

CITY OF MIAMI BEACH

CODE

ELECTION FREE SPEECH SIGNS

ARTICLE III – SPECIFIC DISTRICT SIGN REGULATIONS

Sec. 138-61. Display of signs or advertisement on vehicles; prohibitions; exemptions; penalties.

- (a) Signs attached to or placed on a vehicle (including trailers) that is parked on public or private property shall be prohibited. This prohibition, however, does not apply in the following cases:
- (1) Identification of a firm or its principal products on a vehicle operating during the normal hours of business or parked at the owner's residence; provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on such vehicle for the purpose of advertising a business or firm or calling attention at the location of a business or firm.
 - (2) Vehicles carrying advertising signs dealing with the candidacy of individuals for elected office or advertising propositions to be submitted and voted upon by the people. This exemption, however, shall cease seven days after the date of the election in which the person was finally voted upon.
 - (3) Vehicles which require governmental identification, markings or insignias of a local, state or federal government agency.
 - (4) Signs that are authorized under chapter [section] 10-4(b) and BA-276 of the Code of Miami-Dade County.
 - (5) All other signs on vehicles advertising a business or firm shall be removed or covered when the vehicle is parked on public or private property.
 - (6) All allowable signs on vehicles which are removable are to be removed during nonbusiness hours.
- (b) It shall be unlawful for any person to operate an advertising vehicle in or upon the following streets and highways under the city's jurisdiction: all of Ocean Drive, and the residential area bounded by and including 6th Street on the south, North Lincoln Lane on the north, Lenox Avenue on the west, and Drexel Avenue and Pennsylvania Avenue on the east. An advertising vehicle is any wheeled conveyance designed or used for the primary purpose of displaying advertisements. Advertising vehicles shall not include or attach any trailers or haul any other vehicle or trailer.

This section shall not apply to:

- (1) Any vehicle which displays an advertisement or business notice of its owner, so long as such vehicle is engaged in the usual business or regular work of the owner, and not used merely, mainly, or primarily to display advertisements;
- (2) Mass transit, public transportation;
- (3) Taxicabs; or

- (4) Any vehicle exempted under section 138-61(a), above.
- (c) Penalties. A violation of the provisions of subsection (a) shall be subject to the enforcement procedures and fines set forth in chapter 30, article III of this Code. A violation of the provisions of subsection (b) shall be subject to the penalties set forth in section 1-14 of this Code.
- (Ord. No. 2016-4045, § 1, 10-19-16)

ARTICLE IV – TEMPORARY SIGNS

Sec. 138-133. Temporary signs regulations for business, real estate, construction, and election/free speech signs.

- (a) *Purpose and intent.* Temporary signs are being regulated equally, ensuring the same setback, height, and other regulations for temporary signs. The terms "temporary business, real estate, construction, and election/free speech signs" are by way of example and are not meant to be utilized to improperly distinguish content. This section should be constructed consistent with Reed v. Gown of Gilbert, Arizona, 135 S.Ct. 2218 (2015).
- (b) *Setback, height regulations for temporary business, real estate, construction, and election/free speech signs.* Unless affixed to a fence or an existing building, detached signs shall be setback ten feet from any property line. Maximum height to the top of a detached sign affixed to posts or a fence shall be five feet above grade in a single family and multifamily residential districts and 12 feet above grade in all other districts. Maximum height to the top of a flat sign affixed to a building shall not extend above the first floor in single-family and multifamily districts and shall not extend above the second story of such building in all other districts.
- (c) *Timeframe, removal.* Temporary signs shall only be allowed for a period beginning with the temporary activity which is the subject of the sign and must be removed within seven days from the date the temporary activity ceases. 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.
- (d) *Number.* There shall be a maximum of one temporary sign per street frontage, with the exception of election/free speech signs, which shall not exceed one temporary sign per residential or commercial unit.
- (e) *Copy.* Artistic murals or ornamental signs are permitted on construction fences surrounding a construction site, subject to the provisions contained herein and design review approval.
- (f) *Type.* Signs may be flat wall signs, part of a fence, or rigid detached signs, affixed to posts or a construction fence. Banners are prohibited. The sign area for window signs shall not exceed ten percent of total window area.
- (g) *Size, single-family.* The sign area for single-family signs shall not exceed four square feet.
- (h) *Size, multifamily.* The sign area for a multifamily zoning district shall not exceed 16 square feet.
- (i) *Size, all other districts.* 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.

(j) *[Design review.]* With the exception of election/free speech signs and temporary window signs, all signs shall be reviewed under the design review process.

(Ord. No. 2016-4045, § 1, 10-19-16)

Sec. 138-134. Election headquarter signs.

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.

(Ord. No. 2016-4045, § 1, 10-19-16)