

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2009-22 (AS AMENDED)

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 AND POLITICAL SIGNS WITHIN SPECIFIED ZONING DISTRICTS, PROVIDING THE SIZE OF CAMPAIGN AND POLITICAL SIGNS WITHIN SPECIFIED ZONING DISTRICTS, PROVIDING FOR THE LENGTH OF TIME CAMPAIGN AND POLITICAL SIGNS ARE ALLOWED IN THE CITY OF CORAL GABLES FOLLOWING ELECTIONS AND OTHER MISCELLANEOUS PROVISIONS; AND, ARTICLE 8, "DEFINITIONS", BY PROVIDING FOR DEFINITIONS; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE 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 foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

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 signs.

1. Campaign Headquarter signs shall be permitted in Commercial, Commercial Limited, and Industrial zoning districts subject to all of the following conditions:
 - a. There shall be no more than one (1) 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, other sign membranes or appendages, shall not be more than eight (8) feet above the ground.
2. Political signs shall be permitted in Commercial, Commercial Limited, Industrial and Special Use Zoning Districts.
 - a. There shall be no more than one (1) sign per candidate or ballot issue within one (1) building and/or tenant space.
 - b. The sign shall not exceed twenty-two (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. Such signs shall not be posted, affixed or attached to the window glass, but may be displayed within the display window.
 - e. In cases where the main part of the building is less than five (5) feet from the front property line, the sign may be placed in or upon a front or side door, window or elevation of the building.
3. Political signs shall be permitted in Single-Family Residential, Multi-Family 1 Duplex, Multi-Family 2 District, Multi-Family Special Area and Special Use Zoning Districts subject to the all of the following conditions:
 - a. There shall be no more than one (1) 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. Such sign shall not be erected or placed closer than five (5) feet to the front and/or side property line.

B. Construction materials and maintenance.

1. Sign post(s) shall only be constructed of metal, plastic, wood or pressed wood.
2. Sign face(s) shall only be constructed of metal, plastic, wood, pressed wood, cardboard or paper.
3. All sign(s) shall be maintained and kept in good repair.

C. Duration. Campaign or political signs may be permitted no earlier than three (3) months prior to the date of election and shall be removed within five (5) days after the election which is the subject matter of such sign except a campaign or political sign that proceeds to a General Election from a Primary Election shall be removed no later than five (5) days after the General Election.

D. Permits. No permit shall be required for such signs referenced within this section.

E. Prohibited signs.

1. Signs intended to advocate or be in opposition to any candidate or issue shall not be pasted, glued, printed, painted, affixed or attached by any means whatsoever to the following: parkway, vacant lot(s); utility pole(s); utility pole supports/guy wires; tree(s); light poles; rights-of-way signage; public rights-of-ways and/or surfaces; sidewalk(s); paving surfaces; swales; curbs or any other property of any governmental entity. No candidate signs or placards shall be permitted to be erected or placed upon.
2. Signs or sign posts shall not be illuminated or constructed of a reflective material and shall not contain any flags, streamers, movable items, fluttering, spinning, rotating or similar attention attractors or advertising devices.
3. Banners, flags, cloth or signs constructed of other similar materials are prohibited.

F. Penalties.

1. Signs located on public rights-of-way. Failure to comply with all of the provisions contained within this Section shall cause the sign to be removed.
2. Signs located on private properties. The City may issue a courtesy warning followed by a civil citation if compliance is not achieved.

G. Enforcement. The provisions of this Section shall be enforced by the appropriate city personnel as determined by the City Manager.

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 a temporary sign advertising a candidate or candidates for public elective office, or a political party, or signs advocating a particular vote on a public issue decided by ballot at any national, state, local, general or special election.

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 TENTH DAY OF MARCH, A.D., 2009.

(Moved: Kerdyk / Seconded: Withers)

(Yea: Cabrera, Kerdyk, Withers, Anderson, Slesnick)

(Unanimous: 5-0 Vote)

(Agenda Item: E-1)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY