

ORDINANCE NO. 14 - 1624

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA REPEALING AND REPLACING ARTICLE VI "SIGNS" OF "CHAPTER 90 ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the "Town") revised and replaced its sign code in its entirety by Ordinance No. 10-1558; and

WHEREAS, the Town after study has determined that further updating and revisions to the Town sign code are advisable; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the revisions to the sign code at a duly noticed hearing on July 31, 2014 and determined that it is consistent with the Town's comprehensive plan and recommended its adoption; and

WHEREAS, the Town Commission has reviewed this Ordinance and the recommendations of the Planning and Zoning Board at a duly noticed hearing; and

WHEREAS, the Town Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals is true and correct and the recitals are incorporated herein by this reference.

Section 2. Adoption of the Sign Code. The Town Commission hereby repeals the existing sign code in Article VI of Chapter 90 "Zoning" and replaces it with the sign code as follows:

TOWN OF SURFSIDE

ARTICLE VI. SIGNS

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Sec. 90-68. General and miscellaneous provisions.

- (a) *Scope:* The provisions of this article shall govern the number, size, location, and character of all signs which may be permitted either as a main or accessory use under the terms of this article. No signs shall be permitted on a plot or parcel either as a main or accessory use except in accordance with the provisions of this article.
- (b) *Purpose:* This article shall be known as the "Town of Surfside Sign Code." The purpose of the code is to improve and advance the governmental purpose of aesthetics, quality of life, and safety of the Town and its residents, while meeting the need for signage that clearly identifies locations, advertises businesses, and otherwise communicates commercial and noncommercial messages.
- (c) *Substitution of non-commercial speech for commercial speech:* Notwithstanding any provisions of this article to the contrary, to the extent that this article permits a sign containing commercial copy, it shall permit a non-commercial sign to the same extent. The non-commercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to non-commercial, or from one non-commercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this article.

(d) *Severability:*

- (1) *Generally:* If any part, division, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, division, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article.
- (2) *Severability where less speech results:* This article shall not be interpreted to limit the effect of subsection 90-68(d)(1), or any other applicable severability provisions in the Code of Ordinances or any adopting ordinance. The Town Commission specifically intends that severability shall be applied to these sign regulations even if the result would be to allow less speech in the Town, whether by subjecting currently exempt signs to permitting or by some other means.
- (3) *Severability of provisions pertaining to prohibited signs:* This division shall not be interpreted to limit the effect of subsection 90-68(d)(1) above, or any other applicable severability provisions in the Code of Ordinances or any adopting ordinance. The Town Commission specifically intends that severability shall be applied to 90-75, "Prohibited signs," so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.
- (4) *Severability of prohibition on off-premises signs:* This division shall not be interpreted to limit the effect of subsection 90-68(d)(1) above, or any other applicable severability provisions in the Code of Ordinances or any adopting ordinance.

Sec. 90-69. Definitions.

Words and terms not defined shall be interpreted in accord with the normal dictionary meaning and the customary usage of the word shall apply.

Area: The entire perimeter of a sign which encloses visually communicative copy such as letters, symbols, or logos, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Awning sign: a sign that is a part of or attached to an awning, canopy, or other material or structural protective cover mounted over a door, entrance, window, or outdoor service area.

Bandit sign: A sign made of corrugated cardboard or similar material placed on wire support poles typically placed within right-of-ways or on private property.

Balloon sign: An inflatable sign which may be tethered.

Banner sign: A sign composed of lightweight, flexible material suspended between two points.

Billboard sign: A significantly large sign designed to dramatically attract the attention of the travelling public. Such signs are used to advertise or communicate goods or services typically not sold, generated, or provided on the site where the sign is located.

Business hours sign: A small sign indicating the hours during the day in which business is commonly conducted.

Cabinet sign: Any sign, the face of which is enclosed, bordered, or contained within a hinged box-like structure, frame, or other device.

Changeable copy: A sign or portion thereof on which letters, illustrations or symbols are replaced automatically or manually.

Commercial sign: A sign that identifies, advertises or otherwise attracts attention to a product or business.

Conforming sign: A sign that is legally installed in accordance with local ordinances.

Construction sign: A temporary sign identifying those engaged in construction or remodeling on a building site, including the developer, contractor, subcontractor, architect, engineer or artisans involved in the project.

