

SIGNAGE ORDINANCE

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY STRIKING IN ITS ENTIRETY CHAPTER 138, "SIGNS," AND REPLACING IT WITH A NEW, MODIFIED CHAPTER 138, ENTITLED "SIGNS;" BY AMENDING AND MODIFYING ALL EXISTING REGULATIONS FOR ALL SIGNS IN ALL DISTRICTS, INCLUDING GENERAL REQUIREMENTS, EXEMPT SIGNS, PROHIBITED SIGNS, PERMITTED SIGNS, NON-CONFORMING SIGNS, SPECIFIC DISTRICT SIGNS, SPECIFIC CONDITION SIGNS, TEMPORARY SIGNS, AND ARTISTIC OR SUPER GRAPHICS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, on February 10, 2016, at the request of Commissioner Arriola, the City Commission referred the subject Ordinance amendment to the Land Use and Development Committee; and,

WHEREAS, on February 17, 2016, the Land Use and Development Committee continued the item to the March 30, 2016 meeting, and again to the April 20, 2016 agenda; and

WHEREAS, the Land Use and Development Committee recommended that the draft Ordinance be sent to the Planning Board for review; and

WHEREAS, on August 23, 2016, the Planning Board reviewed the draft ordinance; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, substandard sign regulations and poor sign design can negatively impact a neighborhood, contribute to urban blight and deter potential quality business; and

WHEREAS, land development regulations should require appropriate signage in terms of overall size, placement and dimensions; and

WHEREAS, additionally, sign regulations should promote, not constrict, design creativity; and

WHEREAS, 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;" and

WHEREAS, the enforcement of sign regulations and design guidelines should be simple and straight the point; and

WHEREAS, the draft ordinance was reviewed to ensure compliance with recent United States Supreme Court precedent, *Reed v. Town of Gilbert, Arizona*, 135 S.Ct. 2218 (2015), which requires municipalities to enact content neutral temporary sign regulations; and

WHEREAS, the proposed ordinance will modify Chapter 138 of the Land Development Regulations (LDR's) provides the City's existing signage regulations and minimum design standards for private properties; and

WHEREAS, 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; and

WHEREAS, the proposed modifications would complement the City's other efforts in streamlining the regulatory review process; and

WHEREAS, the City Manager recommends approval of the new sign code.

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

SECTION 1. Chapter 138 of the City Code, entitled "SIGNS," including all articles, all divisions and all sections, are hereby amended as follows:

CHAPTER 138

SIGNS

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 will not by their size design, location, numeration, and construction, will optimize communication, promote a sound healthy environment for housing and commerce, as well as preserve the architectural character of the city. number or manner of display, endanger the health, safety and general welfare of the public or the appearance of the city. It is also the purpose of this chapter to encourage signs that are architecturally aesthetic and compatible with the buildings they are placed on, to reduce traffic hazards and to preserve the right of free speech, exercised through the use of signs.

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, Historic Preservation Board, or Design Review Board, as applicable, 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.

Sec. 138-2. 138-3. - General sign regulations-Requirements.

The regulations in this chapter apply to all signs and are in addition to the regulations contained elsewhere in these land development regulations. The following requirements shall apply to signs, in addition to provisions appearing elsewhere in these land development regulations.

- (1) Unless otherwise exempted in section 138-5, no sign shall be erected, constructed, posted, painted, altered, maintained, or relocated without the issuance of a building permit or planning permit.
- (2) 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.
- (3) Structural features and electrical systems shall be in accordance with the requirements of the Florida Building Code.
- (4) No sign shall conflict with the corner visibility clearance requirements of section 142-1135.
- (5) 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 located.
- (6) All signs shall be maintained in good condition and appearance.
- (7) 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.
- (8) 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. 138-3. ~~Code requirements.~~

~~Structural and safety features and electrical systems shall be in accordance with the requirements of the South Florida Building Code. 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 may be erected, posted or constructed without a permit but in accordance with the structural and safety requirements of the ~~South-Florida~~ Building Code and all other requirements of these land development regulations:

- (1) Official traffic signs or sign structures, or governmental information signs and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency, and temporary signs indicating danger.
- (2) Historical markers approved by the historic preservation board.
- (3) Signs directing and guiding pedestrians and traffic and parking on private property, but bearing no advertising matter and not exceeding two (2) square feet in area.
- (4) Changing of the copy on a bulletin board, poster board, display encasement directory sign or marquee.
- (5) Signage on vehicles as authorized in Section 138-74.
- ~~(5) Identification of a firm or its principal products on a vehicle operating during the normal hours of business, except as permitted pursuant to subsection (6), below; 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 to the location of a business or firm.~~
- ~~(6) Signs that are authorized under chapter 10-4(b) and 8A-276 of the Metropolitan Code of Dade County.~~
- ~~(7) Vehicles carrying advertising signs dealing with the candidacy of individuals for elected office. This exemption, however, shall cease seven days after the date of the election in which the person was finally voted upon.~~
- ~~(8) Vehicles carrying advertising signs, 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 proposition advertised was finally voted upon.~~
- ~~(9) Vehicles which require governmental identification, markings, or insignias of a local, state, or federal governmental agency.~~
- ~~(10) 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.~~
- ~~(11) All allowable signs on vehicles which are removable are to be removed during nonbusiness hours.~~
- ~~(12)~~
- (6) Temporary signs authorized by article IV of this chapter Section 138-131, which are composed of paper, cardboard, plastic film or other similar material and are affixed directly to a window.
- (7) Address signs, not to exceed one (1) per street frontage, maximum two (2) square feet in area. Copy shall be limited to the address of the property.

~~Sec. 138-5. Erection of signs in special cases.~~

~~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 of this section. However, variances shall only be considered for nonconformity as to maximum size, location or graphics and illustrations and where such regulations have been established by these land development regulations. In cases where no applicable specific regulation has been established, all sign permit applications shall be reviewed by the design review board pursuant to the procedures set forth in chapter 118, article VI.~~

Sec. 438-74. 138-5 - General Advertising, Prohibited signs and sign devices.

