

**ORDINANCE 22-289**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING CHAPTER 13, THE LAND DEVELOPMENT CODE, ARTICLE IX, TITLED “SIGNS”; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (DIEGUEZ)**

**WHEREAS**, in 2008, the Town of Miami Lakes (the “Town”) adopted a Land Development Code (the “LDC”) in order to provide for uniform standards throughout the Town’s distinct zoning areas; and

**WHEREAS**, among the items covered in the LDC are the regulation of signs on residential properties; and

**WHEREAS**, in 2015, in the matter *Reed v. Town of Gilbert*, 576 U.S. 155 (2015), the Supreme Court established that municipalities may regulate signage on residential property, provided that said regulations are content neutral; and

**WHEREAS**, during the October 2021 Town Council meeting the Town Council directed the Town attorney to review the LDC in order to ensure compliance with the *Reed v. Town of Gilbert* decision as it relates to the regulation of temporary signs on residential properties; and

**WHEREAS**, this Ordinance addresses the immediate need to ensure compliance with the *Reed v. Town of Gilbert* decision.

**THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing Recitals are true and correct and incorporated herein by this reference.

**Section 2. Adoption of Amendments to Chapter 13, Article IX of the Town Code.**  
The Town Council approves the adopts the Amendments to Chapter 13, Article IX of the Town Code as provided herein.

**Section 3. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

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

**Section 5. Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article,” “Division” or other appropriate word.

**Section 6. Effective Date.** That this Ordinance shall be effective immediately upon its adoption on second reading.

**FIRST READING**

The foregoing ordinance was moved by Councilmember Dieguez who moved its adoption on first reading. The motion was seconded by Councilmember Fernandez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Absent
Vice Mayor Jeffrey Rodriguez	Yes
Councilmember Carlos O. Alvarez	Absent
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Marilyn Ruano	Absent

Passed and adopted on first reading this 8<sup>th</sup> day of February 2022

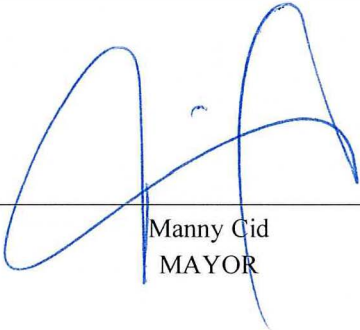
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**SECOND READING**

The foregoing ordinance was moved by Councilmember Dieguez who moved its adoption on second reading. The motion was seconded by Councilmember Ruano and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Yes
Vice Mayor Jeffrey Rodriguez	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Marilyn Ruano	Absent

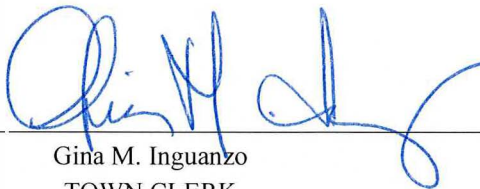
Passed and adopted on second reading this 8th day of March, 2022



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Manny Cid  
MAYOR

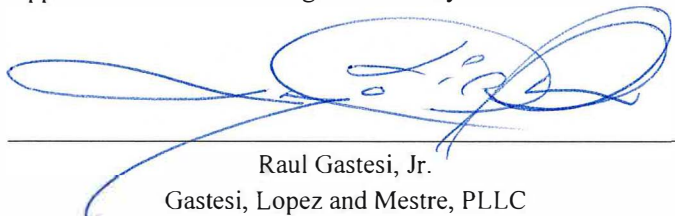
Attest:



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Gina M. Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:



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Raul Gastesi, Jr.  
Gastesi, Lopez and Mestre, PLLC  
TOWN ATTORNEY

## **ARTICLE IX. SIGNS**

### **Sec. 13-1901. Scope, purpose, substitution and severability.**

- (a) *Scope.* The provisions of this article shall govern the number, size, location, and character of all signs which may be permitted either as a main or accessory use under the terms of this article. No signs shall be permitted on a plot or parcel either as a main or accessory use except in accordance with the provisions of this article.
- (b) *Purpose.* ~~This article shall be known as the "Town of Miami Lakes Sign Code." The purpose of this article is to regulate and restrict signs and other advertising devices within the Town in order to protect and enhance the scenic, historic and aesthetic qualities of the Town and the safety, convenience and general welfare of its inhabitants. This article is implemented so as to support and complement land use objectives as set forth in the Comprehensive Development Master Plan.~~

1. Proper regulation of signs is a necessary prerequisite to a peaceable orderly and safely designed business environment.
2. Effective sign regulations reduce visual clutter and confusion caused by the proliferation, improper placement, illumination and excessive height and size of signs that compete for the attention of pedestrian and vehicular traffic, and impede vision of traffic, traffic control signs and devices which can result in hazardous conditions.
3. Uncontrolled and unlimited signs may result in a roadside clutter that impedes the flow of information, thereby defeating the purpose of signage and creating hazards to drivers and pedestrians.
4. Uncontrolled and unlimited signs degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth.
5. Proper regulation of signs enhance the attractiveness and economic wellbeing of the Town as a place to live, work and conduct business.
6. Signs provide an important medium through which individuals may convey a variety of commercial and noncommercial messages. However, left unregulated, signs can become a threat to public safety as well as a traffic hazard. Such signs may also constitute an aesthetic nuisance and be a detriment to property values and the Town's public welfare. The mayor and council intend by enacting this chapter to:
  - a. Balance the rights of individuals to convey their message through signs and the right of the public to be protected against the unrestricted proliferation of signs;
  - b. Further the objectives of the city's comprehensive plan;
  - c. Protect the public health, safety, welfare, and aesthetics of the city;
  - d. Reduce traffic and pedestrian hazards;
  - e. Protect property values by minimizing the potentially adverse effects and visual blight caused by signs;
  - d. Ensure the fair and consistent enforcement of sign regulations.

7. Additionally certain signs facilitate the safe and orderly movement of traffic; this chapter provides for the regulation of incidental address identification and subdivision identification signs.

8. Further, the Town has an obligation and a right to protect the rights of adjoining landowners to adequate light and air, to promote desirable living conditions and the sustained stability of neighborhoods, to protect property against blight and deprivation, and encourage the most appropriate use of land, buildings and other structures throughout the city.

9. Accordingly, in consideration of the city's rights and obligations to promote traffic safety, to preserve property values, to provide for the convenience and enjoyment of public travel, to eliminate annoyance to travelers, to attract tourists, residents and industry, to serve the public health, safety and morals, to advance the general prosperity of the community, and to serve the general welfare, the city hereby imposes the regulations contained in this chapter.

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

(d) *Severability.*

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

(2) *Severability where less speech results.* This section shall not be interpreted to limit the effect of Subsection (d)(1) of this section, or any other applicable severability provisions in this Code of Ordinances or any adopting ordinance. The Town Council specifically intends that severability shall be applied to these sign regulations even if the result would be to allow less speech in the Town, whether by subjecting currently exempt signs to permitting or by some other means.

(3) *Severability of provisions pertaining to prohibited signs.* This section shall not be interpreted to limit the effect of Subsection (d)(1) of this section, or any other applicable severability provisions in this Code of Ordinances or any adopting ordinance. The Town Council specifically intends that severability shall be applied to Section 13-1903(l), pertaining to prohibited signs, so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.

(4) *Severability of prohibition on off-premises signs.* This section shall not be interpreted to limit the effect of Subsection (d)(1) of this section, or any other applicable severability provisions in this Code of Ordinances or any adopting ordinance. If any or all of the Sign Code in this article or any other provision of this Code of Ordinances is declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the Town Council specifically intends that the declaration shall not affect the prohibition on off-premises signs in Section 13-1903(l)5.

## **Sec. 13-1902. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where there is a question as to the correct classification or definition of a sign, it shall be the prerogative of the Director to place said sign in the strictest category and/or classification.

*Attraction board* means a sign or portion of a sign on which copy is changed periodically, advertising special sales, bargains, etc. Said attraction board may be incorporated into the sign permitted.

*Awning, canopy, roller curtain or umbrella sign* means any sign, stamped, perforated, or stitched on the surface area of an awning, canopy, roller curtain or umbrella.

*Cantilever* means that portion of a building, projecting horizontally, whether it be on the same plane as the roof line or not.

*Cantilever sign* means any sign which is mounted on a cantilever. No cantilever sign may extend beyond the cantilever.

*Detached sign* means any sign not attached to a building, but which is affixed and permanently attached to the ground. Permanently attached as used herein shall mean that the supporting structure of the sign is attached to the ground by a concrete foundation.

*Directional sign* means a sign which guides or directs the public and contains no advertising. The name of the facility (such as store name), which the sign is giving direction to, may be included when specified conditions in this article are complied with.

*Director* means the Director of Planning, Zoning and Code Compliance or his designee.

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

*Flag* shall mean a piece of fabric with a color or pattern representing a government or other organization, entity, or idea.

*Flat sign* means any sign attached to and erected parallel to the face of or erected or painted on the outside wall of any building, and supported throughout its length by such wall or building.

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

*Marquee sign* means any sign attached to or hung from a marquee.

*Noncommercial sign* means a sign not connected with a commercial enterprise.

*Off-premises (commercial advertising signs)* means any sign which is used for any purpose other than that of advertising to the public the legal or exact firm name of business carried on the premises, or for advertising any service or product or products actually and actively being offered for sale on the premises. Off-premises signs may be in the form of a billboard, bulletin board, or poster board, or may be affixed flat to a building or painted thereon.

*Person* includes any individual, corporation, society, association, partnership trust or other entity.

*Point of sale sign.* Any sign advertising or designating the use, occupant of the premises, or merchandise and products sold on the premises, shall be deemed to be a point-of-sale sign and shall be located on the same premises whereon such is situated, or the products sold.

*Portable sign* means any sign not attached to or painted on a building and not affixed or permanently attached to the ground.

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

*Public right-of-way* means any public road and includes a private road that is open to public use.

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

*Pylon sign* means a flat sign attached to or painted on the face of a pylon. The outer edge of the sign shall not extend beyond the pylon nor above the roof line.

*Roof sign* means any sign which is fastened to or supported by the roof or erected over the roof.

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

*Sign* means any display of characters, letters, logos, illustrations or any ornamentation designed or used as an advertisement, announcement, or to indicate direction that is on a public right-of-way or on private property within public view of a public right-of-way or public park. Use of merchandise, products, vehicles, equipment, inflated balloons, flags, or the like as an attention attractor or advertising device, with or without a printed or written message or advertisement, shall be considered a sign. The above definition shall include signs located inside a window but shall not include the display of merchandise visible through such window.

*Standing sign.* A standing sign shall include any and every sign erected on or affixed to the land and any and every exterior sign that is not attached to a building.

*Temporary sign* means any sign to be erected on a temporary basis, such as signs advertising the sale or rental of the premises on which located; signs advertising a subdivision of property; signs advertising construction actually being done on the premises on which the sign is located; signs advertising future construction to be done on the premises on which located, and special events, such as carnivals, concerts, public meetings, commercial and industrial, or other promotional events, sporting events, political campaigns or events of a similar nature, as determined by the Director.

*Wall* means, for sign purposes, that portion of the building's exterior, horizontal surface on the same plane, regardless of vertical or horizontal indentations, and including the surface of parapets and pylons projecting from the building. For sign purposes, there shall be considered to be only four planes to any building and it shall be the prerogative of the Director to determine which portion of odd-shaped buildings, such as buildings of hexagon or octagon design, to which flat signs may be affixed, with such location to be so determined as to prevent a grouping of signs which can be viewed from one direction.

*Wall sign* means any sign attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

### **Sec. 13-1903. General requirements for all signs.**

- (a) *Interpretation.* Only those signs that are specially authorized by this ~~Sign Code~~ Section shall be permitted. Those signs that are not listed or authorized shall be deemed prohibited.
- (b) *Permits required.*
  - (1) *Applications and permits.* No sign, unless excepted by this article, shall be erected, constructed, posted, painted, altered, maintained, or relocated, except as provided in this article and until a permit has been issued by the Town. Before any permit is issued, an application for such permit shall be filed together with three sets of drawings and/or specifications (one to be returned to the applicant) as may be necessary to fully advise and acquaint the issuing department with the location, method of construction, type of materials, manner of illumination, method of erection, securing or fastening,



number and type of signs applied for, and advertisement to be carried. All signs which are electrically illuminated by any means shall require a separate electric permit and inspection.

- (2) *Consent of property owner.* No Ssign shall be placed on any property unless the applicant has the written consent of the owner and lessee, if any, of the property.
  - (3) *Calculating number of Ssigns.* A single Ssign containing advertisement on each side shall be counted as one Ssign. Every other sign shall be counted as a separate Ssign for each face thereof.
  - (4) *Calculating sign size.*
    - a. For a Ssign, either freestanding or attached, the area shall be considered to include all lettering, including any ascenders and descenders, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting framework and bracing incidental to the display itself.
    - b. The Director shall have the discretion of determining the area of any sign which is irregular in shape, and in such cases will be guided by calculations as made by a licensed, registered engineer when same are shown on the drawing.
- (c) *Compliance with codes.*
- (1) All Ssigns shall conform to the requirements of the building, electrical, and other applicable code requirements, except as may be otherwise provided herein.
  - (2) Advertising conflicting with zoning rules. No Ssign shall be erected or used to advertise any use or matter which would conflict with the regulations for the zoning district in which it is located or be in conflict with the use permitted under the certificate of use or occupancy for the property.
- (d) *Qualification and certification of erector.* Where the erection of any Ssign requires compliance with any Florida Building Code requirement, the erector of the Ssign shall qualify with the respective examining board.
- (e) *Fees required.* No Ssign, where a permit is necessary shall be exhibited unless the required permit fees are paid.
- (f) *Time limitation of permits.* All Ssigns shall be erected on or before the expiration of 180 days from the date of issuance of the permit. If the Ssign is not erected within said 180 days, the permit shall become null and void, and a new permit required; provided, however, that the Director may extend such permit for a period of 90 days from the date of the expiration of the permit if written application for such extension is received and approved by the Director prior to the expiration date of the initial permit and provided that the proposed Ssign complies with all requirements in effect at the date of such renewal.
- (g) *Identification of permit holder on sign.* Each Ssign requiring a permit shall carry the permit number and the name of the person or firm placing the Ssign on the premises; such marking shall be permanently attached and clearly visible from the ground.
- (h) *Responsibility for sign.* The owner and/or tenant of the premises, and the owner and/or erector of the Ssign shall be held responsible for any violation of this article; provided, however, that when the Ssign has been erected in accordance with this article, the Ssign company shall be relieved of further responsibility after final approval of the Ssign.
- (i) *Inspection.* No Ssign, temporary or permanent, shall be approved for use, unless the same shall have been inspected by the Department issuing the permit, and no Ssign shall be erected or used unless it complies with all the requirements of this article and applicable Florida Building Code requirements. The holder of a permit for a Ssign shall request inspections of a Ssign as follows:
- (1) Foundation inspection (this shall include method of fastening to building or other approved structure).
  - (2) Shop inspection (electrical and/or structural where indicated on the permit and/or approved plan).

- (3) Final inspection (this shall include structural framing, electrical work identification of permit number and erector of Ssign, etc.).
  - (4) Any additional inspections which may be specified on the permit and/or approved plans.
- (j) *Maintenance of signs.*
- (1) All sSigns shall be properly maintained in a safe and legible condition at all times. In the event that a use having a Ssign is discontinued for a period of 45 days, all signs and all component parts which identified the use are to be removed from the site, and the site on which the sign was located left in a presentable manner. Sign removal shall be the responsibility of the owner of the property.
  - (2) Latticework, painting, etc. Where the rear of any Ssign is visible from a street, waterway, park or residence, or from a RU, RO, RM, BU, TC or IU District, the exposed structural members of such Ssign shall be either concealed by painted latticework, slats or be suitably painted or decorated, and such back screening shall be designed, painted and maintained to the satisfaction of the Director.
  - (3) Cutting weeds. The owner of each sign not attached to a building shall be responsible for keeping the weeds cut on his property within a radius of 50 feet from the Ssign or to the nearest highway or waterway.
  - (4) Removal of dilapidated Ssigns. The Director may cause to be removed any Ssign which shows neglect or becomes dilapidated or where the area around such Ssign is not maintained as provided herein after due notice has been given. The owner of the Ssign and/or the property shall be financially responsible for the removal of the Ssign.
- (k) *Signs permitted without a Ssign permit.* The following signs may be erected or constructed without a permit when in accordance with the Florida Building Code and this article:
- (1) Temporary Ssigns not exceeding six square feet in area, and not electrically illuminated will not require a Ssign permit but must otherwise comply with this article and applicable building codes.
  - (2) Traffic sSigns, provisional warnings and signs indicating danger are exempt from this article. Such exempted sSigns shall not contain any commercial advertisement.
  - (3) Awning, canopy, roller curtain, or umbrella sSign or signs shall be limited to eight-inch letters in height or up to twelve-inch letters in height when in lieu of signage attached to a building per Subsection 13-1904(3)b., and shall not exceed a total coverage of 24 square feet. Any such Ssign shall be limited to the identification of the occupant and/or use of the property. No Ssign permit shall be required for the awning, canopy, roller curtain or umbrella Ssign, but the same shall comply with applicable technical codes.
  - (4) Disabled, baby stroller or handicapped parking sSigns. Signs required by State law or County ordinance for parking spaces reserved for disabled or handicapped persons shall not require a sign permit, and Ssigns required for parking spaces reserved for persons transporting young children and baby stroller parking Ssigns shall not require a sSign permit.
  - (5) Signs not exceeding 1.5 square feet in area and bearing only property street numbers, post box numbers, or name of occupant of premises.
  - (6) Flags and insignia of any government, except when displayed in connection with commercial promotion. Installation of a permanent flagpole or other permanent mounting device shall require a building permit.
  - (7) Legal notices, identification, information, or directional signs erected by or on behalf of governmental bodies.
  - (8) Integral decorative and architectural features of buildings except letters, logos, trademarks, moving parts or moving lights.

- (9) Signs within enclosed buildings or structures which are so located that they are not visible from public or private streets or adjacent properties such as signs in interior areas of malls, commercial buildings, ballparks, stadiums and similar structures or uses, providing said signs are erected in such a manner as not to be hazardous. If illuminated, the necessary electrical permits shall be obtained.
- (10) Temporary holiday and special event decorations and lighting provided said decorations and lighting are displayed no more than 30 days prior to and no more than 30 days after the holiday or event. Said decorations shall carry no advertising matter.
- (11) Temporary political campaign Signs, announcing the candidacy of a candidate for public office not exceeding 40 square feet in BU, TC, AU, RO, RM, GU and IU District, or 22 inches by 28 inches in RU Districts . Setback and location shall be at least five feet from the official right-of-way and five feet from property under different ownership. Only one political campaign Sign, per candidate, per street face is permitted. Political campaign Flags shall be permitted as provided by this paragraph and shall conform with other permitted Flags as provided in this section. Political Signs and Flags may be installed 90 days prior to the election.

Temporary political campaign Signs and Flags shall be removed within seven days after the last election or within seven days of withdrawal of a candidate from running for elected office. If such Signs and Flags are not removed within this period of time, the Town may remove such Signs and Flags, and may charge the candidate the actual cost for such removal as provided by Florida Law. Failure to remove signs is a violation of this Code and is enforceable pursuant to the Town's code enforcement ordinance.

- (12) "Danger," "No Parking," "Post No Bills," "Bad Dog," and similar warning signs, provided such signs do not exceed an area of 1.5 square feet. Signs shall be provided in keeping with zoning district regulations.
  - (13) Banners and other decorative materials in conjunction with an event conducted pursuant to a dedication or a grand opening are permitted without a sign permit. Such banners and decorative materials shall not be more than 40 square feet (aggregate) and shall be subject to the same height and setback restrictions as real estate signs (Subsection 13-1903(p)) and shall not be posted more than 30 days preceding the event and are to be removed within seven days following the grand opening day of the event.
  - (14) Signs required by law.
  - (15) "No Trespassing" signs, provided such signs do not exceed an area of 1.5 square feet. Signs shall be provided in keeping with zoning district regulations.
  - (16) A permanent sign displaying noncommercial copy not exceeding an area of 1.5 square feet. Signs shall be provided in keeping with zoning district regulations.
- (l) *Prohibited signs.*
- (1) No sign shall be so located as to constitute a danger to public safety. Signs which are incorporated within benches and shelters are prohibited.
  - (2) No sign shall exhibit thereon any lewd or lascivious matter.
  - (3) No sign shall be attached to trees, utility poles or any other unapproved supporting structure, as determined by the Director.
  - (4) Roof signs are prohibited in all the districts.
  - (5) Off-premises (commercial advertising signs) are prohibited in all districts. A real estate open house sign shall not be considered an off-premises sign/billboard.
  - (6) No signs shall be erected or painted on fence and wall enclosures in residential districts. Fence and wall signs shall be prohibited in the residential, commercial and industrial districts, unless approved

by the Director as a temporary sSign. Notwithstanding the above referenced sentence, warning sSigns with the approval of the Director or if required by Florida Statutes shall be allowed.

- (7) Even if not classified as a sSign, blinking or flashing lights, streamer lights, pennants, banners (unless otherwise approved pursuant to this article), streamers, and all fluttering, spinning or other type of attention attractors or advertising devices are prohibited, except as provided in 13-904 k (11). ~~except for national flags, flags of bona fide civic, charitable, fraternal and welfare organizations and further except during recognized holiday periods such attention attractors that pertain to such holiday periods may be displayed on a temporary basis during such periods. The flags permitted by this Subsection (1)(7) shall not be used in mass in order to circumvent this subsection by using said flags primarily as an advertising device.~~
- (8) No revolving or rotating sSign shall be permitted or erected. ~~No automatic electric changing (ACS) sign shall be permitted unless erected by or on behalf of governmental bodies.~~
- (9) Any sSigns which are not traffic signs, which use the word "stop" or "danger" or present or imply the need or requirement of stopping, or which are copies or imitations of official sSigns. Red, green or amber (or any color combination thereof) revolving or flashing light giving the impression of a police or caution light is a prohibited sign, whether on a sign or on an independent structure.
- (10) Portable and pylon signs unless otherwise authorized by law, or approved by the Director in accordance with an approved special event, pursuant to this article, shall be prohibited, including those that are tied down with metal straps, chaining, or otherwise temporarily anchored to an existing structure or other similar method of anchoring.
- (11) Any sSign within the limits of any Town-, State- or County-maintained right-of-way is prohibited. The right-of-way includes, but is not limited to, all roadsides, sidewalks, utility poles, and highway median strips. The Director of Public Works may authorize certain noncommercial directional signage to be placed in the Town right-of-way.
- (12) Signs painted or affixed in any manner to any vehicle, trailer or pickup truck, van or similar transportable device and which is used to advertise a place of business or activity as viewed from a public road shall be prohibited. This shall not be interpreted to prohibit identification of commercial vehicles provided such vehicles are operational and moved and used daily for delivery or service purposes and are not used, or intended for use, as portable sSigns. This sSign shall also not be interpreted to apply to buses, taxicabs, and similar common carrier vehicles which are licensed or certified by the Town or other governmental agency.
- (13) The following shall be considered sSign types or sSign components that are not to be permitted:
  - a. Moving or rotating sSigns, or sSigns with moving or flashing lights, strobes, light races, etc.
  - b. Signs employing exposed raceways, ballast boxes, or transformers.
  - c. Signs exhibiting the names, stamps, or decals of the sSign manufacturer or installer.
  - d. Signs of box or cabinet type employing luminous plastic panels. Signs of a box or cabinet type employing plastic or routed metal face with protruding or cut-out letters, and/or designed to have an appearance of a monument sign and employing internal illumination (wherein only the letters are illuminated) may be approved if said signs are consistent or compatible with the architecture of the principal structure and other signage on the property as determined by the Director.
  - e. Signs employing luminous or nonluminous vacuum-formed type plastic letters.
  - f. Cloth, wood, paper, or cardboard signs, stickers, decals, or temporary painted signs around or on exterior surfaces (doors and/or glass) of the demised commercial establishment.
  - g. Signs employing the use of any sound making or noisemaking devices or components.
  - h. Signs, letters, symbols, or identification of any nature painted directly on surfaces exterior to the demised commercial establishment.
  - i. Signs on any vehicle, trailer, etc., permanently parked so as to attract attention to a place of business.

j. Any permanent or temporary advertising device using flags, a hot air balloon or any aerial device, illuminated or nonilluminated, shall be prohibited, except as may be permitted in writing by the Director for special events in accordance with this article.

(M) *Movement.* Other than as provided in this Section, no Sign shall contain any visible moving or moveable parts. No sign shall contain any visible moving or moveable parts, except such portions of a sign as consist solely of indicators of time and/or temperature and except further that only for nonprofit institutions individual letters and/or numerals that make up the message of sign that are normally and routinely removed and replaced on a regular basis shall not be considered movable parts. No sign shall be portable except when used as temporary signs pursuant to this Sign Code.

*Illumination.* No sign shall be illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless, in the case of a sign, the premises on which it is located are open for business, and except as provided in Section 13-1904.

- (1) No sign shall contain any moving, flashing, intermittent, rotating, chasing or animated lights, except such portions of a sign as consist solely of indicators of time and/or temperature.
- (2) No illumination shall be permitted of an intensity that might pose safety hazards to drivers and pedestrians, or that casts glare onto pedestrians or any portion of any street that would, in the opinion of the Town Engineer, constitute a driving hazard.
- (3) The provisions of this section shall apply not only to exterior signs, but also to interior signs that are designed or placed to show through windows of buildings.

(o) *Window signs.* Nonilluminated signs in the RO, BU, TC or IU Districts where retail and/or service retail occur on the ground floor, placed on the inside of the glass of a window shall be permitted at a maximum of eight square feet in the aggregate, and temporary signs provided that the aggregate area of such signs does not exceed 25 percent of the area of the window glass on the ground floor and shall be located on the same premises whereon such is situated or the products sold. Such signs shall be permitted for no more than 14 calendar days in a three-month calendar quarter period. Ground floor window signs for an atrium multistory glass curtain wall shall not exceed a maximum square footage of ten percent of the one face of the total glass to which the sign is attached and must otherwise comply with this article and applicable building codes.

(p) *Temporary signs.* Before a temporary sign (other than a sign placed in a window) shall be put in place, a permit shall be obtained unless specified by subsection (k). Temporary signs that conform with all regulations of this article shall be permitted for a maximum of 90 days, unless otherwise specified herein, from the date of issuance of the permit or if no permit is required as outlined below:

Type of signs permitted: Real estate; subdivision; construction; future construction; special events. No permit required for signs that are no larger than six square feet and which are not electrically illuminated.

Type of Signs	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Construction signs	Maximum of 40 square feet for a detached sign, including construction signs painted	1 general sign to include each trade provided the total sign area does not exceed	15 feet from official R.O.W. 15 feet to property under different ownership or	Same as real estate signs	Same as subdivision signs	Same as real estate signs

	on an approved construction shed, 22 inches by 28 inches in RU Districts	40 square feet, except for in RU Districts the sign may not exceed 22 inches by 28 inches	centered between interior property lines			
Future construction signs	Maximum of 40 square feet in BU, TC, AU, RO, RM, GU and IU District, 22 inches by 28 inches in RU Districts	1 sign	Same as subdivision signs	Same as real estate signs	Shall not exceed 15 feet from ground level to top of sign	Same as real estate signs
Real estate	Real estate signs in an AU/GU District (not of a residential character) and all BU, TC and IU Zones shall be limited to 40 square feet. Real estate signs in AU and GU Districts (of a residential character) and RU shall be limited to 22 inches by 28 inches. RM, and RO Districts shall be limited to 24 square feet	1 sign only	Real estate signs shall be no closer than 5 feet to an official R.O.W. line unless attached to an existing building 15 feet to an interior side property line or centered on a lot between interior side property lines	Permitted. See general provision on illumination	Real estate signs shall not exceed 10 feet measured from grade to top of sign	No permit required for signs that are no larger than 6 square feet and which are not electrically illuminated. Real estate signs shall only be permitted on premises advertised for rent or for sale. No temporary sign shall be maintained on the premises for a period to exceed 90 days, unless justifiable reason is shown to the satisfaction of the Director and approval is secured

						upon proper application. Upon the expiration of the approved period, the sign shall be removed from the premises
Subdivision signs	Maximum of 40 square feet per sign. Subdivisions of 200 feet or more lineal street frontage the total square footage for all signs shall not exceed 120 square feet	3 per subdivision	Not closer than 15 feet to official R.O.W. Not closer than 15 feet to property under a different ownership	Same as real estate signs	Shall not exceed 15 feet from ground to top of sign	Same as real estate signs
Special events signs include carnivals, concerts, public meetings, real estate open house events, sports events, political campaigns, noncommercial speech and other uses of a similar nature	Maximum size of 22 inches by 28 inches except as to site of use which shall be governed by applicable zoning district regulations	Signs shall be unlimited in number as to off-site locations and limited to, number as permitted in the zoning district for on-site locations (point of sale signs). Except real estate open house events shall be permitted only in the RU and RM Districts and the total number of signs per open house event shall	5 feet from official R.O.W. and 5 feet from property under different ownership, except for site of use which shall be governed by applicable zoning district regulations	Same as real estate signs	Not applicable, except for in residential RU and RM Districts political signs shall be permitted at a height not to exceed 2 feet, measured from grade to top of sign	Special events signs shall be removed within 10 days after the special event or last election which candidate or issue was on the ballot. Promoters, and sponsors and candidates shall be responsible for compliance with the provisions of this section and shall remove signs promoting or

		be 4 signs, one per property with written consent of the property owner				endorsing their respective special events or candidacies when such signs are displayed or used in violation of this section
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- (q) *Roof Signs.* A sign that projects above the top of the wall to which it is attached (but not including a canopy, marquee, or roof-type decorative shelter) and a sign primarily placed on top of a structure shall not be permitted.
- (r) *Construction and maintenance.* No sign shall be painted or posted on the exterior surface of any wall but all signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface that shall be securely affixed to the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices securely affixed to the exterior wall of a building. All signs, together with their structural elements, shall be kept in good working repair and in a proper state of preservation to the reasonable satisfaction of the Director.

### **Sec. 13-1904. Additional requirements for signs.**

No sign shall be permitted except signs that meet the general requirements of Section 13-1903 and the following additional requirements:

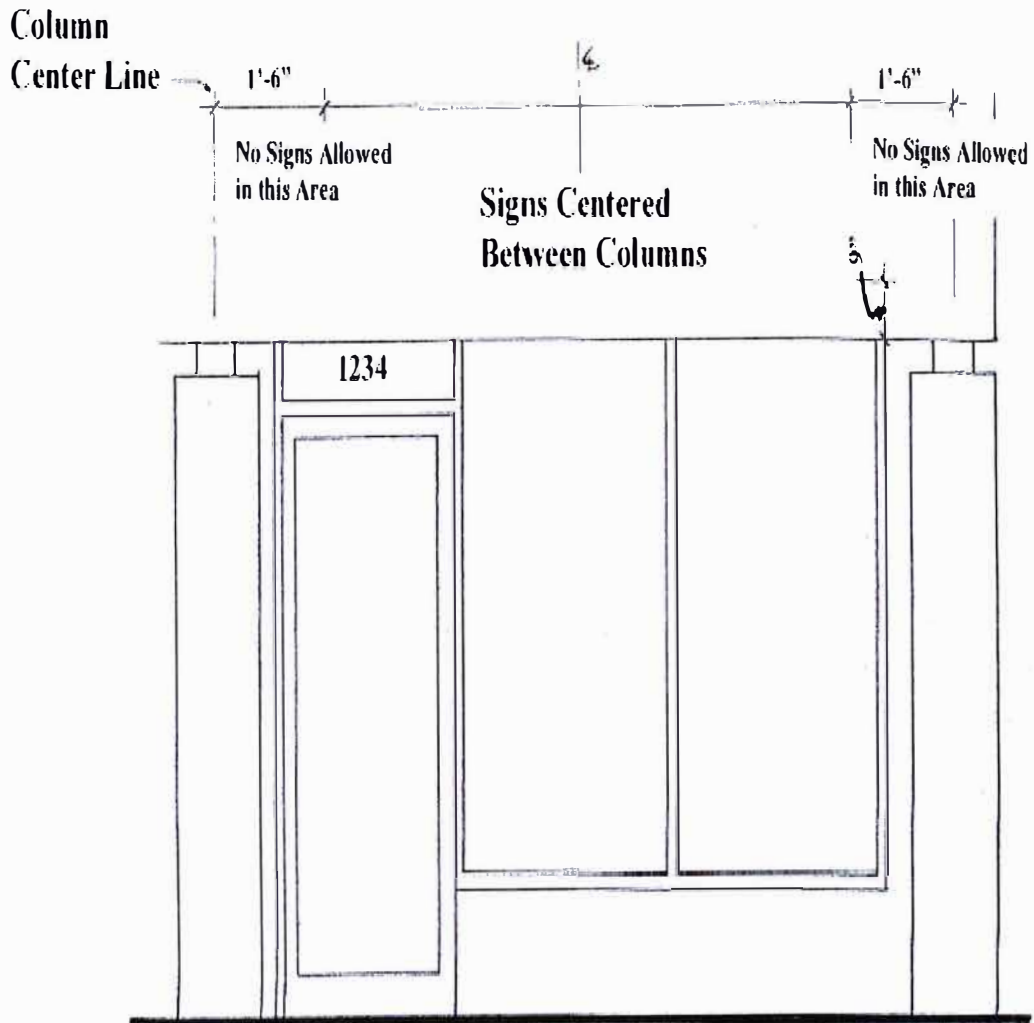
- (1) *Single Residence (RU-1, RU-1B, RU-1A, RU-1Z, RU-2), Townhouse Residence (RU-TH), and Multi-Density Residential (RM-13, RM-23, RM-36, RM-50) Districts.* No sign shall be erected or maintained on any lot in a Single Residence, Townhome Residence, Multi-Density Residential District except as hereafter expressly permitted:
  - a. *Number and size.* There may be one such sign for each lot indicating only the name of the owner or occupant, the street number. Such sign may be a standing sign but shall not exceed 1.5 square feet.
  - b. *Temporary sign.* There may be one temporary unlighted sign on each lot as permitted in Section 13-1903. This shall include, for political campaign signs, one temporary special event sign for each candidate and one temporary special event sign for each issue.
  - c. *Permanent sign.* One permanent sign displaying noncommercial copy not exceeding an area of 1.5 square feet.
  - d. *Warning sign.* There may be one warning sign, such as "No Trespassing," "Danger," "No Parking," "Post No Bills," "Bad Dog," provided such sign does not exceed an area of 80 square inches. Notwithstanding the above-referenced sentence, if a Florida Statute or the Code of Metropolitan Dade County requires a specific size, location, number, or color of such signage the Florida Statute or Code of Metropolitan Dade County requirement shall apply.
  - e. *Illumination.* No sign shall be illuminated except:
    - 1. By a white, steady, stationary light of reasonable intensity, shielded and directed solely at the sign; or
    - 2. By interior nonexposed lights of reasonable intensity.The foregoing is not applicable to temporary holiday decorations or Town entry features.
  - f. *Color.* No permanent sign shall contain more than two colors; temporary signs may contain multiple colors. No sign shall contain red or green lights if such colors would, in the opinion of the Town Engineer, constitute a driving hazard. Both black and white are considered separately as colors for enumeration under this section.
- (2) *Multi-Density Residential (RM-13, RM-23, RM-36, RM-50) Districts.*
  - a. There may be one sign where a leasing office is set out, two square feet in area and shall not exceed a height above the ground of eight feet.
  - b. In addition to the number of signs allowed in Section 13-1904(1)a, a standing or attached sign is allowed subject to the following requirements:
    - 1. Total size of sign cannot exceed 40 square feet. All signs must be fabricated of one-fourth-inch aluminum plate with appropriate internal structuring to properly support each sign face or concrete. All copy must be white on a dark background color (Matthew's Dark Bronze 41-313 or

similar) or the reverse, dark copy on a background color resembling the building's color. The subdivision logo is permitted as well as the subdivision name attached to the subdivision wall. One additional standing sign may be permitted for sites with linear street frontage of 200 feet or more, spaced 100 feet from any standing sSign;

2. The height of the sSign from its base to its top cannot exceed six feet in height;
  3. If the sign is to be located on a mound, the height of the top of the sign cannot exceed eight feet above the crown of the closest adjacent road; and
  4. Sign location on site must respect a setback for all property lines of seven feet for a sign not exceeding 40 square feet and not interfere with clear sight distance triangle for driveways.
- (3) *Mix-Use (RO-13, RO-50, TC); Business (BU-1, BU-1A, BU-2, BU-3) and Industrial Districts (IU-1, IU-2, IU-3, IU-C)*. No sSign shall be permitted in an area zoned (RO), (BU), (TC) or (IU) District except sSigns permitted under this section and the following: There may be one sSign where a leasing office is set out, two square feet in area and shall not exceed a height above the ground of eight feet.
- a. *Location.*
    1. A sSign shall be affixed to a building except as hereinafter provided as to standing sSigns.
    2. A sign affixed to a building shall be parallel with a wall of the building and shall not project beyond the face of any other wall to which it is affixed.
    3. The base of the sSign shall not project more than 16 inches from the wall to which it is affixed, in the case of a sign parallel with the wall.
  - b. *Criteria for signage attached to building.*
    1. Except as specifically provided for hereinafter, no more than two wall mounted sSigns with a maximum letter height of 30 inches (including any ascenders and descenders) shall be permitted per building, one sSign affixed to each wall in which an entrance is located.
    2. Where retail and/or service retail occur on the ground floor, individual point of sale ground floor tenant signage may occur in a signage band on the building, marquee or canopy, provided it is done in a coordinated manner and it complies with subsection (3)b.5. Buildings in the BU or TC Districts offering ground floor retail space (retail storefronts) and in the RO, IU Districts a business consisting of more than one building shall submit a comprehensive signage program to the Director through the administrative site plan review process for review and approval on a building-by-building basis. (See Figures 1 and 2 for required dimensions.)
    3. All signs shall be individual letters pin-mounted to the building, unless otherwise specified in this article. (No exposed neon or box type signs employing luminous plastic panels permitted.) Signs of a box or cabinet type employing plastic or routed metal face with protruding or cut-out letters and employing internal illumination (wherein only the letters are illuminated) may be approved if said sSigns are consistent or compatible with the architecture of the principal structure and other signage on the property as determined by the Director.
    4. Maximum square footage of a sSign must not exceed ten percent of the one face of the building to which the sSign is attached. For purposes of applying this maximum space limitation, any intermediary removable surface to which a sSign is affixed shall be deemed part of the sSign; and any sign composed of separate letters or devices cut into or affixed to a wall shall be deemed to occupy the entire area within a single continuous perimeter enclosing the extreme limits of the sSign, including any structural elements.
    5. If a single building consists of more than one business establishment, there shall not be more than one exterior point of sale sign affixed to the building for each such business establishment, except as specifically provided for hereinafter. Maximum capital letter height on any service retail tenant sSign in a multi-tenanted shopping or office building shall be 18 inches (including any ascenders and descenders) for tenants occupying less than 5,000 square feet and 24 inches for tenants occupying greater than 5,000 square feet. Maximum capital letter height (including ascenders and descenders) for single-tenanted buildings of less than 20,000 square feet shall be 24 inches. Maximum capital letter height (including ascenders and descenders) for single-

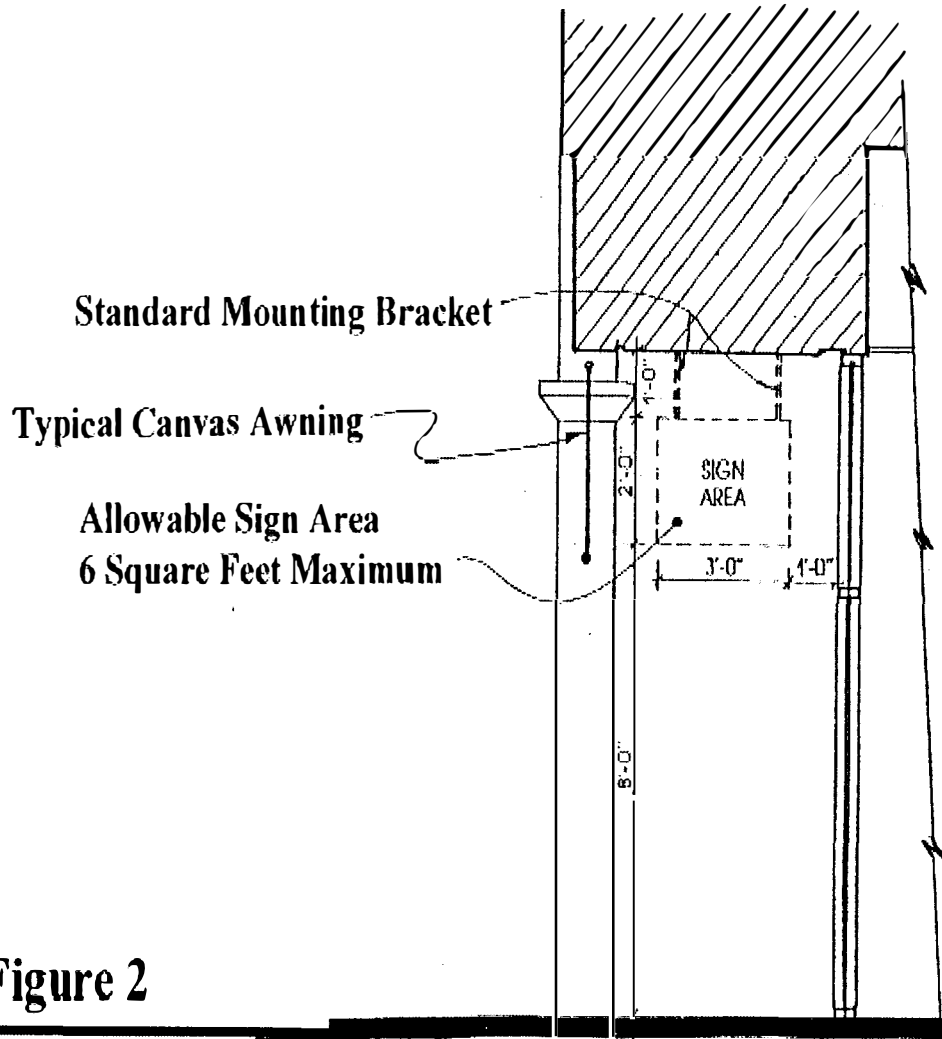
tenanted buildings exceeding 20,000 square feet shall be 30 inches. Maximum square footage of a sign must not exceed ten percent of the one face of the occupied building area to which the Ssign is attached. If a business establishment in the IU District consists of more than one building, a secondary sign may be affixed to a wall of each such building. The secondary Ssign or Ssigns for any business establishment shall not exceed 50 percent of the maximum permissible area for a single Ssign for said business. Each business establishment that is situated on land that abuts the Red Road Canal right-of-way (regardless of the underlying zoning designation and the size of the occupancy) shall be permitted to have a maximum letter height of 42 inches for a sign that faces Red Road (NW 57 Avenue). Where a building in the TC District consists of more than one business establishment, a tenant occupying a corner space with frontage on two streets may have one exterior point of sale Ssign on each façade, up to a maximum of two signs.

6. A semaphore sign consisting of two dual-face Ssigns extending horizontally from a light standard. Such Ssign projecting from opposite sides of a light standard, should be located in the parking lot of a (BU District) shopping center with over 100 parking spaces to identify the location of parking areas. No advertising is permitted on the sign.
7. All signage on the building should exhibit a uniform color and design scheme. No permanent sign shall contain more than two colors, no sign shall contain red or green lights if such colors would, in the opinion of the Town Engineer, constitute a driving hazard. Both black and white are considered separately as colors for enumeration under this section.
8. On a BU or TC District building where a colonnade or arcade is located and where retail and/or service retail occur on the ground floor, individual point of sale ground floor tenant signage may occur in a hanging sign not to exceed six square feet in size placed on the building over the entry, provided it is done in a coordinated manner and it complies with subsection (3)b.5. Buildings in a BU or TC District offering ground floor retail space (retail storefronts) and in the RO, IU Districts a business consisting of more than one building shall submit a comprehensive signage program to the Director through the administrative site plan review process for review and approval on a building-by-building basis. Three dimensional "symbol" signs shall be permitted after a public hearing. (See Figures 1 and 2 for required dimensions.)
9. Registered corporate logos will be permitted subject to the approval of the Director or his/her designee. In such cases they will be reviewed in conjunction with the corporate name, if any, in determining compliance with the guidelines provided herein.
10. In addition to the foregoing SSign or SSigns, one directory of the business establishments occupying a building may be affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of one square foot for each establishment occupying the building.
11. In addition to the wall SSigns allowed by the provisions above, buildings in the IU, BU or RO Districts the following Limited Access Expressways (SR 826 and I-75) are permitted one wall mounted Ssign directly facing the Limited Access Expressway. Any such signs shall be limited to a maximum square footage not to exceed ten percent of the one face of the building to which the sign is attached, and the total aggregate of all signs on any one face shall be limited to ten percent of the building face, and shall be subject to a maximum letter height (including ascenders and descenders) of 42 inches for a Ssign located in the RO Districts and 54 inches for a sign located in the IU and BU Districts. This allowed sign area may be divided between tenants of the building, but in such case shall be subject to the following restrictions (in addition to the provisions above):
  - (i) The minimum letter height for all copy shall be 24 inches.
  - (ii) There shall be a minimum of six inches between the portions of the SSign devoted to individual tenants.
  - (iii) The total aggregate square footage of all SSigns on any one face of the building shall not exceed ten percent of the square footage of that building face.



**Figure 1**

**Typical Shop Front**



**Figure 2**

## Typical Arcade

12. In the TC District, where a building includes active uses, as defined in this Code, that front directly on a Type 1 Street, there may be one additional Sign in addition to those otherwise allowed by this chapter. Said sign may be located anywhere on the building and may face in any direction. Said Sign shall occupy no greater than ten percent of the building face to which it is attached, and shall be subject to the same construction, materials, illumination and other restrictions, except size restrictions, that are otherwise applicable.
- c. *Standing Signs.* In addition to the number of signs allowed in Subsection (3)b of this section, the Town Manager or his designee through the administrative site plan review process may authorize a special permit for a standing Sign after finding that the nature and use of the premises or the location of the building with reference to the street or streets is such that a standing Sign may be permitted in harmony with the general purpose and intent of this Sign Code subject to the following requirements:
  1. Total size of Sign cannot exceed 40 square feet, except as hereinafter specifically provided. All Signs must be fabricated of one-fourth-inch aluminum plate with appropriate internal structuring to properly support each Sign face or concrete. All copy must be white on a dark background color (Matthew's Dark Bronze 41-313 or similar) or the reverse, dark copy on a

- background color resembling the building's color. The corporate logo is permitted as well as the corporate name.
2. The height of the Ssign from its base to its top cannot exceed six feet in height, except as provided for hereinafter.
  3. If the Ssign is to be located on a mound, the height of the top of the Ssign cannot exceed eight feet above the crown of the closest adjacent road.
  4. Sign location on site must respect a setback for all property lines of seven feet for a Ssign not exceeding 40 square feet and not interfere with clear sight distance triangle for driveways. One additional standing sign may be permitted for sites with linear street frontage of 200 feet or more, spaced 100 feet from any standing Ssign.
  5. a. In the BU Districts, each building of at least 7,500 square feet that fronts on the Red Road Canal right-of-way shall be permitted one detached standing Ssign facing or situated so as to be directed toward motorists on this roadway. Any such Ssign shall be on a fully supported base that is architecturally consistent with the Ssign it supports, any other Ssigns on the same parcel and any buildings on the same parcel.
    - b. This standing sign shall be located at least 100 feet from any other standing Ssign on the same parcel, and shall be set back at least seven feet from any right-of-way and at least 15 feet from any other property lines.
    - c. The maximum height for this Ssign shall be 20 feet.
    - d. This standing Ssign shall be limited to a maximum area of 40 square feet for the first 50 feet of initial frontage on the Red Road Canal right-of-way, plus 0.75 square feet for each additional foot of frontage to a maximum Ssign size of 300 square feet.
    - e. No Ssign allowed by this subsection shall interfere with clear sight distance triangle for driveways.
  6. In addition to any other standing Ssigns allowed by this section, properties adjacent to the SR 826 right-of-way shall be eligible for additional standing Ssigns, as provided below, provided such properties meet all of the following criteria: are located within a BU District; the property has both frontage and vehicular access on the SR 826 right-of-way and such vehicular access directly faces the motorists on the main travel lanes of this roadway; and, the property is wholly located within 1,400 linear feet of a crossing of SR 826 with another roadway (interchange or overpass; distance to be measured from the center of the interchange or overpass). Additionally, notwithstanding other provisions to the contrary, the number of Ssigns allowed under this subsection shall be limited to one Ssign per each 300 feet of linear frontage on the SR 826 right-of-way (but including a minimum allowed of one per parcel).
    - a. Each parcel where the property meets the above criteria shall be permitted one detached standing Ssign facing or situated so as to be directed toward motorists on SR 826. This Ssign is allowed in addition to any other standing Ssigns allowed by this subsection. Any such Ssign shall be on a fully supported base that is architecturally consistent with any buildings on the same parcel.
    - b. Each building of at least 7,500 square feet located on a property that meets the above criteria shall be permitted one detached standing Ssign facing or situated so as to be directed toward motorists on this roadway, located on the same parcel as said building. This Ssign is allowed in addition to any other standing Ssigns allowed by this subsection. Any such Ssign shall be on a fully supported base that is architecturally consistent with any buildings on the same parcel.
    - c. The standing Ssigns allowed by Subsections a. and b., above, shall be located at least 100 feet from any other standing Ssign on the same parcel, and shall be set back at least seven feet from any right-of-way and at least 15 feet from any other property line.
    - d. The maximum height of a Ssign as allowed by Subsection a., above, shall be 40 feet.
    - e. The maximum height of a Ssign as allowed by Subsection b., above, shall be 25 feet, except that if any portion of the business advertised on the Ssign is within 400 feet of a crossing of

SR 826 with another roadway (interchange or overpass; distance to be measured from the center of such interchange or overpass), the maximum height shall be 30 feet.

- f. The standing Signs authorized by Subsections a. and b., above, shall be limited to a maximum area of 40 square feet for first 50 feet of initial frontage of the entire parcel on SR 826, plus one square foot for each additional foot of frontage to a maximum Sign size (area) of 300 square feet. However, the maximum Sign size (area) shall be reduced by ten percent for each five-foot increment of height, or fractional part thereof, greater than 25 feet.
  - g. No Sign allowed by this subsection shall interfere with clear sight distance triangle for driveways.
7. a. Each parcel in the IU or RO Districts that fronts on the Red Road Canal right-of-way or SR 826 shall be permitted one detached standing Sign facing or situated so as to be directed toward motorists on these roadways. Any such Sign shall be on a fully supported base that is architecturally consistent with the Sign it supports, any other Signs on the same parcel and any buildings on the same parcel.
- b. This standing Sign shall be located at least 100 feet from any other standing Sign on the same parcel, and shall be set back at least seven feet from any right-of-way and at least 15 feet from any other property lines.
  - c. The maximum height for this Sign shall be 20 feet for parcels on the Red Road Canal right-of-way, and 25 feet for parcels on SR 826.
  - d. This standing Sign shall be limited to a maximum area of 40 square feet for the first 50 feet of initial frontage on the Red Road Canal right-of-way and or SR 826, plus 0.75 square feet for each additional foot of frontage to a maximum Sign size of 300 square feet.
  - e. No Sign allowed by this subsection shall interfere with clear sight distance triangle for driveways.
- d. *Illuminated Signs.*
1. If the Sign is to be lighted, the letters shall be a "reverse channel" type. Letters must be metal pin mounted off the building and may be illuminated with backlighting by neon.
  2. The Sign shall be illuminated from a ground mounted source provided the lights are properly screened by landscaping and do not result in any glare or overlighting of adjacent areas or street right-of-way.
  3. No roof-mounted illumination will be permitted without special consideration of the Director through the administrative site plan review process.
  4. Signs of a box or cabinet type employing a luminous plastic panel or Sign face with exposed neon or fluorescent lights are prohibited. Signs of a box or cabinet type employing plastic or routed metal face with protruding or cut-out letters, and/or designed to have an appearance of a monument Sign and employing internal illumination (wherein only the letters are illuminated) may be approved if said Signs are consistent or compatible with the architecture of the principal structure and other signage on the property as determined by the Director.
    - (i) No Sign shall be illuminated except by a white, steady, stationary light shielded and directed solely at the Sign; or
    - (ii) By the interior nonexposed lights of reasonable intensity;
    - (iii) The foregoing is applicable whether the Sign is exterior to a building or designed to be visible through a door or window.
- e. *Illumination of Signs.*
1. Routed metal face, internally illuminated Signs are preferred.
  2. Reverse channel illuminated letters attached to a metal or masonry structure.
  3. Ground illuminated Signs are allowed provided the lighting does not glare or overlight adjacent areas or into the street. Light sources must be screened by landscaping.
- f. *Menu type Signs.*

1. All freestanding menu type Ssigns which display the names of major building tenants must adhere to the height and square footage requirements set forth in Subsection (3)c of this section for standing Ssigns.
  2. The copy for the Ssign shall include: the building's postal address number, the building name, and no more than four major tenants' names or one name per 10,000 square feet of building, whichever is greater.
  3. All Ssigns must be fabricated of one-fourth-inch aluminum plate with appropriate internal structuring to properly support each Ssign face.
  4. Signs may be either illuminated or nonilluminated.
  5. All copy for any menu size must be white on a dark background color (Matthew's Dark Bronze 41-313 or similar is suggested) or the reverse, dark copy on a background color resembling the building's color. Copy shall be one of the following:
    - (i) Cutout metal letters pin mounted;
    - (ii) Routed through face and internally illuminated;
    - (iii) Letter photographically silk-screened; or
    - (iv) Applied as white vinyl die-cut or Skotchlite letters.
  6. All copy is to be photographically or mechanically reproduced from a standard typeface. No hand lettering is permitted. Maximum capital letter height for tenant names and corporate logos is five inches high.
- g. *Temporary Ssigns.* There may be one temporary sign maintained for a period of not more than 90 days upon application to the Town Building Official showing that said temporary Ssign is required as a result of the repair and/or reconstruction of the existing permitted Ssign. Said temporary Ssign may be no larger than the permitted Ssign.
- Banners and other decorative materials in conjunction with an event conducted pursuant to a dedication or a grand opening are permitted without a sign permit. Such banners and decorative materials shall not be more than 40 square feet (aggregate) and shall be subject to the same height and setback restrictions as real estate Ssigns (Section 13-1903(p)) and shall not be posted more than 30 days preceding the event, and are to be removed within seven days following the grand opening day of the event.
- (4) *Miscellaneous type Ssigns.*
- a. On-site directional type Ssigns may be no larger than four square feet and no taller than four feet above the ground. No more than two per entry or exit may be used. Design and color for this signage must be cohesive with other signage on or about the building. Only directional information is permitted on directional signage.
  - b. Any directional sign not specifically mentioned in these criteria shall be submitted for administrative site plan approval before it will be allowed to be erected.
  - c. One sign of a temporary nature may be erected to announce a new business provided that it is approved by the Director prior to being erected. Such a sign may be no larger than a horizontal four feet by eight feet format and no taller than six feet. It may be up no longer than 90 days.
  - d. All permanent interior Ssigns which are visible from the building's exterior must be submitted to the Director for administrative site plan approval including but not limited to temporary opaque window film or window display which shall be required while construction is occurring or premises are unoccupied.
  - e. Nonprofit institutions and gas stations. There may be one bulletin or announcement board, identification Ssign or entrance to the premises upon which a gas station or church, synagogue, school, or other nonprofit organization is located not exceeding all together 25 square feet in area.
  - f. Commercial and industrial promotional events. The Director may authorize temporary promotional events for commercial and industrial zoned properties to include installation of banners and/or other promotional materials via issuance of a certificate of use for a special event in accordance with the Town's procedures.



1. Said special event(s) may be conducted for a period of no longer than two days and may include installation of banner(s) not to exceed a total aggregate of 120 square feet subject to the height and setback requirements for real estate signs.
2. Temporary signage and banners associated with special events may be permitted to be installed a maximum of 14 days in advance of said special event and must be removed with a period of two days after the event has occurred.
3. No off-site signage shall be permitted in conjunction with special events described herein.

g. Flagpoles.

1. The flags must be flown on a regular daily basis or the poles must be removed.
2. No more than three flagpoles will be allowed per nonresidential site, with corporate logos permitted, and one flagpole per residential site. A maximum of two flags shall be allowed per flagpole. If a flag is flown in conjunction with the United States flag, the United States flag shall be equal to or larger than any additional flag. References to flagpole height in this section refer to vertical flagpoles. References to the number of flags and flagpoles and flag dimensions refer to both vertical flagpoles and mast arm flagpoles (staves extending at an angle from a building). On United States and Florida holidays, there shall be no maximum flag size or number or other limitation on manner of display for U.S., State or Town flags.
3. Height will be as follows: one story building will be allowed 15 feet height maximum, with an additional ten feet allowed for each additional floor up to a maximum of 50 feet in height. Except as otherwise provided herein flags shall be displayed on flagpoles. Flagpoles shall not be placed on top of buildings or light poles. Flagpoles in residential districts shall not exceed 20 feet and shall be permitted holiday flags in conjunction with holiday decorations. A vertical flagpole must be setback from all property boundaries a distance that is at least equal to the height of the pole.
4. The flag and flagpole or other permanent mounting shall be maintained in good repair. Flagpoles with broken halyards shall not be used, and torn or frayed flags shall not be displayed. Giant oversized flags of any type will not be allowed. The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed 25 percent of the vertical height of the pole. In addition flags are subject to the following dimensional limitations:
  - (i) Pole height: Up to 20 feet with maximum flag size of 27 total square feet.
  - (ii) Pole height: 21 to 30 feet with maximum flag size of 50 total square feet.
  - (iii) Pole height: 31 to 40 feet with maximum flag size of 75 total square feet.
  - (iv) Pole height: 41 to 50 feet with maximum flag size of 100 total square feet.

Flagpoles greater than 50 feet in height established prior to December 1, 2000, located in a Business (BU-1A and BU-2) and/or Industrial (IU-C) District on properties adjacent to the Palmetto Frontage Road which have registered with the Town in accordance with the following section shall be permitted to have flags which do not exceed a maximum of 250 square feet and shall have a hoist dimension to fly length ratio between 1:1.25 and 1:1.9 (hoist:fly) or such other size as specifically indicated on prior permits issued for the particular flag.

5. Notwithstanding any other provision of this Code, all flagpoles in existence prior to December 1, 2000, located in a Business (BU-1A and BU-2) and/or Industrial (IU-C) District on properties adjacent to the Palmetto Frontage Road shall be deemed valid preexisting uses, subject to the following:
  - (i) Within 90 days of the enactment of the ordinance from which this provision is derived, any property owner who claims a preexisting flagpole constructed prior to December 1, 2000, shall file with the Town an affidavit indicating the preexistence of the flagpole with demonstrative evidence in the form of either photographs, aerials, permits, site plan approval or other documentation necessary to support the affidavit. Preexisting flagpoles registered under this section shall not be utilized for flags of a commercial nature or as an advertising device or for any type of banner, pennant, or streamer.

- (ii) Nothing contained herein shall be deemed to grant and/or convey any rights, privileges, entitlements or other benefits to other properties located within the zoning districts identified and mentioned in this section.
  - (iii) In the event that any flagpole that is deemed a valid preexisting use pursuant to this section is damaged by any cause including, but not limited to, the voluntary removal of the flagpole structure, and the cost of repairing or replacing the flagpole is more than 50 percent of the replacement cost, then the valid preexisting status of such flagpole and flag shall be automatically revoked and repairs or replacements shall be made such that the new flagpole meets the requirements of this article.
- (5) *Entry features.* Signs for a building or a building complex entry feature for buildings in the BU District offering ground floor retail space (retail storefronts) and in the RO, IU Districts shall submit a comprehensive signage program to the Director through the administrative site plan review process for review and approval on a building-by-building basis. Each entry feature shall be reviewed in compliance with each of the standards enumerated below:
- a. Buildings offering ground floor retail space (retail storefronts) shall submit a comprehensive signage program to the Director through the administrative site plan review process for review and approval on a building-by-building basis.
  - b. An executed covenant, stating that all structures shall be maintained in good condition and repair and that all landscaping shall likewise be so maintained, shall be delivered to the Department for review and, upon approval, shall be duly recorded prior to the issuance of any permits.
  - c. Entrance features shall be placed so as not to encroach upon utility lines or traffic control devices whether such lines or devices be located overhead or underground; and where a conflict is indeed encountered, the developer or designated property owner shall be responsible for the removal or relocation of the said features or a part thereof.
  - d. Entrance features shall be placed so as not to cause a visual obstruction and thereby create a traffic hazard and should the use of illumination be incorporated in said features, such illumination shall be placed so as to be unobtrusive to moving traffic lanes or adjacent properties.
  - e. The character and scale of entrance features shall be of a design such that said features are complementary to the identified development and compatible with the immediate neighborhood insofar as its overall impact is concerned.
  - f. All structures within entrance features shall meet all standards of the Florida Building Code and any other applicable standards, and all water bodies with depths greater than 18 inches shall meet all applicable standards of this chapter, applicable to reflecting pools and water features standards.
  - g. Applications for permits for entrance features shall be made by the fee owner of the property in question and shall be submitted to the Department. Applications shall include an accurately dimensioned plot use plan identifying all structures and landscaping incorporated in said features and identifying all setbacks and elevations of the same.
  - h. Upon receipt of all necessary information, the Administrative Official or his designee shall review the same, and in turn render a decision either approving, modifying, or denying the request. A copy of said decision shall be published in a newspaper of general circulation. The applicant, or any aggrieved property owner in the area, may appeal the decision to the Town Council to be considered at a public hearing.
  - i. All approvals or modifications shall not be effective until 15 days after the Town Manager's decision is published in a newspaper of general circulation. The decision of the Town Manager shall be recorded on the official zoning maps of the Town.

### **Sec. 13-1905. Preexisting, nonconforming signs; administration.**

- (a) *Preexisting nonconforming Signs.* Preexisting nonconforming Ssigns shall meet the following provisions:
  - (1) Signs or Ssign structures made nonconforming upon passage of this article, or on passage of any amendment thereto, shall be governed by the following regulations:

- a. A Sign existing within the Town, or an area subsequently annexed to the Town, upon the passage of this article or any amendment hereof which, because of its height, square foot area, location, or other characteristic, does not conform to this article is hereby declared to be a nonconforming Sign.
  - b. A Sign prohibited under this article and not attached to a structure must be removed within 60 days from the effective date of the ordinance creating the prohibition.
  - c. A nonconforming Sign pursuant to this article must be removed within five years from the effective date of the ordinance creating the nonconformity.
  - d. Failure to so remove a nonconforming or prohibited Sign under this subsection within the time set forth above shall cause the Sign to be declared an illegal Sign.
  - e. The status afforded signs under this subsection shall not be applicable to any Sign for which no permit or sign permit was ever issued; such Signs are deemed noncomplying Signs and are subject to the provisions of this article governing noncomplying Signs.
  - f. If any nonconforming Sign is damaged by any cause and the cost of repairing the Sign equals 50 percent or more of the original invoiced costs of the Sign, then its classification as a nonconforming sign under this subsection shall be automatically revoked and repairs shall be made so that the sign shall meet the requirements of this article.
  - g. A nonconforming Sign shall immediately lose its nonconforming status and shall be immediately brought into compliance (with a new permit) or removed if the Sign is altered in any way in structure or copy (except for changeable copy Signs and normal maintenance) that tends to or makes the Sign less in compliance with the requirements of this article than it was before the alteration; including updating the technology used in the Sign; or if the Sign is relocated to a position making it less in compliance with the requirements of this article; or if the sign is replaced or abandoned.
- (2) Nonconforming Sign maintenance and repair. Nothing in this section shall relieve the owner or user of a nonconforming Sign or the owner of the property on which the nonconforming Sign is located, from the provisions of this article, regarding safety, maintenance or repair of the Sign. However, any repainting, cleaning and other normal maintenance or repair of the Sign, Sign structure, or copy that in any way makes it more nonconforming, shall cause the Sign to lose its legal nonconforming status.
- (b) *Administration.*
- (1) *Enforcement.* This article shall be enforced in accordance with Section 8-10.
  - (2) *Permit.* Except for Signs allowed pursuant to compliance with Section 13-1903(k), no Sign shall be erected, altered or enlarged until a permit has been issued by the Town Building Official. Such permit shall be issued only if the Sign complies or will comply with all applicable provisions of this article and any other applicable rules and regulations. A schedule of fees for permits may be determined from time to time by the Town Council. The provisions of this section shall not apply to Signs permitted in a residential area or temporary Signs to be placed in a window. The applicant shall pay to the Town a fee and/or cost recovery deposit as provided for in Section 13-2101 and Section 13-2102.
  - (3) *Noncomplying.* Any Sign installed or placed on public property, except in conformance with the provisions of this article, shall be prohibited and subject to removal by the Town. In addition to other remedies, the Town shall have the right to recover from the owner or person responsible for the placement of the Sign the full costs of its removal and disposal.

