>Bamboo Street</u>	<u>\$6,400.00</u>	-	<u>\$3,000.00</u>	<u>\$3,400.00</u>	<u>0.64</u>	<u>Miles</u>	-
	<u>On-Street Striping and Sign Improvements Plus Sidewalk</u> - Pavement Markings and signing improvements; Add Bike Sharrows plus add sidewalk on south side	<u>W 142nd Street</u>	<u>NW 142nd Street</u>	<u>NW 60th Avenue</u>	<u>NW 57th Avenue</u>	<u>\$98,800.00</u>	-	<u>\$50,000.00</u>	<u>\$48,800.00</u>	<u>0.38</u>	<u>Miles</u>	-
	<u>On-Street Striping and Sign Improvements plus Traffic Calming</u> - Pavement markings and signing improvements; Add Bike Sharrows plus traffic calming along corridor	<u>NW 146th Street</u>	<u>NW 146th Street</u>	<u>NW 89th Avenue</u>	<u>NW 87th Avenue</u>	<u>\$8,000.00</u>	-	<u>\$4,000.00</u>	<u>\$4,000.00</u>	<u>0.38</u>	<u>Miles</u>	-
	<u>On-Street Striping and Sign Improvements plus Traffic Calming</u> - Pavement markings and signing improvements; Add Bike Sharrows plus traffic calming along corridor	<u>NW 89th Avenue Palmetto</u>	<u>NW 89th Avenue Palmetto</u>	<u>Frontage Road</u>	<u>NW 154th Street</u>	<u>\$18,000.00</u>	-	<u>\$9,000.00</u>	<u>\$9,000.00</u>	<u>0.88</u>	<u>Miles</u>	-
	<u>Add Path</u> (Off-Street - Along Street)	<u>NW 154th Street</u>	<u>NW 154th Street</u>	<u>NW 89th Avenue</u>	<u>NW 87th Avenue</u>	<u>\$62,500.00</u>	-	<u>\$30,000.00</u>	<u>\$32,500.00</u>	<u>0.25</u>	<u>Miles</u>	-

	<u>Add Path (Off-Street - Along Street)</u>	<u>NW 162nd Street</u>	<u>NW 162nd Street</u>	<u>NW 87th Avenue</u>	<u>NW 82nd Avenue</u>	<u>\$125,000.00</u>	-	<u>\$65,000.00</u>	<u>\$60,000.00</u>	<u>0.5</u>	<u>Miles</u>	-
	<u>Add Path (Off-Street - Along Street)</u>	<u>NW 77th Avenue/NW 167th Street</u>	<u>NW 77th Avenue/NW 167th Street</u>	<u>Miami Lakes Drive</u>	<u>NW 57th Avenue</u>	<u>\$320,000.00</u>	-	<u>\$160,000.00</u>	<u>\$160,000.00</u>	<u>2.56</u>	<u>Miles</u>	-
	<u>Add Shared-Use Path (Off-Street - Along Canal)</u>	<u>Canal/NW 139th Street</u>	<u>Canal/NW 139th Street</u>	<u>NW 60th Avenue</u>	<u>NW 142nd Street</u>	<u>\$285,000.00</u>	-	<u>\$145,000.00</u>	<u>\$140,000.00</u>	<u>0.57</u>	<u>Miles</u>	-
	<u>Add Shared-Use Path (Off-Street - Along Canal)</u>	<u>Canal/NW 170th Street</u>	<u>Canal/NW 170th Street</u>	<u>West of NW 89th Avenue</u>	<u>NW 89th Avenue</u>	<u>\$130,000.00</u>	-	<u>\$65,000.00</u>	<u>\$65,000.00</u>	<u>0.26</u>	<u>Miles</u>	-
	<u>Add Shared-Use Path (Off-Street - Along Canal)</u>	<u>Canal/NW 77th Court (North of NW 154th Street)</u>	<u>Canal/NW 77th Court (North of NW 154th Street)</u>	<u>NW 154th Street</u>	<u>NW 76th Place</u>	<u>\$365,000.00</u>	<u>\$200,000.00</u>	<u>\$165,000.00</u>	<u>\$0.00</u>	<u>0.73</u>	<u>Miles</u>	-
	<u>Add Shared-Use Path (Off-Street - Along Canal)</u>	<u>Canal/NW 77th Court (South of NW 154th Street)</u>	<u>Canal/NW 77th Court (South of NW 154th Street)</u>	<u>West of NW 89th Avenue</u>	<u>NW 154th Street</u>	<u>\$1,060,000.00</u>	<u>\$600,000.00</u>	-	<u>\$460,000.00</u>	<u>2.12</u>	<u>Miles</u>	<u>2014 TAP Application Funding - construction only FM# 436618-1</u>
	<u>Add Shared-Use Path (Off-Street - Along Canal)</u>	<u>Canal/South of Bamboo Street</u>	<u>Canal/South of Bamboo Street</u>	<u>Bamboo Street</u>	<u>NW 67th Avenue</u>	<u>\$300,000.00</u>	-	<u>\$150,000.00</u>	<u>\$150,000.00</u>	<u>0.6</u>	<u>Miles</u>	-
	<u>Intersection Corner and Sign Improvements - Corner improvements including widening the curb ramp to be the width of the path and to add signage to mark off paths as bike routes</u>	<u>Miami Lakes Drive</u>	<u>Miami Lakes Drive</u>	<u>NW 89th Avenue</u>	<u>NW 57th Avenue</u>	<u>\$1,025,000.00</u>	-	<u>\$525,000.00</u>	<u>\$500,000.00</u>	<u>41</u>	<u>Each</u>	-
	<u>Intersection Corner and Sign Improvements - Corner improvements including widening the curb ramp to be the width of the path and to add signage to mark off paths as bike routes</u>	<u>NW 67th Avenue</u>	<u>NW 67th Avenue</u>	<u>W 84th Street</u>	<u>NW 167th Street</u>	<u>\$375,000.00</u>	-	<u>\$200,000.00</u>	<u>\$175,000.00</u>	<u>15</u>	<u>Each</u>	-
	<u>Widen Narrow Path to 10 to 12 feet</u>	<u>NW 87th Avenue</u>	<u>NW 87th Avenue</u>	<u>SR 924</u>	<u>NW 154th Street</u>	<u>\$250,000.00</u>	-	<u>\$125,000.00</u>	<u>\$125,000.00</u>	<u>0.99</u>	<u>Miles</u>	-
	<u>Widen Narrow Path to 10 to 12 feet</u>	<u>S. Miami Lakeway</u>	<u>S. Miami Lakeway</u>	<u>67th Ave (westward)</u>	<u>Miami Lakes Drive</u>	<u>\$250,000.00</u>	-	<u>\$125,000.00</u>	<u>\$125,000.00</u>	<u>1.6</u>	<u>Miles</u>	-
	<u>Greenway Trail and safe route to school</u>	<u>Miami Lakeway North and Miami Lakeway South (east of NW 67th Avenue)</u>	<u>S Miami Lakeway</u>	<u>67th Ave (eastward)</u>	<u>64th Ave</u>	<u>\$320,000.00</u>	<u>\$200,000.00</u>	-	<u>\$120,000.00</u>	<u>8500</u>	<u>Feet</u>	<u>FDOT grant funding FM # 425857-2</u>

-	-	-	-	-	-	-	-	-	-	-	-	-
Total for Greenways and Trail	-	-	-	-	-	<u>\$5,760,500.00</u>	<u>\$1,000,000.00</u>	<u>\$2,205,500.00</u>	<u>\$2,555,000.00</u>	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
Replacement Bus Program	-	<u>3</u>	-	-	-	<u>\$750,000.00</u>	-	-	<u>\$750,000.00</u>	<u>3</u>	<u>each</u>	-
-	-	-	-	-	-	-	-	-	-	-	-	-
Road Improvements	<u>Capacity Enhancements</u>	<u>Palmetto Expwy Interchanges</u>	<u>Palmetto Expwy Interchange</u>	<u>at Ludlam Road</u>	-	<u>Funded by FDOT</u>	-	-	<u>\$0.00</u>	-	-	-
	<u>Capacity Enhancements</u>	<u>Palmetto Expwy Interchanges</u>	<u>Palmetto Expwy Interchange</u>	<u>at Red Road</u>	-	<u>Funded by FDOT</u>	-	-	<u>\$0.00</u>	-	-	-
	<u>FDOT Imprvements - changes to lane configuration, sidewalks, bicycle lanes, pedestrian signal heads, crosswalks</u>	<u>NW 154th St (Vicinity of Palmetto Expy)</u>	<u>NW 154th St</u>	-	-	<u>Funded by FDOT</u>	-	-	<u>\$0.00</u>	-	-	-
	<u>Add second right turn lane</u>	<u>Adjacent to Miami Lakes (East Fire Station)</u>	<u>NW 67th Avenue</u>	<u>South of NW 167th St</u>	<u>NW 167th St</u>	<u>Funded by Miami-Dade County</u>	-	-	<u>\$0.00</u>	-	-	-
	<u>Adaptive (smart) traffic signals</u>	<u>Varies</u>	-	-	-	<u>\$360,000.00</u>	-	-	<u>\$360,000.00</u>	<u>12</u>	<u>each</u>	-
	<u>Narrow NW 67th Avenue travel lanes/expand medians and add two pedestrians crossings within Town Center</u>	<u>Town Center</u>	<u>NW 67th Avenue</u>	<u>Miami Lakes Drive</u>	<u>Miami Lakeway North</u>	<u>\$410,000.00</u>	-	-	<u>\$410,000.00</u>	-	-	-
	<u>Extend NW 59th Avenue south to Miami Lakes Drive</u>	<u>West of NW 57th Avenue and north of Miami Lakes Drive</u>	<u>NW 59th Avenue</u>	<u>Miami Lakes Drive</u>	<u>Biscayne Canal</u>	<u>\$5,800,000.00</u>	-	-	<u>\$5,800,000.00</u>	-	-	-
	<u>Add underpass of Palmetto Expressway south of Miami Lakes Drive</u>	<u>NW 146th St & Palmetto Exwy</u>	<u>NW 146th St</u>	<u>NW 77th Ct.</u>	<u>NW 77th Ave</u>	<u>\$3,900,000.00</u>	-	-	<u>\$3,900,000.00</u>	-	-	-
-	<u>Extend right turn lane 150 feet</u>	<u>Adjacent to Miami Lakes West Fire Station</u>	<u>NW 77th Ct.</u>	<u>South of Miami Lakes Drive</u>	<u>Miami Lakes Drive</u>	<u>\$120,000.00</u>	-	-	<u>\$120,000.00</u>	-	-	-
	<u>Add underpass of Palmetto Expressway north of Miami Lakes Drive</u>	<u>Under Palmetto Expressway, north of Miami Lakes Drive</u>	<u>Undetermined</u>	<u>NW 77th Ct.</u>	<u>Northbound Palmetto Frontage Rd</u>	<u>\$3,800,000.00</u>	-	-	<u>\$3,800,000.00</u>	-	-	-
	<u>Add Lane to Windmill Gate Road</u>	<u>Windmill Gate Road & NW 67th</u>	<u>Windmill Gate Rd.</u>	<u>NW 67th Ave</u>	<u>Fox Den Ct.</u>	<u>\$400,000.00</u>	-	-	<u>\$400,000.00</u>	-	-	-

		<u>Ave</u>										
<u>Total for Road Improvements</u>	-	-	-	-	-	<u>\$14,790,000.00</u>	-	-	<u>\$14,790,000.00</u>	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-
<u>Sidewalk Improvement</u>	<u>Widen sidewalks from 6' to 8' on both sides</u>	<u>NW 82nd Ave</u>	<u>NW 82nd Ave</u>	<u>NW 154th Street</u>	<u>NW 170th St</u>	<u>\$110,000.00</u>	-	-	<u>\$110,000.00</u>	<u>1.02 X 2 = 2.04 miles</u>	-	-
	<u>Widen sidewalks from 6' to 8' on west side of street</u>	<u>NW 67th Avenue</u>	<u>NW 67th Avenue</u>	<u>NW 138th St</u>	<u>NW 167th St</u>	<u>\$100,000.00</u>	-	-	<u>\$100,000.00</u>	<u>1.8 miles</u>	-	-
	<u>Widen sidewalks from 6' to 8' on both sides of road</u>	<u>NW 87th Ave</u>	<u>NW 87th Ave</u>	<u>NW 154th Street</u>	<u>NW 170th St</u>	<u>\$110,000.00</u>	-	-	<u>\$110,000.00</u>	<u>1.02 miles X 2 = 2.04 miles</u>	-	-
	<u>Widen sidewalk from 5' to 8' on north side of road</u>	<u>NW 154th St</u>	<u>NW 154th St</u>	<u>NW 89th Avenue</u>	<u>NW 57th Avenue</u>	<u>\$280,000.00</u>	-	-	<u>\$280,000.00</u>	<u>3.53 miles</u>	-	-
	<u>Widen sidewalk from 5' to 8' on both sides</u>	<u>Miami Lakeway N</u>	<u>Miami Lakeway N</u>	<u>Miami Lakes Dr</u>	<u>NW 67th Avenue</u>	<u>\$100,000.00</u>	-	-	<u>\$100,000.00</u>	<u>.63 miles X 2 = 1.26 miles</u>	-	-
	<u>ADA Sidewalk Master Plan Improvements</u>	<u>Town-wide</u>	-	-	-	<u>\$2,000,000.00</u>	-	-	<u>\$2,000,000.00</u>	-	-	-
	<u>Sidewalk Additions in Business Parks</u>	<u>Business Park East, Business Park West & Technical Education Center Area</u>	<u>Various</u>	<u>Various</u>	<u>Various</u>	<u>\$2,100,000.00</u>	<u>\$1,000,000.00</u>	-	<u>\$1,100,000.00</u>	-	-	<u>2013 TAP Application Funding - construction only FM# 435509-1</u>
<u>Total Sidewalk Improvement</u>						<u>\$4,800,000.00</u>	<u>\$1,000,000.00</u>	<u>\$0.00</u>	<u>\$3,800,000.00</u>			
-	-	-	-	-	-	-	-	-	-	-	-	-
<u>Grand Total</u>						<u>\$26,100,500.00</u>	<u>\$2,000,000.00</u>	<u>\$2,205,500.00</u>	<u>\$21,895,000.00</u>			

The Capital Improvement Element shall be amended as follows:

* * *

Policy 8.1.7: Assess a pro rata share of the public facility costs necessary to accommodate the impacts of new development at the adopted levels-of-service through the enforcement of existing public facility funding mechanisms, ~~and impact fees and a mobility fee~~. Public facilities include potable water, sanitary sewer, solid waste, drainage, parks, public schools and transportation and mobility capital facilities and equipment roadways.

* * *

Policy 8.2.1: Prior to the issuance of new development orders, ensure capital revenues and/or secured developer commitments are in place to provide all public facilities that are subject to concurrency at adopted level-of-service standards.

* * *

Policy 8.3.1:

Sanitary Sewer, Solid Waste, Drainage and Potable Water: Prior to the issuance of any development order for new development or redevelopment, sanitary sewer, solid waste, drainage and potable water facilities needed to support the development at adopted LOS standards all must meet one of the following timing requirements:

1. The development order includes the condition that at the time of the issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the new development; or
2. The necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place and available to serve new development at the time of the issuance of a certificate of occupancy or its functional equivalent.
3. Prior to the issuance of a building permit, the City will consult with the Miami-Dade Water and Sewer Department to ensure adequate water supplies will be available to serve proposed development no later than the issuance of the certificate of occupancy.

Parks & Recreation: Prior to the issuance of any development order for new development or redevelopment, parks and recreation public facilities needed to support the development at adopted LOS standards must meet one of the following timing requirements:

1. The necessary facilities and services are in place or under actual construction; or
2. The development order includes the condition that at the time of the issuance of a certificate of occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the new development is dedicated or acquired by the local government, or funds in the amount of the developer's fair share are committed; and
 - a. The development order includes the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent as provided in the adopted 5-year schedule of capital improvements; or
 - b. The necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent; or
 - c. The necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent.

~~Transportation Mobility: Mobility impacts of development and redevelopment shall be mitigated through a mobility fee to adopted and maintained as part of the Land Development Code. Development and redevelopment shall not be subject to a transportation concurrency system, except development exercising vested rights granted prior to adoption of the mobility fee into the Land Development Code. Prior to the issuance of any development order for new development or redevelopment, transportation public facilities needed to support the development at adopted LOS standards must meet one of the following timing requirements:~~

- ~~1. The necessary facilities and services are in place or under construction; or~~
- ~~2. The development order includes the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than three years after issuance of a certificate of occupancy or its functional equivalent as provided in the adopted five-year schedule of capital improvements.~~

- ~~3. The necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction no more than three years after the issuance of a certificate of occupancy or its functional equivalent; or~~
- ~~4. The necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place or under actual construction not more than three years after issuance of a certificate of occupancy or its functional equivalent.~~

Public School Facilities: Prior to the issuance of any development order for new residential development or redevelopment, public school facilities needed to support the development at adopted school LOS standards must meet the following timing requirement:

1. The necessary public school facilities and services are in place or under actual construction within three years after issuance of final subdivision or site plan approval, or the functional equivalent.
2. The necessary facilities and services are guaranteed in an enforceable development agreement, directed to projects in the first three years of the Miami-Dade County Public Schools District Facilities Work Program, and satisfy the demand created by that development approval. The development's impact may be mitigated through a combination of one or more appropriate proportionate share mitigation options provided in Policy 9.2.4 of the Education Facilities Element, and in accordance with Section 163.3180 (13)(e)1, F.S.

The Town, in cooperation with Miami-Dade County and the Miami-Dade School Board, shall coordinate new residential development with future availability of public school facilities consistent with the adopted LOS standards for public school concurrency, by reviewing residential development orders for their impact on LOS standards.

The adopted LOS standard for all Miami Lakes public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) Capacity (with relocatable classrooms). This LOS standard shall be applicable in each public school concurrency service (CSA) area, defined as the public school attendance boundary established by the Miami-Dade County Public Schools.

All public school facilities should continue to maintain or decrease their percent utilization of FISH capacity (with relocatable classrooms). Public school facilities that achieve 100% utilization of Permanent FISH capacity (no relocatable classrooms) should no longer utilize relocatable classrooms except as an operational solution.

The application of the above requirements must ensure the availability of public facilities and services needed to support development concurrent with the impacts of such development.

* * *

Policy 8.3.5: As indicated in the applicable Elements of this Comprehensive Plan, the Town of Miami Lakes has adopted the following minimum LOS standards:

Miami Lakes Level-of-Service Standards

FACILITIES	LEVEL OF SERVICE STANDARDS						
Sanitary Sewer	<p><i>Regional Plants.</i> Regional wastewater treatment plants shall operate with a physical capacity of no less than the annual average daily sewage flow.</p> <p><i>Effluent.</i> Effluent discharged from wastewater treatment plants shall meet all federal, state, and county standards.</p> <p><i>System.</i> The system shall maintain capacity to collect and dispose of 102 percent of average daily sewage demand for the preceding five years.</p> <p>Maintain the sanitary sewer standard of 81.9 gallons/capita/day.</p>						
Potable Water	<p><i>Regional Treatment.</i> The regional treatment system shall operate with a rated maximum daily capacity of no less than 2% above the maximum daily flow for the preceding year, and an average daily capacity of 2% above the average daily system demand for the preceding 5 years.</p> <p><i>Delivery.</i> Water shall be delivered to users at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi. Unless otherwise approved by the Miami-Dade Fire Department, minimum fire flows based on the land use served shall be maintained as follows:</p> <table data-bbox="618 1675 1312 1850"> <tr> <td><i>Land Use</i></td><td><i>Min. Fire Flow (gpm)</i></td></tr> <tr> <td>Single Family Residential Estate</td><td>500</td></tr> <tr> <td>Single Family and Duplex; Residential</td><td>750</td></tr> </table>	<i>Land Use</i>	<i>Min. Fire Flow (gpm)</i>	Single Family Residential Estate	500	Single Family and Duplex; Residential	750
<i>Land Use</i>	<i>Min. Fire Flow (gpm)</i>						
Single Family Residential Estate	500						
Single Family and Duplex; Residential	750						

	<p>on minimum lots of 7,500 sf</p> <p>Multi-Family Residential; 1,500</p> <p>Semi-professional Offices</p> <p>Hospitals; Schools 2,000</p> <p>Business and Industry 3,000</p> <p><i>Water Quality.</i> Water quality shall meet all federal, state and county primary standards for potable water.</p> <p><i>Countywide Storage.</i> Storage capacity for finished water shall equal no less than 15% of the countywide average daily demand.</p> <p>Maintain the potable water standard of 91 gallons/capita/day.</p>
Solid Waste	<p>The County Solid Waste Management System, which includes County-owned solid waste disposal facilities and those operated under contract with the County for disposal, shall, for a minimum of five (5) years, collectively maintain a solid waste disposal capacity sufficient to accommodate waste flows committed to the System through long-term interlocal agreements or contracts with municipalities and private waste haulers, and anticipated non-committed waste flows at a minimum standard of 9.9 pounds/capita/day.</p>
Drainage	<p><i>Water Quality Standard.</i> Stormwater facilities shall be designed to meet the design and performance standards established in Ch. 62-25, 25.025, F.A.C., with treatment of first 1" of rainfall runoff to meet water quality standards required by Ch. 62-302, 862-302.500. F.A.C.</p> <p><i>Water Quantity Standard.</i> Where two or more standards impact a specific development, the most restrictive standard shall apply.</p> <p>a. Post-development runoff shall not exceed the pre-</p>

	<p>development runoff rate for a 25-year storm event, up to and including an event with a 24-hour duration.</p> <p>b. Treatment of the runoff from the first 1 inch of rainfall onsite or the first 0.5 inch of runoff, whichever is greater.</p>
Recreation and Open Space	<p><i>Urban Open Space.</i> 1.75 acres per 1,000 population</p> <p><i>Neighborhood and Community Parks.</i> 3.25 acres per 1,000 population.</p>
Public Schools	100% utilization of Florida Inventory of School Houses (FISH) Capacity (With Relocatable Classrooms) in each concurrency service area (CSA).

MULTIMODAL MOBILITY LEVELS OF SERVICE FOR STATE, COUNTY AND TOWN ROADS	
<p>For purposes of capital improvements planning, the Town hereby adopts the levels of service standards for vehicles, bicycles, pedestrians and transit as enumerated in Policies 2.2.1, 2.2.3, 2.2.4 and 2.2.5 of the Transportation Element.</p>	
Within the Urban Infill Area (UIA) [±]	<p>Adopted level of service (LOS) within the UIA is LOS E (100% of capacity at peak hour) or better except where mass transit service having headways of 20 minutes or less is provided within ½ mile distance, then a road shall operate at no greater than 120% of its capacity at peak hour. Where extraordinary transit service such as commuter rail or express bus service exists, parallel roads within ½ mile shall operate at no greater than 150% of their capacity at peak hour.</p>
Within Urban Development Boundary (UDB), but Outside Urban Infill Area (UIA)	<p>All major roadways must operate at LOS D (90% of capacity at peak hour) or better, except State urban minor arterials (SUMA), which may operate at LOS E (100% of capacity at peak hour) or above. Where mass transit service having headways of 20 minutes or less is provided within ½ mile distance, then a road shall operate at or above LOS E at peak</p>

	hour. When extraordinary transit service such as commuter rail or express bus service exists, parallel roads within ½ mile shall operate at no greater than 120% of their capacity at peak hour.
SIS Roadways	The following is the Florida Department of Transportation's LOS standard as outlined in FDOT Systems Planning Topic No. 525-000-006a: "It is the Department's intent to plan, design, and operate the SHS at a generally acceptable LOS for the traveling public. LOS standards for the automobile mode on the SHS during the peak hour(s) are "D" in urbanized areas and "C" outside urbanized areas. LOS standards represent goals for Department and other entities to achieve and maintain. No specific LOS standards are established for other highway modes (e.g. bus, pedestrian, bicycle)."

(1) Urban Infill Area is located east of (and includes) NW and SW 77th Avenues and SR 826.

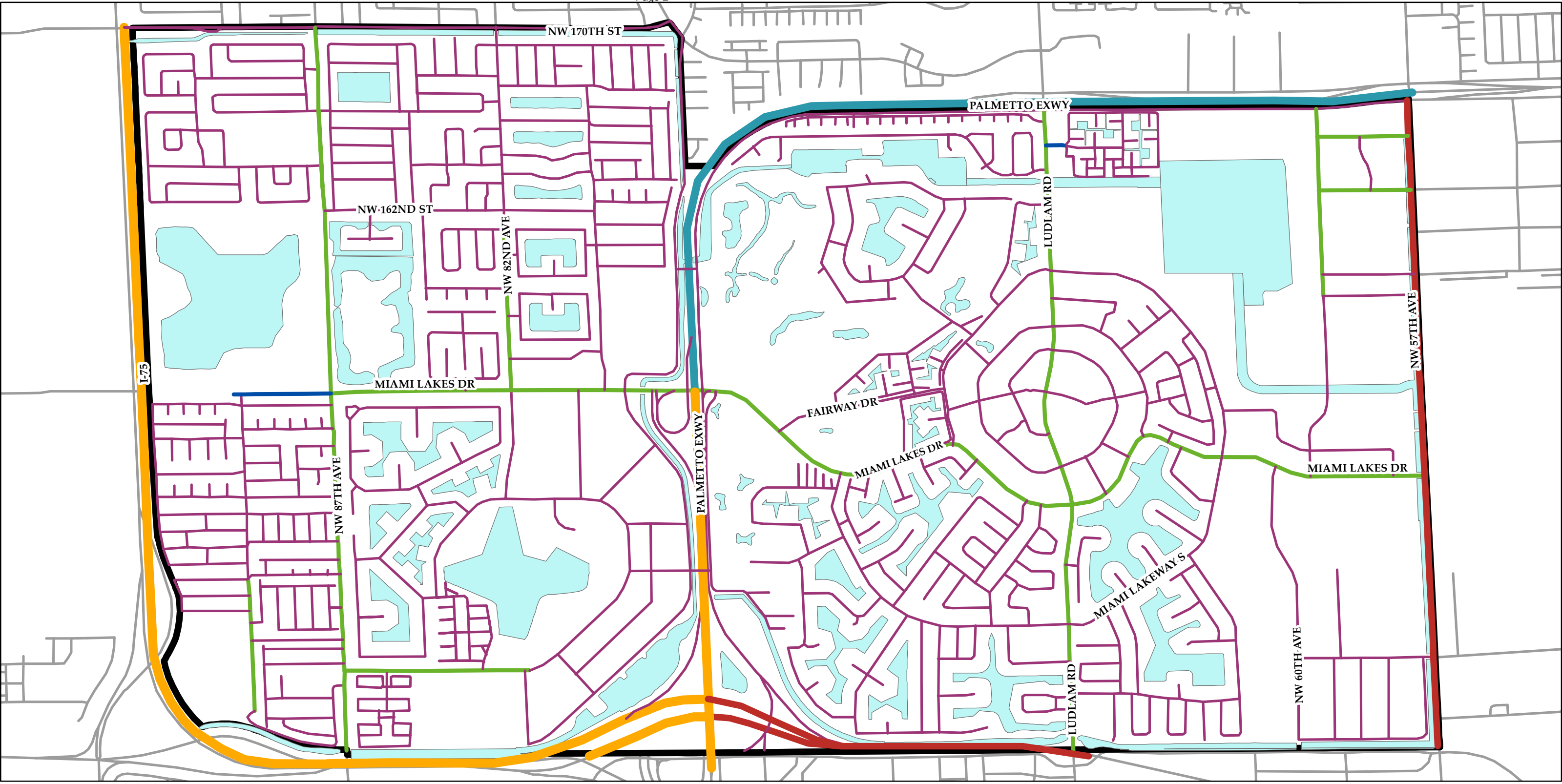
* * *

Policy 8.3.7: Any proposed development that is deemed to generate a de minimus impact (as defined in subsection 163.3180(6), F.S. shall not be required to establish transportation concurrency.

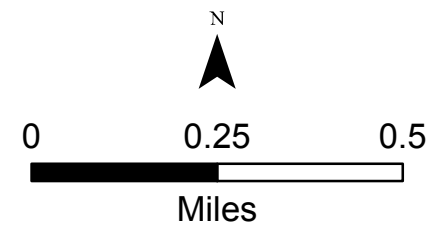
Policy 8.3.8 A comprehensive plan amendment shall be required to eliminate, defer, or delay construction of any road or mass transit facility or service that is needed to maintain the adopted level of service (LOS) standard.

Exhibit 2

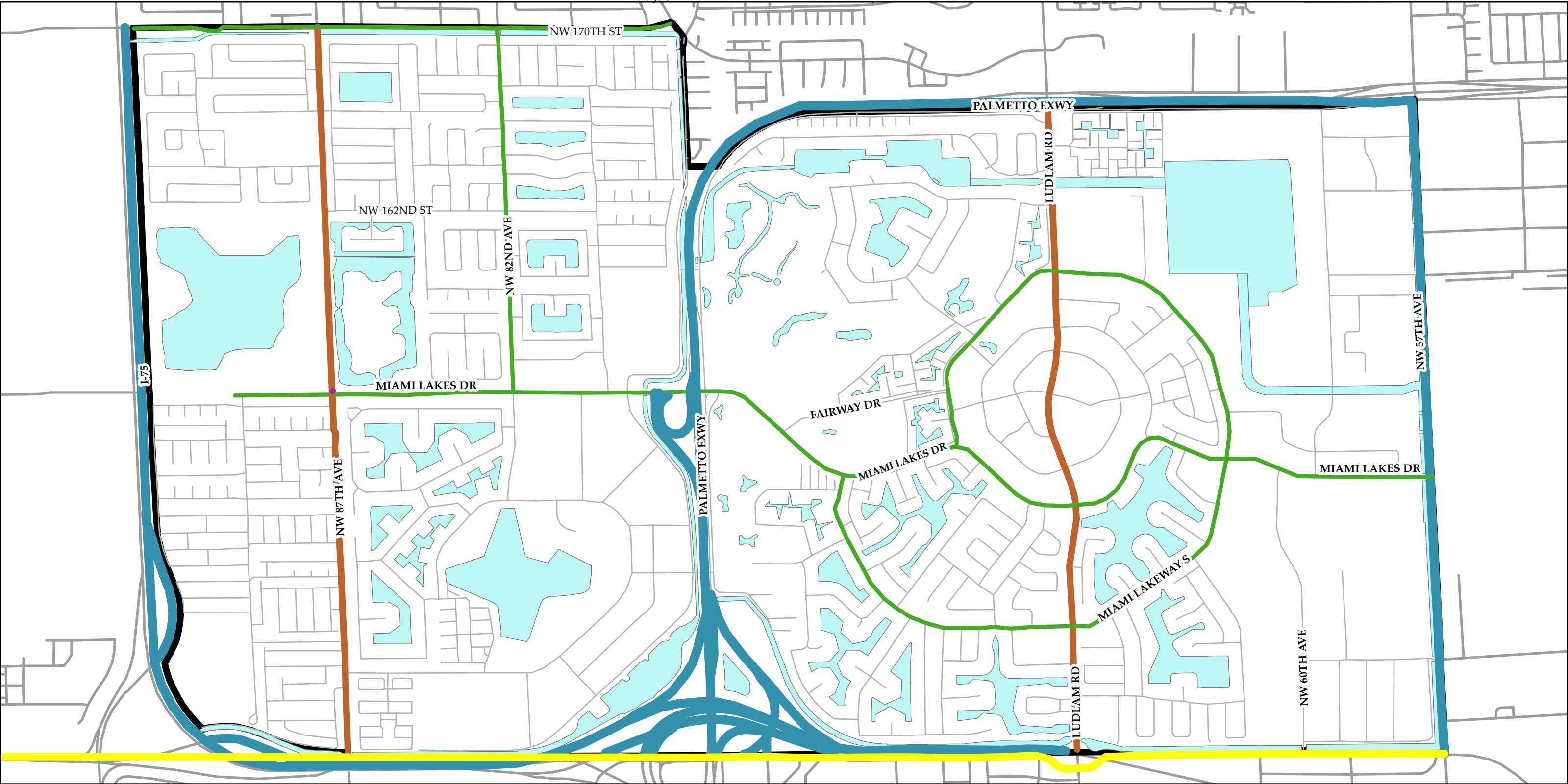
Map Amendments



TOWN OF MIAMI LAKES
TE-1: ROADWAY NUMBER OF LANES (2025)

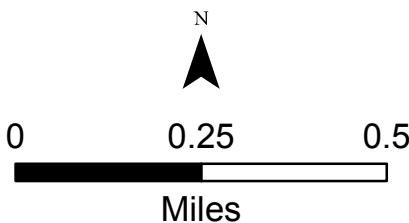


- | | |
|---------|----------|
| 2 Lanes | 6 Lanes |
| 4 Lanes | 8 Lanes |
| 5 Lanes | 10 Lanes |

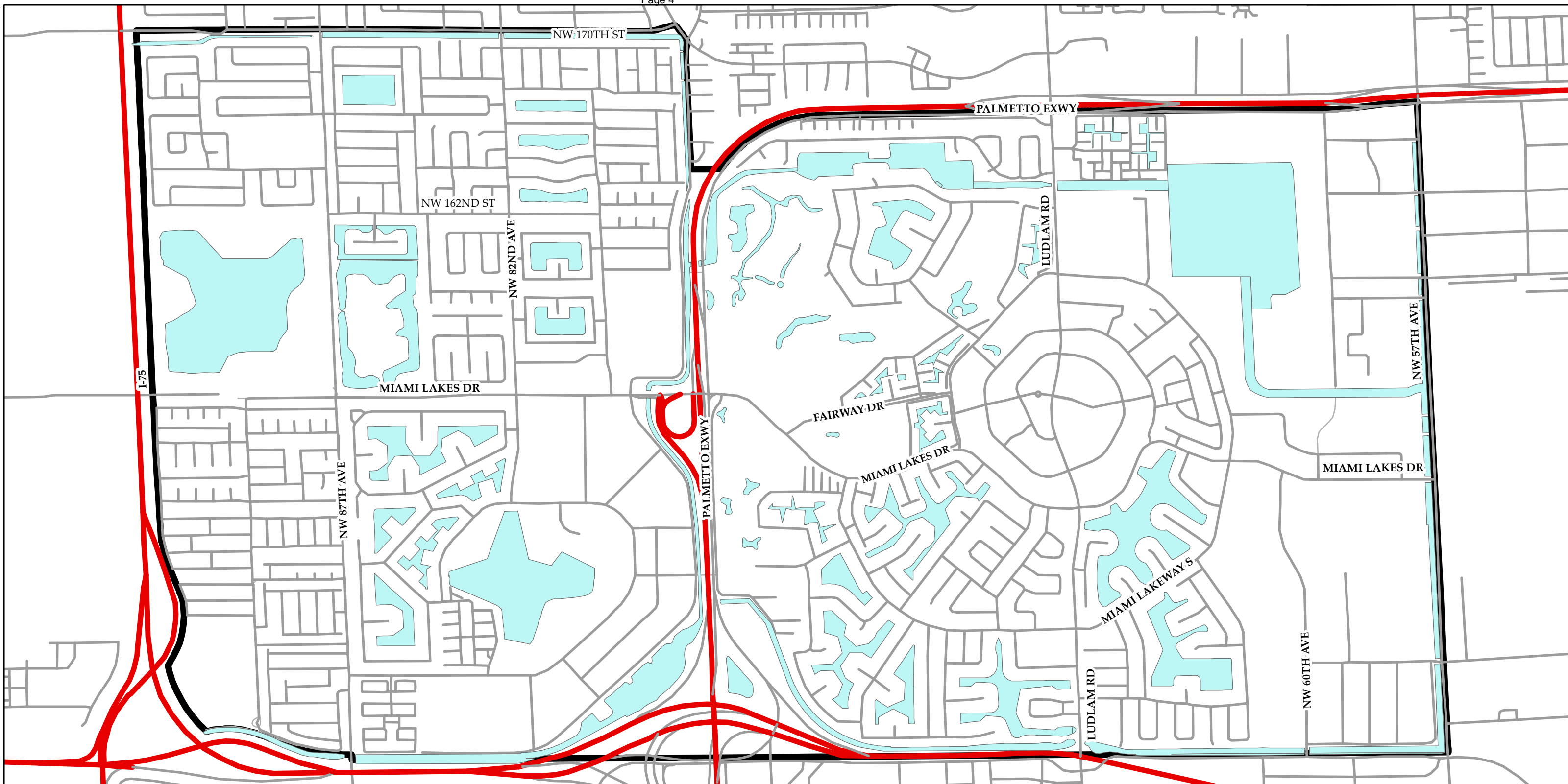


TOWN OF MIAMI LAKES

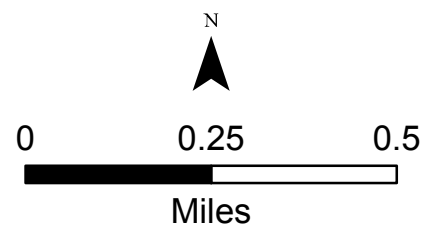
TE-2: ROADWAY FUNCTIONAL CLASSIFICATION (2025)



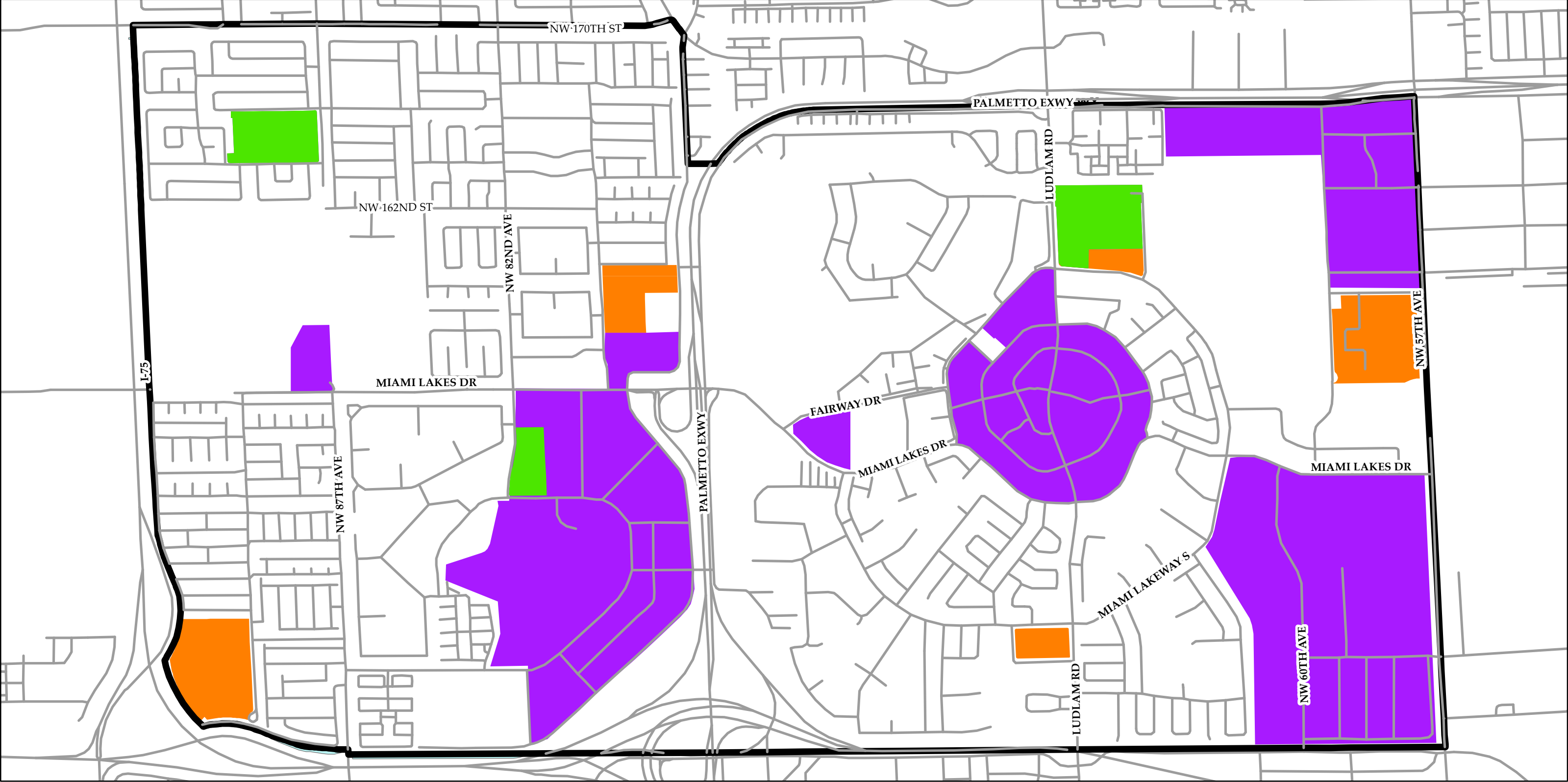
- | | |
|------------------|--------------------------|
| Local Street | County Minor Arterial |
| Town Collector | State Minor Arterial |
| County Collector | State Principal Arterial |



TOWN OF MIAMI LAKES
TE-3: LIMITED ACCESS FACILITIES (2025)

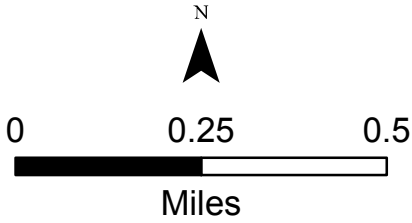





— Limited Access Roadways

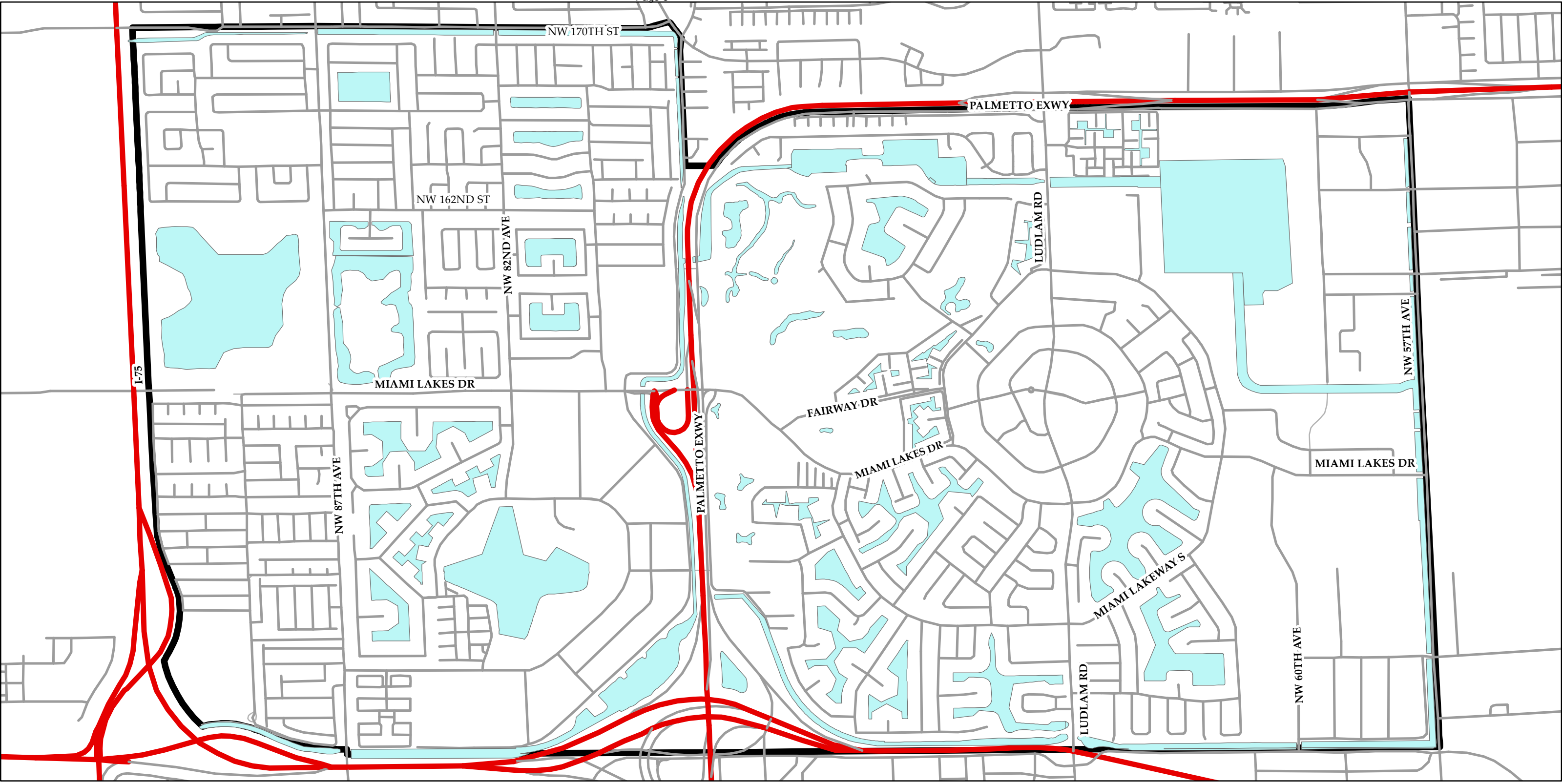


TOWN OF MIAMI LAKES

TE-4: MAJOR TRIP GENERATORS AND ATTRACTORS (2025)

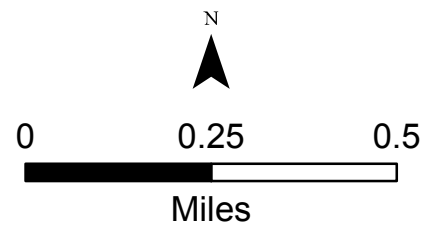


-  Retail and Employment Centers
-  Major Parks
-  Public Schools

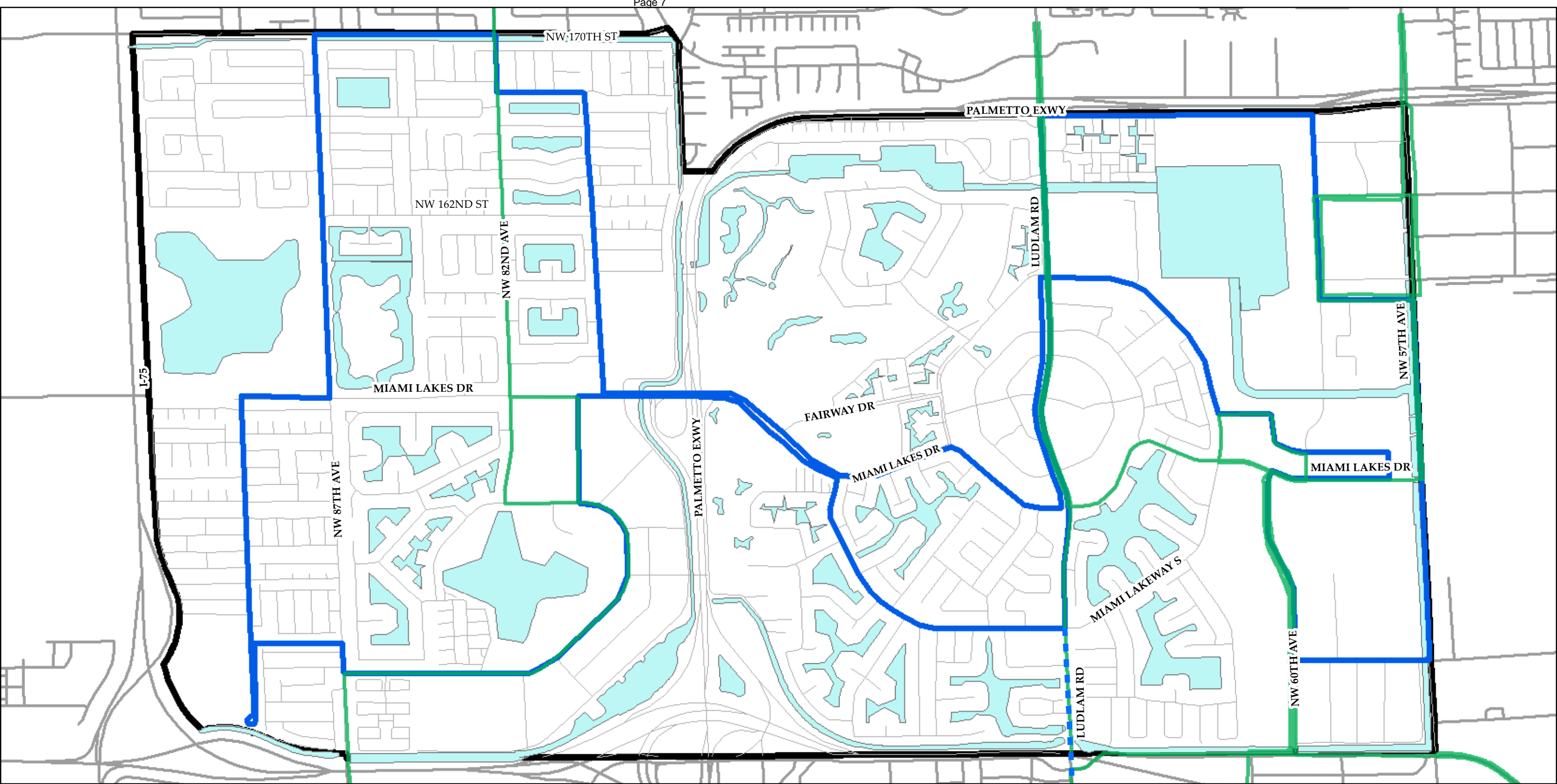


TOWN OF MIAMI LAKES

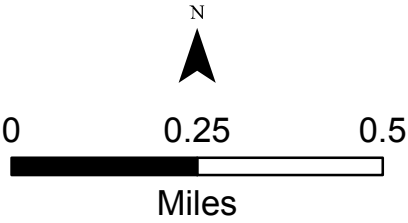
TE-5: HURRICANE EVACUATION ROUTES (2025)



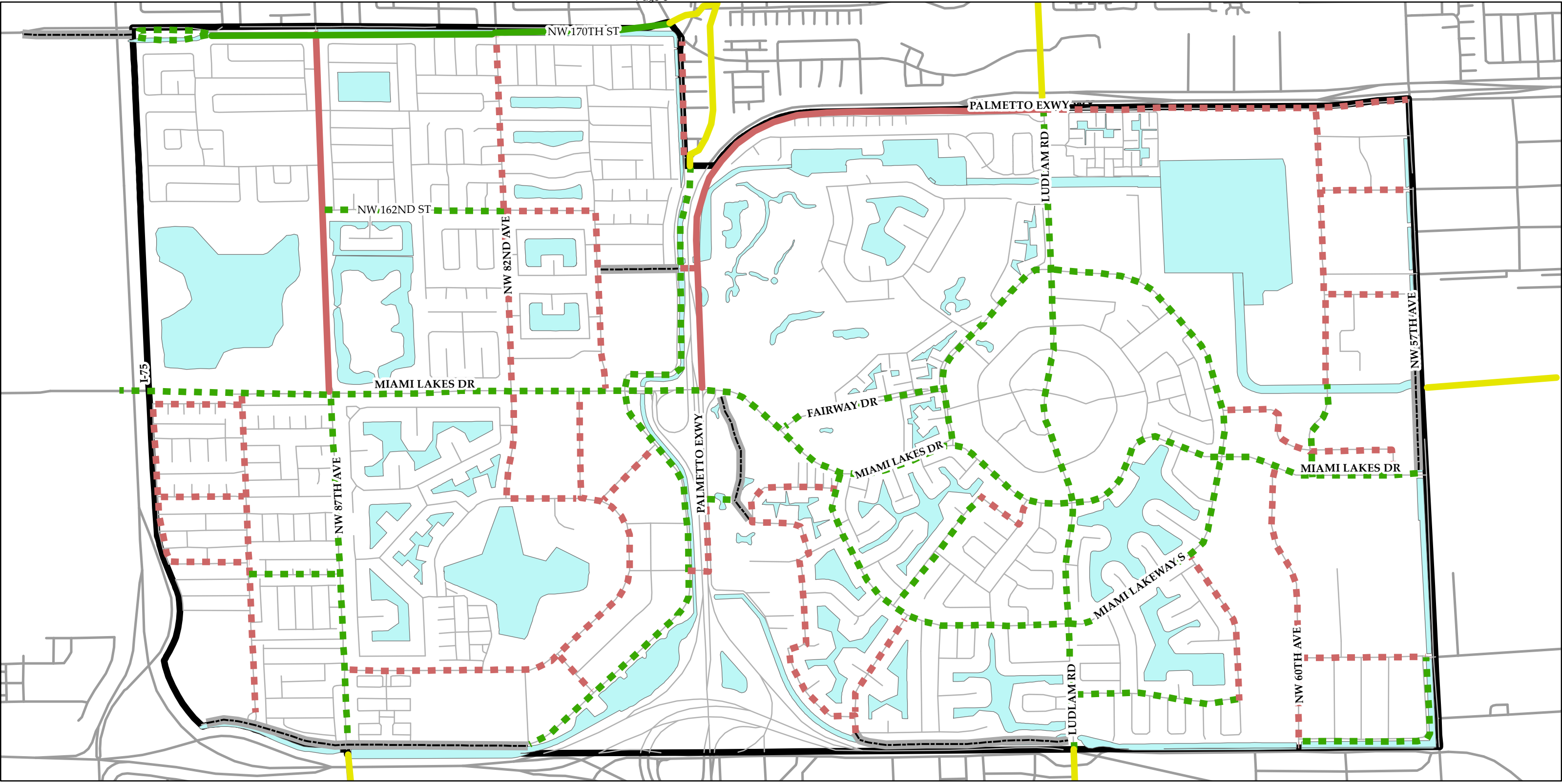
— Hurricane Evacuation Routes



TOWN OF MIAMI LAKES
TE-6: TRANSIT ROUTES (2025)

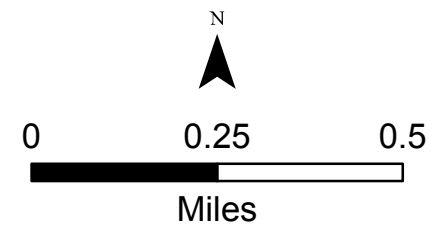


- Moover Route
- Moover Extension (during school start/dismissal times)
- Miami-Dade County Bus Routes

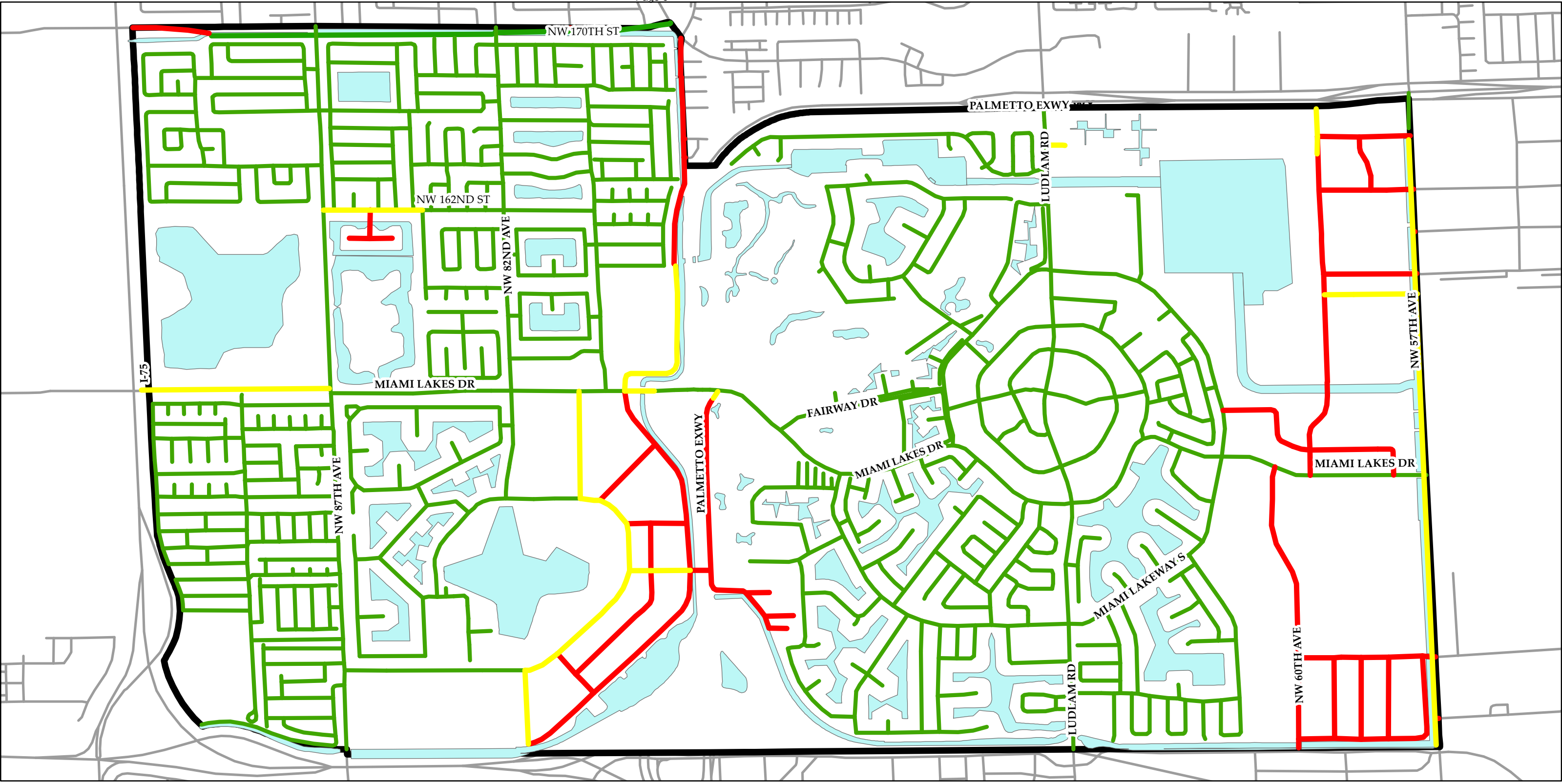


TOWN OF MIAMI LAKES

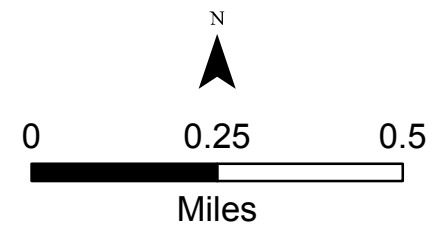
TE-7: GREENWAYS AND TRAILS (2025)



- | | | |
|----------------------------|--------------------------|---------------------------|
| Existing Off-Road Facility | Future Off-Road Facility | Long-Range Opportunity |
| Existing On-Road Facility | Future On-Road Facility | Future Facility by Others |



TOWN OF MIAMI LAKES
TE-8: SIDEWALK NETWORK COMPLETION (2025)



- Sidewalk complete*
- Sidewalk needed, one side
- Sidewalk needed, both sides

* Does not necessarily mean that sidewalk does not require widening. See Policy 2.2.4



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Memorandum

Date: August 25, 2015 (Revised September 25, 2015)

From: Brandon R. Schaad, AICP, LEED AP
 Director of Planning

To: Alex Rey
 Town Manager

Re: Summary of Town of Miami Lakes 2015 Transportation Summit

On July 31, 2015, the Town of Miami Lakes hosted a Transportation Summit bringing together the relevant stakeholders and transportation professionals from regional agencies, to brainstorm and discuss ideas to relieve traffic congestion and mobility issues in the Town. The impetus for this event was direction from the Town Council. Many individuals and organizations participated in the Summit, including but not limited to District 13 County Commissioner Esteban Bovo, the Mayor and Town Council members of the Town of Miami Lakes, the Florida Department of Transportation (FDOT), the Miami-Dade Expressway Authority, Miami-Dade County Public Works, Miami-Dade County Transit, the Miami-Dade Metropolitan Planning Organization (MPO), Miami-Dade County Public Schools, South Florida Commuter Services (SFCS), as well as Town civil/traffic engineering consultants Kimley-Horn and Associates and Corradino and Associates.

While traffic is a perennial issue in many communities, anecdotal evidence suggests the problem has worsened significantly in recent months in the Town of Miami Lakes. Furthermore, resident and business surveys conducted as part of the Town's adoption of a new Strategic Plan show that is the largest concern and complaint among residents and businesses, by a wide margin. Recently-gathered traffic counts and analysis show that the Town experiences major peak hour congestion on Miami Lakes Drive, particularly west of the Palmetto Expressway, with related severe congestion on NW 77th Court, NW 79th Avenue and roads that directly connect with these. At the same time, while traffic counts show that NW 67th Avenue is within an acceptable level of service, it is obvious to regular users that this is not the case (the disconnect between traffic counts and actual congestion is likely related to its intersection with the Palmetto Expressway at the northern end of the Town).

While the Town in many ways enjoys the fruits of proactive planning from decades ago, elements of its basic development pattern contribute to its current transportation problem and make solutions difficult to find. While the multitude of highways that come together in, and in the vicinity of, Miami Lakes make it



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relatively accessible, it is nevertheless difficult to move through the Town, due to a lack of connectivity both internally and externally. Although the Town is 3.5 miles from east to west, there are only three surface streets that transverse the Town from north to south (NW 57th Avenue, NW 67th Avenue and NW 87th Avenue). There are a few other instances where access in one direction exists, but I-75, the Gratigny Expressway, the Palmetto Expressway and Opa-Locka Airport all serve as barriers to effective external connectivity. Internally, the Palmetto Expressway divides the eastern and western halves of the Town, with the only crossing at Miami Lakes Drive. Further, development on the north and south sides of Miami Lakes Drive just west of the Palmetto Expressway were poorly coordinated, resulting in misaligned roads and therefore the existence of five signalized intersections and two unsignalized intersections (seven in total) in the space of one-half mile (and more acutely, six intersections in the space of approximately one-quarter mile). Gated and blocked roads in the northwest quadrant of Town shift traffic to other east-west ways, including Miami Lakes Drive.

In terms of non-automobile mobility, the Town has a generally good network of sidewalks and other pedestrian facilities (with some weaknesses), but is more or less lacking in bicycle infrastructure. The Town recently approved the Greenways and Trails Master Plan, seeking to address this issue. Transit ridership, as evinced by ridership on the Town's local Moover service, is growing rapidly but is still low.

The Summit included presentations by most of the agencies present, which outlined their own plans that will affect transportation in the Town, and an opportunity for questions and interaction between agencies, leading to improved coordination. Significant future improvements included the forthcoming addition of express lanes on the Palmetto Expressway and I-75, a project that includes proposed intersection improvements at Miami Lakes Drive and NW 67th Avenue, where there are exit/entrance ramps for the Palmetto Expressway. In addition, the Miami-Dade Expressway Authority plans to extend the Gratigny Expressway westward to the Florida Turnpike, a project which would ultimately make an expressway connection between I-95 and the Turnpike.

Following presentations and questions, Summit participants were asked to form two groups, one of which focused on brainstorming solutions for the west side of Miami Lakes, and the other for the east side of Town. Ideas from these brainstorming sessions are as follows:

East

- Transit-only entrances onto expressways from a park and ride lot at Miami Lakes Drive/Palmetto Expressway
- Improve carrying capacity of 57th Avenue, including removal of traffic lights and capacity expansions, with the goal of shifting traffic from the more constrained NW 67th Avenue
- Staggering of school schedules
- Palmetto Expressway underpasses at NW 146th Street and/or at the "Big Bend" to improve east-west connectivity



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- Creation of an exclusive transit lane on NW 67th Avenue, perhaps changing from southbound in the morning to northbound in the afternoon
- Transit signal priority at intersections
- Queue jumps for transit at intersections
- Extending NW 59th Avenue south to Miami Lakes Drive
- Creating a standard of an eight foot sidewalk for all new road construction/refurbishment
- Densification of three locations along Miami Lakes Drive (Town Center, NW 151st Street and vicinity of NW 79th Ct) with fast bus service between the three.

West

- Improved signalization/Smart signal technology at Miami Lakes Drive/Palmetto Expressway
- Increase traffic control police officers during peak hours on Miami Lakes Drive.
- Bob Graham Education Center staggered hours/drop off times
- Increased marketing of the Moover
- Educate motorists to use Commerce Way, rather than 77th Court

Together with the analysis by Town Staff and consultants, as well as recommendations already presented in the 2013 Commute Trip Reduction Plan (CTRP) and 2014 Greenways and Trails Master Plan and plans presented at the Summit by the participating agencies, the ideas generated by these breakout sessions have been synthesized into five Strategies, with a brief explanation/analysis of each.

Strategy #1: Improve Transit and Pedestrian Mobility

Many of the ideas suggested involve improving pedestrian and transit mobility, which can help provide an alternative to contending with gridlocked traffic (at least for some trips), as well as reduce overall demand for automobile travel and thereby reduce traffic congestion. Improving pedestrian mobility – making walking a safe, feasible and attractive option – means not only providing appropriate infrastructure, but also ensuring that land use policies contribute to the creation of walkable environments. Transit mobility, meanwhile, depends heavily on not only the quality of transit service and transit infrastructure (i.e. bus shelters), but also on the level of walkability near the beginning and end of the transit trip, since nearly all transit users are pedestrians at those points in their trip.

On the infrastructure side, the Town has adopted the Greenways and Trails Master Plan, with a total estimated cost of about \$6 million. Some projects in this planned network are either already constructed or have funding committed, as shown on the map in Exhibit A (the portion of the NW 170th Street Greenway between NW 82nd Avenue and NW 77th Court has now been constructed). Additionally, the recently-adopted Town Center Zoning District Ordinance aims to ensure that Town Center, currently the most walkable area in Miami Lakes, will maintain and improve its walkability through requiring wider sidewalks and pedestrian-friendly design of private development projects. One significant barrier to the



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success of Town Center as the Town's primary walkable center is the County-controlled NW 67th Avenue that bisects it. This street includes eleven foot wide lanes and, while it does feature relatively good street tree coverage, it lacks on-street parking or many of the other features that would slow down cars and thereby make the area safer and more inviting for pedestrians. There is also only one sanctioned crossing of NW 67th Avenue (at Main Street) for the entirety of the approximately two-thirds of a mile that it runs through Town Center. The result is that without effective pedestrian integration of the two halves, Town Center cannot reach its full potential, and is less attractive as a walkable, transit-conducive center. One discussion at the Summit focused on the potential to connect these two halves, specifically by adding two pedestrian crossing points and/or reducing lane widths from eleven feet to ten feet, in order both to slow traffic and to reduce pedestrian crossing widths. Engineers from Miami-Dade County's Traffic Engineering Division were of the opinion that doing so would worsen the vehicular level of service on NW 67th Avenue, though I strongly disagree with this conclusion, for reasons that I will detail elsewhere.

Additionally, the Town Council recently endorsed the highly related concept of Complete Streets, directing staff to integrate a Complete Streets policy into the upcoming Strategic Plan. While Complete Streets is a broad concept that can be implemented in a range of different ways, its essential thrust is to provide infrastructure for not only automobiles, but also for pedestrians, bicyclists and transit users. One way that a Complete Streets policy begins to come into play is in proposed infrastructure improvements, which all too often try to add automobile capacity, without taking into account the consequences this can have on other modes of transportation. This only serves to make those other modes less feasible, increase auto dependence and contribute to the "need" for still more capacity enhancements – a vicious cycle. It is essential for the Town to bear the Complete Streets concept in mind as it considers the improvements proposed to intersections of the Palmetto Expressway with Miami Lakes Drive and NW 67th Avenue by the Florida Department of Transportation (FDOT) as part of the Palmetto Express project (currently in the Project Development and Environment Study phase).

Tactics suggested at the Summit to improve pedestrian mobility, and closely related to Complete Streets, included ensuring accessibility throughout the Town according to the standards of the Americans with Disabilities Act (ADA), as well as increasing the standard sidewalk widths on arterial and collector roadways to ten feet. The Town has been awarded a grant for Fiscal Year 2018 that includes \$50,000 for an ADA Accessibility Study. Additionally, the Town is planning to crowd-source data gathering about "incomplete streets", such as missing or insufficient pedestrian infrastructure, via its mobile app. Capital funding will be required for implementation, though some of these improvements may be combined with the implementation of the Greenways and Trails Master Plan. Other potential sources of funding/implementation include a Code amendment requiring developers to (for example) build any missing sections of sidewalk adjacent to their development, as well as Code changes currently under study to replace the traffic concurrency system with a new system to require mitigation for transportation impacts of development/redevelopment.



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One idea conceived at the Summit is to identify future walkable “hubs” along Miami Lakes Drive (from east to west: the area north of Miami Lakes Drive along NW 151st Street and NW 153rd Street; Town Center; and, on both sides of Miami Lakes Drive between NW 77th Court and NW 82nd Avenue), and re-imagine the Town’s Moover service to run frequent trips between these areas. Staff believes that these areas either have (in the case of Town Center) or show significant potential for (in the other two instances) a high level of walkability. The Comprehensive Plan identifies an approximately 10 acre area at the northwest corner of NW 87th Avenue and Miami Lakes Drive for commercial development, and this location might be added to this transit/hub corridor. In this case, though, it would be advisable to encourage or require a more walkable and transit-friendly style of development in this location than the current approved site plan shows. The merits of this idea include that making the Moover more frequent would make it more attractive and presumably increase ridership, that it would provide better connections to Miami-Dade Transit routes (none of which currently cross the Palmetto Expressway east to west) and that walkable hubs could significantly reduce car trips by making commuting via transit a more feasible alternative and make walking feasible for many more trips. Negatives include that the redevelopment required to make the NW 151st Street area the west of the Palmetto areas walkable are fairly long term, and that changing the Moover service in this way would no longer directly serve the schools, a large portion of its current ridership.

There are a number of other ideas regarding transit mobility that are included in other strategies below. An additional idea from the Summit, though, is to place “queue jumps” for buses at strategic locations. A queue jump is essentially an extra lane for exclusive use by transit vehicles that allow these vehicles to pass the queue at an intersection. These queue jumps have proved to be successful in many places by keeping buses on schedule and making transit a more attractive alternative. However, the method also has a public perception problem, as drivers see a lane that is often “empty” and that they feel could be used to move more cars, even in cases where the buses using the lane actually carry more people than an automobile lane.

Strategy #2: Improve Distribution of Traffic (Spatially and Temporally)

Largely because of the Town’s lack of sufficient external connectivity, those connections that do exist (and often also feature a freeway interchange) act like a funnel, as traffic from a relatively wide catchment collects onto them to squeeze through a narrow opening, resulting in acute congestion at these points. Potential solutions include finding ways to spatially and temporally distribute this traffic in a more optimal way. For example, NW 67th Avenue handles a large volume of traffic simply “passing through” the Town. It was suggested that NW 57th Avenue, which is far less of a “character” street and tends to feature conventional, auto-oriented and unwalkable uses along it, could have infrastructure changes to handle more traffic at a higher rate of speed, thereby shifting some trips away from NW 67th Avenue.



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These enhancements might include additional lanes and removing traffic lights and/or extended green lights.

Additionally, as the Miami-Dade Expressway Authority extends the Gratigny Expressway west to the Florida Turnpike, opportunities may exist to create new interchanges of the Gratigny with NW 67th Avenue and with NW 87th Avenue, lessening the need to use the Palmetto Expressway and Miami Lakes Drive.

Regarding timing, this strategy also involves a more optimal distribution of traffic throughout the day, reducing peak hour congestion. There were several observations during the Transportation Summit that traffic congestion seems to be much worse when schools are in session, prompting calls to adjust school hours so as not to coincide with rush hour. School hours are set by the School District, an independent entity.

Reducing peak hour automobile trips is also the primary focus of the Commute Trip Reduction Plan (CTRP), a study completed in 2013 based on a commuter survey and extensive analysis that provides a set of transportation demand management (TDM) recommendations. The recommendations include a close partnership with South Florida Commuter Services (SFCS) to promote and provide information to commuters about carpooling/vanpooling options, emergency ride home information for carpoolers/transit users, commuter tax benefits, transit information, etc.; leading by example to reduce peak hour commuting by Town employees; identifying and targeting 25 sites that have the highest potential to reduce commuting trips to work with employers to develop and implement specific plans to reduce peak hour trips by their employees, to target for multimodal infrastructure improvements and potentially provide incentives; to adopt a TDM ordinance, which would make implementation of TDM strategies (i.e. compressed work week or flexible hours) mandatory for employers with over 50 employees; and, changes to the Comprehensive Plan and Land Development Code that would require features in new developments to encourage alternative commuting. The ongoing Alternative to Concurrency Study includes analysis of utilizing the strategies recommended in the CTRP as mitigation for transportation impacts of development.

Strategy #3: Improve East-West Connectivity

The Town of Miami Lakes is divided approximately in half by the north-south portion of the Palmetto Expressway. The highway essentially acts like a river in many other cities, where people crossing from one side to the other must funnel into a limited number of crossings or chokepoints (i.e. bridges or, in this case, underpasses). Miami Lakes Drive is the only such crossing within the Town, and the only crossing for a mile in either directions (and those nearest crossings are marginal). Combined with other factors impacting Miami Lakes Drive west of the Palmetto (see discussion of the “trouble spots” under Strategy #4 below), this creates – according both to the data and anecdotally – the most severe instance of traffic



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congestion in Miami Lakes. A smaller, but still significant, east-west connectivity issue concerns the prevalence of blocked and/or gated streets in the northwest portion of the Town, which has the effect of forcing some east-west traffic in this area onto NW 170th Street and, more prevalently, onto Miami Lakes Drive.

The forthcoming construction on the Palmetto Expressway as part of the Palmetto Express project (primary purpose: adding express lanes), presents opportunities, as expressed at the Transportation Summit, that will likely not come again for several decades: to add one or more additional east-west crossing points. Two ideas were discussed in this regard:

1. Allow those exiting the northbound Palmetto Expressway at Miami Lakes Drive to access NW 77th Court (on the west side of the Palmetto Expressway) via an underpass of the Palmetto from the northbound frontage road, thereby bypassing Miami Lakes Drive.
2. Create an underpass of the Palmetto Expressway at NW 146th Street, which would primarily allow those workers in Business Park West who either commute from the east side of Miami Lakes or to points north/east via the Palmetto Expressway, to avoid the Palmetto/Miami Lakes Drive chokepoint. This improvement, by distributing crossing traffic to two different routes, would be even more effective if the northbound ramp/Palmetto Frontage Road were realigned/combined with NW 77th Avenue (which is currently lightly used), thereby reducing the number of intersections and further reducing friction points on Miami Lakes Drive.

In addition to providing an additional east-west crossing point, either of these ideas might also allow for less lanes/destruction of green space on Miami Lakes Drive, as currently included in FDOT plans as part of the Palmetto Express project. If so, this would help to preserve a community character more in keeping with Miami Lakes, as well as being more friendly to pedestrians and bicyclists, major goals expressed by the Town.

Another idea expressed is to improve greenway connectivity between the east and west sides of Town, largely via a street outside the Town's boundaries, NW 169th Street. The NW 170th Street Greenway is completed, the NW 77th Court Greenway south of Miami Lakes Drive is funded for Fiscal Year 2018, and, based upon conversations with FDOT, the portion of the NW 77th Court Greenway north of Miami Lakes Drive to NW 164th Street is likely to be funded and built on an accelerated basis. The most feasible way to connect these is via an FPL easement leading from NW 77th Court to NW 169th Street and connecting NW 169th Street to the NW 170th Street Greenway (a greenway along this easement is included in Miami-Dade County's Open Space Master Plan). Assuming this connection is made, it would be logical to utilize NW 169th Street to connect to NW 67th Avenue just north of the Town's boundary. The Town's Greenways and Trails Master Plan shows an off-road greenway on NW 67th Avenue, providing access to Miami Lakes Town Center and a funded greenway on Miami Lakeway.



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Strategy #4: Targeted Improvements at Trouble Spots

With one notable exception (redevelopment planning), ideas included in this Strategy seek to provide the most immediate relief for very specific problems, essentially making small investments or operational changes to wring the best possible performance from the current system, as opposed to making fundamental change. These ideas include the increased use of law enforcement personnel to direct traffic at peak times and improve flow through intersections, adding turn lanes or allowing turns from lanes where they are not currently allowed (specific suggestions include an additional right turn only lane on northbound NW 67th Avenue at NW 167th Street and allowing left turns from the right lane on southbound NW 79th Avenue onto eastbound Miami Lakes Drive, the latter of which is already under study) and adding adaptive signal technology, which allows traffic signals to adjust signal timing to respond to actual traffic conditions in real-time.

A more robust, but also more long term, idea is to create a redevelopment plan for the Miami Lakes Drive corridor from the Palmetto Expressway west to NW 82nd Avenue, addressing what has been identified as the Town's most severe congestion problem by correcting some of its root problems (in addition to the lack of other east-west connections, as discussed elsewhere) that have been brought on by past lack of planning: namely that there are too many intersections in too short a span, and in some cases are not aligned on the north and south sides of Miami Lakes Drive. This type of redevelopment planning effort will require significant resources, and implementation would take a number of years and be dependent upon the private sector, likely with inducement through land use entitlements and/or public infrastructure improvements to leverage private investment. Along with creating additional east-west connection(s), this idea creates among the greatest opportunities of any discussed in this memorandum, not only to vastly improve transportation, but also to create more valuable and economically beneficial land uses, and to create an aesthetic environment more in keeping with Miami Lakes at the Town's most important and visible gateway. In any case, redevelopment of this area will occur at some point, and whether it is done in a piecemeal fashion or as part of a coordinated plan, with public and private sectors on the same "page," depends on whether the Town takes a proactive approach.

Strategy #5: Provide Mobility Alternatives for Intra-Town Trips

Strategy #5 – Provide Mobility Alternatives for Intra-Town Trips – consists of a variety of ideas or ways to get to and from destinations within the Town by ways other than single-occupant vehicles. Some ideas include focusing on build-out of the greenways called for in the Greenways and Trails Master Plan, particularly safe pedestrian and bicycle paths to schools; working with the School District and parents of schoolchildren to facilitate carpooling for school drop-off and pickup trips; providing shuttle services to Town events; finding an alternative to the current on-demand bus service, which largely caters to seniors (likely via car sharing services such as Uber, Lyft, etc., assuming that Miami-Dade County legalizes these services); and, increasing the hours of operation of the Town Moover, which is currently limited to only



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weekdays between the hours of 6:00 AM – 10:00 AM, and 2:15 PM – 7:00 PM. By expanding the Moover’s hours, the service may become more attractive and/or feasible for some, thereby increasing its use.

Conclusion

As noted above, traffic congestion appears to be the most pressing local issue for Miami Lakes residents and businesses, and there is a widespread perception that the problem is worsening. These concerns and urgency for action led to the Town’s Transportation Summit. It is important to remember, though, that neither this problem, nor calls for action, are limited to Miami Lakes, as demonstrated by a recent series of articles in the *Miami Herald* describing the situation (e.g. “No Way Out: For drivers caught in gridlock, little relief down the road,” May 17, 2015; “Business Slowdown: Traffic jams up South Florida’s economy,” May 17, 2015) and potential out-of-the-box solutions (e.g. “County needs to raise \$102 million for rail line west,” July 28, 2015). Based upon suggestions gathered through the Transportation Summit and the process around it, there does exist potential opportunities to improve the traffic congestion situation in the short term at the margins – basically, ways to get the best possible performance from the existing transportation system. To make a more dramatic improvement in mobility, however, the inescapable reality is that fundamental change in land use and transportation systems are needed, and these will take longer to accomplish.

Besides the public consciousness and official attention being paid to the issue of transportation, there is another major reason that the Town is at a moment of opportunity on the issue: the upcoming Palmetto Express project, currently in the PD&E stage, that will include significant reconstruction of the Palmetto Expressway to accommodate the addition of express lanes. For example, if the Town were to determine that establishing an additional east-west crossing point is in its best interest, this may be its last realistic opportunity to do so for several decades. The project also includes proposed major changes at intersections where the Expressway has access points – in the Town’s case, at Miami Lakes Drive, NW 67th Avenue and NW 57th Avenue. The ultimate design of these changes will have large impacts on mobility within the Town, and Town leaders must think carefully about the future in evaluating these impacts not only on traffic but also on its “complete streets” concept of pedestrian, bicycle and transit mobility, and its impacts on aesthetics and community character.

The Town, thanks to thoughtful and proactive planning, began as something unique, resisting the bland uniformity that gripped the development of most South Florida suburbs. Unfortunately, pressure to reimpose the bland uniformity is constant and pervasive, manifesting in the transportation realm with calls for more pavement at the expense of green space, road designs that neglect community character and insistence that faster is better and engineering standards that make it difficult or impossible to create walkable places and thereby ensure that transit is mostly for those who have no other choice. The cruel irony of such policies is that, for all the sacrifices they demand of aesthetics and non-auto mobility, they



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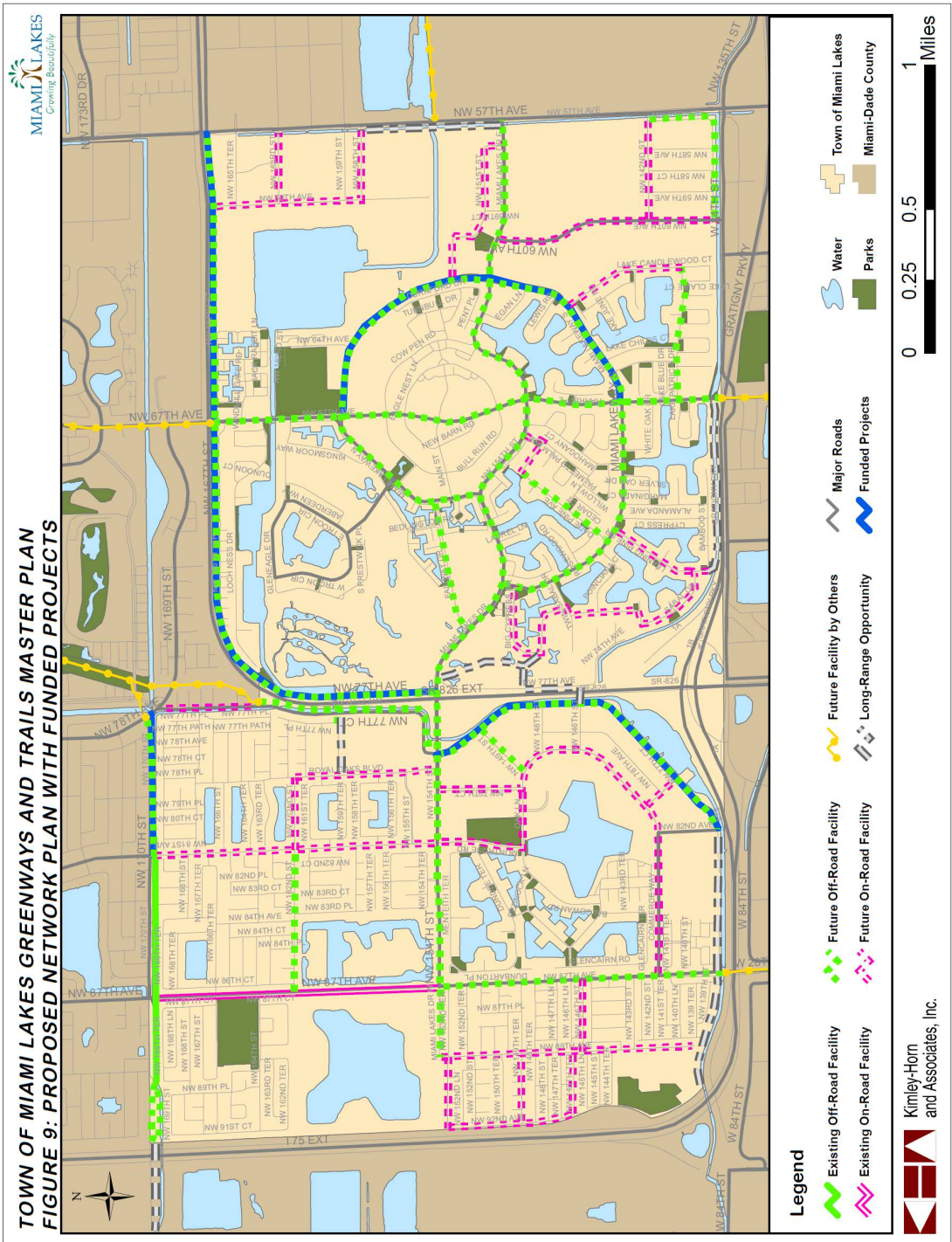
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consistently fail to achieve their goals, as clearly demonstrated by the traffic crisis that exists throughout South Florida and in too many places around the country. At the same time, by ensuring that other modes of transportation are infeasible, dangerous and/or unattractive, these policies force us all to endure the traffic nightmare they have created, and to contribute to it. To create a better future – to not be satisfied with slowly morphing more and more into the conventional patterns that pervade in surrounding areas – the Town must reassert its legacy of proactive planning, demand better and insist on being unique. As the adage goes, “Have a plan, or be a part of someone else’s.”



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Exhibit A



RESOLUTION NO. 15- 1330

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING RECOMMENDATIONS FOR IMPROVEMENT OF TRANSPORTATION IN THE TOWN OF MIAMI LAKES FROM THE TRANSPORTATION SUMMIT; DIRECTING THE TOWN MANAGER TO INTEGRATE THESE RECOMMENDATIONS INTO THE TOWN'S STRATEGIC PLAN; DIRECTING THE TOWN MANAGER TO PURSUE IMPLEMENTATION OF THESE RECOMMENDATIONS AS APPROPRIATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, surveys conducted by the Town as part of its Strategic Planning process indicate that traffic congestion is considered by both residents and businesses to be the most important issue that needs to be addressed; and

WHEREAS, both anecdotal evidence and recent news stories indicate that congestion both in the Town and the larger region have worsened significantly recently; and

WHEREAS, the Town Council directed Town Staff to facilitate a Transportation Summit to formulate solutions to the Town's transportation challenges in a comprehensive manner; and

WHEREAS, the Town held its Transportation Summit on July 31, 2015, including participation from all relevant transportation agencies; and

WHEREAS, a number of transportation ideas were generated at the Transportation Summit; and

WHEREAS, the Town Council has chosen strategies from among those generated as part of the Transportation Summit process for implementation to improve transportation in the Town of Miami Lakes.

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

Section 1. Recitals. The above Recitals are true and correct and incorporated herein by this reference.

Section 2. Declaration of Policy and Direction to the Town Manager. The Town Council hereby declares its support for the strategies listed in Section 3, herein, to improve transportation in the Town of Miami Lakes; hereby directs the Town Manager to integrate these strategies into the Town's Strategic Plan; and, hereby directs the Town Manager to pursue these strategies by appropriate actions including but not limited to: requesting coordination with other local, regional, state and federal agencies; proposing amendments to the Town Code and/or Comprehensive Plan; pursuing grants for planning and services and for design/construction of infrastructure consistent with these strategies; and recommending budget provisions necessary to implement these strategies.

Section 3. Declaration of Strategies to Pursue. The Town Council hereby declares that the following strategies should be pursued to improve transportation in the Town of Miami Lakes:

1. Improve traffic signal priority at intersections utilizing technology or more police;
2. Improve pedestrian connections across NW 67th Avenue within Town Center;
3. Dedicate land from the fire station at 16699 NW 67th Avenue for the construction of an exclusive right turn lane from northbound NW 67th Avenue to eastbound NW 167th Street;
4. Improve pedestrian infrastructure to ensure compliance with the Americans with Disabilities Act (ADA) requirements for pedestrian facilities throughout the Town;
5. Amend the Town Code to require that new development and redevelopment include constructing any missing sidewalk sections and/or repairing any damaged sidewalk

sections immediately adjacent to property on which development or redevelopment is occurring;

6. Increase sidewalk widths on arterial and collector streets to eight or ten feet;
7. Facilitate carpooling of trips for drop-off and pick-up of school children;
8. Pursue staggering of start and dismissal times of public schools within the Town;
9. Pursue alternative strategies to the Town's current on-demand bus service;
10. Connect the existing and future greenways on NW 170th Street and NW 67th Avenue via NW 169th Street;
11. Increase marketing of the Town's Moover transit service;
12. Amend the Code to replace the conventional traffic concurrency system with simpler and more effective requirements to mitigate the transportation impacts of new development and redevelopment;
13. Implement "que jumps" for transit vehicles at intersections;
14. Pursue land use strategies to create walkable, mixed-use areas in three strategic locations along Miami Lakes Drive (including 1) Town Center; 2) the area bounded by Miami Lakeway, Miami Lakes Drive, existing and theoretical NW 153rd Street and NW 57th Avenue; and 3) the vicinity of Miami Lakes Drive and NW 79th Court) and, when timing is appropriate, run fast and frequent Moover service between the three. Also consider the future inclusion of the area at the northwest corner of NW 87th Avenue and NW 154th Street, depending upon the type and character of development that may ultimately occur there.
15. Extend NW 59th Avenue south to Miami Lakes Drive.
16. In connection with the extension of the Gratigny Expressway west to the Florida Turnpike, explore the possibility of new interchanges at NW 67th Avenue and NW 87th Avenue.
17. Make improvements to NW 57th Avenue to increase capacity and speed, including possible removal of traffic lights on NW 57th Avenue, in order to make NW 57th Avenue a more attractive alternative to through traffic than NW 67th Avenue.
18. Develop a new underpass of the Palmetto Expressway north of Miami Lakes Drive from the northbound Palmetto Frontage Road to NW 77th Court, allowing motorists exiting from northbound Palmetto Expressway to bypass Miami Lakes Drive; and,

19. Develop a new underpass of the Palmetto Expressway connecting NW 146th Street to NW 77th Avenue.
20. Extend the right turn lane from northbound NW 77th Court to eastbound NW 154th Street southward to accommodate more vehicle queuing.
21. Create a direct connection from northbound NW 77th Court onto the Palmetto Expressway ramps at NW 154th Street without the need to access the eastbound through lanes of NW 154th Street.
22. Add a traffic light at the intersection of NW 79th Court and NW 154th Street.
23. Allow left turns from southbound NW 82nd Avenue onto eastbound Oak Lane.

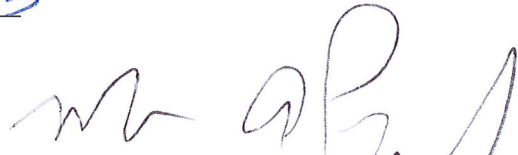
Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption.

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PASSED AND ADOPTED this 6th day of October, 2015.

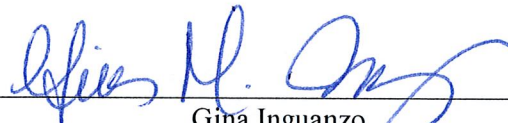
The foregoing resolution was moved for adoption by Tony Lama The motion was seconded by Nelson Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Michael A. Pizzi, Jr.	<u>yes</u>
Vice Mayor Manny Cid	<u>yes</u>
Councilmember Tim Daubert	<u>yes</u>
Councilmember Tony Lama	<u>yes</u>
Councilmember Ceasar Mestre	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>



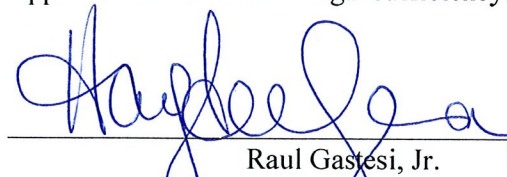
 Michael A. Pizzi, Jr.
 MAYOR

Attest:



 Gina Inguanzo
 TOWN CLERK

Approved as to form and legal sufficiency:



 Raul Gastesi, Jr. Haydee Sera, Esq.
 Gastesi & Associates, P.A.
 TOWN ATTORNEY



Town of Miami Lakes Memorandum

To: Planning and Zoning Board

From: Brandon Schaad, Director of Planning

Subject: Sign Code Amendments

Date: April 27, 2016

Recommendation:

It is recommended that the Planning and Zoning Board review the attached sign code amendments and provide a recommendation to the Town Council. The Board may recommend that the Council adopt the ordinance, adopt the ordinance with modifications or not adopt the amendment. Staff recommends adoption of the ordinance.

Background:

In June 2015, the U.S. Supreme Court issued a decision that invalidated a municipal sign code because it violated the First Amendment by distinguishing between signs, and treating them differently, based on the content of the sign. The decision, called *Reed v. Town of Gilbert, Arizona*, is a major and unexpected shift in First Amendment case law that makes parts of most, or maybe even all, municipal sign codes across the country unconstitutional.

The case involved a church that held its services in different locations every week, and placed temporary signage to direct people to the services. The Town of Gilbert's sign code required permits for signs, but had exemptions from this requirement, including exemptions for political signs, temporary directional signs and ideological signs, and allowed different sizes and durations of display for each, with temporary directional signs - which is what the church was displaying each week - receiving the least favorable treatment. The church sued for violation of their free speech rights, arguing that the distinctions were content-based. The Supreme Court eventually agreed.

Based on previous cases, when a regulation is based on the content or message of the sign, it is subject to a review standard called strict scrutiny. To survive strict scrutiny, a regulation must

serve a compelling governmental interest AND be narrowly tailored to serve that interest. Rarely does a regulation pass this test.

Before this decision, regulations were generally considered content-neutral so long as they did not favor or disfavor the message, or discriminate between different viewpoints. This decision changes that. Now, a regulation is content-based if there are different standards for signs based on subject matter, or topics discussed. Virtually all sign codes currently do this. For example, our code allows signs for special events to be up to 40 square feet, whereas political signs may only be 22 inches by 28 inches, which equates to only about 2 1/2 square feet. Because this distinction is based on the subject matter of the sign, regardless of the lack of discrimination between viewpoints, it is not considered content-neutral under the *Reed* decision.

Roughly speaking, the situation now could be summarized as if the regulator has to read the sign to know how to regulate it, the regulation is (with some exceptions) probably not content-neutral.

While a great deal of uncertainty remains about the practical effects of this decision, it is important to act, in light of the decision, to preserve the purposes of the sign code.

In response to the *Reed* decision, our basic approach is to continue to make the same allowances for signs in terms of number, size, locational requirements, etc., but while no longer doing so with respect to the subject matter on the sign. For example, the Code currently allows every homeowner to have one "warning" sign (i.e. "no trespassing" or "bad dog") up to 80 square inches, while allowing another sign with "noncommercial copy" up to 1.5 square feet. The proposed amendments would continue to allow the same permanent signs in terms of number and size, the sign would not be limited to those subject matter.

While there are instances of impacts to the regulation of permanent signs, such as the example above, the most substantial impacts are to the regulation of temporary signs, which are currently almost completely regulated by references to their subject matter. The attachment "Temporary Sign Table" compares current provisions in the Sign Code for different types of temporary signs to what is proposed in this amendment.

In addition to changes necessitated by *Reed*, the proposed amendments would also bring badly needed organization and improved clarity to many provisions of the Sign Code, as well as address several types of signs that are not currently addressed, such as automatic teller machine (ATM) signs, drive-thru menu board signs and sign walkers (people carrying, throwing, etc. signs).

The Town Council passed the ordinance on first reading at its April 5, 2016 meeting.

Attachments:

[Temporary Sign Table](#)

[Reed v. Town of Gilbert \(2015\)](#)

[Ordinance](#)

ORDINANCE NO. 16- _____

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES,
FLORIDA, AMENDING THE TOWN OF MIAMI LAKES
LAND DEVELOPMENT CODE BY AMENDING ARTICLE
IX, SECTIONS 13-1901 THROUGH 13-1905, ADDING
SECTIONS 13-1906 AND 13-1907; PROVIDING FOR
INCORPORATION OF RECITALS; PROVIDING FOR
REPEAL OF LAWS IN CONFLICT; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION IN
CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Objective 1.2 of the Town of Miami Lakes (“Town”) Comprehensive Plan states that the Town shall maintain an effective and efficient Land Development Code (LDC); and

WHEREAS, in June 2015, the United States Supreme Court issued a decision in the case *Reed v. Town of Gilbert*, which necessitates changes in the Town’s signage regulations to be in compliance with the decision; and

WHEREAS, the amendments to the Town’s Sign Code in this ordinance are written to address the *Reed* decision, as well as to provide better organization and clarity in the Sign Code, and to address signage types not previously addressed; and

WHEREAS, the Town’s Planning and Zoning Board, as the Local Planning Agency, will consider the proposed amendments at a duly advertised Public Hearing on April 19, 2016, and provide a recommendation to the Town Council; and

WHEREAS, after conducting a properly noticed public hearing, hearing public comments, and considering the recommendations of the Local Planning Agency, Town staff, and the public, the Town Council wishes to adopt the amendments to the Town LDC attached hereto as Exhibit A; and

WHEREAS, the proposed amendments are in conformance with all applicable requirements of the Town’s Code of Ordinances, including the LDC; and

WHEREAS, the proposed amendments will not be in conflict with the public interest, and are consistent and in harmony with the purpose and intent of 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 RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Adoption of Amendments to Town Code. The Town Council hereby adopts the amendments to Article IX, of the Town LDC, which are attached hereto as Exhibit A and incorporated herein.¹

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 Exhibit A 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. This Ordinance shall become effective immediately upon its adoption on second reading.

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

FIRST READING

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

Mayor Michael A. Pizzi, Jr.	_____
Vice Mayor Tim Daubert	_____
Councilmember Manny Cid	_____
Councilmember Tony Lama	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed and adopted on first reading this 5st day of April, 2016.

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Ordinance No. 16-_____
Page 4 of 49

SECOND READING

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

Mayor Michael A. Pizzi, Jr.	_____
Vice Mayor Tim Daubert	_____
Councilmember Manny Cid	_____
Councilmember Tony Lama	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed and adopted on second reading this 3rd day of May, 2016.

Michael A. Pizzi, Jr.
MAYOR

Attest:

Gina Inganzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A

Chapter 13 LAND DEVELOPMENT CODE

ARTICLE III. DEVELOPMENT APPROVAL PROCEDURES

Sec. 13-1901. - Scope, purpose, substitution and severability.

- (a) *Scope.* The provisions of this article shall govern the number, size, location, and character of all signs which may be permitted ~~either as a main or accessory use~~ under the terms of this article. No signs shall be permitted on a plot or parcel ~~either as a main or accessory use~~ except in accordance with the provisions of this article and all other applicable provisions of this chapter.
- (b) *Purpose.* This article shall be known as the "Town of Miami Lakes Sign Code." The purpose of this article is to regulate and restrict signs and other advertising devices within the Town in order to protect and enhance the scenic, historic and aesthetic qualities of the Town and the safety, convenience and general welfare of its inhabitants. This article is implemented so as to support and complement land use objectives as set forth in the Comprehensive ~~Development Master~~ Plan.
- (c) *Substitution of noncommercial speech for commercial speech.* Notwithstanding any provisions of this article to the contrary, to the extent that this article permits a sign containing commercial copy, it shall permit a noncommercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this article.
- (d) *Severability.*
 - (1) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article.
 - (2) *Severability where less speech results.* This section shall not be interpreted to limit the effect of Subsection (d)(1) of this section, or any other applicable severability provisions in this Code of Ordinances or any adopting ordinance. The Town Council specifically intends that severability shall be applied to these sign regulations even if the result would be to allow less speech in the Town, whether by subjecting currently exempt signs to permitting or by some other means.
 - (3) *Severability of provisions pertaining to prohibited signs.* This section shall not be interpreted to limit the effect of Subsection (d)(1) of this section, or any

other applicable severability provisions in this Code of Ordinances or any adopting ordinance. The Town Council specifically intends that severability shall be applied to Subsection 13-1903(l), pertaining to prohibited signs, so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.

- (4) *Severability of prohibition on off-premises signs.* This section shall not be interpreted to limit the effect of Subsection (d)(1) of this section, or any other applicable severability provisions in this Code of Ordinances or any adopting ordinance. If any or all of the Sign Code in this article or any other provision of this Code of Ordinances is declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the Town Council specifically intends that the declaration shall not affect the prohibition on off-premises signs in Section 13-1903(l)5.

Sec. 13-1902. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where there is a question as to the correct classification or definition of a sign, it shall be the prerogative of the Administrative Official ~~Director~~ to place said sign in the strictest category and/or classification. For any term used in this Article which is not specifically defined herein, the definitions contained in Subsection 13-1(a) shall apply.

~~*Attraction board* means a sign or portion of a sign on which copy is changed periodically, advertising special sales, bargains, etc. Said attraction board may be incorporated into the sign permitted.~~

Awning, canopy, roller curtain or umbrella sign means any sign, stamped, perforated, or stitched on the surface area of an awning, canopy, roller curtain or umbrella.

Cantilever means that portion of a building, projecting horizontally, whether it be on the same plane as the roof line or not.

Cantilever sign means any sign which is mounted on a cantilever. No cantilever sign may extend beyond the cantilever.

Changeable copy sign means a sign or portion of a sign on which copy is changed periodically.

Detached sign means any sign not attached to a building, but which is affixed and permanently attached to the ground. Permanently attached as used herein shall mean that the supporting structure of the sign is attached to the ground by a concrete foundation.

Directional sign means a sign which guides or directs the public and contains no advertising. The name of the facility (such as store name), which the sign is giving direction to, may be included when specified conditions in this article are complied with.

~~*Director* means the Director of Planning, Zoning and Code Compliance or his designee.~~

Entrance features means any combination of decorative structures and landscape elements located at the entrance to a development, which identifies or draws attention to the development and/or exercises control of ingress and egress to the development. An entrance feature may include, although not necessarily be limited to, ornamental walls, fences, identifying lettering, logos, works of art, and other decorative structures, earthworks, water bodies, fountains, trees, plantings, and other landscape elements, as well as gatehouses, either singly or in any combination thereof.

Flat sign means any sign attached to and erected parallel to the face of, or erected or painted on the outside wall of any building, and supported throughout its length by such wall or building.

Marquee means a covered structure projecting from, and supported by the building with independent roof and drainage provisions, and which is erected over a doorway or entranceway as protection against the weather.

Marquee sign means any sign attached to or hung from a marquee.

Noncommercial sign means a sign not connected with a commercial enterprise.

Off-premises (~~commercial advertising signs~~) means any sign which advertises or otherwise promotes and/or provides the location of a business or institution other than one or more which is/are located on the same site as the said sign. ~~which is used for any purpose other than that of advertising to the public the legal or exact firm name of business carried on the premises, or for advertising any service or product or products actually and actively being offered for sale on the premises. Off premises signs may be in the form of a billboard, bulletin board, or poster board, or may be affixed flat to a building or painted thereon.~~

Person includes any individual, corporation, society, association, partnership trust or other entity.

Point of sale sign. Any sign advertising or designating the use, occupant ~~of the premises, or merchandise and products sold, on the premises~~ same site as the sign, ~~shall be deemed to be a point of sale sign and shall be located on the same premises whereon such is situated or the products sold.~~

Portable sign means any sign not attached to or painted on a building and not affixed or permanently attached to the ground.

Projecting sign means any sign which is an independent structure, which is attached to the building wall, and which extends at any angle from the face of the wall. ~~No projecting sign shall extend above the roof or parapet wall in any residential district.~~

Public right-of-way means a strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied or occupied for public purposes by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, waterway, sanitary storm sewer, and other similar uses. ~~any public road and includes a private road that is open to public use.~~

Pylon means a vertical extension of a building, constructed integrally and concurrently with the building, or in connection with a major remodeling or alteration of a building. To classify as a pylon for sign purposes, the pylon structure must be an integral part of the building structure, extending to ground level. ~~In business and industrial districts only, the material and construction may~~

~~vary from the materials and type of construction of the exterior walls of the building, but same must be approved by the Director. In all cases, the pylon shall have the appearance of a solid structure.~~

~~*Pylon sign* means a flat sign attached to or painted on the face of a pylon. The outer edge of the sign shall not extend beyond the pylon nor above the roof line.~~

~~*Roof sign* means any sign which is fastened to or supported by the roof or erected over the roof.~~

~~*Semaphore* means any sign consisting of two dual face signs extending horizontally from a light standard. Such sign projecting from opposite sides of such light standard, and such signs must be located in the parking lot of a shopping center to identify the location of parking areas. No advertising is permitted on the sign.~~

Sign means any display of characters, letters, logos, illustrations or any ornamentation designed or used as an advertisement, announcement, or to indicate direction that is on a public right-of-way or on private property within public view of a public right-of-way or public park. Use of merchandise, products, vehicles, equipment, inflated balloons, flags, or the like as an attention attractor or advertising device, with or without a printed or written message or advertisement, shall be considered a sign. The above definition shall include signs located inside a window but shall not include the display of merchandise visible through such window.

Sign Walker means a person who wears, holds, or balances a sign in order to convey a message.

Site means a contiguous area of land which contains, or is proposed to contain, a single, unified development or use. A site shall be interpreted to include, at a minimum, the whole of a platted lot or parcel, unless such lot or parcel has specifically been divided into separate development areas by an approved site plan or other development plan approved by the Town; however, where an approved site plan or other development plan approved by the Town unites more than one lot or parcel into a unified development or use, those lots or parcels together shall be considered one site.

Standing sign. A standing sign shall include any and every sign erected on or affixed to the land and any and every exterior sign that is not attached to a building.

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 Administrative Official Director.

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. For sign purposes, there shall be considered to be only four planes to any building and it shall be the prerogative of the Director to determine which portion of odd-shaped buildings, such as buildings of hexagon or octagon design, to which flat signs

may be affixed, with such location to be so determined as to prevent a grouping of signs which can be viewed from one direction.

Wall sign means any sign attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

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

- (a) *Interpretation.* Only those signs that are specially authorized by this Sign Code shall be permitted. Those that are not listed or authorized shall be deemed prohibited.
- (b) *Permits required.*
 - (1) *Applications and permits.* No sign, unless excepted by this article, shall be erected, constructed, posted, painted, altered, maintained, or relocated, except as provided in this article and until a permit has been issued by the Town. Before any permit is issued, an application for such permit shall be filed together with ~~three sets of~~ drawings and/or specifications ~~(one to be returned to the applicant)~~ as may be necessary to fully advise and acquaint the issuing department with the location, method of construction, type of materials, manner of illumination, method of erection, securing or fastening, number and type of signs applied for, and advertisement to be carried. All signs which are electrically illuminated by any means shall require a separate electric permit and inspection.
 - (2) *Consent of property owner.* No sign shall be placed on any property unless the applicant has the written consent of the owner and lessee, if any, of the property. In any case where a permit is required for placement of the sign, the property owner must be a signatory of the permit application.
 - (3) *Calculating number of signs.* A single double-sided sign containing copy advertisement on each side shall be counted as one sign. Every other sign, including those with more than one face, shall be counted as a separate sign for each face thereof.
 - (4) *Calculating sign size.*
 - a. For a sign, either freestanding or attached, the area shall be considered to include all lettering, including any ascenders and descenders, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting framework and bracing incidental to the display itself.
 - b. The Director shall have the discretion of determining the area of any sign which is irregular in shape, and in such cases will be guided by calculations as made by a licensed, registered engineer when same are shown on the drawing.

- (c) *Compliance with codes.*
 - (1) All signs shall conform to the requirements of the building, electrical, and other applicable code requirements, ~~except as may be otherwise provided herein.~~
 - ~~(2) Advertising conflicting with zoning rules. No sign shall be erected or used to advertise any use or matter which would conflict with the regulations for the zoning district in which it is located or be in conflict with the use permitted under the certificate of use or occupancy for the property.~~
- (d) *Qualification and certification of erector.* Where the erection of any sign requires compliance with any Florida Building Code requirement, the erector of the sign shall qualify with the respective examining board.
- (e) *Fees required.* No sign, where a permit is necessary shall be exhibited unless the required permit fees are paid.
- (f) *Time limitation of permits.* All signs shall be erected on or before the expiration of 180 days from the date of issuance of the permit. If the sign is not erected within said 180 days, the permit shall become null and void, and a new permit required; provided, however, that the Administrative Official ~~Director~~ may extend such permit for a period of 90 days from the date of the expiration of the permit if written application for such extension is received ~~and approved~~ by the Administrative Official ~~Director~~ prior to the expiration date of the initial permit and provided that the proposed sign complies with all requirements in effect at the date of such renewal.
- ~~(g) *Reserved. Identification of permit holder on sign.* Each sign requiring a permit shall carry the permit number and the name of the person or firm placing the sign on the premises; such marking shall be permanently attached and clearly visible from the ground.~~
- (h) *Responsibility for sign.* The owner and/or tenant of the premises, and the owner and/or erector of the sign shall be held responsible for any violation of this article; provided, however, that when the sign has been erected in accordance with this article, the sign company shall be relieved of further responsibility after final approval of the sign.
- (i) *Inspection.* No sign, temporary or permanent, where a permit is required, 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 article and applicable Florida Building Code requirements. The ~~holder of a permit for a sign shall request inspections of a sign as follows:~~
 - ~~(1) Foundation inspection (this shall include method of fastening to building or other approved structure).~~
 - ~~(2) Shop inspection (electrical and/or structural where indicated on the permit and/or approved plan).~~
 - ~~(3) Final inspection (this shall include structural framing, electrical work, identification of permit number and erector of sign, etc.).~~

~~(4) Any additional inspections which may be specified on the permit and/or approved plans.~~

(j) *Maintenance of signs.*

- (1) All signs shall be properly maintained in a safe and legible condition at all times. In the event that a use having a sign is discontinued for a period of 45 days, all signs and all component parts which identified the use are to be removed from the site, and the site on which the sign was located left in a presentable manner. Sign removal shall be the responsibility of the owner of the property.
- (2) Latticework, painting, etc. Where the rear of any sign is visible from a street, waterway, park or residence, or from another property under different ownership ~~RU, RO, RM, BU, TC or IU District~~, the exposed structural members of such sign shall be either concealed by painted latticework, slats or be suitably painted or decorated, and such back screening shall be designed, painted and maintained to the satisfaction of the Administrative Official Director.
- (3) Cutting weeds. The owner of each sign not attached to a building shall be responsible for keeping the weeds cut on his property within a radius of 50 feet from the sign or to the nearest highway or waterway.
- (4) Removal of dilapidated signs. The Administrative Official Director may cause to be removed any sign which shows neglect or becomes dilapidated or where the area around such sign is not maintained as provided herein after due notice has been given. The owner of the sign and/or the property shall be financially responsible for the removal of the sign.

(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 all other provisions of this article:

- (1) Temporary signs ~~not exceeding six square feet in area~~, and not electrically illuminated, except where installation of the sign otherwise require a building permit, or as otherwise specifically provided by this article will not require a sign permit, but must otherwise comply with this article and applicable building codes.
- (2) Traffic signs, provisional warnings and signs indicating bona fide danger ~~are exempt from this article. Such exempted signs shall not contain any commercial advertisement.~~
- (3) Awning, canopy, roller curtain, or umbrella sign ~~or signs. Such signs shall be limited to eight-inch letters in height or, up to twelve inch letters in height when in lieu of signage attached to a building per 13-1904(3)b., may be up to twelve inch letters in height. and shall not exceed a total coverage of 24 square feet. Any such sign shall be limited to the identification of the occupant and/or use of the property not exceed a total coverage of 24 square~~

- ~~feet. No sign permit shall be required for the awning, canopy, roller curtain or umbrella sign, but the same shall comply with applicable technical codes.~~
- (4) ~~Disabled, baby stroller or handicapped parking signs. Signs required by State law or County or Town ordinance for parking spaces reserved for disabled or handicapped persons, shall not require a sign permit, and signs required for parking spaces reserved for persons transporting young children, and baby stroller parking signs and similar signs shall not require a sign permit. These signs shall be in addition to the number of signs otherwise allowed by this article.~~
 - (5) Signs not exceeding 1.5 square feet in area such as (but not limited to) those commonly used to indicate ~~and bearing only~~ property street numbers, post box numbers, ~~and~~ or name of occupant of premises.
 - (6) Flags when installed upon a pole or upon a mounting device attached to a building, where the pole or mounting device was legally installed, with all required permits, for the purpose of displaying flags, and insignia of any government, except when displayed in connection with commercial promotion. Installation of a permanent flagpole or other permanent mounting device shall require a building permit.
 - (7) Legal notices, identification, information, or directional signs erected by or on behalf of governmental bodies.
 - (8) ~~Integral decorative and architectural features of buildings except letters, logos, trademarks, moving parts or moving lights. Reserved.~~
 - (9) Signs within enclosed buildings or structures which are so located that they are not visible from public or private streets or adjacent properties such as signs in interior areas of malls, commercial buildings, ballparks, stadiums and similar structures or uses, providing said signs are erected in such a manner as not to be hazardous. If illuminated, the necessary electrical permits shall be obtained.
 - (10) Temporary holiday and special event decorations and lighting as otherwise allowed in this Article ~~provided said decorations and lighting are displayed no more than 30 days prior to and no more than 30 days after the holiday or event. Said decorations shall carry no advertising matter.~~
 - (11) In the RU zoning districts, signs that do not require a building permit to install, do not exceed an area of four square feet and are limited to a height of no greater than six feet above grade, such as (but not limited to) those commonly used to indicate "Danger," "No Parking," "Post No Bills," "Bad Dog," "No Trespassing," towing warnings and similar warning signs; provided such signs do not exceed an area of 1.5 square feet. Signs shall be provided in keeping with zoning district regulations.
 - (12) Banners and other decorative materials in conjunction with an special event, provided that the Town has issued a Special Event permit that authorizes the

~~banners or other decorative materials conducted pursuant to a dedication or a grand opening are permitted without a sign permit. Such banners and decorative materials shall comply with the requirements of Section 13-1903(p). not be more than 40 square feet (aggregate)~~

- (13) ~~Signs required by law including signs required for notification or other purposes by Town ordinance.~~
- (14) ~~"No Trespassing" signs, provided such signs do not exceed an area of 1.5 square feet. Signs shall be provided in keeping with zoning district regulations.~~
- (15) ~~Window signs, as allowed by Subsection (o) below.~~
~~A permanent sign displaying noncommercial copy not exceeding an area of 1.5 square feet. Signs shall be provided in keeping with zoning district regulations.~~

(I) *Prohibited signs.*

- (1) ~~No sign shall be so located as to constitute a danger to public safety, as determined by the Administrative Official. Signs which are incorporated within benches and shelters are prohibited.~~
- (2) No sign shall exhibit thereon any lewd or lascivious matter.
- (3) No sign shall be attached to trees, utility poles or any other unapproved supporting structure, as determined by the Administrative Official ~~Director~~.
- (4) Roof signs are prohibited in all the districts.
- (5) ~~Off-premises (commercial advertising signs) are prohibited in all districts, except temporary signs specifically authorized by Subsection (p) of this Section. A real estate open house sign shall not be considered an off-premises sign/billboard.~~
- (6) No signs shall be erected or painted on fence and wall enclosures in residential districts. Signs on Fences and wall enclosures signs shall also be prohibited in the residential, commercial and industrial districts, unless approved by the Administrative Official ~~Director~~ as a Temporary sign, pursuant to Subsection (p) of this Section. Notwithstanding the above, however, such signs referenced sentence, warning signs with the approval of the Director or if shall be allowed where the sign is required by Florida Statutes or determined by the Administrative Official to be necessary for public safety and the required message cannot reasonably be provided on any other type of allowed sign shall be allowed.
- (7) Even if not classified as a sign, blinking or flashing lights, moving or rotating signs, strobes, light races, etc.; streamer lights; pennants; banners (unless otherwise approved pursuant to this Article); streamers; and all fluttering, spinning or other type of attention attractors or advertising devices are prohibited, with the exception of items that are part of a holiday decoration display pursuant to Subsection 13-1903(p). Further,; for national flags, as

~~otherwise allowed by this Article, shall not be considered to be regulated by this Subsection (I)(7) flags of bona fide civic, charitable, fraternal and welfare organizations and further except during recognized holiday periods such attention attractors that pertain to such holiday periods may be displayed on a temporary basis during such periods. The flags permitted by this Subsection (I)(7) shall not be used in mass in order to circumvent this subsection by using said flags primarily as an advertising device.~~

- (8) No revolving or rotating sign shall be permitted or erected. No automatic electric changing (ACS) sign shall be permitted unless erected by or on behalf of governmental bodies.
- (9) Any signs which are not bona fide traffic signs, ~~which use the word "stop" or "danger" or present or imply the need or requirement of stopping, or which are copies or imitations of official signs, which use colors or lights in such a way as to mimic traffic or other official cautionary devices or which otherwise are likely to confuse members of the public in such a way as to be, in the judgment of the Administrative Official, a danger to public safety. Red, green or amber (or any color combination thereof) revolving or flashing light giving the impression of a police or caution light is a prohibited sign, whether on a sign or on an independent structure.~~
- (10) Portable and pylon signs, ~~except where unless otherwise authorized by law, or approved by the Administrative Official Director~~ in accordance with an approved Special Event permit, ~~pursuant to this article~~, shall be prohibited, including those that are tied down with metal straps, chaining, or otherwise ~~temporarily~~ anchored to an existing structure or other similar method of anchoring.
- (11) Any sign within the limits of any Town-, State- or County-maintained right-of-way is prohibited, ~~except that. The right of way includes, but is not limited to, all roadsides, sidewalks, utility poles, and highway median strips. The~~ Director of Public Works may authorize certain ~~non-commercial~~ signage to be placed in the Town right-of-way where necessary for public safety and/or the proper functioning of the right-of-way.
- (12) Signs painted or affixed in any manner to any vehicle, vessel, trailer or pickup truck, van or similar transportable device and which is used merely, mainly or primarily to display a sign ~~to advertise a place of business or activity~~ as viewed from a public road, shall be prohibited. This shall not be interpreted to prohibit identification of commercial vehicles provided such vehicles are operational and engaged in the usual business and regular work of the owner ~~moved and used daily for delivery or service purposes~~ and are not used, or intended for use, as portable signs. This sign prohibition shall also not be interpreted to apply to buses, taxicabs, and similar common carrier vehicles, or to incidental messages which are common and customary on personal

~~vehicles, such as bumper stickers which are licensed or certified by the Town or other governmental agency.~~

- (13) ~~The following shall be considered sign types or sign components that are not to be permitted:~~

~~a.~~

~~Moving or rotating signs, or signs with moving or flashing lights, strobes, light races, etc.~~

~~b.~~

~~Signs employing exposed raceways, ballast boxes, or transformers.~~

~~c.~~

- (14) Signs exhibiting the names, stamps, or decals of the sign manufacturer or installer.

~~d.~~

- (15) Signs of box or cabinet type employing luminous plastic panels. Note, however, that certain signs of a box or cabinet type may be approved under certain standards, pursuant to Subsection 13-1904(3)d.3(iv), employing plastic or routed metal face with protruding or cut out letters, and/or designed to have an appearance of a monument sign and employing internal illumination (wherein only the letters are illuminated) may be approved if said signs are consistent or compatible with the architecture of the principal structure and other signage on the property as determined by the Director.

~~e.~~

- (16) Signs employing luminous or nonluminous vacuum-formed type plastic letters.

~~f.~~

- (17) Cloth, wood, paper, or cardboard signs, stickers, decals, or temporary painted signs around or on exterior surfaces (doors and/or glass) ~~of the demised commercial establishment.~~

~~g.~~

- (18) Signs employing the use of any soundmaking or noisemaking devices or components.

~~h.~~

- (19) Signs, letters, symbols, or identification of any nature painted directly on exterior surfaces ~~exterior to the demised commercial establishment.~~

~~i.~~

- (20) ~~Signs on any vehicle, trailer, etc., permanently parked so as to attract attention to a place of business. Reserved.~~

~~j.~~

- (21) Any permanent or temporary advertising device using flags, a hot air balloon or any aerial device, illuminated or nonilluminated, shall be prohibited, except

where the Town has issued a Special Event permit that specifically authorizes use of said materials on a temporary basis, consistent with the requirements of Subsection 13-1903(p) as may be permitted in writing by the Director for special events in accordance with this article.

- (m) *Movement.* No sign shall contain any visible moving or movable parts, except such portions of a sign as consist solely of indicators of time and/or temperature and ~~except further~~ that only for changeable copy signs permitted pursuant to Subsection 13-1904(3)d.3(iii), nonprofit institutions individual letters and/or numerals that make up the message of sign that are normally and routinely removed and replaced on a regular basis shall not be considered movable parts. No sign shall be portable except when used as temporary signs pursuant to this Sign Code.
- (n) *Illumination.* No sign shall be illuminated ~~between the hours of 11:00 p.m. and 7:00 a.m. unless, in the case of a sign, the premises on which it is located are open for business, and~~ except as provided in Section 13-1904, and in accordance with the following provisions:
 - (1) No sign shall contain any moving, flashing, intermittent, rotating, chasing or animated lights, except as otherwise specifically provided in this Article for certain temporary signs ~~such portions of a sign as consist solely of indicators of time and/or temperature.~~
 - (2) No illumination shall be permitted of an intensity that might pose safety hazards to drivers and pedestrians, or that casts glare onto pedestrians or any portion of any street that would, in the opinion of the Public Works Director Town Engineer, constitute a driving hazard.
 - ~~(3) The provisions of this section shall apply not only to exterior signs, but also to interior signs that are designed or placed to show through windows of buildings.~~
- (o) *Window signs.* ~~Nonilluminated signs in the RO, BU, TC or IU Districts, where retail and/or service retail occur on the ground floor, nonilluminated signs may be placed on the inside of the glass of a window that is directly adjacent to an area of pedestrian activity. shall be permitted at a~~ The maximum area of said window signs shall be measured in terms of the percent of the surface of each ground floor window. The maximum area shall be 30 percent of the window for permanent signs, with an additional 20 percent allowed for temporary signs (total 50 percent) eight square feet in the aggregate, and temporary signs provided that the aggregate area of such signs does not exceed 25 percent of the area of the window glass on the ground floor and shall be located on the same premises whereon such is situated or the products sold. Such signs shall be permitted for no more than 14 calendar days in a three-month calendar quarter period. Ground floor window signs for an atrium multistory glass curtain wall shall not exceed a maximum square footage of ten percent of the one face of the total glass to which the sign is attached, and must otherwise comply with this article and applicable building codes. Window signs shall

not require a sign permit, unless a permit is otherwise required by the Building Code or other regulations.

- (p) *Temporary signs.* Before a temporary sign ~~(other than a sign placed in a window)~~ shall be put in place, a permit shall be obtained unless specified by Subsection (k) of this Section. Temporary signs that conform with all regulations of this article shall be permitted for a maximum of 90 days, unless otherwise specified herein, from the date of issuance of the permit or another date specified by the permit. Temporary signs for which no permit is required (per subsection (k) of this section) may remain in place for no more than 90 days, unless otherwise specified herein. Unless otherwise specifically provided, all temporary signs shall be of one of the following materials: metal, plastic, wood, pressed wood, cardboard or paper. Any post used for mounting of a temporary sign shall be of one of the following materials: metal, plastic, wood or pressed wood. or if no permit is required as outlined below The following temporary signs shall be allowed:

(1) *Sign in connection with active building permit.*

- a. In the single-family and two-family residential districts, where there is a valid, open building permit for construction of a new principal structure upon an individual lot, one sign shall be allowed subject to the following restrictions:

- i. Area: 22 inches by 28 inches;
- ii. Maximum height: six feet above grade;
- iii. Minimum setback from front property line: five feet;
- iv. Minimum setback from rear and side property lines: 15 feet, except where the lot width is insufficient to allow a setback of 15 feet from each side, in which case it shall be centered on the property between the side lot lines.
- v. Time period allowed: The sign allowed herein may remain only as long as there is an active building permit for vertical construction activities described above. In determining the number of temporary signs allowed, allowances provided by Subsections 13-1903(p)(1)a. and b. shall be exclusive and shall not be combined.

- b. In single-family and two-family residential districts, where there is one or more valid, open building permits, coordinated development of four or more principal structures upon immediately adjacent lots, or for construction of infrastructure required by a plat approval, one sign shall be allowed for each street upon which the site fronts, subject to the following restrictions:

- i. Area: 22 inches by 28 inches, where the sign fronts on a local street; 40 square feet, where the sign fronts on a collector or arterial street;
 - ii. Maximum height: six feet above grade, where the sign fronts on a local street; 15 feet above grade, where the sign fronts on a collector or arterial street;
 - iii. Minimum setback from front property line: five feet, where the sign fronts on a local street; 15 feet, where the sign fronts on a collector or arterial street;
 - iv. Minimum setback from rear and side property lines: 15 feet.
 - v. Time period allowed: The sign allowed herein may remain only as long as there is an active building permit for vertical construction, or for infrastructure, for the activities described above.
 - vi. Combination with other provisions: In determining the number of temporary signs allowed, allowances provided by Subsections 13-1903(p)(1)a. and b. shall be exclusive and shall not be combined.
- c. In districts other than single-family and two-family residential districts, where there is a valid, open building permit for construction of a new principal structure or, in non-RU districts, for a renovation affecting 50 percent or more of existing building floor area or 50 percent or more of non-building site area, one sign shall be allowed, subject to the following restrictions:
- i. Area: 40 square feet;
 - ii. Maximum height: 15 feet above grade;
 - iii. Minimum setback from front property line: 15 feet;
 - iv. Minimum setback from rear and side property lines: 15 feet.
 - v. Time period allowed: The sign allowed herein may remain only as long as there is an active building permit for the activities described above.
- d. In determining the number of temporary signs allowed, allowances provided by Subsections 13-1903(p)(1), (2) and (3) shall be exclusive and shall not be combined.
- (2) Sign upon approval of final plat. One or more signs shall be allowed for a period of 90 days following approval of a final plat by the Town Council, subject to the same restrictions as those in Subsection 13-1903(p)(1). However, in calculating the number of temporary signs allowed, those

allowed by Subsections 13-1901(p)(1), (2) and (3) shall be exclusive, and shall not be combined.

(3) Sign where property is offered for sale or rent. One sign shall be allowed per property where the owner of said property has placed the property for sale or rent on the open market, subject to the following restrictions:

a. Maximum Area:

- i. 40 square feet in all BU, TC and IU districts; in RM and RO districts where five or more properties are offered for sale or rent, where said properties are part of the same subdivision plat and the sign is placed fronting a collector or arterial street; and, in AU or GU districts on properties that are not of a residential character;
- ii. 24 square feet in the RM and RO districts not meeting the conditions of Subsection 13-1903(p)(3)a.i. above; and,
- iii. 22 inches by 28 inches in the RU districts, and in the AU or GU districts on properties that are of a residential character;

b. Maximum height:

- i. 10 feet above grade in all RM, RO, BU, TC and IU districts, on undeveloped properties in the RU districts with street frontage of at least 250 feet and in AU or GU districts on properties that are not of a residential character;
- ii. six feet above grade on properties in the RU districts that are developed and/or with street frontage of less than 250 feet, and in AU or GU districts on properties that are of a residential character;

c. Minimum setback from front property line: 5 feet, provided that this setback requirement shall not apply if the sign is attached to an existing building;

d. Minimum setback from rear and side property lines: 15 feet, except where the lot width is insufficient to allow a setback of 15 feet from each side, the sign shall be centered on the property between the side lot lines. Provided, however, that this setback requirement shall not apply if the sign is attached to an existing building;

e. Time period allowed: The sign allowed herein shall not be maintained for greater than 90 days, unless an extension is approved by the Administrative Official. No extension shall be approved by the Administrative Official unless the applicant for such extension submits sufficient evidence that the property owner has been actively attempting to sell or rent the property. Only one such extension may be granted, and shall be limited to an additional 90 days. Upon the

expiration of the time allowed to maintain this sign (including an extension, if granted), the sign shall be removed and no sign pursuant to this Subsection 13-1903(p)(3) shall be allowed for 180 days from the time the previous sign was removed.

- f. Combination with other provisions: In determining the number of temporary signs allowed, allowances provided by Subsections 13-1903(p)(1), (2) and (3) shall be exclusive and shall not be combined.

(4) *Special events.* Temporary signs are allowed as specified herein for only where a Special Event Permit has been issued by the Town per Section 13-1616.5.

- a. On any site in the GU, GP, AU, RM, RO, BU, TC and IU Districts that contains a non-residential use or is vacant, there may be up to two temporary signs allowed on that site. The total size of such signs shall not exceed an aggregate of 40 square feet for every 250 feet of street frontage or portion thereof, and shall be limited to a maximum height of 10 feet above grade.
- b. On any site in an RU District, and on any site in a GU or AU district that contains a residential use, one temporary sign shall allowed on the site. Each such sign may be a maximum of 22 inches by 28 inches and a maximum height of four feet above grade.
- c. Banners and other decorative materials are permitted without a sign permit, but any such materials identifiable as a sign shall be included in the total number allowed per Subsections 13-1903(p)(4) a. and b., above, as applicable. Such banners and other decorative materials shall be set back at least 5 feet from an official right-of-way line and at least 15 feet from each rear interior side property line, or if the lot width is insufficient to allow a setback of 15 feet from each side, shall be centered on the property between the side lot lines. Provided, however, that these setback requirements shall not apply if the sign is attached to an existing building. The maximum height of this sign shall be the same as the maximum building height allowed in the applicable zoning district.
- d. In zoning districts other than the RU Districts, the Administrative Official may allow, as part of a Special Event permit, the use of flags, hot air balloons or other aerial devices, upon a finding that such devices will not be a nuisance to nearby properties. Additionally, these devices shall be included in the total number of signs allowed per a. and b., above.
- f. Duration: Temporary signs placed in conjunction with a Special Event permit issued by the Town shall be placed no sooner than 30 days

preceding the event, and shall be removed no later than ten days following the event.

- g. Combination with other provisions: In determining the number of temporary signs allowed, allowances provided by this Subsection 13-1903(p)(4) shall be in addition to all other temporary signs allowed.

(5) Additional temporary signs allowed in proximity to election: Additional temporary signage shall be allowed beginning 30 days before an official election involving all or a portion of the geographic area within the municipal boundaries of Town of Miami Lakes until ten days after said official election, subject to the following restrictions:

- a. Number: The number of signs allowed shall be equal to the number of offices to be decided, plus the number of issues to be decided, on the upcoming election ballot that involves all or a portion of the Town of Miami Lakes. If the number of offices to be decided plus the number of issues to be decided is not equal throughout the Town, the highest such number shall apply throughout the Town. This shall not be construed to mean that subject matter or content is limited, except as such subject matter or content may otherwise be limited by this Article.
- b. Maximum sign area: Each sign shall be limited to 22 inches by 28 inches.
- c. Maximum height: Four feet above grade. Provided, however, that where due to existing, permanent ~~obstructions~~, a sign must be placed higher in order to be seen from at least one right-of-way, the sign may be placed at the minimum height required to be seen from at least one right-of-way. For purposes of this provision, right-of-way shall include private streets, and the burden shall be on the property owner to demonstrate that there is no other reasonable location on the property where the sign would be visible from a right-of-way at a maximum height of four feet above grade.
- d. Minimum front and side street setbacks: None.
- e. Minimum rear and interior side setbacks: Five feet.
- f. Combination with other provisions: In determining the number of temporary signs allowed, allowances provided by this Subsection 13-1903(p)(5) shall be in addition to all other temporary signs allowed.

(6) Repair of permanent sign or opening of new business. In non-RU districts, there may be one temporary sign maintained on each site for a period not to exceed 90 days upon application to the Town Building Official showing that said temporary sign is required as a result of the repair and/or reconstruction

of the existing permitted sign, or where a new business is opening and no permanent sign has been installed. Said temporary sign may be no larger than the permitted sign which is being repaired, or in the case of a new business the largest permanent sign that would be allowed. In determining the number of temporary signs allowed, allowances provided by this Subsection 13-1903(p)(6) shall be in addition to all other temporary signs allowed.

(7) Temporary holiday or seasonal decorations. Each property may display temporary holiday or seasonal decorations for no more than 45 consecutive days, and no more than an aggregate total of 60 days, during each calendar year. This provision shall not be interpreted to suspend or preempt other provisions of the Town Code, including but not limited to provisions regarding nuisances, noise and other matters.

(8) Sign Walkers. Sign walkers shall be allowed as temporary signs, subject to the following restrictions:

- a. Sign walkers shall only be allowed in districts other than the RU districts.
- b. The prohibition of off-premises signs in Subsection 13-1903(l)(5) shall specifically apply to sign walkers.
- c. Sign walkers shall be at least five feet from all property lines and shall not be allowed on the public right-of-way.
- d. Sign walkers must have the written consent of the property owner or property manager of the site on which the sign walker is operating.
- e. Sign walkers shall not be located in parking aisles or stalls, in driving lanes, on any structure, in any location within 30 feet of another sign walker, or in any location that would obstruct the path or movement of vehicles, pedestrians or bicyclists.
- f. Sign walkers shall only be present during the hours that at least one establishment on the property is operating.
- g. Sign walker signs shall not exceed eight square feet in area, and shall not exceed eight feet in height when held or in place.
- h. Sign walker signs that include any of the following are prohibited:
 - i. Any form of illumination, including flashing, blinking or rotating lights;
 - ii. Animation on the sign itself; or,
 - iii. Spinning, waving, throwing the sign in the air or any other such erratic movement intended to attract attention.
- i. Combination with other provisions: In determining the number of temporary signs allowed, allowances provided by this Subsection 13-1903(p)(8) shall be in addition to all other temporary signs allowed.

Type of signs permitted: Real estate; subdivision; construction; future construction; special events. No permit required for signs that are no larger than six square feet and which are not electrically illuminated.

Type of Signs	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Construction signs	Maximum of 40 square feet for a detached sign, including construction signs painted on an approved construction shed, 22 inches by 28 inches in RU Districts	1 general sign to include each trade provided the total sign area does not exceed 40 square feet, except for in RU Districts the sign may not exceed 22 inches by 28 inches	15 feet from official R.O.W. to property under ownership in or between interior property lines	Same as real estate signs	Same as subdivision signs	Same as real estate signs
Future construction signs	Maximum of 40 square feet in BU, TC AU, RO, RM, GU and IU District, 22 inches by 28 inches in RU Districts	1 sign	Same as subdivision signs	Same as real estate signs	Shall not exceed 15 feet from ground level to top of sign	Same as real estate signs
Real estate	Real estate signs in an AU/GU District (not of a residential character) and all BU, TC and IU Zones shall be limited to 40 square feet. Real estate signs in AU and GU Districts (of a residential character) and RU shall be limited to 22 inches by 28 inches. RM, and RO Districts shall be limited to 24 square feet	1 sign only	Real estate signs shall be no closer than 5 feet to an official R.O.W. line unless attached to an existing building 15 feet to an interior side property line or centered on a lot between interior side property lines	Permitted. See general provision on illumination	Real estate signs shall not exceed 10 feet measured from grade to top of sign	No permit required for signs that are no larger than 6 square feet and which are not electrically illuminated. Real estate signs shall only be permitted on premises advertised for rent or for sale. No 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
Subdivision signs	Maximum of 3 per 40 square feet per sign. Subdivisions of 200 feet or more lineal street frontage the total square footage for all signs shall not exceed 120 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 15 feet from ground to top of sign	Same as real estate signs
Special events signs include carnivals, concerts, public meetings, real estate open house events, sports events, political campaigns, noncommercial speech and other uses of a similar nature	Maximum size of 22 inches by 28 inches except as to site of use which shall be governed by applicable zoning district regulations	Signs shall be unlimited in number as to off-site locations and limited to, under number as different zoning except for site of use which shall be governed by applicable zoning regulations	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 zoning regulations	Same as real estate signs	Not applicable, except for in residential RU and RM Districts signs shall be permitted at a height not to exceed 2 feet, measured from grade to top of sign	Special events signs shall be removed within 10 days after the special event or last election which candidate or issue was on the ballot. Promoters, and sponsors and candidates shall be responsible for compliance with the provisions of 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

- (q) Reserved. Roof signs. A sign that projects above the top of the wall to which it is attached (but not including a canopy, marquee, or roof type decorative shelter) and a sign primarily placed on top of a structure shall not be permitted.

- (r) ~~Construction and maintenance. No sign shall be painted or posted on the exterior surface of any wall but all signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface that shall be securely affixed to the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices securely affixed to the exterior wall of a building. All signs, together with their structural elements, shall be kept in good working repair and in a proper state of preservation to the reasonable satisfaction of the Administrative Official Director.~~

Sec. 13-1904. – Sign regulations by zoning district. Additional requirements for signs.

No sign shall be permitted except signs that meet the general requirements of Section 13-1903 and, where applicable, the following additional requirements:

- (1) ~~Single Residence (RU-1, RU-1B, RU-1A, RU-1Z, RU-2), Townhouse Residence (RU-TH), and Multi-Density Residential (RM-13, RM-23, RM-36, RM-50) RU Districts. No sign shall be erected or maintained on any lot in a Single Residence, Townhome Residence, Multi-Density Residential District except as hereafter expressly permitted:~~
- a. Permanent signs. The following permanent signs shall be allowed:
1. Two signs facing the front property line, each limited to one and one-half square feet, which may be either a standing or attached sign and which, if standing, shall be set back at least five feet from all property lines. Signs which, for example, display the street address number would count as one of the signs allowed herein.
 2. One sign not exceeding 80 square inches. Signs which, for example, include warnings such as "No Trespassing," "Danger," "No Parking," "Post No Bills," "Bad Dog," and similar would count as the sign allowed herein.
- ~~Number and size. There may be one such sign for each lot indicating only the name of the owner or occupant, the street number. Such sign may be a standing sign but shall not exceed 1.5 square feet.~~
- b. Temporary signs. Temporary signs shall be allowed as specified ~~There may be one temporary unlighted sign on each lot as permitted in Subsection 13-1903(p). This shall include, for political campaign signs, one temporary special event sign for each candidate and one temporary special event sign for each issue.~~
- c. ~~Permanent sign. One permanent sign displaying noncommercial copy not exceeding an area of 1.5 square feet.~~

~~d. *Warning sign.* There may be one warning sign, such as "No Trespassing," "Danger," "No Parking," "Post No Bills," "Bad Dog," provided such sign does not exceed an area of 80 square inches. Notwithstanding the above referenced sentence, if a Florida Statute or the Code of Metropolitan Dade County requires a specific size, location, number, or color of such signage the Florida Statute or Code of Metropolitan Dade County requirement shall apply.~~

~~ec. *Illumination.* No sign shall be illuminated except:~~

- ~~1. By a white, steady, stationary light of reasonable intensity, shielded and directed solely at the sign; or~~
- ~~2. By interior nonexposed lights of reasonable intensity.~~

~~The foregoing is not applicable to temporary holiday decorations or Town entry features.~~

~~fd. *Color.* No permanent sign shall contain more than two colors; temporary signs may contain multiple colors. No sign shall contain red or green lights if such colors would, in the opinion of the Public Works Director ~~Town Engineer~~, constitute a driving hazard. Both black and white are considered separately as colors for enumeration under this section.~~

~~e. *Non-Residential Uses in RU Districts.* Notwithstanding other provisions in this Section, where a site in an RU District contains an allowed non-residential use (such as a religious institution, park or school), but specifically not including a group home, then the provisions below governing signs in the RM Districts shall apply.~~

(2) ~~*Multi-Density Residential (RM 13, RM 23, RM 36, RM 50) RM Districts.*~~

~~a. *Permanent signs.* The following permanent signs shall be allowed:~~

- ~~1. Two signs, limited to one and one-half square feet, which may be either a standing or attached sign and which, if standing, shall be set back at least five feet from all property lines. Signs which, for example, display the street address number would count as one of the signs allowed herein.~~
- ~~2. One sign not exceeding 80 square inches. Signs which, for example, include warnings such as "No Trespassing," "Danger," "No Parking," "Post No Bills," "Bad Dog," and similar would count as the sign allowed herein.~~
- ~~4. One sign adjacent to a leasing office, if any, limited to a maximum of two square feet and not exceeding a height of eight feet above grade.~~
- ~~5. *Additional On-Site Signage.* Each site may have two additional on-site signs for each entry/exit. These signs shall not be directed toward adjacent streets. For purposes of~~

calculating the allowed number of signs per this provision, an Applicant may elect to use building entries/exits, or vehicular entries/exits to the site, but not both. These signs shall be no larger than four square feet, with a maximum height of six feet above grade. Design and color for this signage must be consistent with other signage on the site. The Administrative Official may increase the allowed number of additional on-site signs through the administrative site plan review process, upon a finding that the size and/or character of the site necessitate additional signs. While subject matter or content is not restricted except as otherwise provided in this Article, such additional on-site signs might include directional and wayfinding signs.

6. One standing or attached (wall) sign with a maximum area of 40 square feet; provided, however, that sites with linear street frontage of 200 feet or more may have one additional standing sign, also with a maximum area of 40 square feet, spaced at least 100 feet from any other standing sign. All signs must either be fabricated of one-fourth-inch aluminum plate with appropriate internal structuring to properly support each sign face, or constructed of concrete. All copy must be white on a dark background color (Matthew's Dark Bronze 41-313 or similar) or the reverse, dark copy on a background color resembling the building's color. If attached, the sign shall not exceed ten percent of the one face of the building to which it is attached. If a standing sign, it must be set back at least seven feet from all property lines, and cannot exceed a height of six feet above grade; or if to be located on a mound, cannot exceed a height of eight feet above the crown of the closest adjacent road. Any standing sign must not interfere with clear sight distance triangle for driveways.

b. Temporary signs. Temporary signs shall be allowed as specified in Subsection 13-1903(p).

c. Illumination. No sign shall be illuminated except:

1. By a white, steady, stationary light of reasonable intensity, shielded and directed solely at the sign; or
2. By interior nonexposed lights of reasonable intensity.

The foregoing is not applicable to temporary holiday decorations or Town entry features.

d. Color. No permanent sign shall contain more than two colors; temporary signs may contain multiple colors. No sign shall contain

red or green lights if such colors would, in the opinion of the Public Works Director, constitute a driving hazard. Both black and white are considered separately as colors for enumeration under this section.

a. ~~There may be one sign where a leasing office is set out, two square feet in area and shall not exceed a height above the ground of eight feet.~~

b. ~~In addition to the number of signs allowed in Section 13-1904(1)a, a standing or attached sign is allowed subject to the following requirements:~~

1. ~~Total size of sign cannot exceed 40 square feet. All signs must be fabricated of one fourth inch 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 on a background color resembling the building's color. The subdivision logo is permitted as well as the subdivision name attached to the subdivision wall. One additional standing sign may be permitted for sites with linear street frontage of 200 feet or more, spaced 100 feet from any standing sign;~~

2. ~~The height of the sign from its base to its top cannot exceed six feet in height;~~

3. ~~If the sign is to be located on a mound, the height of the top of the sign cannot exceed eight feet above the crown of the closest adjacent road; and~~

4. ~~Sign location on site must respect a setback for all property lines of seven feet for a sign not exceeding 40 square feet and not interfere with clear sight distance triangle for driveways.~~

(3) ~~GP, RO, BU, TC and IU Districts. Mix-Use (RO-13, RO-50, TC); 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), (TC) or (IU) District except signs permitted under this section and the following: There may be one sign where a leasing office is set out, two square feet in area and shall not exceed a height above the ground of eight feet.~~

a. Permanent wall-mounted signs. The following permanent wall-mounted signs shall be allowed:

1. Except as provided for below, each building may have two wall-mounted signs, one sign affixed to each wall of the primary structure or structure in which an entrance is located (accessory buildings shall not include signs). The maximum

capital letter height for such signs shall be 30 inches (including any ascenders and descenders). Provided, however, that each business establishment that is situated on a site 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 42 inches for a sign that faces Red Road (NW 57 Avenue). The sign shall be parallel to the wall to which it is affixed, and shall extend no closer than one foot to the edge of such wall. Further, the sign shall not project more than 16 inches from the wall to which it is affixed.

Location.

- ~~1. A sign shall be affixed to a building except as hereinafter provided as to standing signs.~~
- ~~2. A sign affixed to a building shall be parallel with a wall of the building and shall not project beyond the face of any other wall to which it is affixed.~~
- ~~3. The base of the sign shall not project more than 16 inches from the wall to which it is affixed, in the case of a sign parallel with the wall.~~

~~b. Criteria for signage attached to building.~~

- ~~1. Except as specifically provided for hereinafter, no more than two wall mounted signs with a maximum letter height of 30 inches (including any ascenders and descenders) shall be permitted per building, one sign affixed to each wall in which an entrance is located.~~
- ~~2. Where retail and/or service retail occur on the ground floor, individual point of sale ground floor tenant signage may occur in a signage band on the building, marquee or canopy, provided it is done in a coordinated manner and it complies with Subsection (3)b.5 of this section. Buildings in the BU or TC Districts offering ground floor retail space (retail storefronts) and in the RO, IU Districts a business consisting of more than one building may include individual ground floor tenant signage in a signage band on the building, marquee or canopy. In order to include such signage, shall submit a comprehensive signage program shall be submitted to the Administrative Official Director through the administrative site plan review process for review and approval on a building by-building basis. There shall not be more than one such sign~~

- affixed to the building for each such business establishment. Maximum capital letter height for each such sign shall be 24 inches. (See Figures 1 and 2 for required dimensions.)
3. Additionally, buildings in the BU Districts offering ground floor retail space (retail storefronts), and where a colonnade or arcade is located, individual ground floor tenant signage may occur in hanging signs, placed over each tenant's building entry. Such sign shall not to exceed six square feet in size, with a maximum letter height of six inches. Additionally, such sign shall be either wood with painted copy, or routed metal face. Sufficient vertical clearance shall be provided to allow the passage of pedestrians. There shall not be more than one such sign affixed to the building for each such tenant, except that where a tenant is located on a corner, a hanging sign may be placed above the entrance (if any) on each street. In order to include such signage, a comprehensive signage program shall be submitted to the Administrative Official through the administrative site plan review process for review and approval. Three dimensional "symbol" signs may only be allowed through the granting of a variance.
- ~~All signs shall be individual letters pin mounted to the building, unless otherwise specified in this article. (No exposed neon or box type signs employing luminous plastic panels permitted.) Signs of a box or cabinet type employing luminous plastic or routed metal face with protruding or cut-out letters and employing internal illumination (wherein only the letters are illuminated) may be approved if said signs are consistent or compatible with the architecture of the principal structure and other signage on the property as determined by the Director.~~
4. ~~Maximum square footage of a sign must not exceed ten percent of the one face of the building to which the sign is attached. For purposes of applying this maximum space limitation, any intermediary removable surface to which a sign is affixed shall be deemed part of the sign; and any sign composed of separate letters or devices cut into or affixed to a wall shall be deemed to occupy the entire area within a single continuous perimeter enclosing the extreme limits of the sign, including any structural elements.~~
54. In the RO and IU Districts, or in the case of an office building in a BU or TC District, if a single building consists of more

than one business establishment, there shall not be more than one 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 multitenanted shopping or office building shall be 48 inches (including any ascenders and descenders) for tenants occupying less than 5,000 square feet and 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 24 inches. Maximum capital letter height (including ascenders and descenders) for single tenanted buildings exceeding 20,000 square feet shall be 30 inches. Maximum square footage of a sign must not exceed ten percent 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 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 42 inches for a sign that faces Red Road (NW 57 Avenue). Where a building in the TC District consists of more than one business establishment, a tenant occupying a corner space with frontage on two streets may have one exterior point of sale sign on each façade, up to a maximum of two signs.

6. ~~A semaphore sign consisting of two dual face signs extending horizontally from a light standard. Such sign projecting from opposite sides of a light standard, should be located in the parking lot of a (BU District) shopping center with over 100 parking spaces to identify the location of parking areas. No advertising is permitted on the sign.~~
7. ~~All signage on the should exhibit a uniform color and design scheme. No permanent sign shall contain more than two colors, no sign shall contain red or green lights if such colors would, in the opinion of the Town Engineer, constitute a~~

- ~~driving hazard. Both black and white are considered separately as colors for enumeration under this section.~~
- ~~8. On a BU or TC District building where a colonnade or arcade is located and where retail and/or service retail occur on the ground floor, individual point of sale ground floor tenant signage may occur in a hanging sign not to exceed six square feet in size placed on the building over the entry, provided it is done in a coordinated manner and it complies with Subsection (3)b.5 of this section. Buildings in a BU or TC District offering ground floor retail space (retail storefronts) and in the RO, IU Districts a business consisting of more than one building shall submit a comprehensive signage program to the Director through the administrative site plan review process for review and approval on a building by building basis. Three dimensional "symbol" signs shall be permitted after a public hearing. (See Figures 1 and 2 for required dimensions.)~~
- ~~9. Registered corporate logos will be permitted subject to the approval of the Director or his/her designee. In such cases they will be reviewed in conjunction with the corporate name, if any, in determining compliance with the guidelines provided herein.~~
- ~~405. In addition to the foregoing sign or signs, one additional sign directory of the business establishments occupying a building may be affixed to the exterior wall of the building at each entrance to the building. Such sign directory shall not exceed an area determined on the basis of one square foot for each establishment occupying the building.~~
- ~~6. One sign adjacent to a leasing office, if any, limited to a maximum of two square feet and not exceeding a height of eight feet above grade.~~
- ~~447. In addition to the wall signs allowed by the provisions above, buildings in the IU, BU or RO Districts abutting the following Limited Access Expressways (SR State Route 826 and or I-75) are permitted one wall mounted sign directly facing said roadway the Limited Access Expressway. Any such signs shall be limited to a maximum square footage not to exceed ten percent 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 percent of the building face, and shall be subject to a maximum letter height (including ascenders~~

and descenders) of 42 inches for a sign located in the RO Districts and 54 inches for a sign located in the IU ~~and~~ or BU Districts. 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):

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

~~428.~~ In the TC District, where a building includes active uses, as defined in this Code, that front directly on a Type 1 Street, there may be one additional sign in addition to those otherwise allowed by this chapter. Said sign may be located anywhere on the building and may face in any direction. Said sign shall occupy no greater than ten percent of the building face to which it is attached, and shall be subject to the same construction, materials, illumination and other restrictions, except size restrictions, that are otherwise applicable.

~~eb.~~ Permanent Standing signs. ~~In addition to the number of signs allowed in Subsection (3)b of this section, 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: The following permanent standing signs shall be allowed:~~

1. Signs located in parking lots with over 100 parking spaces. One such sign shall be allowed per 50 parking spaces. The maximum area of the sign face shall be eight square feet, and be located either on a light pole or pole erected solely for the purpose of holding the sign. The maximum height of the sign shall be 15 feet above finished grade. While subject matter or content is not restricted except as otherwise provided in this Article, such additional on-site signs might include wayfinding signs to identify the location of parking areas with a numbering or letter system or similar.

2. One standing sign with a maximum area of 40 square feet; provided, however, that sites with linear street frontage of 200 feet or more may have one additional standing commercial advertising sign, also with a maximum area of 40 square feet, spaced at least 100 feet from any other standing sign. All signs must be fabricated of one-fourth-inch 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 on a background color resembling the building's color. The sign must be set back at least seven feet from all property lines, and cannot exceed a height of six feet above grade; or if to be located on a mound, cannot exceed a height of eight feet above the crown of the closest adjacent road. Any standing sign must not interfere with clear sight distance triangle for driveways.

~~Total size of sign cannot exceed 40 square feet, except as hereinafter specifically provided. All signs must be fabricated of one-fourth-inch 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 on a background color resembling the building's color. The corporate logo is permitted as well as the corporate name.~~

- ~~2. The height of the sign from its base to its top cannot exceed six feet in height, except as provided for hereinafter.~~
- ~~3. If the sign is to be located on a mound, the height of the top of the sign cannot exceed eight feet above the crown of the closest adjacent road.~~
- ~~4. Sign location on site must respect a setback for all property lines of seven feet for a sign not exceeding 40 square feet and not interfere with clear sight distance triangle for driveways. One additional standing sign may be permitted for sites with linear street frontage of 200 feet or more, spaced 100 feet from any standing sign.~~
3. Menu type signs. One of the standing signs authorized by 2. above may be a menu type sign, with space divided into up to four spaces within the sign, or one space for each 10,000 square feet of building floor area, if the result is greater than four. The copy for such a sign shall include the building's postal address number. Copy shall be one of the following: (i)

cutout metal letters pin-mounted; (ii) routed through face and internally illuminated; (iii) letter photographically silk-screened; or, (iv) applied as white vinyl die-cut or Skotchlite letters. All such copy is to be photographically or mechanically reproduced from a standard typeface. No hand lettering is permitted. The maximum height of letters and other graphical elements (such as logos) shall be 24 inches.

4. *Additional On-Site Signage.* Each site may have two additional on-site signs for each entry/exit. These signs shall not be directed toward adjacent streets. For purposes of calculating the allowed number of signs per this provision, an Applicant may elect to use building entries/exits, or vehicular entries/exits to the site, but not both. These signs shall be no larger than four square feet, with a maximum height of six feet above grade. Design and color for this signage must be consistent with other signage on the site. The Administrative Official may increase the allowed number of additional on-site signs through the administrative site plan review process, upon a finding that the size and/or character of the site necessitate additional signs. While subject matter or content is not restricted except as otherwise provided in this Article, such additional on-site signs might include directional and wayfinding signs.

5. *Additional standing signs along the Red Road Canal Right-of-Way in the BU districts.*

- (a) In the BU Districts, each building of at least 7,500 square feet that fronts on the Red Road Canal Right-of-Way shall be permitted one detached standing sign facing or situated so as to be directed toward motorists on this roadway. Any such sign shall be on a fully supported base that is architecturally consistent with the sign its supports, any other signs on the same parcel and any buildings on the same parcel.
- (b) This standing sign shall be located at least 100 feet from any other standing sign on the same parcel, and shall be set back at least seven feet from any Right-of-Way and at least 15 feet from any other property lines.
- (c) The maximum height for this sign shall be 20 feet.
- (d) This standing sign shall be limited to a maximum area of 40 square feet for the first 50 feet of initial frontage on the

Red Road Canal Right-of-Way, plus 0.75 square foot for each additional foot of frontage to a maximum sign size of 300 square feet.

- (e) No sign allowed by this sub-section shall interfere with clear sight distance triangle for driveways.

6. *Additional standing signs along SR 826 in the BU districts.* In addition to any other standing signs allowed by this section, properties adjacent to the SR 826 right-of-way shall be eligible for additional standing signs, as provided below, provided such properties meet all of the following criteria: are located within a BU District; the property has both frontage and vehicular access on the SR 826 right-of-way and such vehicular access directly faces the motorists on the main travel lanes of this roadway; and, the property is wholly located within 1,400 linear feet of a crossing of SR 826 with another roadway (interchange or overpass; distance to be measured from the center of the interchange or overpass). Additionally, notwithstanding other provisions to the contrary, the number of signs allowed under this sub-section shall be limited to one sign per each 300 feet of linear frontage on the SR 826 right-of-way (but including a minimum allowed of one per parcel).

- (a) Each parcel where the property meets the above criteria shall be permitted one detached standing sign facing or situated so as to be directed toward motorists on SR 826. This sign is allowed in addition to any other standing signs allowed by this sub-section. Any such sign shall be on a fully supported base that is architecturally consistent with any buildings on the same parcel.
- (b) Each building of at least 7,500 square feet located on a property that meets the above criteria shall be permitted one detached standing sign facing or situated so as to be directed toward motorists on this roadway, located on the same parcel as said building. This sign is allowed in addition to any other standing signs allowed by this sub-section. Any such sign shall be on a fully supported base that is architecturally consistent with any buildings on the same parcel.
- (c) The standing signs allowed by (a) and (b) above shall be located at least 100 feet from any other standing sign on

the same parcel, and shall be set back at least seven feet from any Right-of-Way and at least 15 feet from any other property line.

- (d) The maximum height of a sign as allowed by (a) above shall be 40 feet.
- (e) The maximum height of a sign as allowed by (b) above shall be 25 feet, except that if any portion of the ~~business advertised on site on which~~ the sign is located is within 400 feet of the crossing of SR 826 with another roadway (interchange or overpass; distance to be measured from the center of the interchange or overpass), the maximum height shall be 30 feet.
- (f) The standing signs authorized by (a) and (b) above shall be limited to maximum area of 40 feet for the first 50 feet of initial frontage on SR 826, plus one square foot for each additional foot of frontage to a maximum sign size (area) of 300 square feet. However, the maximum sign size (area) shall be reduced by ten percent for each five-foot increment of height, or fractional part thereof, greater than 25 feet.

7. Additional standing signs along the Red Road Canal right-of-way and SR 826 in the IU and RO districts.

- (a) Each parcel in the IU or RO Districts that fronts on the Red Road Canal Right-of-Way or SR 826 shall be permitted one detached standing sign facing or situated so as to be directed toward motorists on these roadways. Any such sign shall be on a fully supported base that is architecturally consistent with the sign it supports, any other signs on the same parcel and any buildings on the same parcel.
- (b) This standing sign shall be located at least 100 feet from any other standing sign on the same parcel, and shall be set back at least seven feet from any Right-of-Way and at least 15 feet from any other property lines.
- (c) The maximum height for this sign shall be 20 feet for parcels on the Red Road Canal Right-of-Way, and 25 feet for parcels on SR 826.
- (d) This standing sign shall be limited to a maximum area of 40 square feet for the first 50 feet of initial frontage on the Red Road Canal Right-of-Way or SR 826, plus 0.75

square foot for each additional foot of frontage to a maximum sign size of 300 square feet.

(e) No sign allowed by this sub-section shall interfere with clear sight distance triangle for driveways.

c. Automatic Teller Machine (ATM) Sign. In addition, a site with an automatic teller machine (ATM) may include a sign, integrated into the design of the ATM, whether as part of a building or as part of a freestanding structure. This sign shall be limited to a maximum of four square feet, and may not be internally illuminated. The remainder of the ATM shall be architecturally consistent with structures on the site and may not function as a sign.

d. Drive-Thru Sign. In addition, a site that includes one or more drive-thru service lanes approved via a Town-approved site plan (such as, but not limited to, a fast food restaurant or bank) may have a drive-thru sign for each such lane. Each such drive-thru sign may be a maximum of 30 square feet, and may include signage directed only toward the drive-thru lane which it serves. Provided, however, that any such drive-thru sign must be set back at least ten feet from all property lines, and is limited to a maximum height of six feet, six inches. Installation of a new or replacement drive-thru sign shall require administrative site plan review and approval.

e. Temporary Signs. Temporary signs shall be allowed as specified in Subsection 13-1903(p).

df. Standards. The following standards shall apply to signs in the RO, BU and IU Districts.

1. All signage throughout each site shall be the same color and shall exhibit a uniform color and design scheme. No permanent sign shall contain more than two colors. No sign (including temporary signs) shall contain red or green lights if such colors would, in the opinion of the Public Works Director, constitute a driving hazard. Both black and white are considered separately as colors for enumeration under this section.

2. Graphical elements (such as, but not limited to, logos) on both wall signs and standing signs shall comply with all other applicable requirements, including limitations on letter height, color and design.

3. Permanent signs shall only be of one of the following types:

(i) Individual letters pin-mounted to a structure (building in the case of a wall sign; monument or other sign

structure in the case of a standing sign), except where otherwise specifically allowed for menu signs;

(ii) Hanging sign, where mounted on a collanade or marquee, where allowed in Subsection 13-1904(3)a.3, above.

(iii) Changeable copy signs, as defined in this Sign Code, shall be permitted in connection with gas stations, eleemosynary and philanthropic institutions, places of worship, cinemas and theaters, and for those signs authorized by Subsection 13-1904(3)a.5, above. A changeable copy area may be a standalone sign, or a portion of another sign. However, in no case shall the changeable copy area exceed 25 square feet.

(iv) Signs of a box or cabinet type employing a plastic or routed metal face with protruding or cut-out letters and employing internal illumination (as allowed in Subjection 13-1904(3)d.4, below) may be approved if such sign is consistent with the architecture of the principal structure and other signage on the property, as determined by the Administrative Official.

4. No sign in the RO, BU or IU Districts shall be illuminated, except in compliance with the following:

(i) A sign consisting of individual pin-mounted letters (whether a wall sign or a standing sign) may be illuminated either by backlighting by neon, or from a ground mounted source. If backlighting is used, the letters shall be a "reverse channel" type, and the light source shall be hidden from view. If a ground-mounted source is used, the light fixture(s) shall be stationary, shall be screened by landscaping, and shall be shielded such that the light is directed solely at the sign. The light shall be white and steady. There shall be no glare or spillage of light onto adjacent properties or the public right-of-way.

(ii) Roof-mounted illumination of a wall sign may be permitted if approved through the administrative site plan review process. If approved, the light fixture(s) shall be stationary, shall be screened by landscaping, and shall be shielded such that the light is directed solely at the sign. The light shall be white and steady. There shall be no glare or spillage of light onto

adjacent properties or the public right-of-way. The Administrative Official may impose conditions on the site plan to ensure that the roof-mounted lighting will not cause adverse impacts to adjacent properties, or to the aesthetics or safety of the public right-of-way.

(iii) If a sign is to be internally illuminated, it shall be either a routed metal face, or a box or cabinet type sign, subject to the requirements of Subsection 13-1904(3)d.3.iv, above.

(iv) Changeable copy signs shall be illuminated from a ground-mounted source. The light fixture(s) shall be stationary, shall be screened by landscaping, and shall be shielded such that the light is directed solely at the sign. The light shall be white and steady. There shall be no glare or spillage of light onto adjacent properties or the public right-of-way.

Illuminated signs.

- ~~1. If the sign is to be lighted, the letters shall be a "reverse channel" type. Letters must be metal pin mounted off the building and may be illuminated with backlighting by neon.~~
- ~~2. The sign shall be illuminated from a ground mounted source provided the lights are properly screened by landscaping and do not result in any glare or overlighting of adjacent areas or street right of way.~~
- ~~3. No roof mounted illumination will be permitted without special consideration of the Director through the administrative site plan review process.~~
- ~~4. Signs of a box or cabinet type employing a luminous plastic panel or sign face with exposed neon or fluorescent lights are prohibited. Signs of a box or cabinet type employing plastic or routed metal face with protruding or cut out letters, and/or designed to have an appearance of a monument sign and employing internal illumination (wherein only the letters are illuminated) may be approved if said signs are consistent or compatible with the architecture of the principal structure and other signage on the property as determined by the Director.~~
 - ~~(i) No sign shall be illuminated except by a white, steady, stationary light shielded and directed solely at the sign; or~~
 - ~~(ii) By the interior nonexposed lights of reasonable intensity;~~

- (iii) ~~The foregoing is applicable whether the sign is exterior to a building or designed to be visible through a door or window.~~

e. ~~*Illumination of signs.*~~

1. ~~Routed metal face, internally illuminated signs are preferred.~~
2. ~~Reverse channel illuminated letters attached to a metal or masonry structure.~~
3. ~~Ground illuminated signs are allowed provided the lighting does not glare or overlight adjacent areas or into the street. Light sources must be screened by landscaping.~~

f. ~~*Menu type signs.*~~

1. ~~All freestanding menu type signs which display the names of major building tenants must adhere to the height and square footage requirements set forth in Subsection (3)c of this section for standing signs.~~
2. ~~The copy for the sign shall include: the building's postal address number, the building name, and no more than four major tenants' names or one name per 10,000 square feet of building, whichever is greater.~~
3. ~~All signs must be fabricated of one fourth inch aluminum plate with appropriate internal structuring to properly support each sign face.~~
4. ~~Signs may be either illuminated or nonilluminated.~~
5. ~~All copy for any menu size must be white on a dark background color (Matthew's Dark Bronze 41 313 or similar is suggested) or the reverse, dark copy on a background color resembling the building's color. Copy shall be one of the following:~~
 - (i) ~~Cutout metal letters pin mounted;~~
 - (ii) ~~Routed through face and internally illuminated;~~
 - (iii) ~~Letter photographically silk screened; or~~
 - (iv) ~~Applied as white vinyl die cut or Skotchlite letters.~~
6. ~~All copy is to be photographically or mechanically reproduced from a standard typeface. No hand lettering is permitted. Maximum capital letter height for tenant names and corporate logos is five inches high.~~

- g. ~~*Temporary signs.* There may be one temporary sign maintained for a period of not more than 90 days upon application to the Town Building Official showing that said temporary sign is required as a result of the repair and/or reconstruction of the existing permitted sign. Said temporary sign may be no larger than the permitted sign.~~

~~Banners and other decorative materials in conjunction with an event conducted pursuant to a dedication or a grand opening are permitted without a sign permit. Such banners and decorative materials shall not be more than 40 square feet (aggregate) and shall be subject to the same height and setback restrictions as Real Estate signs (13-1903(p)) and shall not be posted more than 30 days preceding the event, and are to be removed within seven days following the grand opening day of the event.~~

~~(4) — Miscellaneous type signs.~~

- ~~a. — On site directional type signs may be no larger than four square feet and no taller than four feet above the ground. No more than two per entry or exit may be used. Design and color for this signage must be cohesive with other signage on or about the building. Only directional information is permitted on directional signage.~~
- ~~b. — Any directional sign not specifically mentioned in these criteria shall be submitted for administrative site plan approval before it will be allowed to be erected.~~
- ~~c. — One sign of a temporary nature may be erected to announce a new business provided that it is approved by the Director prior to being erected. Such a sign may be no larger than a horizontal four feet by eight feet format and no taller than six feet. It may be up no longer than 90 days.~~
- ~~d. — All permanent interior signs which are visible from the building's exterior must be submitted to the Director for administrative site plan approval including but not limited to temporary opaque window film or window display which shall be required while construction is occurring or premises are unoccupied.~~
- ~~e. — Nonprofit institutions and gas stations. There may be one bulletin or announcement board, identification sign or entrance to the premises upon which a gas station or church, synagogue, school, or other nonprofit organization is located not exceeding all together 25 square feet in area.~~
- ~~f. — Commercial and industrial promotional events: The Director may authorize temporary promotional events for commercial and industrial zoned properties to include installation of banners and/or other promotional materials via issuance of a Certificate of Use for a Special Event in accordance with the Town's procedures.~~
 - ~~1. — Said special event(s) may be conducted for a period of no longer than 2 days and may include installation of banner(s) not to~~

~~exceed a total aggregate of 120 square feet subject to the height and setback requirements for real estate signs.~~

- ~~2. Temporary signage and banners associated with special events may be permitted to be installed a maximum of 14 days in advance of said special event and must be removed within a period of two (2) days after the event has occurred.~~
- ~~3. No off-site signage shall be permitted in conjunction with Special Events described herein.~~

Sec. 13-1905. Flags and flagpoles.

(a) Flagpoles.

- (1) There shall be no more than three flagpoles per nonresidential site, and no more than one flagpole per residential site.
- (2) Maximum height in districts other than RU districts shall be 15 feet for a site with an existing one story building, plus an additional ten feet of flagpole height allowed for each additional floor, up to a maximum flagpole height of 50 feet. Flagpoles in RU districts shall not exceed 20 feet.
- (3) Flags in RU districts shall be permitted in conjunction with holiday decorations pursuant to Subsection 13-1903(p)(7).
- (4) The flag and flagpole or other permanent mounting shall be maintained in good repair. Flagpoles with broken halyards shall not be used.
- (5) Flagpoles shall not be placed on top of buildings or light poles.
- (6) A vertical flagpole must be set back from all property boundaries a distance that is at least equal to the height of the pole.

(b) Flags.

- (1) A maximum of two flags shall be allowed per flagpole.
- (2) If a flag is flown in conjunction with the United States flag, the United States flag shall be equal to or larger than any additional flag.
- (3) On United States and Florida holidays, there shall be no maximum flag size or number or other limitation on manner of display for U.S., State or Town flags, so long as said flags do not, in the judgment of the Administrative Official, constitute a danger to public safety.
- (4) The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed 25 percent of the vertical height of the pole. In addition flags are subject to the following dimensional limitations:
 - a. Pole height: Up to 20 feet with maximum flag size of 27 total square feet.

- b. Pole height: 21 to 30 feet with maximum flag size of 50 total square feet.
 - c. Pole height: 31 to 40 feet with maximum flag size of 75 total square feet.
 - d. Pole height: 41 to 50 feet with maximum flag size of 100 total square feet.
 - e. Legal, nonconforming flagpoles greater than 50 feet in height shall be permitted to have flags which do not exceed a maximum of 250 square feet and shall have a hoist dimension to fly length ratio between 1:1.25 and 1:1.9 (hoist:fly) or such other size as specifically indicated on prior permits issued for the particular flag.
- g. ~~Flagpoles:~~
- 1. ~~The flags must be flown on a regular daily basis or the poles must be removed.~~
 - 2. ~~No more than three flagpoles will be allowed per nonresidential site, with corporate logos permitted, and one flagpole per residential site. A maximum of two flags shall be allowed per flagpole. If a flag is flown in conjunction with the United States flag, the United States flag shall be equal to or larger than any additional flag. References to flagpole height in this section refer to vertical flagpoles. References to the number of flags and flagpoles and flag dimensions refer to both vertical flagpoles and mast arm flagpoles (staffs extending at an angle from a building). On United States and Florida holidays, there shall be no maximum flag size or number or other limitation on manner of display for U.S., State or Town flags.~~
 - 3. ~~Height will be as follows: one story building will be allowed 15 feet height maximum, with an additional ten feet allowed for each additional floor up to a maximum of 50 feet in height. Except as otherwise provided herein flags shall be displayed on flagpoles. Flagpoles shall not be placed on top of buildings or light poles. Flagpoles in residential districts shall not exceed 20 feet and shall be permitted holiday flags in conjunction with holiday decorations. A vertical flagpole must be set back from all property boundaries a distance that is at least equal to the height of the pole.~~
 - 4. ~~The flag and flagpole or other permanent mounting shall be maintained in good repair. Flagpoles with broken halyards shall not be used, and torn or frayed flags shall not be displayed. Giant oversized flags of any type will not be allowed. The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed 25 percent of the vertical height of the pole. In addition flags are subject to the following dimensional limitations:~~
 - (i) ~~Pole height: Up to 20 feet with maximum flag size of 27 total square feet.~~

- ~~(ii) Pole height: 21 to 30 feet with maximum flag size of 50 total square feet.~~
- ~~(iii) Pole height: 31 to 40 feet with maximum flag size of 75 total square feet.~~
- ~~(iv) Pole height: 41 to 50 feet with maximum flag size of 100 total square feet.~~

~~Flagpoles greater than 50 feet in height established prior to December 1, 2000, located in a Business (BU 1A₁ and BU 2) and/or Industrial (IU-C) District on properties adjacent to the Palmetto Frontage Road which have registered with the Town in accordance with the following section shall be permitted to have flags which do not exceed a maximum of 250 square feet and shall have a hoist dimension to fly length ratio between 1:1.25 and 1:1.9 (hoist:fly) or such other size as specifically indicated on prior permits issued for the particular flag.~~

- ~~5. Notwithstanding any other provision of this Code, all flagpoles in existence prior to December 1, 2000, located in a Business (BU 1A and BU 2) and/or Industrial (IU-C) District on properties adjacent to the Palmetto Frontage Road shall be deemed valid preexisting uses, subject to the following:~~

- ~~(i) Within 90 days of the enactment of the ordinance from which this provision is derived, any property owner who claims a preexisting flagpole constructed prior to December 1, 2000, shall file with the Town an affidavit indicating the preexistence of the flagpole with demonstrative evidence in the form of either photographs, aerials, permits, site plan approval or other documentation necessary to support the affidavit. Preexisting flagpoles registered under this section shall not be utilized for flags of a commercial nature or as an advertising device or for any type of banner, pennant, or streamer.~~
- ~~(ii) Nothing contained herein shall be deemed to grant and/or convey any rights, privileges, entitlements or other benefits to other properties located within the zoning districts identified and mentioned in this section.~~
- ~~(iii) In the event that any flagpole that is deemed a valid preexisting use pursuant to this section is damaged by any cause including, but not limited to, the voluntary removal of the flagpole structure, and the cost of repairing or replacing the flagpole is more than 50 percent of the replacement cost, then the valid preexisting status of such flagpole and flag shall be automatically revoked and repairs or replacements shall be made such that the new flagpole meets the requirements of this article.~~

~~(5)~~

Sec. 13-1906. Entry features.

~~Entry features.~~ In the RO, BU and IU Districts, the Administrative Official may approve one entry feature to a site. An Applicant for an entry feature shall apply through the administrative site plan review process, including submission of all necessary drawings and other materials necessary to demonstrate compliance with the standards below, and specifically including a comprehensive signage program for the entire site. Where approved, an entry feature need not meet setback requirements otherwise specified in this chapter. In order to approve an entry feature, the Administrative Official shall make a finding that the proposed entry feature meets all of the following standards: ~~Signs for a building or a building complex entry feature for buildings in the BU District offering ground floor retail space (retail storefronts) and in the RO, IU Districts shall submit a comprehensive signage program to the Director through the administrative site plan review process for review and approval on a building-by-building basis. Each entry feature shall be reviewed in compliance with each of the standards enumerated below:~~

- ~~a. Buildings offering ground floor retail space (retail storefronts) shall submit a comprehensive signage program to the Director through the administrative site plan review process for review and approval on a building-by-building basis.~~
- ~~(ba).~~ An executed covenant, stating that all structures shall be maintained in good condition and repair and that all landscaping shall likewise be so maintained, shall be delivered to the Department for review and, upon approval, shall be duly recorded prior to the issuance of any permits.
- ~~(eb).~~ Entrance features shall be placed so as not to encroach upon utility lines or traffic control devices whether such lines or devices be located overhead or underground; and where a conflict is indeed encountered, the developer or designated property owner shall be responsible for the removal or relocation of the said features or a part thereof.
- ~~(ed).~~ Entrance features shall be placed so as not to cause a visual obstruction and thereby create a traffic hazard, and should the use of illumination be incorporated in said features, such illumination shall be placed so as to be unobtrusive to moving traffic lanes or adjacent properties.
- ~~(ed).~~ The character and scale of entrance features shall be ~~of a designed~~ designed such that said features are complementary to the ~~identified~~ development and compatible with the immediate neighborhood ~~insofar as its overall impact is concerned~~.
- ~~(fe).~~ All structures within entrance features shall meet all standards of the Florida Building Code and any other applicable standards, and all water bodies with depths greater than 18 inches shall meet all applicable standards of this chapter, applicable to reflecting pools and water features standards.
- ~~(gf).~~ Prior to issuance of Applications for permits for entrance features shall be made by the fee owner of the property in question and an administrative site plan review application shall be submitted to the Department. Applications shall include an accurately dimensioned ~~plot use site~~ plot use site plan identifying all structures and landscaping

incorporated in said features and identifying all setbacks and elevations of the same. The approval and notice requirements shall be the same as for other administrative site plan review applications, as provided elsewhere in this Code.

- h. ~~Upon receipt of all necessary information, the Administrative Official or his designee shall review the same, and in turn render a decision either approving, modifying, or denying the request. A copy of said decision shall be published in a newspaper of general circulation. The applicant, or any aggrieved property owner in the area, may appeal the decision to the Town Council to be considered at a public hearing.~~
- i. ~~All approvals or modifications shall not be effective until 15 days after the Town Manager's decision is published in a newspaper of general circulation. The decision of the Town Manager shall be recorded on the official zoning maps of the Town.~~

Sec. 13-19075. - Preexisting, nonconforming signs; administration.

- (a) *Preexisting nonconforming signs.* Preexisting nonconforming signs shall meet the following provisions:
 - (1) Signs or sign structures made nonconforming upon passage of this article, or on passage of any amendment thereto, shall be governed by the following regulations:
 - a. A sign existing within the Town, or an area subsequently annexed to the Town, upon the passage of this article or any amendment hereof which, because of its height, square foot area, location, or other characteristic, does not conform to this article is hereby declared to be a nonconforming sign.
 - b. A sign prohibited under this article and not attached to a structure must be removed within 60 days from the effective date of the ordinance creating the prohibition.
 - c. A nonconforming sign pursuant to this article must be removed within five years from the effective date of the ordinance creating the nonconformity.
 - d. Failure to so remove a nonconforming or prohibited sign under this subsection within the time set forth above shall cause the sign to be declared an illegal sign.
 - e. The status afforded signs under this subsection shall not be applicable to any sign for which no permit or sign permit was ever issued; such signs are deemed noncomplying signs and are subject to the provisions of this article governing noncomplying signs.
 - f. If any nonconforming sign is damaged by any cause and the cost of repairing the sign equals 50 percent or more of the original invoiced costs of the sign, then its classification as a nonconforming sign under this subsection shall be automatically revoked and repairs shall be made so that the sign shall meet the requirements of this article.

- g. A nonconforming sign shall immediately lose its nonconforming status and shall be immediately brought into compliance (with a new permit) or removed if the sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance) that ~~tends to or makes the sign less in compliance~~ increases the degree of nonconformity with the requirements of this article ~~than it was before the alteration;~~ including updating the technology used in the sign; or if the sign is relocated to a position ~~making it less in~~ increasing the degree of non-compliance with the requirements of this article; or if the sign is replaced or abandoned.
- (2) Nonconforming sign maintenance and repair. Nothing in this section shall relieve the owner or user of a nonconforming sign or the owner of the property on which the nonconforming sign is located, from the provisions of this article, regarding safety, maintenance or repair of the sign. However, any repainting, cleaning and other normal maintenance or repair of the sign, sign structure, or copy that in any way increases the degree of nonconformity ~~makes it more nonconforming~~, shall cause the sign to lose its legal nonconforming status.
- (b) *Administration.*
 - (1) *Enforcement.* This article shall be enforced in accordance with Section 8-10
 - (2) *Permit.* Except for signs allowed pursuant to compliance with Section 13-1903(k), no sign shall be erected, altered or enlarged until a permit has been issued by the Town Building Official. Such permit shall be issued only if the sign complies or will comply with all applicable provisions of this article and any other applicable rules and regulations. A schedule of fees for permits may be determined from time to time by the Town Council. ~~The provisions of this section shall not apply to signs permitted in a residential area or temporary signs to be placed in a window.~~
 - (3) *Noncomplying.* Any sign installed or placed on public property, except in conformance with the provisions of this article, shall be prohibited and subject to removal by the Town. In addition to other remedies, the Town shall have the right to recover from the owner or person responsible for the placement of the sign the full costs of its removal and disposal.

Secs. 13-19086—13-2000. - Reserved.

Sign Type		Current	Proposed
Holiday decorations			
	Duration	INTERNAL CONFLICT <ul style="list-style-type: none"> • 30 days before and after holiday • During “recognized holiday periods” (undefined) 	45 consecutive days, and 60 days total, during any calendar year
Construction sign			Combined allowances for “construction sign”, “future construction sign” and “subdivision sign” into one allowance for “sign in connection with active building permit”
	Number	1	1
	Location	N/A	N/A
	Duration	90 days	During the period that there is an active building permit for vertical construction, and for 90 days following approval of a final plat by the Town Council
	Area	<ul style="list-style-type: none"> • RU Districts: 22” X 28” • Other districts: 40 ft² 	<ul style="list-style-type: none"> • Individual single-family/two-family lot: 22” x 28” • Coordinated development in single-family/two-family districts: 22” x 28” on local street, 40 ft² on arterial/collector • Other: 40 ft²
	Height	10’	<ul style="list-style-type: none"> • Individual single-family/two-family lot: 6’ • Coordinated development in single-family/two-family districts: 6’ on local street, 15’ on arterial/collector • Other: 15’
	Setbacks	15 feet from ROW or from property under different ownership (or centered between side lot lines)	<ul style="list-style-type: none"> • Individual single-family/two-family lot: 5’ from ROW, 15’ to rear/interior side • Coordinated development in single-family/two-family districts: 5’ from local street, 15’ from arterial/collector, 15 feet from rear/interior side

			• Other: 15' from all property lines
Future construction sign			Allowances for “future construction sign” and “subdivision sign” combined with “construction sign”. See above.
	Number	1	
	Location	N/A	
	Duration	90 days	
	Area	• RU Districts: 22" X 28" Other districts: 40 ft ²	
	Height		
	Setbacks	15 feet from ROW or from property under different ownership	
Subdivision Sign			
	Number	3	
	Location	N/A	
	Duration	90 days	
	Area	40 ft ² per sign; “Subdivisions of 200 feet or more lineal street frontage the total square footage for all signs shall not exceed 120 square feet.” (staff speculates that the intention is to allow one sign per 200' of frontage up to 3 signs, but exact intent is unknown)	
	Height	15'	
	Setbacks	15' from ROW or property under different ownership	
Real estate			Changed to “sign where property is offered for sale or rent” on the open market.
	Number	1	1
	Location	N/A	N/A
	Duration	90 days	90 days, with one 90 day extension allowed upon proof of actively attempting to sell or rent the property. Upon expiration of allowed time, must wait 180 days to re-post sign.
	Area	• RU & AU/GU with residential character: 22"	• BU, TC, IU and AU/GU not of residential

		X 28" • RO/RM: 24 ft ² • IU, BU, TC & AU/GU with non-residential character: 40 ft ²	character, and RM/RO with coordinated multi-lot development: 40 ft ² • RM/RO individual lot: 24 ft ² • RU and AU/GU with residential character: 22" x 28"
	Height	10'	• RM, RO, BU, TC, IU, AU/GU not residential character, undeveloped RU with at least 250 feet of street frontage: 10' • RU that is developed or with less than 250 feet of street frontage, AU/GU with residential character: 6'
	Setbacks	5' from ROW (unless attached to existing building), 15' from property under different ownership (or centered between side lot lines)	• Front: 5', unless attached to existing building • Rear/side: 15', unless attached to existing building
Special event			
	Number	INTERNAL CONFLICT Unlimited off-site signs (note: other provisions do not allow off-site signage) and on-site signs to be limited by zoning district regulations (unclear how district regulations would limit this)	• RU or AU/GU with residential use or vacant: 1 • All others: 2
	Location	N/A	N/A
	Duration	INTERNAL CONFLICT • 30 days before event and 30 days after event • Must be removed 10 days after event • Non-residential zoning districts where special event is a dedication or grand opening: 30 days before event and 7 days after event Commercial/industrial zoning districts: 14 days before event and 2 days after event	30 days before the special event until 10 days after the special event

		(event limited to 2 days)	
	Area	<p>INTERNAL CONFLICT</p> <ul style="list-style-type: none"> • Off-site signs limited to 22" x 28", on-site limited by zoning district regulations (unclear how district regulations would limit this) • Specific size limit (22" x 28") provided for off-premises special event signs, see below • Maximum 40 ft² for banners/decorative materials for dedication/grand opening in non-residential districts • Maximum 120 ft² for banners for commercial/industrial promotional events 	<ul style="list-style-type: none"> • RU or AU/GU with residential use or vacant: 22" x 28" • all others: 40 ft²
	Height	<p>INTERNAL CONFLICT</p> <ul style="list-style-type: none"> • No limit • 10' limit for banners/decorative materials for dedication/grand opening in non-residential districts • 10' limit for banners for commercial/industrial promotional event 	<ul style="list-style-type: none"> • RU or AU/GU with residential use or vacant: 4' • all others: 10'
	Setbacks	<p>INTERNAL CONFLICT</p> <ul style="list-style-type: none"> • 5' from ROW or property under different ownership for off-site signs, governed by zoning district regulations for on-site signs (unclear how district regulations would limit this) • 5' from ROW and 15' from interior side lot lines for banners/decorative materials for dedication/grand opening in non-residential districts • 5' from ROW and 15' from property under different ownership for commercial/industrial promotional event 	<ul style="list-style-type: none"> • banners/decorative materials: 5' from ROW, 15' from other property lines • other signs: none
	Materials	INTERNAL CONFLICT	<ul style="list-style-type: none"> • banners and decorative materials allowed

		<ul style="list-style-type: none"> • Exception to allow flags, hot air balloons and aerial devices for all special events • Exception to allow banners and decorative materials (max 40 ft², see below) for a dedication or grand opening event in non-residential districts • Exception to allow banners (max 120 ft², see below) for commercial/industrial promotional events) 	<p>with issuance of special event permit, but each counts against the total number allowed</p> <ul style="list-style-type: none"> • non-RU districts: flags, hot air balloons and other aerial devices allowed with Special Event permit, if there is a finding that they will not be a nuisance to nearby properties, and they are included in the total number of signs allowed
	On-Site/Off-Site	<p>INTERNAL CONFLICT</p> <ul style="list-style-type: none"> • Off-premises signs prohibited in all districts (with exception for real estate signs, not special event signs) • Specific size limit (22" x 28") provided for off-premises special event signs, see below • No off-premises signs allowed for commercial/industrial promotional event • Specific setback (5') provided for off-premises special event signs 	Off-site signage prohibited
Political / election			"Additional temporary signs allowed in proximity to election"
	Number	1 sign for each candidate or issue on the ballot	1 sign for each office to be decided, plus one sign for each issue to be decided (the highest such number affecting any portion of Miami Lakes)
	Duration	Must be removed within 10 days following election	30 days before official election until 10 days after official election
	Area	22" x 28"	22" x 28"
	Height	<ul style="list-style-type: none"> • RU/RM: 2' • Other districts: no limit 	3' (with exceptions for situations where sign cannot be viewed from a public right-of-way at 3' high)
	Setbacks	5' from ROW & 5' from property under different ownership	From ROW: none Rear/interior side property lines: 5'
Repair of permanent sign			"Repair of permanent sign or opening of new

			business"
	Number	1 per sign being repaired	1
	Location	Non-residential zoning districts	Non-residential zoning districts
	Duration	90 days	90 days
	Area	Same as permanent sign being repaired	For sign repairs, no larger than sign being repaired; for new businesses, no larger than the largest permanent sign that would be allowed
	Height	Same as permanent sign being repaired	For sign repairs, no higher than sign being repaired; for new businesses, must meet height requirements for permanent signs
	Setbacks	Same as permanent sign being repaired	For sign repairs, same location as the sign being repaired; for new businesses, must meet setbacks required for permanent signs
New business			Combined with "repair of permanent sign". See above.
	Number	1	
	Location	Non-residential districts	
	Duration	90 days	
	Area	4' horizontal x 8' vertical	
	Height	6'	
	Setbacks	None	
Sign walkers		Not Addressed	
	Number		No restriction
	Location		only in non-RU districts, and only the same site as any establishment to which the sign pertains
	Duration		May only operate during hours that at least one establishment on the same site is operating
	Area		8 ft ²
	Height		8'
	Setbacks		5' from all property lines

	Other restrictions		<ul style="list-style-type: none"> • No illumination, flashing, blinking or rotating lights • No animation of the sign • No spinning, waving, throwing the sign in the air or similar movement intended to attract attention • May not be in parking aisles or stalls, or driving lanes • May not be within 30' of another sign walker • May not be in a location that would obstruct the path of pedestrians, bicyclists or vehicles
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1 of 3 DOCUMENTS



Caution

As of: Nov 24, 2015

CLYDE REED, et al., Petitioners v. TOWN OF GILBERT, ARIZONA, et al.**No. 13-502****SUPREME COURT OF THE UNITED STATES**

135 S. Ct. 2218; 192 L. Ed. 2d 236; 2015 U.S. LEXIS 4061; 83 U.S.L.W. 4444; 25 Fla. L. Weekly Fed. S 383

January 12, 2015, Argued
June 18, 2015, Decided

NOTICE:

The LEXIS pagination of this document is subject to change pending release of the final published version.

PRIOR HISTORY: [***1] ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Reed v. Town of Gilbert, 707 F.3d 1057, 2013 U.S. App. LEXIS 2715 (9th Cir. Ariz., 2013)

DISPOSITION: Judgment reversed and case remanded. 9-0 Decision; 3 concurrences.

CASE SUMMARY:

OVERVIEW: HOLDINGS: [1]-Provisions in a town's sign code, Gilbert, Ariz., Land Development Code, ch. 1, § 4.402 (2005), which imposed more stringent restrictions on signs directing the public to a meeting of a nonprofit group than it did on signs conveying other messages, were content-based regulations of speech because the restrictions in the sign code that applied to

any given sign depended entirely on the communicative content of the sign; [2]-The provisions could not survive *First Amendment* strict scrutiny because the town could not claim that placing strict limits on temporary directional signs was necessary to beautify the town while at the same time allowing unlimited numbers of other types of signs that created the same problem, and had not shown that limiting temporary directional signs was necessary to eliminate threats to traffic safety, but that limiting other types of signs was not.

OUTCOME: Judgment reversed and case remanded. 9-0 Decision; 3 concurrences.

LexisNexis(R) Headnotes

Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Speech > Scope of Freedom

[HN1] The *First Amendment*, applicable to the States through the *Fourteenth Amendment*, prohibits the enactment of laws abridging the freedom of speech. *U.S.*

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Const. amend. I. Under that Clause, a government, including a municipal government vested with state authority, has no power to restrict expression because of its message, its ideas, its subject matter, or its content. Content-based laws--those that target speech based on its communicative content--are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.

Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Speech > General Overview

[HN2] Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. This commonsense meaning of the phrase "content based" requires a court to consider whether a regulation of speech "on its face" draws distinctions based on the message a speaker conveys. Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose. Both are distinctions drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny. Supreme Court precedents have also recognized a separate and additional category of laws that, though facially content neutral, will be considered content-based regulations of speech: laws that cannot be justified without reference to the content of the regulated speech, or that were adopted by the government because of disagreement with the message the speech conveys. Those laws, like those that are content based on their face, must also satisfy strict scrutiny.

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[HN3] A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of animus toward the ideas contained in the regulated speech. Illicit legislative intent is not the sine qua non of a violation of the *First Amendment*, and a party opposing the government need adduce no evidence of an improper censorial motive. Although a content-based purpose may be sufficient in certain circumstances to show that a regulation is content based, it is not necessary. In other words, an innocuous justification cannot transform a facially content-based law into one that is content neutral.

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[HN4] Because strict scrutiny applies either when a law is content based on its face or when the purpose and justification for the law are content based, a court must evaluate each question before it concludes that the law is content neutral and thus subject to a lower level of scrutiny.

Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Speech > General Overview

[HN5] Innocent motives do not eliminate the danger of censorship presented by a facially content-based statute, as future government officials may one day wield such statutes to suppress disfavored speech. That is why the *First Amendment* expressly targets the operation of the laws--i.e., the abridgement of speech--rather than merely the motives of those who enacted them. *U.S. Const. amend. I.* The vice of content-based legislation is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes.

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[HN6] Government discrimination among viewpoints--or the regulation of speech based on the specific motivating ideology or the opinion or perspective of the speaker--is a more blatant and egregious form of content discrimination. But it is well established that the *First Amendment's* hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic. Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter.

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[HN7] The fact that a distinction is speaker based does not automatically render the distinction content neutral. Because speech restrictions based on the identity of the speaker are all too often simply a means to control content, the Supreme Court has insisted that laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference. Thus, a law limiting the content of newspapers, but only newspapers, could not evade strict

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scrutiny simply because it could be characterized as speaker based. Likewise, a content-based law that restricted the political speech of all corporations would not become content neutral just because it singled out corporations as a class of speakers. Characterizing a distinction as speaker based is only the beginning--not the end--of the inquiry.

Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Speech > General Overview

[HN8] A speech regulation is content based if the law applies to particular speech because of the topic discussed or the idea or message expressed. A regulation that targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea.

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[HN9] A clear and firm rule governing content neutrality is an essential means of protecting the freedom of speech, even if laws that might seem entirely reasonable will sometimes be struck down because of their content-based nature.

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[HN10] Where a law imposes content-based restrictions on speech, those provisions can stand only if they survive strict scrutiny, which requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest.

Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Speech > General Overview

[HN11] A law cannot be regarded as protecting an interest of the highest order, and thus as justifying a restriction on truthful speech, when it leaves appreciable damage to that supposedly vital interest unprohibited.

Constitutional Law > Bill of Rights > Fundamental Freedoms > Freedom of Speech > General Overview

[HN12] Not all distinctions are subject to strict scrutiny, only content-based ones are. Laws that are content neutral are instead subject to lesser scrutiny.

DECISION:

[236]** Town's outdoor-signs code provisions treating ideological signs, political signs, and signs directing public to church or other "qualifying event" differently from each other held to be content-based regulations that violated *First Amendment*.

SUMMARY:

Overview: HOLDINGS: [1]-Provisions in a town's sign code, Gilbert, Ariz., Land Development Code, ch. 1, § 4.402 (2005), which imposed more stringent restrictions on signs directing the public to a meeting of a nonprofit group than it did on signs conveying other messages, were content-based regulations of speech because the restrictions in the sign code that applied to any given sign depended entirely on the communicative content of the sign; [2]-The provisions could not survive *First Amendment* strict scrutiny because the town could not claim that placing strict limits on temporary directional signs was necessary to beautify the town while at the same time allowing unlimited numbers of other types of signs that created the same problem, and had not shown that limiting temporary directional signs was necessary to eliminate threats to traffic safety, but that limiting other types of signs was not.

Outcome: Judgment reversed and case remanded. 9-0 Decision; 3 concurrences.

LAWYERS' EDITION HEADNOTES:

[237]**

CONSTITUTIONAL LAW §36.3
CONSTITUTIONAL LAW §930 CONSTITUTIONAL
LAW §935

SPEECH -- STATE RESTRICTION -- CONTENT

Headnote:[1]

The *First Amendment*, applicable to the states through the *Fourteenth Amendment*, prohibits the enactment of laws abridging the freedom of speech. *U.S. Const. Amend. I*. Under that clause, a government, including a municipal government vested with state authority, has no power to restrict expression because of its message, its ideas, its subject matter, or its content. Content-based laws--those that target speech based on its communicative content--are presumptively unconstitutional and may be justified only if the

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government proves that they are narrowly tailored to serve compelling state interests. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936

SPEECH -- CONTENT-BASED REGULATION -- SCRUTINY

Headnote:[2]

Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. This commonsense meaning of the phrase "content based" requires a court to consider whether a regulation of speech "on its face" draws distinctions based on the message a speaker conveys. Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose. Both are distinctions drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny. Supreme Court precedents have also recognized a separate and additional category of laws that, though facially content neutral, will be considered content-based regulations of speech: laws that cannot be justified without reference to the content of the regulated speech, or that were adopted by the government because of disagreement with the message the speech conveys. Those laws, like those that are content based on their face, must also satisfy strict scrutiny. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936

SPEECH REGULATION -- CONTENT BASIS -- SCRUTINY

Headnote:[3]

A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of animus toward the ideas contained in the regulated speech. Illicit legislative intent is not the sine qua non of a violation of the *First Amendment*, and a party opposing the government need adduce no evidence of an improper

ensorial motive. Although a content-based purpose may be sufficient in certain circumstances to show that a regulation is content based, it is not necessary. In other words, an innocuous justification cannot transform a facially content-based law into one that is content neutral. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936

SPEECH REGULATION -- CONTENT BASIS -- SCRUTINY

Headnote:[4]

Because strict scrutiny applies either when a law is content based on its face or when the purpose and justification for the law are content based, a court must evaluate each question before it concludes that the law is content neutral and thus subject to a lower level of scrutiny. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

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CONSTITUTIONAL LAW §936

SPEECH REGULATION -- MOTIVES -- CONTENT BASIS

Headnote:[5]

Innocent motives do not eliminate the danger of censorship presented by a facially content-based statute, as future government officials may one day wield such statutes to suppress disfavored speech. That is why the *First Amendment* expressly targets the operation of the laws--i.e., the abridgement of speech--rather than merely the motives of those who enacted them. *U.S. Const. Amend. I*. The vice of content-based legislation is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936

SPEECH REGULATION -- CONTENT BASIS -- VIEWPOINT -- TOPIC

Headnote:[6]

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Government discrimination among viewpoints--or the regulation of speech based on the specific motivating ideology or the opinion or perspective of the speaker--is a more blatant and egregious form of content discrimination. But it is well established that the *First Amendment's* hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic. Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936
CONSTITUTIONAL LAW §951 CONSTITUTIONAL
LAW §971

SPEAKER -- CONTENT NEUTRALITY --
CORPORATE POLITICAL SPEECH -- NEWSPAPERS

Headnote:[7]

The fact that a distinction is speaker based does not automatically render the distinction content neutral. Because speech restrictions based on the identity of the speaker are all too often simply a means to control content, the Supreme Court has insisted that laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference. Thus, a law limiting the content of newspapers, but only newspapers, could not evade strict scrutiny simply because it could be characterized as speaker based. Likewise, a content-based law that restricted the political speech of all corporations would not become content neutral just because it singled out corporations as a class of speakers. Characterizing a distinction as speaker based is only the beginning--not the end--of the inquiry. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936

SPEECH REGULATION -- CONTENT BASIS

Headnote:[8]

A speech regulation is content based if the law applies to particular speech because of the topic discussed or the idea or message expressed. A regulation that

targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936

SPEECH REGULATION -- CONTENT BASIS

Headnote:[9]

A clear and firm rule governing content neutrality is an essential means of protecting the freedom of speech, even if laws that might seem entirely reasonable will sometimes be struck down because of their content-based nature. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

[**239]

CONSTITUTIONAL LAW §935

SPEECH RESTRICTIONS -- CONTENT BASIS --
SCRUTINY

Headnote:[10]

Where a law imposes content-based restrictions on speech, those provisions can stand only if they survive strict scrutiny, which requires the government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §930

SPEECH RESTRICTION -- DAMAGE

Headnote:[11]

A law cannot be regarded as protecting an interest of the highest order, and thus as justifying a restriction on truthful speech, when it leaves appreciable damage to that supposedly vital interest unprohibited. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

CONSTITUTIONAL LAW §936

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SPEECH --CONTENT-BASED DISTINCTIONS -- SCRUTINY

Headnote:[12]

Not all distinctions are subject to strict scrutiny, only content-based ones are. Laws that are content neutral are instead subject to lesser scrutiny. (Thomas, J., joined by Roberts, Ch. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ.)

SYLLABUS

[*2221] [**240] Gilbert, Arizona (Town), has a comprehensive code (Sign Code or Code) that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs, including three relevant here. "Ideological Signs," defined as signs "communicating a message or ideas" that do not fit in any other Sign Code category, may be up to 20 square feet and have no placement or time restrictions. "Political Signs," defined as signs "designed to influence the outcome of an election," may be up to 32 square feet and may only be displayed during an election season. "Temporary Directional Signs," defined as signs directing the public to a church or other "qualifying event," have even greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the "qualifying event" and 1 hour after.

Petitioners, Good News Community Church (Church) and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town, posted signs early each Saturday bearing the Church [***2] name and the time and location of the next service and did not remove the signs until around [*2222] midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the Code abridged their freedom of speech. The District Court denied their motion for a preliminary injunction, and the Ninth Circuit affirmed, ultimately concluding that the Code's sign categories were content neutral, and that the Code satisfied the intermediate scrutiny accorded to content-neutral regulations of speech.

Held: The Sign Code's provisions are content-based

regulations of speech that do not survive strict scrutiny. *Pp.* ____ - ____, 192 L. Ed. 2d, at 245-251.

(a) Because content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *E.g.*, *R. A. V. v. St. Paul*, 505 U. S. 377, 395, 112 S. Ct. 2538, 120 L. Ed. 2d 305. Speech regulation is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. ____, ____-____, 131 S. Ct. 2653, 2663-2664, 180 L. Ed. 2d 544, 555-556. And courts are required [***3] to consider whether a regulation of speech "on its face" draws distinctions based on the message a speaker conveys. *Id.*, at ____, 131 S. Ct. 2653, 180 L. Ed. 2d 544. Whether laws define regulated speech by particular subject matter or by its function or purpose, they are subject to strict scrutiny. The same is true for laws that, though facially content neutral, cannot be " 'justified without reference to the content of the regulated speech,' " or were adopted by the government "because of disagreement with the message" conveyed. *Ward v. Rock Against Racism*, 491 U. S. 781, 791, 109 S. Ct. 2746, 105 L. Ed. 2d 661. *Pp.* ____ - ____, 192 L. Ed. 2d, at 245.

(b) The Sign Code is content based on its face. It defines the categories of temporary, political, and ideological signs on the basis of their messages [**241] and then subjects each category to different restrictions. The restrictions applied thus depend entirely on the sign's communicative content. Because the Code, on its face, is a content-based regulation of speech, there is no need to consider the government's justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny. *P.* ____, 192 L. Ed. 2d, at 245.

(c) None of the Ninth Circuit's theories for its contrary holding is persuasive. Its conclusion that the Town's regulation was not based on a disagreement with the message conveyed skips [***4] the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of "animus toward the ideas contained" in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429, 113 S. Ct. 1505, 123 L. Ed. 2d 99. Thus, an innocuous justification

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cannot transform a facially content-based law into one that is content neutral. A court must evaluate each question--whether a law is content based on its face and whether the purpose and justification for the law are content based--before concluding that a law is content neutral. *Ward* does not require otherwise, for its framework applies only to a content-neutral statute.

The Ninth Circuit's conclusion that the Sign Code does not single out any idea or viewpoint for discrimination conflates two distinct but related limitations that the *First Amendment* places on government [*2223] regulation of speech. Government discrimination among viewpoints is a "more blatant" and "egregious form of content discrimination," *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829, 115 S. Ct. 2510, 132 L. Ed. 2d 700, but "[t]he *First Amendments* hostility to content-based regulation [also] extends . . . to prohibition of public discussion of an entire topic," [***5] *Consolidated Edison Co. of N. Y. v. Public Service Comm'n*, 447 U. S. 530, 537, 100 S. Ct. 2326, 65 L. Ed. 2d 319. The Sign Code, a paradigmatic example of content-based discrimination, singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter.

The Ninth Circuit also erred in concluding that the Sign Code was not content based because it made only speaker-based and event-based distinctions. The Code's categories are not speaker-based--the restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. And even if the sign categories were speaker based, that would not automatically render the law content neutral. Rather, "laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference." *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 658, 114 S. Ct. 2445, 129 L. Ed. 2d 497. This same analysis applies to event-based distinctions. *Pp.* ____ - ____, 192 L. Ed. 2d, at 246-250.

(d) The Sign Code's content-based restrictions do not survive strict scrutiny because the Town has not demonstrated that the Code's differentiation between temporary directional signs and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end. [*242] See [***6] *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 564 U. S. ____, ____, 131 S. Ct. 2806, 180 L. Ed. 2d 664. Assuming that the Town has a compelling

interest in preserving its aesthetic appeal and traffic safety, the Code's distinctions are highly underinclusive. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem. See *Discovery Network, supra*, at 425, 113 S. Ct. 1505, 123 L. Ed. 2d 99 507 U.S. 410, 113 S. Ct. 1505, 123 L. Ed. 2d 99. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs. *Pp.* ____ - ____, 192 L. Ed. 2d, at 250-251.

(e) This decision will not prevent governments from enacting effective sign laws. The Town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. See *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 817, 104 S. Ct. 2118, 80 L. Ed. 2d 772. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers-- e.g., warning signs marking hazards on private property or signs directing traffic--might also survive strict scrutiny. *Pp.* ____ - ____, 192 L. Ed. 2d, at 251.

707 F. 3d 1057, reversed and remanded.

COUNSEL: David A. Cortman argued the cause for petitioners.

Eric J. Feigin argued the cause for the United States, as amicus curiae, by special leave of court.

Philip W. Savrin argued the cause for respondents.

JUDGES: Thomas, J., delivered the [***7] opinion of the Court, in which Roberts, C. J., and Scalia, Kennedy, Alito, and Sotomayor, JJ., joined. Alito, J., filed a concurring opinion, in which Kennedy and Sotomayor, JJ., joined. Breyer, J., filed an opinion concurring in the judgment. Kagan, J., filed an opinion concurring in the judgment, in which Ginsburg and Breyer, JJ., joined

OPINION BY: Thomas

OPINION

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[*2224] Justice **Thomas** delivered the opinion of the Court.

The town of Gilbert, Arizona (or Town), has adopted a comprehensive code governing the manner in which people may display outdoor signs. Gilbert, Ariz., Land Development Code (Sign Code or Code), ch. 1, §4.402 (2005).¹ The Sign Code identifies various categories of signs based on the type of information they convey, then subjects each category to different restrictions. One of the categories is "Temporary Directional Signs Relating to a Qualifying Event," loosely defined as signs directing the public to a meeting of a nonprofit group. §4.402(P). The Code imposes more stringent restrictions on these signs than it does on signs conveying other messages. We hold that these provisions are content-based regulations of speech that cannot survive strict scrutiny.

1 The Town's Sign Code is available online at <http://www.gilbertaz.gov/departments/development-service/planning-development/land-development-code> [***8] (as visited June 16, 2015, and available in Clerk of Court's case file).

I

A

The Sign Code prohibits the display of outdoor signs anywhere within the Town without a permit, but it then [*2243] exempts 23 categories of signs from that requirement. These exemptions include everything from bazaar signs to flying banners. Three categories of exempt signs are particularly relevant here.

The first is "Ideological Sign[s]." This category includes any "sign communicating a message or ideas for noncommercial purposes that is not a Construction Sign, Directional Sign, Temporary Directional Sign Relating to a Qualifying Event, Political Sign, Garage Sale Sign, or a sign owned or required by a governmental agency." Sign Code, Glossary of General Terms (Glossary), p. 23 (emphasis deleted). Of the three categories discussed here, the Code treats ideological signs most favorably, allowing them to be up to 20 square feet in area and to be placed in all "zoning districts" without time limits. §4.402(J).

The second category is "Political Sign[s]." This includes any "temporary sign designed to influence the outcome of an election called by a public body." Glossary

23.² The Code treats these signs less favorably than ideological signs. [***9] The Code allows the placement of political signs up to 16 square feet on residential property and up to 32 square feet on nonresidential property, undeveloped municipal property, and "rights-of-way." [*2225] §4.402(I).³ These signs may be displayed up to 60 days before a primary election and up to 15 days following a general election. *Ibid.*

2 A "Temporary Sign" is a "sign not permanently attached to the ground, a wall or a building, and not designed or intended for permanent display." Glossary 25.

3 The Code defines "Right-of-Way" as a "strip of publicly owned land occupied by or planned for a street, utilities, landscaping, sidewalks, trails, and similar facilities." *Id.*, at 18.

The third category is "Temporary Directional Signs Relating to a Qualifying Event." This includes any "Temporary Sign intended to direct pedestrians, motorists, and other passersby to a 'qualifying event.'" Glossary 25 (emphasis deleted). A "qualifying event" is defined as any "assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar non-profit organization." *Ibid.* The Code treats temporary directional signs even less favorably than political signs. [***10]⁴ Temporary directional signs may be no larger than six square feet. §4.402(P). They may be placed on private property or on a public right-of-way, but no more than four signs may be placed on a single property at any time. *Ibid.* And, they may be displayed no more than 12 hours before the "qualifying event" and no more than 1 hour afterward. *Ibid.*

4 The Sign Code has been amended twice during the pendency of this case. When litigation began in 2007, the Code defined the signs at issue as "Religious Assembly Temporary Direction Signs." App. 75. The Code entirely prohibited placement of those signs in the public right-of-way, and it forbade posting them in any location for more than two hours before the religious assembly or more than one hour afterward. *Id.*, at 75-76. In 2008, the Town redefined the category as "Temporary Directional Signs Related to a Qualifying Event," and it expanded the time limit to 12 hours before and 1 hour after the "qualifying event." *Ibid.* In 2011,

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the Town amended the Code to authorize placement of temporary directional signs in the public right-of-way. *Id.*, at 89.

B

Petitioners Good News Community Church (Church) and its pastor, Clyde Reed, wish to advertise the time and location of their Sunday [***11] church services. The Church is a small, cash-strapped entity that owns no building, so it holds its services at [**244] elementary schools or other locations in or near the Town. In order to inform the public about its services, which are held in a variety of different locations, the Church began placing 15 to 20 temporary signs around the Town, frequently in the public right-of-way abutting the street. The signs typically displayed the Church's name, along with the time and location of the upcoming service. Church members would post the signs early in the day on Saturday and then remove them around midday on Sunday. The display of these signs requires little money and manpower, and thus has proved to be an economical and effective way for the Church to let the community know where its services are being held each week.

This practice caught the attention of the Town's Sign Code compliance manager, who twice cited the Church for violating the Code. The first citation noted that the Church exceeded the time limits for displaying its temporary directional signs. The second citation referred to the same problem, along with the Church's failure to include the date of the event on the signs. Town [***12] officials even confiscated one of the Church's signs, which Reed had to retrieve from the municipal offices.

Reed contacted the Sign Code Compliance Department in an attempt to reach an accommodation. His efforts proved unsuccessful. The Town's Code compliance manager informed the Church that there [**2226] would be "no leniency under the Code" and promised to punish any future violations.

Shortly thereafter, petitioners filed a complaint in the United States District Court for the District of Arizona, arguing that the Sign Code abridged their freedom of speech in violation of the *First* and *Fourteenth Amendments*. The District Court denied the petitioners' motion for a preliminary injunction. The Court of Appeals for the Ninth Circuit affirmed, holding that the Sign Code's provision regulating temporary directional signs did not regulate speech on the basis of content. 587

F. 3d 966, 979 (2009). It reasoned that, even though an enforcement officer would have to read the sign to determine what provisions of the Sign Code applied to it, the "kind of cursory examination" that would be necessary for an officer to classify it as a temporary directional sign was "not akin to an officer synthesizing the expressive content of the sign." *Id.*, at 978. It then [***13] remanded for the District Court to determine in the first instance whether the Sign Code's distinctions among temporary directional signs, political signs, and ideological signs nevertheless constituted a content-based regulation of speech.

On remand, the District Court granted summary judgment in favor of the Town. The Court of Appeals again affirmed, holding that the Code's sign categories were content neutral. The court concluded that "the distinctions between Temporary Directional Signs, Ideological Signs, and Political Signs . . . are based on objective factors relevant to Gilbert's creation of the specific exemption from the permit requirement and do not otherwise consider the substance of the sign." 707 *F. 3d 1057, 1069 (CA9 2013)*. Relying on this Court's decision in *Hill v. Colorado*, 530 U. S. 703, 120 S. Ct. 2480, 147 L. Ed. 2d 597 (2000), the Court of Appeals concluded that the Sign Code is content neutral. 707 *F. 3d, at 1071-1072*. As the court explained, "Gilbert did not adopt its regulation of speech because [**245] it disagreed with the message conveyed" and its "interests in regulat[ing] temporary signs are unrelated to the content of the sign." *Ibid*. Accordingly, the court believed that the Code was "content-neutral as that term [has been] defined by the Supreme Court." *Id.*, at 1071. In light of that determination, it applied [***14] a lower level of scrutiny to the Sign Code and concluded that the law did not violate the *First Amendment*. *Id.*, at 1073-1076.

We granted certiorari, 573 U. S. ___, 134 S. Ct. 2900, 189 L. Ed. 2d 854 (2014), and now reverse.

II

A

[HN1] [**LEdHR1] [1] The *First Amendment*, applicable to the States through the *Fourteenth Amendment*, prohibits the enactment of laws "abridging the freedom of speech." *U. S. Const., Amdt. 1*. Under that Clause, a government, including a municipal government vested with state authority, "has no power to restrict expression because of its message, its ideas, its subject

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matter, or its content." *Police Dep't of Chicago v. Mosley*, 408 U. S. 92, 95, 92 S. Ct. 2286, 33 L. Ed. 2d 212 (1972). Content-based laws--those that target speech based on its communicative content--are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *R. A. V. v. St. Paul*, 505 U. S. 377, 395, 112 S. Ct. 2538, 120 L. Ed. 2d 305 (1992); *Simon & Schuster, Inc. v. Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 115, 118, 112 S. Ct. 501, 116 L. Ed. 2d 476 (1991).

[*2227] [HN2] [****LEdHR2**] [2] Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. ___, ___, 131 S. Ct. 2653, 2663-2664, 180 L. Ed. 2d 544 555-556 (2011) ; *Carey v. Brown*, 447 U. S. 455, 462, 100 S. Ct. 2286, 65 L. Ed. 2d 263 (1980); *Mosley, supra*, at 95, 92 S. Ct. 2286, 33 L. Ed. 2d 212. This commonsense meaning of the phrase "content based" requires a court to consider whether a regulation of speech "on its face" draws distinctions based on the message a speaker conveys. *Sorrell, supra*, at ___, 131 S. Ct. 2653, 2663, 180 L. Ed. 2d 544 555. Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, [*****15**] defining regulated speech by its function or purpose. Both are distinctions drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny.

Our precedents have also recognized a separate and additional category of laws that, though facially content neutral, will be considered content-based regulations of speech: laws that cannot be "justified without reference to the content of the regulated speech," or that were adopted by the government "because of disagreement with the message [the speech] conveys," *Ward v. Rock Against Racism*, 491 U. S. 781, 791, 109 S. Ct. 2746, 105 L. Ed. 2d 661 (1989). Those laws, like those that are content based on their face, must also satisfy strict scrutiny.

B

The Town's Sign Code is content based on its face. It defines "Temporary Directional Signs" on the basis of whether a sign conveys the message of directing the public to church or some other "qualifying event." Glossary [****246**] 25. It defines "Political Signs" on the

basis of whether a sign's message is "designed to influence the outcome of an election." *Id.*, at 24. And it defines "Ideological Signs" on the basis of whether a sign "communicat[es] a message or ideas" that do not fit within the Code's other categories. *Id.*, at 23. It then subjects each of these categories to different restrictions.

The [*****16**] restrictions in the Sign Code that apply to any given sign thus depend entirely on the communicative content of the sign. If a sign informs its reader of the time and place a book club will discuss John Locke's *Two Treatises of Government*, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke's followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke's theory of government. More to the point, the Church's signs inviting people to attend its worship services are treated differently from signs conveying other types of ideas. On its face, the Sign Code is a content-based regulation of speech. We thus have no need to consider the government's justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny.

C

In reaching the contrary conclusion, the Court of Appeals offered several theories to explain why the Town's Sign Code should be deemed content neutral. None is persuasive.

1

The Court of Appeals first determined that the Sign Code was content neutral because the Town "did not adopt its regulation of speech [based on] [*****17**] disagree[ment] with the message conveyed," and its justifications for regulating temporary directional signs were "unrelated to the content of the sign." 707 F. 3d, at 1071-1072. [****2228**] In its brief to this Court, the United States similarly contends that a sign regulation is content neutral--even if it expressly draws distinctions based on the sign's communicative content--if those distinctions can be "justified without reference to the content of the regulated speech." Brief for United States as *Amicus Curiae* 20, 24 (quoting *Ward, supra*, at 791, 109 S. Ct. 2746, 105 L. Ed. 2d 661; emphasis deleted).

But this analysis skips the crucial first step in the content-neutrality analysis: determining whether the law

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is content neutral on its face. [HN3] [**LEdHR3] [3] A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of "animus toward the ideas contained" in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429, 113 S. Ct. 1505, 123 L. Ed. 2d 99 (1993). We have thus made clear that "[i]llicit legislative intent is not the *sine qua non* of a violation of the *First Amendment*," and a party opposing the government "need adduce 'no evidence of an improper censorial motive.'" *Simon & Schuster, supra*, at 117, 112 S. Ct. 501, 116 L. Ed. 2d 476. Although "a content-based purpose may be sufficient in certain circumstances to show that a regulation [***18] is content based, it is not necessary." *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 642, 114 S. Ct. 2445, 129 L. Ed. 2d 497 (1994). In other words, an innocuous justification [**247] cannot transform a facially content-based law into one that is content neutral.

That is why we have repeatedly considered whether a law is content neutral on its face *before* turning to the law's justification or purpose. See, e.g., *Sorrell, supra*, at _____. 131 S. Ct. 2653, 2663-2664, 180 L. Ed. 2d 544 555-556 (statute was content based "on its face," and there was also evidence of an impermissible legislative motive); *United States v. Eichman*, 496 U. S. 310, 315, 110 S. Ct. 2404, 110 L. Ed. 2d 287 (1990) ("Although the [statute] contains no explicit content-based limitation on the scope of prohibited conduct, it is nevertheless clear that the Government's asserted *interest* is related to the suppression of free expression" (internal quotation marks omitted)); *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 804, 104 S. Ct. 2118, 80 L. Ed. 2d 772 (1984) ("The text of the ordinance is neutral," and "there is not even a hint of bias or censorship in the City's enactment or enforcement of this ordinance"); *Clark v. Community for Creative Non-Violence*, 468 U. S. 288, 293, 104 S. Ct. 3065, 82 L. Ed. 2d 221 (1984) (requiring that a facially content-neutral ban on camping must be "justified without reference to the content of the regulated speech"); *United States v. O'Brien*, 391 U. S. 367, 375, 377, 88 S. Ct. 1973, 20 L. Ed. 2d 672 (1968) (noting that the statute "on its face deals with conduct having no connection with speech," but examining whether the "the governmental interest is unrelated to the suppression of free expression"). [***19] [HN4] [**LEdHR4] [4] Because strict scrutiny applies either when a law is content based on its face or when the purpose and

justification for the law are content based, a court must evaluate each question before it concludes that the law is content neutral and thus subject to a lower level of scrutiny.

The Court of Appeals and the United States misunderstand our decision in *Ward* as suggesting that a government's purpose is relevant even when a law is content based on its face. That is incorrect. *Ward* had nothing to say about facially content-based restrictions because it involved a facially content-neutral ban on the use, in a city-owned music venue, of sound amplification systems not provided by the city. 491 U. S., at 787, 109 S. Ct. 2746, 105 L. Ed. 2d 661, and n. 2. In that context, we looked to [**2229] governmental motive, including whether the government had regulated speech "because of disagreement" with its message, and whether the regulation was "justified without reference to the content of the speech." *Id.*, at 791, 109 S. Ct. 2746, 105 L. Ed. 2d 661. But *Ward's* framework "applies only if a statute is content neutral." *Hill*, 530 U. S., at 766, 120 S. Ct. 2480, 147 L. Ed. 2d 597 (Kennedy, J., dissenting). Its rules thus operate "to protect speech," not "to restrict it." *Id.*, at 765, 120 S. Ct. 2480, 147 L. Ed. 2d 597.

The *First Amendment* requires no less. [HN5] [**LEdHR5] [5] Innocent motives do not eliminate the danger of censorship [***20] presented by a facially content-based statute, as future government officials may one day wield such statutes to suppress disfavored speech. That is why the *First Amendment* expressly targets the operation of the laws--i.e., the "abridg[ement] of speech"--rather than merely the motives of those who enacted them. *U. S. Const., Amdt. 1*. "The vice of content-based legislation . . . is not that it is always used for invidious, thought-control purposes, [**248] but that it lends itself to use for those purposes." *Hill, supra*, at 743, 120 S. Ct. 2480, 147 L. Ed. 2d 597 (Scalia, J., dissenting).

For instance, in *NAACP v. Button*, 371 U. S. 415, 83 S. Ct. 328, 9 L. Ed. 2d 405 (1963), the Court encountered a State's attempt to use a statute prohibiting "'improper solicitation'" by attorneys to outlaw litigation-related speech of the National Association for the Advancement of Colored People. *Id.*, at 438, 83 S. Ct. 328, 9 L. Ed. 2d 405. Although *Button* predated our more recent formulations of strict scrutiny, the Court rightly rejected the State's claim that its interest in the "regulation of professional conduct" rendered the statute consistent with

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the *First Amendment*, observing that "it is no answer . . . to say . . . that the purpose of these regulations was merely to insure high professional standards and not to curtail free expression." *Id.*, at 438-439, 83 S. Ct. 328, 9 L. Ed. 2d 405. Likewise, one could easily imagine a Sign Code compliance manager who [***21] disliked the Church's substantive teachings deploying the Sign Code to make it more difficult for the Church to inform the public of the location of its services. Accordingly, we have repeatedly "rejected the argument that 'discriminatory . . . treatment is suspect under the *First Amendment* only when the legislature intends to suppress certain ideas.'" *Discovery Network*, 507 U. S., at 429, 113 S. Ct. 1505, 123 L. Ed. 2d 99. We do so again today.

2

The Court of Appeals next reasoned that the Sign Code was content neutral because it "does not mention any idea or viewpoint, let alone single one out for differential treatment." 587 F. 3d, at 977. It reasoned that, for the purpose of the Code provisions, "[i]t makes no difference which candidate is supported, who sponsors the event, or what ideological perspective is asserted." 707 F. 3d, at 1069.

The Town seizes on this reasoning, insisting that "content based" is a term of art that "should be applied flexibly" with the goal of protecting "viewpoints and ideas from government censorship or favoritism." Brief for Respondents 22. In the Town's view, a sign regulation that "does not censor or favor particular viewpoints or ideas" cannot be content based. *Ibid.* The Sign Code allegedly passes this test because its treatment of temporary directional signs does not raise [***22] any concerns that the government is "endorsing or suppressing 'ideas or viewpoints,'" *id.*, at 27, and the provisions for political signs and ideological signs "are neutral as to particular ideas or viewpoints" within those categories. *Id.*, at 37.

This analysis conflates two distinct but related limitations that the *First Amendment* [*2230] places on government regulation of speech. [HN6] [**LEdHR6] [6] Government discrimination among viewpoints--or the regulation of speech based on "the specific motivating ideology or the opinion or perspective of the speaker"--is a "more blatant" and "egregious form of content discrimination." *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829, 115 S. Ct. 2510, 132 L. Ed. 2d 700 (1995). But it is well established that "[t]he

First Amendment's hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic." *Consolidated Edison Co. v. Public Service Comm'n*, 447 U.S. 530, 537, 100 S. Ct. 2326, 65 L. Ed. 2d 319 (1980).

[**249] Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter. *Ibid.* For example, a law banning the use of sound trucks for political speech--and only political speech--would be a content-based regulation, even if it imposed no limits on the political viewpoints that could be expressed. [***23] See *Discovery Network*, *supra*, at 428, 113 S. Ct. 1505, 123 L. Ed. 2d 99. The Town's Sign Code likewise singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter. Ideological messages are given more favorable treatment than messages concerning a political candidate, which are themselves given more favorable treatment than messages announcing an assembly of like-minded individuals. That is a paradigmatic example of content-based discrimination.

3

Finally, the Court of Appeals characterized the Sign Code's distinctions as turning on "'the content-neutral elements of who is speaking through the sign and whether and when an event is occurring.'" 707 F. 3d, at 1069. That analysis is mistaken on both factual and legal grounds.

To start, the Sign Code's distinctions are not speaker based. The restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. If a local business, for example, sought to put up signs advertising the Church's meetings, those signs would be subject to the same limitations as such signs placed by the Church. And if Reed had decided to display signs in support of a particular candidate, he could have made [***24] those signs far larger--and kept them up for far longer--than signs inviting people to attend his church services. If the Code's distinctions were truly speaker based, both types of signs would receive the same treatment.

In any case, [HN7] [**LEdHR7] [7] the fact that a distinction is speaker based does not, as the Court of

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Appeals seemed to believe, automatically render the distinction content neutral. Because "[s]peech restrictions based on the identity of the speaker are all too often simply a means to control content," *Citizens United v. Federal Election Comm'n*, 558 U. S. 310, 340, 130 S. Ct. 876, 175 L. Ed. 2d 753 (2010), we have insisted that "laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference," *Turner*, 512 U. S., at 658, 114 S. Ct. 2445, 129 L. Ed. 2d 497. Thus, a law limiting the content of newspapers, but only newspapers, could not evade strict scrutiny simply because it could be characterized as speaker based. Likewise, a content-based law that restricted the political speech of all corporations would not become content neutral just because it singled out corporations as a class of speakers. See *Citizens United*, *supra*, at 340-341, 130 S. Ct. 876, 175 L. Ed. 2d 753. Characterizing a distinction [*2231] as speaker based is only the beginning--not the end--of the inquiry.

Nor do the Sign Code's distinctions hinge on "whether [***25] and when an event is occurring." The Code does not permit citizens to post signs on any topic whatsoever within a set period leading up to an election, for example. Instead, come election time, it requires Town officials to determine whether a sign is "designed to influence the outcome of an election" (and [***250] thus "political") or merely "communicating a message or ideas for noncommercial purposes" (and thus "ideological"). Glossary 24. That obvious content-based inquiry does not evade strict scrutiny review simply because an event (*i.e.*, an election) is involved.

And, just as with speaker-based laws, the fact that a distinction is event based does not render it content neutral. The Court of Appeals cited no precedent from this Court supporting its novel theory of an exception from the content-neutrality requirement for event-based laws. As we have explained, [HN8] [**LEdHR8] [8] a speech regulation is content based if the law applies to particular speech because of the topic discussed or the idea or message expressed. *Supra*, at ___, 192 L. Ed. 2d, at 245. A regulation that targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea. Here, the [***26] Code singles out signs bearing a particular message: the time and location of a specific event. This type of ordinance may seem like a perfectly rational way to regulate signs, but [HN9] [**LEdHR9] [9] a clear and firm rule governing content

neutrality is an essential means of protecting the freedom of speech, even if laws that might seem "entirely reasonable" will sometimes be "struck down because of their content-based nature." *City of Ladue v. Gilleo*, 512 U. S. 43, 60, 114 S. Ct. 2038, 129 L. Ed. 2d 36 (1994) (O'Connor, J., concurring).

III

[HN10] [**LEdHR10] [10] Because the Town's Sign Code imposes content-based restrictions on speech, those provisions can stand only if they survive strict scrutiny, "which requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest," *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 564 U. S. ___, ___, 131 S. Ct. 2806, 2817, 180 L. Ed. 2d 664, 675 (2011)) (quoting *Citizens United*, 558 U. S., at 340, 130 S. Ct. 876, 175 L. Ed. 2d 753). Thus, it is the Town's burden to demonstrate that the Code's differentiation between temporary directional signs and other types of signs, such as political signs and ideological signs, furthers a compelling governmental interest and is narrowly tailored to that end. See *ibid.*

The Town cannot do so. It has offered only two governmental interests in support of the distinctions the Sign Code draws: preserving the Town's aesthetic [***27] appeal and traffic safety. Assuming for the sake of argument that those are compelling governmental interests, the Code's distinctions fail as hopelessly underinclusive.

Starting with the preservation of aesthetics, temporary directional signs are "no greater an eyesore," *Discovery Network*, 507 U. S., at 425, 113 S. Ct. 1505, 123 L. Ed. 2d 99, than ideological or political ones. Yet the Code allows unlimited proliferation of larger ideological signs while strictly limiting the number, size, and duration of smaller directional ones. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town while at the same time allowing unlimited numbers of other types of signs that create the same problem.

[*2232] The Town similarly has not shown that limiting temporary directional signs is necessary to eliminate threats to traffic safety, but that limiting other types of signs is not. The Town has offered no reason to believe [***251] that directional signs pose a greater threat to safety than do ideological or political signs. If

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anything, a sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting.

In light of this underinclusiveness, the Town has not met its [***28] burden to prove that its Sign Code is narrowly tailored to further a compelling government interest. Because [HN11] [**LEdHR11] [11] a "law cannot be regarded as protecting an interest of the highest order, and thus as justifying a restriction on truthful speech, when it leaves appreciable damage to that supposedly vital interest unprohibited," *Republican Party of Minn. v. White*, 536 U. S. 765, 780, 122 S. Ct. 2528, 153 L. Ed. 2d 694 (2002), the Sign Code fails strict scrutiny.

IV

Our decision today will not prevent governments from enacting effective sign laws. The Town asserts that an "absolutist" content-neutrality rule would render "virtually all distinctions in sign laws . . . subject to strict scrutiny," Brief for Respondents 34-35, but that is not the case. [HN12] [**LEdHR12] [12] Not "all distinctions" are subject to strict scrutiny, only *content-based* ones are. Laws that are *content neutral* are instead subject to lesser scrutiny. See *Clark*, 468 U. S., at 295, 104 S. Ct. 3065, 82 L. Ed. 2d 221.

The Town has ample content-neutral options available to resolve problems with safety and aesthetics. For example, its current Code regulates many aspects of signs that have nothing to do with a sign's message: size, building materials, lighting, moving parts, and portability. See, e.g., §4.402(R). And on public property, the Town may go a long way toward entirely forbidding the posting of signs, [***29] so long as it does so in an evenhanded, content-neutral manner. See *Taxpayers for Vincent*, 466 U. S., at 817, 104 S. Ct. 2118, 80 L. Ed. 2d 772 (upholding content-neutral ban against posting signs on public property). Indeed, some lower courts have long held that similar content-based sign laws receive strict scrutiny, but there is no evidence that towns in those jurisdictions have suffered catastrophic effects. See, e.g., *Solantic, LLC v. Neptune Beach*, 410 F. 3d 1250, 1264-1269 (CA11 2005) (sign categories similar to the town of Gilbert's were content based and subject to strict scrutiny); *Matthews v. Needham*, 764 F. 2d 58, 59-60 (CA1 1985) (law banning political signs but not commercial signs was content based and subject to strict scrutiny).

We acknowledge that a city might reasonably view the general regulation of signs as necessary because signs "take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation." *City of Ladue*, 512 U. S., at 48, 114 S. Ct. 2038, 129 L. Ed. 2d 36. At the same time, the presence of certain signs may be essential, both for vehicles and pedestrians, to guide traffic or to identify hazards and ensure safety. A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers--such as warning signs marking hazards on private property, signs directing traffic, or street [***30] numbers associated with private houses--well might survive strict scrutiny. The signs at issue in this case, including political and ideological signs and signs for events, are far removed from those purposes. As [**252] discussed above, they are facially content based and are neither justified by traditional safety concerns nor narrowly tailored.

* * *

[*2233] We reverse the judgment of the Court of Appeals and remand the case for proceedings consistent with this opinion.

It is so ordered.

CONCUR BY: Alito; Breyer; Kagan

CONCUR

Justice **Alito**, with whom Justice Kennedy and Justice Sotomayor join, concurring.

I join the opinion of the Court but add a few words of further explanation.

As the Court holds, what we have termed "content-based" laws must satisfy strict scrutiny. Content-based laws merit this protection because they present, albeit sometimes in a subtler form, the same dangers as laws that regulate speech based on viewpoint. Limiting speech based on its "topic" or "subject" favors those who do not want to disturb the status quo. Such regulations may interfere with democratic self-government and the search for truth. See *Consolidated Edison Co. v. Public Service Comm'n*, 447 U.S. 530, 537, 100 S. Ct. 2326, 65 L. Ed. 2d 319 (1980).

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As the Court shows, the regulations [***31] at issue in this case are replete with content-based distinctions, and as a result they must satisfy strict scrutiny. This does not mean, however, that municipalities are powerless to enact and enforce reasonable sign regulations. I will not attempt to provide anything like a comprehensive list, but here are some rules that would not be content based:

Rules regulating the size of signs. These rules may distinguish among signs based on any content-neutral criteria, including any relevant criteria listed below.

Rules regulating the locations in which signs may be placed. These rules may distinguish between free-standing signs and those attached to buildings.

Rules distinguishing between lighted and unlighted signs.

Rules distinguishing between signs with fixed messages and electronic signs with messages that change.

Rules that distinguish between the placement of signs on private and public property.

Rules distinguishing between the placement of signs on commercial and residential property.

Rules distinguishing between on-premises and off-premises signs.

Rules restricting the total number of signs allowed per mile of roadway.

Rules imposing time restrictions on signs advertising a one-time event. [***32] [**253] Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed. *

* Of course, content-neutral restrictions on speech are not necessarily consistent with the *First Amendment*. Time, place, and manner restrictions "must be narrowly tailored to serve the government's legitimate, content-neutral interests." *Ward v. Rock Against Racism*, 491 U. S. 781, 798, 109 S. Ct. 2746, 105 L. Ed. 2d 661 (1989). But they need not meet the high standard imposed on viewpoint- and content-based restrictions.

In addition to regulating signs put up by private

actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. See *Pleasant Grove City v. Summum*, 555 U. S. 460, 467-469, 129 S. Ct. 1125, 172 L. Ed. 2d 853 (2009). They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

Properly understood, today's decision will not prevent cities from regulating signs in a way that fully protects public [*2234] safety and serves legitimate esthetic objectives.

Justice Breyer, concurring in the judgment.

I join Justice Kagan's separate opinion. Like Justice Kagan I believe that categories alone cannot satisfactorily resolve the legal problem before us. The *First Amendment* requires greater judicial sensitivity both [***33] to the Amendment's expressive objectives and to the public's legitimate need for regulation than a simple recitation of categories, such as "content discrimination" and "strict scrutiny," would permit. In my view, the category "content discrimination" is better considered in many contexts, including here, as a rule of thumb, rather than as an automatic "strict scrutiny" trigger, leading to almost certain legal condemnation.

To use content discrimination to trigger strict scrutiny sometimes makes perfect sense. There are cases in which the Court has found content discrimination an unconstitutional method for suppressing a viewpoint. *E.g.*, *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 828-829, 115 S. Ct. 2510, 132 L. Ed. 2d 700 (1995); see also *Boos v. Barry*, 485 U. S. 312, 318-319, 108 S. Ct. 1157, 99 L. Ed. 2d 333 (1988) (plurality opinion) (applying strict scrutiny where the line between subject matter and viewpoint was not obvious). And there are cases where the Court has found content discrimination to reveal that rules governing a traditional public forum are, in fact, not a neutral way of fairly managing the forum in the interest of all speakers. *Police Dep't of Chicago v. Mosley*, 408 U.S. 92, 96, 92 S. Ct. 2286, 33 L. Ed. 2d 212 (1972) ("Once a forum is opened up to assembly or speaking by some groups, government may not prohibit others from assembling or speaking on the basis of what they intend to say"). In these types of cases, strict [***34] scrutiny is often appropriate, and content discrimination has thus served a useful purpose.

But content discrimination, while helping courts to

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identify unconstitutional suppression of expression, cannot and should not *always* trigger strict scrutiny. To say that it is not an automatic "strict scrutiny" trigger is not to argue against that concept's use. I readily concede, for example, that content discrimination, as a conceptual tool, can sometimes reveal weaknesses in the government's rationale [**254] for a rule that limits speech. If, for example, a city looks to litter prevention as the rationale for a prohibition against placing newsracks dispensing free advertisements on public property, why does it exempt other newsracks causing similar litter? Cf. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 113 S. Ct. 1505, 123 L. Ed. 2d 99 (1993). I also concede that, whenever government disfavors one kind of speech, it places that speech at a disadvantage, potentially interfering with the free marketplace of ideas and with an individual's ability to express thoughts and ideas that can help that individual determine the kind of society in which he wishes to live, help shape that society, and help define his place within it.

Nonetheless, in these latter instances to use the presence [***35] of content discrimination automatically to trigger strict scrutiny and thereby call into play a strong presumption against constitutionality goes too far. That is because virtually all government activities involve speech, many of which involve the regulation of speech. Regulatory programs almost always require content discrimination. And to hold that such content discrimination triggers strict scrutiny is to write a recipe for judicial management of ordinary government regulatory activity.

Consider a few examples of speech regulated by government that inevitably involve [*2235] content discrimination, but where a strong presumption against constitutionality has no place. Consider governmental regulation of securities, *e.g.*, 15 U. S. C. §78l (requirements for content that must be included in a registration statement); of energy conservation labeling-practices, *e.g.*, 42 U. S. C. §6294 (requirements for content that must be included on labels of certain consumer electronics); of prescription drugs, *e.g.*, 21 U. S. C. §353(b)(4)(A) (requiring a prescription drug label to bear the symbol "Rx only"); of doctor-patient confidentiality, *e.g.*, 38 U. S. C. §7332 (requiring confidentiality of certain medical records, but allowing a physician to disclose that the patient has [***36] HIV to the patient's spouse or sexual partner); of income tax statements, *e.g.*, 26 U. S. C. §6039F (requiring taxpayers

to furnish information about foreign gifts received if the aggregate amount exceeds \$10,000); of commercial airplane briefings, *e.g.*, 14 CFR §136.7 (2015) (requiring pilots to ensure that each passenger has been briefed on flight procedures, such as seatbelt fastening); of signs at petting zoos, *e.g.*, *N. Y. Gen. Bus. Law Ann.* §399-ff(3) (West Cum. Supp. 2015) (requiring petting zoos to post a sign at every exit "strongly recommend[ing] that persons wash their hands upon exiting the petting zoo area"); and so on.

Nor can the majority avoid the application of strict scrutiny to all sorts of justifiable governmental regulations by relying on this Court's many subcategories and exceptions to the rule. The Court has said, for example, that we should apply less strict standards to "commercial speech." *Central Hudson Gas & Elec. Corp. v. Public Service Comm'n*, 447 U.S. 557, 562-563, 100 S. Ct. 2343, 65 L. Ed. 2d 341 (1980). But I have great concern that many justifiable instances of "content-based" regulation are noncommercial. And, worse than that, the Court has applied the heightened "strict scrutiny" standard even in cases where the less stringent "commercial speech" standard was [***37] appropriate. See *Sorrell v. IMS Health Inc.*, [**255] 564 U. S. ___, ___, 131 S. Ct. 2653, 2667, 180 L. Ed. 2d 544, 559 (2011) (Breyer, J., dissenting). The Court has also said that "government speech" escapes *First Amendment* strictures. See *Rust v. Sullivan*, 500 U. S. 173, 193-194, 111 S. Ct. 1759, 114 L. Ed. 2d 233 (1991). But regulated speech is typically private speech, not government speech. Further, the Court has said that, "[w]hen the basis for the content discrimination consists entirely of the very reason the entire class of speech at issue is proscribable, no significant danger of idea or viewpoint discrimination exists." *R. A. V. v. St. Paul*, 505 U. S. 377, 388, 112 S. Ct. 2538, 120 L. Ed. 2d 305 (1992). But this exception accounts for only a few of the instances in which content discrimination is readily justifiable.

I recognize that the Court could escape the problem by watering down the force of the presumption against constitutionality that "strict scrutiny" normally carries with it. But, in my view, doing so will weaken the *First Amendment's* protection in instances where "strict scrutiny" should apply in full force.

The better approach is to generally treat content discrimination as a strong reason weighing against the constitutionality of a rule where a traditional public

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forum, or where viewpoint discrimination, is threatened, but elsewhere treat it as a rule of thumb, finding it a helpful, but not determinative legal tool, in an appropriate case, to determine the strength [***38] of a justification. I would use content discrimination as a supplement to a more basic analysis, which, tracking most of our *First Amendment* cases, asks whether the regulation at issue works harm to *First Amendment* interests that is disproportionate in light of [*2236] the relevant regulatory objectives. Answering this question requires examining the seriousness of the harm to speech, the importance of the countervailing objectives, the extent to which the law will achieve those objectives, and whether there are other, less restrictive ways of doing so. See, e.g., *United States v. Alvarez*, 567 U.S. ___, ___-___, 132 S. Ct. 2537, 2541-2544, 183 L. Ed. 2d 574, 584-587 (2012) (Breyer, J., concurring in judgment); *Nixon v. Shrink Missouri Government PAC*, 528 U. S. 377, 400-403, 120 S. Ct. 897, 145 L. Ed. 2d 886 (2000) (Breyer, J., concurring). Admittedly, this approach does not have the simplicity of a mechanical use of categories. But it does permit the government to regulate speech in numerous instances where the voters have authorized the government to regulate and where courts should hesitate to substitute judicial judgment for that of administrators.

Here, regulation of signage along the roadside, for purposes of safety and beautification is at issue. There is no traditional public forum nor do I find any general effort to censor a particular viewpoint. Consequently, the specific regulation at issue does not warrant "strict scrutiny." [***39] Nonetheless, for the reasons that Justice Kagan sets forth, I believe that the Town of Gilbert's regulatory rules violate the *First Amendment*. I consequently concur in the Court's judgment only.

Justice Kagan, with whom Justice Ginsburg and Justice Breyer join, concurring in the judgment.

Countless cities and towns across America have adopted ordinances regulating the posting of signs, while exempting certain categories of signs based on their subject matter. For example, some municipalities generally [**256] prohibit illuminated signs in residential neighborhoods, but lift that ban for signs that identify the address of a home or the name of its owner or occupant. See, e.g., *City of Truth or Consequences*, N. M., Code of Ordinances, ch. 16, Art. XIII, §§11-13-2.3, 11-13-2.9(H)(4) (2014). In other municipalities, safety signs such as "Blind Pedestrian Crossing" and "Hidden

Driveway" can be posted without a permit, even as other permanent signs require one. See, e.g., Code of Athens-Clarke County, Ga., Pt. III, §7-4-7(1) (1993). Elsewhere, historic site markers--for example, "George Washington Slept Here"--are also exempt from general regulations. See, e.g., Dover, Del., Code of Ordinances, Pt. II, App. B, Art. 5, §4.5(F) (2012). And similarly, the federal Highway Beautification Act limits [***40] signs along interstate highways unless, for instance, they direct travelers to "scenic and historical attractions" or advertise free coffee. See 23 U. S. C. §§131(b), (c)(1), (c)(5).

Given the Court's analysis, many sign ordinances of that kind are now in jeopardy. See *ante*, at ___, 192 L. Ed. 2d, at 250 (acknowledging that "entirely reasonable" sign laws "will sometimes be struck down" under its approach (internal quotation marks omitted)). Says the majority: When laws "single[] out specific subject matter," they are "facially content based"; and when they are facially content based, they are automatically subject to strict scrutiny. *Ante*, at ___, ___ - ___, 192 L. Ed. 2d, at 249, 251-252. And although the majority holds out hope that some sign laws with subject-matter exemptions "might survive" that stringent review, *ante*, at ___, 192 L. Ed. 2d, at 251, the likelihood is that most will be struck down. After all, it is the "rare case[] in which a speech restriction withstands strict scrutiny." *Williams-Yulee v. Florida Bar*, 575 U. S. ___, ___, 135 S. Ct. 1656, 1666, 191 L. Ed. 2d 570, 584 (2015). To clear that high bar, the government must show that a content-based distinction "is necessary to serve a compelling state interest and is narrowly drawn to achieve that end." [*2237] *Arkansas Writers' Project, Inc. v. Ragland*, 481 U. S. 221, 231, 107 S. Ct. 1722, 95 L. Ed. 2d 209 (1987). So on the majority's view, courts would have to determine that a town has a compelling interest in informing [***41] passersby where George Washington slept. And likewise, courts would have to find that a town has no other way to prevent hidden-driveway mishaps than by specially treating hidden-driveway signs. (Well-placed speed bumps? Lower speed limits? Or how about just a ban on hidden driveways?) The consequence--unless courts water down strict scrutiny to something unrecognizable--is that our communities will find themselves in an unenviable bind: They will have to either repeal the exemptions that allow for helpful signs on streets and sidewalks, or else lift their sign restrictions altogether and resign themselves to the resulting clutter. *

* Even in trying (commendably) to limit today's

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decision, Justice Alito's concurrence highlights its far-reaching effects. According to Justice Alito, the majority does not subject to strict scrutiny regulations of "signs advertising a one-time event." *Ante*, at ___, 192 L. Ed. 2d, at 252 (Alito, J., concurring). But of course it does. On the majority's view, a law with an exception for such signs "singles out specific subject matter for differential treatment" and "defin[es] regulated speech by particular subject matter." *Ante*, at ___, ___, 192 L. Ed. 2d, at 245, 249 (majority opinion). Indeed, the precise reason the majority [***42] applies strict scrutiny here is that "the Code singles out signs bearing a particular message: the time and location of a specific event." *Ante*, at ___, 192 L. Ed. 2d, at 250.

Although the majority insists that applying strict scrutiny to all such [**257] ordinances is "essential" to protecting *First Amendment* freedoms, *ante*, at ___, 192 L. Ed. 2d, at 250, I find it challenging to understand why that is so. This Court's decisions articulate two important and related reasons for subjecting content-based speech regulations to the most exacting standard of review. The first is "to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail." *McCullen v. Coakley*, 573 U. S. ___, ___-___, 134 S. Ct. 2518, 2529, 189 L. Ed. 2d 502, 514 (2014) (internal quotation marks omitted). The second is to ensure that the government has not regulated speech "based on hostility--or favoritism--towards the underlying message expressed." *R. A. V. v. St. Paul*, 505 U. S. 377, 386, 112 S. Ct. 2538, 120 L. Ed. 2d 305 (1992). Yet the subject-matter exemptions included in many sign ordinances do not implicate those concerns. Allowing residents, say, to install a light bulb over "name and address" signs but no others does not distort the marketplace of ideas. Nor does that different treatment give rise to an inference of impermissible government motive.

We apply strict scrutiny to facially content-based regulations of speech, in keeping [***43] with the rationales just described, when there is any "realistic possibility that official suppression of ideas is afoot." *Davenport v. Wash. Educ. Ass'n*, 551 U.S. 177, 189, 127 S. Ct. 2372, 168 L. Ed. 2d 71 (2007) (quoting *R. A. V.*, 505 U. S., at 390, 112 S. Ct. 2538, 120 L. Ed. 2d 305). That is always the case when the regulation facially differentiates on the basis of viewpoint. See *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829,

115 S. Ct. 2510, 132 L. Ed. 2d 700 (1995). It is also the case (except in non-public or limited public forums) when a law restricts "discussion of an entire topic" in public debate. *Consolidated Edison Co. v. Public Service Comm'n*, 447 U.S. 530, 537, 539-540, 100 S. Ct. 2326, 65 L. Ed. 2d 319 (1980) (invalidating a limitation on speech about nuclear power). We have stated that "[i]f the marketplace of ideas is to remain free and open, governments must not be allowed to choose 'which issues are worth discussing or debating.'" *Id.*, at 537-538, 100 S. Ct. 2326, 65 L. Ed. 2d 319 (quoting [**2238] *Police Dep't of Chicago v. Mosley*, 408 U.S. 92, 96, 92 S. Ct. 2286, 33 L. Ed. 2d 212 (1972)). And we have recognized that such subject-matter restrictions, even though viewpoint-neutral on their face, may "suggest[] an attempt to give one side of a debatable public question an advantage in expressing its views to the people." *First Nat. Bank of Boston v. Bellotti*, 435 U. S. 765, 785, 98 S. Ct. 1407, 55 L. Ed. 2d 707 (1978); accord, *ante*, at ___, 192 L. Ed. 2d, at 252 (Alito, J., concurring) (limiting all speech on one topic "favors those who do not want to disturb the status quo"). Subject-matter regulation, in other words, may have the intent or effect of favoring some ideas over others. When that is realistically possible--when [***44] the restriction "raises the specter that the Government may effectively drive certain ideas or viewpoints from the marketplace"--we insist that the law pass the most demanding constitutional test. *R. A. V.*, 505 U. S., at 387, 112 S. Ct. 2538, 120 L. Ed. 2d 305 (quoting *Simon & Schuster, Inc. v. Members of N. Y. [**258] State Crime Victims Bd.*, 502 U. S. 105, 116, 112 S. Ct. 501, 116 L. Ed. 2d 476 (1991)).

But when that is not realistically possible, we may do well to relax our guard so that "entirely reasonable" laws imperiled by strict scrutiny can survive. *Ante*, at ___, 192 L. Ed. 2d, at 250. This point is by no means new. Our concern with content-based regulation arises from the fear that the government will skew the public's debate of ideas--so when "that risk is inconsequential, . . . strict scrutiny is unwarranted." *Davenport*, 551 U. S., at 188, 127 S. Ct. 2372, 168 L. Ed. 2d 71; see *R. A. V.*, 505 U. S., at 388, 112 S. Ct. 2538, 120 L. Ed. 2d 305 (approving certain content-based distinctions when there is "no significant danger of idea or viewpoint discrimination"). To do its intended work, of course, the category of content-based regulation triggering strict scrutiny must sweep more broadly than the actual harm; that category exists to create a buffer zone guaranteeing that the government cannot favor or disfavor certain viewpoints.

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But that buffer zone need not extend forever. We can administer our content-regulation doctrine with a dose of common sense, so as to leave standing laws that in no way implicate its intended [***45] function.

And indeed we have done just that: Our cases have been far less rigid than the majority admits in applying strict scrutiny to facially content-based laws--including in cases just like this one. See *Davenport*, 551 U. S., at 188, 127 S. Ct. 2372, 168 L. Ed. 2d 71 (noting that "we have identified numerous situations in which [the] risk" attached to content-based laws is "attenuated"). In *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 104 S. Ct. 2118, 80 L. Ed. 2d 772 (1984), the Court declined to apply strict scrutiny to a municipal ordinance that exempted address numbers and markers commemorating "historical, cultural, or artistic event[s]" from a generally applicable limit on sidewalk signs. *Id.*, at 792, n. 1, 104 S. Ct. 2118, 80 L. Ed. 2d 772 (listing exemptions); see *id.*, at 804-810, 104 S. Ct. 2118, 80 L. Ed. 2d 772 (upholding ordinance under intermediate scrutiny). After all, we explained, the law's enactment and enforcement revealed "not even a hint of bias or censorship." *Id.*, at 804, 104 S. Ct. 2118, 80 L. Ed. 2d 772; see also *Renton v. Playtime Theatres, Inc.*, 475 U. S. 41, 48, 106 S. Ct. 925, 89 L. Ed. 2d 29 (1986) (applying intermediate scrutiny to a zoning law that facially distinguished among movie theaters based on content because it was "designed to prevent crime, protect the city's retail trade, [and] maintain property values . . . , not to suppress the expression of unpopular views"). And another decision involving a similar law provides an alternative model. In *City of Ladue v. Gilleo*, 512 U. S. 43, 114 S. Ct. 2038, 129 L. Ed. 2d 36 (1994), the Court assumed *arguendo* that a sign ordinance's exceptions for address [*2239] signs, [***46] safety signs, and for-sale signs in residential areas did not trigger strict scrutiny. See *id.*, at 46-47, 114 S. Ct. 2038, 129 L. Ed. 2d 36, and n. 6 (listing exemptions); *id.*, at 53, 114 S. Ct. 2038, 129 L. Ed. 2d 36 (noting this assumption). We did not need to, and so did not, decide the level-of-scrutiny question because the law's breadth made it unconstitutional under any standard.

The majority could easily have taken *Ladue's* tack here. The Town of Gilbert's defense of its sign ordinance--most notably, the law's distinctions between directional signs and others--does not pass strict scrutiny, [**259] or intermediate scrutiny, or even the laugh test. See *ante*, at ____ - ____, 192 L. Ed. 2d, at 250 (discussing

those distinctions). The Town, for example, provides no reason at all for prohibiting more than four directional signs on a property while placing no limits on the number of other types of signs. See Gilbert, Ariz., Land Development Code, ch. I, §§4.402(J), (P)(2) (2014). Similarly, the Town offers no coherent justification for restricting the size of directional signs to 6 square feet while allowing other signs to reach 20 square feet. See §§4.402(J), (P)(1). The best the Town could come up with at oral argument was that directional signs "need to be smaller because they need to guide travelers along a route." Tr. of Oral Arg. 40. [***47] Why exactly a smaller sign better helps travelers get to where they are going is left a mystery. The absence of any sensible basis for these and other distinctions dooms the Town's ordinance under even the intermediate scrutiny that the Court typically applies to "time, place, or manner" speech regulations. Accordingly, there is no need to decide in this case whether strict scrutiny applies to every sign ordinance in every town across this country containing a subject-matter exemption.

I suspect this Court and others will regret the majority's insistence today on answering that question in the affirmative. As the years go by, courts will discover that thousands of towns have such ordinances, many of them "entirely reasonable." *Ante*, at ____, 192 L. Ed. 2d, at 250. And as the challenges to them mount, courts will have to invalidate one after the other. (This Court may soon find itself a veritable Supreme Board of Sign Review.) And courts will strike down those democratically enacted local laws even though no one--certainly not the majority--has ever explained why the vindication of *First Amendment* values requires that result. Because I see no reason why such an easy case calls for us to cast a constitutional pall on reasonable [***48] regulations quite unlike the law before us, I concur only in the judgment.

REFERENCES

U.S.C.S., *Constitution, Amendment 1*

2 *Antieau on Local Government Law* § 29D.04 (Matthew Bender 2d ed.)

Moore's Federal Practice §§101.60, 101.61 (Matthew Bender 3d ed.)

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Supreme Court's views as to overbreadth of legislation in connection with *First Amendment* rights. 45 L. Ed. 2d 725.

Comment Note.--What provisions of the *Federal Constitution's Bill of Rights* are applicable to the states.

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