

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE BY STRIKING APPENDIX E “BUSINESS IMPROVEMENT OVERLAY DISTRICT (BIOD),” SECTION E1 “BUSINESS IMPROVEMENT OVERLAY DISTRICT (BIOD),” SUBSECTION B(1)(D) “TEMPORARY WINDOW SIGNS/WRAPPS”, AND CREATING ARTICLE 11 “SIGNS,” SECTION 11-101 “PURPOSE AND APPLICABILITY,” SUBSECTION C(9) “TEMPORARY WINDOW WRAPS,” TO UNIFORMLY REGULATE TEMPORARY WINDOW WRAPS WITHIN THE CITY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, during the January 11, 2022 Commission Meeting, the City Commission discussed the need to improve the appearance of vacant storefronts and disallow certain inappropriate window coverings; and

WHEREAS, window wrappings and permissible signage in vacant storefronts are regulated in both the City Code and Zoning Code; and

WHEREAS, the City Commission desires to uniformly regulate the appearance of vacant or unoccupied storefronts, in a content-neutral manner, to improve the appearance of commercial areas in the City; and

WHEREAS, numerous meetings with leadership from the Coral Gables Chamber of Commerce and the Coral Gables Business Improvement District were held to solicit feedback from stakeholders in the preparation of this ordinance; and

WHEREAS, the Planning and Zoning Board was presented with this text amendment to the Official Zoning Code, and after due consideration and discussion, recommended approval (5-0);

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

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 Official Zoning Code of the City of Coral Gables is hereby amended as follows¹:

¹ Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

Appendix E. Business Improvement Overlay District (BIOD)

Section E.1 Business Improvement Overlay (BIOD) District

A. Applicability

1. The following provisions shall apply within the boundaries of the Business Improvement District (BID) as established pursuant to Resolution No. 2012-99.

B. Business Operation Standards.

1. Pedestrian Oriented Signs. Messages and information shall be in accordance with Section 11-121.A[1]. In addition to the signage permitted in the Zoning Code, the following Pedestrian Oriented Signs shall be permitted within the District:

- a. Retail Directory Sign.

- i. Retail Directory Signs may include multiple tenant listings, addresses, location maps, and directional arrows. Retail Directory Signs shall be initiated through a Downtown promotional organization or government organization such as the City of Coral Gables, the Business Improvement District, or the Chamber of Commerce. These Retail Directory Signs contain government speech, and they are not intended in any way to create a public forum to the extent they provide information, but are not intended in any way to create a public forum.

- ii. Design Standards.

- a. Location: Edge of curb of the sidewalk at pedestrian crosswalks, within the public right-of-way.
- b. Number permitted: One (1) per pedestrian crosswalk.
- c. Sign Area: Fifteen (15) square foot maximum.
- d. Sign Length: No limit.
- e. Lettering Height: No limit.
- f. Height from sidewalk to the top of the Sign: Eight (8) foot maximum.
- g. Distance Requirement: The Retail Directory Sign may not encroach within the pedestrian “clear zone” of the sidewalk.
- h. Information: Tenant name, address, location map or wayfinding symbols.
- i. Illumination: Permitted pursuant to Section 11-103.

- iii. These regulations are merely advisory as they relate to the City providing the Retail Directory Signs in its proprietary capacity for a public purpose.

- b. Digital Kiosks.

- i. Digital kiosks may include multiple interactive applications, including retail directories, maps, advertising, and other information, as approved by the City. Digital kiosks and their information shall be initiated through a Downtown promotional organization or government organization such as the City of Coral Gables, the Business Improvement District, or the Chamber of Commerce, which may then contract with a third party vendor. Digital kiosks are not signs, but rather, are interactive digital devices and/or equipment. These Digital Kiosks contain government speech to the extent they provide information, and they are not intended in any way to create a public forum.
 - ii. Design Standards. As determined by the City’s Public Works Department, in consultation with the Development Services and Economic Development Departments.
 - iii. These regulations are merely advisory as they relate to the City providing the kiosks in its proprietary capacity for a public purpose.
 - c. Window Decal Sign.
 - i. Design Standards.
 - a. Location: Ground Floor Shopfront.
 - b. Number permitted: No limit.
 - c. Sign Area: Ten (10%) percent window area maximum not to exceed twenty (20) square feet maximum.
 - d. Sign Length: No limit.
 - e. Lettering Height: Six (6) inch maximum.
 - f. Sign Height: No limit.
 - g. Distance Requirement: Flush with window.
 - h. Information: Tenant name or logo or both tenant name and logo.
 - ~~d. Temporary Window Signs/Wraps.~~
 - ~~i. Ground floor window (i.e. “Coming Soon”) signs/wraps are allowed in vacant retail spaces on a temporary basis to advertise an incoming business, as reviewed and approved administratively by the Development Review Official, in consultation with the Economic Development Department and/or Business Improvement District. The Property Owner and/or Applicant may also choose to request approval from the Board of Architects. Temporary signs must be removed at the time of the business’ opening.~~

ARTICLE 11. SIGNS

A. Section 11-100. Signs

Section 11-101. Purpose and applicability.

- A. The purpose of this Article is to ensure that:
1. Each sign user has an opportunity to provide information, identification and direction to a permitted use.
 2. The unique character and quality of the City's appearance, which is essential to its economic, cultural, and social welfare, is protected and preserved.
 3. The City's property values, which are essential to the City's sustainability and the general welfare of its residents, are maintained and enhanced.
 4. That the safety of the public is promoted by avoiding visual clutter, reducing conflicts between and among signs, reducing the incidence of certain design elements that tend to distract motorists, promoting proper maintenance, requiring removal of abandoned signs, and by subjecting signs to design review.
 5. The number, size, scale, proportions, design and balance of signs are regulated according to content-neutral standards that are based on architectural quality and character.
 6. A sound economic and business climate is promoted through the reinforcement and encouragement of graphic excellence.
 7. Safe and efficient wayfinding is promoted.
 8. Incentives are provided that encourage pedestrian-scale signs.
 9. Signs are no larger in area than is necessary to convey the speaker's message.
 10. The First Amendment rights of property owners are respected, and the right to signage is regulated to protect the aesthetics of the City while reducing the distractions to and aiding in the ease of navigation for drivers, consistent with the requirements of *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981) and other applicable caselaw.
- B. Signs installed, erected, altered, painted or repainted in the City shall comply with any applicable requirements of this Article, unless otherwise provided herein.
- C. The permitting requirements of this Article shall not apply to the installation, alteration, erection, painting or repainting of the following signs, which may be installed without prior approval by the City except as necessary for structure permits required under the Florida Building Code and the related Board of Architectural approval required for permanent structures:
1. Temporary signs authorized by this Article, including:
 - a. Temporary noncommercial signs, provided they comply with Section 11-109 of the Zoning Code.
 - b. Real estate signs, provided they comply with Section 11-107 of the Zoning Code.
 - c. Signs announcing or advertising a licensed going-out-of-business sale, provided they comply with Section 14-70 of the City Code.
 - d. Paper or other such temporary signs in show or display windows or doors, provided they comply with Section 11-108.A. of the Zoning Code.
 - e. Decorative signs displayed for City-wide celebrations, conventions, and commemorations when authorized by the City Commission or City Manager's designee for a prescribed period of time.
 2. Signs that are not visible from public rights-of-way, public waterways, or neighboring properties.
 3. Signs that are less than one-half (1/2) of one (1) square foot in area that are incorporated into machines or equipment.