Copy: The content of a sign including words, letters, numbers, figures, designs, logos, graphics, colors, or other symbolic representation incorporated into a sign for the purpose of attracting attention.

Flag: A piece of fabric or bunting with a color or pattern that represents a government, or other non-commercial organization or idea.

Freestanding sign: a sign mounted on one or more supports including uprights, braces, columns, poles, posts, or other similar structural components which are placed on or into the ground, and not attached to a building.

Frontage, Building: The length of the exterior building wall of a single premise oriented towards the public way or other properties it faces.

Frontage, Street: The distance along which the lot line of a property adjoins a public street.

Fumigation warning sign: A sign indicating a lethal gas to exterminate pests is in use in a building, residence or premise. Warning signs are posted in plainly visible locations or the immediate vicinity of all entrances. Absolutely no people or pets may enter a structure with a posted warning sign.

Home business sign: A sign indicating a small business operating from the owner's home office or residence.

Individually-mounted letter sign: A wall sign using letter forms which are singularly affixed to the sign surface.

Illuminated: A sign which is lighted by either an internal electrical source, an external source separate from the sign itself, or back-lit.

Marquee: A roof-like sign structure commonly placed over the entrance to a hotel or theater often identifiable by a surrounding cache of intermittent or chasing lights.

Menu sign: A sign indicating food items or products served on the premises.

Monument sign: A free-standing sign generally having a low profile where the base of the sign structure is on the ground independent of the building, but does not include a pole sign.

Non-commercial sign: A sign that does not contain copy that advertises or promotes the availability of any merchandise, service, institution, residential area, entertainment, or activity. Such sign typically conveys an opinion, idea, or concept; or displays a civic, political, religious, seasonal or personal message.

Non-complying sign: Any unlawful sign that has not been erected in accordance with one (1) or more standards or regulations of the Code.

Non-conforming sign: A sign or advertising structure which was lawfully erected and maintained prior to the enactment or amendment of the Code, which by its height, type, square foot area, location, use or structural support does not conform to the current standards or regulations in effect.

Off-premise sign: Any sign advertising a commercial establishment, activity, product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which the sign is located.

Open/Closed sign: a small sign usually hung in a storefront window announcing a place of business is open or closed for business.

Permanent sign: A sign attached to a building, structure, or the ground that is entirely constructed out of durable materials designed to resist environmental loads, such as wind, and is fixed in place in such a manner as to inhibit easy removal or movement of the sign.

Pole-mounted sign: A free-standing sign mounted on a pole, post, or other vertical support.

Political sign: Any sign which indicates the name, cause or affiliation of anyone seeking public office or which references a ballot issue.

Portable sign: Any sign mounted on or supported by a moveable frame or object of any kind including A-frame, sandwich board, signs attached to mannequins, signs mounted on tables or chairs or any other similar type of signage primarily designed to attract the attention of sidewalk traffic.

Projecting Sign: Small pedestrian sign typically supported by a decorative chain or bracket that projects perpendicular from the face of the building, located above the storefront entry and oriented to the pedestrian

Primary business sign: An establishment's principal sign which identifies the business to a passerby, communicating the most pertinent information.

Push-through sign: lettering or logo image cut through the sign face and backing material which is mounted or inlaid in such a way that the sign looks as if the lettering or image has been pushed through, up, and out of the sign.

Raceway: a horizontal or vertical structural element on which sign letters are mounted that houses electrical conduit for illumination.

Real estate sign: A temporary sign erected by the owner or agent indicating property which is for rent, sale or lease, including signs pointing to a property which is open for inspection by a potential purchaser (open house sign) or a sign indicating "shown by appointment only" or "sold."

Reverse channel sign: A sign comprised of individual letters or images that are independently mounted to a wall or other surface, with lights mounted behind the letters. The lights face the wall behind the letters illuminating the space around the letters rather than the letters themselves, creating a “reverse” lighting effect or “halo” effect.

Roof sign: A sign erected over, across or on the roof of any building, which is dependent on the roof, parapet or upper walls of a building for support.

Secondary business sign: A sign which communicates or identifies accessory information or uses other than the primary business or use.

Sign: Any structure and all parts composing the same, together with the frame, background or support, or any other object used for display or advertising purpose designed to attract the attention of the public.

Sign Face: The portion of a sign on which copy is intended to be placed, exclusive of any supporting structures.

Snipe sign: A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, walls, trash receptacles or fences, or to other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located. Legal notices required by law are exempt.

Temporary sign: A sign which is allowed for a limited amount of time such as a special event banner sign, construction sign, political sign or real estate sign.

Umbrella sign: A sign located on an umbrella commonly used as shelter for sidewalk tables.

Wall sign: A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in such a way as to be substantially parallel to such exterior building wall to which it is attached or supported by.

Window sign: Any sign that is visible from the exterior of a building through an open or closed window or door including signs attached to, suspended behind, placed on or near, or painted upon such window or door.

Sec. 90-70. Sign permits.

- (a) *Sign permit required.* Except as otherwise provided in this Code, no permanent shall be erected, constructed, posted, painted, altered, maintained, or relocated until a sign permit has been issued by the Town.
- (b) *Exempt Signs.* The following signs are allowed and exempt from permit requirements:
 - (1) National flag. A flag displayed in a window shall not exceed twenty (20%) of the window glass area.
 - (2) Banners erected by the Town including street pole banners.
 - (3) Non-illuminated numerical address.
 - (4) Open/Closed sign suspended behind a glass window or door provided the sign does not exceed one (1) square foot. The sign may be illuminated by white internal illumination. Illuminated signs shall not be allowed to blink intermittently.

- (5) Non-illuminated business hours sign suspended behind a glass window or door provided the sign does not exceed one (1) square foot.
 - (6) All temporary signs as provided in Section 90-74.
 - (7) Menu sign not exceeding two (2) square feet displayed on the wall, window, or front door of a sit-down restaurant within the SD-B40 district only.
 - (8) Plastic or metal wall sign not larger than sixteen (16) inches in width and five (5) inches in height stating "Managed by _____" with the name of the individual, partnership or corporation that manages a building.
 - (9) Fumigation warning sign as required by the Department of Agriculture and Consumer Services.
- (c) *Application.* Before any permit is issued, a written application, in the form provided by the Town, shall be filed, together with such drawings and specifications as may be necessary to fully advise the Town with the location, construction, materials, manner of illuminating, method of securing or fastening, the number of signs applied for, the consent of the property owner, and the wording of the sign. Upon the submission of an application, staff shall have ten (10) working days to determine whether it is complete. If staff finds that the application is not complete, they shall provide the applicant with written notice of the deficiencies within the ten (10) working days period. Upon resubmission of the application, staff shall have five (5) additional working days to determine whether the applicant's revisions are sufficient to complete the application. If they are not, staff will again inform the applicant of any remaining deficiencies in writing. This process shall continue until the applicant has submitted a complete application, or demands that the application be reviewed "as is."
- (d) *Building code requirements.* Structural and safety features and electrical systems shall be in accordance with the requirements of the Town's adopted building code. No sign shall be approved for use unless it has been inspected and found to be in compliance with all the requirements of this chapter and applicable Codes.
- (e) *Electrical permit requirements.* All signs that are electrically illuminated shall require a separate electrical permit and inspection.
- (f) *Local Business Tax Receipt requirements.* No Local Business Tax Receipt shall be issued for a new business until all signs associated with the former business have been removed.
- (g) *Permit review.* All signs, unless otherwise exempt, shall be subject to review by the design review board. In evaluating an application for a sign permit the board shall consider the following:
- (1) Whether or not the sign complies with the requirements of the code.
 - (2) The quality of materials used and their relationship to the architecture of the structure and streetscape.
 - (3) The overall concept associated with the proposed sign.
 - (4) The detail of the design including text and graphics proposed.
 - (5) The illumination, surface colors, finish, width, depth, and dimensions of the proposed sign.

- (6) The appropriateness of the sign to the spirit and intent of the Code.
- (h) *Failure to commence.* Every sign permit issued by the Town shall become null and void if installation is not commenced within two (2) years from the issue date of such permit. If work authorized by such permit is suspended or abandoned for one-hundred and eighty (180) calendar days any time after the work is commenced, a new permit must be obtained and approved by the design review board. The fee will be the full amount required for a new permit for such work.
- (i) *Revocation.* The Town may suspend or revoke, in writing, a permit issued under provisions of this code, whenever the permit is issued on the basis of a misstatement of fact or fraud. The written revocation shall describe the appeal process. The Town shall send the revocation by certified mail, return receipt requested, to the sign owner. Any person having an interest in the sign or property may appeal the revocation, by filing a written notice of appeal with the Town commission within fifteen (15) calendar days after receipt of the written notice of revocation. The Town commission shall hear the appeal within thirty (30) calendar days after the date of receiving the written notice of appeal.

Sec. 90-71. Sign design and appearance.

- (a) Signs shall be professional in appearance.
- (b) Signs shall not be the dominant feature of a location and shall be scaled in accordance with the size of conforming signs on adjacent and nearby properties.
- (c) Signs shall be well designed, unique, and integrated into the building façade so as not to detract from the architectural character of the building or the context of the surrounding streetscape.
- (d) Sign colors shall be complementary to or enhance the main color of the building façade. The use of established business colors or company logos or trademarks shall not be prohibited by this requirement.
- (e) Signs shall have a proportional and dimensional relationship between the building, text, graphics, and spacing.
- (f) Sign copy shall be simple and concise without excessive description of goods, services, products. Unless otherwise provided in this Code commercial copy shall be limited to the trade name or franchise name of the business or the primary product or service.
- (g) Signs shall be weather resistant and professionally constructed of high-quality, durable material in accordance with the Florida Building Code unless otherwise exempt.
- (h) All exterior electrical outlets for signs shall terminate in a galvanized or plastic box with a blank cover, which shall be flush with and not protrude beyond the finished surface of the exterior wall. Transformer boxes and other accessory equipment for any sign shall be placed so as not to be visible from the street level.
- (i) Signs shall be properly maintained and kept in proper working order. Any damaged or defective conforming signs shall be removed and repaired within ninety (90) calendar days. Damaged or defective non-conforming signs shall be replaced with a conforming sign that meets the requirements of this Code.

Sec. 90-72. Sign removal.

- (a) *Permanent signs.* Upon the vacation of a premise, any sign associated with the previous owner or lessee including letters, numbers, logos, or any other visual communication associated with the vacated premise, shall be removed by the current owner or lessee within thirty (30) days of the transfer of ownership or cessation of the previous business activity. Any visible holes shall be painted and filled. Sign structure may remain in place provided no identifying features of the previous business activity are visible and the sign structure is conforming per the requirements of the code.
- (b) *Temporary signs.* Notwithstanding the time limitations set forth in Section 90-74, all outdoor temporary signs shall be removed immediately upon the issuance of a hurricane warning by a recognized government agency.

Sec. 90-73. Permanent signs by district.

- (a) *SD-B40 Zoning District.*

(1)*Content.* Commercial signs may only include the trade name, logo of the establishment, the nature of business or services rendered, or products sold on the premises. Signs may not include phone numbers or any reference to price.

(2)*Signage for upper floor tenants.* Each upper floor tenant shall be entitled to erect permanent signage. The total square footage of all second floor signage shall not exceed eighty percent (80%) of the allowable signage square footage for the first floor signage, provided such sign meets all of the requirements of this subsection. In addition, each upper floor tenant shall be entitled to erect a single sign, not over one-hundred and eight (108) square inches in size, at the entrance or lobby of the building which provides egress to the upper floor.

(3) *Permitted signs.*

- a. *Projecting sign.* Projecting signs on either the ground level or upper floors shall not be permitted for upper floor tenants. The maximum sign area for projecting signs shall be eight (8) square feet. The maximum lettering height shall be six (6) inches unless otherwise integrated into a creative graphic design as approved by the design review board. Signs shall not project more than five feet from any main building wall nor shall they be mounted above ground level tenant space. Encroachment into the right-of-way including sidewalks shall only be permitted where it can be demonstrated that there is a minimum vertical clearance of eight (8) feet. Decorative bracket treatments are encouraged. Projecting signs shall not have electric lights, attached electric fixtures, or any manner of illumination.
- b. *Individually-mounted letter sign.* The total area of all individually-mounted letter signs shall be one (1) square foot for each lineal foot of frontage of the lot or portion of the lot upon which the operating enterprise is located. For frontages less than twenty-five (25) feet, a total sign area up to twenty-five (25) square feet maximum shall be permitted. In no case shall the total sign area on any single operating enterprise exceed one-hundred and fifty (150) square feet and no single sign shall exceed forty-five (45) square feet.

1. *Types.* The following types of individually-mounted letter signs shall be permitted. No open face channel letters shall be permitted.
 - i. Reverse channel letter
 - ii. Push-through letter
 - iii. Pan channel letter
 - iv. Raceway mounted letter. All exposed raceways must be painted to match finish of wall face of the building.
 2. *Offset.* Signs shall be off-set from the wall a minimum of one quarter inch to a maximum of two inches to permit rain water to flow down the wall face. This is not applicable to push-through or raceway mounted lettering.
 3. *Illumination.* All signage, lettering, logos or trademarks shall be required to be lit with white illumination from dusk to dawn. The illumination may be either internal illumination or external illumination, however, all walls below the sign shall be illuminated with white wall wash LED lighting. It shall be located and directed solely at the sign. The light source shall not be visible from or cast into the right-of-way, or cause glare hazards to pedestrians, motorists, or adjacent properties. Lighting shall meet all applicable electrical codes. Intensities of illumination shall be approved by the Building Official of the Town before issuance of a sign permit. A maximum of ten (10) foot candles is permitted on any portion of a sign to be measured at the centerline of the adjacent sidewalk. A foot candle is defined as a unit of illuminance or light falling onto a surface. It stands for the light level on a surface one foot from a standard candle. One foot candle is equal to one lumen per square foot. A Lumen is the basic measure of the quantity of light emitted by a source.
- c. *Permanent window sign.* One (1) primary sign may be applied to the inside or outside surface of any one glass window or door or displayed within twelve (12) inches of a glass window or door. Such signs shall only be permitted on primary and side street level frontages. Sign area inclusive of logos or trademarks shall not exceed twenty (20%) percent of the area of the glass window or door in which the sign is displayed. Lettering shall not exceed eight (8) inches in height. Acceptable materials include painted gold leaf or silver leaf, silk-screened, cut or polished metal, cut or frosted vinyl, and etched glass.
- d. *Television screen or similar.* Television screens or similar electronic features may be located inside the storefront and project out to the sidewalk. These features shall be oriented towards the pedestrian and angled to be parallel to the sidewalk. Television screens or similar electronic features shall not exceed twenty (20%) percent of the area of the glass window if the feature is within thirty-six (36) inches of the window. Television screens or similar electronic features located greater than thirty-six (36) inches away from a window shall be permitted to exceed twenty (20%) percent of the area of the glass window. A maximum of 10 foot candles of

illumination shall be permitted from any television screens or similar electronic features to be measured at the centerline of the adjacent sidewalk.

- e. *Emergency address sign.* Commercial buildings in Blocks number 3, 4, 5, and 6 of Altos Del Mar Subdivision Number 6 shall be required to provide an emergency address sign on the alley side of the building clearly identifying the address of the establishment. Signage may be wall mounted or posted on a rear door. Sign material shall consist of weatherproof reflective 3-inch or 4-inch address panels.

(b) *H30C, H40, MU and H120 Zoning Districts.*

- (1) Signage on the outside of a hotel, multifamily building, or other similar structure which identifies a secondary business within the same structure is prohibited. Supplemental signs as permitted in this subsection shall be exempt from this requirement.

- (2) *Content.* Commercial signs may only include the trade name, logo of the establishment, the nature of business or services rendered, or the products sold on the premises, except as otherwise provided in this Code. Signs may not include any reference to rates.

(3) *Permitted signs.*

- a. *Individually-mounted letter sign.* Permitted as under the requirements of Section 90.73 (a)(3)(b.), except total sign area for multi-family dwellings within the H30C and H40 districts shall not exceed seventy-five (75) square feet.
- b. *Monument Sign.* One monument sign shall be permitted per street frontage. The maximum sign area shall not exceed twenty-five (25) square feet. The maximum height shall not exceed five (5) feet from the ground. Signs shall maintain a five (5) feet setback from all property lines and no portion shall be permitted to project within this five (5) feet setback area. Signs are required to be landscaped at the base. Signs may be internally or externally illuminated.
- c. *Supplemental sign.* A sign for any establishment reading "Office," "Vacancy," "Private Beach," "Swimming Pool," "Cabanas," "Coffee Shop," "Restaurant," or other such wording shall be considered a supplemental sign. Such signs shall be limited to three (3) square feet in size; except in the H120 district, a hotel with a restaurant may display an individual sign not to exceed five (5) square feet in size containing the name of the restaurant. The total combined square footage of individual supplemental signs shall not exceed eight (8) square feet per main building. Such signs shall not be included in calculating the total maximum sign area for the lot. Signs shall be dignified in character and shall be restricted to the wording described above.
- d. *Parking sign.* Parking signs not over four (4) square feet in size may be erected at each exit or entrance of parking lots serving buildings in these zoning districts. Such signs may be illuminated by indirect lighting only. Lettering on these signs shall be limited to the name and address of the primary business, multifamily

building or hotel, and the words "Entrance" or "Entrance Only," "Exit" or "Exit Only," "Parking," "Resident Parking," "Guest Parking," "Visitor Parking," "Private Parking," "Valet Parking," or "Customer Parking."

- e. *Emergency address sign.* Buildings on the east side of Collins Avenue abutting the beach walking path shall be required to provide an emergency address sign identifying the name and address of the building. Sign shall be mounted on a free-standing post not to exceed eighteen (18) inches in height and twenty-four (24) inches in width. Address letters and numbers shall not exceed two (2) inches in height and name shall not exceed one (1) inch in height. Sign material shall be weatherproof and reflective so as to be clearly visible at night.

(c) *H30A and H30B Zoning Districts.*

- (1) *Wall sign.* Sign shall be attached to the main façade of the building and shall not exceed four (4) square feet. Sign shall be installed and secured tightly to the building. No loose, non-secure attachments shall be allowed. Sign shall be rigid and weatherproof. Sign shall not be illuminated in any manner.

Sec. 90-74. Temporary signs.

(a) *Real estate sign.*

- (1) *SD-B40 District.* One (1) professionally lettered real estate sign shall be permitted per building frontage. The maximum sign area shall be three (3) square feet. The sign shall be mounted flat against the building wall or a minimum of twelve (12) inches from a window, and shall not project above the eave line of the building.
- (2) *All Other Zoning Districts.* One (1) professionally lettered real estate sign shall be permitted per street frontage. The sign shall be wall mounted flat against the building wall or securely fastened to a wood or metal freestanding stake or post of sufficient strength. The maximum sign panel area shall be eighteen (18) inches by twenty-four (24) inches. A maximum of two (2) riders shall be permitted to attach above or below the main sign panel not to exceed six (6) inches by twenty-four (24) inches per rider for in-ground signs. The maximum sign height for in-ground signs including support frame shall not exceed forty-two (42) inches from the ground to the top of the sign. Such sign shall be located outside of any sight visibility triangle. No portion of the sign shall extend across the property line.
- (3) All real estate signs shall be black and white and may include a trademarked logo or symbol.
- (4) Sign shall be constructed of rigid, weather proof materials.
- (5) Sign shall not be lighted or illuminated in any manner.
- (6) Sign shall be removed within seven (7) days of a lot, building, residence or tenant space being leased, rented or sold.

(b) *Political sign.*

- (1) *SD-B40 District.* One (1) professionally lettered political sign shall be permitted per building frontage. The maximum sign area shall be three (3) square feet. The sign shall be mounted flat against the building wall or a minimum of twelve (12) inches from a window, and shall not project above the eave line of the building.
- (2) *All Other Zoning Districts.* One (1) professionally lettered political sign shall be permitted per street frontage. The sign shall be wall mounted flat against the building wall or securely fastened to a wood or metal freestanding stake or post of sufficient strength. The maximum sign area shall be three (3) square feet. Sign face shall be constructed of metal, plastic, wood, pressed wood or cardboard. The maximum sign height for in-ground signs including support frame shall not exceed forty-two (42) inches from the ground to the top of the sign. Such sign shall be located outside of any sight visibility triangle. No portion of the sign shall extend across the property line.
- (3) Signs shall be not be erected more than 90 days prior to the subject election date or ballot vote and shall be removed no later than seven (7) days after the subject election date or ballot vote.
- (4) Sign shall not be lighted or illuminated in any manner.
- (5) It shall be unlawful for any person to paste, glue, print, paint, affix, or attach by any means whatsoever to the surface of any public street, right-of-way, easement, sidewalk, curb, or to any property of any governmental body or public utility, any political sign, poster, placard, or sticker designed or intended to advocate or oppose any ballot issue or the nomination or election of any candidate.

(c) *Construction sign.*

- (1) One (1) professionally lettered construction sign shall be permitted per site or development subject to the issuance of a building permit for the project. Such sign shall be removed immediately if the building permit for the project expires and construction has not commenced, and/or the permit is not renewed.
- (2) Sign content is limited to the following:
 - a. Project name
 - b. Parties involved in construction and financing
 - c. Contact information such as phone number, email address or website
 - d. Unit prices not to exceed ten (10%) percent of the total sign area. Numbers shall not exceed six (6) inches in height.
- (3) Maximum sign area is sixteen (15) square feet.
- (4) Sign may be freestanding affixed to posts, a flat wall sign, or mounted to a construction fence. Freestanding signs shall be a minimum of ten (10) feet from the property line and shall be a maximum of five (5) feet in height from the ground to the top of the sign. Wall signs shall not extend above the floor of the second story, parapet wall, or eave line of the building.
- (5) Rigid weatherproof board is required.

(6) Such sign must be removed within seventy-two (72) hours of the issuance of a certificate of occupancy.

(d) *Temporary window sign.*

(1) Temporary window signs of any nature may be attached to glass window or doors, or mounted within 12 inches of a glass window or door.

(2) One (1) professionally lettered temporary sign shall be permitted per window.

(3) Sign may not be displayed more than sixty (60) calendar days unless otherwise provided in this subsection.

(4) The total area for temporary signs shall not exceed twenty (20%) percent of the glass window they are facing unless otherwise provided in this subsection.

(5) Temporary signs pertaining to a going-out-of-business sale or everything-must-go clearance event shall be permitted to be displayed within a window for a period not to exceed ninety (90) calendar days.

(6) A temporary sign not exceeding one (1) square foot may be affixed to any window or glass door stating special hours or closing days due to holidays, or bona fide business or personal emergencies. There shall not be more than one (1) such sign per window or door. Sign shall not be maintained for more than fourteen (14) calendar days.

(7) Signs not in excess of six (6) square inches, listing merchandise price, may be attached to items displayed in display windows.

(8) Temporary signs which are removed and redisplayed within thirty (30) calendar days of removal shall be deemed in violation of this subsection. Display merchandise signs listing price not exceeding six (6) square inches shall be exempt from this requirement.

(e) *Special event banner sign*

(1) One (1) professionally lettered temporary banner advertising a grand opening associated with a commercial building or business enterprise is permitted.

(2) Permitted content shall be limited to "Grand Opening" "Coming Soon" "Now Open" or "Under New Management" and the date and time of the event where applicable.

(3) No banner shall exceed thirty-two (32) square feet or five (5%) percent of the building façade that faces a public street, whichever is less.

(4) Banners may only be displayed within sixty (60) calendar days from the date an occupational license is issued.

(5) No banner shall be displayed for more than thirty (30) consecutive calendar days.

(6) Banner shall not include changeable copy.

(7) Banner shall be made of durable materials such as canvas or vinyl. Non-durable material such as butcher-type paper is not permitted.

(8) Banner shall be securely attached to a supporting structure such as a street frontage wall and capable of withstanding continuous wind without deflections or rotations that would cause deformation or damage.

(9) No banner shall be attached to a roof structure or above the eave line of the building.

Sec. 90-75. Prohibited signs.

No sign shall be erected, constructed, or affixed in violation of the provisions of these regulations, and any sign not specifically provided for and permitted by these regulations shall be prohibited. None of the following signs shall be erected, constructed, or affixed in the Town except as otherwise permitted by Code:

- (a) Awning signs or any sign printed on or attached to an awning or canopy.
- (b) Balloon signs or other inflatable signs. Balloons may be permitted for a period not to exceed 24-hours for a temporary, non-commercial event such as a special occasion at a residence.
- (c) Banner signs except as otherwise permitted by code.
- (d) Billboards.
- (e) Cabinet signs.
- (f) Changeable copy signs or marquees.
- (g) Home business signs.
- (h) Flags except as otherwise permitted by code.
- (i) Lighted signs including strings of lights or lights framing a window
- (j) Mirror devices used as part of a sign.
- (k) Off-premise signs including persons wearing costumes and/or holding temporary signs with commercial copy.
- (l) Pole-mounted signs.
- (m) Portable signs including A-frame, sandwich board, and moveable make-shift signs such as signs attached to a mannequin or mounted on a table or chair, or any other similar type of portable sign or moveable object primarily designed for display purposes or to attract the attention of sidewalk traffic.
- (n) Roof signs.
- (o) Signs whose face is designed or constructed to be placed or transported on wheels
- (p) Snipe or bandit signs except political signs and real estate signs.
- (q) Temporary signs including posters and handbills except as otherwise permitted by code.
- (r) Umbrella signs.
- (s) Signs containing wording which constitutes fraudulent or misleading advertising.
- (t) Signs containing obscene matter or wording which violates any federal, state or county statute, ordinance or rule.
- (u) Signs which have spinning devices, or strings of spinning devices, streamers, fluttering or other similar advertising devices.

- (v) Signs which emit smoke, visible vapors, particles, sound, or odors.
- (w) Signs not erected by a public authority which simulate, copy, or imply any official traffic sign, signal or police caution device.
- (x) Signs that display lights which are intermittent, blinking, moving, revolving, flashing or similar, except decorative or flashing illumination may be used between December 10 and January 5.

Sec. 90-76 Prohibited sign locations.

Except as otherwise permitted by Code no temporary, permanent, or exempt sign shall be permissible in the following locations:

- (a) Signs which prevent free ingress or egress from any door, window, or fire escape shall be prohibited.
- (b) Signs shall not be placed in any location which obstructs a motorist's vision of an intersection, traffic control signal, other vehicular traffic, or view of pedestrian or bicycle traffic.
- (c) Signs shall not be placed on or near the rear of a lot or building so as to face a designated zoning district other than the one in which the sign is located except as otherwise permitted by Code. Provided however, that signs may be installed on the rear walls of commercial buildings in Blocks number 3, 4, 5, and 6 of Altos Del Mar Subdivision Number 6, in accordance with Section 90-73(a) and Section 90-74. Such signs shall be limited to a maximum area of twenty-five 25 square feet. These signs shall not be included in computing total sign area for a given operating enterprise.
- (d) No sign of any type shall be suspended across any vacant lot, unoccupied building or temporary structure nor shall any sign of any description be stenciled, written, painted, posted, printed, nailed or otherwise affixed to any vacant lot, unoccupied building or to any temporary structure within the Town except as otherwise permitted by Code.
- (e) Except as otherwise authorized by the Town Manager or designee, no sign of any type shall be suspended across any public street, right-of-way, sidewalk, easement, alley or waterway; nor shall any sign of any description be stenciled, written, painted, posted, printed, nailed or otherwise affixed to any curb, sidewalk, tree, light standard, utility pole, hydrant, traffic signal device, street sign and its pole, bridge, wall, or any other structure, which is within the property lines of any street, right-of-way, easement, alley, waterway or other public property within the Town.
- (f) Signs placed without the express permission of the property owner or agent.

Sec. 90-77. Non-conforming signs.

- (a) *Sign amortization.* All legally permitted signs which become non-conforming by the provisions of this Code shall be replaced with a conforming sign within three years of the effective date of this ordinance.

(b) Non-conforming signs shall be immediately replaced if any of the following conditions exist during the amortization period.

- (1) There is additional development of a site
- (2) There is a change in use, occupancy, or tenant
- (3) There is a change in sign copy (with the exception of window signs)
- (4) There is a structural sign alteration or repair
- (5) There is sign damage by any cause which exceeds 50% of the sign as determined by the Building Official
- (6) There is removal of a sign

(c) *Sign relocation.* Non-conforming signs shall not be permitted to be relocated.

Sec. 90-78. Non-complying signs.

Signs not in compliance with the code or those installed without a permit shall be considered non-complying. Such signs shall be removed or replaced immediately or shall otherwise be subject to code enforcement action, forfeiture to the public, confiscation or removal by the Town at the cost of the owner.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

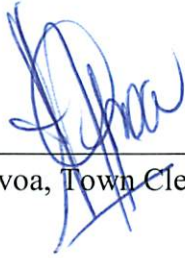
Section 6. Effective Date. This Ordinance shall be effective upon final adoption on second reading.

PASSED and ADOPTED on First Reading the 8th day of July, 2014.

PASSED and ADOPTED on Second Reading this 12th day of August, 2014.


Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:



Linda Miller
Town Attorney

On Final Reading Moved by: Vice Mayor Tourgeman
On Final Reading Seconded by: Commissioner Olchyk

VOTE ON ADOPTION:

Commissioner Barry R. Cohen	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Michael Karukin	yes	<u>Absent</u>	no	<input type="checkbox"/>
Commissioner Marta Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Eli Tourgeman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Mayor Daniel Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>

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