



City of Coral Gables Planning and Zoning Staff Recommendation

Applicant:	City of Coral Gables
Application:	Zoning Code Text Amendment - Article 5, "Development Standards," and Article 8, "Definitions"
Public Hearing - Dates/Time/ Location:	Planning and Zoning Board October 14, 2015, 6:00 – 9:00 p.m., City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida, 33134

Application Request

The City of Coral Gables is requesting review and consideration of the following:

An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code by amending Article 5 ("Development Standards"), and by amending Article 8 ("Definitions"); providing for severability, repealer, codification, and an effective date.

Background Information

City Staff, at the recommendation of the City Attorney, is requesting a Zoning Code text amendment to the provisions of the code related to signs for compliance with principles of the First Amendment. The requested Zoning Code text amendment (see Attachment A) has been prepared by the City Attorney's Office and their consultant and reviewed by the City Attorney. An amendment to the City Code has also been prepared and is attached for informational purposes (see Attachment B).

Proposed Zoning Code Text Amendment

Draft Ordinance in ~~striketrough~~/underline format showing the proposed amendments is provided as Attachment A.

Public Hearing Timetable

Consideration of the proposed Zoning Code text amendments by the City Commission has yet to be determined.

Public Notification

The following has been completed to provide notice of the request:

Public Notice	
Type	Date
Legal advertisement	10.02.15
Posted agenda on City web page/City Hall	10.02.15
Posted Staff report on City web page	10.09.15

Staff Recommendation

The Planning and Zoning Division in association with the City Attorney’s Office recommends approval of the following:

- 3 *An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments*
- 8 *to the City of Coral Gables Official Zoning Code by amending Article 5 (“Development*
- 8 *Standards”), and by amending Article 8 (“Definitions”); providing for severability, repealer,*
- codification, and an effective date.*

Attachments

- A. Draft Zoning Code Sign Ordinance in ~~strike-through~~/underline format.
- B. Draft City Code Sign Ordinance in ~~strike-through~~/underline format.

Please visit the City’s webpage at www.coralgables.com to view all Application materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Trias", with a stylized flourish at the end.

Ramon Trias
Director of Planning and Zoning
City of Coral Gables, Florida

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE BY AMENDING ARTICLE 5 (“DEVELOPMENT STANDARDS”), AND BY AMENDING ARTICLE 8 (“DEFINITIONS”); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, City Staff is requesting a Zoning Code text amendment to modify the sign regulations to reflect the latest caselaw, and remain in compliance with all requirements of the U.S. Constitution; and,

WHEREAS, the purpose of the sign regulations is to create the framework for a comprehensive and balanced system of sign control, thereby facilitating clear and attractive communication between people and their environment, to control those signs which are intended to communicate to the off-premises general public, and to authorize the use of signs which:

- (1) Enhance the visual environment of the City both day and night.
- (2) Integrate with their surroundings.
- (3) Are high quality in their design, lighting and construction.
- (4) Are expressive of the identity of the community as a whole.
- (5) Are legible under the circumstances in which they are seen.
- (6) Are conducive to promoting traffic safety by preventing visual distraction and providing clear direction.
- (7) Effectively and efficiently communicate in a simple, straightforward and attractive manner; and,

WHEREAS, the City Commission finds and directs that the sign regulations must always be interpreted to be consistent with the requirements of the First Amendment of the U.S. Constitution and all other applicable laws; and,

WHEREAS, after notice duly published, a public hearing was held before the Planning and Zoning Board on _____, 2015, at which hearing all interested parties were afforded the opportunity to be heard; and,

WHEREAS, the Board was presented with the text amendments to the Official Zoning Code, and after due consideration, recommended (approval/denial) (vote: __ - __) of the text amendments; and,

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on _____, 2015, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the

Zoning Code, and after due consideration and discussion, (approved/denied) the amendment on First Reading (vote: __-__).

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Article 5, Development Standards, of the Official Zoning Code of the City of Coral Gables is hereby amended as follows (changes in ~~strike-through~~ / underline format):

ARTICLE 5 – DEVELOPMENT STANDARDS

Division 19. Signs

Section 5-1901. Purpose and applicability.

A. The purpose of this Division is to ensure that:

1. Each sign user has an opportunity to provide information, identification and direction to a permitted use.
2. The unique character and quality of the City’s appearance, which is essential to its economic, cultural, and social welfare, is protected and preserved.
3. The City’s property values, which are essential to the City’s sustainability and the general welfare of its residents, are maintained and enhanced.
4. That the safety of the public is promoted by avoiding visual clutter, reducing conflicts between and among signs, reducing the incidence of certain design elements that tend to distract motorists, promoting proper maintenance, requiring removal of abandoned signs, and by subjecting signs to design review.
5. The number, size, scale, proportions, design and balance of signs are regulated according to content-neutral standards that are based on architectural quality and character.
6. A sound economic and business climate is promoted through the reinforcement and encouragement of graphic excellence.
7. Safe and efficient wayfinding is promoted.
8. Incentives are provided that encourage pedestrian-scale signs.
9. Signs are no larger in area than is necessary to convey the speaker’s message.

10. The First Amendment rights of property owners are respected, and the right to signage is regulated to protect the aesthetics of the City while reducing the distractions to and aiding in the ease of navigation for drivers, consistent with the requirements of *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981) and other applicable caselaw.

~~B. The requirements of this Division apply to the installation, alteration, erection, painting or repainting of any sign, except:~~

~~1. Temporary signs, which shall comply with all of the requirements of this division, but which may be installed without prior approval by the City.~~

~~2. Detached signs in the SFR, MF1, MF2, and MFSA shall comply with the requirements of this Division.~~

~~3. Official traffic signs and sign structures, provisional warning signs, and sign structures that are erected, or are required to be erected, by a unit of government in order to promote the safe and efficient flow of traffic or provide for the public safety.~~

~~4. Signs that are less than one half (1/2) of one (1) square foot in area that are incorporated into machines or equipment and that are not prohibited by Section 5-1902.~~

~~5. Flags that comply with Section 5-1902 and meet the following criteria:~~

~~a. In general:~~

~~i. No individual flag exceeds fifteen (15) square feet in area; and~~

~~ii. Flags that are displayed on a ground mounted flagpole do not exceed a lateral dimension (length) greater than twenty-five (25%) percent of the height of the flagpole.~~

~~b. In addition to the criteria in Section 5-1901(B)(5)(a), in MXD, MF1, MF2, MFSA Districts, and all nonresidential districts:~~

~~i. The total area of all flags displayed on a building site does not exceed forty-five (45) square feet;~~

~~ii. No building site has more than three (3) flagpoles (which may be either vertical or mast arm) installed. A flag of another officially recognized government shall not be construed as a sign, provided said flag(s) are only flown at the consular residence or consular office and otherwise comply with the size restrictions of the code; and~~

~~iii. No more than two (2) flags are displayed per flagpole.~~

~~c. In addition to the criteria in Section 5-1901(B)(5)(a), in SFR and MF1 Districts:~~

~~i. The total area of all flags displayed on a building site does not exceed fifteen (15) square feet;~~

ii. ~~No building site has more than one (1) flagpole (which may be either vertical or mast arm) installed; and~~

iii. ~~No more than two (2) flags are displayed per flagpole.~~

~~6. Flags that comply with Section 5-1902 and are displayed on United States and Florida holidays.~~

~~7. Flags that comply with Section 5-1902 and are displayed at duly licensed marinas or boat docking facilities for navigation purposes as necessary or required for the safety of boaters.~~

~~8. Signs that are affixed to merchandise and are not larger than six (6) square inches in area and that are not prohibited by Section 5-1902.~~

~~9. Signs that are not visible from public rights-of-way, public waterways, or neighboring properties.~~

~~10. Decorative flags and bunting for City-wide celebrations, conventions and commemorations when authorized by the City Commission for a prescribed period of time.~~

~~11. Signs reading entrance and/or exit to parking lots and parking garages that do not contain any commercial advertisements and that comply with Section 5-1904 for applicable parking garage provisions.~~

~~12. Paper or other such temporary signs that are affixed or otherwise attached to or displayed within glass display windows of commercial establishments and stores, provided that:~~

~~a. Not more than one (1) such sign shall be permitted within or upon any one (1) display window;~~

~~b. Not more than two (2) signs shall be permitted in any one (1) business establishment; and~~

~~c. No such sign shall exceed two hundred fifty (250) square inches in sign area.~~

~~13. Temporary signs announcing or advertising a licensed going-out-of-business sale shall be permitted to be displayed within glass display windows of such business establishments, provided that:~~

~~a. Not more than one (1) such sign shall be permitted within any one (1) display window and in no event shall be more than two (2) such signs be displayed in any one (1) business establishment.~~

~~b. Such signs shall not be larger than two (2) feet by three (3) feet.~~

~~c. Such signs shall not be pasted or attached to the window glass, but shall be displayed within the display window.~~

B. Signs installed, erected, altered, painted or repainted in the City shall comply with any applicable requirements of this Division, unless otherwise stated herein.

C. The permitting requirements of this Division shall not apply to the installation, alteration, erection, painting or repainting of the following signs, which may be installed without prior approval by the City except as necessary for structure permits required under the Florida Building Code and the related Board of Architectural approval required for permanent structures:

1. Temporary signs authorized by this Division, including but not limited to:

a. Temporary noncommercial signs, provided they comply with Section 5-1909 of the Zoning Code.

b. Real estate signs, provided they comply with Section 5-1907 of the Zoning Code.

c. Signs announcing or advertising a licensed going-out-of-business sale, provided they comply with Section 14-70 of the City Code.

d. Paper or other such temporary signs in show or display windows or doors, provided they comply with Section 5-1908(A) of the Zoning Code.

e. Decorative signs displayed for City-wide celebrations, conventions, and commemorations when authorized by the City Commission or City Manager's designee for a prescribed period of time.

2. Signs that are not visible from public rights-of-way, public waterways, or neighboring properties.

3. Signs that are less than one-half (1/2) of one (1) square foot in area that are incorporated into machines or equipment.

4. Signs that are affixed to merchandise, provided they comply with Section 5-1908(C) of the Zoning Code.

5. Signs identifying the entrance or exit of parking lots and parking garages that do not contain any commercial advertisements, provided they comply with the portion of Section 5-1904 of the Zoning Code that relates to parking garages.

6. Flags that comply with Section 5-1902 of the Zoning Code and that meet the following criteria:

a. In all zoning districts:

i. No individual flag shall exceed fifteen (15) square feet in area;

ii. Flags that are displayed on a ground mounted flagpole shall not exceed a lateral dimension (length) greater than twenty-five (25%) percent of the height of the flagpole;

iii. Flags may be displayed at duly licensed marinas or boat docking facilities for navigation purposes as necessary or required for the safety of boaters;

iv. No more than two (2) flags may be displayed per flagpole; and

v. No flag may display a commercial message or be used to draw attention to a commercial establishment, except as otherwise expressly permitted by law.

b. In addition to the criteria in Section 5-1901(C)(6)(a), in MXD, MF2, MFSA Districts, and all nonresidential districts:

i. The total area of all flags displayed on a building site shall not exceed forty-five (45) square feet; and

ii. No building site shall have more than three (3) flagpoles (which may be either vertical or mast-arm) installed.

c. In addition to the criteria in Section 5-1901(C)(6)(a), in SFR and MF1 Districts:

i. The total area of all flags displayed on a building site shall not exceed fifteen (15) square feet; and

ii. No building site shall have more than one (1) flagpole (which may be either vertical or mast-arm) installed.

D. Signs that are erected by the City or other governmental unit, or that are required to be erected by the City or other governmental unit, including, by way of example, traffic signs or other informational signs, shall not be subject to the provisions in this Division.

E. No person may post, display, or distribute any signs, advertisements, circulars, handbills, or printed or written matter relating to any business or commercial activities, on any property or facilities owned or operated by or for the City without first obtaining authorization in writing from the City Commission or City Manager's designee or unless otherwise authorized by law.

Section 5-1902. General design standards that are applicable to all signs.

All signs shall comply with the following design standards:

A. Signs shall not disfigure or conceal architectural features or details of a structure.

B. The size and location of signs shall be proportional to the scale of the related structure and compatible with adjacent signage.

C. The use of lettering and sign design shall enhance the architectural character of the related structure, and if the sign is an attached sign, the particular facade on which the sign is located.

D. The following sign types and design elements are prohibited:

1. Abandoned signs, defined as any owner or lessee identification signs advertising a commodity or service associated with a premises that is still in place more than sixty (60) days from the date the premises are vacated and such activity has ceased to exist on the premises.

2. Bare bulb signs.

3. Box signs.

4. Cabinet signs.

~~5. Diagonal lettering.~~

~~6. Exposed neon tubing.~~

~~7. Pennants, banners, streamers, balloons, blinking and flashing lights, streamer lights, flags except as provided in Section ~~5-1901(B), 5-1901(C)~~ herein, and any other fluttering, spinning, rotating or similar type attention attractors and advertising devices.~~

~~8. Diagonal lettering, except with respect to temporary noncommercial signs governed by Section 5-1909.~~

~~9. Portable signs, including signs that are painted or affixed in any manner to any vehicle, vessel, trailer or pick up truck, van or similar transportation device as viewed from a public road, except:~~

~~a. Any vehicle or vessel which displays an advertisement or business notice of its owner, so long as such vehicle or vessel is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisement.~~

~~b. Public buses.~~

~~c. Taxicabs.~~

~~d. Bumper stickers.~~

~~10. Temporary lettering or graphics, except as specifically permitted herein, with respect to temporary noncommercial signs governed by Section 5-1909.~~

~~11. Signs pasted, glued, printed, painted, affixed or attached by any means whatsoever to the following: vacant lot(s); utility pole(s); utility pole supports/guy wires; tree(s); light poles; rights-of-way signage; public rights-of-ways and/or surfaces; sidewalk(s); paving surfaces; swales; curbs; or any other property of any governmental entity without first obtaining authorization in writing from the City Commission or City Manager's designee or unless otherwise authorized by law.~~

~~12. Signs attached to or placed on a vehicle (including trailers) that is parked on public or private property. This prohibition, however, shall not apply in the following cases:~~

~~a. Identification of a firm or its principal products on a vehicle operating during the normal hours of business, provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on such vehicle for the purpose of advertising a business or firm or calling attention to the location of a business or firm.~~

~~b. Automobiles carrying advertising signs dealing with the candidacy of individuals for elected office. This exemption, however, shall cease seven (7) days after the date of the election in which the person was finally voted upon.~~

~~c. Automobiles carrying advertising signs, advertising propositions to be submitted and voted upon by the people. This exemption, however, shall cease seven (7) days after the date of the election in which the proposition advertised was finally voted upon.~~

~~d. Passenger automobiles which require governmental identification, markings or insignias of a local, state or federal government agency.~~

~~11. Vertical lettering.~~

10. Portable signs which are designed to be worn or transported on a vehicle, including, but not limited to:

a. a sign mounted on a bike trailer, vehicle trailer, or truck bed that is used to advertise any business or product that is not the business or principal purpose of the vehicle; or

b. a human sign.

However, this provision does not prohibit:

a. those signs on a vehicle that identify its business, purpose, or principal products, so long as such vehicle is engaged in the usual business or regular work of the vehicle owner, and not used merely, mainly, or primarily to display advertisement;

b. such advertising devices as may be attached to or displayed on and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time such vehicle is regularly and customarily used to traverse the public highways during the normal course of business;

c. signs on public buses or trolleys;

d. signs on taxicabs; and

e. bumper stickers.

11. Signs advertising a business, service, or product, which are mounted on, or attached to a vehicle that is parked on public or private property. This prohibition, however, shall not apply to the following:

a. a vehicle in the process of making deliveries, service calls or loading/unloading;

b. a sign identifying a firm or its principal products or services on a vehicle operating during a period of construction pursuant to an active permit; provided, however, that no

such vehicle shall be parked on public or private property with signs attached or placed on such vehicle for the purpose of advertising a business or firm or calling attention to the location of a business or firm;

c. a vehicle parked inside a garage or parked behind a building;

d. a vehicle displaying a name and telephone number with letters no more than four (4) inches in height;

e. a vehicle which displays an identification, marking, or insignia of a local, state or federal governmental agency or division or displaying any other information required by law; and

f. a vehicle displaying a purely noncommercial message.

12. Animated or flashing signs, except that temporary animated or flashing signs attached to amusement rides, vending carts, and sideshow equipment used in a City event specifically authorized by the City Commission shall not be prohibited.

13. Electronic signs.

E. All exterior signs shall be in good repair and free of chipping, pitting, cracking, peeling, fading or discoloration. Lighted signs shall have all lights working.

* * * *

Section 5-1904. Standards for on premise signs.

The provisions contained in the following table shall be applicable within the following zoning districts:

A. Commercial Limited (CL) District.

B. Commercial (C) District.

C. Industrial (I) District.

D. Mixed Use (MXD) District.

E. Single-Family Residential (SFR) District, Multi-Family 1 Duplex (MF1) District, Multi-Family 2 (MF2) District and Multi-Family Special Use (MFSA) District, but only with regard to such signs that include the said district names in the column entitled "Type of Sign."

The provisions are as follows:

<i>Type of Sign</i>	<i>Maximum number permitted</i>	<i>Maximum sign area</i>	<i>Maximum length of sign</i>	<i>Maximum lettering height</i>	<i>Maximum/minimum height of sign *</i>	<i>Projection and/or separation **</i>	<i>Other requirements</i>

Type of Sign	Maximum number permitted	Maximum sign area	Maximum length of sign	Maximum lettering height	Maximum/minimum height of sign *	Projection and/or separation **	Other requirements
* * * *							
<p>Temporary signs real estate signs, construction signs, and professional affiliation signs, in Single-family, Multi-family 1, and Multi-family 2 Districts.</p>	<p>One (1) per site or development,</p>	<p>Forty (40) square inches.</p>			<p>Six (6) feet maximum</p>		<p>1. Applies to residential zoned properties, as indicated in the "Type of Sign" column.</p> <p>2.1. A property owner may erect one (1) temporary sign, which may include only one (1) of the following: real estate sign, temporary construction sign or professional affiliation sign.</p> <p>2. Real Estate signage shall be regulated via the provisions contained in Section 5-1907, titled "Real estate, for sale, lease or rental of property or buildings."</p> <p>3. Construction signs and professional affiliation signage may be permitted subject to the following provisions:</p> <ul style="list-style-type: none"> a. The purpose of the sign is identification, and the sign may identify the property, the owner or agent and the address and telephone number of the agent of work completed to the premises upon which the sign is located, and other similar information. b. The sign shall be constructed of metal, plastic, wood or pressed wood. c. If freestanding, the sign shall be fastened to a supporting member constructed of angle iron not exceeding one (1) inch by one (1) inch or two (2) inch by two (2) inch wooden post. The supporting member shall be all white or all black in color and have no letters/ numbers upon it. d. The supporting member shall be driven into the ground to provide that the top of the face of such sign shall not be more than four (4) feet above the finished grade of the ground. e. All such signs shall be lettered professionally. Sign shall not require permit issuance or Board of Architects approval. f. Such sign shall be so erected or placed that its centerline is parallel or perpendicular to the front property line. g. Such sign shall not be erected or placed closer than five (5) feet to the front property line unless the main part of the building is less than five (5) feet from the front property line, in which

Type of Sign	Maximum number permitted	Maximum sign area	Maximum length of sign	Maximum lettering height	Maximum/minimum height of sign *	Projection and/or separation **	Other requirements
							<p>case the sign may be placed in or upon a front or side door, window or elevation wall of the building.</p> <p>h. Nothing contained herein shall be construed as prohibiting the same wording from being on both the front and back of the sign.</p> <p>h. Where such sign is suspended from an arm of the support, such arm shall not exceed a length of sixteen (16) inches.</p> <p>ji. All such signs shall be erected on a temporary basis.</p> <p>ki. Such sign shall be kept in good repair and shall not be illuminated or constructed of a reflective material and shall not contain any flags, streamers, movable items or like devices.</p> <p>lk. The sign must be removed within seventy two (72) hours of the issuance of temporary or final certificate of occupancy for the property or as determined by the Building and Zoning Department.</p>
Temporary noncommercial signs, in Commercial, Commercial Limited, Industrial and Special Use Zoning Districts	Two (2) per building, lot, and/or tenant space, unless the bonus sign provision in Section 5-1909(C) applies.	Ten (10) square feet total, unless the bonus sign provision in Section 5-1909(C) applies.			Six (6) feet.		Temporary noncommercial signs in these non-residential zones are governed by Section 5-1909(A).
Temporary noncommercial signs, in Single-Family Residential, Multi-Family 1 Duplex, Multi-Family 2 District, Multi-Family Special Area and Special Use Zoning Districts	Two (2) per building, lot, and/or tenant space, unless the bonus sign provision in Section 5-1909(C) applies.	Ten (10) square feet total, unless the bonus sign provision in Section 5-1909(C) applies.			Six (6) feet.		Temporary noncommercial signs in these non-residential zones are governed by Section 5-1909(B).
* * * *							
Window signs displaying a commercial message.		Ten (10%) percent maximum of		Six (6) inch maximum.			<ol style="list-style-type: none"> 1. Permitted only on primary and side street level frontages. 2. Window signage above the first floor is prohibited.

Type of Sign	Maximum number permitted	Maximum sign area	Maximum length of sign	Maximum lettering height	Maximum/minimum height of sign *	Projection and/or separation **	Other requirements
		street level total window area or twenty (20) sq. ft., maximum, whichever is less.					<p>3. The following text shall be exempt from the sign area calculations: enter; exit and similar decals as indicated below; and, property address of building.</p> <p>4. Maximum of one and a half (1 ½) square feet of decal signs is permitted to include the following: entrance; exit; credit card advertising or other decals as approved by the Building and Zoning Department. Physical property address signs shall be subject to these limitations.</p> <p>5. Window signs must be applied to the window in professional manner.</p> <p>6. The name of the establishment may only be permitted once. One (1) additional establishment name is permitted subject to design review approval. The additional name shall be the same text, lettering style/height, color, etc for both signs.</p>

* * * *

Section 5-1908. Location in show windows, display windows, door or other windows.

No sign ~~of any kind~~ bearing a commercial message, which is visible from the exterior of the building, shall be located or displayed in or from any show window, display window, or door or other window when such sign is so designed or displayed so as to attract attention from the exterior of the building except that:

A. Temporary paper signs ~~will~~ affixed or otherwise attached to or displayed within glass display windows shall be permitted ~~as~~, provided ~~under Section 5-1901(B)~~ that:

1. Not more than one (1) such sign shall be permitted within or upon any one (1) display window;

2. Not more than two (2) signs shall be permitted in any one (1) business establishment; and

3. No such sign shall exceed two hundred fifty (250) square inches in sign area.

B. Permanent signs shall be permitted to be installed or affixed to or painted upon any show ~~window, display~~ window, or door or other window as provided for elsewhere in this ~~article~~ Article as shall be approved by the Board of Architects.

C. The foregoing shall not prohibit the use of ~~bona fide price~~ tags ~~when such tags are~~ affixed to or attached to merchandise displayed for sale, such as bona fide price tags, providing

that such signs are not larger than six (6) square inches in area each, and provided the size and number of such signs shall be aesthetically in keeping with the building ~~as shall be approved by the Board of Architects.~~

Section 5-1909. ~~Campaign and political~~ Temporary noncommercial signs.

A. ~~Campaign and political~~ signs.

~~1. Campaign Headquarter signs shall be permitted in Commercial, Commercial Limited, and Industrial zoning districts subject to all of the following conditions:~~

~~a. There shall be no more than one (1) sign per campaign headquarters and may only be attached to the primary street frontage of any building which is the authorized campaign headquarters for the candidate in question.~~

~~b. It shall include the words "Campaign Headquarters" which shall be clearly visible at street level.~~

~~c. The sign shall be of temporary nature and shall not exceed twenty four (24) inches by thirty-six (36) inches.~~

~~d. The maximum height to the top of the sign, including posts, other sign membranes or appendages, shall not be more than eight (8) feet above the ground.~~

~~2. Political signs shall be permitted in Commercial, Commercial Limited, Industrial and Special Use Zoning Districts.~~

~~a. There shall be no more than one (1) sign per candidate or ballot issue within one (1) building and/or tenant space.~~

~~b. The sign shall not exceed twenty-two (22) inches by twenty-eight (28) inches in size.~~

~~c. The sign shall be a minimum of five (5) feet from a public right of way.~~

~~d. Such signs shall not be posted, affixed or attached to the window glass, but may be displayed within the display window.~~

~~e. In cases where the main part of the building is less than five (5) feet from the front property line, the sign may be placed in or upon a front or side door, window or elevation of the building.~~

~~3. Political signs shall be permitted in Single Family Residential, Multi-Family 1 Duplex, Multi-Family 2 District, Multi-Family Special Area and Special Use Zoning Districts subject to the all of the following conditions:~~

~~a. There shall be no more than one (1) sign per candidate or ballot issue.~~

~~b. The sign shall not exceed twenty (22) inches by twenty-eight (28) inches in size.~~

~~e. The sign shall be a minimum of five (5) feet from a public right of way.~~

~~d. Such sign shall not be erected or placed closer than five (5) feet to the front and/or side property line.~~

~~B. Construction materials and maintenance.~~

~~1. Sign post(s) shall only be constructed of metal, plastic, wood or pressed wood.~~

~~2. Sign face(s) shall only be constructed of metal, plastic, wood, pressed wood, cardboard or paper.~~

~~3. All sign(s) shall be maintained and kept in good repair.~~

~~C. Duration. Campaign or political signs may be permitted no earlier than three (3) months prior to the date of election and shall be removed within five (5) days after the election which is the subject matter of such sign except a campaign or political sign that proceeds to a General Election from a Primary Election shall be removed no later than five (5) days after the General Election.~~

~~D. Permits. No permit shall be required for such signs referenced within this section.~~

~~E. Prohibited signs.~~

~~1. Signs intended to advocate or be in opposition to any candidate or issue shall not be pasted, glued, printed, painted, affixed or attached by any means whatsoever to the following: vacant lot(s); utility pole(s); utility pole supports/guy wires; tree(s); light poles; rights-of-way signage; public rights-of-ways and/or surfaces; sidewalk(s); paving surfaces; swales; curbs or any other property of any governmental entity.~~

~~2. Signs or sign posts shall not be illuminated or constructed of a reflective material and shall not contain any flags, streamers, movable items, fluttering, spinning, rotating or similar attention attractors or advertising devices.~~

~~3. Banners, flags, cloth or signs constructed of other similar materials are prohibited.~~

~~F. Penalties.~~

~~1. Signs located on public rights-of-way. Failure to comply with all of the provisions contained within this Section shall cause the sign to be removed.~~

~~2. Signs located on private properties. The City may issue a courtesy warning followed by a civil citation if compliance is not achieved.~~

~~G. Enforcement. The provisions of this Section shall be enforced by the appropriate city personnel as determined by the City Manager.~~

A. Temporary signs displaying only a noncommercial message shall be permitted in

Commercial, Commercial Limited, Industrial and Special Use Zoning Districts, subject to all of the following conditions:

1. Except as provided in Subsection C below, there shall be no more than two (2) temporary noncommercial signs per building, lot, and/or tenant space, and total signage area permitted under this Section shall not exceed ten (10) square feet per building, lot, and/or tenant space.
2. No sign permitted under this Section shall be more than six (6) feet in height.
3. Signs permitted under this Section shall be a minimum of five (5) feet from a public right-of-way.
4. In cases where the main part of the building is less than five (5) feet from the front property line, temporary noncommercial signs permitted under this Section may be placed in or upon a front or side door, window, or wall of the building.

B. Temporary signs displaying only a noncommercial message shall be permitted in Single-Family Residential, Multi-Family 1 Duplex, Multi-Family 2 District, Multi-Family Special Area and Special Use Zoning Districts, subject to all of the following conditions:

1. Except as provided in Subsection C below, there shall be no more than two (2) temporary noncommercial signs per building, lot, and/or tenant space, and the total signage area permitted under this Section shall not exceed ten (10) square feet per building, lot, and/or tenant space.
2. No sign permitted under this Section shall be more than six (6) feet in height.
3. Signs permitted under this Section shall be a minimum of five (5) feet from a public right-of-way.
4. Signs permitted under this Section shall not be erected or placed closer than five (5) feet to the front and/or side property line.
5. In cases where the main part of the building is less than five (5) feet from the front property line, temporary noncommercial signs permitted under this Section may be placed in or upon a front or side door, window, or wall of the building.

C. Bonus sign. One additional temporary sign displaying only a noncommercial message – making a total of three (3) such signs – may be permitted during the time period that begins no earlier than ninety (90) days prior to the date of any national, state, or local election and that ends within five (5) days after such an election. Including this additional sign, the total signage area permitted under this Section shall not exceed fifteen (15) square feet within one (1) building or lot, or if a multi-tenant space, per tenant space.

D. Windows. Temporary noncommercial signs that are otherwise in compliance with this Section may be posted, affixed, or attached to a window.

E. Examples. A temporary noncommercial sign would include, simply by way of example, a sign

installed for a temporary period which displays support for a political candidate or issue, that reflects an ideological or religious position, that directs the public to the existence or location of a noncommercial event, or that reflects any other noncommercial message.

F. Construction, materials, and maintenance.

1. Sign post(s) shall only be constructed of metal, plastic, wood or pressed wood.
2. Sign face(s) shall only be constructed of metal, plastic, wood, pressed wood, cardboard or paper.
3. Pursuant to Section 5-1902(D), all sign(s) shall be maintained and kept in good repair and otherwise comply with any applicable provisions in Section 5-1902.

G. Penalties.

1. Signs located on public rights-of-way. Failure to comply with all of the provisions contained within this Section shall cause the sign to be removed.
2. Signs located on private properties. The City may issue a courtesy warning followed by a civil citation if compliance is not achieved.
3. These penalties shall be cumulative with other remedies under the Code, including the availability of requests for injunctive relief.

H. Enforcement. The provisions of this Section shall be enforced by the appropriate city personnel as determined by the City Manager.

* * * *

Section 5-1921. Interpretation and severability of regulations within this Division.

A. Interpretation; substitution of noncommercial speech for commercial speech. Notwithstanding anything contained in this Division or Code to the contrary, any sign erected pursuant to the provisions of this Division or Code or otherwise lawfully existing with a commercial message may, at the option of the owner, contain a noncommercial message in lieu of a commercial message. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign-type and provided that the size, height, setback and other dimensional criteria contained in this Division and Code have been satisfied.

B. Severability Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Division.

C. Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth above in subsection A, above, or elsewhere in this Division, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

D. Severability of provisions pertaining to prohibited signs and sign elements. Without diminishing or limiting in any way the declaration of severability set forth above in Section 5-1919(A) above, or elsewhere in this Division, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article that pertains to prohibited signs, including specifically those signs and sign elements that are prohibited by Section 5-1902(D). Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 5-1902 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 5-1902, thereby ensuring that as many prohibited sign-types as may be constitutionally prohibited continue to be prohibited.

E. It is the intent of the City to regulate signage in a manner that implements the purposes of this Division as expressed in Section 5-1901. The City finds that the purposes stated in Section 5-1901 are legitimate, substantial, and compelling public interests, that the regulation of signage provided by this Division is unrelated to the suppression of free expression, and that the incidental restrictions on expression that may occur as a result of these regulations is no more than is essential to the furtherance of the public interests. However, if a court of competent jurisdiction finds any regulation herein to be based upon content and, further, declares such regulation unconstitutional, then it is the intent of the City of Coral Gables that only that portion of the provision that is found ~~to relate to content~~ unconstitutional be severed from this Division, and if it is not possible for the court to strike only the portion of the provision that is found ~~to relate to content~~ unconstitutional, then it is the intent of the City of Coral Gables that all signs that would be subject to the stricken provision will instead be subject to the next surviving provision for a sign of like geometry and character that is more restrictive than the stricken provision in terms of sign area.

* * * *

SECTION 3. Article 8, Definitions, of the Official Zoning Code of the City of Coral Gables is hereby amended as follows (changes in ~~strike through~~ / underline format):

* * * *

~~Campaign Headquarters means the center of operations from which a candidate runs his/her campaign.~~

~~Campaign sign means a temporary sign designed to influence the passage or defeat of any measure on the ballot or designed to influence voters with respect to the nomination, election, defeat or removal of a candidate from public office at any national, state, or local general or special election.~~

* * * *

Commercial message means any wording, logo, emblem, character, pictograph, trademark, or symbol used to represent a firm, organization, entity, product, or service, or other representation that, directly or indirectly, names, advertises, or calls attention to a product or service. Terms such as sale, special, clearance, or other words which relate to commercial activity shall be deemed to be commercial messages. Items of identification shall not be considered to be commercial messages.

* * * *

Flag means any fabric or bunting containing distinctive colors, patterns, symbols, including though not limited to flags used as a symbol of government or an institution, ~~and not including a commercial message.~~

* * * *

Monument ~~signs~~ sign means a free standing sign supported primarily by an internal structural framework or other solid structural features other than support poles. This sign is designed to incorporate design and building materials which compliment the architectural theme of the buildings of the premises.

* * * *

~~Political sign means a temporary sign advertising a candidate or candidates for public elective office, or a political party, or signs advocating a particular vote on a public issue decided by ballot at any national, state, local, general or special election.~~

* * * *

Sign means an identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, persons, institution or business. ~~The national flag of the United States of America, state flag and flags of political subdivisions within the State of Florida shall not be construed as signs, provided, however that in no case shall more than three (3) flags be flown. A flag of another officially recognized government shall not be construed as a sign, provided said flag(s) are only flown at the consular residence or consular office and otherwise comply with the size restrictions of the code.~~

Sign, animated or flashing means any sign including electronic, laser, video, digital or similar displays, with elements, images, text, or colors that move, rotate, flash, change or similar movement. Additionally, a barber pole (i.e., a staff or pole with a helix of colored stripes used

by barbers to signify the place or shop where they perform their craft) is not an animated or flashing sign, even if it rotates.

* * * *

~~Sign, campaign means a sign erected to advocate the candidacy of a party or individual(s) for elective office, an issue, cause or referendum.~~

* * * *

Sign, electronic means any type of electronic display board, electronic message board, digital, LED, programmable ink or other sign capable of displaying words, pictures, symbols, video or images including, but not limited to, any electronic, laser, digital, or projected images display that can be changed electronically or mechanically by remote or automatic means. Architectural lighting which does not include text, images or graphics, designed to illuminate building walls, architectural features or landscaping is a not a sign.

* * * *

Sign, human means a sign held by or attached to a human for the purpose of advertising or providing information about a business, commodity, service, product, or other commercial activity. A person dressed in a costume for the sole purpose of advertising or providing information about a business, commodity, service, product, or other commercial activity shall constitute a human sign. Human signs do not include T-shirts, hats, uniforms, or other similar clothing worn by a human.

* * * *

Sign, noncommercial means a sign containing no commercial message.

* * * *

Sign, temporary means a sign installed for a temporary period. Examples of temporary signs include, but are not limited to:

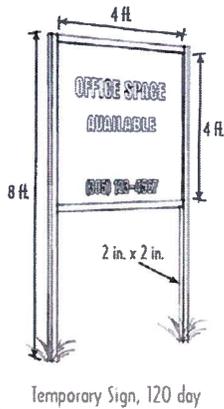
A. Construction and/or renovation of a building and/or structure or other associated improvements requiring a building permit identifying architects, engineers, contractors, tradesman and/or others engaged in work completed on the premises.

B. Real estate signage indicating the sale and/or rental of the property that the sign is located.

C. Professional affiliations sign indicating any applicable design services that are being completed on the property pursuant to the issuance of a building permit.

D. Signs displayed at temporary campaign headquarters in advance of an election.

E. Yard signs intended to be displayed for a temporary period, such as campaign signs.



Sign, temporary construction sign (non-residential zoning districts) means a sign indicating a construction and/or renovation of a building and/or structure identifying architects, engineers, contractors, tradesman and/or others engaged in work completed on the premises. ~~Such signage shall satisfy all applicable building and life safety code requirements.~~

* * * *

~~**Sign, temporary sign (residential zoning districts only)** means a sign installed on a residential zoned property for a temporary period. This sign may indicate one of the following:~~

~~A. Construction and/or renovation of a building and/or structure or other associated improvements requiring a building permit identifying architects, engineers, contractors, tradesman and/or others engaged in work completed on the premises.~~

~~B. Real estate signage indicating the sale and/or rental of the property that the sign is located.~~

~~C. Professional affiliations sign indicating any applicable design services that are being completed on the property pursuant to the issuance of a building permit.~~

~~Such signage shall satisfy all applicable building and life safety code requirements.~~

* * * *

SECTION 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the “Zoning Code” of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 7. If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 8. This Ordinance shall become effective _____, 2015.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2015.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES CODE BY AMENDING:

- CHAPTER 14, ARTICLE III, SECTION 14-70 “ADVERTISING SIGN REQUIREMENTS”;
- CHAPTER 62, ARTICLE I, SECTION 62-1 “SIDEWALK ADVERTISING; USING STREETS OR SIDEWALKS FOR ADVERTISING PURPOSES”;
- CHAPTER 62, ARTICLE VI, SECTION 62-185 “APPLICATION, CONTENTS”;
- CHAPTER 62, ARTICLE VI, SECTION 62-186 “APPLICATION PERMIT REQUIRED FOR WORK OR COMMERCIAL ACTIVITIES THAT OBSTRUCT OR CLOSE A PUBLIC RIGHT-OF-WAY OR IMPEDE TRAFFIC; PERMIT FOR ASSEMBLIES; PERMIT FOR PARADES; PROHIBITIONS”; AND
- CHAPTER 105, ARTICLE II, SECTION 105-27 “CONDITION OF COMMERCIAL PROPERTY”;

PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, City Staff is requesting a City Code text amendment to modify the sign regulations to reflect the latest caselaw, and remain in compliance with all requirements of the U.S. Constitution; and,

WHEREAS, the purpose of the sign regulations is to create the framework for a comprehensive and balanced system of sign control, thereby facilitating clear and attractive communication between people and their environment, to control those signs which are intended to communicate to the off-premises general public, and to authorize the use of signs which:

- (1) Enhance the visual environment of the City both day and night.
- (2) Integrate with their surroundings.
- (3) Are high quality in their design, lighting and construction.
- (4) Are expressive of the identity of the community as a whole.
- (5) Are legible under the circumstances in which they are seen.
- (6) Are conducive to promoting traffic safety by preventing visual distraction and providing clear direction.
- (7) Effectively and efficiently communicate in a simple, straightforward and attractive manner; and,

WHEREAS, the City Commission finds and directs that the sign regulations

must always be interpreted to be consistent with the requirements of the First Amendment of the U.S. Constitution and all other applicable laws; and,

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on _____, 2015, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, (approved/denied) the amendment on First Reading (vote: __-__).

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The City Code of the City of Coral Gables is hereby amended as follows (changes in ~~strike-through~~ / underline format):

CHAPTER 14 – BUSINESSES

* * * *

ARTICLE III. - GOING-OUT-OF-BUSINESS, FIRE SALES AND SIMILAR SALE

* * * *

Sec. 14-70. - Advertising sign requirements.

All signs advertising or announcing a going-out-of-business sale, displayed in a store display window, shall not be any larger than two feet by three feet, and there shall be only one such sign for each such display window, but in no event more than two such signs in any one business establishment, and such sign or signs shall not be pasted or attached to the window but shall be displayed within the display window. Pursuant to Section 5-1901(C)(1)(c) of the Zoning Code, a temporary sign that complies with this Section 14-70 is not subject to the permitting requirements of Division 19 of the Zoning Code.

* * * *

CHAPTER 62 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. - IN GENERAL

Sec. 62-1. - Sidewalk advertising; using streets or sidewalks for advertising purposes.

It shall be unlawful to use any portion of any street or sidewalk in the city for advertising ~~or display~~ purposes, and it shall be unlawful for any person to walk on the streets or sidewalks the city or on public rights of way carrying an advertising or display sign, commonly known as a sandwich sign or wearing a human sign, as defined in Article 8, Definitions, of the Official Zoning Code of the City of Coral Gables.

* * * *

ARTICLE VI. - PARADES AND PUBLIC ASSEMBLIES

* * * *

Sec. 62-185. - Application, contents.

The provisions contained herein are for review and approvals required of the police chief and special events committee for purposes of conducting a special event, parade or public assembly on or about the public place or public places, as provided herein.

* * * *

(4) The application for a special event, parade or public assembly permit shall set forth the following information, otherwise, the basis for denial of application will be, but will not be limited to, traffic control, street and property maintenance, and/or protection of public health, safety, and welfare:

* * * *

k. A general description of any ~~recording equipment~~, sound amplification equipment, and a general description of the size and materials of any banners, signs, or other attention-getting devices to be used in connection with the parade or public assembly:

* * * *

q. Assurance that the applicant will cause all booths, stands, signs and any other movable fixtures pertaining to the event to be removed immediately after the special event.

* * * *

Sec. 62-186. - Application permit required for work or commercial activities that obstruct or close a public right-of-way or impede traffic; permit for assemblies; permit for parades; prohibitions.

* * * *

(f) The following prohibitions shall apply to all special events, parades and public assemblies, except those listed under section 62-184, necessary for use by a disabled person, honor guard, or color guard approved by the chief of police, and will not apply to spontaneous events, block parties, etc.:

* * * *

(2) It shall be unlawful for any person at any special event, parade, or public assembly to carry or possess any sign, poster, plaque or notice unless such sign, poster, plaque, or notice is constructed solely of a cloth, paper, flexible or cardboard material no greater than one-quarter inch in thickness.

* * * *

CHAPTER 105 - BUILDINGS AND BUILDING REGULATIONS

* * * *

ARTICLE II. - BUILDING STANDARDS

* * * *

Sec. 105-27. - Condition of commercial property.

(a) The exterior of all commercial property shall be maintained so as to prevent deterioration or blight from inadequate maintenance.

(1) All exterior building surfaces shall be free of chipping, pitting, cracking,

discoloration, peeling or fading.

(2) ~~AI~~In accordance with Section 5-1902(E) of the Zoning Code, all exterior signs shall be in good repair and free of chipping, pitting, cracking, peeling, fading or discoloration. Lighted signs shall have all lights working.

* * * *

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 6. If the City Code’s Tables of Contents, Supplemental History Table or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective _____, 2015.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2015.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM

AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY