



**TOWN OF SURFSIDE  
PLANNING AND ZONING BOARD  
AND  
DESIGN REVIEW BOARD  
AGENDA  
JUNE 26, 2014  
7:00 PM**

Town Hall Commission Chambers – 9293 Harding Ave., 2<sup>nd</sup> Floor  
Surfside, Florida 33154

**DESIGN REVIEW BOARD**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: **May 29, 2014**
4. DESIGN REVIEW BOARD APPLICATIONS:
  - A. **Request of the Owner of Property located at 908 88 Street**  
The applicant is requesting to demolish the existing house and build a new two story single family residence.
  - B. **Request of the Owner of Property located at 9494 Harding Avenue**  
The applicant is requesting to install a new permanent sign.
5. ADJOURNMENT.

**PLANNING AND ZONING BOARD**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: **May 29, 2014**

**4. ORDINANCE-**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHATER 90 "ZONING"; AND SPECIFICALLY AMENDING SECTION 90.2 "DEFINITIONS"; AMENDING SECTION 90-19.7 TO EXEMPT ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS FROM PLANNING AND ZONING BOARD REVIEW AND TO FOLLOW DESIGN GUIDELINES; AND CREATING SECTION 90-50.3 "ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS" TO PROVIDE REGULATIONS OF ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF OR ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE SURFSIDE CODE OF ORDINANCES, AND PROVIDING FOR AN Efective DATE.**

**5. DISCUSSION ITEMS:**

- A. Sign Code**
- B. Ten percent windows on each story**
- C. Parking Trust Fund**
- D. Future Agenda Items**

**6. REPORT OF PERMITS ISSUED FOR THE MONTH OF MAY 2014.**

**7. ADJOURNMENT.**

**THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863.**

**TWO OR MORE MEMBERS OF TOWN COMMISSION OR OTHER TOWN BOARDS MAY ATTEND AND PARTICIPATE AT THIS MEETING. THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.**



**TOWN OF SURFSIDE  
PLANNING AND ZONING BOARD  
AND  
DESIGN REVIEW BOARD  
MINUTES  
MAY 29, 2014  
7:00 PM**

Town Hall Commission Chambers – 9293 Harding Ave., 2<sup>nd</sup> Floor  
Surfside, Florida 33154

**DESIGN REVIEW BOARD**

**1. CALL TO ORDER**

Chair Lindsay Lecour called the meeting to order at 7:06 pm.

**2. ROLL CALL**

Recording Clerk Frantza Duval called the roll with the following members present: Board Member Armando Castellanos, Board Member Peter Glynn, Chair Lindsay Lecour, Board Member Moisha Rubenstein, and Design and Review Board Member Jorge Gutierrez. Vice Chair Jacob Kligman and Design and Review Board Member Jennifer Weiss were absent. Commissioner Cohen attended as liaison.

Vice Chair Kligman arrived at 7:20 p.m.

**3. APPROVAL OF MINUTES: April 28, 2014**

Board Member Glynn made a motion to approve. The motion received a second from Board Member Castellanos and all voted in favor.

**4. DESIGN REVIEW BOARD APPLICATIONS:**

**A. Request of the Owner of Property located at 9472 Harding Avenue**

The applicant is requesting to install two retractable awnings.

Town Planner Sarah Sinatra presented the item. Applicant Veronica Arbucias clarified the color of the awning which is burgundy.

A motion for approval was made by Board Member Castellanos. The motion received a second from Board Member Gutierrez and all voted in favor.

**B. Request of the Owner of Property located at 9461 Harding Avenue**

The applicant is requesting to install a new permanent sign.

Town Planner Sarah Sinatra presented the item.

Representing the applicant, Paul Henson addressed the questions posed by the Board regarding standoff of letters and illumination. The Board wanted the applicant to be aware that sign code changes will be made soon and he should consider some of the recommendations they are suggesting. These steps would prevent the applicant from having to change his sign in the future in order to be in compliance. Mr. Henson said at this time it may not be financially feasible to have external illumination.

A motion for approval was made by Board Member Glynn with the following conditions:

1. provide a one inch standoff for the letters
2. consider external illumination of the facade

The motion received a second from Board Member Gutierrez and all voted in favor.

**C. Request of the Owner of Property located at 9599 Harding Avenue**

The applicant is requesting to install a new permanent sign.

Town Planner Sarah Sinatra presented the item. There was some discussion regarding the type of lettering.

A motion for approval was made by Board Member Peter Glynn. The motion received a second from Board Member Castellanos and all voted in favor.

Board Member Gutierrez suggested that on all applications approved and completed, there be a final Planning and Zoning Code Review to assure all work done is in compliance.

**5. ADJOURNMENT.**

There being no further business to come before the Design and Review Board the meeting adjourned at 7:20 p.m.

## PLANNING AND ZONING BOARD

### 1. CALL TO ORDER

Chair Lindsay Lecour called the meeting to order at 7:33 pm.

### 2. ROLL CALL

Recording Clerk Frantza Duval called the roll with the following members present: Board Member Armando Castellanos, Board Member Peter Glynn, Chair Lindsay Lecour, Board Member Moisha Rubenstein, and Vice Chair Jacob Kligman. Commissioner Cohen attended as liaison.

### 3. APPROVAL OF MINUTES: **April 28, 2014**

Board Member Castellanos made a motion to approve. The motion received a second from Board Member Glynn and all voted in favor.

### 4. ORDINANCES:

**A. AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND ALL SECTIONS REFERENCING FINE AMOUNTS FOR CODE VIOLATIONS; SPECIFICALLY AMENDING SECTIONS 90-41.1 "SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOMES"; 90-49.2 "AWNINGS AND CANOPIES"; 90-56 "FENCES, WALLS AND HEDGES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Code Compliance Director Joe Damien presented the ordinance.

Vice Chair Kligman asked for clarification of the fine structure and Board Member Glynn asked how noise levels are measured. Mr. Damien addressed both issues and said he would be happy to come back and provide more information if needed.

Vice Chair Kligman made a motion to approve and go forward to the Commission. The motion received a second from Board Member Rubenstein and all voted in favor.

**B. AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND SECTION 90-57 "MARINE STRUCTURE" TO EXTEND THE LENGTH OF THE DOCK PROJECTION INTO BISCAYNE BAY AND TO PROVIDE FOR A COURTESY NOTIFICATION; PROVIDING FOR SEVERABILITY;**

**PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Planner Sarah Sinatra presented the ordinance. Building Official Ross Prieto gave some input as to the D5 site triangle and what size dock would be in compliance.

Board Member Castellanos make a motion for approval with the resolution of keeping the 35 foot dock. The motion received a second from Vice Chair Kligman and all voted in favor.

**5. DISCUSSION ITEMS:**

**A. Parking Trust Fund**

Commissioner Karukin said the item will be coming before the Commission and asked the members of the Board to gather information from the Town Manager so they may give any input they may have to the Commission.

Board Member Glynn said we need a moratorium on this subject and is against the selling of parking spaces as the town does not have enough spots.

Vice Chair Kligman said he was not against more development but feels developers should build their own garages and not rely on the town to build one.

Public Speaker Jorge Gutierrez said one of the problems developers face is that there is not enough land to build a parking lot on their site unless they go vertical.

Public Speaker Sergio Castaneros was in agreement with Vice Chair Kligman and said new developers should be required to provide proper parking spaces.

Commissioner Cohen left the meeting at 8:25 p.m.

**B. Massing**

Town Planner Sarah Sinatra spoke on the item.

She clarified the options on the limitation on the building length and showed some photos of the different designs. At the next meeting she will provide dimensions and scale comparison of the different designs.

As a public speaker, Commissioner Karukin said his preference was the pedestal design with the two towers as it allows more of a breezeway. Commissioner Karukin asked the Board to start thinking about the strip of land in H40 and possible development as there has been multiple inquiries about this land.

Board Member Glynn made a motion to ask the Town Manager to plead for the urgency of this issue and ask for a work authorization so we can work on this immediately. The motion received a second from Board Member Castellanos and all voted in favor.

**6. FUTURE AGENDA ITEMS:**

Town Planner Sarah Sinatra

**7. REPORT OF PERMITS ISSUED FOR THE MONTH OF APRIL 2014.**

Building Official Ross Prieto

**8. ADJOURNMENT.**

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 8:52 p.m.

Accepted this \_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Chair Lindsay Lecour

Attest:

\_\_\_\_\_  
Sandra Novoa  
Town Clerk



## MEMORANDUM

To: Planning and Zoning Board  
Thru: Michael Crotty, Town Manager  
From: Sarah Sinatra Gould, AICP, Town Planner  
CC: Linda Miller, Town Attorney  
Date: June 26, 2014  
Re: 908 88<sup>th</sup> Street, New Residence

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The property is located at 908 88<sup>th</sup> Street, within the H30A zoning. The architect, CMA Design Studio, Inc., on behalf of the owner, Hendrik Steckman and Maria De Los Milagros Leoiv, is requesting to demolish the existing residence and build a new two story single family residence.

The applicant is proposing a four bedroom home with a pool cabana. One of the bedrooms includes a guest kitchen, however, the kitchen is limited to a refrigerator and a sink. It is accessed either through an open terrace or through exterior stairs. The front of the home has a large garden area and numerous open terraces. The open cabana includes a dining room, bathroom and separate barbeque area. The lap style pool is separated from the main house by a large lawn area, which exceeds the code requirements for landscaping.

Staff has reviewed the current application for consideration by the Planning and Zoning Board. In this report Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Applicable Design Guidelines standards, along with the results of the review
- Staff Recommendation



## STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements**Sec. 90.43 Maximum building heights**

Height	Required Maximum	Proposed
H30A	30 feet with a 3 foot encroachment for architectural features	31.6 feet ***Condition of approval to 30 feet maximum recommended

**Sec. 90-45. Setbacks**

<b>H30A UPPER STORY IS 65% to 80% of the FIRST FLOOR AREA</b>	<b>Required</b>	<b>Proposed</b>
Maximum Lot Coverage	40% (6,030 square feet)	4,927 square feet (33%)
<b>FIRST STORY</b>		
Primary Frontage	Minimum 20 feet	21 feet
Interior side	Minimum 7 feet 6 inches	7 feet 6 inches
Rear	Minimum 20 feet	55 feet
<b>UPPER STORY</b>		
Primary frontage	Minimum 20 feet/Average 30 feet	30 feet
Interior side	Minimum 5 feet/Average 10 feet	Exceeds 10 feet (large open terraces that completely break up the second floor)
Rear	Minimum 20 feet/ Average n/a	55 feet

**Sec. 90.49 Lot standards**

Lot Standards H30A	Required	Proposed
Minimum Lot width	50 feet	75 feet
Minimum lot area	5,000 square feet	15,075 square feet
Pervious area	35% (minimum)	50%

**Sec. 90.50 Architecture and roof decks**

	Required	Proposed
Wall openings	All elevations for new structures and multi-story additions (additions greater than 15 feet in height) shall provide for a minimum of ten-percent wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.	Over 10%
Roof Material	(a) Clay Tile;	

	<p>(b) White concrete tile;                  (c) Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board;                  (d) Metal; or                  (e) Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.</p>	<p>Concrete tile. It has the appearance of a wood shake roof but is concrete shake.</p>
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**Sec. 90-54. Accessory buildings and structures in the H30A and H30B districts**

Requirement	Proposed
<p>90-54.1 Any accessory buildings not connected to the main building, except by a breezeway, may be constructed in a rear yard, subject to the following provisions:</p> <p>(a) The maximum height shall be 12 feet.                      (b) The maximum aggregated area shall be 500 square feet.                      (c) The structure shall provide a minimum rear setback of five feet and shall conform to all other setbacks applicable to the property.</p>	<p>A 12 foot high, 330 square foot cabana is proposed with a 20 foot rear setback.</p>

**Sec. 90-60. Construction adjacent to bulkhead lines.**

Required	Proposed
<p>b. A swimming pool construction landward of less than 20 feet of the Indian Creek bulkhead line shall be thoroughly investigated by a registered structural engineer known to the building official to be qualified to evaluate retaining walls, seawalls, bulkhead or other shore protective structures. The structural engineer shall certify that said construction will not compromise the structural capacity of the adjacent retaining wall, seawall, bulkheads or other shore protective structure, and such construction will allow continued maintenance of said retaining wall, seawall or bulkhead, including anchors and soil supports. A certification shall be included on the drawings that the proposed construction has been designed in accordance with the</p>	<p>The swimming pool is proposed to be 20 feet from the seawall. A condition of approval will be recommended to require the applicant to submit an engineering analysis to the Building Official confirming that the construction of the pool will not compromise the structural capacity of the adjacent retaining wall, seawall, bulkheads or other shore protective structure, and such construction will allow continued maintenance of said retaining wall, seawall or bulkhead, including anchors and soil supports.</p>

<p>Florida Building Code and all applicable laws. Upon project completion the registered engineer shall submit to the building official a letter attesting that the construction of the improvements has been observed and is in accordance with Section 307.2 of the Florida Building Code and all applicable local ordinances. The letter shall be signed and have the impressed seal of the registered structural engineer, as applicable.</p>	
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***Sec. 90.61.1 Paving in front and rear yards in H30 and H40 Districts***

<b>Paving Yards</b>	<b>Required</b>	<b>Proposed</b>
Front setback permeability	50% minimum	52.2%
Front yard landscaped	30% minimum	
Rear yard landscaped	20% minimum	78.6%
Number of Curb Cuts	One	One
Curb Cut side set back	5 feet minimum	11 feet
Curb cut width	18 feet width maximum	12 feet
Driveway Materials	Limited to the following 1. Pavers 2. Color and texture treated concrete, including stamped concrete 3. Painted concrete shall not be permitted. 4. Asphalt shall not be permitted.	Granite

**Town of Surfside Adopted Residential Design Guidelines**

***Transparency and Void Requirements***

<b>Required</b>	<b>Proposed</b>
All elevations should provide for a minimum of 10% wall openings.	Minimum 10% wall openings provided.

***Main Entries***

<b>Required</b>	<b>Proposed</b>
Prominent and oriented to the street	Entry is oriented to the street.
Rendered in appropriate scale for the block as well as the individual building	The entry is appropriate for the block.
Entry feature should not extend above the eave line of the structure	The entry feature does not extend above the eave line.
Should not be obstructed from view by fences, landscaping or other visual barriers	The entry is not obstructed.

**Decorative Features**

Required	Proposed
Decorative features should be stylistically consistent throughout the entire building.	Consistent

**Overall Architectural Style**

Required	Proposed
The overall style of each house should be consistent on all sides of the building, as well as among all portions of the roof.	Consistent.

**Driveway Treatments**

Required	Proposed
Town encourages the use of pavers	Granite is provided.

**Wall Materials and Finishes**

Required	Proposed
The same material should be used on all building elevations unless multiple materials are a legitimate expression of the particular style.	The house will include coral stone, stained wood, textured concrete roof tile, oolite stone and water features.

**Roof Materials, Types, and Slopes**

Required	Proposed
Roof types and slopes should be generally the same over all parts of a single building.	Consistent
Restricted materials for roofs are pre-determined in the Town's Building Code, which restricts roofing materials to: 1. Clay tile; 2. White concrete tile; 3. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color is first approved by the planning and zoning board; and 4. Metal.	Tile

**Windows and Trims**

Required	Proposed
Window styles should always be consistent among all elevations of a building.	Consistent
Frame materials should never vary on a single building.	No variation
Window, door and eave trim should be consistent on all elevations of the house	Consistent

## RECOMMENDATION

Staff is recommending approval with the following conditions of approval:

1. The building permit submittal shall correct the height to be measured from the Crown of the Road to the peak of the home and shall not exceed 30 feet.
2. The applicant shall submit an engineering analysis to the Building Official prior to issuance of the building permit confirming that the construction of the pool will not compromise the structural capacity of the adjacent retaining wall, seawall, bulkheads or other shore protective structure, and such construction will allow continued maintenance of said retaining wall, seawall or bulkhead, including anchors and soil supports.



## MEMORANDUM

To: Design Review Board  
 Thru: Michael Crotty, Town Manager  
 From: Sarah Sinatra Gould, AICP, Town Planner  
 CC: Linda Miller, Town Attorney  
 Date: June 26, 2014  
 Re: 9494 Harding Avenue – Big Daddy's Liquors' Sign

The property, Big Daddy's Liquors, is within the SD-B40 zoning district. The applicant installed a wall sign without permits. The existing sign is green and red with channel lettering on raceway. The Planning and Zoning Board had concerns with the raceway sign and the condition of the storefront. The Board voted 3-0 to defer the sign application to work with the applicant. The applicant has revised the sign style to reverse channel lettering. Also, the applicant provided the Town Manager with the building owner's contact information so that he may discuss upgrading the façade with the owner.

Staff has reviewed the current application for consideration by the Planning and Zoning Board. In this report Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation

### STANDARDS / RESULTS

#### Town of Surfside Zoning Code, Applicable Requirements

##### **Sec. 90-71.1 SD-B40 zoning district**

Signs	Permitted	Proposed
Area	1) The total area of exterior signs for any building shall be limited to one square foot for each running foot of frontage of the lot or portion of lot upon which the operating enterprise is located. Whenever the running footage is less than 25 feet, total sign area of up to a maximum of 25 square feet shall be permitted. In no case, however,	72 square feet



	<p>shall total sign area on any single operating enterprise exceed 150 square feet, except as otherwise provided in this Code.</p> <p>2) Such signs shall be attached to the main façade of the building or to a canopy covering the main entrance to the building and shall not project into the required front yard for a distance of more than two feet, or shall be erected on a metal pole or reinforced concrete post, provided that no part of such sign shall project over a dedicated street or sidewalk. Any sign in need of replacement shall conform to this section.</p>	<p>2) Sign is attached to main façade of building.</p>
<p><b>Approved word content</b></p>	<p>Signs may include the following:</p> <ol style="list-style-type: none"> <li>1) Trade name of establishment</li> <li>2) Nature of business, services rendered or products sold on premises.</li> </ol>	<p>"big daddy's LIQUORS" (Trade Name)</p>
<p><b>Supplemental Signs</b></p>	<p>The total allowable area for all supplemental signs for any establishment hereunder reading "Vacancy," "Private Beach," "Swimming Pool," "Cabanas," "Office," "Air Conditioning," "Cocktail Lounge," "Coffee Shop," "Dining Room," "Restaurant" and other such wording shall be limited to eight square feet for each main building, and such sign area shall not be included in computing the maximum sign area for the lot.</p>	<p>Supplemental sign not proposed.</p>
<p><b>Prohibited Word Content</b></p>	<p>Signs may not include the following:</p> <ol style="list-style-type: none"> <li>1) Any reference to price.</li> <li>2) Identification of a business conducted within hotels,</li> </ol>	<p>"big daddy's LIQUORS" (No reference to price.)</p>



	apartment houses or similar structures, other than those permitted under supplemental signs	
<b>Location</b>	No sign shall be erected so that any portion thereof shall project over a dedicated street, alley or sidewalk or so that any portion shall project more than five feet from any main building wall.	No portion of the sign projects over street, alley, or sidewalk. It does not project from main building wall.

**RECOMMENDATION**

Staff recommends approval of the wall sign.





## Town of Surfside Commission Communication

**Agenda #:**

**Agenda Date:** June 10, 2014

**Subject:** Solar Panels

**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** At the September 30, 2013 Town Commission and Planning and Zoning Board Joint meeting, there was a discussion regarding solar panels. Staff presented the proposed code amendment at the March 27, 2014 Planning and Zoning Board meeting where the ordinance was recommended for approval to the Town Commission.

**Analysis:** The code is currently silent on solar panels. Broward County has created a model ordinance that many municipalities are utilizing to make it easier for the public to move forward with solar panels. Staff used this ordinance text as a base for the following proposed changes:

**Sec. 90-2. Definitions.**

*Rooftop photovoltaic solar system:* A system which uses one (1) or more photovoltaic panels installed on the surface of a roof, parallel to a sloped roof or surface- or rack-mounted on a flat roof, to convert sunlight into electricity.

90-19.7 The following shall be exempt from planning and zoning board review; however, the design guidelines shall be followed:

- (1) Interior or rear yard fences.
- (2) Interior renovations.
- (3) Awnings.
- (4) Screens.
- (5) Driveways.

- (6) Re-roofs
- (7) Trellis.
- (8) Rooftop Photovoltaic Solar Systems

**Sec. 90-50.3 Rooftop Photovoltaic Solar Systems**

(1) Intent. The provisions contained herein are intended to promote the health, safety, and general welfare of the citizens by removing barriers to the installation of alternative energy systems and encourage the installation of rooftop photovoltaic solar systems.

(2) Permitted accessory equipment. Rooftop photovoltaic solar systems shall be deemed permitted accessory equipment to conforming and nonconforming buildings and structures in all zoning categories. Nothing contained in this chapter shall be deemed to prohibit the installation of rooftop photovoltaic solar systems as accessory equipment to conforming and nonconforming buildings, including buildings containing nonconforming uses.

(4) Height. The height of rooftop photovoltaic solar systems shall not be greater than five (5) feet above the roof and shall not exceed the Town's maximum height limitation described in Section 90-44.1.

(6) Tree removal. Any removal of trees shall require a tree removal permit from Miami-Dade County.

(7) Maintenance. The rooftop photovoltaic solar system shall be properly maintained and be kept free from hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare.

**Budget Impact: N/A**

**Growth Impact: N/A**

**Staff Impact: N/A**

**Staff Recommendation:** Staff recommends the Town Commission approve this ordinance on first reading.



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

**ORDINANCE NO. 14 - \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING"; AND SPECIFICALLY AMENDING SECTION 90.2 "DEFINITIONS"; AMENDING SECTION 90-19.7 TO EXEMPT ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS FROM PLANNING AND ZONING BOARD REVIEW AND TO FOLLOW DESIGN GUIDELINES; AND CREATING SECTION 90-50.3 "ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS" TO PROVIDE REGULATIONS OF ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE SURFSIDE CODE OF ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on September 30, 2013 at a Joint Meeting of the Town Commission and Planning and Zoning Board there was a discussion regarding solar panels; and

**WHEREAS**, the Town Code is currently silent on solar panels; and

**WHEREAS**, Broward County has created a model ordinance that many municipalities are utilizing to make it easier for the public to move forward with solar panels; and

**WHEREAS**, the Town Commission held its first public reading on June 10, 2014 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, the Planning and Zoning Board, as the Local Planning Agency for the Town, held its hearing on the proposed amendments to the district regulations on June 26, 2014 with due public notice and input; and

**WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on July 8, 2014; and

**WHEREAS**, the Town Commission finds that the proposed Ordinance to the Code is in the best interest of the community.

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

**Section 1. Recitals.** The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2. Code Amendment.** The code of the Town of Surfside, Florida is hereby amended as follows:

**Sec. 90-2. Definitions.**

Rooftop photovoltaic solar system: A system which uses one (1) or more photovoltaic panels installed on the surface of a roof, parallel to a sloped roof or surface- or rack-mounted on a flat roof, to convert sunlight into electricity.

\* \* \*

90-19.7 The following shall be exempt from planning and zoning board review; however, the design guidelines shall be followed:

- (1) Interior or rear yard fences.
- (2) Interior renovations.
- (3) Awnings.
- (4) Screens.
- (5) Driveways.
- (6) Re-roofs
- (7) Trellis.
- (8) Rooftop Photovoltaic Solar Systems**

\* \* \*

**Sec. 90-50.3 Rooftop Photovoltaic Solar Systems**

(1) Intent. The provisions contained herein are intended to promote the health, safety, and general welfare of the citizens by removing barriers to the installation of alternative energy systems and encourage the installation of rooftop photovoltaic solar systems.

(2) Permitted accessory equipment. Rooftop photovoltaic solar systems shall be deemed permitted accessory equipment to conforming and nonconforming buildings and structures in all zoning categories. Nothing contained in this chapter shall be deemed to prohibit the installation of rooftop photovoltaic solar systems as accessory equipment to conforming and nonconforming buildings, including buildings containing nonconforming uses.

(4) Height. The height of rooftop photovoltaic solar systems shall not be greater than five (5) feet above the roof and shall not exceed the Town’s maximum height limitation described in Section 90-44.1.

(6) Tree removal. Any removal of trees shall require a tree removal permit from Miami-Dade County.

(7) Maintenance. The rooftop photovoltaic solar system shall be properly maintained and be kept free from hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare.

\* \* \*

**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 ten (10) days after adoption on second reading.

**PASSED and ADOPTED** on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

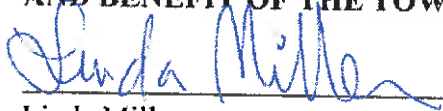
**PASSED and ADOPTED** on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
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: \_\_\_\_\_  
On Final Reading Seconded by: \_\_\_\_\_

**VOTE ON ADOPTION:**

Commissioner Barry R. Cohen	yes	_____	no	_____
Commissioner Michael Karukin	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Vice Mayor Eli Tourgeman	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



## Town of Surfside Planning & Zoning Communication

**Agenda Date:** June 26, 2014

**Subject:** Sign Code

**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** The Planning and Zoning Board has requested the Town update its Sign Code. This request is a result of the Board reviewing signage that meets code requirements, but is not the quality desired in the business district. Staff was authorized to proceed in January 2014. The Downtown Vision Advisory Committee (DVAC) reviewed the conceptual changes of the code in March 2014 and joint Planning and Zoning Board/Town Commission meeting was held in May 2014.

The joint meeting resulted in a number of discussion topics. The following analysis provides a full summary of changes in the code, however, due to certain topics of interest at the joint meeting, here is a brief synopsis of modifications resulting from that meeting. The *italicized* is the code language and the bulleted section is the explanation of staff's analysis.

1. *National flags shall not exceed twenty (20%) of the window glass area.*
  - Flags are exempt from permit requirements and the 20% limitation is the same as other window signage requirements.
2. *Open/Closed sign suspended behind a glass window or door provided the sign does not exceed one (1) square foot are permitted and may be illuminated by white internal illumination.*
  - It was requested at the meeting that open/closed signs be limited to one color. Staff researched this and found that typical open/closed signs are blue and red. Requiring these signs to be one color will result in a custom open/closed sign. Therefore, staff did not limit the color, only the illumination.
3. *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.*

- The existing code required any temporary signage to be placed no closer than 12 inches to a window or door. It has been observed that this requirement is continually violated, therefore, staff is recommending that the 12 inch restriction be removed and temporary signage be permitted to be attached to the glass.
4. *Illumination.* All signage, lettering, logos or trademarks shall be required to be lit with white illumination from dusk to dawn.
- This requirement will assist with keeping the business district lit at night. The illumination may be either internal or external. The maximum illumination proposed is 10 foot candles measured from the centerline of the adjacent sidewalk.
  - There was discussion of requiring either the business owner or the tenant to come into compliance. The property owner, not the tenant, has the responsibility to make certain their property is in compliance with the Town's codes.
5. *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 within greater than thirty-six (36) inches of the window shall not be required to be no greater than twenty (20%) percent of the window area. 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.*
- Staff is recommending permitting TV screens or similar features, but they shall be limited to 20% of the storefront and limited to 10 foot candles as measured from the centerline of the adjacent sidewalk.





6. *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.*
7. *Prohibit cabinet signs.*
8. *Signage for upper floor tenants. Each upper floor tenant shall be entitled to erect permanent signage which does not exceed 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.*
  - Staff is recommending permitting signage for second floor tenants which does not exceed 80% of the signage for the first floor tenant. Requiring the signage to be the same materials for the first floor tenant as the second floor was analyzed, but it is not recommended.
  - Staff does not recommend permitting a projecting sign for the second floor tenants.
9. *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 if any of the following conditions exist:*
  - (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*
  - Provided an amortization of non-conforming sign of 3 years. The Town will provide information to the businesses regarding grant opportunities to assist in sign compliance.

**Summary of changes:**

The following summary is a comparison of changes in the code by section.

**General and miscellaneous provisions**

- (b) Deleted language related to Supreme Court case studies and legal references
- (e) Removed “Definitions” from this section and created a new section solely containing terms and definitions

## Definitions

Removed	Removed and Replaced	Amended
Directory & upper floor sign	Blade sign (see Projecting sign)	“Cabinet sign” definition
Murals	Community interest sign (see <i>Special Event Banner</i> )	“Changeable copy” definition
V-box	Grand opening banner (see <i>Special Event Banner</i> )	“Monument sign” definition
	Menu holders (see <i>Menu sign</i> )	“Non-conforming sign” definition
	Pedestrian sign (see <i>Projecting sign</i> )	“Sign” definition
	Primary occupancy sign (see <i>Primary Business sign</i> )	“Temporary sign” definition
	Sandwich or “A” frame (see <i>Portable Sign</i> )	“Window sign” definition
	Sidewalk café signage (see <i>Portable Sign</i> )	
	Sign area (see <i>Area</i> )	
	Pest control warning sign (see <i>Fumigation warning</i> )	

	sign)	
--	-------	--

Added		
Area	Frontage, Building and Street	Pole mounted sign
Awning sign	Fumigation warning sign	Portable sign
Bandit sign	Home business sign	Primary business sign
Balloon sign	Individually mounted letter sign	Push-through sign
Banner sign	Illuminated	Raceway
Billboard sign	Marquee	Reverse channel sign
Business hours sign	Menu sign	Sign Face
Commercial sign	Non-commercial sign	Secondary business sign
Conforming sign	Non-complying sign	Umbrella sign
Copy	Open/Closed sign	Wall sign
Frontage	Pan Channel Letter	
Freestanding sign	Permanent sign	

### Sign Design Parameters

- Changed section heading to “Sign Design and Appearance”
- (b) (c) Use of streets, waterways, sidewalks, public property and vacant lots language moved to a new section entitled “Prohibited Sign Locations”
- (d) Sign removal language moved to a new section entitled “Sign Removal” which outlines the time limitations and parameters for removal of both permanent and temporary signs
- (e) Moved “Pest control warning sign” language to the “Sign Permit” section under “Exempt Signs.” Renamed “Pest control warning sign” “Fumigation Warning sign” as it is officially referenced by the Department of Agriculture and Consumer Services. Under Florida State Administrative Code “Fumigation Warning signs” already have specific design and placement requirements; as such, all references to design parameters for this type of sign were removed. (See RULE 5E-14.122 of the Florida State Administrative Code: “Fumigation Requirements – Pre-fumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities.”)
- Added new language to this section which speaks more directly to design parameters and sign appearance such as appropriate scale, size, sensitivity to

surrounding buildings and street context, incorporating complementary colors in sign design, use of weather resistant materials and proper sign maintenance and upkeep

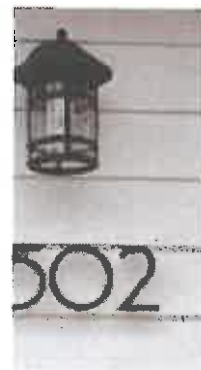
- Extended time frame within which damaged or defective conforming signs must be removed and repaired from 30 days to 90 days.
- Required any damaged or defective non-conforming signs to be replaced with a sign that meets the requirement of the most current sign code.
- Added a list of **exempt signs** which do not require a permit including temporary signs, national flag, Town banners, numerical address sign, menu sign, hours of operation sign, management sign, open/closed sign, and fumigation warning sign.
- Limited the size of a national flag in the business district to 20% of the window glass area of the storefront.
- Added a requirement that all illuminated signs shall require a separate electrical permit
- Added a “Local Business Tax Receipt” requirement which says no such receipts shall be issued for a new business until all signs associated with the former business are removed.
- Added evaluation criteria for permit review
- Extended the time period for failure to commence from 90 days to 2 years.



*National Flag*



*Town Banners*



*Numeric Address Sign*



*Open/Closed Sign*



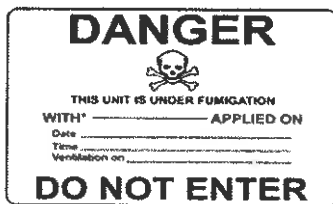
*Business Hours Sign*



*Menu Sign*



*Property Management Sign*



*Fumigation Warning Sign*

### Permanent Signs by District

- The following sign types were **added** to the permanent signs list:



▪ *Projecting Sign*



*Reverse Channel (Halo effect)*



*Raceway*



*Push through lettering*



*Pan channel letter*

### SD-B40 Zoning District

- (d) "Miscellaneous" "Managed by.." sign type moved to the exempt signs list under "Sign Permits"
- (e) "Location" language moved to a new section entitled "Prohibited Sign Locations"
- (f)(1)(2)(3)(4) Temporary "Window Signs" moved to the "Temporary Signs" section
- (f)(5) Menu sign, hours of operation, and open/closed sign moved to exempt signs list under "Sign Permits".
- (f)(5) List of acceptable materials added to description of permanent "Window Signs" including painted gold leaf or silver leaf, silk screen, cut or polished metal, cut or frosted vinyl and etched glass
- (i) Permitted upper floor tenants to have wall signage no greater than 80% of the lower floor tenants but no signage above the eave line of the building.
- Required internal or external illumination for signs from dusk to dawn.
- Require buildings facing the alley to provide a reflective emergency address sign

- Permit illuminated Open/Closed signs.



*Painted Gold Leaf*



*Painted Silver Leaf*



*Silk-Screen*



*Cut Vinyl*



*Frosted Vinyl*



*Etched Glass*



*Cut or Polished Metal*

*H30C, H40, MU and H120 Districts*

- (b)(3) Edited acceptable wording/lettering for "Supplemental Sign"
- (e)(4) Edited acceptable wording/lettering for "Parking Sign" section
- (e)(6) Added a requirement that "Monument Signs" be landscaped at the base and that internal or external illumination be permitted.

*H30A and H30B Districts*

- (a)(b)(c) Redefined permitted permanent sign type within this district as "Wall Sign"

**Sec 90-73 of original sign code Prohibited Signs**

- In addition to Home Business sign and signs which emit smoke, vapor, or noise the following sign types were **added** to the list of prohibited sign types:





### Temporary Signs

- Required all temporary signs to be professionally lettered
- Added Construction Sign to the list of allowable temporary signs
- Added Temporary Window Sign to the list of allowable temporary signs
- Added Special Event Banner Sign to the list of allowable temporary signs
- Permit temporary signage to be placed in the window rather than only 12 inches from the glass.

*Construction Sign*

*Temporary Window Sign*

*Special Event Banner*



### *Real Estate Sign*

- (a) Added a timeframe for sign removal
- (b) Revised the maximum sign area within the SD-B40 District
- (d) Revised the area and height requirement for signs within the residential district in addition to allowing for sign riders
- (e) Allowed for signs to be black and white and to permit logos or symbols
- Added the requirement that signs be made of rigid, weatherproof materials

### *Political Sign*

- Replaced requirement that sign be "...no closer than ten (10) from any lot line," with "No portion of the sign shall extend across the property line."

- Placed a prohibition on illumination of such signs
- Added language prohibiting placement of political signs on public property
- Placed a maximum height limitation of forty-two (42) inches from the ground for such signs

### **Non-conforming Signs**

- Provided a three year amortization period.
- Added language that prohibits relocation of non-conforming signs
- Added a section on non-complying signs

### **Sign Construction and Maintenance**

- This section was deleted and language moved to the “Sign Design and Appearance” section

### **Next Steps**

- July 8, 2014 Town Commission first reading
- July 31, 2014 Planning and Zoning Board meeting
- August 12, 2014 Town Commission second reading



1 **TOWN OF SURFSIDE**

2 **ARTICLE VI. SIGNS**

3 **Table of Contents**

Sec. 90-68 General and miscellaneous provisions

Sec. 90-69 Definitions

Sec. 90-70 Sign permits

Sec. 90-71 Sign design and appearance

Sec. 90-72 Sign removal

Sec. 90-73 Permanent signs by district

Sec. 90-74 Temporary signs by district

Sec. 90-75 Prohibited signs

Sec. 90-76 Prohibited sign locations

Sec. 90-77 Non-conforming signs

Sec. 90-78 Non-complying signs

4 **Sec. 90-68. General and miscellaneous provisions.**

- 5 (a) *Scope:* The provisions of this article shall govern the number, size, location, and character of all  
6 signs which may be permitted either as a main or accessory use under the terms of this article. No  
7 signs shall be permitted on a plot or parcel either as a main or accessory use except in accordance  
8 with the provisions of this article.
- 9 (b) *Purpose:* This article shall be known as the "Town of Surfside Sign Code." The purpose of the code  
10 is to improve and advance the governmental purpose of aesthetics, quality of life, and safety of the  
11 Town and its residents, while meeting the need for signage that clearly identifies locations,  
12 advertises businesses, and otherwise communicates commercial and noncommercial messages.
- 13 (c) *Substitution of non-commercial speech for commercial speech:* Notwithstanding any provisions of  
14 this article to the contrary, to the extent that this article permits a sign containing commercial copy, it  
15 shall permit a non-commercial sign to the same extent. The non-commercial message may occupy  
16 the entire sign area or any portion thereof, and may substitute for or be combined with the  
17 commercial message. The sign message may be changed from commercial to non-commercial, or  
18 from one non-commercial message to another, as frequently as desired by the sign's owner,  
19 provided that the sign is not prohibited and the sign continues to comply with all requirements of this  
20 article.
- 21 (d) *Severability:*
- 22 (1) *Generally:* If any part, division, subsection, paragraph, subparagraph, sentence, phrase, clause,  
23 term, or word of this article is declared unconstitutional by the final and valid judgment or decree  
24 of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not  
25 affect any other part, division, subsection, paragraph, subparagraph, sentence, phrase, clause,  
26 term, or word of this article.

27

- 1 (2) *Severability where less speech results:* This article shall not be interpreted to limit the effect of  
 2 subsection 90-68(d)(1), or any other applicable severability provisions in the Code of  
 3 Ordinances or any adopting ordinance. The Town Commission specifically intends that  
 4 severability shall be applied to these sign regulations even if the result would be to allow less  
 5 speech in the Town, whether by subjecting currently exempt signs to permitting or by some  
 6 other.
- 7 (3) *Severability of provisions pertaining to prohibited signs:* This division shall not be interpreted to  
 8 limit the effect of subsection 90-68(d)(1) above, or any other applicable severability provisions in  
 9 the Code of Ordinances or any adopting ordinance. The Town Commission specifically intends  
 10 that severability shall be applied to 90-75, "Prohibited signs," so that each of the prohibited sign  
 11 types listed in that section shall continue to be prohibited irrespective of whether another sign  
 12 prohibition is declared unconstitutional or invalid.
- 13 (4) *Severability of prohibition on off-premises signs:* This division shall not be interpreted to limit the  
 14 effect of subsection 90-68(d)(1) above, or any other applicable severability provisions in the  
 15 Code of Ordinances or any adopting ordinance.

## 17 **Sec. 90-69. Definitions.**

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

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

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

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

27 *Balloon sign:* An inflatable sign which may be tethered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25           *Monument sign:* A free-standing sign generally having a low profile where the base of the sign  
26 structure is on the ground independent of the building.

27           *Non-commercial sign:* A sign that does not contain copy that advertises or promotes the  
28 availability of any merchandise, service, institution, residential area, entertainment, or activity. Such  
29 sign typically conveys an opinion, idea, or concept; or displays a civic, political, religious, seasonal or  
30 personal message.  
31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 90-70. Sign permits.**

- 2 (a) *Sign permit required.* Except as otherwise provided in this Code, no permanent shall be erected,  
 3 constructed, posted, painted, altered, maintained, or relocated until a sign permit has been issued by  
 4 the Town.
- 5 (b) *Exempt Signs.* The following signs are allowed and exempt from permit requirements:
- 6 (1) National flag. A flag shall not exceed twenty (20%) of the window glass area.
- 7 (2) Banners erected by the Town including street pole banners.
- 8 (3) Non-illuminated numerical address.
- 9 (4) Open/Closed sign suspended behind a glass window or door provided the sign does not  
 10 exceed one (1) square foot. The sign may be illuminated by white internal illumination.
- 11 (5) Non-illuminated business hours sign suspended behind a glass window or door provided the  
 12 sign does not exceed one (1) square foot.
- 13 (6) All temporary signs as provided in Section 90-74.
- 14 (7) Menu sign not exceeding two (2) square feet displayed on the wall, window, or front door of a  
 15 sit-down restaurant within the SD-B40 district only.
- 16 (8) Plastic or metal wall sign not larger than sixteen (16) inches in width and five (5) inches in  
 17 height stating "Managed by \_\_\_\_\_" with the name of the individual, partnership or  
 18 corporation that manages a building.
- 19 (9) Fumigation warning sign as required by the Department of Agriculture and Consumer Services.
- 20 (c) *Application.* Before any permit is issued, a written application, in the form provided by the Town,  
 21 shall be filed, together with such drawings and specifications as may be necessary to fully advise the  
 22 Town with the location, construction, materials, manner of illuminating, method of securing or  
 23 fastening, the number of signs applied for, the consent of the property owner, and the wording of the  
 24 sign. Upon the submission of an application, staff shall have ten (10) working days to determine  
 25 whether it is complete. If staff finds that the application is not complete, they shall provide the  
 26 applicant with written notice of the deficiencies within the ten (10) working days period. Upon  
 27 resubmission of the application, staff shall have five (5) additional working days to determine  
 28 whether the applicant's revisions are sufficient to complete the application. If they are not, staff will  
 29 again inform the applicant of any remaining deficiencies in writing. This process shall continue until  
 30 the applicant has submitted a complete application, or demands that the application be reviewed "as  
 31 is."
- 32 (d) *Building code requirements.* Structural and safety features and electrical systems shall be in  
 33 accordance with the requirements of the Town's adopted building code. No sign shall be approved  
 34 for use unless it has been inspected and found to be in compliance with all the requirements of this  
 35 chapter and applicable Codes.
- 36 (e) *Electrical permit requirements.* All signs that are electrically illuminated shall require a separate  
 37 electrical permit and inspection.
- 38 (f) *Local Business Tax Receipt requirements.* No Local Business Tax Receipt shall be issued for a new  
 39 business until all signs associated with the former business have been removed.
- 40 (g) *Permit review.* All signs, unless otherwise exempt, shall be subject to review by the design review  
 41 board. In evaluating an application for a sign permit the board shall consider the following:
- 42 (1) Whether or not the sign complies with the requirements of the code.
- 43 (2) The quality of materials used and their relationship to the architecture of the structure and  
 44 streetscape.
- 45 (3) The overall concept associated with the proposed sign.

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

17 **Sec. 90-71. Sign design and appearance.**

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

41 **Sec. 90-72. Sign removal.**

- 42 (a) *Permanent signs.* Upon the vacation of a premise, any sign associated with the previous owner or  
43 lessee including letters, numbers, logos, or any other visual communication associated with the  
44 vacated premise, shall be removed by the current owner or lessee within thirty (30) days of the  
45 transfer of ownership or cessation of the previous business activity. Any visible holes shall be

1 painted and filled. Sign structure may remain in place provided no identifying features of the  
 2 previous business activity are visible and the sign structure is conforming per the requirements of the  
 3 code.

- 4 (b) *Temporary signs.* Notwithstanding the time limitations set forth in Section 90-74, all outdoor  
 5 temporary signs shall be removed immediately upon the issuance of a hurricane warning by a  
 6 recognized government agency.

7 **Sec. 90-73. Permanent signs by district.**

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

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

12  
 13 (2) *Signage for upper floor tenants.* Each upper floor tenant shall be entitled to erect permanent  
 14 signage which does not exceed 80% of the allowable signage square footage for the first floor  
 15 signage, provided such sign meets all of the requirements of this subsection. In addition, each upper  
 16 floor tenant shall be entitled to erect a single sign, not over one-hundred and eight (108) square  
 17 inches in size, at the entrance or lobby of the building which provides egress to the upper floor.

18  
 19 (3) *Permitted signs.*

20 a. *Projecting sign.* The maximum sign area for projecting signs shall be eight (8) square feet.  
 21 The maximum lettering height shall be six (6) inches unless otherwise integrated into a  
 22 creative graphic design as approved by the design review board. Signs shall not project  
 23 more than five feet from any main building wall nor shall they be mounted above first story  
 24 tenant space. Encroachment into the right-of-way including sidewalks shall only be  
 25 permitted where it can be demonstrated that there is a minimum vertical clearance of eight  
 26 (8) feet. Decorative bracket treatments are encouraged. Projecting signs shall not have  
 27 electric lights, attached electric fixtures, or any manner of illumination.

28 b. *Individually-mounted letter sign.* The total area of all individually-mounted letter signs shall  
 29 be one (1) square foot for each lineal foot of frontage of the lot or portion of the lot upon  
 30 which the operating enterprise is located. For frontages less than twenty-five (25) feet, a  
 31 total sign area up to twenty-five (25) square feet maximum shall be permitted. In no case  
 32 shall the total sign area on any single operating enterprise exceed one-hundred and fifty  
 33 (150) square feet and no single sign shall exceed forty-five (45) square feet.

34 1. *Types.* The following types of individually-mounted letter signs shall be permitted. No  
 35 open face channel letters shall be permitted.

36 i. Reverse channel letter

37 ii. Push-through letter

38 iii. Pan channel letter

39 iv. Raceway mounted letter. All exposed raceways must be painted to match  
 40 finish of wall face of the building.

41 2. *Offset.* Signs shall be off-set from the wall a minimum of one quarter inch to a  
 42 maximum of two inches to permit rain water to flow down the wall face. This is not  
 43 applicable to push-through or raceway mounted lettering.

44  
 45 3. *Illumination.* All signage, lettering, logos or trademarks shall be required to be lit with  
 46 white illumination from dusk to dawn.

1 (2) The illumination may be either internal illumination or external illumination. Lighting shall  
 2 meet all applicable electrical codes. Intensities of illumination shall be approved by the  
 3 Building Official of the Town before issuance of a sign permit. A maximum of ten (10) foot  
 4 candles is permitted on any portion of a sign to be measured at the centerline of the adjacent  
 5 sidewalk. A foot candle is defined as a unit of illuminance or light falling onto a surface. It  
 6 stands for the light level on a surface one foot from a standard candle. One foot candle is  
 7 equal to one lumen per square foot. A Lumen is the basic measure of the quantity of light  
 8 emitted by a source. If illumination is external, it shall be located and directed solely at the  
 9 sign. The light source shall not be visible from or cast into the right-of-way, or cause glare  
 10 hazards to pedestrians, motorists, or adjacent properties.

11  
 12 c. *Permanent window sign.* One (1) primary sign may be applied to the inside or outside  
 13 surface of any one glass window or door or displayed within twelve (12) inches of a glass  
 14 window or door. Such signs shall only be permitted on primary and side street level  
 15 frontages. Sign area inclusive of logos or trademarks shall not exceed twenty (20%)  
 16 percent of the area of the glass window or door in which the sign is displayed. Lettering  
 17 shall not exceed eight (8) inches in height. Acceptable materials include painted gold leaf  
 18 or silver leaf, silk-screened, cut or polished metal, cut or frosted vinyl, and etched glass.

19  
 20 d. *Television screen or similar.* Television screens or similar electronic features may be  
 21 located inside the storefront and project out to the sidewalk. These features shall be  
 22 oriented towards the pedestrian and angled to be parallel to the sidewalk. Television  
 23 screens or similar electronic features shall not exceed twenty (20%) percent of the area of  
 24 the glass window if the feature is within thirty-six (36) inches of the window. Television  
 25 screens or similar electronic features located within greater than thirty-six (36) inches of the  
 26 window shall not be required to be no greater than twenty (20%) percent of the window  
 27 area. A maximum of 10 foot candles of illumination shall be permitted from any television  
 28 screens or similar electronic features to be measured at the centerline of the adjacent  
 29 sidewalk.

30  
 31 e. *Emergency address sign.* Commercial buildings in Blocks number 3, 4, 5, and 6 of Altos  
 32 Del Mar Subdivision Number 6 shall be required to provide an emergency address sign on  
 33 the alley side of the building clearly identifying the address of the establishment. Signage  
 34 may be wall mounted or posted on a rear door. Sign material shall consist of weatherproof  
 35 reflective 3-inch or 4-inch address panels.

36  
 37 (b) *H30C, H40, MU and H120 Zoning Districts.*

38  
 39 (1) Signage on the outside of a hotel, multifamily building, or other similar structure which identifies  
 40 a secondary business within the same structure is prohibited. Supplemental signs as permitted  
 41 in this subsection shall be exempt from this requirement.

42  
 43 (2) *Content.* Commercial signs may only include the trade name, logo of the establishment, the  
 44 nature of business or services rendered, or the products sold on the premises, except as  
 45 otherwise provided in this Code. Signs may not include any reference to rates.

46  
 47 (3) *Permitted signs.*

48 a. *Individually-mounted letter sign.* Permitted as under the requirements of Section 90.73  
 49 (a)(3)(b.), except total sign area for multi-family dwellings within the H30C and H40 districts  
 50 shall not exceed seventy-five (75) square feet.

51 b. *Monument Sign.* One monument sign shall be permitted per street frontage. The  
 52 maximum sign area shall not exceed twenty-five (25) square feet. The maximum height  
 53 shall not exceed five (5) feet from the ground. Signs shall maintain a five (5) feet setback  
 54 from all property lines and no portion shall be permitted to project within this five (5) feet



1 setback area. Signs are required to be landscaped at the base. Signs may be internally or  
2 externally illuminated.

- 3 c. *Supplemental sign.* A sign for any establishment reading "Office," "Vacancy," "Private  
4 Beach," "Swimming Pool," "Cabanas," "Coffee Shop," "Restaurant," or other such wording  
5 shall be considered a supplemental sign. Such signs shall be limited to three (3) square  
6 feet in size; except in the H120 district, a hotel with a restaurant may display an individual  
7 sign not to exceed five (5) square feet in size containing the name of the restaurant. The  
8 total combined square footage of individual supplemental signs shall not exceed eight (8)  
9 square feet per main building. Such signs shall not be included in calculating the total  
10 maximum sign area for the lot. Signs shall be dignified in character and shall be restricted  
11 to the wording described above.
- 12 d. *Parking sign.* Parking signs not over four (4) square feet in size may be erected at each  
13 exit or entrance of parking lots serving buildings in these zoning districts. Such signs may  
14 be illuminated by indirect lighting only. Lettering on these signs shall be limited to the name  
15 and address of the primary business, multifamily building or hotel, and the words  
16 "Entrance" or "Entrance Only," "Exit" or "Exit Only," "Parking," "Resident Parking," "Guest  
17 Parking," "Visitor Parking," "Private Parking," "Valet Parking," or "Customer Parking."
- 18 e. *Emergency address sign.* Buildings on the east side of Collins Avenue abutting the beach  
19 walking path shall be required to provide an emergency address sign identifying the name  
20 and address of the building. Sign shall be mounted on a free-standing post not to exceed  
21 eighteen (18) inches in height and twenty-four (24) inches in width. Address letters and  
22 numbers shall not exceed two (2) inches in height and name shall not exceed one (1) inch  
23 in height. Sign material shall be weatherproof and reflective so as to be clearly visible at  
24 night.

25  
26 (c) *H30A and H30B Zoning Districts.*

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

31 **Sec. 90-74. Temporary signs.**

32  
33 (a) *Real estate sign.*

- 34  
35 (1) *SD-B40 District.* One (1) professionally lettered real estate sign shall be permitted per building  
36 frontage. The maximum sign area shall be three (3) square feet. The sign shall be mounted flat  
37 against the building wall or a minimum of twelve (12) inches from a window, and shall not  
38 project above the eave line of the building.
- 39 (2) *All Other Zoning Districts.* One (1) professionally lettered real estate sign shall be permitted  
40 per street frontage. The sign shall be wall mounted flat against the building wall or securely  
41 fastened to a wood or metal freestanding stake or post of sufficient strength. The maximum  
42 sign panel area shall be eighteen (18) inches by twenty-four (24) inches. Up to two (2) riders  
43 shall be permitted above and/or below the main sign panel not to exceed six (6) inches by  
44 twenty-four (24) inches per rider for in-ground signs. The maximum sign height for in-ground  
45 signs including support frame shall not exceed forty-two (42) inches from the ground to the top  
46 of the sign. Such sign shall be located outside of any sight visibility triangle. No portion of the  
47 sign shall extend across the property line.
- 48 (3) All real estate signs shall be black and white and may include a trademarked logo or symbol.
- 49 (4) Sign shall be constructed of rigid, weather proof materials.

- 1 (5) Sign shall not be lighted or illuminated in any manner.  
 2 (6) Sign shall be removed within seven (7) days of a lot, building, residence or tenant space being  
 3 leased, rented or sold.  
 4  
 5 (b) *Political sign.*  
 6 (1) *SD-B40 District.* One (1) professionally lettered political sign shall be permitted per building  
 7 frontage. The maximum sign area shall be three (3) square feet. The sign shall be mounted flat  
 8 against the building wall or a minimum of twelve (12) inches from a window, and shall not project  
 9 above the eave line of the building.  
 10 (2) *All Other Zoning Districts.* One (1) professionally lettered political sign shall be permitted per  
 11 street frontage. The sign shall be wall mounted flat against the building wall or securely  
 12 fastened to a wood or metal freestanding stake or post of sufficient strength. The maximum sign  
 13 area shall be three (3) square feet. Sign face shall be constructed of metal, plastic, wood,  
 14 pressed wood or cardboard. The maximum sign height for in-ground signs including support  
 15 frame shall not exceed forty-two (42) inches from the ground to the top of the sign. Such sign  
 16 shall be located outside of any sight visibility triangle. No portion of the sign shall extend across  
 17 the property line.  
 18 (3) Signs shall be not be erected more than 90 days prior to the subject election date or ballot vote  
 19 and shall be removed no later than seven (7) days after the subject election date or ballot vote.  
 20 (4) Sign shall not be lighted or illuminated in any manner.  
 21 (5) It shall be unlawful for any person to paste, glue, print, paint, affix, or attach by any means  
 22 whatsoever to the surface of any public street, right-of-way, easement, sidewalk, curb, or to any  
 23 property of any governmental body or public utility, any political sign, poster, placard, or sticker  
 24 designed or intended to advocate or oppose any ballot issue or the nomination or election of any  
 25 candidate.  
 26  
 27 (c) *Construction sign.*  
 28 (1) One (1) professionally lettered construction sign shall be permitted per site or development  
 29 subject to the issuance of a building permit for the project. Such sign shall be removed  
 30 immediately if the building permit for the project expires and construction has not commenced,  
 31 and/or the permit is not renewed.  
 32 (2) Sign content is limited to the following:  
 33 a. Project name  
 34 b. Parties involved in construction and financing  
 35 c. Contact information such as phone number, email address or website  
 36 d. Unit prices not to exceed ten (10%) percent of the total sign area. Numbers shall not  
 37 exceed six (6) inches in height.  
 38 (3) Maximum sign area is sixteen (15) square feet.  
 39 (4) Sign may be freestanding affixed to posts, a flat wall sign, or mounted to a construction fence.  
 40 Freestanding signs shall be a minimum of ten (10) feet from the property line and shall be a  
 41 maximum of five (5) feet in height from the ground to the top of the sign. Wall signs shall not  
 42 extend above the floor of the second story, parapet wall, or eave line of the building.  
 43 (5) Rigid weatherproof board is required.  
 44 (6) Such sign must be removed within seventy-two (72) hours of the issuance of a certificate of  
 45 occupancy.  
 46

- 1 (d) *Temporary window sign.*
- 2 (1) Temporary window signs of any nature may be attached to glass window or doors, or mounted  
3 within 12 inches of a glass window or door.
- 4 (2) One (1) professionally lettered temporary sign shall be permitted per window.
- 5 (3) Sign may not be displayed more than sixty (60) calendar days unless otherwise provided in this  
6 subsection.
- 7 (4) The total area for temporary signs shall not exceed twenty (20%) percent of the glass window  
8 they are facing unless otherwise provided in this subsection.
- 9 (5) Temporary signs pertaining to a going-out-of-business sale or everything-must-go clearance  
10 event shall be permitted to be displayed within a window for a period not to exceed ninety (90)  
11 calendar days.
- 12 (6) A temporary sign not exceeding one (1) square foot may be affixed to any window or glass door  
13 stating special hours or closing days due to holidays, or bona fide business or personal  
14 emergencies. There shall not be more than one (1) such sign per window or door. Sign shall not  
15 be maintained for more than fourteen (14) calendar days.
- 16 (7) Signs not in excess of six (6) square inches, listing merchandise price, may be attached to items  
17 displayed in display windows.
- 18 (8) Temporary signs which are removed and redisplayed within thirty (30) calendar days of removal  
19 shall be deemed in violation of this subsection. Display merchandise signs listing price not  
20 exceeding six (6) square inches shall be exempt from this requirement.
- 21 (e) *Special event banner sign*
- 22 (1) One (1) professionally lettered temporary banner advertising a grand opening associated with a  
23 commercial building or business enterprise is permitted.
- 24 (2) Permitted content shall be limited to "Grand Opening" "Coming Soon" "Now Open" or "Under New  
25 Management" and the date and time of the event where applicable.
- 26 (3) No banner shall exceed thirty-two (32) square feet or five (5%) percent of the building façade that  
27 faces a public street, whichever is less.
- 28 (4) Banners may only be displayed within sixty (60) calendar days from the date an occupational  
29 license is issued.
- 30 (5) No banner shall be displayed for more than thirty (30) consecutive calendar days.
- 31 (6) Banner shall not include changeable copy.
- 32 (7) Banner shall be made of durable materials such as canvas or vinyl. Non-durable material such  
33 as butcher-type paper is not permitted.
- 34 (8) Banner shall be securely attached to a supporting structure such as a street frontage wall and  
35 capable of withstanding continuous wind without deflections or rotations that would cause  
36 deformation or damage.
- 37 (9) No banner shall be attached to a roof structure or above the eave line of the building.

### 38 **Sec. 90-75. Prohibited signs.**

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

- 43 (a) Awning signs or any sign printed on or attached to an awning or canopy.

- 1 (b) Balloon signs or other inflatable signs. Balloons may be permitted for a period not to exceed 24-  
2 hours for a temporary, non-commercial event such as a special occasion at a residence.
- 3 (c) Banner signs except as otherwise permitted by code.
- 4 (d) Billboards.
- 5 (e) Cabinet signs.
- 6 (f) Changeable copy signs or marquees.
- 7 (g) Home business signs.
- 8 (h) Flags except as otherwise permitted by code.
- 9 (i) Lighted signs including strings of lights or lights framing a window
- 10 (j) Mirror devices used as part of a sign.
- 11 (k) Off-premise signs including persons wearing costumes and/or holding temporary signs with  
12 commercial copy.
- 13 (l) Pole-mounted signs.
- 14 (m) Portable signs including A-frame, sandwich board, and moveable make-shift signs such as signs  
15 attached to a mannequin or mounted on a table or chair, or any other similar type of portable sign or  
16 moveable object primarily designed for display purposes or to attract the attention of sidewalk traffic.
- 17 (n) Roof signs.
- 18 (o) Signs whose face is designed or constructed to be placed or transported on wheels
- 19 (p) Snipe or bandit signs except political signs and real estate signs.
- 20 (q) Temporary signs including posters and handbills except as otherwise permitted by code.
- 21 (r) Umbrella signs.
- 22 (s) Signs containing wording which constitutes fraudulent or misleading advertising.
- 23 (t) Signs containing obscene matter or wording which violates any federal, state or county statute,  
24 ordinance or rule.
- 25 (u) Signs which have spinning devices, or strings of spinning devices, streamers, fluttering or other  
26 similar advertising devices.
- 27 (v) Signs which emit smoke, visible vapors, particles, sound, or odors.
- 28 (w) Signs not erected by a public authority which simulate, copy, or imply any official traffic sign, signal  
29 or police caution device.
- 30 (x) Signs that display lights which are intermittent, blinking, moving, revolving, flashing or similar, except  
31 decorative or flashing illumination may be used between December 10 and January 5.

32

### 33 **Sec. 90-76 Prohibited sign locations.**

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

- 36 (a) Signs which prevent free ingress or egress from any door, window, or fire escape shall be prohibited.  
37
- 38 (b) Signs shall not be placed in any location which obstructs a motorist's vision of an intersection, traffic  
39 control signal, other vehicular traffic, or view of pedestrian or bicycle traffic.  
40
- 41 (c) Signs shall not be placed on or near the rear of a lot or building so as to face a designated zoning  
42 district other than the one in which the sign is located except as otherwise permitted by Code.

1 Provided however, that signs may be installed on the rear walls of commercial buildings in Blocks  
 2 number 3, 4, 5, and 6 of Altos Del Mar Subdivision Number 6, in accordance with Section 90-73(a)  
 3 and Section 90-74. Such signs shall be limited to a maximum area of twenty-five 25 square feet.  
 4 These signs shall not be included in computing total sign area for a given operating enterprise.  
 5

6 (d) No sign of any type shall be suspended across any vacant lot, unoccupied building or temporary  
 7 structure nor shall any sign of any description be stenciled, written, painted, posted, printed, nailed  
 8 or otherwise affixed to any vacant lot, unoccupied building or to any temporary structure within the  
 9 Town except as otherwise permitted by Code.

10 (e) Except as otherwise authorized by the Town Manager or designee, no sign of any type shall be  
 11 suspended across any public street, right-of-way, sidewalk, easement, alley or waterway; nor shall  
 12 any sign of any description be stenciled, written, painted, posted, printed, nailed or otherwise affixed  
 13 to any curb, sidewalk, tree, light standard, utility pole, hydrant, traffic signal device, street sign and its  
 14 pole, bridge, wall, or any other structure, which is within the property lines of any street, right-of-way,  
 15 easement, alley, waterway or other public property within the Town.

16 (f) Signs placed without the express permission of the property owner or agent.

17 **(g) Sec. 90-77. Non-conforming signs.**

18 (a) All legally permitted signs which become non-conforming by the provisions of this Code shall be  
 19 replaced with a conforming sign within three years of the effective date of this ordinance if any of the  
 20 following conditions exist:

21 (1) There is additional development of a site

22 (2) There is a change in use, occupancy, or tenant

23 (3) There is a change in sign copy (with the exception of window signs)

24 (4) There is a structural sign alteration or repair

25 (5) There is sign damage by any cause which exceeds 50% of the sign as determined by the  
 26 Building Official

27 (6) There is removal of a sign

28  
 29 (b) *Sign relocation.* Non-conforming signs shall not be permitted to be relocated.

30 **Sec. 90-78. Non-complying signs.**

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

34



## Town of Surfside Planning & Zoning Communication

**Agenda Date:** June 26, 2014

**Subject:** 10% windows for each story

**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** The Town's zoning code provides a requirement for 10% windows per façade of a single family home. This requirement is per elevation, not per story. The Planning and Zoning Board has requested a modification to implement this modification per story rather than per elevation only.

**Analysis:**

*Sec. 90-50. Architecture and roof decks.*

*9-50.1 Architecture.*

*(1) The architectural design of proposed main buildings shall create a unique elevation compared to the main buildings of the adjacent two homes on each side of the subject property on the same side of street. If the adjacent lot is vacant then the next adjacent lot shall be utilized. A unique elevation shall be created through the modulation of at least three of the following architectural features:*

- a. Length, width and massing of the structure;*
- b. Number of stories;*
- c. Facade materials;*
- d. Porches and other similar articulation of the front facade;*
- e. Number and location of doors and windows; and*
- f. Roof style and pitch.*

*(2) All elevations for new structures and multi-story additions (additions greater than 15 feet in height) shall provide for a minimum of ten-percent wall*

*openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades. per story.*

**Staff Recommendation:** Staff recommends the Planning and Zoning Board recommend approval to the Town Commission.



\_\_\_\_\_  
Sarah Sinatra Gould, AICP, Town Planner



\_\_\_\_\_  
Michael Crotty, Town Manager

ITEM	OUTCOME	NEXT STEPS	IN CONTRACT OR WORK AUTHORIZATION	TENTATIVE SCHEDULE	COMPLETE
<b>General Code Modifications</b>					
a. Commercial waste and recycling container screening	Screening for containers, green screen, vegetation, include pictures from Commissioner Kligman	Draft code amendment	In contract	March PZ	July Commission agenda
b. parking space standards	Modify multi-family rates based on number of bedrooms and provide for guest parking, look at other cities (Coral Gables), require parking for hotel employees, no change to size of spaces, pumps in underground garages	Draft code amendment	In contract	July PZ	
c. cargo container regulations	Prohibit cargo containers in the business district	Draft code amendment	In contract	August PZ	
d. driveway material regulations	Modify code to allow stamped concrete and concrete slabs with decorative rock or grass in between	Draft code amendment	In contract	November PZ	Draft Complete. Commission will review
e. garage door clarification	Modify code to remove requirement for two separate garage doors	Draft code amendment	In contract	November PZ	COMPLETE
f. satellite dishes	Further review by staff	Research and prepare report for discussion and possible code amendment	In contract	July PZ	
g. pyramiding effects of setbacks in the H120 district	No action necessary since Planning and Zoning Board currently reviewing setbacks as part of wall frontage modifications			N/A	



**Sustainability Modifications**

a. residential or commercial wind turbine regulations	Prepare ordinance regulating wind turbines including hurricane precautions, noise regulations, insurance considerations	Draft code amendment	In contract	September PZ	
b. solar panel regulations	Prepare ordinance regulating solar panels	Draft code amendment	In contract	March PZ	June commission agenda
e. Car charging station regulations	Prepare ordinance regulating car charging stations requiring them in new multi-family; research what other communities are doing	Draft code amendment	In contract	December PZ	COMPLETE

**Building Code Clarification**

a. as-built reviews for residential projects	Discuss increasing canopy in town, street trees, what can be planted in ROW	Research and prepare report for discussion and possible code amendment	In contract	March PZ	COMPLETE Added a program modification to FY2015 budget
b. interpretation of base flood elevation for the H120 district	No change	No further action needed		N/A	COMPLETE
<b>Density</b>	Amend comp plan to specify net as the density calculator; prohibit including ROW in density calculation when there is unity of title; research effects of utilizing net vs. gross for density calculations	Data and analysis and preparation of comprehensive plan amendment	Work Authorization	Schedule determined after Commission direction	
<b>Floor Area Ratio</b>	Create new zoning criteria in H30 and H40 to include minimum open space requirements and mid block	Data and analysis, preparation of graphics	Work Authorization	Schedule determined after	

	accessibility and walkways			Commission direction	
<b>Expansion of the business district one block south</b>	Manager to prepare analysis of public/private partnerships and financing alternatives	Place on future Planning and Zoning agenda for discussion	If a land use and zoning change are implemented, a Work Authorization will be required	Schedule determined after Commission direction	
<b>Sign/awning code</b>	Discussed at Joint Meeting	Staff beginning to work on draft	Work Authorization - approved	July Commission August Commission	
<b>Additional Requests from Planning &amp; Zoning after the Joint Meeting</b>					
<b>Green walls</b>	Require green walls adjacent to alleys and other buildings that about public right of ways	Research and prepare report for discussion and possible code amendment	In contract	September PZ	
<b>Downtown Palette</b>	Discussion with the Planning & Zoning Board to determine if a color palette is appropriate and what colors/criteria should be included	Place on future Planning and Zoning agenda for discussion	In contract	December PZ	COMPLETE. Replaced with repainting of structures
<del>Bay Drive &amp; 96<sup>th</sup> Street</del>	<del>Open Bay Drive off 96<sup>th</sup> Street</del>	<del>Staff will research</del>	<del>Police and Building to research</del>	<del>No change- Police Chief cited safety concerns</del>	<del>COMPLETE</del>
<b>Paint Colors</b>	Discussion with the Planning & Zoning Board to determine if a color palette is appropriate for single family homes and what colors/criteria should be included	Place on future Planning and Zoning agenda for discussion	In contract	March PZ	August commission agenda
<b>Turtle Lighting</b>	<del>Town Staff to prepare review</del>	<del>No ordinance necessary- Turtle lighting already required in code-</del>			<del>COMPLETE</del>
<b>Painting of</b>	Town Staff to prepare ordinance	Prepare ordinance	Building to prepare	March PZ	Upcoming

<b>commercial structures</b>		for commission	ordinance		Commission agenda.
<b>10% window opening requirement per story</b>	Discussion with the Planning & Zoning Board	Prepare ordinance for commission	In contract	June PZ	
<b>Parking Trust Fund</b>	Discussion with the Planning & Zoning Board to provide a cap for payment into the fund	Ordinance on July PZ agenda	In contract	July Commission for 1 <sup>st</sup> reading, July PZ August Commission for 2 <sup>nd</sup> reading	
<b>Final Inspections</b>	<b>Zoning</b> Town Manager will analyze				

\*The schedule is subject to change due to the scheduling of items that will be scheduled after Town Commission direction.

## Permits and Revenue Report

<u>Fiscal</u> <u>Quarter</u>	<u>Fiscal</u> <u>Year</u>	<u>Revenue</u> <u>Period</u>	<u>Month/</u> <u>Year</u>	<u>Permits</u> <u>Issued</u>	<u>Revenue</u>	<u>Building</u>	<u>Electrical</u>	<u>Mechanical</u>	<u>Plumbing</u>	<u>Roofing</u>
1	2014	1	10/1/13	143	\$35,685	87	20	14	19	3
	2014	2	11/1/13	117	\$26,448	63	15	17	17	5
	2014	3	12/1/13	132	\$33,739	63	26	13	23	7
2	2014	4	1/1/2014	81	\$319,755	44	16	9	11	1
	2014	5	2/1/2014	101	\$30,772	54	11	13	17	6
	2014	6	3/1/2014	133	\$20,966	67	28	17	20	1
3	2014	7	4/1/2014	106	\$19,193	45	25	18	17	1
	2014	8	5/1/2014	113	\$32,099	56	18	13	19	7
	2014	9	6/1/2014							
4	2014	10	7/1/2014							
	2014	11	8/1/2014							
	2014	12	9/1/2014							
				<u>Total</u>	<u>Total</u>					
				<u>Permits</u>	<u>Permit</u>					
				<u>Issued</u>	<u>Revenue</u>					
				926	\$518,657					