

TOWN OF CUTLER BAY

Mayor Paul S. Vrooman
Vice-Mayor Edward P. MacDougall
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Councilmember Peggy R. Bell

Town Manager Steve Alexander
Town Attorney Mitchell Bierman
Town Attorney Chad Friedman
Town Clerk Erika Gonzalez-Santamaria

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (305) 234-4262 for assistance no later than four (4) days prior to the meeting.

LOCAL PLANNING AGENCY AGENDA

Wednesday, June 18, 2008, 7:00 PM
South Dade Regional Library
10750 SW 211th ST, 2nd Floor
Cutler Bay, Florida 33189

- I. **CALL TO ORDER, ROLL CALL**
- II. **ADDITIONS, DELETIONS, AND DEFERRALS**
- III. **CONSENT AGENDA**
 - A. Minutes – May 21, 2008
- IV. **PUBLIC HEARING: (MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE)**
 - A. **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33 “ZONING” ARTICLE VI “SIGNS” IN ORDER TO REVISE THE PROCEDURAL AND SUBSTANTIVE REGULATIONS OF SIGNS IN THE TOWN AND PROVIDE FOR AMORTIZATION OF CERTAIN TYPES OF NONCONFORMING OR PROHIBITED SIGNS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE. (BELL)**
- VI. **ADJOURNMENT.**

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



Planning & Zoning Department

R. Don O'Donniley, AICP
Planning Director

M E M O R A N D U M

To: Steve Alexander, Town Manager

From: R. Don O'Donniley

Date: June 18, 2008

Re: **Proposed Amendments to the Sign Code for the Town of Cutler Bay**

BACKGROUND

The Mayor and Town Council have expressed its desire to improve the signage permitted within the Town.

REQUEST

Council Member Bell requested staff to prepare a specific proposal to implement the directions expressed by the Mayor and Town Council.

ANALYSIS

The proposed ordinance, amending Chapter 33 "Zoning," Article VI "Signs" of the Code of Ordinances, has been prepared by Town planning staff with the advice of the Town attorneys in order to modernize the Town's sign regulations by prohibiting obsolete signs including pole signs, v-shaped point of sale signs, and freestanding and attached neon signs, while promoting sign types which are more consistent with the desired appearance of development in the Town. Additionally, the proposed updates also clarify the application procedures which apply to sign permits, as recommended by the Town Attorney.

The proposed amendments are summarized as follows:

1. Revisions of Sign-Related Definitions

The ordinance includes proposed revisions to Sec. 33-84 "Definitions" of the Code. The proposed revisions to the sign-related definitions specifically define permitted sign types (such as monument signs) and prohibited sign types (such as pole signs and "v-shaped" point-of-sale signs) to effectively regulate these signs types.

2. Amendment to Sign Permitting Procedure

The Town Attorneys have recommended that the Town's sign permitting procedures be revised to provide applicants with a quick, clear and defined path to judicial review in the event an applicant desires to challenge a Town decision on a sign permit. The revised Code provides definite procedural guidelines, which are necessary for addressing governmental approvals affecting the exercise of First Amendment rights.

3. Amendment to Section 33-95 to Prohibit Certain Sign Types

Staff has proposed the following prohibitions on certain sign types, in the interest of improved aesthetics and traffic safety:

- Freestanding and attached signs including exposed or visible neon light tubing
- V-shaped point of sale signs
- Animated signs
- Freestanding and attached painted signs
- Pole signs

4. Clarification of Regulations of Automatic Electric Changing Signs and Manual Changeable Copy Signs

Current Code applies Miami-Dade County regulations as to permissible locations for "automatic electric changing signs" ("ACS signs"). Section 33-96.1 has been revised to limit the location of these signs to monument signs on major or minor roadways within BU districts. The definition of Automatic Electric Changing Signs has been revised to comprehensively address and regulate digital and electronic signs, to better address the rapidly-evolving technologies used in this type of sign.

The current regulations allow "manual changeable copy signs" (removable-letter signs regulated as "attraction boards" under the current code) to proliferate in many districts. For aesthetic purposes, the proposed regulations will limit such signs to placement within a properly permitted monument sign posted by one of the following uses: drive-through restaurants, places of public assembly and worship, educational facilities, and gasoline service stations.

5. Monument Sign Requirement and Construction Standards

To improve the quality and appearance of freestanding signage throughout the Town, the ordinance provides that monument signs are generally required in lieu of obsolete types of freestanding detached signs such as pole signs. Solid, CBS-constructed monument signs are advantageous for both aesthetic and structural safety reasons.

6. Master Sign Plan Requirement

A uniform signage plan is proposed to be required for all multi-tenant centers. The uniform signage plan requirement addresses the design characteristics, size, location, and number of

signs in a multi-tenant development, and will be approved in conjunction with the site plan for the development. Where new or replacement signage is proposed for existing multi-tenant centers, the Director or his designee must approve a sign plan that will be implemented for each replacement sign in the development.

7. Flag Display Standards

Section 33-96.5 has been created to set forth appropriate limitations on the size and manner of display of flags in residential and nonresidential districts.

8. Window Sign Regulations

The current sign regulations lack sufficient limitations on the amount of signage that can be placed in the windows of commercial structures. For aesthetic and safety reasons, the proposed regulations will limit window signs to cover no more than twenty (20) percent of the area of each individual glass window pane.

9. Sign Variance Procedure

A proposed sign variance procedure is included with this amendment, to allow relief from the strict requirements of the sign regulations in limited cases. The variance procedure operates similarly to the traditional zoning variance, requiring the applicant to demonstrate that the literal interpretation of a sign regulation would result in an unnecessary and undue hardship on the applicant. An example of a situation in which a variance may be warranted is an awkward parcel configuration which makes it difficult for an establishment's signage to be viewed from the right of way. Limited departure from size or placement standards may be justified as specified in the procedure.

10. Amortization of Freestanding and Attached Neon Signs and V-Shaped Signs

Signs which were legally permitted within the Town and later become prohibited pursuant to Section 33-95 of the Code are generally "grandfathered" as legal non-conforming structures. These signs may remain indefinitely until they are removed or destroyed as determined by the Code. In that event, they must be replaced with signage that conforms to the current standards.

However, an amortization program is included in this ordinance to require the removal of two types of prohibited signs, v-shaped point of sale signs and freestanding and attached signs with exposed or visible neon light tubing, pursuant to an amortization schedule which has been developed based on current legal authority. Removal of these signs will be required in accordance with an amortization schedule which will permit property owners to recoup their investment in such signs.

11. Amendment to Regulation of Temporary Construction and Real Estate Signs

The ordinance includes proposed reductions in the maximum size and height for temporary construction signs. Construction signs are permitted to be posted from the date any building permit is issued for the subject development. Such sign must be removed no later than the time of building permit expiration, or the date that certificates of occupancy have

been issued for one-half of the project square footage (for nonresidential development) or one-half of the residential dwelling units (for residential development).

For real estate signs, the ordinance includes a revision to the time period for posting. A real estate sign used to advertise a single parcel, dwelling unit, or commercial space shall be posted no earlier than the date of listing of the property for lease or sale, and shall be removed no later than ten (10) days following the date of closing or leasing. A real estate sign used to advertise multiple units or commercial spaces shall be posted no earlier than the date of listing of the properties for lease or sale, and shall be removed no later than ten (10) days following the date of sale or leasing of sixty (60) percent of the dwelling units or non-residential spaces.

RECOMMENDATION

Staff recommends the Council approve the ordinance amending the sign regulations for the Town of Cutler Bay.

ORDINANCE NO. 08-_____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33 “ZONING” ARTICLE VI “SIGNS” IN ORDER TO REVISE THE PROCEDURAL AND SUBSTANTIVE REGULATIONS OF SIGNS IN THE TOWN AND PROVIDE FOR AMORTIZATION OF CERTAIN TYPES OF NONCONFORMING OR PROHIBITED SIGNS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council finds and determines that the Town’s sign regulations are intended to maintain and improve the aesthetics, quality of life, and safety of the Town and its residents, while meeting the need for signage that clearly identifies locations, advertises businesses, and otherwise communicates commercial and noncommercial messages; and

WHEREAS, sign regulation to advance the governmental purpose of aesthetics has long been upheld by the state and federal courts; and

WHEREAS, the U.S. Supreme Court recognized that “the concept of the public welfare is broad and inclusive”, in *Berman v. Parker*, 348 U.S. 26, 33 (1954), which was followed by *State v. Miami Beach Redevelopment Agency*, 392 So. 2d 875 (Fla. 1980); and

WHEREAS, sign regulations have been held to advance these aesthetic purposes and advance the public welfare in *City of Lake Wales v. Lamar Advertising Ass'n of Lakeland, Florida*, 414 So. 2d 1030 (Fla. 1982); and

WHEREAS, the Town Council finds and determines that the Town’s land development regulations are required to regulate signs as provided by Section 163.3202(2)(f), Florida Statutes; and

WHEREAS, the Town Council finds and determines that this Ordinance is consistent with all applicable policies of the Miami-Dade County Comprehensive Plan; and

WHEREAS, the Town Council desires to provide for the free expression of its residents, as required by *City of Ladue v. Gilleo*, 512 U.S. 43 (1994), by allowing one permanent noncommercial sign per dwelling unit to be posted in any zoning district which permits residential use, in addition to any other permitted signs; and

WHEREAS, the Town Council desires to effectuate a prohibition on certain types of signs in order to promote the public health, safety and welfare of the Town's residents; and

WHEREAS, the Town Council, to ensure the protection of property rights in connection with signs determined to be non-conforming with this Ordinance, desires to implement a reasonable amortization period for the removal of v-shaped point of sale signs, pole signs, and signs including exposed or visible neon light tubing, with the exception of window signs; and

WHEREAS, local ordinances requiring the removal of prohibited signs through the use of a reasonable amortization period have been upheld as constitutional by numerous courts in cases including, but not limited to, *Lamar Advertising Associates of East Florida, Ltd. v. City of Daytona Beach*, 450 So.2d 1145 (Fla. App. 5 Dist. 1984); *Art Neon Co. v. Denver*, 488 F.2d 118 (10th Cir. 1973); *Outdoor Graphics v. City of Burlington, Iowa*, 103 F.3d 690 (8th Cir. 1996); *Georgia Outdoor Advertising v. City of Waynesville*, 900 F.2d 783 (4th Cir. 1990); and *Naegele Outdoor Advertising, Inc. v. City of Durham*, 803 F. Supp. 1068 (M.D. North Carolina 1992); and

WHEREAS, the Town Council, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed meeting on _____, 2008, and recommended its adoption; and

WHEREAS, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS¹:

Section 1. Recitals Adopted. That the recitals set forth above are true and correct and incorporated herein by this reference.

Section 2. Amendment to Chapter 33 of the Town Code. The Town Council hereby amends Chapter 33 "Zoning," Article VI "Signs" as follows:

DIVISION 1. TITLE, APPLICABILITY, PURPOSE AND DEFINITIONS

Sec. 33-82. Short title and applicability.

~~(a)~~ This article shall be known as the "Sign Code of ~~Miami-Dade County~~ the Town of Cutler Bay, Florida" and shall be applicable ~~in the unincorporated areas of Miami-Dade County, and specifically in the incorporated areas of Miami-Dade County~~ the Town of Cutler Bay. ~~When the provisions of this article are applicable to a municipality, the municipality shall be responsible for enforcement.~~

¹ Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, **shaded** text reflects changes made from First Reading.

~~(b) If property in the unincorporated area fronting a street right of way forms a common boundary with a municipality, and if the zoning classifications on both sides of the boundary are comparable, the property in the unincorporated area shall comply with the provisions of the municipal ordinance, provided the municipality has a sign ordinance with stricter standards than this article. In such event Miami Dade County shall apply and enforce the provisions of the municipal ordinance in the unincorporated areas of the County. No variance from this section shall be permitted without the prior express consent of the affected municipality.~~

Sec. 33-83. Scope, Purpose, Substitution and Severability.

(a) *Purpose.* The purpose of this article is to permit signs that will not, because of size, location, method of construction and installation, or manner of display:

- (1) Endanger the public safety; or
 - (2) Create distractions that may jeopardize pedestrian or vehicular traffic safety; or
 - (3) Mislead, confuse, or obstruct the vision of people seeking to locate or identify uses or premises; or
 - (4) Destroy or impair aesthetic or visual qualities of ~~Miami Dade County~~ the Town which is so essential to tourism and the general welfare;
- and

The purpose of this article is also to 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 land use objectives as set forth in the ~~Comprehensive Development Master Plan~~ Growth Management Future Land Use Plan. It shall be further the purpose of this article to promote the aesthetics, safety, health, and general welfare and the ~~assurance of assured~~ protection of adequate light and air within the Town by regulation of the general posting, displaying, erection, use, and maintenance of signs. In the event of any conflict between this code and any declaration of covenants, bylaws, or other restrictions applying to any property within the town, the language affording the more restrictive interpretation shall apply.

(b) *Scope.* The provisions of this article shall govern the number, size, location, and character of all signs which may be permitted either as a main or accessory use under the terms of this article. No signs shall be permitted on a plot or parcel either as a main or accessory use except in accordance with the provisions of this article.

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

(d) *Severability.*

(1) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article.

(2) *Severability where less speech results.* This subsection (2) shall not be interpreted to limit the effect of subsection (1) above, or any other applicable severability provisions in the code of ordinances or any adopting ordinance. The town council specifically intends that severability shall be applied to these regulations even if the result would be to allow less speech in the town, whether by subjecting currently exempt signs to permitting or by some other means.

(3) *Severability of provisions pertaining to prohibited signs.* This subsection (3) shall not be interpreted to limit the effect of subsection (1) above, or any other applicable severability provisions in the code of ordinances or any adopting ordinance. The town council specifically intends that severability shall be applied to section 33-95, entitled “Prohibited signs,” so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.

(4) *Severability of prohibition on off-premises signs.* This subsection (4) shall not be interpreted to limit the effect of subsection (1) above, or any other applicable severability provisions in the code of ordinances or any adopting ordinance. If any or all of this article or any other provision of the town’s code of ordinances is declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the town council specifically intends that that declaration shall not affect the prohibition of off-premises signs in Section 33-95(k).

Sec. 33-84. Definitions.

For the purposes of this article the following words and phrases are hereby defined as provided in this section, unless the context clearly indicates otherwise. Where there is a question as to the correct classification or definition of a sign, it shall be the prerogative of the Director to place said sign in the strictest category and/or classification.

~~(a) *Sign:* Any display of characters, letters, logos, illustrations or any ornamentation designed or used as an advertisement, announcement, or to indicate direction. Use of merchandise, products, vehicles, equipment, inflated balloons, or the like as an attention attractor or advertising device, with or without a printed or written message or advertisement, shall be considered a sign.~~

Animated sign: A sign that uses movement, change of lighting or change of color to depict action or create a special effect or scene. Also, a sign or device visible from the

public right-of-way with letters or characters that move or change more frequently than every six (6) seconds.

Attached sign: A sign which is attached to or supported by a building, wall, or other structure. The definition of “attached sign” shall not include a sign painted directly on the wall face of a building or structure.

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

Automatic electric changing sign (“ACS”): Any electrical or electronically controlled sign where different messages or copy changes are shown, including tri-vision panels. Also, any sign, or portions of a sign, where any light source, including but not limited to incandescent bulbs or light-emitting diodes (LEDs), constitutes the sign text or image. This type of sign includes, but is not limited to electronic message boards; television screens; plasma screens; digital screens; flat screens; LED screens; video boards; other types of electric and electronic display boards and screens; and holographic displays.

~~(e) *Awning, canopy, roller curtain or umbrella sign:* Any sign painted, stamped, perforated, or stitched on the surface area of an awning, canopy, roller curtain or umbrella.~~

~~(d) *Cantilever:* That portion of a building, projecting horizontally, whether it be on the same plane as the roof line or not.~~

~~(e) *Cantilever sign:* Any sign which is mounted on a cantilever. No cantilever sign may extend beyond the cantilever.~~

Changeable copy sign (manual) shall mean any sign displaying a message which can be changed by hand through the use of removable characters.

~~(f) *Class A (temporary signs):* Any sign(s) to be erected on a temporary basis, such as signs advertising the sale or rental of the premises on which located; signs advertising a subdivision of property; signs advertising construction actually being done on the premises on which the sign is located; signs advertising future construction to be done on the premises on which located, and special events, such as carnivals, concerts, public meetings, sporting events, political campaigns or events of a similar nature.~~

~~(g) *Class B (point of sale sign):* Any sign advertising or designating the use, occupant of the premises, or merchandise and products sold on the premises, shall be deemed to be a point of sale sign (class B) and shall be located on the same premises whereon such is situated or the products sold.~~

~~(h) *Class C (commercial advertising signs):* Any sign which is used for any purpose other than that of advertising to the public the legal or exact firm name of business carried on the premises, or for advertising any service or product or products actually and actively being offered for sale on the premises, or which is designed and displayed solely to offer for sale or rent the premises or to advertise construction being done, or proposed to be done, on the premises, or advertising special events approved by the Department shall constitute a class C sign.~~

Class C signs may be in the form of a billboard, bulletin board, or poster board, or may be affixed flat to a building or painted thereon.

~~(i) *Detached sign:* Any sign not attached to or painted on a building, but which is affixed and permanently attached to the ground and which is not a monument sign as defined herein. “Permanently attached” as used herein shall mean that the supporting~~

structure of the sign is attached to the ground by a concrete foundation or other support anchored in the ground.

~~(j)~~ *Director:* The Planning Director or his qualified ~~agent~~ designee.

~~(k)~~ *Directional sign:* A sign which guides or directs the public and contains no advertising. The name of the facility (such as store name), which the sign is giving direction to, may be included when specified conditions in the ~~ordinance~~ Code are complied with.

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

Flag: A piece of fabric with a color or pattern representing a government or other organization, entity, or idea.

~~(m)~~ *Flat sign:* Any sign attached to and erected parallel to the face of, or erected or painted on the outside wall of any building, and supported throughout its length by such wall or building.

Freestanding sign: Any sign not painted or mounted on a building, fence, or wall.

~~(n)~~ *Marquee:* A covered structure projecting from, and supported by the building with independent roof and drainage provisions, and which is erected over a doorway or entranceway as protection against the weather.

Marquee sign: Any sign attached to or hung from a marquee.

Monument sign: A freestanding, self-supported structure of solid construction, not attached or affixed in any way to a building or any other primary structure, and with concealed means of support that is built into the ground that could not be construed to be a pole sign.

Multifamily office sign: A sign identifying the location of the management office of a multifamily residential property.

Multi-tenant center: Any shopping center, office center or business center in which two (2) or more occupancies abut each other or share common parking facilities or driveways or are otherwise related.

Noncommercial sign: A sign containing only noncommercial copy. "Noncommercial" shall mean not-for-profit or commercial gain. Regardless of the content of the copy, a noncommercial sign shall not be construed to be an off-premises sign.

Non-conforming sign: A sign located within the town limits on the effective date of this code or existing in an area annexed by the town after the effective date of this code (or amendments hereto) which, by its height, type, area, design, colors, materials, location, use, or structural support, conformed to the town code prior to the effective date of this ordinance, but does not conform to the requirements of this code. This shall include signs that had been granted variances that were approved, and signs that were issued a construction permit by the Town of Cutler Bay or Miami-Dade County prior to the effective date of this ordinance.

Off-premises sign: A sign that directs attention to a commercial business, commodity, service, product, or activity not conducted, sold, offered, or available on the premises where such sign is located, the copy of which may be intended to be changed periodically. An off-premises sign is the principal use of the property on which it is located. It may also be referred to as a "billboard." This definition includes a sign displayed on a trailer or the bed of a truck that advertises something other than the identity of the truck, the driver or its contents.

On-premises sign: A sign that is located on the premises of the occupant, business, or property identified on the sign. The occupant, business, or property is the principal use of the property, and the sign is an accessory use of the property on which it is located.

Point of sale sign: Any sign advertising or designating the use, occupant of the premises, or merchandise or products sold on the premises.

Pole sign: A sign erected upon a pole, poles, post, or "pole-like" structure that is visible and wholly independent of any building or structure for support.

(p) *Portable sign:* Any sign not attached to or painted on a building and not affixed or permanently attached to the ground.

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

(r) *Pylon:* A vertical extension of a building, constructed integrally and concurrently with the building, or in connection with a major remodeling or alteration of a building. To classify as a pylon for sign purposes, the pylon structure must be an integral part of the building structure, extending to ground level. ~~In business and industrial districts only, the material and construction may vary from the materials and type of construction of the exterior walls of the building, but same must be approved by the Director. In all cases, the pylon shall have the appearance of a solid structure.~~

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

(t) *Roof sign:* Any sign which is ~~painted on~~, fastened to, or supported by the roof or erected over the roof.

(u) *Semaphore:* Any sign consisting of two (2) dual-face signs extending horizontally from a light standard. Such sign must projecting from opposite sides of such light standard, and ~~such signs~~ must be located in the parking lot of a shopping center to identify the location of parking areas. No advertising is permitted on the sign.

(v) *Shopping center:* ~~An area zoned for business is a shopping center where~~ An area with at least two hundred fifty (250) feet of street frontage ~~has been~~ zoned for ~~commercial~~ retail purposes under one (1) application and under one (1) ownership, and ~~where it contains~~ with at least two (2) tiers of ~~in front~~ parking, ~~contains~~ two (2) or more retail uses, and which is subject to site plan or plot use approval as a condition of the applicable resolution or ordinance.

Sign: A device or representation for visual communication that is used for the purpose of making something known. Signs include, but are not limited to, figures, letters, logos, devices, flags, pennants, emblems, and pictures.

Temporary sign: Any sign to be displayed for a limited period of time. Temporary signs include signs capable of being mounted on the ground through use of supports made of wood, plastic, or metal, or leaned or affixed to a structure or similar object, hand-carried

signs, temporary portable signs as defined herein, but shall not include bumper stickers placed on vehicle bumpers.

V-shaped point of sale sign: A point of sale sign with two sign faces, which is constructed of solid materials in the form of a "v".

~~(w) Wall: For sign purposes, As used in this article, that portion of the building's exterior, horizontal surface on the same plane, regardless of vertical or horizontal indentations, and including the surface of parapets and pylons projecting from the building. A plane is defined, for purposes of this chapter, as a continuous architectural façade which may include projections and/or recesses. For sign purposes, there shall be considered to be only four (4) planes to any building and it shall be the prerogative of the Director to determine which portion of odd shaped buildings, such as buildings of hexagon or octagon design, to which flat signs may be affixed, with such location to be so determined as to prevent a grouping of signs which can be viewed from one (1) direction.~~

~~(x) Wall sign: Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one (1) advertising surface.~~

Window sign: A sign located on the inside of a window or within a building or other enclosed structure, where the sign face is visible and legible from the exterior through a window or other opening.

DIVISION 2. GENERAL PROVISIONS

Sec. 33-86. Permits required.

(a) Applications and permits. No sign, ~~unless excepted by this article,~~ shall be erected, constructed, posted, painted, altered, maintained, or relocated, except as provided in this ~~article~~ section and until a permit has been issued by the Community Development Department (Department). Before any permit is issued, an application for such permit shall be filed together with sets of drawings and/or specifications ~~(one (1) to be returned to the applicant one (1) original set and two (2) sets of copies)~~ as may be necessary to fully ~~advise and acquaint the issuing department with~~ describe the location, method of construction, type of materials, manner of illumination, method of erection, securing or fastening, number and type of signs applied for, and advertisement to be carried. All signs which are electrically illuminated ~~by neon or any other means~~ shall require a separate electric permit and inspection. Each application for a sign permit shall be presented on the forms supplied by the Department and shall specifically include the following information:

- (1) Location;
- (2) Construction;
- (3) Materials;
- (4) Manner of illumination;
- (5) Method of securing or fastening;
- (6) Number of signs applied for;

- (7) Wording of the sign;
- (8) Dimensions of the sign;
- (9) Dimensions of the individual letters and logos;
- (10) Photograph of all existing signs for the business; and
- (11) Photograph of all existing signs on the building.

(c) *Calculating number of signs.* A single sign containing advertisement on each side shall be counted as one (1) sign. Every other sign shall be counted as a separate sign for each face thereof. ~~Excepting class C signs, "V" type signs will be considered as one (1) sign if the spread of the "V" at the open end is not greater than the length of its narrowest side.~~

(e) *Submission and review.* Upon the submission of an application for a sign permit and the applicable fee, Department staff shall have ten (10) business days to determine whether the application is complete. If staff finds that the application is not complete, staff shall provide the applicant with written notice of the application's deficiencies within the ten (10) day period. Upon resubmission of the application, staff shall have five (5) additional business days to determine whether the applicant's revisions are sufficient to complete the application. If they are not, staff will again inform the applicant of any remaining deficiencies in writing. This process shall continue until the applicant has submitted a complete application, or demands that the application be reviewed "as is."

(f) *Approval or denial.* The Department shall approve or deny the sign permit based on whether it complies with the requirements of this article. The Department shall approve or deny the sign permit within thirty (30) business days after receipt of a complete application. The Department shall prepare a written notice of its decision, describing the applicant's appeal rights, and send it by certified mail, return receipt requested, to the applicant. The applicant may file a written notice of appeal to the Town Council within fifteen (15) business days after the date of receipt of the Town's written notice of decision. The Town Council shall hear the appeal at the next available Council meeting that is at least twenty-five (25) business days after the date of receiving the written notice of appeal. If the Town Council does not grant the appeal, then the appellant may seek relief in the Circuit Court for Miami-Dade County, as provided by law.

Sec. 33-94. Signs permitted without a sign permit.

~~(e) Awning, canopy, roller curtain, or umbrella sign or signs shall be limited to eight-inch letters in height, and shall not exceed a total coverage of twenty four (24) square feet. Any such sign shall be limited to the identification of the occupant and/or use of the~~

property. No sign permit shall be required for the awning, canopy, roller curtain or umbrella sign, but the same shall comply with applicable technical codes.

~~(f) (g) Flags and insignia of any government, except when displayed in connection with commercial promotion, as displayed in accordance with Section 33-96.5.~~

Sec. 33-95. Prohibited signs.

~~(f) In both the incorporated and unincorporated areas of the County even if not classified as a sign, bBlinking or flashing lights, streamer lights, pennants, banners, streamers, balloons, and all fluttering, spinning or other type of attention attractors or advertising devices are prohibited ~~except for national flags, flags of bona fide civic, charitable, fraternal and welfare organizations and further except~~ dDuring recognized holiday periods such attention-attractors that pertain to such holiday periods may be displayed on a temporary basis during such periods. The flags permitted by this ~~subsection~~ article shall not be used in mass in order to circumvent this subsection by using said flags primarily as an advertising device.~~

* * *

k. Except for non-conforming signs, off-premises signs or billboard signs are prohibited in the town. Any off-premises sign or billboard sign erected after the effective date of this article as amended shall be removed at the sole expense of the sign owner and shall be subject to code enforcement proceedings as provided in the town code.

l. Attached and freestanding signs including exposed or visible neon light tubing.

m. V-shaped point of sale signs.

n. Animated signs.

o. Painted freestanding or attached signs.

p. Pole signs.

Sec. 33-96.1. Automatic electric changing signs.

Subject to the following mandatory conditions, Automatic Electric Changing Signs ("ACS"), shall be permitted in BU and IU districts, ~~seaports, airports, sports stadiums, racetracks, and other similar uses~~ as follows:

(a) ~~This provision shall apply~~ An ACS may be incorporated into Class B (Point of Sale) signs only, and shall not increase the maximum display area permitted. In no event shall the sign face of any ACS exceed 72 square feet.

(b) An ACS shall conform to all sign size, placement, setback, and quantity limitations as provided elsewhere in this chapter and shall comply with all building code requirements.

~~(c) Incandescent lamps/bulbs in excess of 9 watts are prohibited in an ACS. Incandescent lamps/bulbs in an ACS shall not be exposed but shall be covered by a translucent lenses or filters.~~

~~(d) (c) An ACS shall be equipped with an automatic operational night dimming device. The maximum brightness of an ACS shall not exceed illumination of 3,500 nits (candelas per square meter) during daylight hours, nor 750 nits between dusk to dawn, as measured from the sign's face at maximum brightness. The ACS must be equipped with an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half hour before sunset to one half hour before sunrise.~~

~~(e) (d) The following operating modes are prohibited:~~

~~(1) Flash -- the condition created by displaying the same message intermittently by turning it on and off, on and off, with rapidity, or any other delivery mode that creates a flashing effect. The copy on messages may not move or appear to move. A change of message may occur at no more than six-second intervals.~~

~~(2) Zoom -- the look or condition created by expanding a message from a central point to its full size.~~

~~(3) Any signs which use the word "stop" or "danger" or imply the need or requirement of stopping, or which are copies or imitations of official signs.~~

~~(4) Red, green or amber (or any color combination thereof) revolving or flashing light giving the impression of a police or caution light shall be prohibited.~~

~~(f) (e) A minimum of ten (10) acres gross improved land area shall be required for the placement of an ACS.~~

~~(g) (f) With the exception of airports or seaports, the subject An ACS shall be located limited to locations only on a major or minor roadway as depicted on the adopted Comprehensive Development Master Plan Land Use Plan map Growth Management Future Land Use Plan Map.~~

~~(h) (g) A detached freestanding ACS shall be of a monument type and shall comply with the sign height and size regulations for monument signs within the BU district surrounded by a minimum of twenty five (25) square feet of landscaped area. A plan indicating such landscape area shall be submitted to the Director at the time of building permit application.~~

~~(i) The content of the ACS shall be limited solely to the promotion of products or services offered on the premises. The only fixed message shall be the name of the company possessing a valid Certificate of Use and Occupancy for the subject premises.~~

~~(j) (h) The applicant for an ACS shall file ~~of record~~ a declaration of use, on a form prescribed and approved by the Director, which will govern the operation of the ACS and contain penalties for abatement and removal of the ACS for violations of the declaration of use and the provisions herein.~~

Sec. 33-5.1. Relocation of Nonconforming Off-Premises or Billboard Signs

* * *

(B) Relocation Procedures.

(1) A certificate to relocate an existing nonconforming off-premises or billboard sign shall be issued by the planning director to the owner of that sign upon documentation of the following:

(2) The sign owner may hold the certificate, or redeem it for a building permit to construct a new off-premises or billboard sign at the relocated site. A relocated off-premises or billboard sign shall not be affixed to or painted directly on the wall of any building or structure.

Sec. 33-96.2. Manual Changeable Copy Signs

Manual changeable copy signs shall be permitted within permissible monument signage in accordance with the following requirements:

<u>Type of Signs</u>	<u>Size</u>	<u>Number</u>	<u>Setback and Spacing</u>	<u>Illumination</u>	<u>Maximum Height</u>	<u>Special Conditions</u>
<u>Manual Changeable Copy</u>	<u>Must comply with the applicable size restrictions for monument signs within the district</u>	<u>1 per parcel</u>	<u>Must comply with the applicable district setback restrictions for monument signs</u>	<u>Permitted in accordance with applicable district standards; see general provision on illumination</u>	<u>Must comply with the applicable district height restrictions for monument signs</u>	<u>Permissible for drive-through restaurants, places of public assembly and worship, educational facilities, and gasoline service stations only. Manual changeable copy signs must be incorporated into a monument sign and shall comply with the size and height restrictions of the applicable zoning</u>

(b) Maximum number and size.

(1) The maximum dimensions of any flag shall be proportional to the flag pole height. The hoist side of the flag shall not exceed 20% of the vertical height of the pole. In addition, flags are subject to the following dimensional limitations:

<u>Pole Height</u>	<u>Maximum Flag Size</u>
<u>Up to 25 feet</u>	<u>24 total square feet</u>
<u>25 to 39 feet</u>	<u>40 total square feet</u>
<u>40 to 49 feet</u>	<u>60 total square feet</u>
<u>50 to 60 feet</u>	<u>150 total square feet</u>

(2) Each property shall be allowed a maximum of three (3) flag poles. A maximum of two flags shall be allowed per flag pole. References to flagpole height in this division refer to vertical flagpoles. References to the number of flags and flag poles and flag dimensions refer to both vertical flagpoles and mast-arm flagpoles (for example, staffs extending at an angle from a building). On United States and Florida holidays, there shall be no maximum flag size or number or other limitations on manner of display.

(c) Flags on permanent fixtures other than poles. Flags that are attached to the side of a structure without a pole shall not, individually or cumulatively, cover more than the greater of 24 square feet or 10% of the facade of the structure on which the flag is mounted. One flag is permitted on up to two building facades.

(d) Setback. A vertical flag pole must be set back at least 5 feet from all property boundaries.

(e) Condition of flag and pole or other permanent mounting. The flag and flag pole or other permanent mounting shall be maintained in good repair. Flag poles with broken halyards shall not be used, and torn or frayed flags shall not be displayed.

(f) Use of flags as attention-attractors prohibited. The placement of flags upon merchandise or structures to draw the public's attention to such items shall be considered to render such flags prohibited "attention attractors" pursuant to Section 33-95(f) of the Code.

DIVISION 3. SIGN STANDARDS REQUIREMENTS AND CHARTS

Sec. 33-99. Class A temporary signs.

Type of signs permitted: Real estate; subdivision; construction; future construction; special events; ~~balloons.~~

<i>Type of Signs</i>	<i>Size</i>	<i>Number</i>	<i>Setback and Spacing</i>	<i>Illumination</i>	<i>Maximum Height</i>	<i>Special Conditions</i>
Real estate	Real estate signs in an AU/GU District (not of a residential character) and all BU and IU Zones shall be limited to 40 square feet Real estate signs in AU and GU Districts (of a residential character) and RU EU District shall be limited to 4 square feet	1 sign only	Real estate signs shall be no closer than 5 feet to an official r.o.w. line unless attached to an existing building 15 feet to an interior side property line or centered on a lot between interior side property lines	Permitted See general provision on illumination	Real estate signs in <u>AU/GU District (not of a residential character) and all BU and IU Zones</u> shall not exceed 10 feet measured from grade to top of sign. <u>Real estate signs in AU and GU Districts (of a residential character) and RU EU District shall not exceed 5 feet measured from grade to top of sign.</u>	No permit required for signs that are no larger than 6 square feet and which are not electrically illuminated Real estate signs shall only be permitted on premises advertised for rent or for sale No class A temporary sign shall be maintained on the premises for a period to exceed 90 days, unless justifiable reason is shown to the satisfaction of the Director and approval is secured upon proper application. Upon the expiration of the approved period, the sign shall be removed from the premises.

						<p><u>A real estate sign used to advertise a single parcel, dwelling unit, or commercial space shall be posted no earlier than the date of listing of the property for lease or sale, and shall be removed no later than ten (10) days following the date of closing or leasing. A real estate sign used to advertise multiple units or commercial spaces shall be posted no earlier than the date of listing of the properties for lease or sale, and shall be removed no later than ten (10) days following the date of sale or leasing of sixty (60) percent of the dwelling units or non-</u></p>
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						<u>residential spaces.</u>
Subdivision signs	Maximum of 256 square feet per sign but total square footage for all signs shall not exceed 512 square feet	3 per subdivision	Not closer than 15 feet to official r.o.w. Not closer than 15 feet to property under a different ownership	Same as real estate signs	Shall not exceed 22 feet from ground to top of sign	Same as real estate signs
*** Construction signs ***	Maximum of <u>256 80</u> square feet <u>for all signs on the parcel for a detached sign</u> When <u>construction signs are painted on an approved construction shed, there is no size limitation</u>	1 general sign and 1 for each trade provided the total sign area does not exceed <u>256 80</u> square feet	15 feet from official r.o.w. 15 feet to property under different ownership or centered between interior property lines	Same as real estate signs	Same as subdivision signs <u>8 feet</u>	Same as real estate signs <u>Construction signs may be posted from the date any building permit is issued for the subject development. Such sign must be removed no later than the time of building permit expiration, or the date that certificates of occupancy have been issued for one-half of the project square footage (for nonresidential development) or one-half of</u>

						<u>the residential dwelling units (for residential development).</u>
Future construction signs	Maximum of 40 square feet in BU and IU District 24 square feet in AU, GU, EU and RU Districts	1 sign	Same as <u>subdivision construction signs</u>	Same as real estate signs	Shall not exceed 22 feet from ground level to top of sign <u>8 feet</u>	Same as real estate signs <u>Future construction signs shall be posted no earlier than the date of site plan approval for the property and shall be removed no later than ten (10) days following the date of building permit approval for the site.</u>
*** Balloons	Maximum of 32 feet in height and 25 feet in width	1 sign for each property	5 feet from official r.o.w. and property lines	Permitted until 11:00 p.m.	See provision on size	No balloon sign shall be maintained on the premises except for four (4) times each calendar year, for no more than once each calendar quarter. Balloons can be maintained on the premises up to a maximum of seventeen

						<p>(17) days during any one (1) calendar quarter. Balloons may only be used in BU and IU Districts. Such signs are limited to identification of the occupant and/or use of the property. Balloons suspended in air may not be elevated to a height greater than thirty-two (32) feet above the rooftop of the building in which the advertised use or occupant is located. Rooftop installations are permitted with the consent of the property owner. Balloon signs will be permitted for special events with prior approval of the County Manager or his designee</p>
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						<p>and will be allowed for forty eight (48) hours before the special event and must be removed within forty eight (48) hours after the close of the special event. Such time may be extended for one (1) business day, if necessary, when the 48 hours after the close of the special event falls on a weekend or holiday. Prior to receiving any permit under this section each person erecting balloon signs shall post and maintain a \$2,500 cash bond, which shall remain in effect so long as such person continues to erect balloon signs in Miami-Dade County. If</p>
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						<p>any — such person — erects a balloon sign and fails to remove it in accordance with — this section, — the Director shall provide — such person — 48 hours' — prior written notice of intent to forfeit — the bond. — Such notice shall be sufficient — if delivered — to the — address provided — by the — person applying — for the permit to erect — a balloon sign. If the person does not cure the violation within — 48 — hours — after delivery — of the Director's notice, — the bond shall be forfeited. If a person's bond is — forfeited and — such person fails to post — a new bond, — all existing permits issued under — this section — shall</p>
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						be forfeited and all balloon signs shall be removed.
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Sec. 33-100. Permanent point of sale signs for GU, EU-1, EU-1C, EU-2, EU-M, RU-1, RU-2, RU-1MA, RU-1Z, and RU-TH Districts.

(a) Type of signs permitted: Detached; flat; awning, canopy, roller curtain, umbrella; projecting.

<i>Type of Signs</i>	<i>Size</i>	<i>Number</i> <i>2</i>	<i>Setbacks and Spacing</i>	<i>Illumination</i>	<i>Maximum Height</i>	<i>Special Conditions</i>
Detached	1.5 square feet	Only 1 sign per parcel or dwelling unit; signs shall be permitted of a type to be selected by applicant	15 feet from r.o.w. line 5' to interior property line— 5 feet from a r.o.w. line	See general section on illumination Lighting permitted if does not conflict with adjacent property— Not permitted	20 feet 5 feet from grade to top of sign	No permit, if sign is not illuminated and sign is 1.5 square feet or less— No advertising copy permitted; may be displayed in window
Flat 1— (wall and cantilever)	Same as detached	See detached above	Not applicable	Same as detached	Not applicable	Same as above
Awning, canopy, roller curtain and umbrella signs	Same as detached	See detached above	Same as detached	No illumination permitted	Not applicable	No permit required Letters attached or painted to fabric shall be limited to 8 inches in height and such sign

						shall be limited to the identification of the occupant and/or use of the property
Projecting	Same as detached	See detached above	Same as detached	Same as detached	9 feet from established grade to bottom of sign	Same as detached sign Near edge of sign shall be no more than 18" from building wall

(b) 4— Nonconforming uses. ~~N-A~~ nonconforming use(s) in a residential district is permitted a flat sign only of the same size as if the use was established on a property in a district zoned permitting the use concerned.

(c) 2— ~~Churches, schools~~ Religious institutions, educational facilities, and universities, when located in these districts, shall be permitted 1 monument sign not to exceed 24 square feet, as provided for in the RU-3 District pursuant to Section 33-101.

Sec. 33-100.1. Permanent point of sale signs for AU.

(a) Type of signs permitted: ~~Detached monument~~; flat; awning, canopy, roller curtain, umbrella; projecting.

<i>Type of Signs</i>	<i>Size</i>	<i>Number</i>	<i>Setbacks and Spacing</i>	<i>Illumination</i>	<i>Maximum Height</i>	<i>Special Conditions</i>
<u>Detached Monument</u>	24.0 square feet	Only 1 sign permitted of a type to be selected by applicant	15 10 feet from r.o.w. line 5' to interior property line	See general section on illumination. Lighting permitted if does not conflict with adjacent property	20 feet 10 feet from grade to top of sign	Permit required
Flat (wall and cantilever)	See <u>detached monument above</u>	See <u>detached monument above</u>	Not applicable	Same as <u>detached monument</u>	Not applicable	Same as <u>above monument</u>

Awning, canopy, roller curtain and umbrella signs	Same as <u>detached monument</u>	See <u>detached monument</u> above	Same as <u>detached monument</u>	No illumination permitted	Not applicable	Same as <u>above monument</u>
Projecting	Same as <u>detached monument</u>	See <u>detached monument</u> above	Same as <u>detached monument</u>	Same as <u>detached monument</u>	9 <u>10</u> feet from established grade to bottom of sign	Same as <u>detached monument</u> sign Near edge of sign shall be no more than 18" from building wall

~~1 (b) Churches, schools~~ Religious institutions, educational facilities, and universities, when located in these districts, shall be permitted 1 monument sign ~~not to exceed 24 square feet, as provided in RU-3 District pursuant to Section 33-101.~~

Sec. 33-101. Permanent point of sale signs in the RU-3, ~~RU-3b, and RU-3m~~ District.
Type of signs permitted: Detached; flat; awning, canopy, roller curtain, umbrella; projecting; monument; marquee.

<i>Type of Signs Permitted</i>	<i>Size</i>	<i>Number</i>	<i>Setbacks and Spacing</i>	<i>Illumination</i>	<i>Maximum Height</i>	<i>Special Conditions</i>
<u>Detached Monument</u>	RU-3 permitted 6 square feet except for churches, schools <u>religious institutions, educational facilities, and universities</u> which are	Only 1 sign of a type as selected by applicant <u>An additional office sign of not more than 1.5 square feet is permitted</u> <u>One (1)</u>	15 <u>10</u> feet from r.o.w.; 5 feet from interior <u>side property adjacent property line</u>	Illumination permitted; see general provision on illumination	20 <u>8</u> feet from grade to top of sign	

	permitted 24 square feet RU 3B and RU 3M permitted 24 square feet	<u>sign per r.o.w. frontage</u>				
Flat (wall and cantilever)	Same as detached monument	See detached monument above	Not applicable	Same as above	Cantilever signs shall not extend vertically above the roof line or parapet wall, whichever is higher	
Awning, canopy, roller curtain and umbrella signs	Same as detached monument	See detached monument above	15 10 feet from r.o.w. 5 feet to interior side property line	No illumination permitted	Not applicable	No permit required Letters attached or painted to fabric shall be limited to the identification of the occupant and/or use of the property
<u>Multifamily Office Sign</u>	<u>1.5 square feet</u>	<u>1 per multifamily office</u>	Not applicable	<u>Illumination permitted; see general provision on illumination</u>	Not applicable	
<u>Detached</u>	<u>1.5 square feet</u>	<u>1 sign per parcel or dwelling unit; signs shall be of a type to be selected by</u>	<u>5 feet from a right-of-way line</u>	<u>Not permitted</u>	<u>5 feet from grade to top of sign</u>	<u>No advertising copy permitted</u>

		<u>applicant</u>				
Projecting	Same as <u>detached monument</u>	See <u>detached monument</u> above	Same as <u>detached monument</u>	Same as <u>detached monument</u>	9 feet from grade to bottom of sign	
Marquee	Same as <u>detached monument</u>	See <u>detached monument</u> above	Same as <u>detached monument</u>	Same as <u>detached monument</u>	Not applicable	

Sec. 33-102. Permanent point of sale signs in the RU-4L and RU-4M Districts.

Type of signs permitted: Detached; flat; marquee; awning, canopy, roller curtain, umbrella; monument; projecting; pylon.

<i>Type of Signs</i>	<i>Size</i>	<i>Number</i>	<i>Setbacks and Spacing</i>	<i>Illumination</i>	<i>Maximum Height</i>	<i>Special Conditions</i>
Detached <u>Monument</u>	24 square feet for detached sign	Only 2 signs of a type as may be selected by applicant An additional office sign no more than 1.5 square feet is permitted <u>1 per r.o.w. frontage</u>	15 <u>10</u> feet from r.o.w.; 5 feet from interior side <u>property adjacent property line</u>	Illumination permitted; see general provision on illumination	20 <u>8</u> feet from grade to top of sign	
Flat (wall and cantilever)	40 square feet for a building not exceeding	See <u>detached monument above</u>	Not applicable	Same as <u>detached monument</u>	Cantilever sign shall not extend vertically above the	

	15 feet in height; thereafter, .4 square feet for each foot of building height above 15 feet measured to the lowest point of the sign on the building				roof line or parapet wall	
Marquee	40 square feet	See detached <u>monument</u> above	Same as detached <u>monument</u>	Same as detached <u>monument</u>	Not applicable	
Awning, canopy, roller curtain and umbrella signs	24 square feet	See detached <u>monument</u> above	Same as detached <u>monument</u>	No illumination	Not applicable	No permit required Letters attached or painted to fabric shall be limited to 8 inches in height and such signs shall be limited to the identification of the occupant and/or use of the property
Projecting	24 square feet	See detached <u>monument</u>	Same as detached <u>monument</u>	Same as detached <u>monument</u>	Not applicable	

		above				
Pylon	40 square feet	See detached monument above	Not applicable	Same as detached monument	Not applicable	See definition for pylon sign
<u>Multifamily Office Sign</u>	<u>1.5 square feet</u>	<u>1 per multifamily office</u>	Not applicable	<u>Illumination permitted; see general provision on illumination</u>	Not applicable	
<u>Detached</u>	<u>1.5 square feet</u>	<u>1 sign per parcel or dwelling unit; signs shall be of a type to be selected by applicant</u>	<u>5 feet from a r.o.w. line</u>	<u>Not permitted</u>	<u>5 feet from grade to top of sign</u>	<u>No advertising copy permitted</u>

Sec. 33-103. Permanent point of sale signs in the RU-4 District.

Type of signs permitted: Detached; marquee; flat; awning, canopy, roller curtain, umbrella; monument; ~~projecting; pylon.~~

<i>Type of Signs</i>	<i>Size</i>	<i>Number</i>	<i>Setbacks and Spacing</i>	<i>Illumination</i>	<i>Maximum Height</i>	<i>Special Conditions</i>
*** Pylon	40 square feet	See detached above	Not applicable	Same as detached	Not applicable	Same as detached
<u>Detached</u>	<u>1.5 square feet</u>	<u>1 sign per parcel or dwelling unit; signs shall be of a type to</u>	<u>5 feet from a r.o.w. line</u>	<u>Not permitted</u>	<u>5 feet from grade to top of sign</u>	<u>No advertising copy permitted; may be displayed in</u>

		<u>be selected by applicant</u>				<u>window</u>
<u>Detached Monument</u>	24 square feet per detached sign	Only 2 signs of a type selected by applicant <u>1 per r.o.w. frontage</u>	15 10 feet from r.o.w.; 5 feet from interior side property line 10 feet between signs	illumination permitted; see general provision on illumination	20 8 feet from grade to top of sign	See notes at end of chart for these districts
Flat (wall and cantilever)	40 square feet for a building not exceeding 15 feet in height; thereafter, <u>.8 .4</u> square feet for each foot of building height above 15 feet measured to the lowest point of the sign on the building	See <u>detached monument</u> above	Not applicable	Same as <u>detached monument</u>	Cantilever signs shall not extend vertically above the roof line or parapet wall	Same as <u>detached monument</u>
Awning, canopy, roller curtain and	24 square feet	See <u>detached monument</u>	Same as <u>detached monument</u>	No illumination	Not applicable	No permit required

umbrella sign		above				
Projecting	24 square feet	See detached <u>monument</u> above	Not applicable	Same as detached <u>monument</u>	Not applicable	Same as detached <u>monument</u>
Marquee	Total of 40 square feet	See detached <u>monument</u> above	15 10 feet from r.o.w. 5 feet from interior side property line	Same as detached <u>monument</u>	Not applicable	Same as detached <u>monument</u>

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Sec. 33-105. Permanent point of sale signs for shopping centers.

Type of signs permitted: ~~Detached; attraction board;~~ flat; pylon; manual changeable copy; awning, canopy, roller curtain, umbrella; semaphore; monument.

<i>Type of Signs</i>	<i>Size</i>	<i>Number</i>	<i>Setbacks and Spacing</i>	<i>Illumination</i>	<i>Maximum Height</i>	<i>Special Conditions*</i>
<u>Detached Monument</u>	Up to 40 square feet for first 50 feet of frontage plus .75	1 sign only if shopping center has less than 500 feet of lineal street frontage; <u>per</u>	<u>Minimum</u> setback for all street r.o.w.'s is 7 <u>10 feet for a sign not exceeding</u>	Illumination permitted; see general provision on illumination	30 8 feet from grade to top of sign	Sign shall be used only to identify the shopping center and/or as a directory of

	<p><u>.50</u> square feet for each additional foot of frontage to a maximum sign size of 300 square feet</p>	<p>each street <u>frontage</u>, a shopping center with 500 or more lineal street frontage is permitted either 1 <u>300-48</u> square-foot <u>monument</u> sign or 2 <u>200-24</u> square-foot <u>monument</u> signs; <u>shopping centers on a corner lot</u> are permitted an additional <u>40</u>-square-foot sign on a side street</p>	<p>40 square feet; thereafter .8125 feet of additional setback for each 10 square feet of sign (calculated to the nearest 1/2 foot) Interior side setback is a minimum of 3 1/2 <u>5</u> feet for a sign not exceeding 40 square feet; thereafter the interior side setback shall be increased by 10 percent of the calculated street frontage up to 100 lineal feet and by 20 percent of the calculated street frontage where the same exceeds 100 lineal feet</p>			<p>tenants in the shopping center; see <u>Section 33-96.1</u> if located in BU district</p>
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			<p>but does not exceed 200 lineal feet; then increases by 30 percent of the calculated street frontage above the 200 lineal feet</p> <p>Minimum space between detached <u>monument</u> signs shall be 20 <u>200</u> feet</p>			
<p>*** Flat (wall and cantilever)</p>	<p>10 percent of the wall area for a building that does not exceed 15 feet in height, then 1.5 percent increase for each foot of building height above grade measure d to the</p>	<p>Only 2 signs of a type selected by applicant</p>	<p>Not applicable</p>	<p>Same as <u>detached monument</u></p>	<p>Not applicable</p>	<p>Signs permitted only for individual tenants, shopping center <u>Signs</u> must be placed flat against building or on a cantilever or pylon <u>and must be placed parallel to a the street frontage served that the sign serves.</u></p>

	bottom of the sign					
<u>Window</u>	<u>Window signs shall cover no more than twenty (20) percent of the area of each individual glass window pane</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Permitted; see general provision on illumination</u>	<u>Not Applicable</u>	

Sec. 33-106. Permanent point of sale signs in the BU and IU Districts.

Type of signs permitted: ~~Detached~~; marquee; flat; awning, canopy, roller curtain, umbrella; projecting; pylon. (Not applicable to shopping centers; see definition for shopping centers.)

<i>Type of Signs</i>	<i>Size</i>	<i>Number</i>	<i>Setbacks and Spacing</i>	<i>Illumination</i>	<i>Maximum Height</i>	<i>Special Conditions</i>
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<p>Detached</p>	<p>40 square feet maximum for first 50 feet of initial street frontage plus .75 square foot for each additional foot of street frontage to a maximum sign size of 300 square feet</p>	<p>See special conditions</p>	<p>Setback for all street r.o.w.'s is 7 feet for a sign not exceeding 40 square feet; thereafter .8125 foot of additional setback for each 10 square feet of sign calculated to the nearest 1/2 foot; maximum required setback need not be greater than 20 feet. Interior side setback is a minimum of 3 1/2 feet for a sign not exceeding 40 square feet; thereafter the interior side setback shall be increased by 10 percent of the calculated street frontage up to 100 lineal feet and by 20 percent of the calculated street frontage where the same exceeds 100 lineal feet but does not</p>	<p>See general section on illumination</p>	<p>Type and number of point of sale signs permitted for a single individual business on a lot will be based on the following formula: <i>Lot frontage Signs (feet) allowed</i> 0-75 2 signs but no detached 76-150 3 signs, one (1) of which may be detached 151+ 4 signs, one (1) of which may be detached In addition, a corner lot with minimum dimensions of 300 feet by 300 feet will be allowed 4 signs, 2 of which may be detached signs provided that the second sign is no greater than 1/2 the size allowed the first sign and</p>
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		<p>exceed 200 lineal feet; then increases by 30 percent where the calculated street frontage is above the 200 lineal feet</p> <p>Minimum space between detached signs shall be 10 feet.</p> <p>Pole signs erected in connection with service stations may disregard the interior side setbacks, provided that they do not overhang on property of different ownership and the clear distance between the bottom of the sign and the established grade elevation of the property is at least 8 feet</p>		<p>provided the separation between the 2 signs is at least equal to 50 percent of the total amount of frontage on both streets or roadways</p> <p>Where multiple businesses are located on a given lot, each business use shall be permitted a wall sign only</p>
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<p><u>Window</u></p>	<p><u>Window signs shall cover no more than twenty (20) percent of the area of each individual glass window pane</u></p>	<p><u>Not Applicable</u></p>	<p><u>Not Applicable</u></p>	<p><u>Permitted; see general provision on illumination</u></p>	<p><u>Not Applicable</u></p>	<p><u>Not Applicable</u></p>
<p><u>Pylon</u></p>	<p>Approved sign surface area shall be 20 percent of the wall area from which the pylon extends or projects. Pylon size shall be limited to a</p>	<p>Same as <u>detached monument</u></p>	<p>Same as <u>detached monument</u></p>	<p>Same as <u>detached monument</u></p>	<p>Not applicable</p>	<p>In Business and Industrial Districts only, the material and construction may vary from the materials and type of construction of the exterior walls of the building but same must be approved by</p>

	maximum of 50 percent of the approved sign surface area					the Director. In all cases, the pylon shall have the appearance of a solid structure
<u>Monument</u>	Up to 48 square feet	1 sign only if shopping center has less than 500 feet of lineal street frontage; per each street frontage, a shopping center with 500 or more lineal street frontage is permitted either one 48 square-foot monument sign or 2 24 square-foot monument signs-	Minimum setback for all street r.o.w.'s is 10 feet; minimum setback for interior side setback is a minimum of 5 feet; minimum space between detached signs shall be 200 feet	Illumination permitted; see general provision on illumination	8 feet from grade to top of sign	Sign shall be used only to identify the shopping center and/or as a directory of tenants in the shopping center; see Section 33-96.1 if located in BU district
Marquee	40 square feet	Same as detached monument	15 10 feet from r.o.w. 5 feet from interior side property line	Same as detached monument	Same as detached monument	Same as detached monument In addition, for purpose of counting signs, each face of a

						marquee shall count as an individual sign
Flat (wall and cantilever)	10 percent of the wall area for a building that does not exceed 15 feet in height; then 1.5 1 percent increase for each foot of building height above the 15 feet measured to bottom of the sign	Same as detached <u>monument</u>	Not applicable	Same as detached <u>monument</u>	Not applicable	
Awning, canopy, roller curtain and umbrella signs	24 square feet	Same as detached <u>monument</u>	Same as detached <u>monument</u>	Same as detached <u>monument</u>	Not applicable	No permit required 8" letter height
Projecting	40 square feet	Same as detached <u>monument</u>	Same as detached <u>monument</u>	Same as detached <u>monument</u>	Not applicable	In Business and Industrial Districts only, the material and construction may vary from the materials and type of construction of the exterior walls of the building but

						same must be approved by the Director. In all cases, the pylon shall have the appearance of a solid structure
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Sec. 33-107. Class C commercial signs:

Type of signs permitted: Billboard; bulletin board; poster board.

<i>Type of Signs</i>	<i>Size</i>	<i>Number</i>	<i>Setback and Spacing</i>	<i>Illumination</i>	<i>Maximum Height</i>	<i>Special Conditions</i>
Detached	Maximum size of 14 feet by 48 feet (672 square feet) plus embellishment providing overall size of sign does not exceed 750 square feet	No more than 2 signs shall be placed in a group except when such signs are less than 48 feet long and form a triangle	20 feet to official r.o.w. line 5 feet to interior side property line 15 feet from any lot on which there is a residential building (regardless of the zoning classification of such lot) 30 feet to any EU or RU District boundary, except where the face of the sign fronts or orients toward the EU or RU	No illumination shall be installed on any class C sign which may conflict with adjacent uses or be objectionable to residential areas and uses Also see general provisions on illumination	30 feet from normal or average grade to top of sign	When grouped, all signs shall be placed at an angle to form a single "V" or placed back to back and not be placed in a straight line Plans submitted for a permit shall show location and setback of all buildings within 100 feet of the

			<p>District, then the spacing shall be 300 feet.</p> <p>No closer to r.o.w. than the nearest existing substantial building fronting on the same side of the street and within 100 feet of such sign. Except when flat against a legally existing building the sign shall not be placed:</p> <ol style="list-style-type: none"> 1. Within 100 feet of the point of beginning of the change of direction on the side toward which the direction of a highway changes 2. In the inside of a curve. 3. No sign shall be erected closer than 100 feet to any church, 			<p>proposed sign location</p>
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			<p>school, cemetery, public park, public reservation, public playground, State or national forest</p> <p>4. In the BU- 1A, 2, 3, and IU 1, IU 2 and IU 3 Zones, no class C sign shall be erected closer than 600 feet to another class C sign on the same side of the street measured along the center line of the same roadway or street, except that cantilever back-to-back signs shall be considered as 1 sign for the purposes of spacing and except when such signs are on opposite ends of the same</p>		
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			building, the restriction shall not apply as between the signs on opposite ends of the same building, providing such signs otherwise conform to spacing requirements from other class C signs in the area			
Wall	Same as detached, except in BU-1A and BU-2 Districts, wall signs shall conform to class B point of sale wall signs	No more than 2 in group	Same as detached	Same as detached	Shall not extend above the roof or parapet of the building	None

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Sec. 33-108 107 Point of sale signs for the Office Park District.

Type of signs permitted: ~~Detached~~; flat; entrance feature; monument

<i>Type of Signs</i>	<i>Size</i>	<i>Number</i>	<i>Setbacks and Spacing</i>	<i>Illumination</i>	<i>Maximum Height</i>	<i>Special Conditions</i>
<u>Detached Monument</u>	50 square feet	1 detached monument or flat wall sign per principal building;	20 <u>10</u> feet from official r.o.w. line, edge of pavement of private drives,	See general provision on illumination	10 feet from grade to top of sign	The flat or detached monument sign may only identify the building or occupants

		must be located adjacent to principal building being identified	and any property lines			therein
Flat (wall)	Same as detached <u>monument</u>	See detached <u>monument</u> above	Not applicable	Same as detached <u>monument</u>	Not applicable	Same as detached <u>monument</u>
Entrance feature	Determined by administrative approval of entrance features	1 only	Site plan review	Same as detached <u>monument</u>	Not applicable	Signage to identify the office park complex shall be integrated into entrance feature design and be permitted upon entrance feature approval

DIVISION 5. COMMERCIAL SIGNS ON EXPRESSWAY RIGHT-OF-WAY

Sec. 33-121.10. 120.10. Definitions.

(a) "Expressway" shall mean limited access rights-of-way and facilities and related approaches, viaducts, bridges and interchange facilities and service roads and any portion of the interstate highway system, now existing or as may be later constructed or designated.

(b) "Applicable regulations" shall mean any pertinent zoning, building or other regulations in effect in the incorporated or unincorporated areas of Miami-Dade County or the State of Florida.

(c) "Protected areas" shall mean all property in Miami-Dade County within six hundred (600) feet of the right-of-way of any expressway right-of-way provided that directional signs and semaphore signs may be located on any portion of a shopping center which is approved as a development of regional impact pursuant to section 380.06,

Florida Statutes, or which has received a binding letter of vested rights from the State of Florida issued prior to January 1, 1980, exempting it from development of regional impact review. Any such signs shall be subject to the requirements of Article VI of this Chapter, but the provisions of section 33-121.15 shall not apply.

~~(d) "Sign" shall mean any display of characters, letters, illustrations or any ornamentation designed or used as an advertisement, announcement or to indicate direction.~~

~~(e) "Erect" shall mean to construct, build, rebuild (if more than fifty (50) percent of the structural members involved), relocate raise, assemble, place, affix, attach, paint, draw, or in any other manner bring into being or establish.~~

~~(f) "Temporary sign" shall mean signs to be erected on a temporary basis, such as signs advertising the sale or rental of the premises on which located; signs advertising a subdivision of property; signs advertising construction actually being done on premises on which the sign is located; signs advertising future construction to be done on the premises on which located and special events, such as public meetings, sporting events, political campaigns or events of a similar nature.~~

~~(g) "Point of sale sign" shall mean any sign advertising or designating the use, occupant of the premises, or merchandise or products sold on the premises.~~

~~(h) "Outdoor advertising sign" shall mean any sign which is used for any purpose other than that of advertising to the public the legal or exact firm name or type of business conducted on the premises, or of products or merchandise sold on the premises; or which is designed and displayed to offer for sale or rent the premises on which displayed, or the subdivision of such premises, or present or future construction or development of such premises, or advertising special events, shall constitute an outdoor advertising sign.~~

Sec. 33-121.11. Applicability.

~~This division shall apply to both the incorporated and unincorporated area. Any municipality may establish and enforce more restrictive regulations as such municipality may deem necessary.~~

Sec. 33-121.12. Signs prohibited in protected areas.

~~It shall be unlawful hereafter for any person, firm or corporation, or any other legal entity to erect, permit or maintain any sign in protected areas, except as provided for hereinafter.~~

Sec. 33-121.13. 120.11. Exceptions. Regulations of signs within protected areas.

~~Erection of the following signs shall be permitted in protected areas, subject to the conditions and limitations listed herein and further, subject to other applicable regulations where such regulations are more restrictive or more definitive than the provisions of this division and are not inconsistent therewith:~~

~~(a) *Temporary signs* which are located and oriented to serve streets other than an expressway, and are located at least one hundred (100) feet from the expressway right-of-way, except that such signs may serve and be oriented to an expressway if the property concerned abuts the expressway right-of-way and is not served by a parallel expressway service road or is abutting the expressway right-of-way and has direct, permanent legal~~

access to the expressway. In no event shall any temporary sign be larger than one hundred twenty (120) square feet.

(b) *Point of sale signs* which are located on and oriented to the frontage on the street which provides actual and direct access to the front or principal entrance of the place of business; however, on corner lots a second detached point of sale sign will be permitted provided that the same is not larger than forty (40) square feet, and is located on and ~~oriented~~ the sign face is oriented directly perpendicular to the street frontage ~~of the street other than the one (1) serving the principal entrance of the place of business.~~ "Oriented," in connection with point of sale signs, shall mean, in the case of detached signs, placed at a ninety (90) degree angle to the street being serviced; in the case of roof signs, parallel to and fronting ~~such~~ the street and within the front twenty-five (25) percent of the building concerned; and in the case of pylon signs, within the front twenty (20) percent of the building concerned. Wall signs within two hundred (200) feet of an expressway shall be confined to the wall of the building containing the principal entrance, except that a wall sign may be placed on one (1) other wall of such building and shall be limited to ten (10) percent of such other wall area. In no event shall any detached point of sale sign be erected within the protected area which is greater in height than twenty-five (25) feet above the average grade of the premises concerned, and no point of sale roof sign shall be erected which is greater in height above the roof than ten (10) feet.

~~(e) Outdoor advertising signs shall not be erected for the purpose of serving any expressway, and outdoor advertising signs in protected areas shall be erected and oriented to serve only streets other than expressways, subject to the following conditions:~~

~~(1) That in no event shall any outdoor advertising sign be erected or placed closer than two hundred (200) feet to the right-of-way lines of any expressway.~~

~~(2) That outdoor advertising signs shall be erected and placed only in business or commercial (not including industrial) zoning districts which permit outdoor advertising under the applicable zoning regulations of the County or municipality having jurisdiction.~~

~~(3) That no outdoor advertising sign shall be erected that is larger than fifteen (15) feet in width and fifty (50) feet in length, whether single or multiple boards.~~

~~(4) That no detached outdoor advertising sign shall be erected which is more than twenty five (25) feet above the average existing grade of the site on which such sign is erected, or the flood criteria elevation (if property is filled to such elevation) whichever is the greater; nor shall an outdoor advertising roof sign be erected which is more than twenty (20) feet above the roof.~~

~~(5) That no advertising signs shall be erected or placed within three hundred (300) feet of another outdoor advertising sign, such distance to be measured in all directions from the outermost edges of such sign.~~

~~(6) That no outdoor advertising sign shall be erected or placed within one hundred (100) feet of any church, school, cemetery, public park, public reservation, public playground, State or national forest.~~

~~(7) That outdoor advertising signs shall be erected and placed at right angles to the street which they are serving and shall be located within the front seventy (70) feet of the lot or tract on which erected.~~

~~(8) That no outdoor advertising signs shall be erected or placed on a street dead-ended by the expressway, between the expressway and the first street running~~

~~parallel to the expressway and on the same side of the dead end street, even though such distance may be greater than two hundred (200) feet.~~

~~(9) That outdoor advertising signs shall be erected and placed only on property conforming in size and frontage to the requirements of the zoning district in which located, and detached outdoor advertising signs shall not be erected on property already containing a use or structure.~~

~~(10) That detached outdoor advertising sign structures shall be of the so-called cantilever type construction (double faced sign, both faces of the same size, secured back to back on vertical supports with no supporting bracing).~~

~~(d) Any sign which fails to conform with the provisions of this division but is not visible from any expressway due to an intervening obstruction.~~

~~Sec. 33-121.14. Nonconforming signs.~~

~~(a) Signs which have been erected prior to the effective date* of this division may continue to be maintained until March 1, 1968. Thereafter, unless such signs conform to the provisions of this division, they shall be removed: If a nonconforming spacing situation can be eliminated by the removal of one (1) sign, the sign which has been erected for the longest period of time shall have priority.~~

~~erected, permitted, or maintained subsequent to July 11, 1963, which is not in violation of this division but upon the opening for public use of an expressway or applicable portion thereof becomes nonconforming, the same may continue to be maintained for a period of five (5) years from the day of such opening provided on or before the expiration of the five (5) year period, the nonconforming sign must be removed; provided, any sign which is exempt from the provisions of this division pursuant to Subsection (d) of Section 33-121.13 hereof, but subsequently becomes nonconforming due to the elimination of the obstruction preventing its visibility from an expressway, must be removed within five (5) years from the time of the elimination of such obstruction; further provided, after the effective date of this amendment any sign erected, permitted or maintained after a future expressway right-of-way has been designated by the recording of an expressway right-of-way map in the public records of Miami Dade County, Florida, which becomes nonconforming due to the completion of such expressway shall be removed within thirty (30) days after such expressway or applicable portion thereof is opened for public use.~~

~~(e) If approved as a result of a public hearing by the appropriate Community Zoning Appeals Board, a nonconforming sign may be replaced or modernized provided the board size and height is not increased.~~

~~Sec. 33-121.15. Variances.~~

~~No variances shall be granted through provisions of applicable regulations which will in any way conflict with or vary the provisions of this division.~~

~~Sec. 33-121.16. Penalty.~~

~~Any person violating any of the provisions of this division shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the County Court. Any continuing violations of the provisions of this division may be enjoined and restrained by injunctive order of the Circuit Court in appropriate proceedings instituted for such purpose.~~

~~Sec. 33-121.17. Repeal clause.~~

~~(a) All County and municipal ordinances, County and municipal resolutions, municipal charters, special laws applying only to Miami Dade County or any municipality in Miami Dade County, or any general laws which the Board of County Commissioners is authorized by the Constitution to supersede, nullify, modify or amend, or any part of such ordinance, resolution, charter or law, in conflict with any provision of this division, is hereby repealed.~~

~~(b) Provisions of this division shall not apply to signs authorized by the City of Miami pursuant to City of Miami Ordinance No. 9993 only when said ordinance has been amended by the City of Miami in accordance with the City of Miami Resolution No. 85-540.~~

~~DIVISION 6. COMMERCIAL SIGNS ON RAPID TRANSIT SYSTEM RIGHT OF WAY~~

~~Sec. 33-121.20. Definitions.~~

~~(a) *Rapid Transit System right of way* shall mean an official map designating outside boundaries for the Fixed Guideway Rapid Transit System for Miami Dade County, Florida, which may from time to time be amended. The Rapid Transit System right of way map shall be so designated and recorded and on file in the public records of Miami Dade County, Florida.~~

~~(b) *Applicable regulations* shall mean any pertinent zoning, building or other regulations in effect in the incorporated or unincorporated areas of Miami Dade County or the State of Florida.~~

~~(c) *Protected areas* shall mean all property in Miami Dade County within three hundred (300) feet of the right of way of any Rapid Transit System right of way.~~

~~(d) *Sign* shall mean any display of characters, letters, illustrations or any ornamentation designed or used as an advertisement, announcement or to indicate direction.~~

~~(e) *Erect* shall mean to construct, build, rebuild (if more than fifty (50) percent of the structural members involved), relocate, raise, assemble, place, affix, attach, paint, draw, or in any other manner bring into being or establish.~~

~~(f) *Temporary sign* shall mean signs to be erected on a temporary basis, such as signs advertising the sale or rental of the premises on which located; signs advertising a subdivision of property; signs advertising construction actually being done on premises on which the sign is located; signs advertising future construction to be done on the premises on which located and special events, such as public meetings, sporting events, political campaigns or events of a similar nature.~~

~~(g) *Point of sale sign* shall mean any sign advertising or designating the use, occupant of the premises, or merchandise or products sold on the premises.~~

~~(h) *Outdoor advertising sign* shall mean any sign which is used for any purpose other than that of advertising to the public the legal or exact firm name or type of business conducted on the premises, or of products or merchandise sold on the premises; or which is designed and displayed to offer for sale or rent the premises on which displayed, or the subdivision of such premises, or present or future construction or development of such premises, or advertising special events, and which shall constitute an outdoor advertising sign. Outdoor advertising sign shall not include a sign which is erected inside a building for the purpose of serving the persons within the building.~~

~~Sec. 33-121.21. Applicability.~~

~~This division shall apply to both the incorporated and unincorporated area. Any municipality may establish and enforce equivalent or more restrictive regulations, as such municipality may deem necessary.~~

~~Sec. 33-121.22. Signs prohibited in protected areas.~~

~~It shall be unlawful hereafter for any person, firm or corporation, or any other legal entity, to erect, permit or maintain any sign in protected areas, except as provided for hereinafter.~~

~~Sec. 33-121.23. Exceptions to sign prohibition.~~

~~Erection of the following signs shall be permitted in protected areas, subject to the conditions and limitations listed herein and further, subject to other applicable regulations where such regulations are more restrictive or more definitive than the provisions of this division and are not inconsistent therewith:~~

~~(a) Temporary signs which are located and oriented to serve streets other than a Rapid Transit System, and are located at least one hundred (100) feet from the Rapid Transit System right of way, except that such signs may serve and be oriented to a Rapid Transit System if the property concerned abuts the Rapid Transit System right of way and is not served by a parallel Rapid Transit System service road or is abutting the Rapid Transit System right of way and has direct, permanent legal access to the Rapid Transit System. In no event shall any temporary sign be larger than one hundred twenty (120) square feet.~~

~~(b) Point of sale signs which are located on and oriented to the frontage on the street which provides actual and direct access to the front of principal entrance of the place of business; however, on corner lots a second detached point of sale sign will be permitted provided that the same is not larger than forty (40) square feet, is located on and oriented to the street frontage of the street other than the one (1) serving the principal entrance of the place of business. "Oriented," in connection with point of sale signs, shall mean, in the case of detached signs, placed at a ninety-degree angle to the street being served; in the case of roof signs, parallel to and fronting such street and within the front twenty five (25) percent of the building concerned; and in the case of pylon signs, within the front twenty (20) percent of the building concerned. Wall signs within two hundred (200) feet of a Rapid Transit System shall be confined to the wall of the building containing the principal entrance, except that a wall sign may be placed on one (1) other wall of such building and shall be limited to ten (10) percent of such other wall area. In no event shall any detached point of sale sign be erected within the protected area which is greater in height than twenty five (25) feet above the average grade of the premises concerned, and no point of sale roof sign shall be erected which is greater in height above the roof than ten (10) feet.~~

~~(c) Outdoor advertising signs shall not be erected for the purpose of serving any Rapid Transit System, and outdoor advertising signs in protected areas shall be erected and oriented to serve only streets other than Rapid Transit Systems, subject to the following conditions:~~

~~(1) That in no event shall any outdoor advertising sign be erected or placed closer than three hundred (300) feet to the right of way lines of any Rapid Transit System.~~

~~(2) That outdoor advertising signs shall be erected and placed only in business and commercial (not including industrial) zoning districts which permit outdoor~~

advertising under the applicable zoning regulations of the County or municipality having jurisdiction.

~~(3) That no outdoor advertising sign shall be erected that is larger than fifteen (15) feet in width and fifty (50) feet in length, whether single or multiple boards.~~

~~(4) That no detached outdoor advertising sign shall be erected which is more than twenty five (25) feet above the average existing grade of the site on which such sign is erected or the flood criteria elevation (if property is filled to such elevation), whichever is the greater; nor shall an outdoor advertising roof sign be erected which is more than twenty (20) feet above the roof.~~

~~(5) That no advertising signs shall be erected or placed within three hundred (300) feet of another outdoor advertising sign, such distance to be measured in all directions from the outermost edges of such sign.~~

~~(6) That no outdoor advertising sign shall be erected or placed within one hundred (100) feet of any church, school, cemetery, public park, public reservation, public playground, State or national forest.~~

~~(7) That outdoor advertising signs shall be erected and placed at right angles to the street which they are serving and shall be located within the front seventy (70) feet of the lot or tract on which erected.~~

~~(8) That no outdoor advertising signs shall be erected or placed on a street dead-ended by the Rapid Transit System, between the Rapid Transit System and the first street running parallel to the Rapid Transit System and on the same side of the dead end street, even though such distance may be greater than three hundred (300) feet.~~

~~(9) That outdoor advertising signs shall be erected and placed only on property conforming in size and frontage to the requirements of the zoning district in which located, and detached outdoor advertising signs shall not be erected on property already containing a use or structure.~~

~~(10) That detached outdoor advertising sign structures shall be of the so-called cantilever type construction (double-faced sign, both faces of the same size, secured back to back on vertical supports with no supporting bracing).~~

~~(d) Any sign which fails to conform with the provisions of this division but is not visible from any Rapid Transit System due to an intervening obstruction.~~

DIVISION 6. NONCONFORMING SIGNS

Sec. 33-121.14 120.12. Nonconforming signs.

~~(a) Signs which have been erected prior to the effective date* of this division may continue to be maintained until March 1, 1968. Thereafter, unless such signs conform to the provisions of this division, they shall be removed: If a nonconforming spacing situation can be eliminated by the removal of one (1) sign, the sign which has been erected for the longest period of time shall have priority.~~

~~(b) Any sign legally erected, permitted, or maintained subsequent to July 11, 1963, which is not in violation of this division but upon the opening for public use of an~~

~~expressway or applicable portion thereof becomes nonconforming, the same may continue to be maintained for a period of five (5) years from the day of such opening provided on or before the expiration of the five (5) year period, the nonconforming sign must be removed; provided, any sign which is exempt from the provisions of this division pursuant to Subsection (d) of Section 33-121.13 hereof, but subsequently becomes nonconforming due to the elimination of the obstruction preventing its visibility from an expressway, must be removed within five (5) years from the time of the elimination of such obstruction; further provided, after the effective date of this amendment any sign erected, permitted or maintained after a future expressway right of way has been designated by the recording of an expressway right of way map in the public records of Miami Dade County, Florida, which becomes nonconforming due to the completion of such expressway shall be removed within thirty (30) days after such expressway or applicable portion thereof is opened for public use.~~

~~(e) If approved as a result of a public hearing by the appropriate Community Zoning Appeals Board, a nonconforming sign may be replaced or modernized provided the board size and height is not increased.~~

(a) Signs or sign structures made legally nonconforming under this article, or upon the passage of any amendment to this article, shall be governed by the following regulations:

(1) A sign existing within the Town, or an area subsequently annexed to the Town, upon the passage of this Ordinance or any future amendment to this article, which because of its height, square foot area, location, or other characteristic, does not conform to this article in all respects is hereby declared to be a nonconforming sign.

(2) A nonconforming temporary sign must be removed within thirty (30) days from the effective date of the ordinance creating the non-conformity.

(3) Nonconforming signs subject to the amortization provisions of Sec. 33-121.28 shall be governed by the applicable amortization requirements of that section.

(4) Failure to remove a nonconforming or prohibited sign as required by this section shall cause the sign to be declared an illegal sign.

(b) If any nonconforming sign is damaged by any cause and the cost of repairing the sign equals fifty percent (50%) or more of the original cost of the sign structure, then its classification as a nonconforming sign under this section shall be automatically revoked and the sign must be repaired or replaced to meet all the requirements of this article.

(c) Loss of nonconforming status.

(1) Immediate loss of nonconforming status. A nonconforming sign shall immediately lose its nonconforming status if:

i. The sign is altered in any way that renders the sign less in compliance with the requirements of this article than it was before the alteration (including alteration of the technology used in a sign); or

ii. The sign is relocated to a position making it less in compliance with the requirements of this article; or

iii. The sign is replaced or abandoned for a period of six (6) months or more.

If any one of these events occurs, the sign shall be immediately brought into compliance with this article.

(2) *Nonconforming sign maintenance and repair.* Nothing in this article shall relieve the owner or user of a nonconforming sign, or the owner of the property on which the nonconforming sign is located, from the provisions of this Article, regarding safety, maintenance and repair of signs.

(3) *Notification of repair or alteration to nonconforming sign.* The owner of a nonconforming sign who desires to make any repair or alteration to such sign shall, in addition to compliance with the applicable building code requirements, submit an application describing the nature of the repair or alteration to the Department of Planning and Development. All final determinations as to the nonconforming status of any sign shall be made by the Director.

DIVISION 7. VARIANCE PROCEDURE.

Sec. 33-121.15 120.13. Variances.

No variances shall be granted through provisions of applicable regulations which will in any way conflict with or vary the provisions of this division. No sign shall be permitted to be erected contrary to the size, location and appearance provisions of this article unless a variance is approved by the Town Council in conformance with the following criteria:

(1) Special conditions and circumstances exist which are peculiar to the land on which the sign is proposed and that these conditions and/or circumstances are not applicable to other lands in the same zoning district.

(2) The special conditions and circumstances do not result from the actions of the applicant.

(3) The granting of the variance requested will not confer upon the applicant any special privilege that is denied by this article to others in the same zoning district.

(4) Literal interpretations of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this article and would result in an unnecessary and undue hardship on the applicant.

(5) The grant of the variance is not contrary to the intent of this article, or Chapter 33, Article VI of the Miami-Dade County Code of Ordinances, as applicable, will be in harmony with the purpose of this Article, and will not be injurious to the area involved or otherwise detrimental to the public welfare.

~~Sec. 33-121.26. Penalty; injunctive remedy.~~

~~Any person violating any of the provisions of this division shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the County Court. Any continuing violations of the provisions of this division may be enjoined and restrained by injunctive order of the Circuit Court in appropriate proceedings instituted for such purpose.~~

~~Sec. 33-121.27. Repeal clause.~~

~~All County and municipal ordinances, County and municipal resolutions, municipal charters, special laws applying only to Miami Dade County or any municipality in Miami Dade County, or any general laws which the Board of County Commissioners is authorized by the Constitution to supersede, nullify, modify or amend, or any part of such ordinance, resolution, charter or law, in conflict with any provision of this division, is hereby repealed.~~

DIVISION 8. AMORTIZATION

~~Sec. 33-121.28 120.14. Amortization of certain prohibited signs.~~

(a) It is the intent of this section to recognize that the eventual elimination of certain existing signs that are not in conformity with the provisions of these regulations, in as expeditious a manner as it is reasonable, bears as much relation to the health, safety, and welfare of the citizens of the Town as the prohibition of new signs that would violate these regulations. It is also the intent of this section to protect private property rights to the extent required by law.

(b) *Applicability.* This sign amortization procedure shall apply to v-shaped point of sale signs, pole signs, and attached and freestanding signs including exposed or visible neon light tubing, as prohibited by Section 33-95 of this Chapter. This procedure shall not apply to off-premises signs governed by the provisions of Section 70.20, Florida Statutes (2002).

(c) *Continuance.* Subject to the sign amortization schedule below, a nonconforming v-shaped point of sale sign, pole sign, and attached or freestanding sign including exposed or visible neon light tubing may be continued for the length of the applicable amortization period, and shall be maintained in good condition, and shall conform with the regulations applicable to nonconforming structures in the Town.

(d) Removal or conformance; amortization schedules. All nonconforming v-shaped point of sale signs, pole signs, and attached and freestanding signs including exposed or visible neon light tubing in existence upon the effective date of the prohibition on such signs as adopted by this Ordinance, and which previously conformed to all legal requirements, but which are made nonconforming by the provisions of these regulations, shall be brought into conformity or shall be removed in accordance with the following amortization plan.

Schedule of time periods for removal, replacement, or alteration of signs subject to amortization procedures to meet ordinance requirements based upon the cost of original installation

<u>Cost of Original Installation</u>	<u>Time Period to Conform</u>
<u>\$0-500</u>	<u>6 months</u>
<u>\$500-\$999</u>	<u>1 year</u>
<u>\$1,000 -\$7,000</u>	<u>2 years</u>
<u>\$7,001 and over</u>	<u>3 years</u>

(e) Procedure for enforcement of amortization requirements.

(1) The amortization schedule applicable to each sign determined to be subject to this subsection shall be determined by the Director or his or her designee based upon a review of building permits to determine the original cost of installation of the sign. The period of nonconformity shall begin as of the effective date of this Ordinance. Prior to the Town enforcing the amortization period against any sign, it shall be the responsibility of the Director, or his or her designee, to make an inventory and a record of all nonconforming signs subject to the amortization requirement and to serve notification of the commencement of amortization regulations on the owners of such signs. Such inventory shall include the following information:

- a. Owner;
- b. Location; and
- c. Valuation.

(2) Application for extension of amortization period. An owner of a sign who desires an amortization period longer than that specified in the amortization schedule shall file an application for extension with the Department of Planning and Development within thirty (30) days of notification of the commencement of amortization regulations. The application shall be on a form provided by the Department, and shall include a statement setting forth the cost of the nonconforming sign, the date of installation, and/or the cost and date of the most recent renovation. The application for extension of amortization period shall be reviewed by the Director or his or her designee, who shall conduct a review of the

application and issue a staff recommendation on the requested extension. The application shall be scheduled for public hearing before the Town Council. An extension of an amortization period may be granted if the Town Council finds that, with regard to the individual sign at issue, the amortization period set forth in this ordinance is unreasonable.

Section 3. Conflicts. All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Cutler Bay; 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 6. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this ____, day of _____, 2008.

PASSED and ADOPTED on second reading this ____ day of _____, 2008.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE

SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman	_____
Vice Mayor Edward P. MacDougall	_____
Councilmember Peggy R. Bell	_____
Councilmember Timothy J. Meerbott	_____
Councilmember Ernest N. Sochin	_____