

ORDINANCE NO. 13- ____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ARTICLE III “SIGN REGULATIONS” AND THE DEFINITIONS OF THE TOWN LAND DEVELOPMENT REGULATIONS, IN ORDER TO AMEND THE TOWN’S REGULATIONS OF SIGNS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, the Town of Cutler Bay is authorized to protect the public health, safety and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the Town Council of the Town of Cutler Bay (“Town Council”) previously adopted definitions, permit procedures, and regulations, relating to the installation, construction, placement, and erection of signs in the Town, in Article VIII “Sign Regulations” of the Town Land Development Regulations; and

WHEREAS, the Town Council finds it periodically necessary to amend its Land Development Regulations in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, the purpose of the amendments proposed in this Ordinance is to update the Town’s sign regulations, address changes in sign technology, and meet the evolving sign needs of the business community and other sign users within the Town with regard to allowable types and sizes of permanent on-premises signs; and to clarify the intent of the Town’s sign regulations; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in the Town, notifying the public of this proposed ordinance and of a public hearing; and

WHEREAS, the Town Council, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and recommends approval; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS¹:

¹ Additions to existing Town code text are shown by underline; deletions from existing code text are shown by ~~strikethrough~~. Changes between first and second reading are indicated with highlight.

Section 1. Findings. The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Sign Code Amended. The Town Council hereby amends the Article VIII “Sign Regulations” of the Town Land Development Regulations, as follows:

Article VIII. Sign Regulations

Sec. 3-113. Prohibited Signs

(A) Prohibited signs by location.

Unless otherwise authorized, the following signs shall be prohibited:

1. Roof signs;
2. Signs that extend above the ~~parapet~~ or roof of a building;
3. Signs that obstruct the view of a public safety or directional sign, or traffic control device;
4. Signs that obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress for any building that would cause a violation of the Florida Building Code;
5. Any vehicle sign affixed to a vehicle that can be viewed from a public right-of-way and remains stationary for a period in excess of twenty (24) hours, excluding weekends and holidays;
6. Signs that are towed behind a vehicle; and
7. Signs located on a fence or tree.

(B) Prohibited signs by type.

1. Signs that do not comply with the provisions of this Article;

Unless otherwise authorized, the following signs shall be

prohibited:

2. Pole signs;
3. Signs on lots without a principal use;
- ~~4. Fixed projecting signs;~~
- ~~54.~~ Any projected sign;
- ~~65.~~ Signs that may be confused with a public safety or directional sign, or traffic control device;
- ~~76.~~ Animated signs;
- ~~87.~~ Signs that emit a sound, odor, or visible matter such as smoke or vapor;
- ~~98.~~ Snipe signs;
- ~~109.~~ Obsolete signs, abandoned signs, or dilapidated signs;
- ~~110.~~ Signs that are portable or unattached to a building or the ground;
- ~~1211.~~ Signs that are inflatable;
- ~~1312.~~ Signs that contain a visible light source;
- ~~1413.~~ Signs containing exposed neon or exposed light emitting diodes (LED);
- ~~15. Externally illuminated signs where lighting is not recessed in the ground;~~
- ~~164.~~ Signs with an internally illuminated eCabinet sign;
- ~~1715.~~ Off-premises signs;
- ~~18. Any sign, other than gas station price signs, containing changeable content;~~
- ~~1916.~~ Banner signs located on a residentially zoned property;
- ~~2017.~~ Painted signs; and
- ~~2118.~~ V-shaped point of sale signs.

Sec. 3-114. Permanent Signs

(B) Non-residential uses. The following standards apply to ~~all permanent signs on the site of~~
~~non-residential uses~~ within the Town's mixed-use and commercial zoning districts.

TYPE OF USE	WALL SIGNS	MONUMENT SIGNS	DIRECTORY SIGNS	DIRECTIONAL SIGNS
OFFICE, INSTITUTIONAL	<p>max. no.: 1 per wall face, or 2 for walls over 50 ft. in length</p> <p>max. total signage area: 10% of wall face or 50 sq. ft., whichever is less</p> <p>max. height: n/a</p>	<p>max. no.: 1 per street frontage</p> <p>max. area: 40 sq. ft.</p> <p>max. height: 6 ft.</p>	<p>max. no.: 1 per building</p> <p>max. area: 18 sq. ft.</p> <p>max. height: 6 ft.</p>	<p>max. no.: 1 per vehicular access point</p> <p>max. area: 8 sq. ft.</p> <p>max. height: 4 ft.</p>
FREESTANDING COMMERCIAL	<p>max. no.: 1</p> <p>max. total signage area: 10% of wall face or 40 sq. ft., whichever is less</p> <p>max. height: n/a</p>	<p>max. no.: 1 per parcel; for parcels over 1.5 acres, 1 sign per street frontage</p> <p>max. area: 40 sq. ft.</p> <p>max. height: 6 ft.</p>	<p>max. no.: 1 per building</p> <p>max. area: 18 sq. ft.</p> <p>max. height: 6 ft.</p>	<p>max. no.: 1 per vehicular access point</p> <p>max. area: 8 sq. ft.</p> <p>max. height: 4 ft.</p>
RETAIL SHOPPING CENTER	<p>max. no.: 1 per first floor store front</p> <p>max. total signage area: 50% of length</p>	<p>max. no.: 1 per street frontage;</p> <p>max. area: 40 sq. ft.</p> <p>max. height:</p>	<p>max. no.: 1 per building;</p> <p>max. area: 18 sq. ft.</p> <p>max. height: 6 ft.</p>	<p>max. no.: 1 per vehicular access point</p> <p>max. area: 8 sq. ft.</p> <p>max. height: 4 ft.</p>

TYPE OF USE	WALL SIGNS	MONUMENT SIGNS	DIRECTOR Y SIGNS	DIRECTIONAL SIGNS
	<p>of storefront, not to exceed 20 sq. ft.</p> <p>max height: 18 in.</p>	<p>6 ft.</p>		
<p>REGIONAL SHOPPING CENTER</p>	<p>max. no.: 1 per first floor storefront</p> <p>max. area: 50% of length of storefront, not to exceed 200 sq. ft.</p>	<p>max. no.: 1 per street frontage;</p> <p>max. area: 64 sq. ft.</p> <p>max. height: 8 ft.</p>	<p>max. no.: 1 per building;</p> <p>max. area: 18 sq. ft.</p> <p>max. height: 6 ft.</p>	<p>max. no.: 1 per vehicular access point</p> <p>max. area: 8 sq. ft.</p> <p>max. height: 4 ft.</p>
<p>MIXED USE</p>	<p>max. no.: 2 wall signs identifying the name of the center or tenants shall be permitted at the top of the building below the roof line.</p> <p>In addition, ground floor retail stores or offices will be allowed one sign per tenant</p> <p>max. area: signs above first floor, 10% of wall face or 50 sq. ft.,</p>	<p>max. no.: 1</p> <p>max. area: 40 sq. ft.</p> <p>max. height: 6 ft.</p>	<p>max. no. 1 per building</p> <p>max. area: 18 sq. ft.</p> <p>max. height: 6 ft.</p>	<p>max. no.: 1 per vehicular access point</p> <p>max. area: 8 sq. ft.</p> <p>max. height: 4 ft.</p>

TYPE OF USE—	WALL SIGNS—	MONUMENT SIGNS—	DIRECTOR Y SIGNS—	DIRECTIONAL SIGNS—
	<p>whichever is less, no sign</p> <p>may exceed 50% of the lineal building frontage; first floor signage consistent with retail shopping center above.</p> <p>max. height: n/a</p>			

Non Residential Uses On Old Cutler Road:

Except as otherwise provided in this Article, signs shall be erected in accordance with Chapter 74-400, Laws of Florida, as follows: No sign may be erected within 300 feet of either side of the paved surface of the road, except the following: (1) Official road signs, including traffic control devices, erected by the Department of Transportation or by the City or County having jurisdiction over the portion of the road involved; (2) Signs not visible from the road; (3) Markers indicating points of historical interest erected or approved by the division; (4) Signs that do not exceed 6 (six) square feet in area advertising the sale or lease of the property upon which they are located; or (5) Signs advertising only the name or nature of the business being conducted upon or the products, facilities, goods or services being sold, supplied, or distributed upon or from the premises where the signs are located, if such signs do not exceed a total of thirty square feet in area for any one business.

1. NC, Neighborhood Center District

a. Applicability. This subsection regulates permanent signs within the NC Neighborhood Center zoning district.

b. Non Residential Uses On Old Cutler Road. Except as otherwise provided in this article, signs shall be erected in accordance with Chapter 74-400, Laws of Florida, as follows:

No sign may be erected within 300 feet of either side of the paved surface of the road, except the following:

- (1) Official road signs, including traffic control devices, erected by the Department of Transportation or by the City or County having jurisdiction over the portion of the road involved;
- (2) Signs not visible from the road;
- (3) Markers indicating points of historical interest erected or approved by the division;
- (4) Signs that do not exceed 6 (six) square feet in area advertising the sale or lease of the property upon which they are located; or

(5) Signs advertising only the name or nature of the business being conducted upon or the products, facilities, goods or services being sold, supplied, or distributed upon or from the premises where the signs are located, if such signs do not exceed a total of thirty square feet in area for any one business.

c. Wall signs for properties within the NC Neighborhood Center District shall be permitted as follows:

<u>Wall Signs</u>		
<u>BUILDING TYPE</u>	<u>Max. Number</u>	<u>Max. Signage Area</u>
<u>Office and Institutional</u>	<u>1 per wall face, or 2 for walls over 50 ft. in length</u>	<u>10% of wall face or 50 sq. ft., whichever is less</u>
<u>Freestanding Commercial</u>	<u>1 per public right-of-way frontage</u>	<u>10% of wall face or 40 sq. ft., whichever is less</u>
<u>Commercial Center</u>	<p><u>A. For multi-story buildings, 2 wall signs located above the first floor and identifying the name of the center or tenants shall be permitted at the top of the building below the roof line</u></p> <p><u>B. One (1) wall sign shall be permitted per ground or second floor establishment which has its own frontage and entrance facing a public right-of-way</u></p>	<p><u>A. For multi-story buildings, wall signs above the first floor shall be limited as follows, 10% of wall face or 50 sq. ft., whichever is less; no sign may exceed 50% of the width of the linear building frontage; first floor signage area shall be consistent with (B)</u></p> <p><u>B. Ground floor wall sign size shall be limited based on the distance between the building and the public right-of-way on which the building fronts:</u></p> <ol style="list-style-type: none"> <u>1. 0 to 20 ft.: 20 sq. ft. max sign area</u> <u>2. 20 to 300 ft.: 40 sq. ft. max sign area</u> <u>3. 301 ft. and greater.: 60 sq. ft. max sign area</u> <p><u>C. An additional ground floor wall sign permitted for a corner or through store establishment shall be limited to 50% of the square footage of a primary sign allowed under (B) above</u></p> <p><u>D. Ground floor wall signs for buildings with over 50,000 sq. ft. of floor area with distances of 0 to 300 ft. between the building and the public right-of-way on which the building fronts may qualify for bonus ground floor wall sign area for qualified Green Building projects, under subsection (I) of this section.</u></p>

<u>Wall Signs</u>		
<u>BUILDING TYPE</u>	<u>Max. Number</u>	<u>Max. Signage Area</u>
	<u>C. Corner or through store establishments may have an additional ground floor wall sign</u>	

Wall signs shall be complimentary to the building façade and not overlap architectural elements of the structure.

c. Monument signs for properties within the NC Neighborhood Center District shall be permitted as follows:

<u>Monument Signs</u>			
<u>BUILDING TYPE</u>	<u>Max. Number</u>	<u>Max. Signage Area</u>	<u>Max. Height</u>
<u>Office and Institutional</u>	<u>1 per public right-of-way frontage</u>	<u>40 sq.ft.</u>	<u>6 ft.</u>
<u>Freestanding Commercial</u>	<u>max. no.: 1 per parcel; for parcels over 1.5 acres, 1 sign per public right-of-way frontage</u>	<u>40 sq. ft.</u>	<u>6 ft.</u>
<u>Commercial Center</u>	<u>1 per public right-of-way frontage; provided that, if a parcel has 300 or more linear feet of parcel frontage and two (2) two-way access</u>	<u>48 sq. ft. per single monument sign</u> <u>max. logo area: logo may cover no more than 25% of the sign area</u>	<u>10 ft</u>

<u>Monument Signs</u>			
<u>BUILDING TYPE</u>	<u>Max. Number</u>	<u>Max. Signage Area</u>	<u>Max. Height</u>
	points on different public rights-of-way, two (2) signs, with an aggregate sign area not to exceed 85 square feet, may be permitted		

d. Changeable copy sign face on monument sign: schools and places of public assembly shall be permitted a changeable copy sign which must be contained within the permitted monument sign area.

e. Directory signs and directional signs within the NC Neighborhood Center District shall be in accordance with Sec. 3-117.

2. Town Center District

a. Applicability. This subsection regulates permanent signs within the Town Center zoning district.

b. Wall signs for properties within the Town Center District shall be permitted as follows:

<u>Wall Signs</u>		
<u>BUILDING TYPE</u>	<u>Max. Number</u>	<u>Max. Signage Area</u>
<u>Office and Institutional</u>	<u>1 per wall face, or 2 for walls over 50 ft. in length</u>	<u>10% of wall face or 50 sq. ft., whichever is less</u>
<u>Freestanding Commercial</u>	<u>1 per public right-of-way frontage</u>	<u>10% of wall face or 40 sq. ft., whichever is less</u>
<u>Commercial Center</u>	<u>A. For multi-story buildings,</u>	<u>A. For multi-story buildings, wall signs above the first floor shall be limited as follows, 10% of wall face or 50 sq. ft., whichever is</u>

Wall Signs		
<u>BUILDING TYPE</u>	<u>Max. Number</u>	<u>Max. Signage Area</u>
	<p><u>2 wall signs located above the first floor and identifying the name of the center or tenants shall be permitted at the top of the building below the roof line</u></p> <p><u>B. One (1) wall sign shall be permitted per ground or second floor establishment which has its own frontage and entrance facing a public right-of-way</u></p> <p><u>C. Corner or through store establishments may have an additional ground floor wall sign</u></p>	<p><u>less; no sign may exceed 50% of the width of the linear building frontage; first floor signage area shall be consistent with (B)</u></p> <p><u>B. Ground floor wall sign size shall be limited based on the distance between the building and the public right-of-way on which the building fronts:</u></p> <ol style="list-style-type: none"> <u>1. 0 to 20 ft.: 20 sq. ft. max sign area</u> <u>2. 21 to 300 ft.: 40 sq. ft. max sign area</u> <u>3. 301 ft. and greater.: 60 sq. ft. max sign area</u> <p><u>C. An additional ground floor wall sign permitted for a corner or through store establishment shall be limited to 50% of the square footage of a primary sign allowed under (B) above</u></p> <p><u>D. Ground floor wall signs for buildings with over 50,000 sq. ft. of floor area with distances of 0 to 300 ft. between the building and the public right-of-way on which the building fronts may qualify for bonus ground floor wall sign area for qualified Green Building projects, under subsection (I) of this section.</u></p>
<u>Regional Shopping Center</u>	<p><u>1 per ground or second floor establishment which has its own frontage and entrance facing a public right-of-way. Corner or through store establishments</u></p>	<p><u>1 square foot for each 1 linear foot of tenant frontage for each sign located within 300 feet from a public right-of-way on which the building fronts. 1.5 sq. ft. for each 1 linear foot of tenant frontage for each sign located more than 300 feet from a right-of-way on which the building fronts.</u></p>

<u>Wall Signs</u>		
<u>BUILDING TYPE</u>	<u>Max. Number</u>	<u>Max. Signage Area</u>
	<u>may have an additional wall sign. Such second sign shall be limited to 50% of the square footage of the primary sign</u>	

Wall signs shall be complimentary to the building façade and not overlap architectural elements of the structure.

c. Monument signs for properties within the Town Center District shall be permitted as follows:

<u>Monument Signs</u>			
<u>BUILDING TYPE</u>	<u>Max. Number</u>	<u>Max. Signage Area</u>	<u>Max. Height</u>
<u>Office and Institutional; Mixed Use</u>	<u>1 per public right-of-way frontage</u>	<u>40 sq. ft.</u>	<u>6 ft.</u>
<u>Freestanding Commercial</u>	<u>1 per parcel; for parcels over 1.5 acres, 1 sign per public right-of-way frontage</u>	<u>40 sq. ft.</u>	<u>6 ft.</u>
<u>Commercial Center</u>	<u>1 per public right-of-way frontage; provided that, if a parcel has 300 or more linear feet of</u>	<u>48 sq. ft. per single monument sign</u> <u>max. logo area: logo may cover no more than 25% of the sign</u>	<u>10 ft.</u>

<u>Monument Signs</u>			
<u>BUILDING TYPE</u>	<u>Max. Number</u>	<u>Max. Signage Area</u>	<u>Max. Height</u>
	<u>parcel frontage and two (2) two-way access points on different public rights-of-way, two (2) signs, with an aggregate sign area not to exceed 85 square feet, may be permitted</u>	<u>area</u>	
<u>Regional Shopping Center</u>	<u>1 entry sign per access drive for regional shopping center; and</u> <u>1 additional individual monument sign per each business establishment which is located adjacent to the public right-of-way</u>	<u>Entry signs: 100 sq. ft.;</u> <u>Individual monument signs permitted for individual business establishments which are adjacent to public rights-of-way: 64 sq. ft.</u>	<u>10 ft.</u>

d. Changeable copy sign face on monument sign: schools and places of public assembly shall be permitted a changeable copy sign which must be contained within the permitted monument sign area.

e. Fixed projecting signs shall be permitted in lieu of wall signs within the Town Center District, provided that the following requirements are met:

<u>Fixed Projecting Signs</u>			
<u>BUILDING TYPE</u>	<u>Max. Number</u>	<u>Max. Signage Area</u>	<u>Dimensions</u>
<u>Commercial Buildings located on the west side of U.S. 1 and east of the Busway within the Town's jurisdictional boundaries</u>	<u>1 per commercial building</u>	<u>25 sq. ft.</u>	<u>The fixed projecting sign shall not rise above the roofline or more than six (6) feet above the top of a parapet.</u>

f. Canopy signs shall be permitted for the following building types within the Town Center District:

<u>Canopy Signs</u>		
<u>BUILDING TYPE</u>	<u>Max. Number</u>	<u>Max. Signage Area</u>
<u>Commercial Center located on west side of U.S. 1</u>	<u>1 per business establishment</u>	<u>4 sq. ft.</u>
<u>Freestanding Commercial Buildings</u>	<u>1 per freestanding commercial building</u>	<u>4 sq. ft.</u>

g. Directory signs and directional signs within the Town Center district shall be in accordance with Sec. 3-117.

3. Transit Corridor District

a. Applicability. This subsection regulates permanent signs within the Transit Corridor District.

b. Wall signs for properties within the Transit Corridor District shall be permitted as follows:

<u>Wall Signs</u>		
<u>BUILDING TYPE</u>	<u>Max. Number</u>	<u>Max. Signage Area</u>
<u>Office and Institutional</u>	<u>1 per wall face, or 2 for walls over 50 ft. in length</u>	<u>10% of wall face or 50 sq. ft., whichever is less</u>
<u>Freestanding Commercial</u>	<u>1 per public right-of-way frontage</u>	<u>10% of wall face or 40 sq. ft., whichever is less</u>
<u>Commercial Center</u>	<p><u>A. For multi-story buildings, 2 wall signs located above the first floor and identifying the name of the center or tenants shall be permitted at the top of the building below the roof line</u></p> <p><u>B. One (1) wall sign shall be permitted per ground or second floor establishment which has its own frontage and entrance facing a public right-of-way</u></p> <p><u>C. Corner or through store establishments may have an additional ground floor wall sign.</u></p>	<p><u>A. For multi-story buildings, wall signs above the first floor shall be limited as follows, 10% of wall face or 50 sq. ft., whichever is less; no sign may exceed 50% of the width of the linear building frontage; first floor signage area shall be consistent with (B)</u></p> <p><u>B. Ground floor wall sign size shall be limited based on the distance between the building and the public right-of-way on which the building fronts:</u></p> <ol style="list-style-type: none"> <u>1. 0 to 20 ft.: 20 sq. ft. max sign area</u> <u>2. 21 to 300 ft.: 40 sq. ft. max sign area</u> <u>3. 301 ft. and greater: 60 sq. ft. max sign area</u> <p><u>C. An additional ground floor wall sign permitted for a corner or through store establishment shall be limited to 50% of the square footage of a primary sign allowed under (B) above</u></p> <p><u>D. Ground floor wall signs for buildings with over 50,000 sq. ft. of floor area with distances of 0 to 300 ft. between the building and the public right-of-way on which the building fronts may qualify for bonus ground floor wall sign area for qualified Green Building projects, under subsection (I) of this section.</u></p>

Wall signs shall be complimentary to the building façade and not overlap architectural elements of the structure.

c. Monument signs for properties within the Transit Corridor District shall be permitted as follows:

<u>Monument Signs</u>			
<u>BUILDING TYPE</u>	<u>Max. Number</u>	<u>Max. Signage Area</u>	<u>Max. Height</u>
<u>Office and Institutional; Mixed Use</u>	<u>1 per public right-of-way frontage</u>	<u>40 sq. ft.</u>	<u>6 ft.</u>
<u>Freestanding Commercial</u>	<u>max. no.: 1 per parcel; for parcels over 1.5 acres, 1 sign per public right-of-way frontage</u>	<u>40 sq. ft.</u>	<u>6 ft.</u>
<u>Commercial Center</u>	<u>1 per public right-of-way frontage; provided that, if a parcel has 300 or more linear feet of parcel frontage and two (2) two-way access points on different public rights-of-way, two (2) signs, with an aggregate sign area not to exceed 85 square feet, may be permitted.</u>	<u>48 sq. ft. per single monument sign</u> <u>max. logo area: logo may cover no more than 25% of the sign area.</u>	<u>10 ft.</u>

d. Changeable copy sign face on monument sign: schools and places of public assembly shall be permitted a changeable copy sign which must be contained within the permitted monument sign area.

e. Directory signs and directional signs within the Transit Corridor District shall be in accordance with Sec. 3-117.

4. Institutional District

a. Applicability. This subsection regulates permanent signs within the Institutional zoning district.

b. Wall signs for properties within the Institutional District shall be permitted as follows:

<u>Wall Signs</u>		
<u>BUILDING TYPE</u>	<u>Max. Number</u>	<u>Max. Signage Area</u>
<u>Office and Institutional</u>	<u>1 per wall face, or 2 for walls over 50 ft. in length</u>	<u>10% of wall face or 50 sq. ft., whichever is less</u>

c. Monument signs for properties within the Institutional District shall be permitted as follows:

<u>Monument Signs</u>			
<u>BUILDING TYPE</u>	<u>Number</u>	<u>Max. Signage Area</u>	<u>Max. Height</u>
<u>Office and Institutional</u>	<u>1 per public right-of-way frontage</u>	<u>40 sq.ft.</u>	<u>6 ft.</u>

d. Changeable copy sign face on monument sign: schools and places of public assembly shall be permitted a changeable copy sign, consisting of manually-changeable copy only, which must be contained within the permitted monument sign area.

e. Directory signs and directional signs within the Institutional District shall be in accordance with Sec. 3-117.

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(F) Noncommercial ~~Political~~ Sign

1. On residential property, two (2) noncommercial ~~or political~~ signs per issue per lot may be erected on a property. The maximum sign area shall be two square feet and maximum height shall be four feet

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(H) Monument Sign Construction and Landscaping

1. The base of all permanent monument signs shall be of solid CBS and stucco construction. Structural components shall not be covered by a material that is high gloss, reflective, or illuminated to the extent that it may be a hazard to safety. The solid ground-mounted base of a monument sign shall be equal to or greater than the length of the sign face.

2. If a monument sign is not placed in an area of required landscaping, a planting bed at least two (2) feet in width shall surround the sign. This bed shall contain shrubs and supplemental ground cover, and shall be shown on the site plan. If the base of the sign is less than thirty (30) inches wide, the landscaping must be equal to the height of the base, subject to the approval by the Director. In no case shall the planting be less than eighteen (18) inches in height.

3. An application for a monument sign shall include an accurate and up-to-date survey of the property indicating the lot dimensions, the proposed location of the sign with all setbacks to property lines, and a landscaping plan, if required.

4. The sign area of a monument sign shall be calculated by computing the smallest square, circle, or rectangle, triangle, or combination of shapes that will encompass the outer limits of the writing, representation, emblem, logo or other display, together with all material forming a single, continuous geometric figure.

(I) Green Building Commercial Ground Floor Wall Sign Bonus Program.

Commercial Center buildings with over 50,000 sq. ft. of floor area and a distance of between 0 to 300 feet from the public right-of-way on which the building fronts, which achieve a minimum LEED certification designation of Silver or higher (or other equivalent third party certification) in accordance with the program procedures established in Section 3-74 (A) of the Land Development Regulations, shall receive a bonus of maximum permissible ground floor wall sign area. This bonus shall not exceed an additional ten (10) percent of the maximum permitted ground floor wall sign area which is applicable to the ground floor wall sign. For example, if a ground floor wall sign of no more than 20 sq. ft. in maximum sign size area is permitted under Sec. 3-113 (B)(1)(c), an additional bonus ground floor wall sign area of two (2) square feet may be obtained through this bonus program.

Sec. 3-117. Directional and Directory Signs.

Directional and directory signs shall be permitted for all properties within the Neighborhood Center District, Transit Corridor District, Town Center District and Institutional District. Directional and directory signs shall only display directional information and logos.

<u>Sign Type</u>	<u>Number</u>	<u>Signage Area</u>	<u>Height</u>
<u>Directory sign</u>	<u>1 per building</u>	<u>18 sq. ft.</u>	<u>6 ft.</u>
<u>Directional sign</u>	<u>1 per vehicular access point</u>	<u>8 sq. ft.</u>	<u>4 ft.</u>

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Sec. 3-122. Sign Design and Maintenance.

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(F) Illumination.

1. Within 500 feet of a lot containing a residential dwelling, no sign shall be illuminated after 11:00 p.m. or the close of business, whichever occurs last. This provision shall not apply to residential monument signs.
2. Signs that are externally illuminated shall have a lighting fixture that is recessed in the ground. No portion of said fixture may be installed to remain above the surrounding grade.
3. Light sources used to illuminate signs shall not be visible from nearby rights-of-way or properties.
4. Signs shall not be constructed of any light-reflective letters or materials.
5. No back lighting of awning or canopy signs shall be allowed.
6. Signs that are illuminated shall utilize the most energy efficient means currently available.
7. Illumination requirements by sign type.
 - a. Wall signs may be internally illuminated or illuminated from an external light source such as a decorative wall-mounted light fixture.
 - b. Monument signs may include internally illuminated letters or logos, or may be illuminated from an external light source in accordance with (F)(2) above.

* * *

Sec. 3-123. Signs within the Rights-of-Way and on Public Property

Signs shall be prohibited in the rights-of-way within the Town, provided that the following exceptions shall apply:

* * *

Sec. 3-251. Definitions.

* * *

Area of sign

Sign area shall be computed by means of the smallest square, circle, or rectangle, triangle, or combination of shapes that will encompass the outer limits of the writing, representation, emblem, logo or other display, together with any material or color forming an integral part of the background of the display or area used to differentiate the sign from the backdrop against which it is placed. ~~Sign area shall not include any supporting framework, bracing, or wall when such structure otherwise meets the regulations of this Code and is incidental to the display itself.~~ Signs comprised of individual elements attached to a building wall shall be measured as one unit, when the distance between the sign elements is less than two times the dimension of each element. When the faces of a double-faced sign are parallel, only one side shall be counted in computing sign area. If the two faces of such double-faced sign are of unequal area, the larger sign face shall be considered the area of the sign.

* * *

Cabinet sign

A wall sign contained completely within a box, frame or similar enclosure. Cabinet signs are typically backlit with a plastic or plexiglass face.

* * *

Commercial center

A commercial or mixed use building or buildings including at least two (2) individual establishments, which is zoned to permit retail use or a mixture of retail and residential uses, and which was planned and designed as a cohesive development.

* * *

Through store establishment

An establishment located within a commercial center, which may share a common pathway or corridor with other similar establishments, which has its only frontage and entrance within the interior of the commercial center and not facing a public right-of-way.

Section 3. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Conflict. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 16th day of October, 2013.

PASSED AND ADOPTED on second reading this ___ day of _____, 2013.

EDWARD P. MACDOUGALL, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Edward P. MacDougall _____
Vice Mayor Ernest N. Sochin _____
Councilmember Peggy R. Bell _____
Councilmember Mary Ann Mixon _____
Councilmember Sue Ellen Loyzelle _____