

ORDINANCE NO. 22-305

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 All provisions of the Code of the Town of Miami Lakes in conflict with this Ordinance are hereby repealed.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	Yes
Vice Mayor Jeffrey Rodriguez	Yes
Councilmember Carlos O. Alvarez	Yes
Councilmember Luis E. Collazo	No
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Marilyn Ruano	Yes

Passed and adopted on first reading this 25th of July 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 Fernandez and upon being put to a vote, the vote was as follows:

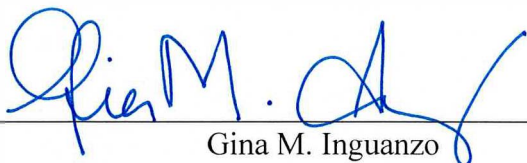
Mayor Manny Cid	Absent
Vice Mayor Jeffrey Rodriguez	Yes
Councilmember Carlos O. Alvarez	Absent
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Marilyn Ruano	Yes

Passed and adopted on second reading this 13th of September 2022.



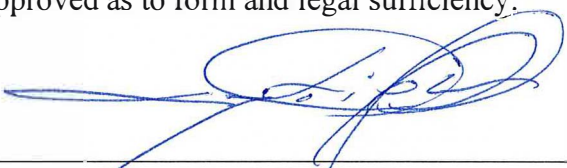
Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



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

ARTICLE IX. SIGNS

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

- (a) *Interpretation.* Only those Signs that are specially authorized by this Section shall be permitted. Those Signs that are not listed or authorized shall be deemed prohibited.
- (b) *Permits required.* A sign may require a building permit as required by the building code.
 - (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 Sign 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 Signs.* A single Sign containing ~~advertisement~~ lettering on each side shall be counted as one Sign. Every other sign shall be counted as a separate Sign for each face thereof.
 - (4) *Calculating Sign size.*
 - a. For a Sign, 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 Signs 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 Sign 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 Sign requires compliance with any Florida Building Code requirement, the erector of the Sign shall qualify with the respective examining board.
- (e) *Fees required.* No Sign, where a permit is necessary shall be exhibited unless the required permit fees are paid.
- (f) *Time limitation of permits.* All Signs shall be erected on or before the expiration of 180 days from the date of issuance of the permit. If the Sign 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 Administrative Official prior to the expiration date of the initial permit and provided that the proposed Sign complies with all requirements in effect at the date of such renewal.

- (g) *Identification of permit holder on sign.* Each Sign requiring a permit shall carry the permit number and the name of the person or firm placing the Sign 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 Sign shall be held responsible for any violation of this article; provided, however, that when the Sign has been erected in accordance with this article, the Sign company shall be relieved of further responsibility after final approval of the Sign.
- (i) *Inspection.* No Sign, temporary or permanent, shall be approved for use, unless the same shall have been inspected by the Department issuing the permit, and no Sign 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 Sign shall request inspections of a Sign 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 Sign, etc.).
 - (4) Any additional inspections which may be specified on the permit and/or approved plans.
- (j) *Maintenance of signs.*
- (1) All Signs shall be properly maintained in a safe and legible condition at all times. In the event that a use having a Sign 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 Sign 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 Sign 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 Sign or to the nearest highway or waterway.
 - (4) Removal of dilapidated Signs. The Director may cause to be removed any Sign which shows neglect or becomes dilapidated or where the area around such Sign is not maintained as provided herein after due notice has been given. The owner of the Sign and/or the property shall be financially responsible for the removal of the Sign.
- (k) *Signs permitted without a Sign 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 Signs not exceeding six square feet in area, and not electrically illuminated will not require a Sign permit but must otherwise comply with this article and applicable building codes.~~
 - ~~(2)~~ Traffic, provisional warnings and signs indicating danger are exempt from this article. Such exempted Signs shall not contain any commercial advertisement.
 - ~~(3)~~ Awning, canopy, roller curtain, or umbrella 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 Sign shall be limited to the identification of the occupant and/or use of the property. No Sign permit shall be required for the awning, canopy, roller curtain or umbrella Sign, but the same shall comply with applicable technical codes.

- (4-3) Disabled, baby stroller or handicapped parking Signs required by State law or County ordinance for parking spaces reserved for disabled or handicapped persons shall not require a sign permit, and Signs required for parking spaces reserved for persons transporting young children and baby stroller parking Signs shall not require a permit.
- (5 4) 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 5) 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 6) Legal notices, identification, information, or directional signs erected by or on behalf of governmental bodies.
- (8 7) Integral decorative and architectural features of buildings except letters, logos, trademarks, moving parts or moving lights.
- (9 8) 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 9) 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 10) 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 four square feet in RU District. 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 Flags shall comply with all requirements established in Section 13-1904 (4) (g).