4. Signs that are affixed to merchandise, provided they comply with Section 11-108.C. of the Zoning Code.
5. Signs identifying the entrance or exit of parking lots and parking garages that do not contain any commercial advertisements, provided they comply with the portion of Section 11-104. of the Zoning Code that relates to parking garages.
6. Flags that comply with Section 11-102. of the Zoning Code and that meet the following criteria:
 - a. In all zoning districts:
 - i. No individual flag shall exceed fifteen (15) square feet in area;
 - ii. Flags that are displayed on a ground mounted flagpole shall not exceed a lateral dimension (length) greater than twenty-five (25%) percent of the height of the flagpole;
 - iii. Flags may be displayed at duly licensed marinas or boat docking facilities for navigation purposes as necessary or required for the safety of boaters;
 - iv. No more than two (2) flags may be displayed per flagpole; and
 - v. No flag may display a commercial message or be used to draw attention to a commercial establishment, except as otherwise expressly permitted by law.
 - b. In addition to the criteria in Section 11-101.C.6.(a), in MX1, MX2, MX3, MF2, MF3, and MF4 Districts, and all nonresidential districts:
 - i. The total area of all flags displayed on a building site shall not exceed forty-five (45) square feet; and
 - ii. No building site shall have more than three (3) flagpoles (which may be either vertical or mast-arm) installed.
 - c. In addition to the criteria in Section 11-101.C.6.(a), in SFR and MF1 Districts:
 - i. The total area of all flags displayed on a building site shall not exceed fifteen (15) square feet; and
 - ii. No building site shall have more than one (1) flagpole (which may be either vertical or mast-arm) installed.
7. Signs that are affixed to merchandise and are not larger than six (6) square inches in area and that are not prohibited by Section 11-102.
8. Paper or other such temporary signs that are affixed or otherwise attached to or displayed within glass display windows of commercial establishments and stores, provided that:
 - a. Not more than one (1) such sign shall be permitted within or upon any one (1) display window;
 - b. Not more than two (2) signs shall be permitted in any one (1) business establishment; and
 - c. No such sign shall exceed two hundred fifty (250) square inches in sign area.
9. Temporary Window Wraps
 - a. Glass windows and doors of unoccupied and/or vacant retail spaces must be screened by temporary window wraps on the ground floor.
 - b. Preapproved designs for ground floor window wraps (e.g. "For Lease") are permitted in unoccupied or vacant retail spaces on a temporary basis without a permit. Unique designs, that are graphically consistent with the city's Window Wrap Style Guide, are permissible 180 days prior to a business'

opening or reopening (e.g. “Coming Soon”) following administrative aesthetic review by the Development Services Director or designee, in consultation with the Economic Development Department. Temporary window wraps must be removed within seventy-two hours of the business’ opening.

c. General Design Standards.

- i. Location: Ground Floor Shopfront.
- ii. Number permitted: Limited only by number of windows.
- iii. Wrap Area: One-hundred (100%) percent of the window area.
- iv. Wrap Length: Limited only by length of window.
- v. Lettering: Lettering size shall not exceed twenty-five (25%) of any window or door panel. Lettering shall be oriented in a horizontal fashion.
- vi. Total Text Size: Total text shall not exceed twenty-five (25%) percent of the total wrap area.
- vii. Wrap Height: Limited only by height of window.
- viii. Information: name, logo, contact information, social media handles and other relevant information specific to the incoming tenant or landlord.
- ix. Embedded real estate signs shall comply with Section 11-107.

D. Signs erected and maintained pursuant to the discharge of governmental functions, or that are required by law, ordinance, or government regulation, or that are required to be posted in order to effectuate a legal right, shall not be subject to the provisions in this Article.

E. No person may post, display, or distribute any signs, advertisements, circulars, handbills, or printed or written matter relating to any business or commercial activities on any property or facilities owned or operated by or for the City without first obtaining authorization in writing from the City Commission or City Manager’s designee or unless otherwise authorized by law.

F. Nothing in this Article shall be read to permit or authorize any sign that displays an image or message which is not within the protection of the First Amendment to the U.S. Constitution or of the Florida Constitution, including an image or message that is obscene (as that term is construed in *Miller v. California*, 413 U.S. 15 (1973)), or that violates any valid state or federal law, including, for example, laws governing libel and extortion.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the “Zoning Code” of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 6. If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This ordinance shall become effective _____, 2022.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2022.

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

BILLY URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY