



CITY OF MIAMI SPRINGS, FLORIDA

Mayor Maria Puente Mitchell

**Vice Mayor George Lob
Councilwoman Jacky Bravo**

**Councilman Bob Best
Councilman Walter Fajet, Ph. D.**

***Decorum:** "Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments from the podium."*

CITY COUNCIL SITTING AS LOCAL PLANNING AGENCY MEETING AGENDA

Monday, February 13, 2023 – 6:30 p.m.

City Hall, Council Chambers, 201 Westward Drive

1. Call to Order/Roll Call

2. Approval of Minutes

A) October 10, 2022

3. Public Hearing Items:

A) An Ordinance Of The City Of Miami Springs, Florida, Amending Chapter 150, Zoning Code," Article li, "Signs" Of The City's Code Of Ordinances To Address Current Case Law Requirements And To Establish Specific Standards And Regulations Related To Signs And Renumber Other Sections; Providing For Conflicts; Providing For Severability; Providing For Codification; And Providing For An Effective Date

3. Adjourn

PURSUANT TO FLORIDA STATUTES 286.0105, THE CITY HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE CITY FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW



City of Miami Springs, Florida

The Miami Springs **City Council** met in regular session on Monday, October 10, 2022 and during the meeting sat as the **Local Planning Agency**. The meetings were held in the Council Chambers at City Hall, beginning at 6:30 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Maria Puente Mitchell
Vice Mayor Victor Vazquez, Ph.D. (via Zoom)
Councilman Bob Best
Councilwoman Jacky Bravo
Councilman Walter Fajet, Ph.D.

Also Present:

City Manager/Finance Director William Alonso
Assistant City Manager Tammy Romero
City Clerk Erika Gonzalez-Santamaria
City Attorney Haydee Sera

2. Public Hearing Item:

A) AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, APPROVING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO THE CITY'S FUTURE LAND USE MAP (FLUM) FROM "PUBLIC FACILITY" TO "SINGLE FAMILY RESIDENTIAL" FOR A 37,751 SQUARE FOOT (± 0.86 ACRE) PARCEL OF PROPERTY GENERALLY LOCATED AT 1101 WREN AVENUE; PROVIDING FOR AUTHORIZATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Haydee Sera read the Ordinance by title and explained the purpose of the proposed Ordinance. She further explained the procedure of the Local Planning Agency meeting and stated that once the LPA has adjourned, the City Council meeting will convene and hear the item on first reading. The Applicant's Attorney, Melissa Tapanes, was present to answer any questions.

Mayor Mitchell opened the public hearing, there were no speakers at this time.

Councilwoman Bravo made a motion to approve the recommendation to the City. Councilman Best seconded the motion which was carried 5-0 on roll call vote.

3. Adjourn.

There being no further business to be discussed the Local Planning Agency meeting was adjourned at 7:00 p.m. and convened to the Regular Council meeting.

Maria Puente Mitchell
Mayor

ATTEST:

Erika Gonzalez-Santamaria, MMC
City Clerk

Approved: February 13, 2023



MEMORANDUM

To: Honorable Mayor and Council

From: Haydee Sera, Esq., Susan L. Trevarthen, Esq., and Chanae Wood, Esq.
Weiss Serota Helfman Cole & Bierman, P.L., City Attorney

Date: February 13, 2023

RE: 1st Reading: Ordinance Amending Chapter 150, "Zoning Code," Article II, "Signs"

We were asked to review the City sign code following recent court decisions that have significantly changed the way in which local governments can regulate signage, and given the lengthy time since the sign code was last comprehensively reviewed.

The following memo explains the applicable legal standards, explains why the City needs to review the legality of its sign regulations at this time, describes the currently proposed revisions, and highlights several policy and implementation issues which need the Council's input.

Legal Background

Signs are protected under the free speech guarantees of the First Amendment of the U.S. Constitution. Therefore, local government sign regulation must conform to the First Amendment. The regulations cannot vary based on the content of speech that the sign is intended to express, and cannot favor or punish points of view or topics. "Content-based" regulation is presumptively unconstitutional; strict scrutiny applies, and must be justified by a compelling governmental interest. If a sign regulation is content-based on its face, its purpose, its justification and its function does not matter. If it is content neutral, then these factors can be considered in evaluating the constitutionality of the regulation. However, the courts have been unclear about exactly how to determine whether a particular regulation is "content-based."

Sign regulations must be narrowly tailored to achieve the City's governmental purposes for regulating signs, which can be generally characterized as aesthetics and traffic safety. The regulations must not be substantially overbroad, exceeding the scope of the governmental interests justifying regulation. But they also must not be substantially under-inclusive, so narrow or exception-ridden that the regulations fail to further the governmental interests.

The permitting criteria and timeframes must meet strict requirements as a prior restraint on speech. And the regulations of commercial signage cannot be looser than those for noncommercial signage, because noncommercial speech is more highly protected by the First Amendment.

A 2015 U.S. Supreme Court case (*Reed v. Town of Gilbert*) placed greater limitations on how much the City's sign regulations can be tailored based on the functions or content of various sign types.

The case arose from a temporary sign category allowing a number of small directional signs to be briefly placed in the right of way prior to and following a special event of a nonprofit entity, in order to guide drivers to the location of the event. This categorical sign type was used by a small itinerant church, led by Pastor Reed, to publicize its church services at various locations including elementary schools and nursing homes. The Town of Gilbert cited the church for placing signs that failed to comply with the regulations for this sign type, because they were too large, were posted for too long, and did not contain directional content.

Pastor Reed and the church sued because the Gilbert code treated these event directional signs differently from other noncommercial signs, and allowed temporary signs related to elections in the right of way and permanent ideological signs on private property to be larger and to be posted for a longer time. The June 2015 *Reed* opinion modifies prior Supreme Court precedent in holding that 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. The majority opinion of the Court was delivered in an opinion by Justice Thomas, but three of the six justices who joined his opinion also joined a more narrow concurring opinion by Justice Alito.

The two opinions differ in some aspects; read together as the holding of the case, they suggest that a regulation creating a category for a purely directional message, which merely gives “the time and location of a specific event,” is one that “conveys an idea about a specific event” and may be considered content-based. Sign regulations tied to the identity of the speaker may be content-based. Event-based sign regulations may also be considered content-based. However, tying a signage opportunity to the timing of an event, without specifying that the sign content must relate to the event, may be more defensible. If regulations are content-based, then they must be justified by a compelling governmental interest, regardless of whether the governmental motive was innocent and not intended to censor speech.

Justice Thomas’ opinion held that, even assuming that aesthetics and traffic safety were compelling governmental interests, the Gilbert regulation was under inclusive and was not narrowly tailored enough to advance these governmental interests and thereby satisfy strict scrutiny. It noted that certain signs that may be essential to guide traffic or to identify hazards and ensure safety for vehicles and pedestrians might well survive strict scrutiny.

Justice Alito’s opinion states that “Properly understood, today’s decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives.” It and subsequent cases construing *Reed* assure local governments that *Reed* does not affect their continued ability to regulate based on key distinctions:

- Commercial signs vs. noncommercial signs
- Off-premise signs vs. on-premises signs
- Temporary vs. permanent signs
- Regulation by zoning district and land use
- Regulation by whether the message is changeable or static
- Regulation of size, placement, spacing, illumination, fabrication and other physical criteria

- Governmental signs on governmental property, including traffic control devices, are not affected by the First Amendment, and can be controlled in the broad discretion of the City, apart from the revised sign regulations. Private signs are not required to be allowed on governmental property.

Court decisions in the years since *Reed* have provided additional clarity, but also made it clear that local governments should make changes. The recent decision in *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 142 S. Ct. 1464 (2022) squarely raised the question of whether and to what extent cities could continue to rely on this assessment of *Reed*, and questioned whether billboard/off-premise sign regulation and differential treatment of commercial signs remained possible. The *Austin* decision reinforced the more reasonable limits of the Alito concurrence in *Reed*, and made clear that an incidental consideration of the content of a sign for purposes of determining or enforcing the appropriate regulation was not automatically unconstitutional.

Many sign codes in Florida, and across the country, fail to meet all of the requirements of *Reed*, *Austin*, and other applicable caselaw. Thus, we have worked with you and with City staff to develop and recommend revisions to the City's sign regulations as outlined below. Also, it is worth noting that private covenants and regulations that may address signage on private property and common areas were unaffected by *Reed* and *Austin*, and may form an independent limitation on what signs can be posted on a particular property.

Legal Revisions to City Sign Regulations

The ordinance revises sections throughout the sign code article. From a policy perspective, the draft starts from the existing standards of the Code, and supplies additional standards or revises them where required by caselaw, taking into account the professional recommendations of City staff.

Changes to the legislative intent, scope and purpose of the article are legally necessary to better articulate the compelling and substantial governmental interests that justify the regulation of signs: traffic safety and preserving aesthetics. The changes specifically reference and respond to the governing caselaw, and articulate that the requirement for local government sign regulation in Florida Statutes, the Florida Constitution's protection of scenic beauty, and the relevant goals, objectives and policies of the City's comprehensive plan—all factors that were missing from the *Reed* decision, and all presenting compelling governmental interests supporting sign regulation in Florida in the event of challenge.

Organizational changes are proposed, and strict procedures have been added to comply with constitutional prior restraint requirements applicable to sign permits.

Policy Changes to City Sign Regulations

Certain policy changes were requested by the Administration, and have been incorporated into this draft. These are summarized in the separate memo accompanying this Ordinance.

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ORDINANCE NO. _____ - 2023

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING CHAPTER 150, ZONING CODE," ARTICLE II, "SIGNS" OF THE CITY'S CODE OF ORDINANCES TO ADDRESS CURRENT CASE LAW REQUIREMENTS AND TO ESTABLISH SPECIFIC STANDARDS AND REGULATIONS RELATED TO SIGNS AND RENUMBER OTHER SECTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166, Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City of Miami Springs (the "City"), as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, the City Council finds and determines that the Zoning Code is required to regulate signs as provided by Section 163.3202(2)(f), Florida Statutes; and

WHEREAS, the City Council does not wish to censor speech, but rather to provide for the public welfare by regulating signage in the City in a manner that enhances the aesthetics of the community, reduces visual pollution, provides clear information and minimizes distractions to drivers in the interests of traffic safety; and

WHEREAS, the City Council desires to modify and update its regulation of signs in order to respond to recent case law including *Reed v. Town of Gilbert*, 576 U.S. 155, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015) ("*Reed*"), and *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 142 S. Ct. 1464 (2022) ("*Austin*"); and

WHEREAS, the City finds and determines that the purpose and intent provisions of its signage regulations should be detailed so as to further describe the beneficial aesthetic, traffic safety, and other effects of the City's sign regulations, and to reaffirm that the sign regulations are concerned with the secondary effects of speech and are not designed to censor speech or regulate the viewpoint of the speaker; and

WHEREAS, various signs that serve as signage for particular land uses are based upon content-neutral criteria in recognition of the functions served by those land uses, but not based upon any intent to favor any particular viewpoint or control the subject matter of public discourse; and

WHEREAS, the City finds and determines that the sign regulations adopted hereby allow and leave open adequate alternative means of communications, such as newspaper advertising, internet advertising and communications, advertising in shoppers

42 and pamphlets, advertising in telephone books, advertising on cable television,
43 advertising on UHF and/or VHF television, advertising on AM and/or FM radio, advertising
44 on satellite radio, advertising on internet radio, advertising via direct mail, and other
45 avenues of communication available in the City (see *State v. J & J Painting*, 167 N.J.
46 Super. 384, 400 A.2d 1204, 1205 (Super. Ct. App. Div. 1979); *Board of Trustees of State*
47 *University of New York v. Fox*, 492 U.S. 469, 477 (1989); *Green v. City of Raleigh*, 523
48 F.3d 293, 305-306 (4th Cir. 2007); *Naser Jewelers v. City of Concord*, 513 F.3d 27 (1st
49 Cir. 2008); *Sullivan v. City of Augusta*, 511 F.3d 16, 43-44 (1st Cir. 2007); *La Tour v. City*
50 *of Fayetteville*, 442 F.3d 1094, 1097 (8th Cir. 2006); and *Reed v. Town of Gilbert*, 587
51 F.3d 866, 980-981 (9th Cir. 2009)); and

52 **WHEREAS**, in *Reed*, the United States Supreme Court addressed the
53 constitutionality of a local sign ordinance that had different criteria for different types of
54 temporary noncommercial signs; and

55 **WHEREAS**, in *Reed*, Justice Alito in a concurring opinion joined in by Justices
56 Kennedy and Sotomayer pointed out that municipalities still have the power to enact and
57 enforce reasonable sign regulations; and

58 **WHEREAS**, Justice Alito further noted that in addition to regulating signs put up
59 by private actors, government entities may also erect their own signs consistent with the
60 principles that allow governmental speech (see *Pleasant Grove City v. Summum*, 555
61 U.S. 460, 467-469 (2009)), and that government entities may put up all manner of signs
62 to promote safety, as well as directional signs and signs pointing out historic sites and
63 scenic spots; and

64 **WHEREAS**, Justice Alito noted that the *Reed* decision, properly understood, will
65 not prevent cities from regulating signs in a way that fully protects public safety and serves
66 legitimate aesthetic objectives, including rules that distinguish between on-premises and
67 off-premises signs; and

68 **WHEREAS**, under established Supreme Court precedent and Eleventh Circuit
69 precedent, commercial speech may be subject to greater restrictions than noncommercial
70 speech and that doctrine is true for both temporary signs as well as for permanent signs;
71 and

72 **WHEREAS**, all of these findings pursuant to *Reed* and other prior caselaw have
73 been reaffirmed and further reinforced by the *Austin* decision; and

74 **WHEREAS**, the City finds and determines that a traffic control device, as defined
75 herein, should be exempt from regulation under the City's regulations for signage; and

76 **WHEREAS**, the City finds and determines that the regulation of signs within the
77 City strongly contributes to the development and maintenance of a pleasing, visually
78 attractive environment, and that these sign regulations are prepared with the intent of
79 enhancing the environment and promoting the continued well-being of the City; and

80 **WHEREAS**, the City finds and determines that the regulation of signage for
81 purposes of aesthetics has long been recognized as advancing the public welfare; and

82 **WHEREAS**, the City finds and determines that, as far back as 1954, the United
83 States Supreme Court recognized that "the concept of the public welfare is broad and

84 inclusive," that the values it represents are "spiritual as well as physical, aesthetic as well
85 as monetary[.]" and that "[i]t is within the power of the legislature to determine that the
86 community should be beautiful as well as healthy, spacious as well as clean, well
87 balanced as well as carefully patrolled" (*Berman v. Parker*, 348 U.S. 26, 33 (1954)); and

88 **WHEREAS**, the City finds and determines that aesthetics is a valid basis for
89 zoning, and that the regulation of the size and appearance of signs and the prohibition of
90 certain types of signs can be based upon aesthetic grounds alone as promoting the
91 general welfare (see *Merritt v. Peters*, 65 So. 2d 861 (Fla. 1953); *Dade County v. Gould*,
92 99 So. 2d 236 (Fla. 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade County*, 425
93 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 878 (1970)); and

94 **WHEREAS**, the City finds and determines that these sign regulations further the
95 character and ambiance of the City, and reflect its commitment to maintaining and
96 improving an attractive environment; and

97 **WHEREAS**, the City finds and determines that the beauty of the City's natural and
98 built environment has provided the foundation for the economic base of the City's
99 development, and that the City's sign regulations help create an attractive residential
100 community for its residents; and

101 **WHEREAS**, the City finds and determines that the goals, objectives and policies
102 of its plans over the years demonstrate a strong, long-term commitment to maintaining
103 and improving the City's attractive and visual environment; and

104 **WHEREAS**, the City finds and determines that, from a planning perspective, one
105 of the most important community goals is to define and protect aesthetic resources and
106 community character; and

107 **WHEREAS**, the City finds and determines that the purpose of the regulation of
108 signs as set forth in this Ordinance is to promote the public health, safety and general
109 welfare through a comprehensive system of reasonable, consistent and
110 nondiscriminatory sign standards and requirements; and

111 **WHEREAS**, the City finds and determines that the sign regulations in this
112 Ordinance are intended to lessen hazardous situations, confusion and visual clutter
113 caused by proliferation, improper placement, illumination, animation and excessive
114 height, area and bulk of signs which compete for the attention of pedestrian and vehicular
115 traffic; and

116 **WHEREAS**, the City finds and determines that these sign regulations are intended
117 to protect the public from the dangers of unsafe signs; and

118 **WHEREAS**, the City finds and determines that these sign regulations are intended
119 to permit signs that are compatible with their surroundings and aid orientation, and to
120 preclude placement of signs in a manner that conceals or obstructs adjacent land uses
121 or signs; and

122 **WHEREAS**, the City finds and determines that these sign regulations are intended
123 to regulate signs in a manner so as to not interfere with, obstruct vision of or distract
124 motorists, bicyclists or pedestrians; and

125 **WHEREAS**, the City finds and determines that these sign regulations are intended
126 to require signs to be constructed, installed and maintained in a safe and satisfactory
127 manner; and

128 **WHEREAS**, the City finds and determines that in meeting the purposes and goals
129 established in these findings, it is appropriate to prohibit or to continue to prohibit certain
130 sign types; and

131 **WHEREAS**, the City finds and determines that the prohibition of the construction
132 of billboards and certain other sign types, as well as the establishment and continuation
133 of height, size and other standards for on-premise signs, is consistent with the policy set
134 forth in the Florida Constitution that it shall be the policy of the state to conserve and
135 protect its scenic beauty; and

136 **WHEREAS**, the City finds that local governments may separately classify off-
137 premise and on-premise advertising signs in taking steps to minimize visual pollution (see
138 *City of Lake Wales v. Lamar Advertising Association of Lakeland Florida*, 414 So. 2d
139 1030, 1032 (Fla. 1982)); and

140 **WHEREAS**, the City finds and determines that a prohibition on the erection of off-
141 premise outdoor advertising signs will reduce the number of driver distractions and the
142 number of aesthetic eyesores along the roadways of the City (see, e.g., *E. B. Elliott Adv.*
143 *Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1154 (5th Cir. 1970), cert. denied, 400
144 U.S. 878 (1970)); and

145 **WHEREAS**, the City finds and determines that in order to preserve, protect and
146 promote the safety and general welfare of the residents of the City, it is necessary to
147 regulate off-premise advertising signs, so as to prohibit the construction of off-premise
148 signs and billboards in all zoning districts, and to provide that the foregoing provisions
149 shall be severable; and

150 **WHEREAS**, the City hereby finds and determines that anything beside the road
151 which tends to distract the driver of a motor vehicle directly affects traffic safety, and that
152 signs, which divert the attention of the driver and occupants of motor vehicles from the
153 highway to objects away from it, may reasonably be found to increase the danger of
154 accidents, and agrees with the courts that have reached the same determination (see *In*
155 *re Opinion of the Justices*, 103 N.H. 268, 169 A.2d 762 (1961); and *Newman Signs, Inc.*
156 *v. Hjelle*, 268 N.W.2d 741 (N.D.1978)); and

157 **WHEREAS**, the City finds and determines that the City has allowed
158 noncommercial speech to appear wherever commercial speech appears; and the City
159 desires to continue that practice through the specific inclusion of a substitution clause that
160 expressly allows non-commercial messages to be substituted for commercial messages
161 (and non-commercial messages to be substituted for each other); and

162 **WHEREAS**, the City finds and determines that, by confirming in this Ordinance
163 that noncommercial messages are allowed wherever commercial messages are allowed,
164 the City will continue to overcome any constitutional objection that its ordinance
165 impermissibly favors commercial speech over noncommercial speech (see *Outdoor*
166 *Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1236-1237 (D. Kan. 1999)); and

167 **WHEREAS**, the City finds and determines that under Florida law, whenever a
168 portion of a statute or ordinance is declared unconstitutional, the remainder of the act will
169 be allowed to stand provided (1) the unconstitutional provisions can be separated from
170 the remaining valid provisions, (2) the legislative purpose expressed in the valid
171 provisions can be accomplished independently of those which are void, (3) the good and
172 the bad features are not so inseparable in substance that it can be said that the legislative
173 body would have passed the one without the other, and (4) an act complete in itself
174 remains after the valid provisions are stricken (*see, e.g., Waldrup v. Dugger*, 562 So. 2d
175 687 (Fla. 1990)); and

176 **WHEREAS**, the City finds and determines that there have been several judicial
177 decisions where courts have not given full effect to severability clauses that applied to
178 sign regulations and where the courts have expressed uncertainty over whether the
179 legislative body intended that severability would apply to certain factual situations despite
180 the presumption that would ordinarily flow from the presence of a severability clause; and

181 **WHEREAS**, the City finds and determines that the City has consistently adopted
182 and enacted severability provisions in connection with its ordinance provisions, and that
183 the City wishes to ensure that severability provisions apply to its regulations, including its
184 sign regulations; and

185 **WHEREAS**, the City finds and determines that the Code's severability clauses
186 were adopted with the intent of upholding and sustaining as much of the City's regulations,
187 including its sign regulations, as possible in the event that any portion thereof (including
188 any section, sentence, clause or phrase) be held invalid or unconstitutional by any court
189 of competent jurisdiction; and

190 **WHEREAS**, the City finds and determines that there must be an ample record of
191 its intention that the presence of a severability clause in connection with the City's sign
192 regulations be applied to the maximum extent possible, even if less speech would result
193 from a determination that any provision is invalid or unconstitutional for any reason
194 whatsoever; and

195 **WHEREAS**, the City finds and determines that there must be an ample record that
196 it intends that the height and size limitations on free-standing, ground, wall, and other
197 signs continue in effect regardless of the invalidity or unconstitutionality of any, or even
198 all other, provisions of the City's sign regulations, other provisions of the Code of
199 Ordinances, or other laws, for any reason (s) whatsoever; and

200 **WHEREAS**, the City finds and determines that there must be an ample record that
201 it intends that each prohibited sign-type continue in effect regardless of the invalidity or
202 unconstitutionality of any, or even all, other provisions of the City's sign regulations, other
203 provisions of the Code of Ordinances, or other laws, for any reason(s) whatsoever; and

204 **WHEREAS**, the City finds that it is in the best interest of the City and its residents
205 to amend Article II, "Signs," (attached as Exhibit A) by repealing and replacing it with a
206 new Article II, "Signs" Division 1 "Sign Regulations," and creating a new Division 2
207 "Miscellaneous" and renumbering other regulations in this chapter that are not sign
208 regulations; and

209 **WHEREAS**, the City makes the detailed findings set forth in Section 150-029 of
210 this Ordinance as to the purpose, scope and intent of the City’s sign regulations, and the
211 substantial and compelling governmental interests that are advanced by these
212 regulations; and

213 **WHEREAS**, the City reiterates its desire that there be an ample and unequivocal
214 record of its intention that the severability clauses it has adopted related to its sign
215 regulations shall be applied to the maximum extent possible, even if less speech would
216 result from a determination that any exceptions, limitations, variances, or other sign
217 provisions are invalid or unconstitutional for any reason whatsoever; and

218 **WHEREAS**, in accordance with the requirements of Chapter 163, Florida Statutes,
219 the City Council, acting as the Local Planning Agency, has reviewed the proposed
220 Ordinance and has determined that the proposed regulation is consistent with the City s
221 Comprehensive Plan; and

222 **WHEREAS**, the City Council conducted a first and second reading of this
223 Ordinance at duly noticed public hearings, as required by law, and after having received
224 input from and participation by interested members of the public and staff, the City Council
225 has determined that this Ordinance is consistent with the City Comprehensive Plan and
226 in the best interest of the public health, safety and welfare.

227 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL**
228 **OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:**¹

229 **Section 1. Recitals.** That the above recitals are confirmed, adopted, and
230 incorporated herein and made a part hereof by reference.

231 **Section 2. Repeal.** That Chapter 150, “Zoning Code,” Article II, “Signs”,
232 Sections 150-029 through 150-038 of the Code of Ordinances of Miami Springs, Florida,
233 attached hereto as Exhibit “A,” is repealed in its entirety.

234 **Section 3. Amending Code.** That Chapter 150, “Zoning Code,” Article II,
235 “Signs”, Division 1 “Sign Regulations” of the Code of Ordinances of Miami Springs,
236 Florida, is hereby created as follows:

237 **Chapter 150 – ZONING CODE**

238 * * *

239 **ARTICLE II. SIGNS**

240 **Division 1. Sign Regulations**

241 **Sec. 150-029. Intent, scope, findings, substitution, purpose and severability.**

242 (A) *Intent.* The intent of this division is to create a comprehensive system of graphic
243 controls on private property, through the promotion of quality business identification
244 and indexing, to facilitate clear communication of signs, to reduce traffic and
245 structural hazards, and to enhance the visual appearance of the City.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

246 (B) *Scope.*

- 247 (1) The provisions of this division shall govern the number, size, location, and
248 character of all signs which are allowed under the terms of this division. No signs
249 shall be allowed on a plot or parcel either as a main or accessory use except in
250 accordance with the provisions of this division.
- 251 (2) This division does not regulate the following:
- 252 (a) Government signs on government property or public rights-of-way,
253 including, but not limited to, City signs on property owned or controlled by
254 the City, Miami-Dade County or the State of Florida;
- 255 (b) Hazard, life-safety, warning signs, and traffic control devices required or
256 installed by a government agency on public or private property;
- 257 (c) Notices required to be posted by law or ordinance on public or private
258 property; and
- 259 (d) Signs that are wholly within the interior of a building or structure, and not
260 visible from the exterior of such building or structure.
- 261 (3) In the event of any conflict between this division and any declaration of
262 covenants, bylaws, or other restrictions applying to any property within the City,
263 the language affording the more restrictive interpretation shall apply.
- 264 (4) The City specifically finds that these sign regulations are narrowly tailored to
265 achieve the compelling and substantial governmental interests of traffic safety
266 and aesthetics, and that there is no other way for the City to further these
267 interests.

268 (C) *Purpose.*

- 269 (1) *Florida Constitution.* Article II, Section 7 of the Florida Constitution provides that
270 “[i]t shall be the policy of the state to conserve and protect its natural resources
271 and scenic beauty. . . .” A beautiful environment preserves and enhances the
272 desirability of the City as a place to live and to do business. Implementing the
273 Florida Constitution is a compelling governmental interest.
- 274 (2) *Florida Statutes.* Florida law requires cities to adopt comprehensive plans and
275 implement them through land development regulations (also known as zoning
276 regulations) and approval of development orders that are consistent with the
277 comprehensive plan. See Part II of Chapter 163, Florida Statutes. Florida law
278 specifically requires that the City adopt sign regulations. See Section
279 163.3202(2)(f), Florida Statutes. Complying with state law is a compelling
280 governmental interest.
- 281 (3) *City Comprehensive Plan, and Code of Ordinances.* The City is a distinctive
282 community with a wide range of land uses. Several goals, objectives, and
283 policies of the City’s comprehensive plan, as well as provisions of the City’s code
284 of ordinances, require the City to maintain its character and aesthetics and
285 assure traffic safety through its land development regulations and actions,
286 including through sign regulation, and examples of these provisions follow:

287 (a) City Comprehensive Plan

288 (i) Future Land Use Element:

289 (1) Goal 1: Miami Springs should be a residential community which
290 offers the best possible residential environment consistent with its
291 location and development history. Development policies should
292 protect and preserve its single-family residential character and
293 neighborhoods by maintaining an adequate supply of safe decent
294 and affordable housing for its current and future residents.

295 (2) Objective 1.1. Maintain existing development and achieve new
296 development and redevelopment consistent with the community
297 character statement articulated as the Community Character Goal
298 above and which: 1) protects and preserves single-family
299 neighborhoods as safe, decent and affordable residential areas . . .

300 (3) Policy 1.1.3. The City shall enact and enforce land development code
301 provisions governing subdivisions, signs and floodplain protection.
302 Such provisions shall be consistent with this plan and with the
303 applicable Florida statutory and administrative code guidelines.

304 (4) Objective 1.3. In general, encourage the elimination or reduction of
305 uses which are inconsistent with the community's character and
306 future land uses. This objective shall be measured by implementation
307 of its supporting policies.

308 (ii) Transportation Element:

309 (1) Objective 1.2. In general, coordinate the traffic circulation system
310 with land uses shown on the future land use map. In particular,
311 provide the traffic circulation system which is shown on the Future
312 Transportation Map. This objective shall be made measurable by its
313 implementing policies.

314 (2) Policy 1.2.1. Speeding and through-traffic on residential streets shall
315 be identified and mitigated wherever necessary so as to make streets
316 and sidewalks as pedestrian friendly as feasible. Various options for
317 speed and traffic controls should be explored. Such options may take
318 the form of stricter enforcement of speed limits, the placement of stop
319 signs and utilizing other traffic calming techniques. Appropriate
320 analysis and planning should be undertaken prior to final construction
321 in the case of approaches which require physical solutions.

322 (3) Objective 1.13 Identify effective strategies involving parking, traffic
323 efficiency and alternative traffic routes.

324 (b) City Code Provisions

325 (i) Chapter 70. *Traffic Regulations*, Sec. 70-01. - *Adoption by*
326 *reference.* (A) The "State Uniform Traffic Control Law" (F.S.
327 Chapter 316) is adopted as an ordinance of the City.

328 (B) The proper officers of the City are directed to enforce the
329 provisions of the "State Uniform Traffic Control Law" within the City
330 and said officers are directed to apprehend persons violating said
331 "State Uniform Traffic Control Law" who may attempt in the
332 presence of the officer to leave the City limits, notwithstanding that
333 the officer may be required to effect an arrest outside the City limits.

334 (ii) The City Council adopted a Zoning Code, Chapter 150, that regulates
335 the bulk, placement, materials, and appearance of development, and
336 places limits on lighting, parking, and accessory structures, all in the
337 interest of ensuring and preserving the aesthetics of the community.

338 (iii) Section 150-070.1 establishes the Miami Springs Gateway Overlay
339 District and imposes architectural design standards for this District.

340 (4) *Case law.* In accordance with the U.S. Supreme Court's cases on sign
341 regulation, the regulations in this division are not intended to regulate or censor
342 speech based on its content or viewpoint, but rather to regulate the secondary
343 effects of speech that may adversely affect the City's substantial and compelling
344 governmental interests in preserving scenic beauty and community aesthetics,
345 and in vehicular and pedestrian safety in conformance with the First
346 Amendment. These cases and their holdings include, but are not limited to:

- 347 (a) *Reed v. Town of Gilbert*, 576 U.S. 155, 135 S. Ct. 2218, 192 L. Ed. 2d
348 236 (2015) on the topic of noncommercial temporary signs;
- 349 (b) *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981) on the topic
350 of commercial signs and off-premises signs;
- 351 (c) *City of Ladue v. Gilleo*, 512 U.S. 43 (1994) on the topic of political protest
352 signs in residential areas;
- 353 (d) *Linmark Assocs., Inc. v. Township of Willingboro*, 431 U.S. 85 (1977) on
354 the topic of real estate signs in residential areas;
- 355 (e) *Burson v. Freeman*, 504 U.S. 191 (1992) on the topic of election signs
356 near polling places;
- 357 (f) *Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447
358 U.S. 557 (1980) on the topic of commercial speech; and
- 359 (g) *City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984) on the topic
360 of signs on public property.
- 361 (h) *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 142 S. Ct.
362 1464 (2022) on the topic of off-premises sign regulation.
- 363 (i) *Shurtleff v. City of Boston, Massachusetts*, 142 S. Ct. 1583, 1584 (2022)
364 on the topic of commercial flags.

365 (5) *Impact of Sign Clutter.* Excessive signage and sign clutter impair the legibility of
366 the environment, and undermine the effectiveness of governmental signs, traffic
367 control devices, and other required signs (such as incidental, directional and
368 identification signs) that are essential to identifying locations for the delivery of
369 emergency services and other compelling governmental purposes. The intent of
370 these sign regulations is to enhance the visual environment of the City, ensure

371 that the City residents, visitors, and emergency responders can safely navigate
372 through the City to their intended destinations, and promote the continued well-
373 being of the City. It is therefore the purpose of this division to promote aesthetics
374 and the public health, safety, and general welfare, and assure the adequate
375 provision of light and air within the City through reasonable, consistent, and
376 nondiscriminatory standards for the posting, displaying, erection, use, and
377 maintenance of signs and sign structures that are no more restrictive than
378 necessary to achieve these governmental interests.

379 (6) *Specific Legislative Intent.* More specifically, the sign regulations are intended
380 to:

- 381
- 382 (a) Encourage the effective use of signs as a means of communication in the
383 City;
 - 384 (b) Ensure pedestrian and traffic safety;
 - 385 (c) Minimize the possible adverse effect of signs on nearby public property,
386 public rights-of-way, and private property;
 - 387 (d) Foster the integration of signs with architectural and landscape designs;
 - 388 (e) Lessen the visual clutter that may otherwise be caused by the
389 proliferation, improper placement, illumination, animation, excessive sign
390 height, and excessive sign area that compete for the attention of
391 pedestrian and vehicular traffic and are not necessary to aid in
392 wayfinding;
 - 393 (f) Allow signs that are compatible with their surroundings and aid
394 orientation, while precluding the placement of signs that contribute to sign
395 clutter, or that conceal or obstruct adjacent land uses or signs;
 - 396 (g) Encourage and allow signs that are appropriate to the zoning district in
397 which they are located and consistent with the land uses, activities, and
398 functions to which they pertain;
 - 399 (h) Curtail the size and number of signs to the minimum reasonably
400 necessary to identify the location and the nature of a land use, and to
401 allow smooth navigation to these locations;
 - 402 (i) Establish dimensional limits and placement criteria for signs that are
403 legible and proportional to the size of the parcel and structure on which
404 the sign is to be placed, or to which it pertains;
 - 405 (j) Regulate signs so that they are effective in performing the function of
406 identifying and safely directing pedestrian and vehicular traffic to a
407 destination;
 - 408 (k) Preclude signs from conflicting with the principal use of the parcel and
409 adjoining parcels;
 - 410 (l) Regulate signs in a manner so as to not interfere with, obstruct the vision
411 of, or distract motorists, bicyclists, or pedestrians;

- 412 (m) Except to the extent expressly preempted by state or federal law, ensure
413 that signs are constructed, installed, and maintained in a safe and
414 satisfactory manner, and protect the public from unsafe signs;
- 415 (n) Preserve, conserve, protect, and enhance the aesthetic quality and
416 scenic beauty of all zoning districts in the City;
- 417 (o) Allow traffic control devices consistent with national standards without
418 regulation in this division because they promote highway safety by
419 providing for the orderly movement of road users on streets and
420 highways, and by notifying road users of regulations and providing
421 nationally consistent warnings and guidance needed for the safe, uniform,
422 and predictable operation of all modes of travel, while regulating private
423 signs to ensure that their size, location, and other attributes do not impair
424 the effectiveness of such traffic control devices;
- 425 (p) Protect property values by precluding, to the maximum extent possible,
426 signs that create a nuisance to the occupancy or use of other properties
427 as a result of their size, height, illumination, brightness, or movement;
- 428 (q) Protect property values by ensuring that the size, number, and
429 appearance of signs are in harmony with buildings, neighborhoods,
430 structures, and conforming signs in the area;
- 431 (r) Regulate the appearance and design of signs in a manner that promotes
432 and enhances the beautification of the City and that complements the
433 natural surroundings in recognition the City's reliance on its natural
434 surroundings and beautification efforts as a source of economic
435 advantage as an attractive place to live and work;
- 436 (s) Classify and categorize signs by type and zoning district;
- 437 (t) Not regulate signs more than necessary to accomplish the compelling
438 and important governmental objectives described herein;
- 439 (u) Enable the fair and consistent enforcement of these sign regulations;
- 440 (v) Permit, regulate, and encourage the use of signs with a scale, graphic
441 character, and type of lighting compatible with buildings and uses in the
442 area, so as to support and complement the goals, objectives, and policies
443 set forth in the City's comprehensive plan;
- 444 (w) Establish regulations for the design, erection, and maintenance of signs
445 for the purpose of ensuring equitable access to graphic communication,
446 while maintaining a harmonious and aesthetically pleasing visual
447 environment within the City, recognizing that signs form an integral part
448 of architectural building and site design and require equal attention in their
449 design, placement, and construction;
- 450 (x) Provide for the unique signage needs of multi-tenant properties through
451 the uniform signage plans that assure a consistent and cohesive
452 appearance and enhance legibility of sign messages through their
453 common design;

- 454 (y) Provide an effective method to deter individuals and businesses from
455 attaching unsightly and distracting signs to public structures within or
456 adjacent to public rights-of-way; and
- 457 (z) Be considered the maximum standards allowed for signage, and regulate
458 signs in a permissive manner so that any sign is not allowed unless
459 expressly allowed by this division, and not expressly prohibited.
- 460 (7) *Severability*. If any provision of this division is found by a court of competent
461 jurisdiction to be invalid, such finding must not affect the validity of the other
462 provisions of this division that can be given effect without the invalid provision.
- 463 (a) *Generally*. If any part, section, subsection, paragraph, sentence, phrase,
464 clause, term, or word of this division is declared unconstitutional by the
465 valid judgment or decree of any court of competent jurisdiction, the
466 declaration of such unconstitutionality shall not affect any other part,
467 section, subsection, graph, subparagraph, sentence, phrase, clause,
468 term, or word of this division. Should any section, paragraph, sentence,
469 clause, phrase, or other part of this division or the adopting ordinance be
470 declared by a court of competent jurisdiction to be invalid, such decision
471 shall not affect the validity of this division or the adopting ordinance as a
472 whole or any portion or part thereof, other than the part so declared to be
473 invalid.
- 474 (b) *Severability where less speech results*. Without diminishing or limiting in
475 any way the declaration of severability set forth in this section (7), or
476 elsewhere in this division or the adopting ordinance, if any part, section,
477 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or
478 word of this division is declared unconstitutional by the valid judgment or
479 decree of any court of competent jurisdiction, the declaration of such
480 unconstitutionality shall not affect any other part, section, subsection,
481 paragraph, subparagraph, sentence, phrase, clause, term, or word of this
482 division or the adopting ordinance, even if such severability would result
483 in a situation in which there would be less speech, whether by subjecting
484 previously exempt signs to permitting or otherwise.
- 485 (c) *Severability of provisions pertaining to prohibited signs*. Without
486 diminishing or limiting in any way the declaration of severability set forth
487 in section (7), or elsewhere in this division or the adopting ordinance, if
488 any part, section, subsection, paragraph, subparagraph, sentence,
489 phrase, clause, term, or word of this division or the adopting ordinance or
490 any other law is declared unconstitutional by the valid judgment or decree
491 of any court of competent jurisdiction, the declaration of such
492 unconstitutionality shall not affect any other part, section, subsection,
493 paragraph, subparagraph, sentence, phrase, clause, term, or word of this
494 division or the adopting ordinance that pertains to prohibited signs.
- 495 (d) *Severability of prohibition on off-premises signs*. If any part, section,
496 subsection, paragraph, subparagraph, sentence, phrase, clause, term, or
497 word of this division or any other code provisions or laws are declared

498 invalid or unconstitutional by the valid judgment or decree of any court of
499 competent jurisdiction, the declaration of such unconstitutionality shall not
500 affect the prohibition of off-premises signs as contained herein.

501 (8) *Substitution.* Notwithstanding any provisions of this division to the contrary, to
502 the extent that this division allows a sign containing commercial content, it shall
503 permit a noncommercial sign to the same extent. The noncommercial message
504 may occupy the entire sign area or any portion thereof, and may substitute for
505 or be combined with the commercial message. The sign message may be
506 changed from commercial to noncommercial, or from one noncommercial
507 message to another, as frequently as desired by the sign's owner, provided that
508 the sign is not prohibited and the sign continues to comply with all requirements
509 of this division.

510

511 **Sec. 150-030. - Definitions.**

512

513 *Abandoned sign.* A sign that:

- 514 (1) For a period of 30 days or more, no longer correctly directs or informs any
515 person or advertises a bona fide occupant, product or activity conducted, or
516 project on the premises; or
517 (2) For a period of 30 days or more, identifies a time, event or purpose that has
518 passed or no longer applies; or
519 (3) For a period of 30 days or more, contains letters that are missing to the extent
520 the intended message is rendered indecipherable.
521 For a period of 30 days or more, is not maintained pursuant to the applicable
522 sign maintenance requirements of section 150-031(d), 150-033 and 150-036.
523 (4) Any freestanding structure installed expressly for the purpose of affixing a sign,
524 which bears no sign or copy for a period of 6 consecutive months.

525

526 *Advertise or advertising.* Any form of public announcement intended to aid directly
527 or indirectly, in the sale, use, or promotion of a commercial product, commodity, service,
528 activity, or entertainment.

529 *A-Frame sign.* A movable temporary sign usually constructed to form an "A" or
530 tent-like shape.

531 *Animated sign.* Any sign or part of a sign that flashes, scintillates, flickers, changes
532 physical position, or light intensity or color by any movement or rotation or that gives the
533 visual impression of such movement or rotation.

534 *Balloon sign.* Any sign of fabric type material inflated by cold air to a point of
535 semirigidity for the purpose of floating above the ground.

536 *Banner sign.* A temporary sign made of cloth, fabric, paper, non-rigid plastic, or
537 similar type of material associated with a tenant space, that may be mounted on a pole
538 or attached to a façade or fence where authorized by this division.

539 *Building identification sign.* A sign used to identify the name or address of a
540 building.

541 *Bunting.* Any kind of pennant, streamer or other similar fabric decoration.

542 *Canopy.* A roof-like structure, generally self-supporting, that may be freestanding
543 or attached to a principal structure, providing shade and weather protection, typically
544 utilized in locations such as over drive-thru lanes, walkways, entrances, and gasoline
545 pumps.

546 *Changeable copy sign.* A sign designed for displaying copy where the copy is
547 manually changeable and affixed to or made a part of the sign.

548 *Commercial event sign.* A temporary banner sign announcing any commercial
549 special event such as, but not limited to, the first opening of a business not previously
550 conducted in the City by the same person or at the particular location, or the first sale of
551 dwellings in a residential project.

552 *Copy.* Written or graphic material that is placed, displayed, or depicted or otherwise
553 indicated on a sign.

554 *Copy Cat Sign.* Signs that resemble any official sign or markers and that because
555 of design, location, position, shape, or color may be reasonably confused with or
556 construed as traffic-control devices or regulatory signs.

557 *Development identification sign.* A sign that is allowed to be installed only around
558 the perimeter of a development to identify the development.

559 *Directional sign.* A noncommercial sign placed on a concrete base, located on and
560 relating to an activity on the premises upon which the sign is located, providing directional
561 and safety information to pedestrian and vehicular traffic, for example: *entrance*, *exit*, and
562 *caution*. Often associated with a drive through lane, entrance or intersection.

563 *Double-faced sign.* A sign with two faces that are typically parallel.

564 *Double-faced freestanding sign.* A sign with two faces that are typically parallel.
565 Double-face freestanding signs shall have a maximum distance of three feet between the
566 sides and an internal angle not to exceed 15 degrees.

567 *Emitting sign.* Signs that emit audible sound, odor, or visible matter such as smoke
568 or steam.

569 *Eave line.* The lowest line of the eaves on a pitched roof building.

570 *Façade.* The face of a building from the ground to the top of the parapet in the
571 case of buildings with flat roofs, and from the ground to the ridge line of the roof in the
572 case of buildings with a pitched roof.

573 *Flag.* Any fabric, plastic, canvas, material or bunting containing distinctive
574 color(s), pattern(s), symbol(s), emblem(s) or insignia(s) containing noncommercial
575 speech or used as a symbol of a government, political subdivision or other governmental
576 entity, or institutional entity, or idea.

577 *Freestanding sign.* Any sign erected and maintained on a freestanding frame,
578 mast, or pole not attached to any building.

579 *Frontage, street.* The portion of a building abutting or facing a public right-of-way.

580 *Grade.* The average finished ground level of a parcel on which a sign is located.

581 *Ground sign.* Any freestanding solid structure containing one or two sign faces
582 which is supported solely by its own ground-mounted base and which is not attached or
583 affixed in any way to a building or other structure.

584 *Human sign.* A person or animal used to draw attention to a business or
585 commercial event by holding, wearing or drawing attention to a sign outdoors.

586 *Illegal sign.* A prohibited sign or a sign installed without a permit, if required.

587 *Illuminated sign.* A sign that is internally or externally illuminated by artificial
588 means.

589 *Inflatable sign.* A sign made of a flexible material that is capable of being expanded
590 by air or other gas to form a three-dimensional shape.

591 *Item of information.* A word, an initial, a logo, an abbreviation, a number, a symbol,
592 or a graphic shape.

593 *Lot.* The smallest division of land identified as a single unit of ownership for
594 conveyance and legal development purposes, and delineated by a closed boundary that
595 is inclusive of the horizontal area within lot lines.

596 *Major tenant.* A tenant with indoor space of 10,000 square feet or more.

597 *Master sign plan.* Drawings and plans that illustrate the sign program for the
598 overall development, including size, location, type, architectural design, dimensions, and
599 other design standards including materials, color, and sign illumination

600 *Mobile sign.* Signs mounted on top or on the rear of a vehicle or bicycle, or signs
601 attached to or located on a trailer or other equipment towed by a vehicle or bicycle. Signs
602 of a portable or mobile nature attached after-market, including signs mounted on top of
603 or on the rear of a vehicle, and signs attached to or located on a trailer or other equipment
604 towed by a vehicle. A mobile sign shall not be construed to include any sign mounted on
605 a vehicle or trailer by the original manufacturer.

606 *Monument sign.* A freestanding permanent sign with a solid base located on or
607 close to the ground that is constructed of the same or aesthetically comparable materials
608 and products of which the principal building finish on the same property is constructed.

609 *Non-conforming sign.* A sign or sign structure that by its design, height, type, sign
610 area, location, use, structural support, or otherwise, does not conform to the requirements
611 of this division after adoption.

612 *Non-residential district.* All zoning districts that are not residential districts.

613 *Obstructing sign.* A sign that obstructs the vision of pedestrians, cyclists, or
614 motorists traveling on or entering public streets.

615 *Off-premise sign.* Any sign mounted on a building, wall, or freestanding structure
616 advertising a commercial establishment, activity, product, service, or entertainment that
617 is sold, produced, manufactured, available, or furnished at a place other than on the
618 property on which said sign is located.

619 *Parapet.* A false front or wall extending above the roofline.

620 *Parapet line.* The line of a parapet on the facade of a flat roofed building with a
621 parapet, and the line of the roof on the facade of a flat roofed building without a parapet.

622 *Pole sign.* A permanent sign mounted on a pole that is more than 3 feet in height.

623 *Residential district.* A single family, duplex, multifamily, or townhouse zoning
624 district.

625 *Roof sign.* A sign erected or visible over, above, across, or on the roofline or parapet
626 line of any building, that is dependent on the roof, parapet, or mansard for support.

627 *Sign.* Any object, device, display, structure, name, identification, description,
628 illustration, or part thereof that is affixed to, painted or represented directly or indirectly
629 upon a building or other outdoor surface that directs attention to or is designed or intended
630 to direct attention to the sign face or to an object, product, place, activity, person,
631 institution, organization, or business. Signs located completely within an enclosed
632 building, and at least 3 feet from an opening are not considered a sign. Each display
633 surface of a sign or sign face is considered to be a sign.

634 *Sign area.* The entire face of a sign, including the surface and framing, trim, or
635 molding, but not including the supporting structure.

636 *Sign face.* The entire display surface area of a sign upon, against or through which
637 copy is placed.

638 *Sign height.* The height of the sign measured from the grade to the top of the sign,
639 in accordance with the requirements of this division.

640 *Sign structure.* Any structure that is designed specifically for the purpose of
641 supporting a sign, including any decorative covers, braces, wires, supports or

642 components attached to or placed around the sign. Decorative and screen walls (such as
643 freestanding masonry walls, stone walls and the like) that contain development
644 identification signage are not sign structures.

645 *Snipe sign.* Any small sign, generally of a temporary nature, made of any material,
646 when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees,
647 poles, stakes, fences, or other objects not designed to support a sign.

648 *Storefront.* The façade of a store or tenant space, typically on the ground floor or
649 street level not to exceed 90 days unless otherwise provided herein.

650 *Temporary sign.* A sign that is not permanently affixed or installed, or is displayed
651 for a limited period of time.

652 *Unauthorized sign.* Any sign erected on or attached to public or private property,
653 real or personal, without the express permission of the owner of such property.

654 *Wall.* An exterior vertical structure encompassing the area between the grade and
655 the eave line or roofline of a building that encloses the building, or that is an enclosure for
656 the perimeter of a property.

657 *Wall sign.* A sign fastened to the exterior wall of a building or structure in such a
658 manner that the wall becomes the supporting structure for or forms the background
659 surface of the sign, and that does not project outward more than 18 inches from such
660 building or structure. Not a cabinet sign.

661 *Window area.* The entire glass area of a window or door used for calculation of
662 maximum sign area, including any mullions or transoms within a window or door, but
663 excluding the supporting structures of such window or door.

664 *Window sign.* A sign placed inside, upon, or within 3 feet of a first-story window
665 at or below 12 feet above the associated doorway grade level visible from the exterior of
666 the window.

667 **Sec. 150-031. – Prohibited; legal non-conforming signs; mandatory signs; public**
668 **safety.**

669

670 (A) Signs in all zoning districts must be constructed pursuant to valid building and sign
671 permits, when required under this division or the Building Code, and authorized or
672 mandated by this division. This section shall not be interpreted or applied to require
673 the removal of a billboard or other off-premise sign pursuant to F.S. § 70.20.

674

675 (B) The signs listed below are prohibited:

676

677 (1) Animated signs

678 (2) Copycat and obstructing signs

679 (3) Emitting signs

- 680 (4) Human signs
681 (5) Illegal signs
682 (6) Inflatable signs and balloons
683 (7) Mobile signs
684 (8) Off-premise signs
685 (9) Pole signs
686 (10) Projecting signs
687 (11) Roof signs
688 (12) A-frame or sandwich signs
689 (13) Snipe signs
690 (14) Painted wall signs
691 (15) Signs that are not authorized by the property owner.
692 (16) Any other sign not specifically allowed by this division.
- 693 (C) Private signs on public property and rights-of-way are unauthorized and subject
694 to removal and disposal.
695
- 696 (D) *Legal non-conforming signs.* Signs or sign structures made non-conforming upon
697 passage of these sign regulations or on passage of any amendment hereto shall
698 be governed by the following regulations.
699
- 700 (1) *Non-conforming Signs.* A sign existing within the City, upon the passage
701 of these sign regulations or any amendment hereof which, because of its
702 height, square foot area, location, design or other characteristic, does not
703 conform to this division, is hereby declared to be a legal non-conforming
704 sign, if it was approved with a permit prior to the effective date of this
705 division.
706
- 707 (2) *Loss of Legal Non-conforming Status:* A legal non-conforming sign shall
708 immediately lose its legal non-conforming designation if:
709
- 710 (i) The sign is altered in any way (except for the normal use of
711 changeable copy signs and normal maintenance) that makes the sign
712 less in compliance with the requirements of this division than it was
713 before the alteration, including updating the technology used in a sign;
714 or
715
- 716 (ii) The sign is relocated to a position making it less in compliance with
717 the requirements of this division; or
718
- 719 (iii) The sign is replaced or abandoned.

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In the event that the Zoning and Planning Director determines that any one of the events listed in this subsection has occurred, then the sign shall be immediately brought into compliance with this division by securing a new permit or by removal of the sign.

(3) *Non-conforming Sign Maintenance and Repair.* Previously permitted non-conforming signs and sign structures shall not be enlarged, altered, or moved without the entire sign being brought into compliance with this division. Any sign face that does not increase the degree of non-conformity on non-conforming signs may be replaced with valid building and sign permits, including lighting and electrical alterations.

(4) *Damaged or Destroyed Non-conforming Signs.* If a non-conforming sign is damaged or destroyed by any means and cost to repair the sign is 50% or more than the cost to replace it, the sign shall be removed and any replacement shall comply with this division.

(5) *Illegal Signs.* The status afforded signs under this section shall not be applicable to any sign for which no building permit or sign permit was ever issued when such permits were required at the time the sign was placed or erected; such signs are deemed illegal signs.

(6) *Non-conforming Sign Maintenance.* Nothing in this section shall relieve the owner or user of a non-conforming sign, or the owner of the property on which the non-conforming sign is located, from required compliance with the provisions of this division regarding safety, maintenance, and repair of signs.

(E) *Mandatory signs.*

The following signs in this section are mandatory in every zoning district, or as may otherwise be approved in a master sign plan applicable to the property based on the height and setback of structures:

(1) All residential and nonresidential structures shall post the building address in a location viewable, readable, and unobstructed from the adjacent public or private right-of-way.

(a) *Residential buildings with 4 or fewer dwelling units.* The size of address numbers for residential buildings with 4 or fewer dwelling units shall be at least 3 inches high.

(b) *Residential buildings with more than 4 dwelling units; nonresidential buildings.* The size of address numbers for residential buildings with more than 4 dwelling units and for nonresidential buildings shall be at least 10

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764 inches high.

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766 (2) *Required Posting.* Where a federal, state, or local law requires a property owner
767 to post a sign on the owner's property to warn of a danger or to prohibit access to
768 the property either generally or specifically, the owner must comply with the
769 federal, state, or local law to exercise that authority by posting a sign on the
770 property. If the federal, state, or local regulation describes the form and
771 dimensions of the sign, the property owner must comply with those requirements;
772 otherwise, when not defined, the sign shall be no larger than 2 square feet and
773 located in a place on the property to provide access to the notice that is required
774 to be made.

775
776 (3) *Official Notice.* Official notices may be posted or displayed by or under the direction
777 of any public or court officer in the performance of official or directed duties;
778 provided, that all such signs must be removed by the property owner no more
779 than 10 days after their purpose has been accomplished or as otherwise required
780 by law.

781
782 (F) *Public Safety.*

783 (1) No sign or sign structure shall be placed in such a position or manner as to
784 interfere with traffic safety.

785
786 (2) No sign or sign structure shall be placed in such a position or manner as to
787 obstruct or interfere, either physically or visually, with any fire apparatus, police
788 apparatus, traffic signal or sign, or any devices maintained by or under public
789 authority.

790
791 (3) No sign or sign structure shall be attached in any form, shape, or manner that
792 will interfere with any opening required for ventilation.

793
794 (4) No sign or sign structure shall be erected, constructed, or maintained as to
795 obstruct any fire escape, required exit, window, or door opening used as a means
796 of egress.

797 **Sec. 150-032. - Temporary signs.**

798 (A) *Temporary Signs, General Standards.*

799
800 (1) Temporary signs shall be constructed of durable, weatherproof material.

801
802 (2) A temporary sign shall not directly or indirectly create a traffic or fire hazard,
803 interfere with the free and unobstructed use of streets, sidewalks, or building
804 entrances, or obstruct clear vision at the intersection of any streets, drives, or
805 public or private vehicular access ways or so that it may be confused with
806 authorized traffic signs or devices.

807
808 (3) All signs shall be placed inside the sidewalk or, if there is no sidewalk, set
809 back a minimum of 16 feet from the edge of the street pavement, unless
810 otherwise specified in this section, and shall provide a minimum 18-inch
811 clearance from rights-of-way, curbs, sidewalks, and landscaping, or a larger
812 clearance if deemed necessary by the City engineer.

813
814 (4) Unless otherwise specified in this division, the sign face of any temporary sign
815 must not be larger than 4 square feet.

816
817 (5) Unless otherwise specified herein, temporary signs related to an event must
818 be removed within 10 days following that event.

819 (B) *Temporary Signs, Permit Not Required.* Temporary signs authorized by this
820 section do not require a sign permit.

821
822 (1) *Temporary Non-commercial Signs, Year-round.* The following temporary non-
823 commercial signs are allowed at any time on private property:

824
825 (a) A property owner may place a sign or signs totaling no more than 8 square
826 feet on the lot, compliant with the minimum setbacks, at any time.

827
828 (b) A property owner may place a sign no larger than 4 square feet in one
829 window visible from a public right-of-way on the lot at any time.

830
831 (2) *Additional Temporary Non-commercial Sign Before an Election.*

832
833 (a) One temporary noncommercial sign totaling no more than 4 square feet
834 per 0.25 acre of land may be located on the lot for a period of 90 days
835 prior to an election affecting the lot on which the sign(s) is(are) located.

836
837 (b) Where the size of the lot is smaller than 0.25 acres and has a lawfully
838 existing principal building, one temporary noncommercial sign totaling no
839 more than 4 square feet may be located on the lot for a period of 90 days
840 prior to an election affecting the lot on which the sign is located.

841
842 (3) *Additional Temporary Signs When a Property Is Being Offered For Sale or*
843 *Lease.* One temporary sign per street frontage, totaling no more than 3 square
844 feet, may be located on a lot:

845
846 (a) When that property is being offered for sale or lease through a licensed
847 real estate agent; or

848
849 (b) If not offered for sale or lease through a licensed real estate agent, when
850 the sign is owned by the property owner and that property is offered for
851 sale by the owner; and

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(c) For a period of 7 days following the date on which a contract of sale has been executed.

(4) *Additional Temporary Sign When a Property Being Offered for Sale or Lease Is Open to the Public.* One temporary sign, totaling no more than 216 square feet or 12"x18", may be located on a lot on the day prior to and on the day when a property owner is opening the property to the public.

(5) *Total Temporary Signs at Any One Time.* A person exercising the right to place temporary signs on a property as described anywhere in this section must limit the total sign area on the lot at any one time as follows:

(a) Per residential lot: The total sign area of all temporary signs shall not exceed a maximum of 8 square feet in total sign area, plus a window sign not to exceed 2 square feet.

(b) Per non-residential lot: The total sign area of all temporary signs shall not exceed a maximum of 32 square feet per lot, plus window signage not to exceed 8 square feet.

(6) *Additional Temporary Non-commercial Sign During Winter.* Notwithstanding section (B)(5), from November 1 to March 15 each year:

(a) A property owner may place 1 additional temporary non-commercial sign on the lot.

(b) A property owner may also use lights that do not exceed 0.3 foot-candles above ambient light levels as measured at the property line between the hours of 8AM and 10PM to decorate the property even if the lights might be arranged to form text.

(7) *Construction Fence Banner Signs, Commercial:*

(a) Banners shall be securely fastened and flush against a temporary construction fence along street frontages and shall not be illuminated.

(b) The maximum area devoted to text shall be 12 square feet, which may be repeated every 100 feet. Remaining area of the construction fence banner sign may be graphics or photographs.

(c) The maximum height of the banners shall be 6 feet or the height of the fence, whichever is smaller.

(d) Banners shall be removed when temporary construction fencing is removed or when there are no active permits for the site of the fencing.

898 (C) *Temporary Signs, Permit Required.* Temporary signs authorized by this section
899 require a sign permit.

900
901 (1) *Building Banner Sign, Commercial Special Event.*

902 (a) A maximum of one banner per ground floor tenant of a commercial
903 building with a maximum sign area of 30 square feet. Signs shall be
904 securely fastened to the building facade and shall not extend above the
905 roofline or parapet.

906
907 (b) Banner placement is limited in duration to no more than 14 days prior to
908 and 14 days after the date of the event or activity to which they relate,
909 or the first 30 days after an opening of a new business. Maximum
910 duration of two months per calendar year.

911
912 **Sec. 150-033. - Permanent signs, commercial - general standards.**

913
914 (A) *Maintenance.* All signs shall be kept in good condition and operational. All signs
915 shall be compliant with the Building Code and National Electric Code (if
916 applicable), present a neat appearance, and be maintained free of debris, stains,
917 mold, discoloration, or deterioration. The repainting, changing of parts, and
918 maintenance of an approved sign shall not require a permit, provided such
919 maintenance is consistent with an approved sign plan and this division.

920
921 (B) *Hazard.* A sign shall not directly or indirectly create a traffic or fire hazard, interfere
922 with the free and unobstructed use of streets, sidewalks or building entrances or
923 obstruct clear vision at the intersection of any streets, drives, or public or private
924 vehicular access ways or so that it may be confused with authorized traffic signs
925 or devices.

926
927 (C) *Setback.* All signs shall be setback a minimum of 5 feet from the property line,
928 unless otherwise specified in this division, and shall provide a minimum 18-inch
929 clearance from rights-of-way, curbs, sidewalks, and landscaping, or a larger
930 clearance if deemed necessary by the City Engineer. Freestanding signs shall be
931 setback a minimum of 7 feet from any public right-of-way line, 5 feet from any
932 adjacent property line, or 25 feet from any public right-of-way intersection.

933
934 (D) *Separation.* All signs not mounted to a building shall be separated from another
935 sign by 200 feet.

936
937 (E) *Lighting.* Lighting of permanent signs shall be white, non-glaring, directed away
938 from adjoining properties, and shall be designed to avoid affecting the vision of
939 drivers on adjacent roadways.

940
941 (F) *Screening.* All mechanical and electrical elements of a sign shall be fully screened
942 or concealed.

943

944 (G) *Landscaping.*

945
946 (1) *General.* All sign structures shall be landscaped to ensure that the base or
947 foundation of the sign at the ground adjacent to the sign is properly
948 screened. Landscaping shall be installed and maintained in a manner not
949 to interfere with visibility of a sign.

950
951 (2) *Monument Signs.* Monument signs shall be located in a landscaped area
952 and include 100 square feet of additional landscaping in accordance with
953 a landscape plan approved by the City Manager or designee. The
954 landscaped area shall be enclosed with a continuous poured concrete curb
955 (Miami-Dade County "Type D"). Monument signs shall also adhere to all
956 other applicable landscaping requirements.

957
958 (H) *Sign Height.* Sign height shall be measured from the grade of surrounding
959 property. Grades raised solely to increase sign height shall not be used to
960 determine allowable height; if only the area around the sign is bermed, then the
961 height of the sign is determined from the crown of the fronting street. Grade
962 elevations raised as part of landscaping, berms, and approved entry features may
963 be utilized to determine height. Sign height shall be measured from the highest
964 point to the lowest point, including all elements of the sign. All spaces between
965 each line of copy shall be included in the sign height. If signage includes a colored
966 background, the background shall also be included in the sign height.

967
968 (I) *Signs facing residential districts restricted.*

969
970 (1) *Illuminated Signs.* No illuminated signs shall face any residential district in
971 such a way that it shines directly onto residential properties.

972
973 (2) *Monument Signs.* No sign face of a monument sign shall face a single-family
974 residential district.

975
976 (J) *Finished appearance required for rear of certain signs.* Where the rear or side of
977 any sign is visible from any street or from any adjoining residential district, said
978 side or rear shall be finished with a neat surface that conceals the structural
979 members and electrical equipment of the sign.

980
981 (K) *Mounting.*

982
983 (1) Wall signs shall be mounted flush to the wall and centered on the front
984 frontage of the property.

985
986 (2) Wall signs shall not be mounted to, or extend above or below, the edge of any
987 wall or above the parapet.

988
989 (3) Monument signs shall be on a concrete foundation or footing, and shall have

990 a minimum width of 75% of the sign face width.
991

992 (L) *Computation of Sign Number and Sign Area:*
993

994 (1) The measurement of the area of a sign shall include the entire face of a sign,
995 including any framing, trim, molding, or any feature extending beyond framing,
996 trim, or molding, but not include the supporting structure. In the case of double-
997 faced signs, if the two faces are parallel or constructed at an angle of 15
998 degrees or less, then the two faces shall be considered a single sign face. If
999 the angle of a double-faced sign is greater than 15 degrees, each sign face
1000 shall be included for determining the total area.
1001

1002 (2) For the purpose of computing the number and area of signs, the frontages of
1003 lots shall be established by orientation of the main entrances of the buildings.
1004 If this method is not determinative, the Zoning and Building Director shall
1005 determine frontages on the basis of traffic flow and access from adjacent
1006 streets.
1007

1008 (3) Sign area shall be measured from the highest point to the lowest point,
1009 including all elements of the sign. All spaces between each line of copy shall
1010 be included in the sign area. If signage includes a colored background, the
1011 background shall also be included in the area.
1012

1013 **Sec. 105-034. - Permanent signs, residential districts.**

1014 (A) *Freestanding signs* A freestanding sign shall be permitted only on a property with a
1015 nonresidential building of at least 1,000 square feet.

1016 (i) *Quantity.* A free standing or double-face freestanding sign is allowed at each
1017 vehicular entrance into a residential development, provided there are at least
1018 500 feet of separation between the sign and any other freestanding sign within
1019 a development.
1020

1021 (2) *Minimum frontage.* A freestanding sign shall only be allowed on a property
1022 with at least 100 feet of street frontage on a single street.

1023 (3) *Minimum setbacks.* A freestanding sign shall not be located (leading edge)
1024 less than seven feet from any public right-of-way line, five feet from any
1025 adjacent property line, or 25 feet from any public right-of-way intersection.
1026

1027 (4) *Corner lots.* A freestanding sign on a corner property shall be permitted only
1028 along the main street.
1029

1030 (5) *Dimensions.* The dimensions of freestanding signs permitted under this section shall
1031 not exceed the following:

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Building Gross Floor Area (Sq. Ft.)	Total Sign Height (Feet)	Area per Sign Side (Sq. Ft.)	Total Face Area (Sq. Ft.)
1,000 ± 10,000	6	25	50
10,000 ± 25,000	8	49	98
25,000 ± 50,000	12	64	128
50,000 ± 100,000	16	81	162
100,000+	18	100	200

(B) *Directional sign.*

- (1) *Quantity.* As approved as part of the document associated with the site plan approval for the development.
- (2) *Maximum Area.* 3 square feet per sign face.
- (3) *Maximum Height.* 3 feet.

Sec. 105-035. - Permanent signs, non-residential districts.

(A) *Free standing sign.* Freestanding signs are allowed in accordance with the following provisions.

(1) *Quantity.*

- (i) *Lots with a street frontage of 100 feet up to 200 feet on a single street or a total street frontage of 100 feet or more.* One freestanding sign is allowed in accordance with the standards set forth in this section.
- (ii) *Lots containing at least 200 feet of street frontage on a single street or 100,000 square feet of gross floor area.* Two freestanding signs are allowed, provided that the second sign shall not exceed the maximum parameters of the next lowest category for which the property is eligible in accordance with § 150-035(B) below, and provided further that the signs shall be separated by a minimum distance of 25 feet.

- (2) *Corner lots.* A freestanding sign on a corner property shall be allowed only along the main street.
- (3) *Minimum Building size.* A freestanding sign shall be allowed only on a property with a nonresidential building of at least 1,000 square feet.

1060 (4) *Dimensions.* The dimensions of freestanding signs allowed under this section
 1061 shall not exceed the following:

1062

Building Gross Floor Area (Sq. Ft.)	Total Sign Height (Feet)	Area Sign (Sq. Ft.)	per Side	Total Face Area (Sq. Ft.)
1,000 ± 10,000	6	25		50
10,000 ± 25,000	8	49		98
25,000 ± 50,000	12	64		128
50,000 ± 100,000	16	81		162
100,000+	18	100		200

1063

1064 (B) *Wall signs.* Wall signs are allowed in accordance with the following provisions.

1065 (1) *Quantity.*

1066 (i) 1 wall sign is allowed for each building or storefront on a lot, in accordance with
 1067 the standards set forth in this section. Notwithstanding the foregoing, freestanding
 1068 buildings or endcaps are allowed a second sign. The second sign will not exceed
 1069 the area of the front wall sign.

1070

1071 (ii) In addition to ground level wall signs for purposes of tenant identification, a
 1072 maximum of 3 building identification signs shall also be allowed on the top floor
 1073 of a building.

1074

1075 (2) *Size.* The maximum area of the front sign shall be in accordance with the
 1076 following table and any secondary wall sign shall not exceed the size of the
 1077 front sign:

Location of Sign on Building	Square Footage of Signage for Each Linear Ft. of Building or Store Frontage
1 or 2 story	1
3 story	1.5
4 story	1.75
5 to 9	2
10 story or more	3

1078

1079 (3) *Placement; width.* Wall signs must be centered on the building or storefront
 1080 and shall not encompass more than 75 percent of the width of the building
 1081 or storefront. Wall signs that serve as building or major tenant identification
 1082 signs placed on the top floor of a building are not required to be centered
 1083 on any given elevation of a building.

1084 (4) *Sign construction.* Individual or channel letters, numbers, figures and other
1085 symbols. Individual letters must have a minimum depth of one inch. Figures
1086 or symbols shall not exceed the height of the associated letters.

1087 (5) *Removal.* Wall sign(s) and all their supporting components must be removed
1088 within 30 days of tenant vacation. The building wall, that the wall sign was
1089 affixed to, must be patched and painted in the same materials and colors as
1090 the existing building at the time of removal.

1091 (C) *Directional sign.*

1092 (1) *Quantity.* As approved as part of the documents associated with the site plan
1093 approval for the development.

1094 (2) *Maximum Area.* 3 square feet per sign face.

1095 (3) *Maximum Height.* 3 feet.

1096

1097 **Sec. 150-036. – Flags.**

1098 (A) *Applicability.* This section applies City-wide. Regulations specific to a zoning
1099 district prevail over any inconsistent regulations in the general standards of this
1100 section.

1101

1102 (B) *Location.* Flags shall be displayed on flag poles attached to the ground or to the
1103 building. Flag poles may not be placed on top of buildings or light poles. Flags shall
1104 not be draped or folded over the sides of buildings, nor shall they be tied or
1105 attached directly to the exterior of any building or window.

1106

1107 (C) *Flag pole height.* Flagpoles that are attached to any side of a building shall not
1108 exceed the lesser of the height of the building's roofline, 10 feet in height in
1109 residential districts and 20 feet in height in all other districts. Ground-mounted
1110 flagpoles in residential districts shall not exceed a height of 20 feet, and in
1111 nonresidential districts shall be no greater than the height of the building's roofline,
1112 or the applicable height limit below, whichever height is lower:

1113

Height of Building	Flagpole Height
Up to 2 stories	Up to and including 25 feet
3-5 stories	Up to 35 feet
6 stories and higher.	Up to 45 feet

1114

1115 (D) *Flag size.* The maximum dimensions of any flag shall be proportional to the
1116 flagpole height. The hoist side of the flag shall not exceed 20 percent of the vertical

1117 height of the pole. In addition, flags are subject to the following dimensional
1118 limitations:

Pole Height	Maximum Flag Size
Up to 10 feet	15 total square feet
Up to 25 feet	24 total square feet
25 to 35 feet	40 total square feet
35 to 45 feet	60 total square feet

1119
1120 (E) *Number.* In residential districts, a single flagpole is allowed on lots of record up to
1121 one-half acre in size with a principal building. All other lots with principal buildings
1122 are allowed a maximum of 3 flagpoles. A maximum of 2 flags shall be allowed per
1123 flagpole. Limitations on the number of flags, flagpoles and flag dimensions refer to
1124 both vertical flagpoles and mast-arm flagpoles (for example, staffs extending at an
1125 angle from a building).

1126
1127 (F) *Setback.* A freestanding flagpole must be set back from all property boundaries by
1128 a distance that is at least equal to the height of the pole.

1129
1130 (G) *Maintenance of flag and pole or mounting.* The flag and flagpole or other
1131 permanent mounting shall be maintained in good repair. Flagpoles with broken
1132 halyards shall not be used, and torn or frayed flags shall not be displayed.

1133
1134 **Sec. 150-037. - Sign Permit Process**

1135 (A) *Required.* Except as otherwise provided in this division, it shall be unlawful for any
1136 person to erect, construct, enlarge, post, alter, maintain, move, or convert any sign
1137 in the City, or cause the same to be done, without first obtaining a sign permit for
1138 each such sign as required by this division. These requirements shall not be
1139 construed to require any permit for the repainting, cleaning, and other normal
1140 maintenance or repair of a sign or sign structure for which a sign permit has
1141 previously been issued, so long as the sign or sign structure is not modified in any
1142 way. All signs shall be constructed in accordance with the Building Code, including
1143 obtaining any and all required building permits. No sign shall be approved for use
1144 unless it has been inspected and found to be in compliance with all the
1145 requirements of this section and applicable codes.

1146
1147 (B) *Sign Permit Application.* Application for a sign permit shall be made upon forms
1148 and in the manner provided by the City, and shall state the following information:

1149 (1) Name, address, and telephone number of the property owner. No person
1150 shall erect, construct or maintain any sign upon any property or building
1151 without the consent of the owner or person entitled to possession of the
1152 property or building if any, or their authorized representatives.

1153 (2) Name, address, and telephone number of the contractor.

1154 (3) Property address, property control number (PCN), and legal description of
1155 the building, structure, or lot to which or upon which the sign is to be installed
1156 or affixed.

1157 (4) A drawing to scale showing the design, colors, and materials of the sign,
1158 including dimensions, sign size, sign copy/area, method of attachment,
1159 source of illumination, and showing the relationship to any building or
1160 structure to which it is, or is proposed to be installed or affixed, or to which it
1161 relates, signed and sealed by a professional architect or engineer registered
1162 in the State of Florida.

1163 (5) A fully dimensioned survey or site plan, to scale, indicating the location of
1164 the sign relative to property lines, rights-of-way, streets, easements,
1165 sidewalks, and other buildings or structures, including any ground signs, on
1166 the premises.

1167 (6) If a freestanding or monument sign, a landscape plan showing the screening
1168 of the base or foundation of the sign.

1169 (7) Cost estimate.

1170 (D) *Application Procedure and Review (Original Submittal)*. A sign permit application
1171 on a form provided by the City shall be filed together with all documentation as
1172 provided for in this section. Upon the submission of a complete sign permit
1173 application and all required documentation, the City shall have 10 business days
1174 to review the application based on whether it complies with this division and all
1175 other code requirements, including an Architectural Review Board (ARB)
1176 approved master sign plan if applicable, and provide comments to the applicant.

1177 (E) *Application Procedure and Review (Resubmittals)*. Upon resubmission of the
1178 sign permit application, the City shall have 5 business days to determine whether
1179 the applicant's revisions comply with this division and all other code
1180 requirements. If the revisions do not comply with this division, the City will again
1181 provide the applicant with comments. This process shall continue until the
1182 applicant has submitted an application that meets all requirements. If the
1183 application meets all requirements of this division and other code requirements,
1184 and an ARB approved master sign plan if applicable, the sign permit shall be
1185 issued within five business days of the last resubmission. If the application fails
1186 to meet the requirements of the code, the application will be denied within five
1187 business days of the last resubmission.

1188 (F) *Application Fees.* Sign permit application fees for signs shall be charged in
1189 accordance with the fee schedule adopted by resolution of the Council, and paid
1190 to the City for each sign for which a permit is required by this division. Application
1191 fees shall be paid at time of application and any such sign permit fees are
1192 required to be paid prior to a permit being issued.

1193 **Sec. 105-038. - Master sign plan/technical deviation process.**

1194 (A) *Master Sign Plan.* A master sign plan shall serve as the controlling document for
1195 review of all applications for sign approval within a designated development,
1196 including planned developments, conditional uses, or other developments with
1197 more than one building or parcel, including all outparcels. The purpose and intent
1198 of a master sign plan is to provide a master record of signs on a parcel, ensure
1199 compatible signage, and to create unification of signage within parcels, but not
1200 between parcels that are common to a planned commercial development. Out-
1201 parcels shall be treated separately. All master sign plans shall be approved by
1202 the Architectural Review Board (ARB) in accordance with Article XVI of this
1203 chapter and shall comply with the following:

- 1204
- 1205 (1) The master sign plan shall be approved prior to the issuance of a sign
1206 permit.
 - 1207
 - 1208 (2) The master sign plan shall indicate the type, location, size, dimensions,
1209 illumination, color, materials and architectural style, including the address
1210 requirements of the Florida Building Code and this division. The locations
1211 shall be illustrated on elevations and on a site plan.
 - 1212
 - 1213 (3) When applicable, landscape plans and details shall be part of the plan and
1214 shall comply with the landscape standards of this chapter.
 - 1215
 - 1216 (4) If a technical deviation is required, the request can be made part of the
1217 application for a master sign plan.
 - 1218

1219 (B) *Technical Deviation.* No sign shall be allowed or permitted to be erected contrary
1220 to the size, location, and appearance provisions of this division or the approved
1221 master sign plan unless a technical deviation is approved by the ARB in
1222 conformance with the following criteria:

- 1223
- 1224 (1) No technical deviation may be granted which has the effect of permitting any
1225 sign which is specifically prohibited by these regulations.
 - 1226
 - 1227 (2) The technical deviation must enhance the aesthetic result of the overall sign
1228 program or mitigate a unique feature of a user, structure, or location that
1229 warrants a technical deviation from the code as determined by the ARB.
 - 1230

1231 (3) The technical deviation must not negatively impact another tenant or building
1232 shown on the master sign plan.

1233
1234 (4) The technical deviation must not cause any negative off-site impacts.

1235 (C) *Submittal.* A master sign plan or request for a technical deviation shall be reviewed
1236 and approved by the ARB. All applications and supporting documentation as listed
1237 on the application shall be submitted to the Zoning and Planning (ZP) Department.
1238 The complete application and payment shall be submitted a minimum of four
1239 weeks prior to the ARB meeting to be placed on an agenda, once the application
1240 has been deemed sufficient by staff. The ZP Director shall review the application and
1241 create a staff report, which shall include a recommendation. The staff report shall
1242 be provided to the applicant one (1) week prior to the meeting. An authorized
1243 representative of the applicant must be in attendance at the ARB meeting. If a
1244 representative is not present, then the ARB has the right to postpone the agenda
1245 item to a future meeting date. Staff shall provide the applicant an ARB final order
1246 within five business days of the ARB hearing.

1247 (D) *Fees.* Master sign plan and technical deviation requests shall be charged in
1248 accordance with the fees adopted by Resolution of the City Council, and paid to
1249 the City at time of application submittal.

1250 (E) *Appeals.* The ARB decision may be appealed to the Board of Adjustment (BOA)
1251 within 10 days after the date of receipt of the written notice of denial. A request for
1252 appeal shall be made in a letter to the ZP Director. A hearing before the BOA shall
1253 be scheduled no later than 60 calendar days following receipt of the written appeal,
1254 unless the ZP Director and applicant mutually agree to an extension of this time
1255 period. The BOA hearing shall be a *de novo* hearing. Staff shall provide the
1256 applicant a BOA final order within five business days of the BOA hearing. Once
1257 BOA has issued a final order, the appellant may seek relief in the Miami-Dade
1258 County Circuit Court, as provided by law.

1259 **Sec. 105-039.** Reserved.

1260
1261 **Section 4. Amending Code.** That Chapter 150, "Zoning Code," Article II,
1262 "Signs", Sections 150-031 through 150-034, of the Code of Ordinances of Miami Springs,
1263 Florida, are hereby preserved and renumbered as follows, and placed in a new Division
1264 2 "Miscellaneous":

1265 **Division 2. Miscellaneous**

1266 **Sec. 150-03140. Vision clearance at intersections.**

1267 No building or structure shall be erected, and no vegetation shall be maintained in
1268 any B-1, B-2, or B-3 zone between the sidewalk and a height of ten feet above the
1269 established top of the curb grade at any corner in the portion of the block described as
1270 follows: Beginning at the intersection of street lines, or street lines produced; thence run

1271 along one of the street lines or street lines produced, a distance of ten feet to a point;
1272 thence across the corner of the block to a point on the other street lines, or street lines
1273 produced, the point being ten feet from the above mentioned intersection of street lines,
1274 or street lines produced; thence nm ten feet to the point of beginning. A supporting column
1275 not more than 18 inches in diameter at its greatest cross section dimension shall be
1276 permitted at the corner.

1277 **Sec. 150- 03241. Portable storage units.**

1278 (A) *Definitions:* For the purposes of this section, the following definitions shall apply:

- 1279 1. *Portable storage unit.* Any type of unmotorized container, structure, trailer or
1280 module which is intended and designed for the storage of personal property
1281 items, which is typically delivered and removed by vehicle, and which may be
1282 temporarily rented or owned by the owners or occupants of properties in the City.
- 1283 2. *Site or property.* Any lot, parcel, tract, or plat of land located in any of the
1284 residential or business/commercial zoning districts of the City.

1285 (B) *Limitations and prohibitions for usage:*

- 1286 1. There shall be no more than one portable storage unit located on any site or
1287 property at any time.

1288 **Sec. 150-03342. Permanent electrical generators.**

1289 (A) *Location on property.* Permanent electrical generators may be located in the side
1290 yard or rear yard areas of residential homesites within the City.

1291 (B) *Installation standards and requirements.* All permanent electrical generators shall
1292 only be installed in accordance with the rules, regulations and requirements of the
1293 City of Miami Springs, Miami-Dade County, and the Florida Building Code of the
1294 State of Florida.

1295 (C) *Installation supervision and control.* The installation of permanent electrical
1296 generators on residential homesites within the City shall be supervised and controlled
1297 by the City Building Department.

1298 **Sec. 150-03443. Installation of mechanical equipment.**

1299 (A) *Location—New installation.* Mechanical equipment, including but not limited to
1300 central air conditioning and heating units, pool pumps, sprinkler pumps, generators,
1301 propane tanks and similar mechanical equipment may be located in side and rear
1302 yards, with a minimum setback of five feet. Mechanical equipment located in a corner
1303 side yard shall have a minimum set back of ten feet. The placement of mechanical
1304 equipment in the front yard is prohibited.

1305 (B) *Location—Existing installation.* The aforesaid provision shall not be applicable to
1306 mechanical equipment that is being replaced for already existing residential
1307 structures, which may be installed in the same location as the equipment being
1308 replaced.

- 1309 (C) *Screening.* All mechanical equipment must be properly obscured and screened from
 1310 view by the planting of appropriate landscaping materials or the installation of fences,
 1311 walls, or other appropriate and approved screening materials.
- 1312 (D) *Installation standards and requirements.* Mechanical equipment shall only be
 1313 installed in accordance with the rules, regulations and requirements of the City of
 1314 Miami Springs, Miami-Dade County, and the Florida Building Code of the State of
 1315 Florida.
- 1316 (E) *Installation supervision and control.* The installation of mechanical equipment on
 1317 residential homesites within the City shall be supervised and controlled by the City
 1318 Building Department.

1319 **Section 5. Conflicts.** All Sections or parts of Sections of the Code of
 1320 Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of
 1321 Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

1322 **Section 6. Severability.** That the provisions of this Ordinance are declared to
 1323 be severable and if any section, sentence, clause or phrase of this Ordinance shall for
 1324 any reason be held to be invalid or unconstitutional, such decision shall not affect the
 1325 validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but
 1326 they shall remain in effect, it being the legislative intent that this Ordinance shall stand
 1327 notwithstanding the invalidity of any part.

1328 **Section 7. Codification.** That it is the intention of the City Council and it is
 1329 hereby ordained that the provisions of this Ordinance shall become and be made a part
 1330 of the City Code, that the sections of this Ordinance may be renumbered or relettered to
 1331 accomplish such intentions, and that the word Ordinance shall be changed to Section or
 1332 other appropriate word.

1333 **Section 8. Effective Date.** That this Ordinance shall become effective
 1334 immediately upon adoption on second reading.

1335 **PASSED ON FIRST READING** on the _____ day of _____, 2023, on a
 1336 motion made by _____ and seconded by _____.

1337 **PASSED AND ADOPTED ON SECOND READING** this ___ day of _____, 2023,
 1338 on a motion made by _____ and seconded by _____. Upon being put to a
 1339 roll call vote, the vote was as follows:

1340	Vice Mayor George Lob	_____
1341	Councilman Bob Best	_____
1342	Councilwoman Jacky Bravo	_____
1343	Councilman Dr. Walter Fajet	_____
1344	Mayor Maria Puente Mitchell	_____

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MARIA PUENTE MITCHELL
MAYOR

ATTEST:

ERIKA GONZALEZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY

EXHIBIT A

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Sec. 150-029. Political and election

~~(A) Permitted signs.~~

- ~~(1) Each residential property, business property or establishment, and church site shall be permitted to display one sign for each candidate or ballot issue.~~
- ~~(2) Signs may also be affixed to, or carried in motor vehicles, so long as the attachment and placement of such signs does not constitute a hazard to the public health, safety, or welfare.~~
- ~~(3) The carrying of signs and placards on all properties within the City, including City swales, medians, sidewalks, streets, alleys, bike paths or other public rights-of-way, shall also be permitted so long as such activities are conducted in a manner that does not create a hazard to the public health, safety or welfare and is not otherwise prohibited by state statute or county or municipal ordinance.~~
- ~~(4) In the case of vacant land or an unoccupied commercial location, a written statement of permission from the owner of such property for the display of any political or election signs is required to be submitted to the City prior to the utilization of such location. In addition, the statement shall also authorize the City to remove said signs if they are not displayed properly or removed in accordance with the requirements of this section.~~
- ~~(5) Signs for political candidates in City Council elections may be placed at any time following the candidate's qualification for office.~~

~~(B) Prohibited signs.~~

- ~~(1) No political or election signs may be placed or located on the swales, medians, sidewalks, streets, alleys, bike paths or other public rights-of way of the City. All signs placed in any of the aforesaid locations may be forthwith removed by authorized City representatives without any advance warning or notice to any person.~~
- ~~(2) No political or election signs may be pasted, glued, painted, affixed, tacked, nailed or otherwise attached to any City building or structure, utility pole, tree, traffic control device, bridge, guardrail, public traffic or location sign, or other property of the City.~~
- ~~(3) No political or election signs shall be illuminated or prepared with light reflecting paints.~~

~~(C) Sizes of signs and locations.~~

- ~~(1) Signs shall be placed or located in such a manner as to avoid the creation of any hazards for vehicular or pedestrian traffic.~~

1405 ~~(2) Outside signs located in permitted areas shall not exceed eight square feet in~~
1406 ~~size and shall be placed within the property side of the sidewalk, if one exists. In~~
1407 ~~areas without sidewalks, signs must be placed at least 16 feet from the edge of~~
1408 ~~the street pavement. In all instances, outside signs shall be placed in locations~~
1409 ~~that will eliminate the possibility of infringement on any City right-of-way.~~

1410 ~~(3) However, outside signs located in permitted areas such as vacant land,~~
1411 ~~unoccupied commercial properties, parking lots, or other privately owned open~~
1412 ~~space shall not exceed 16 square feet in size, shall be placed within the property~~
1413 ~~side of the sidewalk, if one exists, and shall be placed and erected in a safe and~~
1414 ~~appropriate manner. In areas without sidewalks, signs must be placed at least~~
1415 ~~16 feet from the edge of the street pavement. In all instances, outside signs shall~~
1416 ~~be placed in locations that will eliminate the possibility of infringement on any~~
1417 ~~City right-of-way.~~

1418 ~~(4) Inside signs located in permitted areas shall not exceed six square feet in size~~
1419 ~~and shall be located and secured in a manner that avoids the creation of any~~
1420 ~~hazards to the premises or adjacent properties.~~

1421 ~~(5) Notwithstanding the foregoing, the existing City Code provisions and~~
1422 ~~requirements for the establishment of office signage and the usage of special~~
1423 ~~event signage shall continue to be regulated in accordance with the applicable~~
1424 ~~provisions of Code § 150-030.~~

1425 ~~(D) *Violations and enforcement.*~~

1426 ~~(1) Each political candidate or sponsoring organization is responsible for each sign~~
1427 ~~posted or displayed on behalf of said candidate or ballot issue regardless of who~~
1428 ~~may have authorized or actually performed the act of posting and display.~~

1429 ~~(2) Each and every sign posted or displayed on behalf of any candidate or ballot~~
1430 ~~issue shall be removed within ten calendar days following the determination of~~
1431 ~~the election for which the candidate's or ballot issues' signs was posted and~~
1432 ~~displayed.~~

1433 ~~(3) As a prerequisite to the posting or display of political or election signs, each~~
1434 ~~candidate or sponsoring organization shall be required to post a \$200.00 cash~~
1435 ~~bond with the City Code Enforcement Department as minimum security for the~~
1436 ~~timely removal of all signs.~~

1437 ~~(4) If any political or election signs posted or displayed in compliance with this~~
1438 ~~section remain following the expiration of the aforesaid removal period, or any~~
1439 ~~political or election signs are posted or displayed in non-compliance with this~~
1440 ~~section, the \$200.00 cash bond posted with the City shall be forfeited to the City~~
1441 ~~to help defray the cost of the removal of the violative signs.~~

1442 ~~(5) In addition, if any signs remain after the aforesaid removal period, the City may~~
1443 ~~enforce the provisions of this section against the candidate or the sponsoring~~
1444 ~~organization of any ballot issue through the implementation of the City Code~~
1445 ~~Enforcement or Supplemental Code Enforcement Citation System procedures.~~

1446 ~~(6) By this reference, the City is authorized to include the violation of the provisions~~
1447 ~~of this section as an offense to be enforced by the supplemental Code~~
1448 ~~Enforcement Citation System. The minimum fine to be imposed for the removal~~
1449 ~~of any signs by the City shall be \$50.00 for each sign removed.~~

1450 ~~(7) If all political or election signs of any candidate or sponsoring organization are~~
1451 ~~timely and properly removed following the determination of the election for which~~
1452 ~~the signs were posted and displayed, the City shall return the \$200.00 cash bond~~
1453 ~~posted with the City to the appropriate candidate or sponsoring organization.~~

1454 (B) *Definitions.* For the purpose of this section, the following definitions shall apply unless
1455 the context clearly indicates or requires a different meaning.

1456 ~~*Animated sign.* A sign which utilizes motion of any part by any means or displays~~
1457 ~~flashing, oscillating, sequential or intermittent lights other than time or temperature.~~

1458 ~~*Architectural details.* Any projection, relief, cornice, column, change of building~~
1459 ~~material, window or door opening on any building.~~

1460 ~~*Balloon sign.* Any sign of fabric type material inflated by cold air to a point of~~
1461 ~~semirigidity for the purpose of floating above the ground.~~

1462 ~~*Banner sign.* A sign having the characters, letters or illustrations applied to cloth,~~
1463 ~~paper, plastic film or fabric of any kind, or any other material with similar characteristics,~~
1464 ~~with only such material for backing.~~

1465 ~~*Bench sign.* Any sign painted on or attached to a bench or to a shelter for persons~~
1466 ~~awaiting public transportation.~~

1467 ~~*Building identification sign.* A sign that shows the name or address of a building.~~

1468 ~~*Bunting.* Any kind of pennant, streamer or other similar fabric decoration.~~

1469 ~~*Commercial event sign.* A temporary sign announcing any commercial special event~~
1470 ~~such as, but not limited to, the first opening of a business not previously conducted in the~~
1471 ~~City by the same person, at the particular location or the first sale of dwellings in a project.~~
1472 ~~It may be wood, paper, cloth, bunting or banner pennants.~~

1473 ~~*Contractor/architect sign.* A sign designating the name of the general contractor,~~
1474 ~~subcontractor, architect or any other business or professional undertaking real property~~
1475 ~~improvements on the site where the sign is located, whether commercial or residential.~~

1476 ~~*Development identification sign.* A sign that is permitted to be installed only around~~
1477 ~~the perimeter of a development to identify the development.~~

1478 ~~*Directional sign.*~~

1479 ~~(1) A noncommercial sign permanently erected and maintained by the City, county~~
1480 ~~or state, or any agency thereof to:~~

1481 ~~(a) Denote the name of and/or route to any thoroughfare.~~

1482 ~~(b) Denote the route to any City.~~

1483 ~~(c) Denote the name and/or route to any educational institution, public building,~~
1484 ~~park, recreational facility or hospital.~~

1485 ~~(d) Direct and regulate traffic.~~

1486 ~~(e) Denote the name and/or route to any transportation or transmission~~
 1487 ~~company.~~

1488 ~~(2) A noncommercial sign located on and relating to an activity on the premises~~
 1489 ~~upon which the sign is located, providing directional and safety information to~~
 1490 ~~pedestrian and vehicular traffic, for example: *entrance, exit, and caution.*~~

1491 ~~*Directory sign.* An index consisting of the names of tenants of an office building,~~
 1492 ~~shopping center or other multi-tenant business complex.~~

1493 ~~*Eave line.* The lowest line of the eaves on a pitched roof building.~~

1494 ~~*Election sign* any sign which indicates the name, cause or affiliation of anyone~~
 1495 ~~seeking public office or which indicates any issue for which a public election is scheduled~~
 1496 ~~to be held.~~

1497 ~~*Facade.* The face of a building from the ground to the top of the parapet in the case~~
 1498 ~~of buildings with flat roofs and to the ridge line of the roof in the case of buildings with a~~
 1499 ~~pitched roof.~~

1500 ~~*Ground sign.* Any freestanding solid structure containing one or two sign faces which~~
 1501 ~~is supported solely by its own ground-mounted base and which is not attached or affixed~~
 1502 ~~in any way to a building or other structure.~~

1503 ~~*Illuminated sign.* Any sign having characters, letters, designs, logos or outlines~~
 1504 ~~illuminated by electric lights or luminous tubes designed for that purpose, whether or not~~
 1505 ~~said lights or tubes are physically attached to the sign.~~

1506 ~~*Model sign.* A sign which designates a particular dwelling unit which is exhibited to~~
 1507 ~~depict other units of a similar design that are for sale.~~

1508 ~~*Monument sign:* A freestanding sign supported by a continuous foundation or~~
 1509 ~~structural base under all or substantially all of the sign.~~

1510 ~~*Multi-tenant center.* Any shopping center, office center, business center or industrial~~
 1511 ~~center in which two or more occupancies abut each other or share common parking~~
 1512 ~~facilities or driveways or are otherwise related.~~

1513 ~~*Nonresidential public street.* Those streets and streets segments denoted as~~
 1514 ~~nonresidential public streets in Figure 1.~~

1515

Public	rights-of-way	upon	which
residential	real		estate
open	house	directional	signs
are permitted			
(1)	Westward Drive, from Flamingo Circle to Hammond Drive;		
(2)	Ludlam Drive, from Lafayette Drive to Crane Avenue;		
(3)	Crane Avenue from Thrush Avenue to North Royal Poinciana Boulevard;		
(4)	North Royal Poinciana Boulevard, from Albatross Street to Ludlam Drive;		

(5)	Morningside Drive in the area where there is a Parkway, from Palmetto Drive to Minola Drive;
(6)	The Parkway triangle located at South Royal Poinciana Blvd. and Ragan Drive;
(7)	The circles on South Drive, DeSoto Drive and Glendale Drive;
(8)	The triangle on Morningside Drive and Lake Drive;
(9)	The triangle at Lenape Drive and Corydon Drive;
(10)	The triangle at Hunting Lodge Drive and North Melrose Drive;
(11)	North and South Melrose Drive on the canal side only.

1516 ~~Off-premise sign. Any sign advertising a commercial establishment, activity, product,~~
1517 ~~service or entertainment which is sold, produced, manufactured, available or furnished at~~
1518 ~~a place other than on the property on which the sign is located.~~

1519 ~~Parapet line. The line of a parapet on the facade of a flat roofed building with a~~
1520 ~~parapet and the line of the roof on the facade of a flat roofed building without a parapet.~~

1521 ~~Political/ideological sign. Any sign which expresses any political or ideological idea~~
1522 ~~or opinion of any kind.~~

1523 ~~Portable sign. Any sign not permanently attached to the ground or other permanent~~
1524 ~~structure or a sign designated to be transported, including, but not limited to, signs~~
1525 ~~designed to be transported by means of wheels; skid-mounted signs; signs converted to~~
1526 ~~A- or T-frames; menu and sandwich board signs; balloons used as signs; and signs~~
1527 ~~attached to or painted on vehicles parked to clearly provide advertising close to the public~~
1528 ~~right-of-way, unless said vehicle is used in the normal day-to-day operations of the~~
1529 ~~business, the sign area is less than two square feet per side and there is no reasonable~~
1530 ~~alternative storage space.~~

1531 ~~Project construction sign. A sign announcing a project under construction or an~~
1532 ~~intended use of the premises in the immediate future.~~

1533 ~~Projecting architectural sign. A sign which is attached flat against a projecting~~
1534 ~~building wall or other structural element which is designed as an integral part of the~~
1535 ~~building of which it is a part.~~

1536 ~~Projecting nonarchitectural sign. A sign which is directly attached to and projects from~~
1537 ~~a building wall or other structure element by more than 15 inches.~~

1538 ~~Real-estate for sale or for lease sign. A sign erected on-site by the owner or his agent,~~
1539 ~~indicating property which is for rent, lease or sale, open for inspection, shown by~~
1540 ~~appointment only or similar announcement.~~

1541 ~~Roof sign. A sign erected over, across or on the roof of any building, except that a~~
1542 ~~projecting architectural sign shall not be deemed to be a roof sign.~~

1543 ~~Sidewalk or sandwich sign. A movable sign not permanently secured or attached to~~
1544 ~~the ground.~~

1545 ~~Sign, commercial. Any writing, pictorial identification, description, illustration,~~
1546 ~~presentation, illumination or other device which is affixed to or represented directly or~~
1547 ~~indirectly upon a building, structure or land and which identifies or directs attention to a~~
1548 ~~product, place, activity, persons, institution, business or service. However, any such~~
1549 ~~writing, pictorial identification, and the like which is inside a building and cannot be seen~~

1550 ~~from the outside shall not be considered a sign for the purposes of this section and shall~~
1551 ~~not be regulated by this section. Any wall mural or other art work which bears no specific~~
1552 ~~relationship to a particular product, place, activity, person, institution, business or service~~
1553 ~~shall not considered to be a sign for the purposes of this section and shall not be regulated~~
1554 ~~by this section. Any name of a newspaper or other publication of general circulation on a~~
1555 ~~box for the distribution or delivery of such publication directly to customers shall not be~~
1556 ~~considered to be a sign and shall not be regulated by this section. One United States flag~~
1557 ~~and one other noncommercial flag on one pole per lot shall not be considered to be a sign~~
1558 ~~if it is not greater than 20 feet in height and 15 square feet in area.~~

1559 ~~*Sign, noncommercial.* Any sign other than a commercial sign. Noncommercial signs~~
1560 ~~include any required sign as specified in division (D), any public interest sign as specified~~
1561 ~~in division (E), any residential name plate identification signs, any residential development~~
1562 ~~identification sign, any residential development directional sign, any election signs and~~
1563 ~~any political or ideological sign.~~

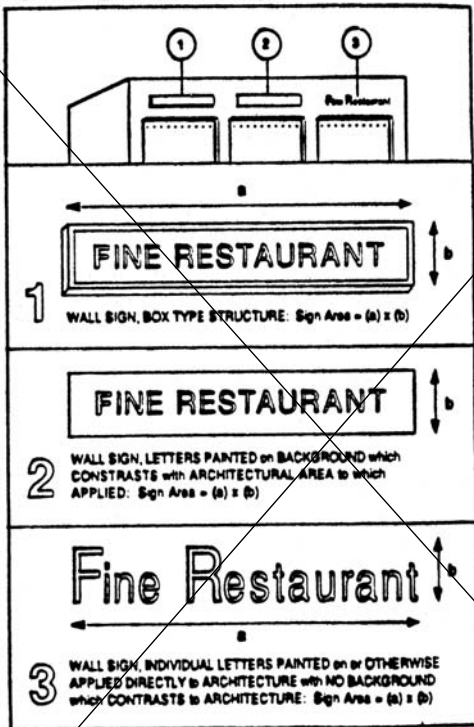
1564 *Signable area.* Any one area of rectangular shape on the side of a building, provided
1565 that said signable area is free of architectural details and is located where the sign to
1566 which it pertains is located.

1567 *Sign area.* When a sign is fabricated as a banner or box or other structure which is
1568 applied to the wall of a building, the sign area is the entire area of the rectangle which
1569 completely encloses the face of the sign. When a sign is a wall or window sign composed
1570 of individual letters, symbols or logos painted on or otherwise applied to a wall or window,
1571 the sign area is the entire area of the rectangle which completely encloses all letters,
1572 symbols and logos. When the sign is a ground sign, the sign area is the entire area of the
1573 rectangle which encloses the entire face of the sign and any supporting structure, except
1574 in the expressway sign district. In the expressway sign district, when the sign is a ground
1575 sign, the sign area is the entire area of the rectangle which completely encloses the entire
1576 face of the sign, but does not enclose any supporting structure which is below the lowest
1577 level at which letters, symbols or logos are located. For any other sign not described
1578 above, the sign area is the entire area of the rectangle which completely encloses the
1579 entire face of the sign, but does not enclose any supporting structure. See figures 2-4 for
1580 illustration of sign area measurements.

1581 *Sign face.* The surface of a sign which contains the writing, pictorial identification,
1582 and the like which constitutes a sign.

1583 *Sign height.* The height of the sign measured from the finished ground elevation to
1584 the top of the sign. If the area around the sign is bermed, then the height of the sign is
1585 determined from the crown of the fronting street.

Figure 2: Sign Area for Wall Signs



1587 ~~Temporary sign. Any sign to be displayed for a limited period as specified in division~~
1588 ~~(J).~~

1589 ~~Wall sign, nonprojecting. A sign which is affixed to an exterior wall, fascia, cantilever,~~
1590 ~~marquee, awning, mansard or pitched roof of any building which is parallel thereto and~~
1591 ~~supported by said wall, fascia, cantilever, marquee, awning, mansard or building. No sign~~
1592 ~~shall project higher than the top of said wall, fascia, mansard or building.~~

1593 ~~Window sign, permanent. A permanent sign painted on or otherwise permanently~~
1594 ~~attached to a window or door.~~

1595 ~~Window sign, temporary. A temporary sign attached to a window or a door.~~

1596 ~~Zoning lot. Any land area upon which is situated a given building and/or land use and~~
1597 ~~which is needed to meet the minimum lot size, parking, landscaping, setback or other~~
1598 ~~requirements for that building and/or use and any other building and/or use which may be~~
1599 ~~on the same parcel.~~

1600 ~~(C) Prohibited signs. The following signs are prohibited anywhere in the City:~~

1601 ~~(1) Animated signs except time and temperature.~~

1602 ~~(2) Banner signs except as commercial special event signs pursuant to division (J).~~

1603 ~~(3) Buntings, balloons and commercial flags and pennants.~~

1604 ~~(4) Obscene signs.~~

1605 ~~(5) Pole signs.~~

1606 ~~Portable signs.~~

1607 ~~(7) Projecting nonarchitectural signs.~~

1608 ~~(8) Roof signs.~~

1609 ~~(9) Sandwich or A-frame signs, except for residential real estate open house~~
1610 ~~directional signs pursuant to division (C)(10) below.~~

1611 ~~(10) Snipe signs.~~

1612 ~~(11) Signs on public property, other than signs placed by agencies of governments~~
1613 ~~or signs specifically authorized for placement on public property by this Code.~~

1614 ~~(12) Signs on utility poles, other than signs placed by the applicable utility company~~
1615 ~~for utility identification or similar purpose.~~

1616 ~~(13) Any off-premise commercial sign, except that signs specifically permitted~~
1617 ~~pursuant to divisions (G), (H), (I), and (J) may be off-premise signs by virtue of~~
1618 ~~their content.~~

1619 ~~(14) Any sign not expressly authorized by this Code or not specifically excluded from~~
1620 ~~the purview of this section.~~

- 1621 ~~(D) *Required signs.* The following signs must be placed where relevant and shall not be~~
 1622 ~~counted in determining the amount of signage permitted on a lot under this Code.~~
- 1623 ~~(1) Warning signs at gasoline stations as prescribed by the fire marshal.~~
- 1624 ~~(2) Fire lane markings and any such other signs as may be prescribed by the fire~~
 1625 ~~marshal.~~
- 1626 ~~(3) Building identification signs:~~
- 1627 ~~(a) Residential building with four dwelling units or less address numerals at~~
 1628 ~~least three inches high either standing alone or in conjunction with the~~
 1629 ~~names of the occupants.~~
- 1630 ~~(b) Residential building with more than four dwelling units and nonresidential~~
 1631 ~~buildings address numerals at least ten inches high.~~
- 1632 ~~(c) Nonresidential building address numerals at least three inches high at each~~
 1633 ~~building entrance.~~
- 1634 ~~(4) Handicapped parking signs.~~
- 1635 ~~(5) Directional signs for safe on-site vehicular and pedestrian circulation as may be~~
 1636 ~~deemed necessary by the City's site plan review authority.~~
- 1637 ~~(E) *Public interest signs.* The following signs shall be permitted on any and all public or~~
 1638 ~~private land due to their public service benefit and shall not be counted in determining~~
 1639 ~~the amount of signage permitted on a lot under this Code.~~
- 1640 ~~(1) Benches, approved by the City Council, may carry commercial and~~
 1641 ~~noncommercial signs if designed as an integral part of the structure and~~
 1642 ~~necessary to defray the cost of providing the structure.~~
- 1643 ~~(2) Bus shelters, approved by the City Council, may carry commercial and~~
 1644 ~~noncommercial signs if designed as an integral part of the structure and~~
 1645 ~~necessary to defray the cost of providing the structure.~~
- 1646 ~~(3) Directional signs for churches, public schools and similar institutions.~~
- 1647 ~~(4) Any sign erected or required by governmental units, provided such sign is not~~
 1648 ~~larger than required by state or federal law.~~
- 1649 ~~(F) *Residential zoning district permanent signs.* The following signs are authorized in all~~
 1650 ~~residential districts:~~
- 1651

Residential development identification ground sign:	
• Number maximum	2 sign faces for each road entering the development from outside the development
• Area maximum per sign face	24 square feet

•	Height maximum	4 feet
•	Items of information	10
Directional sign:		
•	Number maximum	As determined necessary by City staff
•	Area maximum per sign face	4 square feet
•	Content restrictions	Content shall be limited to words and symbols necessary to direct traffic.
Institutional use signs:		
•	Institutional uses in residential districts shall be permitted signage in accordance with the regulations applicable to the B-1 zoning district.	

1652

1653 ~~(G) Signs in the Northwest 36th Street and Abraham Tract Zoning Districts. The following~~
 1654 ~~signs shall be permitted in the Northwest 36th Street and Abraham Tract Zoning~~
 1655 ~~Districts.~~

1656 ~~(1) Each zone lot having a street frontage of 100 feet or more shall be permitted a~~
 1657 ~~freestanding sign in accordance with the standards set forth in this section.~~

1658 ~~A second freestanding sign shall be allowed on lots containing 200 feet of street~~
 1659 ~~frontage on a single street and/or 100,000 square foot of gross floor area,~~
 1660 ~~provided that the second sign shall not exceed the maximum parameters of the~~
 1661 ~~next lowest category for which the property is eligible in accordance with § 150-~~
 1662 ~~030(B)(10) below, and provided further that the signs shall be separated by a~~
 1663 ~~minimum distance of 25 feet.~~

1664 ~~(2) Freestanding signs: Freestanding signs, other than incidental signs and other~~
 1665 ~~signs expressly permitted by other provisions of this ordinance, are permitted in~~
 1666 ~~accordance with the following provisions and are otherwise prohibited:~~

1667 ~~(a) Minimum frontage: A freestanding sign shall be permitted only on a property~~
 1668 ~~with at least 100 feet of street frontage on a single street.~~

1669 ~~(b) Minimum setbacks: Freestanding sign shall not be located (leading edge)~~
 1670 ~~less than seven feet from any public right-of-way line, five feet from any~~
 1671 ~~adjacent property line, or 25 feet from any public right-of-way intersection.~~

1672 ~~(c) Corner lots: A freestanding sign on a corner property shall be permitted only~~
 1673 ~~along the main street.~~

1674 ~~(d) Building size: Subject to the provisions of paragraph (6) of this section, a~~
 1675 ~~freestanding sign shall be permitted only on a property with a nonresidential~~
 1676 ~~building of at least 1,000 square feet.~~

1677 ~~(e) Landscaping: The sign shall be located in a landscaped area and 100~~
 1678 ~~square feet of additional landscaping in accordance with a landscape plan~~
 1679 ~~approved by the City Manager or designee, in addition to the other~~
 1680 ~~applicable landscaping requirements, which shall be required as a condition~~

1681 of erecting and maintaining a freestanding sign. The landscaped area shall
1682 be enclosed with a continuous poured concrete curb (Miami-Dade County
1683 "Type D").

1684 (f) ~~Materials:~~ Freestanding signs shall be constructed of the same or
1685 aesthetically comparable materials and products of which the principal
1686 building finish on the same property is constructed.

1687 (g) ~~Sign base:~~ The sign base shall be of concrete construction, and shall have
1688 a minimum width of 75 percent of the sign face width.

1689 (h) ~~[Double faced freestanding sign:]~~ A double faced freestanding sign shall
1690 have a maximum distance of three feet between the sides and an internal
1691 angle not to exceed 30 degrees.

1692 (i) ~~[Sign face:]~~ No sign face shall face a single family residential zoning district.

1693 (j) ~~Dimensions:~~ The dimensions of freestanding signs permitted under this
1694 section shall not exceed the following:

Building Gross Floor Area (Sq. Ft.)	Total Sign Height (Feet)	Area per Sign Side (Sq. Ft.)	Total Face Area (Sq. Ft.)
1,000 ± 10,000	6	25	50
10,000 ± 25,000	8	49	98
25,000 ± 50,000	12	64	128
50,000 ± 100,000	16	81	162
100,000+	18	100	200

1695
1696 (3) ~~Wall signs:~~
1697 (a) ~~Size.~~ One wall sign for each building or store front on a zone lot. In addition
1698 to ground level wall signs for purposes of tenant identification, a maximum
1699 of three building identification signs shall also be permitted on the top floor
1700 of the building. The maximum area of such sign shall be in accordance with
1701 the following table:

Location of Sign on Building	Square Footage of Signage for Each Linear Ft. of Building or Store Frontage
1 or 2 story	1
3 story	1.5
4 story	1.75
5 to 9	2
10 story or more	3

1702

1703 ~~(b) Placement; width. The sign must be centered on the building or storefront~~
 1704 ~~and shall not encompass more than 75 percent of the width of the building~~
 1705 ~~or storefront. On corner lots or end caps of multi-tenant buildings, there may~~
 1706 ~~be two wall signs provided that the side wall sign may be no larger than the~~
 1707 ~~front sign. Wall signs that serve as building or major tenant identifications~~
 1708 ~~signs placed on the top floor of a building are not required to be centered~~
 1709 ~~on any given elevation of a building.~~

1710 ~~(c) Sign construction. All wall signs constructed, erected, placed or modified~~
 1711 ~~after the effective day of this article shall consist only of individual, or~~
 1712 ~~channel letters, numbers, figures and other symbols. Individual letters must~~
 1713 ~~have a minimum depth of one-half inch.~~

1714 (H) ~~Signs in the B-2 and MUB districts. The following signs shall be permitted in the B-2~~
 1715 ~~and MUB districts:~~

Ground sign:		
•	Number maximum	2 sign faces per zoning lot
•	Setback minimum	5 feet from right-of-way
•	Height maximum	20 feet
•	Area maximum per sign face	120 square feet
•	Items of information maximum	10
Projecting architectural sign in lieu of ground sign:		
•	Number maximum	2 sign faces per zoning lot
•	Setback minimum	5 feet from right-of-way
•	Height maximum	10 feet above the eave or parapet line of the building on which it is located
•	Area maximum per sign face	120 square feet
•	Items of information maximum	10
Low nonprojecting wall sign:		
•	Number maximum	1 per each ground floor establishment which has its own principal public access directly facing a nonresidential public street or on an unobstructed pedestrian access way which leads to a public street
•	Area maximum	40 percent of signable area up to 30 square feet
•	Height maximum for one-story buildings	Either below the top of the building or below any cornice or other similar architectural detail which is at the top of the building, whichever is lower
•	Height maximum for buildings with more than one story and with second story	Below the sill line of second story windows. In cases where the sill line

		varies, the sill line under which a sign is place shall govern
•	Height maximum for buildings with more than one story but no second story	Not higher than four feet above the second floor line
•	Items of information maximum	30
High nonprojecting wall sign:		
•	Number maximum	1 sign face per building facade on a nonresidential public street
•	Area maximum	40 percent of signable area up to 100 square feet
•	Height maximum	Either below the top of the building or below any cornice or other similar architectural detail which is at the top of the building, whichever is lower
•	Items of information maximum	10
Window sign:		
•	Number maximum	2 per each ground floor establishment which has its own principal public access directly facing a public street or on an unobstructed pedestrian access way which leads to a public street
•	Area maximum of one or both	15 percent of total window area up to 20 square feet
•	Items of information maximum when any letters and other graphic symbols which constitute an item are more than four inches high	10
•	Items of information maximum when any letters and other graphic symbols which constitute an item are less than four inches high	unlimited
Additional sign or sign area:		
•	Number maximum	1 sign face per building if this provision is used to permit an additional sign
•	Area maximum	40 square feet allocated to one sign if this provision is used to permit an additional sign or 40 square feet distributed among all otherwise permitted sign faces
•	Location requirements	Mounted on a building wall in accordance with the locational requirements applicable to low wall signs

		of this provision is used to permit an additional sign
--	--	--------------------------------------------------------

1716

1717 (f) ~~Signs in the B-1 zoning district. Ground signs and projecting architectural signs are~~
 1718 ~~expressly prohibited, as are all other signs identified as prohibited signs by division~~
 1719 ~~(C). The specific reference to division (C) in this section is not to be construed as~~
 1720 ~~meaning that division (C) does not apply to other sign districts. The following signs~~
 1721 ~~shall be permitted in the B-1 zoning district:~~

Low nonprojecting wall sign:		
•	Number maximum	1 per each ground floor establishment which has its own principal public access directly facing a nonresidential public street or on an unobstructed pedestrian access way which leads to a public street
•	Area maximum	40 percent of signable area up to 30 square feet
•	Height maximum for one story buildings	Either below the top of the building or below any cornice or other similar architectural detail which is at the top of the building, whichever is lower
•	Height maximum for buildings with more than one story and with second story windows	Below the sill line of second story windows. In cases where the sill line varies, the sill line under which a sign is placed shall govern
•	Height maximum for buildings with more than one story but no second story windows	Not higher than four feet above the second floor line
•	Items of information maximum	10
Window sign:		
•	Number maximum	2 per each ground floor establishment which has its own principal public access directly facing a public street or on an unobstructed pedestrian access way which leads to a public street
•	Area maximum one or both	15 percent of total window area up to 20 square feet
•	Items of information maximum when any letters and other graphic symbols which constitute an item are more than four inches high	10
Additional sign or sign area:		

•	Items of information maximum when all letters and other graphic symbols which constitute an item are less than four inches high	Unlimited
•	Number maximum	1 sign face per building if mounted in accordance with locational requirement (a) below, or
		2 sign faces per building if hung according to locational requirement (b) below, or
		No additional sign faces if distributed according to locational requirement (c) below
Location requirements:		

1722

		(a) Mounted on a building wall in accordance with the locational requirements applicable to low wall signs, or
		(b) Hung below an awning or other canopy, or

1723

(J) *Temporary signs.* Only the following temporary signs shall be permitted:

		Residential District	Non-Residential District
Commercial special event sign:		Not Permitted	
•	Number per project		1 banner sign per establishment
•	Area maximum		30 square feet
•	Length of display		Not to exceed 30 days total during the first six months following the securing of an occupational license by a new business occupant
Real estate for sale and for lease signs:			
•	Area maximum	144 square inches plus two panels not exceeding together 144 square inches in addition for	12 square feet

		special information such as number of bedrooms, number of baths, presence of pool, and suspended with "S" hooks from main sign	
•	Number maximum	1 per street frontage	1 per street frontage
•	Length of display	For the time period during which the property is offered	During the time period during which the property is offered
Residential real estate open house and talking house directional signs:			
•	Area maximum	450 square inches	450 square inches
•	Open house sign regulations	Open house signs shall be left in place only on the day and during the hours of the open house. Open house signs cannot be displayed unless there is actually an open house being held, with the owner or a representative available at the house to allow access to prospective buyers. In no case shall the sign be left in place for more than two consecutive days, or up to a maximum of three days in any seven day period. Open house signs must state "Open House" in large letters, and may also include the	Open house signs shall be left in place only on the day and during the hours of the open house. Open house signs cannot be displayed unless there is actually an open house being held, with the owner or a representative available at the house to allow access to prospective buyers. In no case shall the sign be left in place for more than two consecutive days, or up to a maximum of three days in any seven day period. Open house signs must state "Open House" in large letters, and may also include the

		phrase "Talking House" with a directional arrow. Other real estate sale signs can only be displayed on the property for sale and are not to be considered open house signs	phrase "Talking House" with a directional arrow. Other real estate sale signs can only be displayed on the property for sale and are not to be considered open house signs
a.	Talking house sign regulations	Talking house signs may be left in place for no more than two consecutive days, or up to a maximum of three days in any seven day period. Talking house signs must state "Talking House" in large letters, and may also include a directional arrow. Other real estate sale signs can only be displayed on the property for sale	Talking house signs may be left in place for no more than two consecutive days, or up to a maximum of three days in any seven day period. Talking house signs must state "Talking House" in large letters, and may also include a directional arrow. Other real estate sale signs can only be displayed on the property for sale
a.	Location	On the property of the house being offered for sale, with the permission of the owner, specifically designated public rights-of-way as shown in Figure 1, and on the public right-of-way area directly adjacent to the property being offered for sale	On the property of the house being offered for sale, with the permission of the owner, specifically designated public rights-of-way as shown in Figure 1, and on the public right-of-way area directly adjacent to the property being offered for sale
<u>Contractor/architect construction sign:</u>			

•	Number maximum	4	4
•	Area maximum	144 square inches	6 square feet
•	Length of display	During remodeling During construction	During remodeling During construction
<u>Project construction sign:</u>			
•	Number per project	1 per street frontage	1 per street frontage
•	Area maximum	8 square feet	30 square feet
•	Height maximum	6 feet	10 feet
•	Length of display	After site plan approval and up to issuance of certificate of occupancy or 18 months whichever is less	After site plan approval and up to issuance of certificate of occupancy or 18 months whichever is less
<u>Garage sale sign:</u>		Not permitted	Not permitted
<u>Political/ideological sign:</u>		Not permitted	
•	Length of display		Unlimited
•	Number		Otherwise permitted signs may have el ; and ideological content in part or in whole
•	Area maximum		As applicable to otherwise permitted signs
•	Height maximum above grade		As applicable to otherwise permitted signs
•	Setback minimum		As applicable to otherwise permitted signs

1724

1725 ~~(K) Supplemental regulations.~~

1726 ~~(1) Construction and workmanship standards. All permanent signs shall conform to~~
1727 ~~state building code, including Chapter 23 relative to wind pressure standards. In~~
1728 ~~addition, all signs shall be constructed, attached, painted or otherwise applied in~~
1729 ~~a neat professional manner according to standard industry practice.~~

- 1730 ~~(2) *Electric standards.* All electrical equipment and lines used as or in connection~~
1731 ~~with signs shall meet the National Electric Code.~~
- 1732 ~~(3) *Maintenance required.* All signs must be maintained in good condition. They~~
1733 ~~shall be kept neat and safe at all times. Any evidence of sign deterioration shall~~
1734 ~~be deemed a violation of this provision. Such evidence shall include, but not be~~
1735 ~~limited to, peeling or cracking paint, severely fading paint, rust, cracking plastic~~
1736 ~~or other deteriorating material.~~
- 1737 ~~(4) *Finished appearance required for rear of signs.* Where the rear or side of any~~
1738 ~~sign is visible from any street or from any adjoining residential district, said side~~
1739 ~~of rear shall be finished with a neat surface which conceals the structural~~
1740 ~~members and electrical equipment of the sign.~~
- 1741 ~~(5) *Illuminated signs facing residential districts restricted.* No illuminated signs shall~~
1742 ~~face a residential district in such a way that it shines directly onto residential~~
1743 ~~properties.~~
- 1744 ~~(6) *Changeable copy permitted.* Signs with removable or changeable copy are~~
1745 ~~permitted. They shall count as a sign otherwise permitted by this section. They~~
1746 ~~shall not be permitted in addition to any sign otherwise permitted by this section.~~
- 1747 ~~(7) *Required sign-theme design plan.*~~
- 1748 ~~(a) Each application for a permit for a permanent commercial sign shall be~~
1749 ~~based on a written and graphic sign-theme design plan which establishes a~~
1750 ~~unified design theme for all signs on a given zoning lot. For the purposes of~~
1751 ~~this division, a unified design theme shall be the theme which has a degree~~
1752 ~~of unity among the various signs with respect to the various design elements~~
1753 ~~which together make up the design character of signs. These elements~~
1754 ~~include, but are not necessarily limited to, construction type, materials,~~
1755 ~~color, size of letters, size of logos and other graphics, size of signs, elevation~~
1756 ~~of sign base lines, and elevation of sign top lines. The degree of unity~~
1757 ~~required is that which clearly evidences that all permanent signs on the~~
1758 ~~parcel were designed in concert with one another and with the architecture~~
1759 ~~on which they are placed rather than without regard to one another or the~~
1760 ~~architecture. It is not necessary for all signs to be identical or even nearly~~
1761 ~~identical in order for sufficient unity to be achieved.~~
- 1762 ~~(b) Sign-theme design plans shall be submitted to and reviewed by the site plan~~
1763 ~~review authority.~~
- 1764 ~~(c) An approved sign-theme design plan may be modified provided that all~~
1765 ~~signs which already exist on the applicable parcel conform as they are to~~
1766 ~~the new plan or are made to conform within 60 days of approval of the new~~
1767 ~~plan. Any pre-existing sign which does not conform to an approval sign-~~
1768 ~~theme design plan shall be deemed to be an illegal nonconforming sign and~~
1769 ~~therefore shall enjoy none of the grandfather protections enjoyed by legal~~

1770 ~~nonconformities. Such an illegal nonconforming sign shall be subject to~~
1771 ~~immediate removal by the City at the expense of the owner of the property~~
1772 ~~on which the sign is located.~~

1773 ~~(d) Any otherwise legal sign existing prior to the enactment of this division and~~
1774 ~~for which there is no approved sign theme design plan may remain without~~
1775 ~~time limit and without the need to prepare and have approved a sign theme~~
1776 ~~design plan. However, no additional or new signs may be placed on the lot~~
1777 ~~on which such sign is located.~~

1778 ~~(L) Administration and enforcement.~~

1779 ~~(1) Permits and applications for permits for certain signs. Applications for permits~~
1780 ~~shall be submitted on forms provided by the Code Enforcement Department. The~~
1781 ~~following signs shall be required to have a sign permit:~~

1782 ~~(a) Building identification sign~~

1783 ~~(b) Commercial special event sign~~

1784 ~~(c) Contractor/architect signs~~

1785 ~~(d) Development identification sign~~

1786 ~~(e) Ground sign~~

1787 ~~(f) Model sign~~

1788 ~~(g) Project construction sign~~

1789 ~~(h) Projecting architectural sign~~

1790 ~~(i) Wall sign, nonprojecting~~

1791 ~~(j) Window sign, permanent~~

1792 ~~(2) Minimum plan requirements.~~

1793 ~~(a) Sign permit applicants shall provide plans and specifications for each sign~~
1794 ~~showing all information necessary to determine compliance with this Code,~~
1795 ~~including, where applicable, the approved sign theme design plan. The~~
1796 ~~plans and specifications shall also show the method of construction and~~
1797 ~~attachment to the building or in the ground.~~

1798 ~~(b) Drawings shall be to scale and shall show the square foot area and~~
1799 ~~dimensions of the sign structure as well as the sign face, copy to appear on~~
1800 ~~the sign, height of letters, colors, materials, lighting equipment, of any, and~~
1801 ~~the position of the proposed signs relative to buildings, property lines, and/or~~
1802 ~~other wall signs as appropriate. A survey or drawn plot plan with~~
1803 ~~measurements shall be provided for signs which are not mounted on~~
1804 ~~buildings.~~

1805 ~~(3) Issuance of sign permit. If the sign, as indicated in the plans and specifications,~~
1806 ~~is in accordance with the provisions of the state building code, and this chapter~~

1807 ~~and any other relevant provisions of the City's Development Code, then a permit~~
1808 ~~shall be issued for the erection of any such sign upon payment of the prescribed~~
1809 ~~fee as established by the City provided that:~~

1810 ~~(a) The sign company has secured a certificate of competency and satisfies the~~
1811 ~~City's insurance requirements, and~~

1812 ~~(b) The establishment to which the sign pertains has a valid occupational~~
1813 ~~license.~~

1814 ~~(4) Noncomplying signs.~~

1815 ~~(a) Unsafe signs. Upon inspection by the City, if any sign is found to be unsafe,~~
1816 ~~then the owner of the property on which said sign is located shall be required~~
1817 ~~to make it safe in a manner consistent with all requirements of this Code or~~
1818 ~~to remove such sign. If notice of need for correction is not complied with~~
1819 ~~within one week, the City shall cause such sign to be removed at the~~
1820 ~~expense of the owner of the property on which the sign is located following~~
1821 ~~a public hearing with due notice to all interested parties. Any sign deemed~~
1822 ~~an immediate threat to public safety may be immediately removed by the~~
1823 ~~City at the expense of the owner of the property on which the sign is located.~~

1824 ~~(b) Damaged legal nonconforming signs. Any legal nonconforming sign which~~
1825 ~~is damaged shall be removed if the cost of repair would exceed 50 percent~~
1826 ~~of its original cost. The City shall determine whether or not damage exceeds~~
1827 ~~50 percent of its original costs following a public hearing.~~

1828 ~~(c) Unmaintained signs. Any sign not maintained according to the requirements~~
1829 ~~of this Code may be removed by the City at the expense of the owner of the~~
1830 ~~property on which the sign is located following a public hearing with due~~
1831 ~~notice to all interested parties.~~

1832 ~~(d) Electric violations. Any electric sign installed at any location that does not~~
1833 ~~conform with the National Electric Code or that violates the ordinances of~~
1834 ~~the City shall, upon notice by the chief electrical inspector, be discontinued~~
1835 ~~immediately from service by the owner until made to conform with this Code~~
1836 ~~and is subsequently approved by the electrical and/or building inspectors.~~
1837 ~~Upon failure to so discontinue service until conformation with this section,~~
1838 ~~the City shall have the power, authority and duty to discontinue and~~
1839 ~~disconnect the unlawful or nonconforming installation, at the expense of the~~
1840 ~~owner of the property on which the sign is located.~~

1841 ~~(e) Removal off illegal nonconforming signs. Signs shall be determined to be~~
1842 ~~illegal nonconforming signs only following a public hearing with due notice~~
1843 ~~to all interested parties. Any sign so determined to be an illegal~~
1844 ~~nonconforming sign shall be removed within 30 days of notification to the~~
1845 ~~owner of the property on which the sign is located. The City may remove~~
1846 ~~any such sign if the owner fails to comply with this requirement for removal.~~

1847 ~~The expense of such removal shall be charged to the owner of the property~~
1848 ~~on which the sign is located.~~

1849 ~~(f) *Removal of sign due to lapse of permit.* A continuing sign permit shall lapse~~
1850 ~~automatically if not renewed or if the business license (business tax receipt)~~
1851 ~~for the premises lapses, is revoked, or is not renewed, and not reinstated~~
1852 ~~within the period provided herein. A sign permit shall lapse if the business~~
1853 ~~activity on the premises is discontinued for a period of 60 days or more and~~
1854 ~~is not renewed within 30 calendar days of a notice from the City to the last~~
1855 ~~permittee, sent to the premises, that the sign permit will lapse if such activity~~
1856 ~~is not renewed.~~

1857 ~~(5) *Enforcement.*~~

1858 ~~(a) *Sign contrary to provisions.* No sign shall be permitted to be erected,~~
1859 ~~installed or applied in the City contrary to the provisions of this section.~~

1860 ~~(b) *Authorization to remove.* The Building Official and the Chief Code~~
1861 ~~Enforcement Officer of the City shall enforce the provisions of this section,~~
1862 ~~and further, the Building Official and Chief Code Enforcement Officer are~~
1863 ~~hereby authorized and directed to remove all signs which are contrary to the~~
1864 ~~provisions of this section in accordance with division (4) above.~~

1865 ~~(c) In the event the City cannot locate the owner, then a notice shall be mailed~~
1866 ~~to the last known address of said owner and a copy of said notice shall be~~
1867 ~~attached to the sign in violation of this section. If the sign is removed by the~~
1868 ~~City, the City is hereby vested with the authority to appropriate the materials~~
1869 ~~obtained from such sign and to credit the value thereof to the owner against~~
1870 ~~the cost of such removal.~~

1871 ~~(d) If such expense is not paid within 30 days from the date of the notice of such~~
1872 ~~City expense for removal of said sign, the City shall have the right to impress~~
1873 ~~a lien upon the real property upon which such sign is located. The City shall~~
1874 ~~have the continuing right to foreclose such lien, in accordance with general~~
1875 ~~law in a court of competent jurisdiction.~~

1876 ~~(M) *Nonconforming signs.*~~

1877 ~~(1) Any sign, having an original cost in excess of \$100.00 and which is~~
1878 ~~nonconforming as to permitted sign area or any other reason which would~~
1879 ~~necessitate the complete removal and/or total replacement of the sign, may be~~
1880 ~~maintained for the longer of the following two periods:~~

1881 ~~(a) Four years from the date upon which the sign became nonconforming under the~~
1882 ~~provisions of this Code and amendments hereto; or~~

1883 ~~(b) A period of five to nine years from the installation date or the most recent~~
1884 ~~renovation date which preceded the effective date of this Code. However, if the~~
1885 ~~date of the most recent renovation is chosen as the starting date for the period~~
1886 ~~of amortization, then such period of amortization shall be calculated according~~

1887 ~~to the cost of the renovation and not according to the original cost of the sign.~~
1888 ~~The term of years to be determined by the cost of the sign or of such renovation,~~
1889 ~~including installation cost, shall be as follows:~~

Sign Renovation Cost	Cost	or	Permitted Installation or Renovation Date	Years	From
\$	101.00 to \$3,000.00		Five years		
\$	3,001.00 to \$5,000.00		Six years		
\$	5,001.00 to \$7,000.00		Seven years		
\$	7,001.00 to \$9,000.00		Eight years		
Over \$	9,000.00		Nine years		

1890
1891 ~~(2) Any owner of a sign who desires to rely upon an amortization period longer than~~
1892 ~~four years shall file with the Building Official, within two years from the effective~~
1893 ~~date of this section (November 28, 1990) (or most recent renovation) and a~~
1894 ~~written agreement to remove or bring into conformance such nonconforming~~
1895 ~~sign at or prior to the expiration of the amortization period applicable to that sign.~~
1896 ~~(3) Off-premises commercial signs facing any federal primary system expressway~~
1897 ~~shall be exempt from this subdivision due to federal regulations. In the event the~~
1898 ~~Federal Highway Beautification Act or F.S. Chapter 479 is repealed, amended~~
1899 ~~or adjudicated to not required compensation, then the removal provisions~~
1900 ~~contained in subdivisions (M)(1) and (2) shall apply.~~