

ORDINANCE NO. 1131 – 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 150 – ZONING CODE

* * *

ARTICLE II. SIGNS

Division 1. Sign Regulations

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

(A) *Intent.* The intent of this division is to create a comprehensive system of graphic controls on private property, through the promotion of quality business identification and indexing, to facilitate clear communication of signs, to reduce traffic and 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.

(B) *Scope.*

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

(C) *Purpose.*

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

(a) City Comprehensive Plan

(i) Future Land Use Element:

- (1) Goal 1: Miami Springs should be a residential community which offers the best possible residential environment consistent with its location and development history. Development policies should protect and preserve its single-family residential character and neighborhoods by maintaining an adequate supply of safe decent and affordable housing for its current and future residents.
- (2) Objective 1.1. Maintain existing development and achieve new development and redevelopment consistent with the community character statement articulated as the Community Character Goal above and which: 1) protects and preserves single-family neighborhoods as safe, decent and affordable residential areas . . .
- (3) Policy 1.1.3. The City shall enact and enforce land development code provisions governing subdivisions, signs and floodplain protection. Such provisions shall be consistent with this plan and with the applicable Florida statutory and administrative code guidelines.
- (4) Objective 1.3. In general, encourage the elimination or reduction of uses which are inconsistent with the community's character and future land uses. This objective shall be measured by implementation of its supporting policies.

(ii) Transportation Element:

- (1) Objective 1.2. In general, coordinate the traffic circulation system with land uses shown on the future land use map. In particular, provide the traffic circulation system which is shown on the Future Transportation Map. This objective shall be made measurable by its implementing policies.
- (2) Policy 1.2.1. Speeding and through-traffic on residential streets shall be identified and mitigated wherever necessary so as to make streets and sidewalks as pedestrian friendly as feasible. Various options for speed and traffic controls should be explored. Such options may take the form of stricter enforcement of speed limits, the placement of stop signs and utilizing other traffic calming techniques. Appropriate analysis and planning should be undertaken prior to final construction in the case of approaches which require physical solutions.
- (3) Objective 1.13 Identify effective strategies involving parking, traffic efficiency and alternative traffic routes.

(b) City Code Provisions

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

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

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

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

- (4) *Case law.* In accordance with the U.S. Supreme Court's cases on sign regulation, the regulations in this division are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the City's substantial and compelling governmental interests in preserving scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment. These cases and their holdings include, but are not limited to:
- (a) *Reed v. Town of Gilbert*, 576 U.S. 155, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015) on the topic of noncommercial temporary signs;
 - (b) *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981) on the topic of commercial signs and off-premises signs;
 - (c) *City of Ladue v. Gilleo*, 512 U.S. 43 (1994) on the topic of political protest signs in residential areas;
 - (d) *Linmark Assocs., Inc. v. Township of Willingboro*, 431 U.S. 85 (1977) on the topic of real estate signs in residential areas;
 - (e) *Burson v. Freeman*, 504 U.S. 191 (1992) on the topic of election signs near polling places;
 - (f) *Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447 U.S. 557 (1980) on the topic of commercial speech; and
 - (g) *City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984) on the topic of signs on public property.
 - (h) *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 142 S. Ct. 1464 (2022) on the topic of off-premises sign regulation.
 - (i) *Shurtleff v. City of Boston, Massachusetts*, 142 S. Ct. 1583, 1584 (2022) on the topic of commercial flags.
- (5) *Impact of Sign Clutter.* Excessive signage and sign clutter impair the legibility of the environment, and undermine the effectiveness of governmental signs, traffic control devices, and other required signs (such as incidental, directional and identification signs) that are essential to identifying locations for the delivery of emergency services and other compelling governmental purposes. The intent of these sign regulations is to enhance the visual environment of the City, ensure

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

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

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

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

- (y) Provide an effective method to deter individuals and businesses from attaching unsightly and distracting signs to public structures within or adjacent to public rights-of-way; and
 - (z) Be considered the maximum standards allowed for signage, and regulate signs in a permissive manner so that any sign is not allowed unless expressly allowed by this division, and not expressly prohibited.
- (7) *Severability.* If any provision of this division is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of the other provisions of this division that can be given effect without the invalid provision.
- (a) *Generally.* If any part, section, subsection, paragraph, sentence, phrase, clause, term, or word of this division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, graph, subparagraph, sentence, phrase, clause, term, or word of this division. Should any section, paragraph, sentence, clause, phrase, or other part of this division or the adopting ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this division or the adopting ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.
 - (b) *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth in this section (7), or elsewhere in this division or the adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division or the adopting ordinance, even if such severability would result in a situation in which there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
 - (c) *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth in section (7), or elsewhere in this division or the adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division or the adopting ordinance or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division or the adopting ordinance that pertains to prohibited signs.
 - (d) *Severability of prohibition on off-premises signs.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division or any other code provisions or laws are declared

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

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

Sec. 150-030. - Definitions.

Abandoned sign. A sign that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) The signs listed below are prohibited:

- (1) Animated signs
- (2) Copycat and obstructing signs
- (3) Emitting signs

- (4) Human signs
 - (5) Illegal signs
 - (6) Inflatable signs and balloons
 - (7) Mobile signs
 - (8) Off-premise signs
 - (9) Pole signs
 - (10) Projecting signs
 - (11) Roof signs
 - (12) A-frame or sandwich signs
 - (13) Snipe signs
 - (14) Painted wall signs
 - (15) Signs that are not authorized by the property owner.
 - (16) Any other sign not specifically allowed by this division.
- (C) Private signs on public property and rights-of-way are unauthorized and subject to removal and disposal.
- (D) *Legal non-conforming signs.* Signs or sign structures made non-conforming upon passage of these sign regulations or on passage of any amendment hereto shall be governed by the following regulations.
- (1) *Non-conforming Signs.* A sign existing within the City, upon the passage of these sign regulations or any amendment hereof which, because of its height, square foot area, location, design or other characteristic, does not conform to this division, is hereby declared to be a legal non-conforming sign, if it was approved with a permit prior to the effective date of this division.
 - (2) *Loss of Legal Non-conforming Status:* A legal non-conforming sign shall immediately lose its legal non-conforming designation if:
 - (i) The sign is altered in any way (except for the normal use of changeable copy signs or cabinet or other signs, where the message can be changed without altering the sign, and normal maintenance) that makes the sign less in compliance with the requirements of this division than it was before the alteration, including updating the technology used in a sign (for example, by converting a static sign to a digital sign, or adding internal illumination to an unilluminated sign);
or

- (ii) The sign is relocated to a position making it less in compliance with the requirements of this division; or
- (iii) The sign is replaced or abandoned.

In the event that the ~~Zoning and Planning Director~~ City Manager or designee 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 as soon as possible by securing a new permit or by removal of the sign within thirty days of being notified by the City Manager or designee that the sign has lost its legal non-conforming designation. Failure to bring a sign into compliance as required by this subsection may be cited as a violation of the Code.

- (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, or removal of any on-premise sign if compliance cannot be achieved.

(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 inches high.

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

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

(F) *Public Safety.*

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

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

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

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

Sec. 150-032. - Temporary signs.

(A) *Temporary Signs, General Standards.*

- (1) Temporary signs shall be constructed of durable, weatherproof material, and shall be maintained in good condition and removed if tattered or worn.
- (2) A temporary sign shall not directly or indirectly create a traffic or fire hazard, interfere with the free and unobstructed use of streets, sidewalks, or building entrances, or obstruct clear vision at the intersection of any streets, drives, or public or private vehicular access ways or so that it may be confused with authorized traffic signs or devices.
- (3) All signs shall be placed inside the sidewalk or, if there is no sidewalk, set back a minimum of 16 feet from the edge of the street pavement, unless otherwise specified in this section, and shall provide a minimum 18-inch clearance from rights-of-way, curbs, sidewalks, and landscaping, or a larger clearance if deemed necessary by the City engineer.
- (4) Unless otherwise specified in this division, the sign face of any temporary sign must not be larger than 4 3 square feet.
- (5) Unless otherwise specified herein, temporary signs related to an event must be removed within 10 days following that event.

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

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

- (a) A property owner may place a sign or signs totaling no more than ~~8~~ 6 square feet on the lot, compliant with the minimum setbacks, at any time.
- (b) A property owner may place a sign no larger than 4 3 square feet in one window visible from a public right-of-way on the lot at any time.

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

- ~~(a) A property owner may place additional temporary noncommercial sign(s) totaling no more than 9 square feet. One temporary noncommercial sign totaling no more than 4 square feet per 0.25 acre of land may be located on the lot for a period of 90 days prior to an election affecting the lot on which the sign(s) is(are) located.~~
- ~~(b) Where the size of the lot is smaller than 0.25 acres and has a lawfully existing principal building, one temporary noncommercial sign totaling no more than 4 square feet may be located on the lot for a period of 90 days~~

~~prior to an election affecting the lot on which the sign is located.~~

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

- (a) When that property is being offered for sale or lease through a licensed real estate agent; or
- (b) If not offered for sale or lease through a licensed real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner; and
- (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) (5) *Additional Temporary Non-commercial Event-Related Signs 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 related to an event on the lot, and must remove the sign within 10 days following the event.~~
- ~~(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)~~ (6) *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.
- (C) *Temporary Signs, Permit Required.* Temporary signs authorized by this section require a sign permit.

(1) Building Banner Sign, Commercial Special Event.

- (a) A maximum of one banner per ground floor tenant of a commercial building with a maximum sign area of 30 square feet. Signs shall be securely fastened to the building facade and shall not extend above the roofline or parapet.
- (b) Banner placement is limited in duration to no more than 14 days prior to and 14 days after the date of the event or activity to which they relate, or 30 days prior to and the first ~~3~~10 days after an opening of a new business. Maximum duration of two months per calendar year.

Sec. 150-033. - Permanent signs, commercial - general standards.

- (A) *Maintenance and Materials.* All signs shall be professionally fabricated and installed. All signs shall be kept in good condition and operational. All signs shall be compliant with the Building Code and National Electric Code (if applicable), present a neat appearance, and be maintained free of debris, stains, mold, discoloration, or deterioration. The repainting, changing of parts, and maintenance of an approved sign shall not require a permit, provided such maintenance is consistent with an approved sign plan and this division.
- (B) *Hazard.* A sign shall not directly or indirectly create a traffic or fire hazard, interfere with the free and unobstructed use of streets, sidewalks or building entrances or obstruct clear vision at the intersection of any streets, drives, or public or private vehicular access ways or so that it may be confused with authorized traffic signs or devices.
- (C) *Setback.* All signs shall be setback a minimum of 5 feet from the property line,

unless otherwise specified in this division, and shall provide a minimum 18-inch clearance from rights-of-way, curbs, sidewalks, and landscaping, or a larger clearance if deemed necessary by the City Engineer. Freestanding signs shall be setback a minimum of 7 feet from any public right-of-way line, 5 feet from any adjacent property line, or 25 feet from any public right-of-way intersection.

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

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

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

(G) *Landscaping.*

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

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

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

(I) *Signs facing residential districts restricted.*

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

(2) *Monument Signs.* No sign face of a monument sign shall face a single-family

residential district.

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

(K) *Mounting.*

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

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

(3) Monument signs shall be on a concrete foundation or footing, and shall have a minimum width of 75% of the sign face width.

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

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

(2) For the purpose of computing the number and area of signs, the frontages of lots shall be established by orientation of the main entrances of the buildings. If this method is not determinative, the ~~Zoning and Building Director~~ City Manager or designee shall determine frontages on the basis of traffic flow and access from adjacent streets.

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

(M) Window Signs. 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 is 15 percent of total window area up to 20 square feet.

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

All signs shall be professionally fabricated and installed. The following signs are authorized in all residential districts:

<u>Residential development identification ground sign:</u>	
<u>• Number maximum</u>	<u>2 sign faces for each road entering the development from outside the development</u>
<u>• Area maximum per sign face</u>	<u>24 square feet</u>
<u>• Height maximum</u>	<u>4 feet</u>
<u>Directional sign:</u>	
<u>• Number maximum</u>	<u>As determined necessary by City staff</u>
<u>• Area maximum per sign face</u>	<u>4 square feet</u>
<u>Institutional use signs:</u>	
<u>• Institutional uses in residential districts shall be permitted signage in accordance with the regulations applicable to the non-residential zoning districts.</u>	

~~(A) Freestanding signs A freestanding sign shall be permitted only on a property with a nonresidential building of at least 1,000 square feet. Non-residential~~

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

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

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

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

~~(5) Dimensions. The dimensions of freestanding signs permitted under this 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	40	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.
- (4) *Dimensions.* The dimensions of freestanding signs allowed under this section shall not exceed the following:

Building Gross Floor Area (Sq. Ft.)	Total Sign Height (Feet)	Area Sign per 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) *Wall signs.* Wall signs are allowed in accordance with the following provisions.

(1) *Quantity.*

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

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

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

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

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

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

(C) *Directional sign.*

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

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

(3) *Maximum Height.* 3 feet.

Sec. 150-036. – Flags.

- (A) *Applicability.* This section applies City-wide. Regulations specific to a zoning district prevail over any inconsistent regulations in the general standards of this section.
- (B) *Location.* Flags shall be displayed on flag poles attached to the ground or to the building. Flag poles may not be placed on top of buildings or light poles. Flags shall not be draped or folded over the sides of buildings, nor shall they be tied or attached directly to the exterior of any building or window.
- (C) *Flag pole height.* Flagpoles that are attached to any side of a building shall not exceed the lesser of the height of the building's roofline, 10 feet in height in residential districts and 20 feet in height in all other districts. Ground-mounted flagpoles in residential districts shall not exceed a height of 20 feet, and in nonresidential districts shall be no greater than the height of the building's roofline, or the applicable height limit below, whichever height is lower:

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

- (D) *Flag size.* The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed 20 percent of the vertical height of the pole. In addition, flags are subject to the following dimensional 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

- (E) *Number.* In residential districts, a single flagpole is allowed on lots of record up to one-half acre in size with a principal building. All other lots with principal buildings are allowed a maximum of 3 flagpoles. A maximum of 2 flags shall be allowed per flagpole. Limitations on the number of flags, flagpoles and flag dimensions refer to both vertical flagpoles and mast-arm flagpoles (for example, staffs extending at an angle from a building).
- (F) *Setback.* A freestanding flagpole must be set back from all property boundaries by a distance that is at least equal to the height of the pole.
- (G) *Maintenance of flag and pole or mounting.* The flag and flagpole or other permanent mounting shall be maintained in good repair. Flagpoles with broken halyards shall not be used, and torn or frayed flags shall not be displayed.

Sec. 150-037. - Sign Permit Process

- (A) *Required.* Except as otherwise provided in this division, it shall be unlawful for any person to erect, construct, enlarge, post, alter, maintain, move, or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit for each such sign as required by this division. These requirements shall not be construed to require any permit for the repainting, cleaning, and other normal maintenance or repair of a sign or sign structure for which a sign permit has previously been issued, so long as the sign or sign structure is not modified in any way other than a change of message without any change to the sign structure. All signs shall be constructed in accordance with the Building Code, including obtaining any and all required building permits. No sign shall be approved for use unless it has been inspected and found to be in compliance with all the requirements of this section and applicable codes.
- (B) *Sign Permit Application.* Application for a sign permit shall be made upon forms and in the manner provided by the City, and shall state the following information:
- (1) Name, address, and telephone number of the property owner. No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.
 - (2) Name, address, and telephone number of the contractor.
 - (3) Property address, property control number (PCN), and legal description of the building, structure, or lot to which or upon which the sign is to be installed or affixed.
 - (4) A drawing to scale showing the design, colors, and materials of the sign, including dimensions, sign size, sign copy/area, method of attachment, source of illumination, and showing the relationship to any building or

structure to which it is, or is proposed to be installed or affixed, or to which it relates, signed and sealed by a professional architect or engineer registered in the State of Florida.

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

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

(7) Cost estimate.

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

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

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

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

~~(A) *Master Sign Plan*. A master sign plan shall serve as the controlling document for review of all applications for sign approval within a designated development, including planned developments, conditional uses, or other developments with more than one building or parcel, including all outparcels. The purpose and intent of a master sign plan is to provide a master record of signs on a parcel, ensure compatible signage, and to create unification of signage within parcels, but not~~

~~between parcels that are common to a planned commercial development. Out-parcels shall be treated separately. All master sign plans shall be approved by the Architectural Review Board (ARB) in accordance with Article XVI of this chapter and shall comply with the following:~~

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

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

- ~~(1) No technical deviation may be granted which has the effect of permitting any sign which is specifically prohibited by these regulations.~~
- ~~(2) The technical deviation must enhance the aesthetic result of the overall sign program or mitigate a unique feature of a user, structure, or location that warrants a technical deviation from the code as determined by the ARB.~~
- ~~(3) The technical deviation must not negatively impact another tenant or building shown on the master sign plan.~~
- ~~(4) The technical deviation must not cause any negative off-site impacts.~~

~~(C) *Submittal.* A master sign plan or request for a technical deviation shall be reviewed and approved by the ARB. All applications and supporting documentation as listed on the application shall be submitted to the Zoning and Planning (ZP) Department. The complete application and payment shall be submitted a minimum of four weeks prior to the ARB meeting to be placed on an agenda, once the application has been deemed sufficient by staff. The City Manager or designee ZP Director shall review the application and create a staff report, which shall include a recommendation. The staff report shall be provided to the applicant one (1) week prior to the meeting. An authorized representative of the applicant must be in attendance at the ARB meeting. If a representative is not present, then the ARB~~

~~has the right to postpone the agenda item to a future meeting date. Staff shall provide the applicant an ARB final order within five business days of the ARB hearing.~~

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

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

Sec. 105-038 -39. Reserved.

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

Division 2. Miscellaneous

Sec. 150-03140. Vision clearance at intersections.

No building or structure shall be erected, and no vegetation shall be maintained ~~in any B-1, B-2, or B-3 zone~~ between the sidewalk and a height of ten feet above the established top of the curb grade at any ~~corner~~ corner in the portion of the block described as follows: Beginning at the intersection of street lines, or street lines produced; thence run along one of the street lines or street lines produced, a distance of ten feet to a point; thence across the corner of the block to a point on the other street lines, or street lines produced, the point being ten feet from the above mentioned intersection of street lines, or street lines produced; thence nm ten feet to the point of beginning. A supporting column not more than 18 inches in diameter at its greatest cross section dimension shall be permitted at the corner.

Sec. 150- 03241. Portable storage units.

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

1. *Portable storage unit.* Any type of unmotorized container, structure, trailer or module which is intended and designed for the storage of personal property

items, which is typically delivered and removed by vehicle, and which may be temporarily rented or owned by the owners or occupants of properties in the City.

2. *Site or property.* Any lot, parcel, tract, or plat of land located in any of the residential or business/commercial zoning districts of the City.

(B) *Limitations and prohibitions for usage:*

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

Sec. 150-03342. Permanent electrical generators.

- (A) *Location on property.* Permanent electrical generators may be located in the side yard or rear yard areas of residential homesites within the City.
- (B) *Installation standards and requirements.* All permanent electrical generators shall only be installed in accordance with the rules, regulations and requirements of the City of Miami Springs, Miami-Dade County, and the Florida Building Code of the State of Florida.
- (C) *Installation supervision and control.* The installation of permanent electrical generators on residential homesites within the City shall be supervised and controlled by the City Building Department.

Sec. 150-03443. Installation of mechanical equipment.

- (A) *Location—New installation.* Mechanical equipment, including but not limited to central air conditioning and heating units, pool pumps, sprinkler pumps, generators, propane tanks and similar mechanical equipment may be located in side and rear yards, with a minimum setback of five feet. Mechanical equipment located in a corner side yard shall have a minimum set back of ten feet. The placement of mechanical equipment in the front yard is prohibited.
- (B) *Location—Existing installation.* The aforesaid provision shall not be applicable to mechanical equipment that is being replaced for already existing residential structures, which may be installed in the same location as the equipment being replaced.
- (C) *Screening.* All mechanical equipment must be properly obscured and screened from view by the planting of appropriate landscaping materials or the installation of fences, walls, or other appropriate and approved screening materials.
- (D) *Installation standards and requirements.* Mechanical equipment shall only be installed in accordance with the rules, regulations and requirements of the City of Miami Springs, Miami-Dade County, and the Florida Building Code of the State of Florida.
- (E) *Installation supervision and control.* The installation of mechanical equipment on residential homesites within the City shall be supervised and controlled by the City Building Department.

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

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

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

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

PASSED ON FIRST READING on the 13th day of February, 2023, on a motion made by Councilman Dr. Walter Fajet and seconded by Councilwoman Jacky Bravo.

PASSED AND ADOPTED ON SECOND READING this 27th day of February, 2023, on a motion made by Councilwoman Bravo and seconded by Councilman Best.
Upon being put to a roll call vote, the vote was as follows:

Vice Mayor George Lob	<u>YES</u>
Councilman Bob Best	<u>YES</u>
Councilwoman Jacky Bravo	<u>YES</u>
Councilman Dr. Walter Fajet	<u>YES</u>
Mayor Maria Puente Mitchell	<u>YES</u>



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:

A handwritten signature in blue ink, appearing to read "Haydee", is written over a horizontal line.

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

EXHIBIT A

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.~~

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

44 ~~(3) However, outside signs located in permitted areas such as vacant land,~~
45 ~~unoccupied commercial properties, parking lots, or other privately owned open~~
46 ~~space shall not exceed 16 square feet in size, shall be placed within the property~~
47 ~~side of the sidewalk, if one exists, and shall be placed and erected in a safe and~~
48 ~~appropriate manner. In areas without sidewalks, signs must be placed at least~~
49 ~~16 feet from the edge of the street pavement. In all instances, outside signs shall~~
50 ~~be placed in locations that will eliminate the possibility of infringement on any~~
51 ~~City right-of-way.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~*Directional sign.*~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

184 from the outside shall not be considered a sign for the purposes of this section and shall
185 not be regulated by this section. Any wall mural or other art work which bears no specific
186 relationship to a particular product, place, activity, person, institution, business or service
187 shall not be considered to be a sign for the purposes of this section and shall not be regulated
188 by this section. Any name of a newspaper or other publication of general circulation on a
189 box for the distribution or delivery of such publication directly to customers shall not be
190 considered to be a sign and shall not be regulated by this section. One United States flag
191 and one other noncommercial flag on one pole per lot shall not be considered to be a sign
192 if it is not greater than 20 feet in height and 15 square feet in area.

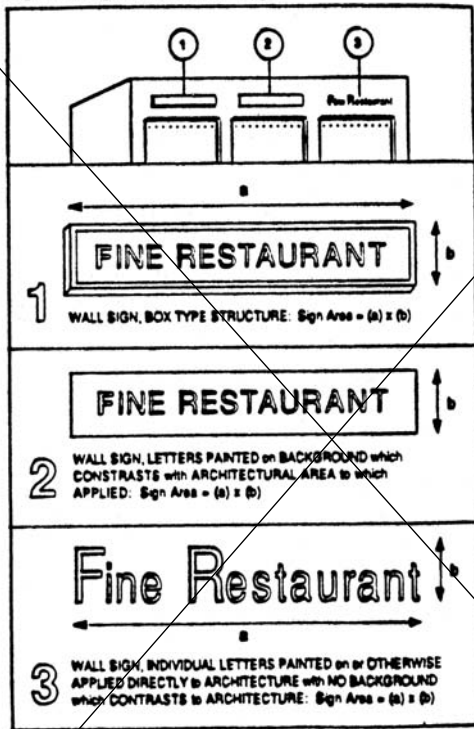
193 *Sign, noncommercial.* Any sign other than a commercial sign. Noncommercial signs
194 include any required sign as specified in division (D), any public interest sign as specified
195 in division (E), any residential name plate identification signs, any residential development
196 identification sign, any residential development directional sign, any election signs and
197 any political or ideological sign. *Signable area.* Any one area of rectangular shape on the
198 side of a building, provided that said signable area is free of architectural details and is
199 located where the sign to which it pertains is located.

200 *Sign area.* When a sign is fabricated as a banner or box or other structure which is
201 applied to the wall of a building, the sign area is the entire area of the rectangle which
202 completely encloses the face of the sign. When a sign is a wall or window sign composed
203 of individual letters, symbols or logos painted on or otherwise applied to a wall or window,
204 the sign area is the entire area of the rectangle which completely encloses all letters,
205 symbols and logos. When the sign is a ground sign, the sign area is the entire area of the
206 rectangle which encloses the entire face of the sign and any supporting structure, except
207 in the expressway sign district. In the expressway sign district, when the sign is a ground
208 sign, the sign area is the entire area of the rectangle which completely encloses the entire
209 face of the sign, but does not enclose any supporting structure which is below the lowest
210 level at which letters, symbols or logos are located. For any other sign not described
211 above, the sign area is the entire area of the rectangle which completely encloses the
212 entire face of the sign, but does not enclose any supporting structure. See figures 2-4 for
213 illustration of sign area measurements.

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

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

Figure 2: Sign Area for Wall Signs



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

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

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

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

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

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

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

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

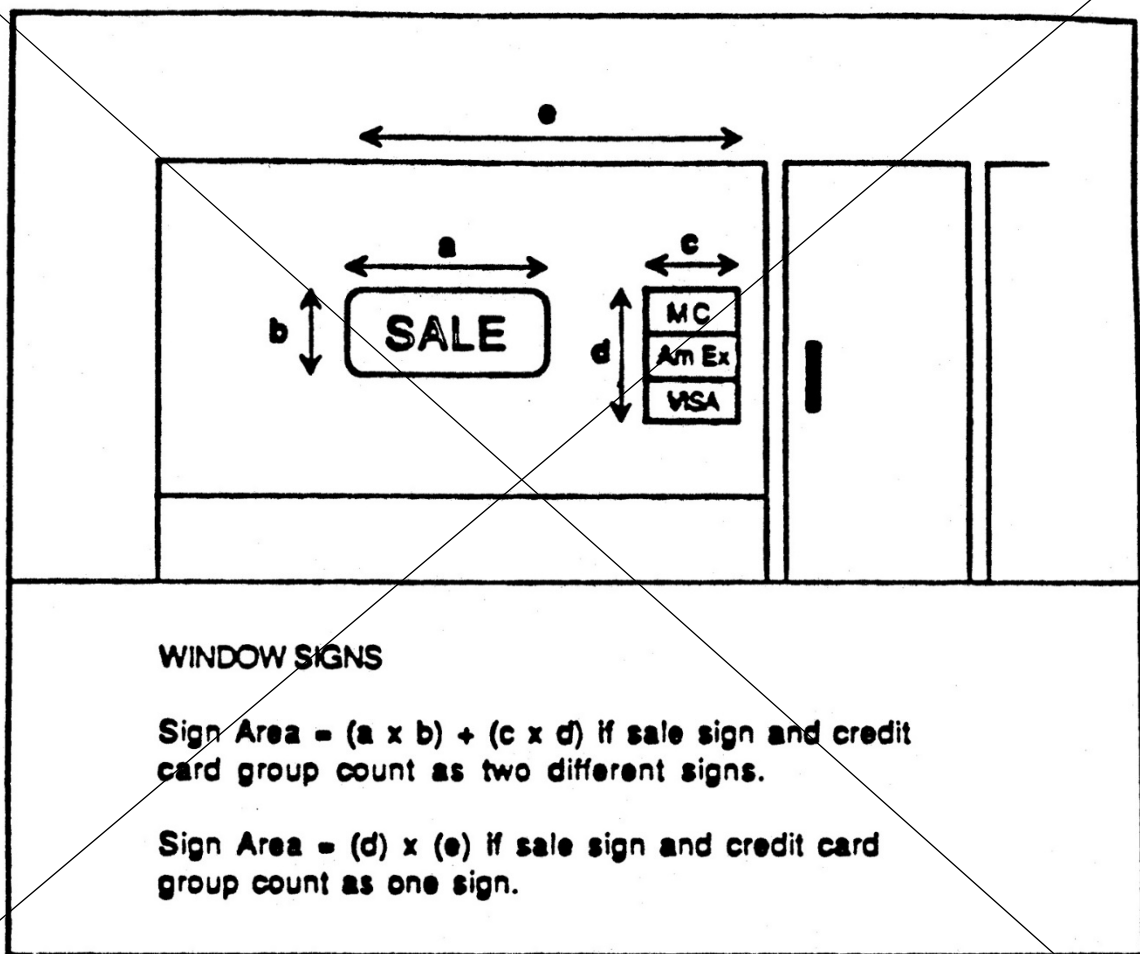
~~(3) Buntings, balloons and commercial flags and pennants.~~

~~(4) Obscene signs.~~

~~(5) Pole signs.~~

- (6) Portable signs.
- (7) Projecting nonarchitectural signs.
- (8) Roof signs.
- (9) Sandwich or A-frame signs, except for residential real estate open house directional signs pursuant to division (C)(10) below.
- (10) Snipe signs.
- (11) Signs on public property, other than signs placed by agencies of governments or signs specifically authorized for placement on public property by this Code.

Figure 4: Sign Area for Window Signs



- (12) Signs on utility poles, other than signs placed by the applicable utility company for utility identification or similar purpose.
- (13) Any off-premise commercial sign, except that signs specifically permitted pursuant to divisions (G), (H), (I), and (J) may be off-premise signs by virtue of their content.

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

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.	

287

288 ~~(G) Signs in the Northwest 36th Street and Abraham Tract Zoning Districts. The following~~
289 ~~signs shall be permitted in the Northwest 36th Street and Abraham Tract Zoning~~
290 ~~Districts.~~

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

293 ~~A second freestanding sign shall be allowed on lots containing 200 feet of street~~
294 ~~frontage on a single street and/or 100,000 square foot of gross floor area,~~
295 ~~provided that the second sign shall not exceed the maximum parameters of the~~
296 ~~next lowest category for which the property is eligible in accordance with § 150-~~
297 ~~030(B)(10) below, and provided further that the signs shall be separated by a~~
298 ~~minimum distance of 25 feet.~~

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

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

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

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

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

312 ~~(e) Landscaping: The sign shall be located in a landscaped area and 100~~
313 ~~square feet of additional landscaping in accordance with a landscape plan~~
314 ~~approved by the City Manager or designee, in addition to the other~~
315 ~~applicable landscaping requirements, which shall be required as a condition~~
316 ~~of erecting and maintaining a freestanding sign. The landscaped area shall~~
317 ~~be enclosed with a continuous poured concrete curb (Miami Dade County~~
318 ~~"Type D").~~

- (f) ~~Materials:~~ Freestanding signs shall be constructed of the same or aesthetically comparable materials and products of which the principal building finish on the same property is constructed.
- (g) ~~Sign base:~~ The sign base shall be of concrete construction, and shall have a minimum width of 75 percent of the sign face width.
- (h) ~~[Double-faced freestanding sign:]~~ A double-faced freestanding sign shall have a maximum distance of three feet between the sides and an internal angle not to exceed 30 degrees.
- (i) ~~[Sign face:]~~ No sign face shall face a single family residential zoning district.
- (j) ~~Dimensions:~~ The dimensions of freestanding signs permitted under this 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

(3) ~~Wall signs:~~

- (a) ~~Size.~~ One wall sign for each building or store front on a zone lot. In addition to ground level wall signs for purposes of tenant identification, a maximum of three building identification signs shall also be permitted on the top floor of the building. The maximum area of such sign shall be in accordance with 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

- (b) ~~Placement; width.~~ The sign must be centered on the building or storefront and shall not encompass more than 75 percent of the width of the building or storefront. On corner lots or end caps of multi-tenant buildings, there may be two wall signs provided that the side wall sign may be no larger than the front sign. Wall signs that serve as building or major tenant identifications

343 signs placed on the top floor of a building are not required to be centered
 344 on any given elevation of a building.

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

349 (H) ~~Signs in the B-2 and MUB districts.~~ The following signs shall be permitted in the B-2
 350 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

351

352 (l) ~~Signs in the B-1 zoning district. Ground signs and projecting architectural signs are~~
353 ~~expressly prohibited, as are all other signs identified as prohibited signs by division~~
354 ~~(C). The specific reference to division (C) in this section is not to be construed as~~
355 ~~meaning that division (C) does not apply to other sign districts. The following signs~~
356 ~~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:

	(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

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

		Residential District	Non-Residential District
<u>Commercial special event sign:</u>		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
<u>Real estate for sale and for lease signs:</u>			
•	Area maximum	144 square inches plus two panels not exceeding together 144 square inches in addition for special information such as number of bedrooms, number of baths, presence of pool, and suspended with "S" hooks from main sign	12 square feet
•	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
<u>Residential real estate open house and talking house directional signs:</u>			
•	Area maximum	450 square inches	450 square inches

<p>•</p>	<p>Open house sign regulations</p>	<p>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</p>	<p>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</p>
<p>•</p>	<p>Talking house sign regulations</p>	<p>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</p>	<p>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</p>

		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	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
•	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	
<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

359

360 ~~(K) Supplemental regulations:~~

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

365 ~~(2) Electric standards.~~ All electrical equipment and lines used as or in connection
366 with signs shall meet the National Electric Code.

367 ~~(3) Maintenance required.~~ All signs must be maintained in good condition. They
368 shall be kept neat and safe at all times. Any evidence of sign deterioration shall
369 be deemed a violation of this provision. Such evidence shall include, but not be
370 limited to, peeling or cracking paint, severely fading paint, rust, cracking plastic
371 or other deteriorating material.

372 ~~(4) Finished appearance required for rear of signs.~~ Where the rear or side of any
373 sign is visible from any street or from any adjoining residential district, said side
374 of rear shall be finished with a neat surface which conceals the structural
375 members and electrical equipment of the sign.

376 ~~(5) Illuminated signs facing residential districts restricted.~~ No illuminated signs shall
377 face a residential district in such a way that it shines directly onto residential
378 properties.

379 ~~(6) Changeable copy permitted.~~ Signs with removable or changeable copy are
380 permitted. They shall count as a sign otherwise permitted by this section. They
381 shall not be permitted in addition to any sign otherwise permitted by this section.

382 ~~(7) Required sign-theme design plan.~~

383 ~~(a) Each application for a permit for a permanent commercial sign shall be~~
384 ~~based on a written and graphic sign-theme design plan which establishes a~~

unified design theme for all signs on a given zoning lot. For the purposes of this division, a unified design theme shall be the theme which has a degree of unity among the various signs with respect to the various design elements which together make up the design character of signs. These elements include, but are not necessarily limited to, construction type, materials, color, size of letters, size of logos and other graphics, size of signs, elevation of sign base lines, and elevation of sign top lines. The degree of unity required is that which clearly evidences that all permanent signs on the parcel were designed in concert with one another and with the architecture on which they are placed rather than without regard to one another or the architecture. It is not necessary for all signs to be identical or even nearly identical in order for sufficient unity to be achieved.

(b) ~~Sign theme design plans shall be submitted to and reviewed by the site plan review authority.~~

(c) ~~An approved sign theme design plan may be modified provided that all signs which already exist on the applicable parcel conform as they are to the new plan or are made to conform within 60 days of approval of the new plan. Any pre-existing sign which does not conform to an approved sign theme design plan shall be deemed to be an illegal nonconforming sign and therefore shall enjoy none of the grandfather protections enjoyed by legal nonconformities. Such an illegal nonconforming sign shall be subject to immediate removal by the City at the expense of the owner of the property on which the sign is located.~~

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

~~(L) Administration and enforcement.~~

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

~~(a) Building identification sign~~

~~(b) Commercial special event sign~~

~~(c) Contractor/architect signs~~

~~(d) Development identification sign~~

~~(e) Ground sign~~

~~(f) Model sign~~

~~(g) Project construction sign~~

~~(h) Projecting architectural sign~~

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

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

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

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

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

440 ~~(3) Issuance of sign permit. If the sign, as indicated in the plans and specifications,~~
441 ~~is in accordance with the provisions of the state building code, and this chapter~~
442 ~~and any other relevant provisions of the City's Development Code, then a permit~~
443 ~~shall be issued for the erection of any such sign upon payment of the prescribed~~
444 ~~fee as established by the City provided that:~~

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

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

449 ~~(4) Noncomplying signs.~~

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

459 ~~(b) Damaged legal nonconforming signs. Any legal nonconforming sign which~~
460 ~~is damaged shall be removed if the cost of repair would exceed 50 percent~~
461 ~~of its original cost. The City shall determine whether or not damage exceeds~~
462 ~~50 percent of its original costs following a public hearing.~~

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

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

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

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

~~(5) *Enforcement.*~~

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

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

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

~~(d) *If such expense is not paid within 30 days from the date of the notice of such City expense for removal of said sign, the City shall have the right to impress a lien upon the real property upon which such sign is located. The City shall*~~

509 have the continuing right to foreclose such lien, in accordance with general
510 law in a court of competent jurisdiction.

511 ~~(M) Nonconforming signs.~~

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

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

518 ~~(b) A period of five to nine years from the installation date or the most recent~~
519 ~~renovation date which preceded the effective date of this Code. However, if the~~
520 ~~date of the most recent renovation is chosen as the starting date for the period~~
521 ~~of amortization, then such period of amortization shall be calculated according~~
522 ~~to the cost of the renovation and not according to the original cost of the sign.~~
523 ~~The term of years to be determined by the cost of the sign or of such renovation,~~
524 ~~including installation cost, shall be as follows:~~

Sign Renovation Cost	Cost or	Permitted Years From Installation or Renovation Date
\$ 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

525
526 ~~(2) Any owner of a sign who desires to rely upon an amortization period longer than~~
527 ~~four years shall file with the Building Official, within two years from the effective~~
528 ~~date of this section (November 28, 1990) (or most recent renovation) and a~~
529 ~~written agreement to remove or bring into conformance such nonconforming~~
530 ~~sign at or prior to the expiration of the amortization period applicable to that sign.~~

531 ~~(3) Off-premises commercial signs facing any federal primary system expressway~~
532 ~~shall be exempt from this subdivision due to federal regulations. In the event the~~
533 ~~Federal Highway Beautification Act or F.S. Chapter 479 is repealed, amended~~
534 ~~or adjudicated to not required compensation, then the removal provisions~~
535 ~~contained in subdivisions (M)(1) and (2) shall apply.~~