(a) No general advertising sign shall be constructed, erected, used, operated or maintained in the city.

(b) Pennants, banners, streamers, and all other fluttering, spinning or similar type signs and advertising devices are prohibited except as provided in subsections 138-72(d), sections 138-137 and 138-139, subsection 82-411(d) and section 138-204. Any nonconforming pennant, banner, streamer, fluttering or spinning device, flag or flagpole that is destroyed by storm or other cause, shall be removed immediately and shall not be replaced with another such nonconforming flag, sign or device.

(c) No sign shall be constructed, erected, used, operated, or maintained so as to display intermittent lights, to move or revolve.

(d) No sign shall be constructed, erected, used, operated or maintained which uses the word "Stop" or "Danger" or presents or implies the need or requirement for stopping, or the existence of danger, or which is a copy or imitation of an official sign. This provision regarding the words "Stop" and "Danger" does not apply when the words are a part of attraction titles for a broadcast motion picture, theatre event, opera or concert, or when they are used in descriptive lines of advertising, so long as they are not used to stimulate, copy or imply any official traffic warning, either for vehicles or for pedestrians.

(e) No sign shall be constructed, erected, used, operated or maintained so as to 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) No sign shall be attached or otherwise applied to trees, utility poles, bus benches, trash receptacles, or any other unapproved supporting structures.

(g) No sign attached to a vehicle may be illuminated when such vehicle is parked in the public right-of-way.

~~No sign shall have spinning devices, or strings of spinning devices, or other similar devices.~~

(h) Signs which are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure, shall be prohibited.

(i) 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 constructed, erected, used, operated, or maintained so as to be visible from a public street, walk, or other public way.

(j) Pole signs and roof signs are not permitted, except for pole signs which are associated with filling stations as provided in section 138-201. Legal nonconforming roof and pole signs may be repaired only as provided in section 138-10.

(k) Freestanding or sandwich signs shall not be located outside of a building.

(l) Signs on umbrellas, tables, chairs and any other furniture or fixtures associated with outdoor cafes or sidewalk cafes are prohibited; except that signs on sidewalk cafe umbrellas may be permitted as provided for in section 82-384 these land development regulations.

(m) ~~Only one television monitor or similar devices, displaying continuously playing pre-recorded videos or live programming images of any kind is are not permitted to be located within the first ten feet of a storefront, except that retail stores regularly in the business of selling television sets, and television studios possessing all appropriate federal, state and local licenses to broadcast may display more than one television monitor.~~

Sec. 138-11. 138-6 - Removal required.

(a) ~~All signs shall be maintained in good condition and appearance. Any persons responsible for the erection or maintenance of a sign which fails to comply with this regulation or any other regulation of this chapter shall be subject to enforcement procedures as set forth in section 114-8.~~

(b) Any sign previously associated with a vacated premises shall either be removed from the premises by the owner or lessee not later than six months from the time such activity ceases to exist, or such signs shall be altered or resurfaced by the owner or lessee within the same six month time period, so that the sign no longer displays letters, numerals, symbols, figures, designs, or any other devices for the visual communication aspects that pertain to the activity formerly associated with the vacated premises, by the owner or lessee not later than six (6) months from the time such activity ceases to exist.

(c) The building official may initiate proceedings that result in the removal of any sign erected or maintained without a permit.

(d) In any district where a sign does not comply with the provisions of these land development regulations and has not received a building permit, such sign and any

supporting structures other than a building shall be removed, ~~not later than two years from October 1, 1989. Supporting structures for nonconforming signs shall be removed when the sign is removed.~~

(e) 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.

(f) 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.

Sec. 138-9. - Yard requirements.

(a) Unless otherwise specified in these regulations, all signs shall comply with the yard requirements of the district in which they are located.

(b) No sign, portable or otherwise, is to be placed or located to conflict with the vision clearance requirements of section 142-1135.

(c) Detached signs shall have the following setback requirements:

(1) Front yard: 10 feet.

(2) Interior side yard: 7.5 feet.

(3) Side yard facing a street: 10 feet.

ARTICLE II. – ADMINISTRATION – DESIGN STANDARDS, WINDOW, AWNING, WALL, PROJECTING, AND DETACHED (MONUMENT) SIGNS

Sec. 138-13. - General sign requirements and design standards

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

(1) Direct access to the street or waterway from the licensed establishment is required for a sign that faces a public right of way or waterway.

(2) Signs shall 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.

(3) 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.

(4) 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.

(5) Sign copy for main business signs, with the exception of window signs, shall be limited to licensed permitted uses.

(6) Only one Wall, Projecting, or Detached sign shall be permitted per allowed frontage for each principal or licensed accessory use, unless otherwise allowed in this chapter.

(7) All signs shall be subject to design review procedures.

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



• **Sec. 138-7. 138-14 - Window signs.**

(a) In addition to other permitted signs, ~~in the MXE district or any licensed commercial establishments district, are permitted one sign is permitted on one window or door with copy limited to the address, phone number and hours of operation, in accordance with the following:~~

(1) The size of the numerals for the address shall not exceed six (6) inches in height, ~~and~~

(2) ~~†The numerals and letter size for the phone number and hours of operation shall not exceed two (2) inches in height, except that 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, and shall be subject to the design review process.~~

(b) (3) The name of the establishment may be repeated more than once subject to design review approval. The letters shall not exceed six (6)

~~inches in height. The aggregate area of the above signs shall not exceed five percent of the total glass window area and door area.~~

(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 12 inches in height, and shall be subject to the design review process.

(c) The aggregate area of the above signs of this section shall not exceed five (5) percent of the total glass window area and door area.

(d) When there are no other signs 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, ~~except in the TC-1 and TC-2 districts which shall be governed by section 138-174.~~

(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 (3) 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 uses may also have one (1) establishment services identification sign located on one (1) window or door with letters no higher than two (2) inches and a total area of two (2) square feet.

(g) 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 (3) display board type signs on the window. Such display boards shall be limited to six (6) square feet each and are subject to design review approval.

Sec. 138-6. Sec. 138-15.- Signs located on the valance and underside of awnings or canopies.

(a) Signs under awnings or canopies. In all districts except RS (1-4), and in addition to other permitted signs, a one (1) non-illuminated sign, not exceeding three (3) square feet in area with letters not exceeding six (6) inches in height, hanging from the underside of an awning or canopy with a minimum height clearance of seven feet six inches (7'6") is permitted, ~~except in the TC-1 and TC-2 districts which shall be governed by section 138-174.~~


(b) Signs on the valance of an awning or canopy. 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 in addition to other permitted signs, One (1) sign on the valance of an awning or canopy may also be permitted; in accordance with the following:

1. ~~‡~~The length of such sign shall not exceed 25 percent of the length of a single awning, or the length of that portion of the awning or canopy associated with the establishment, up to a maximum of ten (10) square feet.~~and~~
2. ~~‡~~Letters shall not exceed eight (8) inches in height.
3. 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.
4. All valance signs shall be subject to the design review process. ~~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.~~

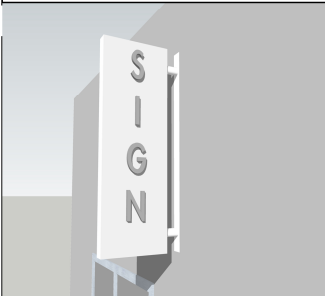
Sec. 138-16. - Wall sign

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: 30 100 sq. ft. • Min: 20 15 sq. ft. 		GC & SPE: 30 sq. ft. RS-(1-4): 2 sq. ft.
Height Restructions	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	One
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.		

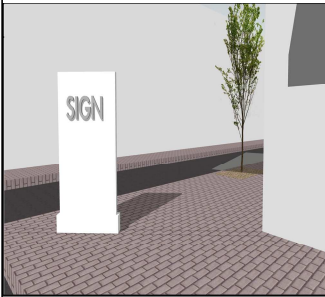
Sec. 138-18 - Projecting sign

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. 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)	RS-(1-4) SPE GC
Max Area	15 sq. ft.		Not Permitted
Height Restructions	• 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	
Accessory Use		Main permitted use	
Special Conditions	• 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 Restructions	<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 – Directory signs

(a) Commercial buildings are allowed an exterior directory sign, attached to the building, up to six (6) 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.

ARTICLE III. - PROHIBITED SIGNS- SPECIFIC DISTRICT SIGN REGULATIONS

Division 1 – Special sign regulations

Sec. 138-41. – Permit required.

~~Except as provided in this chapter no sign, whether permanent or temporary, shall be erected, constructed, posted, painted, altered, maintained, or relocated until a permit has~~

~~been issued by the building official. Before any permit is issued, an application, provided by the building services department shall be filed, together with such drawings and specifications as may be necessary to fully advise and acquaint the city with the location, construction, materials, manner of illuminating, and securing or fastening and number of signs applied for and the wording of the sign or advertisement to be carried on the sign. All signs which are electrically illuminated by neon or by any other means shall require a separate electrical permit and inspection. Each sign requiring a permit shall be clearly marked with the permit number and name of the person or firm placing the sign on the premises.~~

~~Sec. 138-42. Enforcement appeals.~~

~~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.~~

Sec. ~~138-173.~~ 138-41- Lincoln Road signage district.

(a) *Purpose.* 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.

(b) *[Regulations.]* 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) Flat 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. 138-174. -- 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) *Awning/marquee signs and projecting signs in the TC-1 and TC-2 districts.* 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 may be in addition to other permitted signs, but not exceeding 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. 138-73. – General advertising signs.~~

~~No general advertising sign shall be constructed, erected, used, operated or maintained in the city.~~

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

(a) Religious institutions and schools shall be permitted 30 square feet of aggregate signage area or the maximum allowed for the underlying zoning district, whichever is larger.

(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; however projected images shall not be permitted facing any residential building or residential zoning district.
- (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. 138-8. 138-52- Signs for oceanfront and bayfront buildings.

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

- (1) One (1) sign identifying the main structure, sign area not to exceed one (1) percent of the wall area facing the ECL with a maximum size of 75 square feet; and
- (2) One (1) sign per accessory use, sign area not to exceed 20 square feet.
- (3) 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 (10) square feet of sign for only one accessory use.

- (4) Illuminated signs shall only consist of flush-mounted, back-lit letters. This does not apply to the MXE district.

(b) Bayfront signs. Bayfront buildings shall have no more than one (1) sign facing the bay, limited to the main permitted use. Such sign shall only consist of flush-mounted, back-lit letters, with copy limited to the main permitted use. The area of such sign shall not exceed one (1) 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. 138-171. 138-53- General provisions. Interconnected retail.

~~(a) Accessory signs shall have copy limited to the uses permitted in the zoning district in which the property is located.~~

~~(b) Aggregate sign area shall include the principal and accessory signs.~~

~~(c) A request to exceed the maximum number of signs shall be considered as an amendment to these land development regulations and processed under the procedures set forth in chapter 118, article III, changes and amendments. All other requests shall be processed as a variance, as provided in chapter 118, article VIII.~~

~~(d) All signs shall front on a street or waterfront unless as set forth in subsection (e) of this section.~~

~~(e) Signs fronting on an alley are prohibited unless the alley abuts or is adjacent to a parking lot or garage, or where the alley provides a means of entrance to a business, the area of the sign shall be the same as if the sign fronted on a street.~~

~~(f) Logos, trademarks, insignias and similar emblems shall be considered as signs.~~

~~(g) 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 on the building.~~

~~(h) Bayfront buildings shall have no more than one sign facing the bay, limited to the main permitted use. Such sign shall only consist of flush mounted, back-lit letters, with copy limited to the main permitted use. 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.~~

~~(i) 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:~~

- ~~(1) Each of the interconnected businesses shall have a separate occupational license.~~
- ~~(2) Each of the interconnected businesses shall have direct access from the street with its own separate, main entrance.~~
- ~~(3) Each of the interconnected businesses shall have a minimum storefront width of 20 linear feet.~~
- ~~(4) The maximum width of the interconnecting opening between businesses shall not exceed 12 feet.~~

- (5) The individual sign for a storefront that interconnects with another business shall not exceed three-fourths of the storefront where it is located.
- (6) The aggregate sign area for all the interconnected storefronts that ~~interconnect with each other~~ shall not exceed the maximum sign area permitted for the combined linear frontage under Article II ~~per storefront under section 138-172~~ for CD zoning districts.

138-54.- Legal nonconforming use signage – residential district

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

Sec. 138-10. 138-55.- Signs for ~~Legal~~ nonconforming uses and legal nonconforming signs.

- ~~(a) — Permitted signs for a legal nonconforming use in a residential district shall consist of those signs permitted in the CD-1 zoning district.~~
- ~~(b) — 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.~~
- ~~(c) — 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. However, nonconforming roof signs and pole 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) — 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.~~

(a) General provisions.

- (1) 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, except

as otherwise provided herein. 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.

(2) The copy or content of existing nonconforming roof signs and pole signs may not be altered, except as otherwise provided herein.

(3) Existing nonconforming roof signs and pole signs shall be removed if ownership or use of the advertised building or business changes, except as otherwise provided herein.

(b) Legal nonconforming signs located within a local or National Register historic district or local historic site.

(1) Existing legal nonconforming signs, including roof and pole signs located within a site containing at least one contributing structure, or within a local historic site, may be repaired or restored regardless of cost and may be retained regardless of change in ownership if all of the following criteria are met:

a. The sign was installed within 30 years of the associated structure's initial construction according to the City of Miami Beach Building Permit Records. If no city building permit record exists, the applicant shall submit historical documentation which demonstrates the sign was installed within approximately 30 years of the structure's initial construction.

b. The sign shall retain its existing content and copy, or the original content and copy may be restored consistent with historical documentation.

c. The location and design of the existing sign is consistent with the architectural style of the existing structure and does not detract from the character of the existing structure, or the established context of the surrounding streetscape.

(2) Signs, including roof and pole signs, which were installed on a building or site but were subsequently removed or altered, may be reconstructed subject to the Certificate of Appropriateness Criteria or Design Review Criteria as applicable, in Chapter 118 and herein, if all of the following criteria are met:

a. The sign was located within a site located within a local or National Register historic district containing at least one contributing building, or within a local historic site.

b. The sign was permitted within 30 years of the associated structure's initial construction according to the City of Miami Beach Building Permit Records. If no city building permit record exists, the applicant shall submit historical

documentation which demonstrates the sign was installed within approximately 30 years of the structure's initial construction.

c. Substantial historical evidence of the original configuration of the sign is available.

d. The original content, design, dimensions and copy of the sign shall be reconstructed consistent with substantial historical documentation, and the sign shall be located in close proximity to the original location on the building or site.

e. The location and design of the sign is consistent with a historical period of significance and does not detract from the architectural character of the structure on which it is located, or the established context of the surrounding streetscape.

(3) The renovation or reconstruction of an eligible sign(s) shall be reviewed in accordance with the Certificate of Appropriateness Criteria as set forth in section 118-564 of the city code or the Design Review Criteria as set forth in section 118-251 as applicable, and shall not be required to meet existing sign regulations as it pertains to the overall size, location and number of signs. The renovated or reconstructed sign shall not be construed as additional signage, but rather the retention of original historic elements of a building or structure.

(4) A change of copy may be approved by the Historic Preservation Board or Design Review Board as applicable, provided the sign meets the criteria in (1) or (2) above.

(c) Legal nonconforming signs located outside a local or National Register historic district, or local historic site.

(1) Existing nonconforming signs, including roof and pole signs, located outside of a local historic district or local historic site, may be repaired or restored regardless of cost and may be retained regardless of change in ownership if all of the following criteria are met and subject to the design review process:

a. The existing structure, to which the sign is associated, is characteristic of a specific architectural style constructed in the city prior to 1966, including, but not limited to, Vernacular, Mediterranean Revival, Art Deco, Streamline Moderne, Post War Modern or variations thereof.

b. The sign was installed within approximately 10 years of the associated structure's initial construction according to the City of Miami Beach Building Permit Records. If no city building permit record exists, the applicant shall submit historical documentation which demonstrates the approximate date of installation.

c. The sign shall retain its existing content and copy or the original content and copy may be restored consistent with substantial historical documentation.

d. The location and design of the existing sign is consistent with the architectural style of the existing structure and does not detract from the

character of the existing structure, or the established context of the surrounding streetscape.

- (2) Signs, including roof and pole signs which were installed on a building or site but were subsequently removed or altered, may be reconstructed subject to the Design Review Criteria in Chapter 118 and herein, if all of the following criteria are met:

- a. The existing structure, to which the sign is associated, is characteristic of a specific architectural style constructed in the city prior to 1966, including, but not limited to, Vernacular, Mediterranean Revival, Art Deco, Streamline Moderne, Post War Modern or variations thereof.
- b. The sign was permitted within approximately 10 years of the associated structure's initial construction according to the City of Miami Beach Building Permit Records. If no city building permit record exists, the applicant shall submit historical documentation which demonstrates the sign was installed within approximately 10 years of the structure's initial construction.
- c. Substantial historical evidence of the original configuration of the sign is available.
- d. The original content, design, dimensions and copy of the sign shall be reconstructed consistent with substantial historical documentation, and the sign shall be located in close proximity to the original location on the building or site.
- e. The location and design of the sign is consistent with a historical period of significance and does not detract from the architectural character of the structure on which it is located, or the established context of the surrounding streetscape.

- (3) Such renovation or reconstruction shall be approved consistent with the Design Review Criteria as set forth in section 118-251 of the City Code and shall not be required to meet existing sign regulations as it pertains to overall size, location and number of signs. The renovated or reconstructed sign shall not be construed as additional signage, but rather the retention of original architecturally significant elements of a building or structure.

- (4) A change of copy may be approved by the Design Review Board, provided the sign meets the criteria in (1) or (2) above.

Sec. 138-204. 138-56- Signs for filling stations and other uses selling gasoline.

Signs for filling stations and any other use that sells gasoline shall be subject to the following:

Type of Sign	Number	Sign Area	Aggregate Area	Special Conditions
Flat wall signs or canopy/marquee sign: Identifying the name of the	Total of one <u>(1)</u> sign per street	40 square feet maximum.	80 square feet	None.

establishment.	frontage.		maximum.	
Detached pole/monument signs: Identifying the name of the establishment or prices.	One (1) fixed sign per site.	20 square feet maximum for each establishment sign; in addition, the price sign shall be no greater than the minimum necessary to meet state requirements.	40 square feet maximum.	Height shall not exceed 25 feet to the top of the sign.
Service bay identification: Providing direction or instructions but containing no advertising material.	One (1) sign per service bay located on the premises.	Five (5) square feet maximum.	15 square feet maximum.	The information displayed by a service bay identification sign shall be in compliance with state law and chapter 8A of the County Code.
Service island identification: Indicating type of service offered, prices of gasoline and other relevant information or instructions but containing no advertising material.	One (1) sign per service island located on the premises.	Five (5) square feet maximum.	10 square feet maximum.	The information displayed by a service island identification sign shall be in compliance with state law and chapter 8A of the County Code.
Signs having copy indicating the sale of alcoholic beverages or tobacco products: The height of the letters shall not exceed two (2) inches.				

Sec. 138-205. 138-58- Vertical retail center signs.

(a) *Definitions.*

- (1) 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.
- (2) An *eligible use* in a vertical retail center is a use with a minimum of 12,500 square feet that shall be 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 (5) percent of the building facade on which they are located. Signs located on a building corner shall be up to five (5) 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 (6) 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 (b) (2) above, have no more than two (2) 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~~ 10 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 (1) 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. ~~138-203~~. 138-59- Signs for major cultural institutions.

Signs for major cultural institutions, as defined in section 142-1032, shall be subject to the following:

Type of Sign	Number	Sign Area	Special Conditions
Flat wall signs or canopy/marquee sign: Identifying the name of the institution.	Total number of signs to be determined under the design review procedures.	Total sign area to be determined under the design review procedures.	None.
Detached monument signs: Identifying the name of the institution.	One <u>(1)</u> fixed sign per site.	15 square feet maximum.	Height and size of monument shall be determined under the design review process.

Sec. ~~138-72.~~ 138-60. - Pennants, banners, streamers, ~~f~~Flags and flagpoles.

~~(a) Pennants, banners, streamers, and all other fluttering, spinning or similar type signs and advertising devices are prohibited except as provided in subsections 138-72(d), sections 138-137 and 138-139, subsection 82-411(d) and section 138-204, and except for national flags and flags of political subdivisions of the United States, flags of civic, charitable, fraternal, and welfare and other organizations, and flags of nationally or internationally recognized symbols of cultural diversity.~~

~~(b)~~(a) Only National flags and flags of political subdivisions of the United States, flags of civic, charitable, fraternal, and welfare and other organizations, and flags of nationally or internationally recognized symbols of cultural diversity Flags and flagpoles shall be permitted, and 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 length of flagpoles permanently affixed to buildings or other structures shall be approved through the design review process, not to exceed 25 feet above the height of the main roof deck.
- (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.

~~(3)~~ (b) Temporary flagpoles may be affixed to buildings or other structures without requiring a building permit or approval from the public works department. For exempt temporary flagpoles:

- ~~a.~~(1) The flagpole shall be of a temporary nature, i.e., not permanently affixed to the structure.
- ~~b.~~(2) The mounting hardware must be placed at least six feet, eight inches above ground level.

- ~~e-(3)~~ The flag may not exceed three feet by five feet and must be made of flame-retardant material.
- ~~d-(4)~~ No portion of any flag that extends over public property shall be less than nine feet above such property, measured vertically directly beneath the flag to grade.
- ~~e-(5)~~ All temporary flags and flagpoles must be immediately removed upon the issuance of an official hurricane warning.
- (4) ~~(c)~~ Detached flagpoles shall have the following setback requirements:
 - ~~a-(1)~~ Any yard facing a street: Ten feet.
 - ~~b-(2)~~ Interior side yard: Seven and one-half feet.
 - ~~c-(3)~~ Rear yard, oceanfront, bayfront: Ten feet.
- ~~(5)~~ (d) The length of the flag shall be one-fourth the length of the pole when affixed to the ground and one-third the length of the pole for flags on roofs, structures or buildings. The width of the flag shall be two-thirds of the length.
- ~~(6)~~ (e) The arrangement, location and number of flags and flagpoles in excess of one (1) per property shall be determined by the design review process.
- ~~(c)~~ Any nonconforming pennant, banner, streamer, fluttering or spinning device, flag or flagpole that is destroyed by storm or other cause, shall be removed immediately and shall not be replaced with another such nonconforming flag, sign or device.
- ~~(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.

Sec. ~~138-74~~. 138-61- Display of signs or advertisement on vehicles; ~~prohibited prohibitions~~; exemptions; penalties.

- (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 ~~(7)~~ days after the date of the election in which the person was finally voted upon.
 - ~~(3) Vehicles carrying advertising signs, 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 proposition advertised was finally voted upon.~~
Vehicles which require governmental identification, markings or insignias of a local, state or federal government agency.
 - ~~(5)~~(4) Signs that are authorized under chapter 10-4(b) and 8A-276 of the Code of Miami-Dade County.

~~(6)~~(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.

~~(7)~~(6) All allowable signs on vehicles which are removable are to be removed during nonbusiness hours.

(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 ~~(including, but not limited to, buses and the Electrowave);~~
- (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.

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 ~~articles I and II~~ of this chapter.

~~(c) Temporary signs shall not be illuminated except for temporary construction signs.~~

~~(d)~~ (c) 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) (d) Temporary signs communicating noncommercial messages may be posted or erected in accordance with the sign area and number regulations applicable to election signs.~~

(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 sign, poster, placard or automobile bumper strip.

Sec. 138-132. – Temporary Business signs, general requirements.

(a) Temporary business signs are signs identifying a particular activity, service, product, or sale, or lease, of limited duration, or announcing political candidates seeking public office, or advocating positions related to ballot issues, or exercising freedom of speech.

(b) There shall be a maximum of two (2) permits for the same premises within one (1) 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~~ 10 percent of total window area. The sign area for nonwindow signs for a nonconforming business in a residential district is four square feet. The sign area for nonwindow 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.~~

(e) Location. Temporary business signs shall be located only upon the lot in which the special use, activity, service, product or sale is to occur.

Sec. 138-133. – Temporary Construction signs regulations for business, real estate, construction, and election/free speech signs.

(a) Purpose and Intent. Temporary signs are being regulated equally, ensuring the same setback, height, and other regulations for temporary signs. The Terms “temporary business, real estate, construction, and election/free speech signs” are by way of example and are not meant to be utilized to improperly distinguish content. This section should be constructed consistent with *Reed v. Gown of Gilbert, Arizona*, 135 S.Ct. 2218 (2015). ~~Construction signs shall be located on the construction site. Sign copy may include, but not limited to, the project name, the parties involved in the construction and financing, their phone numbers, e-mail addresses, or web sites. Unit prices may be indicated in accordance with the provisions contained herein. Artistic murals or ornamental signs are permitted on construction fences surrounding the project site, subject to the provisions contained herein and design review approval.~~

(b) Setback, height regulations for temporary business, real estate, construction, and election/free speech signs. Unless affixed to a fence or an existing building, detached signs shall be setback ten feet from any property line. Maximum height to the top of a detached sign affixed to posts or a fence shall be five (5) feet above grade in a single family district

and 12 feet above grade in all other districts. Maximum height to the top of a flat sign affixed to a building shall not extend above the first floor in single family districts and shall not extend above the second story of such building in all other districts.

(c) *Timeframe, removal.* Temporary signs shall only be allowed for a period beginning with the temporary activity which is the subject of the sign and must be removed within ~~six months~~ seven (7) days from the date the temporary activity ceases. 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.

(d) *Number.* There shall be a maximum of one (1) ~~construction~~ temporary sign per street frontage, with the exception of election/free speech signs, which shall not exceed one (1) temporary sign per residential or commercial unit.

(e) *Copy.* ~~may be indicated in accordance with the provisions contained herein.~~ Artistic murals or ornamental signs are permitted on construction fences surrounding a construction site ~~the project site~~, subject to the provisions contained herein and design review approval.

(d) *Type.* Signs may be flat wall signs, part of a fence, or rigid detached signs, affixed to posts or a construction fence. Banners are prohibited. The sign area for window signs shall not exceed 10 percent of total window area.

(e) *Size, Single Family.* The sign area for single-family signs is shall not exceed four (4) square feet.

(f) *Size, multifamily.* The sign area for a multifamily zoning district shall not exceed 16 square feet.

(g) *Size, all other districts.* The sign area for all other districts shall not exceed one (1) square foot per three (3) linear feet of street frontage, not to exceed 75 square feet. ~~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. When unit prices are allowed they shall not exceed ten percent of the total sign area and numbers shall not exceed six inches in height.~~

(d) ~~Temporary construction signs may be erected and maintained for a period beginning with the issuance of a building permit and must be removed within six 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.~~

(e)

(h) With the exception of election/free speech signs and temporary window signs, All signs shall be reviewed under the design review process. ~~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. Should the permitted construction sign be part of a construction fence, the size of the sign copy shall not exceed what is permitted under (c) 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. Unless affixed to a construction fence or an existing building, 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.~~

Sec. 138-134. - Election headquarter 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)(a) The sign area in commercial or industrial districts for campaign headquarters shall not have a sign area limitation. Each candidate may have four (4) 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—Single family residential.~~

(a) ~~Real estate signs located in single family residential districts are signs advertising the sale, lease or rent of the premises upon which such sign is located. Sign copy with prices is prohibited.~~

(b) ~~There shall be a maximum of one sign permitted per property except for waterfront property where a second sign is permitted facing the water. In addition one strip sign to be attached directly below primary sign is allowed, and one "Open House" type sign is allowed only while the owner or agent is on the premises. Signs may be double faced provided all information is identical.~~

(c) ~~The sign area for the primary sign shall be 14 inches by 18 inches and the sign area for the strip sign shall be two inches by 18 inches. "Open House" type signs shall be 22 inches by 16 inches.~~

(d) ~~Temporary real estate signs shall be removed within seven days of the sale or lease of the premises upon which the sign is located.~~

(e) ~~Special conditions for these real estate signs shall be as follows:~~

- ~~(1) 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.~~
- ~~(2) Only the following information and no other information may appear on the sign:

 - ~~a. "For Sale," "For Lease," or "For Rent," or combination thereof.~~
 - ~~b. The name and logo of the real estate broker or realtor as registered with the Florida Real Estate Commission, the name of the owner or the words "By Owner" in lettering not to exceed one inch in height.~~
 - ~~c. A designation following such name as being either a "Realtor," "Broker" or "Owner" in lettering not to exceed one inch in height.~~
 - ~~d. The telephone number of such realtor, broker or owner.~~
 - ~~e. The words "By Appointment Only"; "Waterfront"; "Pool."~~~~
- ~~(3) Iridescent and illuminated signs are prohibited.~~
- ~~(4) "Open House" type signs may be red and white or black and white. No signs are permitted on public property.~~
- ~~(5) 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 or at no cost of permit(s) is applied for and obtained online. There shall be no additional charge for strip or "open house" type signs.~~

Sec. 138-136. ~~Real estate signs—Multifamily, commercial, industrial, vacant land.~~

- ~~(a) Real estate signs located in multifamily, commercial, or industrial districts, are signs advertising the sale, lease or rent of the premises upon which such sign is located. Sign copy with prices is prohibited.~~
- ~~(b) There shall be a maximum of one real estate sign permitted per street frontage.~~
- ~~(c) The sign area for a multifamily sign shall not exceed four feet by four feet. The sign area for a commercial/industrial sign shall not exceed four feet by six feet.~~
- ~~(d) Temporary real estate signs shall be removed within seven days of the sale or lease of the premises upon which the sign is located.~~
- ~~(e) Special conditions for these real estate signs shall be as follows:

 - ~~(1) Real estate signs are not permitted on windows of apartment, multifamily buildings or individual offices. 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 seven feet.~~
 - ~~(2) Only the information permitted on single-family residential real estate signs plus the following information may appear:

 - ~~a. Zoning information.~~
 - ~~b. Size of property and/or building.~~
 - ~~c. Permitted use of property.~~~~
 - ~~(3) No signs are permitted on public property.~~
 - ~~(4) Flat wall signs may be substituted with banner type signs.~~~~

- ~~(5) — Each individual sign shall receive a permit from the license department which shall charge a fee per sign as provided in appendix A or at no cost if permit(s) is applied for and obtained online.~~

Sec. 138-137. - Banners and balloon signs.

~~(a) — Balloon signs are prohibited in all zoning districts. Notwithstanding the foregoing, for special events authorized in accordance with the requirements prescribed by the city, sponsor's cold air balloon signs and inflatables tethered to the ground may be permitted, but only to the extent said signs and inflatables are approved pursuant to the special event review procedures as established by the city. Balloon signs are hot or cold air balloons or other gas filled figures or similar type signs.~~

~~(b) — There shall be a maximum of one banner per structure.~~

~~(c) — The sign area shall be determined by the historic preservation and urban design director under the design review procedures.~~

~~(d) — Temporary banners shall be erected and maintained for a period not to exceed 14 days, and no more than one time during a calendar year on a premises.~~

~~(e) — Temporary banners shall be erected, anchored, used, operated or maintained only on a temporary permit basis as approved under the design review procedures. 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.~~

(a) One (1) 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 100 sq. ft.

2. Design shall be subject to administrative design review and approval.

(b) A building permit shall be 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 signs are signs advertising garage sales.

(b) The maximum number of garage sale signs shall be one.

(c) The sign area shall be 12 inches by 18 inches.

(d) The garage sale signs are allowed once yearly for a maximum period of two (2) days commencing on the first day of the sale and ending at the close of the sale.

(e) A garage sale sign may only be posted during the effective time of a valid garage sale permit issued by the city.

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

(a) A cultural institution shall be defined as one that engages in the performing arts (including, but not limited to, music, dance and theater), or visual arts (including, but not

limited to, painting, sculpture, and photography), or engages in cultural activities, serves the general public and has a permanent presence in the city.

(b) 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.

(c) 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.

(d) A cultural institution may have temporary banners identifying a special event, exhibit or performance, there shall be a maximum of two banners per structure, no larger than 30 square feet each.

(e) 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.

(f) 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.

(g) Design of the banners and manner and duration (hours) of projection shall be subject to approval through the design review process.

~~A cultural institution may have a temporary banner under the following criteria:~~

~~(1) A cultural institution shall be one that engages in the performing arts (including, but not limited to, music, dance and theater), or visual arts (including, but not limited to, painting, sculpture, and photography), or engages in cultural activities, serves the general public and has a permanent presence in the city.~~

~~(2) 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.~~

~~(3) 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.~~

~~(4) Cultural institution temporary banners are banners identifying a special event, exhibit or performance.~~

~~(5) There shall be a maximum of three banners per structure.~~

~~(6) The size of the banners shall be determined through the design review or certificate of appropriateness process, as applicable, pursuant to chapter 118 of the land development regulations and approved by the design review or historic preservation boards.~~

~~(7) 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.~~

~~(8) The method of installation shall be determined under the design review procedures.~~

~~(9) 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. Image, manner and duration (hours) of projection shall be subject to approval through the design review process.~~

Sec. 138-140. - Vacant storefront covers and signs.

(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.

(d) *Storefront window cover permitted for vacant storefronts.* Windows and doors may be completely 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 may remain covered until issuance of a certificate of use or occupancy for the new occupant, whichever occurs first.

(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 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 text of such signage shall be limited to no more than 25 percent of the total window area of the vacant storefront.

The design and material of all proposed signs under this section 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 may also produce and provide preapproved storefront covers, with or without charge, to encourage the coverage of vacant storefronts. Covers provided by the city shall also satisfy the requirements of this section.

~~ARTICLE V. -- SIGN REGULATIONS BY DISTRICTS~~

~~Sec. 138-172. -- Schedule of sign regulations for principal and accessory use signs.~~

Zoning District	Number	Awning/ Marquee	Flat	Projecting	Detached (Monument)	Accessory Signs	Special Conditions
RS-1	Residential use: One sign per street	Not permitted.	Residential use: Six	Not permitted.	Not permitted.	Not permitted.	30 square feet for a religious

RS-4	frontage that has copy limited to the name of the building.		inch letters.				institution, public and semipublic uses, clubs or schools.
RM-1 RM-2 RM-3 R-PS 1 R-PS 2 R-PS 3 R-PS 4 RO TC-3	No more than one sign identifying the main permitted uses for each street frontage. Unless otherwise listed in section 138-171, all signs must front on a street; however, multiple street front facing signs for the same licensed oceanfront hotel or apartment building within the RM-3 district may be permitted through the design review or certificate of appropriateness process as applicable if the aggregate sign area does not exceed the maximum size permitted under this	Ten square feet; the height of the letters shall not exceed 12 inches. Not permitted in the RM-3 district. Not permitted in RO.	One per street frontage; 20 square feet for every 50 feet of linear frontage, or fraction thereof, up to maximum of 30 square feet. Flat signs shall not be located above the ground floor, except in hotels and apartment buildings within the RM-3 district. Flat signs in hotels and apartment buildings within the RM-3 district shall be limited to the name of the building or the use that encompasses the largest amount of floor area in the building.	15 square feet. Not permitted in RO.	15 square feet. Not permitted in RO.	One sign for each licensed accessory use; area of sign shall not exceed 75 percent of the main use sign, 20 square feet maximum. For hotels and apartment buildings in the RM-3 district, one street front facing flat sign per every 10 licensed accessory use, facing or having direct access to a street or sidewalk, 20 square feet for every 50 feet of linear frontage, or fraction thereof, up to maximum of 30 square feet. However, multiple street front facing monument signs for the same licensed accessory use of oceanfront hotel and apartment buildings	1. Maximum size for schools is 30 square feet. 2. Signs shall not have copy indicating prices. 3. An exterior directory sign, attached to the building up to six square feet, 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.

	subsection.		<p>Within the RM-3 district, and subject to the review and approval of the design review board or historic preservation board, as applicable, one building identification sign for hotels and apartment buildings two stories or higher, located on the parapet facing a street, is permitted with an area not to exceed one percent of the wall area on which it is placed. 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</p>	<p>provided herein. In the RM-3 district, be permitted sign area shall not exceed ten square feet, and the monument appropriate structure shall not exceed five feet in height.</p>	<p>within the RM-3 district may be permitted through the design review or certificate process as applicable if the aggregate sign area does not exceed the maximum size permitted under this subsection.</p>	
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			and shall have a maximum size of 40 square feet.				
CD-1 CD-2 CD-3 C-PS 1 C-PS 2 C-PS 3 C-PS 4 I-1 MXE TC-1 TC-2	One sign per street frontage for each licensed principal and licensed accessory use, however, multiple signs for the same licensed establishment may be permitted through the design review procedure if the aggregate sign area does not exceed the maximum size permitted under this subsection.	Awning: See section 138-6. Marquee: 175 square feet only in commercial districts.	20 square feet for the first 25 feet of linear frontage, plus one square foot for every three feet of linear frontage over 25 feet up to a maximum of 30 square feet; however one building identification sign for buildings two stories or higher, located on the parapet facing a street, is permitted with an area not to exceed one percent of the wall area on which it is placed. Corner buildings may provide one combined sign instead of the two permitted	15 square feet. Pole signs are not permitted. Existing pole signs may be repaired only as provided in section 138-10. Detached signs are not permitted in the MXE district. The height and size of the monument shall be determined under the design review process.	15 square feet. Pole signs are not permitted. Existing pole signs may be repaired only as provided in section 138-10. Detached signs are not permitted in the MXE district. The height and size of the monument shall be determined under the design review process.	One for each accessory use; area of each sign shall not exceed one square foot per linear foot of frontage not to exceed 20 square feet.	A directory sign, up to six square feet, listing the name of all licensed uses within the building is permitted. No signs shall have copy indicating prices except as provided in this article. For properties fronting Lincoln Road, between Collins Avenue and Washington Avenue, see section 138-173.

			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.				
TH RM- PS1	One sign per street frontage indicating the name of the project; or one sign per commercial use.	Not permitted.	15 square feet.	Not permitted.	15 square feet; if sign is set back 20 feet from front property line area may be increased to a maximum of 30 square feet. Pole signs are not permitted. Existing pole signs may be repaired only as provided in section 138-10. Notwithstanding the above, a detached sign located on a perimeter wall shall be limited to five square feet and shall not have to comply with the setback requirements of section 138-9.	Five square feet per commercial use.	Exterior signs not visible from the public right-of-way may be permitted, subject to design review approval.

HD	No more than one sign per building for each street frontage.	30 square feet.	Sign located on the parapet: One percent of the wall area of the building. All other signs: 50 square feet.	Not permitted.	15 square feet, height not to exceed four feet above grade.		None.
MR	See Special Conditions.	See Special Conditions.	See Special Conditions.	See Special Conditions.	See Special Conditions.	See Special Conditions.	All signs in this district shall be approved pursuant to the design review procedures and design guidelines in special area studies.
WD-1 WD-2	One sign permitted per site.	Not permitted.	15 square feet.	Five square feet.	Ten square feet, height not to exceed ten feet above grade, minimum height of underside of sign is 7½ feet; Sign setback three feet from sidewalk.	One sign for all accessory uses; 15 square feet maximum.	None.
GC	One.	Not permitted.	30 square feet.	Not permitted.	Not permitted.	Not permitted.	
GU CCC	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 <u>142-425(d)</u> .
Dune overla y	As per <u>section 138-8</u> .

ARTICLE VI. - SPECIFIC USE SIGNS

Sec. 138-202. - Signs for shopping centers.

Signs for shopping centers (for purposes of this article a shopping center is a main permitted use in a commercial district with three or more individual stores) shall be subject to the following:

Type of Sign	Number	Sign Area	Aggregate Area	Special Conditions
Individual store sign: A flat sign identifying the name of the establishment.	One per store front.	Ten square feet.	N/A	None.
Main shopping center sign: Identifying the name of the shopping center and the names of the stores.	One sign per street frontage or waterfront.	30 square feet.	N/A	Pole signs are prohibited. A detached monument sign is permitted as the main shopping center sign; the height and size of the monument shall be determined under the design review process. One five square foot directory sign per 20,000 square feet or fraction thereof of floor area is permitted when located on the exterior wall of the building.

Sec. 138-204. - Artistic or super graphics.

Artistic or super graphics, including projected or illuminated still/changing images 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 or historic preservation board, in accordance with the applicable design review or certificate of appropriateness criteria. ~~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.~~

* * *

SECTION 4. REPEALER.

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

SECTION 5. 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 re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 6. SEVERABILITY.

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

SECTION 7. APPLICABILITY

The limitations in this ordinance shall not apply to any valid, pre-existing permitted use with a valid business tax receipt (BTR) for an open air entertainment establishment or outdoor entertainment establishment that (i) is in application status prior to the effective date of this ordinance; or (ii) issued prior to prior to the effective date of this ordinance; or (iii) to an establishment that has obtained approval for an open air entertainment establishment or outdoor entertainment establishment from a land use board, and which land use board order is active and has not expired, prior to the effective date of this ordinance. Any increase to the approved hours of operation shall meet the requirements of this section.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2016.

Philip Levine
Mayor

ATTEST:

Rafael E. Granado
City Clerk

(Sponsored by Commissioner Ricky Arriola)

Underline denotes additions

~~Strike through~~ denotes deletions

First Reading: _____, 2016

Second Reading: _____, 2016

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

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