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 11) "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 12) Signs required by law.
- (15 13) "No Trespassing" S, provided such Signs do not exceed an area of 1.5 square feet. Signs shall be provided in keeping with zoning district regulations.

(16 ~~14~~) 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 Sign. Notwithstanding the above referenced sentence, warning Signs with the approval of the Director or if required by Florida Statutes shall be allowed.
- (7) Even if not classified as a Sign, 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
- (8) No revolving or rotating Sign shall be permitted or erected.
- (9) Any Signs 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 S. 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 Sign 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 S. This Sign 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 Sign types or Sign components that are not to be permitted:
 - a. Moving or rotating S, or Signs 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 Sign 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 movable 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
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Construction signs	Maximum of 40 square feet for a detached sign, including construction signs painted on an approved construction shed, 22 inches by 28 inches in RU Districts	1 general sign to include each trade provided the total sign area does not exceed 40 square feet, except for in RU Districts the sign may not exceed 22 inches by 28 inches	15 feet from official R.O.W. 15 feet to property under different ownership or centered between interior property lines	Same as real estate signs	Same as subdivision signs	Same as real estate signs
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	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

	24-square feet					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	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

		only in the RU and RM Districts and the total number of signs per open house event shall be 4 signs, one per property with written consent of the property owner				for compliance with the provisions of this section and shall remove signs promoting or 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. 13-1903.1 - TEMPORARY SIGNS

Sec. 13-1903.1.1 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 section.
- (b) Temporary signs other than those affixed directly to a window and composed of paper, cardboard, plastic film or other similar material, shall require a permit as set forth in this chapter.
- (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.
- [(d)] [Reserved.]
- (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. 13-1903.1.2 Temporary signs, general requirements.

- (a) Temporary signs are signs identifying a particular activity, service, product, 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 three permits for the same premises within one calendar year for signs requiring permits.
- (c) The sign area for window signs shall not exceed ten 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) Location. Temporary signs shall be located only upon the lot in which the special use, activity, service, product or sale is to occur.

Sec. 13-1903.1.3. Temporary 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).
- (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 feet above grade in a single family and multifamily residential districts 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 and multifamily 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 seven 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 Town 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 temporary sign per street frontage, with the exception of election/free speech signs, as per Section 13-1903 (k) (11) which shall not exceed one temporary sign per residential or commercial unit.
- (e) Copy. Artistic murals or ornamental signs are permitted on construction fences surrounding a construction site, subject to the provisions contained herein and design review approval.
- (f) 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 ten percent of total window area.
- (g) Size, single-family. The sign area for single-family signs shall not exceed four square feet.
- (h) Size, multifamily. The sign area for a multifamily zoning district shall not exceed 16 square feet.
- (i) Size, all other districts. The sign area for all other districts shall not exceed 40 square feet.

(j) [Design review.] With the exception of election/free speech signs and temporary window signs, all signs shall be reviewed under the design review process.

Sec. 13-1903.1.5. Banners.

(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) Two temporary banners per six-month period, per property, may be erected and maintained for a period not to exceed 14 days.

(1) Area shall not exceed 80 square feet.

(2) A zoning permit shall be required. The Administrative Official shall require a performance bond in an amount determined necessary in order to insure its removal. Temporary banners shall not be used for construction signs.

Sec. 13-1903.1.6. 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 Town 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. If a commercial property is vacant for more than 15 days, all glass surfaces visible to the public shall be kept clean, and the interior of such vacant store shall be screened from public view in one of the following ways, until the property is occupied:

(1) All glass surfaces visible to the public shall be covered as provided in subsection (e)(1); or

(2) All glass surfaces visible to the public shall be covered as provided in subsection (e)(2).

(d) Storefront window cover required for vacant storefronts. Exterior windows and doors on vacant commercial property shall be substantially screened with an opaque material obscuring the interior. The materials used to satisfy this requirement shall be subject to review and approval by the planning department design review staff, in accordance with applicable design review and historic preservation criteria, and shall consist of 60-pound weight paper, or similar opaque material. Windows covered in accordance with this section shall remain covered until issuance of a certificate of use or occupancy for the new occupant, whichever occurs first. If the owner of vacant commercial property elects not to utilize one of the signs identified in subsection (e)(1), the owner shall utilize the window covers identified in subsection (e)(2).

(e) Temporary signs permitted. Material applied to windows in conformity with this section shall not contain general advertising signs or other prohibited sign types. Such material may contain applicable property access limitations, including no trespass provisions, as well as signs that comply with the regulations of this chapter, as follows:

(1) Artistic or super graphics, which may cover 100 percent of the window; and

(2) Other types of signage allowed by this chapter, including real estate signs and construction signs; signage under this provision may be incorporated into artistic or super graphics as referenced in (1)

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