

ORDINANCE NO. 691-11

AN ORDINANCE OF THE MIAMI SHORES VILLAGE COUNCIL, AMENDING SECTION 504, "SIGNS" BY CREATING 504.3 OF THE ZONING APPENDIX A, CONTAINED IN THE CODE OF ORDINANCES OF MIAMI SHORES VILLAGE, FLORIDA, PROVIDING FOR ADMINISTRATIVE APPROVAL BY THE PLANNING DIRECTOR OF CERTAIN TEMPORARY BUSINESS SIGN INSTALLATIONS, AND SIGNS COMPLYING WITH A MASTER SIGN AGREEMENT, SETTING FORTH CONDITIONS FOR SAME, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, During the June 21, 2011 Council Meeting, the Council referred to the Village Planning Board consideration of possible amendment of the Code of Ordinances, Zoning Appendix to allow for streamlined procedures for the installation of temporary business signs in Miami Shores Village; and,

WHEREAS, Together with the Planning Director, the Planning Board reviewed information pertinent to business signage and held a public hearing at which testimony was offered; and,

WHEREAS, The Planning & Zoning Board, during their meeting of September 22, 2011, voted to recommend approval of a code amendment authorizing the Planning Director to approve certain temporary business signs, as well as, under certain conditions, signs complying with a master sign agreement;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA:

Section 1. That Section 504.3 of the Zoning Appendix A, contained in the Miami Shores Village Code of Ordinances, is hereby created and shall read as follows:

Sec. 504.3. Authority granted to Planning Director to administratively approve applications for specific types of signs.

(a) Notwithstanding anything to the contrary in the Miami Shores Village Code of Ordinances, the Planning Director shall be authorized to approve Building Permits or Special Sign Permits for signs that comply with the provisions of this subsection, subject to the additional approval by the Building Official of any Building Permits required for said sign.

(b) The following temporary signs may be administratively approved by the Planning Director, under the conditions specified:

(1) Temporary window or door signs:

a. Temporary window or door signs may be approved for grand openings of new businesses only. Sales or special sales such as anniversary sales do not qualify under this provision. Only one (1) such permit will be issued to a new business and it is non-renewable.

b. Applicants requesting administrative approval for temporary window or door signs shall submit a special sign permit application for said sign to the Planning Department. A nonrefundable submittal fee shall accompany all special sign permit applications.

- c. Temporary window or door signs shall be constructed of cardboard, vinyl, paper or similar sheet material.
- d. Temporary window or door signs shall be affixed to the inside surface of a main floor window or door or located on a stand within three (3) feet inside the window or door.
- e. Two (2) Temporary window or door signs totaling up to twelve (12) square feet in the aggregate area may be approved per storefront.
- f. One (1) additional sign of up to four (4) sq ft in area may be allowed to display the company logo of the new business.
- g. The design and color of the sign, lettering and sign elements shall be harmonious with the building on which it is located as well as with the neighborhood.
- h. Temporary signs may be permitted in addition to the sign allowance for a building or storefront.

(2) Temporary banner signs:

- a. Temporary banner signs may be approved for grand openings of new businesses only. Sales, special sales such as anniversary sales or special events do not qualify under this provision. Only one (1) such permit will be issued to a new business and it is non-renewable.
- b. Applicants requesting administrative approval for temporary banner signs shall submit a building permit application for said sign to the Building Department. A nonrefundable submittal fee shall accompany all building permit applications.
- c. Temporary banner signs shall be constructed of flexible vinyl or scrim material designed to be installed with attachments at each corner and fastened to a building façade.
- d. Temporary banner signs must be securely attached to the building façade of the business to which the sign is appurtenant.
- e. Temporary banner signs must be installed in a taught manner to restrict movement or damage by the natural environment and shall be maintained in this manner at all times. Any banner sign not being maintained in this manner shall be secured or removed.
- f. Not more than one (1) temporary banner sign shall be permitted per storefront. The sign shall not exceed one and one-half (1.5) square feet per linear foot of storefront fronting the principal street or a total area of seventy-five (75) square feet, whichever is less.
- g. The top of a temporary banner sign shall not be installed higher than the roof line of the building to which it is attached or 20 feet above the building level, whichever is less.
- h. The design and color of the sign, lettering and sign elements shall be harmonious with the building on which it is located as well as with the neighborhood.
- i. Temporary banner signs may be permitted in addition to the sign allowance for a building or storefront.

- (c) Signs complying with a master sign agreement approved by the Planning Board may also be administratively approved by the Planning Director. Applicants requesting administrative approval for signs complying with a master sign agreement, shall submit a Building Permit application for said sign to the Building Department. A nonrefundable submittal fee shall accompany all building permit applications.
- (d) The Planning Director shall reject any Building Permit or Special Sign Permit application containing any omissions, false statements, or which is not accompanied by the applicable information and application fee. The Planning Director shall reject any application that the Planning Director determines fails to comply with the requirements of Sec. 504 and this subsection, or which fails to seek a variance required for the sign to be permitted as proposed. Any rejected or denied application later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of original submission date.
- (e) Administrative approval and denial.
 - (1) The Planning Director may approve, conditionally approve, disapprove, or refer any application seeking a Building Permit or Special Sign Permit under this subsection 504.3, to the Planning Board for review and final determination.
 - a. For the purpose of administering this subsection, the Planning Director may approve Building Permits or Special Sign Permits for signs specified in Sec. 504.3 (b) and (c) that are determined to comply with all the requirements of this subsection, and that do not require any variances from the terms and performance standards of this section. For the purpose of administering this subsection, applications that can be administratively denied are those that, in the determination of the Planning Director, fail to comply with the requirements of this subsection or that would require a variance from the terms or performance standards of this division or any other section of the zoning code and where the applicant has failed to apply for such variance.
 - b. The Planning Director may refer signs specified in Sec. 504.3 (b) and (c) to the planning board for a decision under the following circumstances:
 - 1. The Planning Director is unable to reach a determination as to whether the application complies with the terms of this subsection.
 - 2. The Planning Director determines that the application does not comply with all the requirements of this subsection.
 - 3. The application seeks variances to the terms or performance standards of this subsection which will require the approval of the planning board.
- (f) Duration and revocation of Building Permits and Special Sign Permits for signs that are regulated by this subsection.
 - (1) The Planning Director's administrative approval of a Building Permit or Special Sign Permit for a temporary sign will become void if the sign for which it was granted is not installed within fourteen (14) days of approval of the Building Permit or Special Sign Permit for the sign, whichever is later.
 - (2) The Building Permit or Special sign permit for a temporary sign shall be valid for a period of up to ninety (90) days and is not renewable. A temporary sign shall be removed no later than the first business day following expiration of the special sign permit.

- (3) The work to construct a sign that is the subject of a Building Permit for a sign that is the subject of a master sign agreement shall begin and shall be completed in compliance with the time limitations of the master sign agreement and the Florida Building Code.
- (4) The Planning Director or Building Official may revoke any Building Permit or Special Sign Permit for a sign granted under this subsection 504.3, under any of the following circumstances:
- a. The Planning Director determines that the application was materially false or misleading, or
 - b. The sign as installed does not conform to the Building Permit or Special Sign Permit application, or
 - c. The sign installed violates the Miami Shores Village Code of Ordinances, the Florida Building Code or other applicable law, regulation, or ordinance.

Such sign shall be removed no later than the first business day following notice of revocation of the Building Permit or Special Sign Permit.

Section 2. All ordinances or parts of ordinances in conflict herewith or inconsistent herewith, are hereby repealed, but only insofar as such ordinances may be inconsistent or in conflict with this Ordinance.

Section 3. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance, which shall be deemed to be severable therefrom.

Section 4. This Ordinance shall become effective immediately upon adoption on second reading.

Passed on first reading this 1st day of November, 2011.

Passed and adopted on second reading this 15th day of November, 2011.

ATTEST:

Jim McCoy, Mayor

Barbara A. Estep, MMC
Village Clerk

APPROVED AS TO FORM:

Richard Sarafan
Village Attorney