

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2008-_____

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING ZONING CODE ARTICLE 5, DIVISION 19, ENTITLED "SIGNS", SECTION 5-1909, "CAMPAIGN", BY PROVIDING FOR THE ALLOWANCE OF CAMPAIGN OR POLITICAL SIGNS IN RESIDENTIAL DISTRICTS, PROVIDING THE SIZE OF CAMPAIGN AND POLITICAL SIGNS IN RESIDENTIAL DISTRICTS, PROVIDING FOR THE LENGTH OF TIME CAMPAIGN OR POLITICAL SIGNS ARE ALLOWED IN THE CITY OF CORAL GABLES FOLLOWING ELECTIONS; AND, ARTICLE 8, "DEFINITIONS", BY ADDING A DEFINITION FOR "POLITICAL SIGNS" AND "CAMPAIGN SIGNS"; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECIVE DATE

WHEREAS, courts have recognized the right of jurisdictions to enact reasonable time, place and manner restrictions related to signs while not restricting the First Amendment rights of groups and individuals wishing to express their views by placing political or campaign signs in their yards, City of Ladue v. Gilleo, 512 U.S. 43, 114 S.Ct. 2038 (1994); and

WHEREAS, the City of Coral Gables recognizes the First Amendment rights of those wishing to express their views on certain issues and candidates; and

WHEREAS, the City Commission of Coral Gables believes that the manner of erection, location and maintenance of signs affects the public health, safety, morals and welfare of the citizens of Coral Gables; and

WHEREAS, the City Commission of Coral Gables recognizes that the safety of motorists, cyclists, pedestrians, and other users of public streets is affected by the number, size, location, lighting and movement of signs that divert the attention of drivers; and

WHEREAS, the City of Coral Gables Commission wants to promote public safety by avoiding visual clutter, reducing conflicts between and among signs, and requiring removal of signs in a timely manner; and

WHEREAS, the City Commission of Coral Gables is aware that the size and location of signs, if uncontrolled, may constitute an obstacle to effective fire fighting techniques and police protection; and

WHEREAS, uncontrolled and unlimited signs may degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby

undermine the economic value of tourism, visitation and permanent economic growth within the City of Coral Gables.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA THAT:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The Zoning Code of the City of Coral Gables, Florida is hereby amended by adding the following to Section 5-1909 entitled "Campaign", and adding the following definitions to Article 8, "Definitions" to read as follows:

Sec. 5-1909. Campaign and Political Signs.

A. Campaign and political:

1. Campaign Headquarter sign shall be permitted in Commercial, Commercial Limited, or Industrial Districts subject to the following conditions:

- (a) There shall be no more than one sign per campaign headquarters and may only be attached to the primary street frontage of any building which is the authorized campaign headquarters for the candidate in question.
- (b) It shall include the words "Campaign Headquarters" which shall be clearly visible at street level.
- (c) The sign shall be of temporary nature and shall not exceed twenty-four (24) inches by thirty-six (36) inches.
- (d) The maximum height to the top of the sign, including posts, shall not be more than twelve (12) feet above the ground.

2. Political Signs shall be permitted in Single-Family Residential District, Multi-Family 1 Duplex District, Multi-Family 2 District, and Multi-Family Special Use District subject to the following conditions:

- (a) There shall be no more than one sign per candidate or ballot issue.
- (b) The sign shall not exceed twenty (22) inches by twenty-eight (28) inches in size.
- (c) The sign shall be a minimum of five (5) feet from a public right-of-way
- (d) The sign shall be a minimum of five (5) feet from property under separate ownership.

B. Duration:

Campaign or political signs may be permitted no earlier than six (6) months prior to the date of election and shall be removed within seven (7) days after the election which is the subject matter of such sign except as follows:

(a) A campaign or political sign that proceeds to a General Election from a Primary Election which shall be removed no later than seven (7) days after the General Election.

C. Permits:

No permit shall be required for such sign.

D. Prohibited Signs:

1. It shall be unlawful for any person to paste, glue, print, paint, affix or attach by any means whatsoever any sign, poster, placard or flag designed or intended to advocate or oppose any candidate or issue to the surface of any parkway, vacant lot, utility pole, or tree or to the surface of any public street, sidewalk, right-of-way, swale, curb or to any property of any governmental body. No candidate signs or placards shall be permitted to be erected or placed upon.

E. Penalties:

Failure to comply with the provisions of this Section shall cause any non-complying sign to be immediately impounded by the City and a removal fee shall be adopted by Resolution of the City Commission.

F. Enforcement.

This chapter shall be enforced by any code enforcement official of the City authorized to enforce this chapter.

ARTICLE 8 - DEFINITIONS

Campaign Headquarters means the center of operations from which a candidate runs his/her campaign.

Campaign Sign means a temporary sign designed to influence the passage or defeat of any measure on the ballot or designed to influence voters with respect to the nomination, election, defeat or removal of a candidate from public office at any national, state, or local general or special election.

General Election means an election in which the candidates voted for in the primary election are elected to office.

Political Sign means generally a campaign sign but may also include signs pertaining to the conduct of government in general.

Primary Election means a preliminary election in which voters select a political party's candidate for a subsequent election.

Section 3. Severability.

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

Section 4. Repealer.

All ordinances or parts of ordinances in conflict herewith, be and the same, are hereby repealed.

Section 5. Codification.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. Effective Date.

This ordinance shall become effective immediately upon the date of its adoption by the City Commission.

PASSED AND ADOPTED this _____ day of _____ 2009.

DONALD D. SLESNICK II, MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY