


MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members DATE: July 5, 2016

FROM: Thomas R. Mooney, AICP 
Planning Director

SUBJECT: **Discussion** – Proposed Ordinance amendment to Chapter 138 of the Land Development Regulations pertaining to signage.

BACKGROUND

On February 10, 2016, at the request of Commissioner Arriola, the City Commission referred an ordinance amendment pertaining to signs to the Land Use and Development Committee (Item C4G).

On April 20, 2016, the Land Use Committee discussed the proposal and recommended that the City Commission refer the proposed ordinance to the Planning Board, Design Review Board and Historic Preservation Board for consideration and recommendation. On May 11, 2016, the City Commission referred the proposed ordinance to the Planning Board, Design Review Board and Historic Preservation Board.

This item as originally scheduled for discussion at the June 7, 2016, Design Review Board meeting but was continued to the July 5, 2016 meeting at the request of the City Attorney due to a lengthy June DRB agenda.

ANALYSIS

The Administration's analysis is outlined in the attached Commission Memorandum dated May 11, 2016. An additional modification pertaining to historic and architecturally significant non-conforming signs is also included.

CONCLUSION

Staff recommends that the DRB discuss the item and provide recommendations for the City Commission to consider.

TM/JGM


F:\PLAN\DRB\DRB16\07-05-2016\JUL16 Signage Discussion\DRB Discussion - Signage Ordinance.docx

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: May 11, 2016

SUBJECT: **REFERRAL TO THE PLANNING BOARD, DESIGN REVIEW BOARD AND HISTORIC PRESERVATION BOARD - PROPOSED ORDINANCE AMENDMENT TO CHAPTER 138 OF THE LAND DEVELOPMENT REGULATIONS PERTAINING TO SIGNAGE.**

ADMINISTRATION RECOMMENDATION

Refer the proposed Ordinance Amendment to the Planning Board, Design Review Board and Historic Preservation Board for consideration and recommendation.

HISTORY

On February 10, 2016, at the request of Commissioner Arriola, the City Commission referred an ordinance amendment pertaining to signs to the Land Use and Development Committee (Item C4G).

On April 20, 2016, the Land Use Committee discussed the proposal and recommended that the City Commission refer the proposed ordinance to the Planning Board, Design Review Board and Historic Preservation Board for consideration and recommendation.

ANALYSIS

The American Planning Association (APA) recognizes that signs are an integral part of the character of a neighborhood, and being such, special care should be taken in the regulation and design of signs. Signs serve an important purpose in identifying businesses, commerce, buildings and sites. When properly designed and executed, signage can also accentuate the architecture of a building or structure.

Collectively, signage is a key component in place-making, giving an area a distinct feel. Signs are often times used informally as wayfinding landmarks, giving resident and visitors alike, a visual reference point to which be guided by. Concurrently, substandard sign regulations and poor sign design can negatively impact a neighborhood, contribute to urban blight and deter potential quality business. As such, land development regulations should require appropriate signage in terms of overall size, placement and dimensions. Additionally, sign regulations should promote, not constrict, design creativity. As noted in literature from the APA: "*Care in the design of signs— both public and private—is seen as a part of a larger effort in improving the quality of various places within a community.*"

The enforcement of sign regulations and design guidelines should be simple and straight the point. This will allow for both city staff and applicants to have a clear understanding of what the regulations are and how they are applied. Chapter 138 of the Land Development Regulations (LDR's) provides the City's existing signage regulations and minimum design standards for private properties. Chapter 138 also deals with requirements for business signage, temporary signage, as well as prohibited signage. However, the layout of the chapter is cumbersome, repetitive, and difficult to navigate. Additionally, the chapter's design standards are minimal and often do not provide applicants with sufficient information to determine the intent of the regulations. As a result, this has necessitated a regulatory environment that is lengthy and complex.

The proposed draft ordinance would modify Chapter 138 of the LDR's, in order to improve the overall design of exterior building signage, as well as streamline the approval process. The proposed modifications would complement the City's other efforts in streamlining the regulatory review process. The proposed draft ordinance revises the existing regulatory language, utilizing best practices in order to accomplish the following:

- Enhance, improve, and maintain the quality of signage throughout the city
- Promote sound urban design principles through the use of appropriate and well designed signage
- Improve the aesthetic appearance of new signs and maintain protections for designated historic signs
- Prevent future nonconforming signage.
- Reduce the number and type of sign variances being requested.
- Streamline the permitting processes with simplified and clearer regulations.

New Regulatory Charts

The proposed ordinance reorganizes Chapter 138, so that sections that complement one another are grouped together under the same Articles. The regulations and design standards for the different types of permissible non-temporary signs are all grouped together under Article II.

Article II is proposed to be modified in order to transfer information from a complicated table in section 138-172, to a series of condensed charts that carry all the pertinent information for the types of sign being sought. Each section describes the types of sign regulated by that chart, and provides regulations for signs in a more detailed and transparent fashion. Additionally, the charts contain graphics to better illustrate the individual sign types.

Substantive Modifications

The following is a summary of the substantive revisions proposed:

- Section 138-172 was moved to Section 138-17, modifying the ratio for the length of store frontage to sign area, as well as increasing the maximum allowable square footage in order to achieve better signage proportionality with a given façade. Also, the minimum area for wall signs, as well as the maximum height for detached signs, are proposed to be reduced.
- Section 138-139 and 138-172 were moved to Section 138-139 and 138-17 respectively, and modify the Certificate of Appropriateness requirements for cultural institution temporary banners and building id signs within the RM-3 district. It is recommended that both of these approvals be transferred to city staff, in order to streamline the approval process.
- New Sections (138-20 and 138-21) pertaining to minimum and supplemental design standards for exterior building signage have been added, which codify minimum design standards and incentive higher quality signage.

- Sign regulations for schools and religious institutions have been modified to allow more flexibility for larger properties, and to provide more latitude for promoting religious holidays and school events.

The attached draft ordinance is a clean copy of the revised sign code format. All new standards, regulations and procedures have been underscored. For the Planning Board, a more formal version of the ordinance, which includes a full title, whereas clauses and appropriate strike-thru's, will be provided. Additionally, the City Attorney's Office will be addressing any formatting and potential legal issues.

The Land Use and Development Committee also recommended that the legal non-conforming signs section be modified to allow for historic signs located within historic sites to be further protected. Staff will be drafting modified language to address this for the Planning Board.

CONCLUSION

In accordance with the April 20, 2016 action of the Land Use and Development Committee, the Administration recommends that the Mayor and the City Commission refer the attached ordinance amendment to the Planning Board, Design Review Board and Historic Preservation Board for consideration and recommendation.


JLM/SMT/TRM

T:\AGENDA\2016\May\Planning\Ref to PB Sign Regulations - REF MEM.docx

SIGNAGE REGULATIONS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR'S) OF THE CITY CODE, BY AMENDING CHAPTER 138, "SIGNS," BY; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the current signage regulations have over time been added to and become complicated to understand and implement

WHEREAS, it is in the best interest of the City to promote safe and seemly commercial activity in the city, through commerce friendly design and construction; and

WHEREAS, the amendments set forth below are necessary to accomplish the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 138, "Signs," is hereby amended and replaced in the Land Development Regulations of the Code of the City of Miami Beach, FL as shown in Exhibit A.

ARTICLE I. - IN GENERAL

Sec. 138-1. - Purpose.

The purpose of this chapter is to provide comprehensive regulations for signage within the City. The following regulations and standards are intended to permit signs that through their design, location, numeration, and construction, will optimize communication, promote sound a healthy environment for housing and commerce, as well as preserve the architectural character of the city and the constitutional right of free speech.

Sec. 138-2. – Applicability & Severability

The regulations in this chapter apply to all signs and are in addition to the regulations contained elsewhere in these land development regulations. Except for signs exempted in Section 138-4, all signs shall require permits. For the purposes of this chapter, "sign" or "signs" will include all associated supporting structures.

Pursuant to the procedures and standards set forth in chapter 118, article VIII, the Board of Adjustment may grant a variance permitting the erection and maintenance of a sign which does not conform to the regulations set forth for maximum size, location or graphics, illustrations, and other criteria set forth in these land development regulations. Appeals from decisions of administrative officials regarding the application of these restrictions of this chapter to particular signs shall be heard by the Board of Adjustment pursuant to the procedures set forth in chapter 118, article II, division 5. Where specific applicable regulations have not been established, all

sign permit application shall be reviewed by the Design Review Board pursuant to the procedures set forth in chapter 118, article VI.

These regulations are specifically intended to be severable such that if any section, subsection, clause or phrase of these regulations is found to be invalid or unconstitutional by the decision of a jurisdictional court, the decisions shall not affect the validity of the remaining provisions.

Sec. 138-3. – General Requirements.

The following requirements apply with regards to signs, in addition to provisions appearing elsewhere in these land development regulations.

- a) Unless otherwise exempted in Sec. 138-5, no sign shall be erected, constructed, posted, painted, altered, maintained, or relocated without the issuance of a building permit or planning permit.
- b) Building permit applications shall be filed together with such drawing and specification as may be necessary to fully advise the city with the location, construction, materials, illumination, structure, numeration, design, and copy of the sign.
- c) Structural features and electrical systems shall be in accordance with the requirements of the Florida Building Code.
- d) No sign shall conflict with the corner visibility clearance requirements of section 142-1135
- e) All signs, unless otherwise stipulated in this chapter, shall be located only upon the lot on which the business, residence special use, activity, service, product or sale is.
- f) All signs shall be maintained in good condition and appearance.
- g) Any persons responsible for the erection or maintenance of a sign which fails to comply with the regulations of this chapter shall be subject to enforcement procedures as set forth in section 114-8.
- h) No sign shall be approved for use unless it has been inspected and found to be in compliance with all the requirements of these land development regulations and applicable technical codes.

Sec. 138-4. - Exempt signs.

The following signs are exempted from permit requirement. All signs must be in accordance with the structural and safety requirements of the Florida Building Code.

- a) Official traffic signs, governmental information signs, and provisional warning signs, when required by a governmental agency.
- b) Address signs, not to exceed one per street frontage, maximum two square feet in area. Copy shall be limited to the address of the property.
- c) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter. Shall not exceed two square feet in area.
- d) Historical markers approved by the historic preservation board.
- e) Change of copy on a bulletin board, poster board, display encasement directory sign, changeable copy sign, or marquee.
- f) Signage on vehicles, only as detailed in Sec. 138-60 under Article IV.
- g) Temporary signs authorized by Sec. 138-131 of this chapter which are composed of paper, cardboard, plastic film or other similar material and are affixed directly to a window.

Sec. 138-5. - Prohibited signs and sign devices.

- a) No general advertising shall be constructed, painted, used, operated or maintained.
- b) No sign shall display or contain intermittent lights, pennants, streamers, banners, balloons, revolve or move.

- c) No sign shall copy or imitate any official governmental sign.
- d) False and misleading signs shall be unlawful to post.
- e) No sign shall provide a background of colored lights blending with the traffic signals to the extent of confusing a motorist when viewed from a normal approaching position of a vehicle at a distance of 25 to 300 feet.
- f) Signs which aren't securely affixed to the ground, are freestanding, or applied to trees, utility poles, bus benches, trash receptacles, or other unapproved supporting structures are prohibited.
- g) Except as otherwise permitted by these land development regulations, no sign indicating the presence of an accessory commercial use in a hotel, apartment-hotel, or apartment building located in a residential district shall be visible from a public street, walk, or other public way.
- h) Pole signs and Roof signs are prohibited. Legal nonconforming roof and pole signs may be repaired only as provided in section 138-10##
- i) Balloon signs are prohibited throughout the city. However, tethered balloon signs may be permitted if approved pursuant to special event review procedures.
- j) Signs on umbrellas, tables, chairs and any other furniture or fixtures associated with outdoor cafes or sidewalk cafes are prohibited unless otherwise expressly permitted in these land development regulations.
- k) Televisions or similar device, displaying images of any kind are not permitted to be located within the first ten feet of a storefront.

Sec. 138-6. - Removal required.

- a) If a sign does not comply with the provisions of these land development regulations and has not received a building permit, such sign and any auxiliary supporting structures shall be removed.
- b) Any sign associated with vacated premises shall either be removed, or altered so that the sign no longer displays visual aspects pertaining with the previous activity, by the owner or lessee no later than six months after the activity has ceased functioning.
- c) Notwithstanding the foregoing, the planning director, or designee, may waive the requirement for the removal of a sign, regardless of the permit status, if the sign is determined to be historic or architecturally significant.
- d) The code compliance department shall inquire of the planning director, or designee, prior to the issuance of any violation of this section, whether a waiver has been or will be issued pursuant to this section.

