

**CITY OF MIAMI BEACH**

**CODE**

**ARTICLE IV. – TEMPORARY SIGNS**

**Sec. 138-131. – Generally.**

- (a) Temporary signs may be erected or posted and may be maintained only as authorized by and in accordance with the provisions of this article.
  - (b) Temporary signs other than those affixed directly to a window and composed of paper, cardboard, plastic film or other similar material, shall require a permit as set forth in articles I and II of this chapter.
  - (c) Temporary signs shall not be illuminated except for temporary construction signs.
  - (d) For temporary signs six square feet or larger, a bond shall be posted prior to erection of the sign in an amount determined by the building official based upon the estimated cost of removal of the sign. However, no bond shall be required in excess of the amount provided in appendix A. The bond shall be refundable upon removal of the sign.
  - (e) Temporary signs communicating noncommercial messages may be posted or erected in accordance with the sign area and number regulations applicable to election signs.
- (Ord. No. 89-2665, § 9-4(A), eff. 10-1-89; Ord. No. 93-2867, eff. 8-7-93)

**Sec. 138-132. – Business signs.**

- (a) Business signs are signs identifying a particular activity, service, product or sale of limited duration.
  - (b) There shall be a maximum of two permits for the same premises within one calendar year for signs requiring permits. Window signs as described in subsection 138-4(6) shall have no maximum number.
  - (c) The sign area for window signs shall not exceed ten percent of total window area. The sign area for nonwindow signs for a nonconforming business in a residential district is four square feet. The sign area for nonwindow signs for a business in a nonresidential district is 15 square feet.
  - (d) Temporary business signs may be erected and maintained for a period not to exceed 30 days, except that the city manager may approve an extension of time for the business to erect and maintain such signs beyond the 30 days, after the manager finds that such extension is necessary to mitigate the impacts of public construction on visibility of, or access to, the business. Such extension beyond 30 days shall terminate concurrent with the termination of the public construction.
  - (e) Temporary business signs shall be located only upon the lot in which the special use, activity, service, product or sale is to occur.
- (Ord. No. 89-2665, § 9-4(B), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 93-2867, eff. 8-7-93; Ord. No. 94-2938, eff. 10-2-94; Ord. No. 2002-3348, § 1, 1-30-02)

Cross reference — Businesses generally, ch. 18.

### **Sec. 138-133. – Construction signs.**

- (a) Construction signs shall be located on the construction site. Sign copy may include, but not limited to, the project name, the parties involved in the construction and financing, their phone numbers, e-mail addresses, or web sites. Unit prices may be indicated in accordance with the provisions contained herein. Artistic murals or ornamental signs are permitted on construction fences surrounding the project site, subject to the provisions contained herein and design review approval.
- (b) There shall be a maximum of one construction sign per street frontage.
- (c) The sign area for window signs shall not exceed ten percent of total window area. The sign area for single-family signs is four square feet. The sign area for all other districts, shall not exceed one square foot per three linear feet of street frontage, not to exceed 75 square feet. The area contained in renderings, decorative or artistic portions of such signs shall be included in the sign area calculation, in accordance with the provisions herein. When unit prices are allowed they shall not exceed ten percent of the total sign area and numbers shall not exceed six inches in height.
- (d) Temporary construction signs may be erected and maintained for a period beginning with the issuance of a building permit and must be removed within six months from the date the area of new construction or substantial rehabilitation receives a temporary or final certificate of occupancy or a certificate of completion, whichever applies. However, any such signs shall be removed immediately if the building permit expires and construction has not commenced and/or if the permit is not renewed.
- (e) All signs shall be reviewed under the design review process. Construction signs may be flat wall signs, part of a construction fence, or rigid detached signs, affixed to posts or a construction fence. Banners are prohibited. Should the permitted construction sign be part of a construction fence, the size of the sign copy shall not exceed what is permitted under (c) above, however, a rendering of the project, or artistic mural affixed directly on a construction fence shall not be computed as part of the sign area. Unless affixed to a construction fence or an existing building, detached construction signs shall be setback ten feet from any property line. Maximum height to the top of a detached sign affixed to posts or a construction fence shall be 12 feet above grade. Maximum height to the top of a flat sign affixed to a building shall not extend above the second story of such building.

(Ord. No. 89-2665, § 9-4(B)(2), eff. 10-1-89; Ord. No. 93-2867, eff. 8-7-93; Ord. No. 94-2902, eff. 1-29-94; Ord. No. 2002-3385, § 2, 11-13-02)

Cross reference — Building regulations, ch. 14.

### **Sec. 138-134. – Election signs.**

- (a) Election signs are signs announcing political candidates seeking public office or advocating positions relating to ballot issues.
- (b) In a commercial district or industrial district the number is limited only by sign area regulations. In residential districts there shall be no more than one sign per residential building or lot.
- (c) The sign area in commercial or industrial districts for campaign headquarters shall not have a sign area limitation. Each candidate may have four campaign headquarters which shall be registered with the City Clerk. Other commercial or industrial district locations shall have the same requirements as for construction signs or real estate signs, whichever is larger. The sign area in residential districts shall be the same as for construction signs.
- (d) Election signs shall be removed seven days following the election to which they are applicable.

- (e) It shall be unlawful for any person to paste, glue, print, paint or to affix or attach by any means whatsoever to the surface of any public street, sidewalk, way or curb or to any property of any governmental body or public utility any political sign, poster, placard or automobile bumper strip designed or intended to advocate or oppose the nomination or election of any candidate or the adoption or rejection of any political measure.

(Code 1964, § 10-6; Ord. No. 89-2665, § 9-4(B)(3), eff. 10-1-89; Ord. No. 93-2867, eff. 8-7-93)

Cross reference — Elections generally, ch. 38.

**Sec. 138-135. – Real estate signs—Single-family residential.**

- (a) Real estate signs located in single-family residential districts are signs advertising the sale, lease or rent of the premises upon which such sign is located. Sign copy with prices is prohibited.
- (b) There shall be a maximum of one sign permitted per property except for waterfront property where a second sign is permitted facing the water. In addition one strip sign to be attached directly below primary sign is allowed, and one “Open House” type sign is allowed only while the owner or agent is on the premises. Signs may be double faced provided all information is identical.
- (c) The sign area for the primary sign shall be 14 inches by 18 inches and the sign area for the strip sign shall be two inches by 18 inches. “Open House” type signs shall be 22 inches by 16 inches.
- (d) Temporary real estate signs shall be removed within seven days of the sale or lease of the premises upon which the sign is located.
- (e) Special conditions for these real estate signs shall be as follows:
  - (1) Detached signs shall have a setback of ten feet if lot is vacant, three feet if lot has improvements. Sign may be placed on structure or wall if structure or wall is less than three feet from property line. Height shall not exceed five feet.
  - (2) Only the following information and no other information may appear on the sign:
    - a. “For Sale,” “For Lease,” or “For Rent,” or combination thereof.
    - b. The name and logo of the real estate broker or realtor as registered with the Florida Real Estate Commission, the name of the owner or the words “By Owner” in lettering not to exceed one inch in height.
    - c. A designation following such name as being either a “Realtor,” “Broker” or “Owner” in lettering not to exceed one inch in height.
    - d. The telephone number of such realtor, broker or owner.
    - e. The words “By Appointment Only”; “Waterfront”; “Pool.”
  - (3) Iridescent and illuminated signs are prohibited.
  - (4) “Open House” type signs may be red and white or black and white. No signs are permitted on public property.
  - (5) Each primary sign shall receive a permit from the license department, which shall charge a fee as set forth in appendix A per primary sign. There shall be no additional charge for strip or “Open House” type signs.

(Ord. No. 89-2665, § 9-4(B)(4), eff. 10-1-89; Ord. No. 93-2867, eff. 8-7-93; Ord. No. 2002-3385, § 3, 11-13-02)

**Sec. 138-136. – Real estate signs—Multifamily, commercial, industrial, vacant land.**

- (a) Real estate signs located in multifamily, commercial, or industrial districts, are signs advertising the sale, lease or rent of the premises upon which such sign is located. Sign copy with prices is prohibited.
  - (b) There shall be a maximum of one real estate sign permitted per street frontage.
  - (c) The sign area for a multifamily sign shall not exceed four feet by four feet. The sign area for a commercial/industrial sign shall not exceed four feet by six feet.
  - (d) Temporary real estate signs shall be removed within seven days of the sale or lease of the premises upon which the sign is located.
  - (e) Special conditions for these real estate signs shall be as follows:
    - (1) Real estate signs are not permitted on windows of apartment, multifamily buildings or individual offices. Detached signs shall have a setback of ten feet if lot is vacant, three feet if lot has improvements. Sign may be placed on structure or wall if structure or wall is less than three feet from property line. Height shall not exceed seven feet.
    - (2) Only the information permitted on single-family residential real estate signs plus the following information may appear:
      - a. Zoning information.
      - b. Size of property and/or building.
      - c. Permitted use of property.
    - (3) No signs are permitted on public property.
    - (4) Flat wall signs may be substituted with banner type signs.
    - (5) Each individual sign shall receive a permit from the license department which shall charge a fee per sign as provided in appendix A.
- (Ord. No. 89-2665, § 9-4(B)(5), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 93-2867, eff. 8-7-93; Ord. No. 2002-3385, § 4, 11-13-02)

**Sec. 138-137. – Banners and balloon signs.**

- (a) Balloon signs are prohibited in all zoning districts. Notwithstanding the foregoing, for special events authorized in accordance with the requirements prescribed by the city, sponsor's cold air balloon signs and inflatables tethered to the ground may be permitted, but only to the extent said signs and inflatables are approved pursuant to the special event review procedures as established by the city. Balloon signs are hot or cold air balloons or other gas filled figures or similar type signs.
- (b) There shall be a maximum of one banner per structure.
- (c) The sign area shall be determined by the historic preservation and urban design director under the design review procedures.
- (d) Temporary banners shall be erected and maintained for a period not to exceed 14 days, and no more than one time during a calendar year on a premises.
- (e) Temporary banners shall be erected, anchored, used, operated or maintained only on a temporary permit basis as approved under the design review procedures. A building permit is required. The building official shall require a performance bond in an amount determined necessary in order to ensure its removal, but not less than the amount provided in appendix A. Temporary banners shall not be used for construction signs.

(Ord. No. 89-2665, § 9-4(B)(6), eff. 10-1-89; Ord. No. 93-2867, eff. 8-7-93; Ord. No. 94-2902, eff. 1-29-94; Ord. No. 99-3166, § 1, 1-20-99)

**Sec. 138-138. – Garage sale signs.**

- (a) Garage sale signs are signs advertising garage sales.
- (b) The maximum number of garage sale signs shall be one.
- (c) The sign area shall be 12 inches by 18 inches.
- (d) The garage sale signs are allowed once yearly for a maximum period of two days commencing on the first day of the sale and ending at the close of the sale.
- (e) A garage sale sign may only be posted during the effective time of a valid garage sale permit issued by the city.

(Ord. No. 89-2665, § 9-4(B)(7), eff. 10-1-89; Ord. No. 93-2867, eff. 8-7-93)

Cross reference — Garage sales generally, § 86-31 et seq.

**Sec. 138-139. – Cultural institutions temporary banner.**

A cultural institution may have a temporary banner under the following criteria:

- (1) A cultural institution shall be one that engages in the performing arts (including, but not limited to, music, dance and theater), or visual arts (including, but not limited to, painting, sculpture, and photography), or engages in cultural activities, serves the general public and has a permanent presence in the city.
- (2) The institution shall be designated by the Internal Revenue Service as tax exempt pursuant to section 501(c)(3) or (4) of the Internal Revenue Code.
- (3) The institution shall have an established state corporate charter for at least one year prior to the application for approval and be maintained for duration of the approval.
- (4) Cultural institution temporary banners are banners identifying a special event, exhibit or performance.
- (5) There shall be a maximum of three banners per structure.
- (6) The size of the banners shall be determined through the design review or certificate of appropriateness process, as applicable, pursuant to chapter 118 of the land development regulations and approved by the design review or historic preservation boards.
- (7) Banners may be installed up to 30 days prior to the special cultural event, exhibit or performance and shall be removed at the end of the special event, exhibit or performance.
- (8) The method of installation shall be determined under the design review procedures.
- (9) Cultural institutions may use projected images of the special event, exhibit or performance up to a maximum of 30 days prior to the special event, exhibit or performance. Image, manner and duration (hours) of projection shall be subject to approval through the design review process.

(Ord. No. 2001-3326, § 4, 10-17-01)

Ord. No. 2001-3326, § 4, adopted October 17, 2001, amended § 138-139 in its entirety to read as herein set out. Formerly § 138-139 pertained to similar subject matter and derived from Ord. No. 89-2665, § 9-4(B)(8), effective October 1, 1989; Ord. No. 94-2938, effective October 2, 1994.

**Sec. 138-140. – Vacant storefront covers and signs.**

- (a) *Purpose.* Vacant storefronts create blighted economic and social conditions contrary to the viable and healthy economic, aesthetic and social fabric that the city has cultivated and encouraged in its commercial zoning districts. The purpose of this section is to encourage and regulate the screening of the interior of vacant storefronts with aesthetically compatible and attractive material, to obscure the deteriorated or deconstructed conditions of vacant storefronts, and to allow temporary signs to be included on this material.
- (b) *Definition.* For purposes of this section, a vacant storefront is any ground floor business establishment that is unoccupied.
- (c) *Applicability.* The requirements of this section apply only to the ground floor windows and doors of vacant storefronts that face a public right-of-way.
- (d) *Storefront window cover permitted for vacant storefronts.* Windows and doors may be completely screened with an opaque material obscuring the interior. The materials used to satisfy this requirement shall be subject to review and approval by the planning department design review staff, in accordance with applicable design review and historic preservation criteria, and shall consist of 60-pound weight paper, or similar opaque material. Windows covered in accordance with this section may remain covered until issuance of a certificate of use or occupancy for the new occupant, whichever occurs first.
- (e) *Temporary signs permitted.* Material applied to windows in conformity with this section shall not contain general advertising signs or other prohibited sign types. Such material may contain signs that comply with the regulations of this chapter, as follows:
  - (1) Artistic or super graphics in accordance with section 138-204, which may cover 100 percent of the window; and
  - (2) Other types of signage allowed by this chapter, including real estate signs in accordance with section 138-136, and construction signs in accordance with section 138-133; signage under this provision may be incorporated into artistic or super graphics as referenced in (1) above, however text of such signage shall be limited to no more than 25 percent of the total window area of the vacant storefront.

The design and material of all proposed signs under this section shall require review by the planning department design review staff, in accordance with applicable design review and historic preservation criteria.

- (f) *City-provided storefront cover.* The city may also produce and provide preapproved storefront covers, with or without charge, to encourage the coverage of vacant storefronts. Covers provided by the city shall also satisfy the requirements of this section.

(Ord. No. 2012-3767, § 1, 5-9-12)

Secs. 138-141—138-170. – Reserved.