Secs. 138-7—138-12. - Reserved.

ARTICLE II. – SIGN DESIGN STANDARDS

Sec. 138-13. – General Sign Design Standards

The following design standards apply to all signs unless otherwise exempted in this chapter or these land development regulations.

- (a) Establishment must have direct access to the street or waterway to be permitted a sign that faces a public right of way or waterway.
- (b) Signs must front a street or waterway. Signs may be permitted to front alleys where the alley frontage provides a means of public entrance, or is adjacent to a parking lot or garage.
- (c) Signs located above the ground floor shall be limited to the name of the building or the use that encompasses the largest amount of floor area in the building.

- (d) Electrical conduit, support structures, receptacle boxes, or any other operational devices associated with a sign shall be designed in such a manner as to be visually unnoticeable.
- (e) Sign copy, with the exception of window signs, will be limited to licensed permitted uses. Sign copy shall not indicate prices unless otherwise specified within this chapter.
- (f) Only one Wall, Projecting, or Detached sign will be permitted per allowed frontage for each principal or licensed accessory use, unless otherwise allowed in this chapter.
- (g) For signs that have two or more sides, the sum of the signage on all sides will count towards to the permitted area.
- (h) All signs shall be subject to design review procedures.

The following diagram shows an example of the signs described within this article:



Sec. 138-14 – Window Signs

- a) Licensed commercial establishments are permitted one sign on one window or door with copy limited to the address, business name, services, phone number and hours of operation.
 - 1. The size of the numerals for the address and store name shall not exceed six inches in height.
 - 2. The numerals and letter size for the services, phone number, and hours of operation shall not exceed two inches in height.
 - 3. The name of the establishment may be repeated more than once subject to design review
- b) An "open"/"closed" sign, illuminated or non-illuminated, shall be permitted. Such "open"/"closed" sign shall not exceed two (2) square feet; letters shall not exceed twelve (12) inches in height.

- c) The aggregate area of the above signs of this section shall not exceed five percent of the total glass window area and door area.
- d) If no other signs are associated with the use, the main permitted sign or signs may be located on the window with a total aggregate size not to exceed 20 square feet,
- e) Restaurants may also have a menu board besides other signs provided herein. When a menu board is affixed to a window, it shall be limited to an area of three square feet. If a menu display case is affixed to the building wall, it shall be limited to an overall area of four square feet.
- f) Commercial establishments that offer for sale or lease products which are not located on the premises (e.g., real estate) may place up to three display board type signs on the window. Such display boards shall be limited to six square feet each and are subject to design review approval.

Sec. 138-15 Hanging Signs

In all districts except RS-(1-4), one non-illuminated sign per frontage, not exceeding three square feet total, shall be allowed hanging from the underside of an awning or canopy. Hanging sign shall have a minimum height clearance of seven feet six inches, with letters not exceeding six inches.

Sec. 138-16 Awning Valance Signs


This section is in reference to signs painted, stamped, perforated or stitched on an awning, canopy, roller curtain or umbrella. For purposes of this section, a valance is defined as that vertical portion of the awning that hangs down from the structural brace. Signs on other surface areas of an awning, canopy or roller curtain are not permitted.

In all districts except RS-(1-4) and TC-(1-2), one sign on the valance of an awning or canopy shall be permitted.

- (a) The length of such sign shall not exceed 25 percent of the length of the awning, or the length of that portion of the awning or canopy associated with the establishment, up to a maximum of ten square feet.
- (b) Letters shall not exceed eight inches in height.
- (c) Signs on continuous awnings shall be placed centered on the portion of the valance that corresponds to the individual storefront and be a uniform color.
- (d) All valance signs shall be subject to the design review process.


Sec. 138-17 - Wall Sign

Wall Signs are signs attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall. Such signs shall be governed by the following chart:

Wall Sign			
Design Standards per Districts			
	Zoning Districts		
	CD-(1-3) C-PS (1-4) I-1 MXE TC-(1-2) RM-3 HD MR	RM-(1-2) R-PS (1-4) RO TC-3 RM-PS1 TH WD-(1-2)	RS-(1-4) SPE GC
Max Area Percentage	0.4 sq. ft. - 0.75 sq. ft. for every foot of linear frontage		
Max Area	<ul style="list-style-type: none"> • Max: 30 <u>100</u> sq. ft. • Min: 20 <u>15</u> sq. ft. 		GC & SPE: 30 sq. ft. RS-(1-4): 2 sq. ft.
Height Restrictions	Shall be not located above ground floor, except in apartment and hotel buildings that are two stories or higher	Prohibited above ground floor	
Max Quantity per Frontage	Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest max permitted area	One Wall, Projecting, or Detached	
Accessory Use	<ul style="list-style-type: none"> • Max 75% of main use sign, or 20 sq. ft., whichever is less • For uses located in hotel & apt. buildings, must have direct access to street/sidewalk; follows same regulations as Main Permitted Use 		Not Permitted
Special Conditions	Corner buildings may provide one combined sign instead of the two permitted signs. This sign shall be located on the corner of the building visible from both streets and shall have a maximum size of 40 square feet.		Residential Use: Copy limited to address & name of building
Supplemental Standards	Hotels, apartments-hotels, and commercial buildings two stories or higher will be permitted one building identification sign above the main roofline, with an area not to exceed one percent of the wall area on which it is placed.		

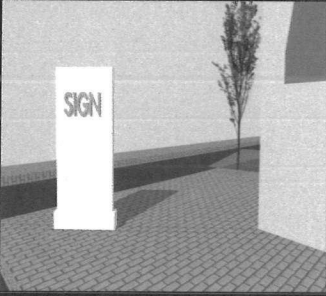
Sec. 138-18 - Projecting Sign

Projecting signs are signs attached to and projecting more than 12 inches from the face of a wall of a building. This includes marquee signs. A projecting sign which extends more than 36 inches above a roof line or parapet wall shall be designated as a roof sign. All sides of a projecting sign displaying signage will be calculated towards the max area. Such signs shall be governed by the following chart:

Projecting Sign			
Design Standards per Districts			
	Zoning Districts		
		CD-(1-3) C-PS (1-4) I-1 MXE TC-(1-2) RM-3 HD MR	RM-(1-2) R-PS (1-4) RO TC-3 RM-PS1 TH WD-(1-2)
Max Area	15 sq. ft.		
Height Restrictions	<ul style="list-style-type: none"> • Minimum 9'0" per Sec. 82-411 (b) • Letters max 6 inches 		
Max Quantity per Frontage	Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest max permitted area	One Wall, Projecting, or Detached	<i>Not Permitted</i>
Accessory Use		Main permitted use	
Special Conditions	<ul style="list-style-type: none"> • May be illuminated by an external lighting source through design review • Not permitted in HD 		

Sec. 138-19 - Detached Sign

Detached signs are signs not attached to or painted on a building but which are affixed to the ground. A sign attached to a surface detached from a building, such as a fence or wall, shall be considered a detached sign. All sides of a detached sign displaying signage will be calculated towards the max area. Such signs shall be governed by the following chart:

Detached Sign			
Design Standards per Districts			
	Zoning Districts		
	CD-(1-3) C-PS (1-4) I-1 MXE TC-(1-2) RM-3 HD MR	RM-(1-2) R-PS (1-4) RO TC-3 RM-PS1 TH WD-(1-2)	RS-(1-4) SPE GC
Max Area	<ul style="list-style-type: none"> • 15 sq ft • 5 ft if on perimeter wall 	<ul style="list-style-type: none"> • 15 sq ft • If sign setback 20 ft. from property line, max area may reach 30 sq. ft. • 5 ft if on perimeter wall 	Not Permitted
Height Restrictions	<ul style="list-style-type: none"> • 5 ft. max • Height may be permitted to exceed the maximum through the design review process. However at no time shall height exceed 10 ft. 		
Max Quantity per Frontage	Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest max permitted area	One Wall, Projecting, or Detached	
Setback Requirements	<ul style="list-style-type: none"> • Front yard: 10 ft • Interior side yard: 7.5 ft • Side yard facing a street: 10 ft • Perimeter wall sign: 0 ft 		
Accessory Use	Main permitted use		
Special Conditions	Not permitted in MXE	• In RO, maximum area 10 sq ft	

Sec. 138-20 – Supplemental Design Standards

- (a) Commercial buildings are allowed an exterior directory sign, attached to the building, up to six square feet in area, listing the names of all licensed uses within the building is permitted; sign material and placement shall be subject to approval through the design review process.
- (b) Artistic or super graphics and/or neon banding that have no commercial association are permitted, and may or may not face a street, with the approval of the design review board. If they are located in a local historic district or upon a historic site then it shall be reviewed by the joint design review and historic preservation board pursuant to chapter 118, article II.

Secs. 138-21—138-40. - Reserved.

ARTICLE III - Specific District & Setting Sign Regulations

Division 1 – Specific District Sign Regulations

Sec. 138-41 – Civic and Government Use and Convention Center District

The GU and CCC districts shall follow the sign regulations as determined by the surrounding districts as determined by the planning and zoning director. However, all sign regulations for municipal buildings, uses and sites within the CCC district which are wholly used by, open and accessible to the general public may be waived by the city commission as per subsection 142-425(d).

Sec. 138-42. - Lincoln Road Signage District.

The purpose of this section is to facilitate the substantial restoration of existing storefronts, facades and buildings, in accordance with the criteria and requirements of chapter 118, article X of these land development regulations, and to permit well designed, unique and proportional graphics and signage, which is consistent with the historic period of significance and which do not detract from the architectural character of the buildings, nor the established context of the surrounding streetscape. Additionally, this section is not intended to allow larger signs that do not adequately address the architectural and historic character of graphic signage that previously existed on Lincoln Road.

- (a) For those properties fronting on Lincoln Road, and located in between the west side of Collins Avenue and the east side of Washington Avenue, the following shall apply:
 - (1) Wall, projecting or other building signs, which exceed the number and overall square footage permitted under section 138-172, may be permitted, subject to the issuance of a certificate of appropriateness from the historic preservation board. The placement, design and illumination of such signage shall be subject to the review and approval of the historic preservation board, in accordance with the following:
 - a. A proportional relationship of text and graphics shall be required. All graphics must relate to the proposed use of the store for which the sign is proposed.
 - b. The total square footage of permitted signage, inclusive of non-text graphics, shall not exceed 35 percent of the building facade area. For purposes of this section, the building facade area shall be defined as the area located above the storefront and below the top of the parapet, in between the physical confines of a specific tenant space.
 - c. The text portion of the sign shall be limited to the name of the establishment and related products and services available on site only. Signage text not associated with the actual use, or incidental signage text, shall not be permitted.
 - d. The text portion of the sign(s) shall be limited to no more than one per storefront. For corner properties, the text portion of the sign(s) shall be limited to no more than one per street front. For corner properties where historic evidence exists of more than two signs at the ground floor, including a corner sign, at the discretion of the historic preservation board, an additional sign at the ground floor may be permitted at the corner in a manner consistent with such historic evidence. In no instance shall the total square footage of signs permitted under this subsection exceed the limitations set forth in subsection (b) above.
 - e. For those facades facing a residential or hotel use, only back-lit signage shall be permitted.
 - f. For properties with frontage on both Lincoln Road and Collins Avenue, the only signage permitted on Collins Avenue shall fall within the confines of the corner radius, with a maximum lineal frontage of 20 feet on Collins Avenue.
 - (2) In evaluating signage applications for a certificate of appropriateness, the historic preservation board shall consider the following:

- a. The quality of materials utilized for the sign and their appropriateness to the architecture as well as the historic and design integrity of the structure.
 - b. The overall design, graphics and artistry associated with a proposed sign and its relationship to the historic and design integrity of the structure.
 - c. The design detail, animation and non-text graphics proposed for the proposed sign(s).
 - d. The illumination, surface colors and finishes, width, depth, and overall dimensions of the proposed sign(s).
 - e. Original, historic signage associated with the building and/or property.
- (3) The historic preservation board may, at its discretion, place restrictions on the hours of operation for any sign approved under this subsection.
 - (4) Signage must relate to the specific occupant(s) of the property.
 - (5) Prior to the issuance of a building permit for any signage approved under this section, the planning director, or designee, or, if required the historic preservation board, shall review and approve the substantial rehabilitation or restoration of a facade, business location or storefront where new signage under this section is proposed. Such rehabilitation or restoration shall be substantially completed, prior to the actual installation of any signage approved under this section.

Sec. 138-43. - North Beach Town Center signage.

For those properties located in the North Beach Town Center TC zoning districts, the following shall apply:

- (1) Window signs in the TC-1 and TC-2 districts. When there are no other flat wall signs associated with the use, the main permitted sign or signs may be located on the ground floor window with a total aggregate size of 20 square feet for the first 25 feet of linear frontage, plus one square foot for every three feet of linear frontage up to a maximum of 30 square feet.
- (2) In addition to other permitted signs, projecting signs oriented to pedestrian view shall be permitted to be located perpendicular to the sidewalk, limited to one sign per business establishment for each side facing a street or alley. Such signs shall not exceed three square feet in area. Generally, letters shall not exceed six inches in height unless integrated into a creative graphic design approved by design review. Such signs may be illuminated by an external lighting source if the lighting source is approved by design review.

Sec. 138-43—138-50. - Reserved-

Division 2 - Specific Setting Sign Regulations

Sec. 138-51 – Signs for schools and religious institutions

- (a) Religious institutions and schools shall be permitted 30 square feet of aggregate signage area, regardless of district regulations. For religious institutions and schools on properties with a lot size greater than 5,000 square feet, the following shall apply:
 - (1) Wall signs shall permitted to exceed the maximum number of signs and maximum sign area under the design review or certificate of appropriateness process, as applicable, up to an aggregate maximum size of 100 square feet per street front.
 - (2) Monument signs shall be limited to one per street front, with each sign not to exceed 15 square feet in sign area. The overall height of the sign, including the base (monument) shall not exceed six feet as measured from grade.
- (b) A temporary sign identifying a religious event or holiday may be permitted under the following criteria:
 - (1) A maximum of one temporary sign per street front, no larger than 30 sq. ft. each.

- (2) Temporary signs may be installed up to 30 days prior to the religious event or holiday and shall be removed at the end of the religious event or holiday.
- (3) Temporary signs may include projected images of the religious event or holiday.
- (4) The design, projection, materials, location and installation method of temporary signs shall be subject to the design review or certificate of appropriateness process, as applicable.

Sec. 138-52 – Signs for oceanfront & bayfront buildings.

Signs located between the erosion control line (ECL) and the main structure shall be limited to the following:

- (a) One sign identifying the main structure, sign area not to exceed one percent of the wall area facing the ECL with a maximum size of 75 square feet
- (b) One sign per accessory use, sign area not to exceed 20 square feet.
- (c) A flat sign located on a wall facing an extension of a dead-end street, municipal parking lot or park, and within the area designated as the dune district or the required 50-foot rear yard setback at the ground level, may be permitted with a maximum size of ten square feet of sign for only one accessory use.
- (d) Illuminated signs shall only consist of flush-mounted, back-lit letters. This does not apply to the MXE district.

Signs located of building fronting the bay shall be limited to the following:

- (a) No more than one sign facing the bay, limited to the main permitted use.
- (b) Such sign shall only consist of flush-mounted, back-lit letters.
- (c) The area of such sign shall not exceed one percent of the wall area facing the bay with a maximum size of 50 square feet. The design and location of the sign shall be approved by the design review process or certificate of appropriateness process as applicable.

Sec. 138-53 – Interconnected retail

For retail storefronts that share interior connecting openings, required bathrooms or other common facilities, the following criteria shall be met before separate individual main use signs may be permitted for each:

- (a) Each of the interconnected businesses shall have a separate occupational license
- (b) Each of the interconnected businesses shall have direct access from the street with its own separate, main entrance.
- (c) Each of the interconnected businesses shall have a minimum storefront width of 20 linear feet.
- (d) The maximum width of the interconnecting opening between businesses shall not exceed 12 ft.
- (e) The individual sign for a storefront that interconnects with another business shall not exceed three-fourths of the storefront where it is located.
- (f) The aggregate sign area for the interconnected storefronts shall not exceed the maximum sign area permitted ~~per~~ for the combined linear frontage within Article II for CD zoning districts.

Sec. 138-54 – Legal nonconforming use signage

- (a) Signage regulations for legal nonconforming use in a residential district shall be the regulations for CD-1 zoning district.

Sec. 138-55 – Legal nonconforming signs

- (a) Except as otherwise provided herein, nonconforming signs which are damaged by any cause may be repaired if the cost of repair does not exceed 50 percent of the current replacement value of the sign. Such repairs shall be limited to routine painting, repair and

replacement of electrical components; change of copy shall not be permitted. Notwithstanding this provision, signs painted directly on the surface of a building or painted directly on a flat surface affixed to a building may only be repainted to conform to all requirements of these land development regulations.

- (b) The copy or content of nonconforming roof signs and pole signs may not be altered. Such signs shall be removed if ownership or use of the advertised building or business changes.
- (c) Nonconforming ~~roof signs and pole signs~~ signs, which were installed at the time of a building's or structure's initial construction, and which have retained their original copy and which are located on buildings or structures classified as contributing in the city's historic database or which have been designated as historic sites may be repaired or restored regardless of cost and may be retained regardless of change in ownership; however the copy shall not be changed.
- (d) Flags, pennants or banners, which were installed at the time of a building's or structure's initial construction, but were subsequently removed, and such building or structure is classified "contributing" in the city's historic properties database, may be reinstalled, subject to the certificate of appropriateness requirements in chapter 118, herein, upon the submission of substantial historical evidence.
- (e) Additionally, signs that were installed at the time of a building's or structure's initial construction, but were subsequently removed or altered, and such building or structure is classified as contributing in the city's historic database, may be restored or replicated subject to the certificate of appropriateness requirements in chapter 118, herein, and historic preservation board approval, provided substantial historical evidence of the original configuration of such sign is submitted. Such renovation or replication, inclusive of a change of copy as may be approved by the historic preservation board, shall not be required to meet existing sign regulations as long as the resulting sign replicates the original one. If the original sign copy is retained, the sign shall not be construed as additional signage, but rather the preservation of original historic elements of a building or structure.

Sec. 138-56. - Signs for filling stations

Signs for filling stations shall be permitted and subject to the following:

- (a) One wall sign per frontage with a sign area not to exceed 40 sq. ft.
- (b) One detached monument sign per site, with a maximum sign area of 20 sq. ft. In addition the price sign shall be no greater than the minimum necessary to meet state requirements.
- (c) Service bays and islands may contain identification and instructions typical of service bays, but no advertising material. Sign on service bays and islands shall not exceed 5 square feet per bay/island. In addition, the information displayed by a service bay/island identification sign shall be in compliance with state law and chapter 8A of the County Code.

Sec. 138-58 – Vertical retail center signs

A vertical retail center means a commercial building with a minimum of 150,000 gross square footage floor area, exclusive of floor area for excess parking and, including multiple commercial uses that are located above the ground floor. This definition shall not include buildings that are predominantly office or nonretail uses.

- (a) An eligible use in a vertical retail center is a use with a minimum of 12,500 square feet that is either retail, restaurant, food market or personal fitness center.
- (b) Criteria.
 - (1) The center may have signs on only two street frontages, the location and configuration of which shall be subject to design review approval. The cumulative sum of the sign areas on a facade, including corners, approved under this provision, shall be up to five

- percent of the building facade on which they are located. Signs located on a building corner shall be up to five percent of the smallest adjoining building facade, subject to design review or historic preservation board approval, whichever has jurisdiction.
- (2) The center shall have no more than six business identification signs in each permitted facade or corner. Each business identification sign shall not occupy more than one percent of the wall area.
 - (3) An eligible use in a vertical retail center may, subject to the limitations contained in (a) (2) above, have no more than two business identification signs on the external walls or projections of the center, exhibiting the name of the establishment and/or its brand identifying logo only. Individual capital letters shall not exceed four feet six inches in height.
 - (4) A vertical retail center may have a roof-top project identification sign, not including the name of any tenant of the project, in the sole discretion of the design review and/or historic preservation boards, whichever by law has jurisdiction.
 - (5) Project entrance identification signs for the center are allowed. A project entrance identification sign may be wall mounted or projecting and may be located immediately adjacent to each vehicular or pedestrian entry to the project. Such signs may be up to 30 square feet in total sign area and may not exceed ten feet in overall height, subject to design review approval.
 - (6) Ground floor retail signage shall be as permitted in section 138-172, one sign per store. In addition to the above, any retail use greater than 40,000 square feet on the ground floor may have one additional wall or double-faced projecting sign, not to exceed 175 square feet, subject to design review approval.
 - (7) Project directory signs for a vertical retail center may be located inside the center near each vehicular or pedestrian entrance to the project, not visible from the right-of-way. These signs may be no more than 18 square feet in signage area per sign face and wall mounted or freestanding. Such project directory signs may list all tenants on all floors within the center and have a "You are Here" type map to orientate guests and visitors.
 - (8) Uses in vertical retail centers may also have business identification signs on interior walls, not visible from the right-of-way.
 - (9) The design review board, or historic preservation board, whichever by law has jurisdiction, shall approve a sign master plan for the center prior to the issuance of any sign permit. The appropriate board shall have design review authority over all signs above ground level; building and planning staff may approve all signs at ground level, as well as any replacement signage for new occupants within the previously approved Sign Areas, provided the same are otherwise in compliance with the criteria set forth herein.
 - (10) There shall be no variances from this section.

Sec. 138-59. - Signs for major cultural institutions.

- (c) Wall signs for major cultural institutions, as defined in section 142-1332, shall be permitted to exceed the maximum number of signs and maximum sign area under the design review process.
- (d) Monument signs for major cultural institutions will be limited on per site site, with more than 15 square feet in sign area. Height and size of monument shall be determined under the design review process.

Sec. 138-60 – Pennants, banners, streamers, flags and flagpoles.

- a) Flags and flagpoles must meet the following requirements, except during nationally recognized holidays:

1. Flagpoles shall be permanently affixed to the ground, building or other structure in a manner acceptable to the building official.
 2. Flagpoles shall not exceed 50 feet in height above grade when affixed at ground level. The height of length and height of flagpoles affixed to building shall be subject to design review, never to exceed 25 feet above the roof line.
 3. The installation of permanent flagpoles projecting over public property shall require approval from the public works department.
 4. Attached or detached flagpoles in single-family districts shall not exceed 30 feet in height, as measured from grade.
 5. The arrangement, location and number of flags and flagpoles in excess of one per property shall be determined by the design review process.
- b) Temporary flagpoles may be affixed to buildings or other structures without requiring a building permit or approval from the public works department. Temporary flagpoles shall be placed at least seven feet above ground level, and may not exceed four square feet in area.
1. No portion of a temporary flag that extends over public property shall be less than nine feet above such property, measured vertically directly beneath the flag to grade.
- c) All detached flagpoles shall abide by the setback requirement of monument signs in the CD-1 district.

Sec. 138-61. – Display of signs or advertisement on vehicles

- (a) Signs attached to or placed on a vehicle (including trailers) that is parked on public or private property shall be prohibited. This prohibition, however, does not apply in the following cases:
- (1) Identification of a firm or its principal products on a vehicle operating during the normal hours of business or parked at the owner's residence; provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on such vehicle for the purpose of advertising a business or firm or calling attention at the location of a business or firm.
 - (2) Vehicles carrying advertising signs dealing with the candidacy of individuals for elected office, or advertising propositions to be submitted and voted upon by the people. This exemption, however, shall cease seven days after the date of the election in which the person or proposition was finally voted upon.
 - (3) Vehicles which require governmental identification, markings or insignias of a local, state or federal government agency.
 - (4) Signs that are authorized under chapter 10-4(b) and 8A-276 of the Code of Miami-Dade County.
 - (5) All other signs on vehicles advertising a business or firm shall be removed or covered when the vehicle is parked on public or private property.
- (b) It shall be unlawful for any person to operate an advertising vehicle in or upon the following streets and highways under the city's jurisdiction: all of Ocean Drive, and the residential area bounded by and including 6th Street on the south, North Lincoln Lane on the north, Lenox Avenue on the west, and Drexel Avenue and Pennsylvania Avenue on the east. An advertising vehicle is any wheeled conveyance designed or used for the primary purpose of displaying advertisements. Advertising vehicles shall not include or attach any trailers or haul any other vehicle or trailer.
- This section shall not apply to:
- (1) Any vehicle which displays an advertisement or business notice of its owner, so long as such vehicle is engaged in the usual business or regular work of the owner, and not used merely, mainly, or primarily to display advertisements;

- (2) Mass transit, public transportation
- (3) Taxicabs; or
- (4) Any vehicle exempted under section 138-74(a) above.
- (c) Penalties. A violation of the provisions of subsection (a) shall be subject to the enforcement procedures and fines set forth in chapter 30, Article III of this Code. A violation of the provisions of subsection (b) shall be subject to the penalties set forth in section 1-14 of this Code.

Secs. 138-62—138-132. - Reserved.

ARTICLE IV. - TEMPORARY SIGNS

Sec. 138-131. - Generally.

- (a) Temporary signs may be erected or posted and may be maintained only as authorized by and in accordance with the provisions of this article.
- (b) Temporary signs other than those affixed directly to a window and composed of paper, cardboard, plastic film or other similar material, shall require a permit as set forth in this chapter.
- (d) For temporary signs six square feet or larger, a bond shall be posted prior to erection of the sign in an amount determined by the building official based upon the estimated cost of removal of the sign. However, no bond shall be required in excess of the amount provided in appendix A. The bond shall be refundable upon removal of the sign.
- (e) Temporary signs communicating noncommercial messages may be posted or erected in accordance with the sign area and number regulations applicable to election signs.

Sec. 138-132. - Business signs.

- (a) Business signs are signs identifying a particular activity, service, product or sale of limited duration.
- (b) There shall be a maximum of two permits for the same premises within one calendar year for signs requiring permits. Window signs as described in subsection 138-4(6) shall have no maximum number.
- (c) The sign area for window signs shall not exceed ten percent of total window area. The sign area for non-window signs for a nonconforming business in a residential district is four square feet. The sign area for non-window signs for a business in a nonresidential district is 15 square feet.
- (d) Temporary business signs may be erected and maintained for a period not to exceed 30 days, except that the city manager may approve an extension of time for the business to erect and maintain such signs beyond the 30 days, after the manager finds that such extension is necessary to mitigate the impacts of public construction on visibility of, or access to, the business. Such extension beyond 30 days shall terminate concurrent with the termination of the public construction.

Sec. 138-133. - Construction signs.

- (a) Temporary construction signs may be erected and maintained on a construction site for a period beginning with the issuance of a building permit and must be removed within three months from the date the area of new construction or substantial rehabilitation receives a temporary or final certificate of occupancy or a certificate of completion, whichever applies. However, any such signs shall be removed immediately if the building permit expires and construction has not commenced and/or if the permit is not renewed.
- (b) There shall be a maximum of one construction sign per street frontage.

- (c) Sign copy may include, but not limited to, the project name, the parties involved in the construction and financing, their phone numbers, unit prices, e-mail addresses, or web sites. Unit prices shall not exceed ten percent of the total sign area and six inches in height.
- (d) Construction signs may be ~~flat wall signs~~, part of a construction fence, or rigid detached signs, affixed to posts or a construction fence. Banners are prohibited. The sign area for single-family signs is four square feet. The sign area for all other districts, shall not exceed one square foot per three linear feet of street frontage, not to exceed 75 square feet
 - 1. If part of a construction fence, the size of the sign copy shall not exceed what is permitted above; however, a rendering of the project, or artistic mural affixed directly on a construction fence shall not be computed as part of the sign area.
 - 2. Detached construction signs shall be setback ten feet from any property line. Maximum height to the top of a detached sign affixed to posts or a construction fence shall be 12 feet above grade. ~~Maximum height to the top of a flat sign affixed to a building shall not extend above the second story of such building.~~
 - 3. The sign area for window signs shall not exceed ten percent of total window area. The area contained in renderings, decorative or artistic portions of such signs shall be included in the sign area calculation, in accordance with the provisions herein.
- (e) All signs shall be reviewed under the design review process

Sec. 138-134. - Election signs.

- (a) Election signs are signs announcing political candidates seeking public office or advocating positions relating to ballot issues.
- (b) In a commercial district or industrial district the number is limited only by sign area regulations. In residential districts there shall be no more than one sign per residential building or lot.
- (c) The sign area in commercial or industrial districts for campaign headquarters shall not have a sign area limitation. Each candidate may have four campaign headquarters which shall be registered with the city clerk. Other commercial or industrial district locations shall have the same requirements as for construction signs or real estate signs, whichever is larger. The sign area in residential districts shall be the same as for construction signs.
- (d) Election signs shall be removed seven days following the election to which they are applicable.
- (e) It shall be unlawful for any person to paste, glue, print, paint or to affix or attach by any means whatsoever to the surface of any public street, sidewalk, way or curb or to any property of any governmental body or public utility any political sign, poster, placard or automobile bumper strip designed or intended to advocate or oppose the nomination or election of any candidate or the adoption or rejection of any political measure.

Sec. 138-135. - Real estate signs.

Real Estate signs are signs advertising the sale, lease or rent of the premises upon which such sign is located.

- (a) There shall be a maximum of one sign permitted per street frontage. Waterfront properties will be permitted a sign facing the water. No signs are permitted on public property.
- (b) Signs may be double faced provided all information is identical. Copy shall not indicate prices. Iridescent and illuminated signs are prohibited.
- (c) The sign area for the primary sign:
 - 1. In Single Family districts allowed to be a maximum of 14 inches by 18 inches. An attached strip sign shall be permitted two inches by 18 inches. "Open House" type signs shall be 22 inches by 16 inches, and only red & white or black & white. No other signs will be permitted.
 - 2. In multifamily districts, sign shall not exceed four feet by four feet.

3. The sign area for a commercial/industrial sign shall not exceed four feet by six feet.
- (d) Detached signs shall have a setback of ten feet if lot is vacant, three feet if lot has improvements. Sign may be placed on structure or wall if structure or wall is less than three feet from property line. Height shall not exceed five feet.
 - (e) Real estate signs are not permitted on windows of apartment, multifamily buildings or individual offices.
 - (f) Real estate signs shall be removed within seven days of the sale or lease of the premises upon which the sign is located.
 - (g) Only the following information and no other information may appear on the sign:
 - 1. For all districts:
 - i. "For Sale," "For Lease," or "For Rent," or combination thereof
 - ii. The name and logo of the real estate broker or realtor
 - iii. Name of the owner or the words "By Owner" in lettering not to exceed one inch in height.
 - iv. A designation following such name as being either a "Realtor," "Broker" or "Owner" in lettering not to exceed one inch in height.
 - v. The telephone number of such realtor, broker or owner
 - vi. The words "By Appointment Only"; "Waterfront"; "Pool."
 - 2. Additionally, for commercial, industrial, and multifamily buildings:
 - i. Zoning information
 - ii. Size of property and/or building
 - iii. Permitted use of property
 - (h) Each primary sign shall receive a permit from the license department, which shall charge a fee as set forth in appendix A per primary sign. There shall be no additional charge for strip or "open house" type signs.

Sec. 138-137. - Banners signs.

- (a) One temporary banner per calendar year, per property, may be erected and maintained for a period not to exceed 14 days.
 - 1. Area shall not exceed 30 sq. ft.
 - 2. Design will be subject to administrative design review.
- (b) A building permit is required. The building official shall require a performance bond in an amount determined necessary in order to insure its removal, but not less than the amount provided in appendix A. Temporary banners shall not be used for construction signs.

Sec. 138-138. - Garage sale signs.

A garage sale sign may only be posted during the effective time of a valid garage sale permit issued by the city. One 12 by 18 inch garage sale sign shall be permitted for a maximum period of two days.

Cross reference— Garage sales generally, § 86-31 et seq.

Sec. 138-139. - Cultural institutions temporary banner.

A cultural institution shall be defined as one that engages in the performing or visual arts or engages in cultural activities, serves the general public and has a permanent presence in the city.

- (a) The institution shall be designated by the Internal Revenue Service as tax exempt pursuant to section 501(c)(3) or (4) of the Internal Revenue Code.
- (b) The institution shall have an established state corporate charter for at least one year prior to the application for approval and be maintained for duration of the approval.

A cultural institution may have a temporary banner identifying a special event under the following criteria:

- (a) There shall be a maximum of two banners per structure, no larger than 30 sq. ft. each.
- (b) Banners may be installed up to 30 days prior to the special cultural event, exhibit or performance and shall be removed at the end of the special event, exhibit or performance.
- (c) Cultural institutions may use projected images of the special event, exhibit or performance up to a maximum of 30 days prior to the special event, exhibit or performance.
- (d) Design, projection, and installation method shall be subject to design review

Sec. 138-140. - Vacant storefront covers.

- (a) *Purpose.* Vacant storefronts create blighted economic and social conditions contrary to the viable and healthy economic, aesthetic and social fabric that the city has cultivated and encouraged in its commercial zoning districts. The purpose of this section is to encourage and regulate the screening of the interior of vacant storefronts with aesthetically compatible and attractive material, to obscure the deteriorated or deconstructed conditions of vacant storefronts, and to allow temporary signs to be included on this material.
- (b) *Definition.* For purposes of this section, a vacant storefront is any ground floor business establishment that is unoccupied.
- (c) *Applicability.* The requirements of this section apply only to the ground floor windows and doors of vacant storefronts that face a public right-of-way. If a commercial property is vacant for more than 15 days, all glass surfaces visible to the public shall be kept clean, and the interior of such vacant store shall be screened from public view in one of the following ways, until the property is occupied:
 - (1) All glass surfaces visible from the public right-of-way shall be covered as provided in subsection (e); or
 - (2) All glass surfaces visible from the public right-of-way shall be covered as provided in subsection (f).
- (d) *Storefront window cover required for vacant storefronts.* Exterior windows and doors on vacant commercial property shall be substantially screened with an opaque material obscuring the interior. The materials used to satisfy this requirement shall be subject to review and approval by the planning department design review staff, in accordance with applicable design review and historic preservation criteria, and shall consist of 60-pound weight paper, or similar opaque material. Windows covered in accordance with this section shall may remain covered until issuance of a certificate of use or occupancy for the new occupant, whichever occurs first. If the owner of vacant commercial property elects not to utilize one of the signs identified in subsection (e), the owner shall utilize the window covers identified in subsection (f).
- (e) *Temporary signs permitted.* Material applied to windows in conformity with this section shall not contain general advertising signs or other prohibited sign types. Such material may contain applicable property access limitations, including no trespass provisions, as well as signs that comply with the regulations of this chapter, as follows:

- (1) Artistic or super graphics in accordance with section 138-204, which may cover 100 percent of the window; and
 - (2) Other types of signage allowed by this chapter, including real estate signs in accordance with section 138-136, and construction signs in accordance with section 138-133; signage under this provision may be incorporated into artistic or super graphics as referenced in (1) above, however, the text of such signage shall be limited to no more than 25 percent of the total window area of the vacant storefront.
 - (3) The design and material of all proposed signs under this subsection (e) shall require review by the planning department design review staff, in accordance with applicable design review and historic preservation criteria.
- (f) *City-provided storefront cover.* The city shall produce and provide preapproved storefront covers, for a charge, to cover vacant storefronts not complying with subsection (d) above. Such covers may contain applicable property access limitations, including no trespass provisions.
- (g) *Penalties and enforcement.* Each day of noncompliance shall constitute a separate offense. The code compliance department is empowered and authorized to require compliance with this section within 30 days of written notice to violators.
- (1) The following civil fines shall be imposed for a violation of this section:
 - a. First violation within a 12-month period: Warning;
 - b. Second violation within a 12-month period: \$250.00;
 - c. Third violation within a 12-month period: \$500.00;
 - d. Fourth or subsequent violation within a 12-month period: \$1,000.00.
 - (2) *Enforcement.* The code compliance department shall enforce this section. The notice of violation shall inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, that the violation may be appealed by requesting an administrative hearing before a special master within ten (10) days after service of the notice of violation, and that the failure to appeal the violation within ten (10) days of service shall constitute an admission of the violation and a waiver of the right to a hearing.
 - (3) *Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal; appeals from decisions of the special master.*
 - a. A violator who has been served with a notice of violation must elect to either
 - i. pay the civil fine in the manner indicated on the notice of violation; or
 - ii. request an administrative hearing before a special master to appeal the notice of violation, which must be requested within ten (10) days of the service of the notice of violation.
 - b. The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-72 and 30-73 of this Code. Applications for hearings must be accompanied by a fee as approved by a resolution of the city commission, which shall be refunded if the named violator prevails in the appeal.

- c. The failure to pay the civil fine, or to timely request an administrative hearing before a special master, shall constitute a waiver of the violator's right to an administrative hearing before the special master, and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly.
- d. A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. Three (3) months after the recording of any such lien which remains unpaid, the city may foreclose or otherwise execute upon the lien, for the amount of the lien plus accrued interest.
- e. The special master shall be prohibited from hearing the merits of the notice of violation or considering the timeliness of a request for an administrative hearing if the violator has failed to request an administrative hearing within ten (10) days of the service of the notice of violation.
- f. The special master shall not have discretion to alter the penalties prescribed in this section.
- g. Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.

SECTION 2. APPLICABILITY

The regulations and requirements held here within shall not apply to projects that have a valid Land Use Board Approval or have been issued a building permit process number.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or reentered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: _____, 2016
Second Reading: _____, 2016

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes ~~deleted~~ language

T:\AGENDA\2016\May\Planning\Ref to PB Sign Regulations - REF ORD.docx