NORTH BAY VILLAGE
PLANNING & ZONING BOARD
PUBLIC MEETING NOTICE

Wednesday, March 4, 2026 at 6:00 PM
1666 Kennedy Causeway, #101 | North Bay Village, FL 33141

The meeting agenda is available online at:
https://northbayvillage-fl.gov/agendas-minutes

Elected Officials and Village staff will participate from the physical meeting location. Members of the public may attend the meeting in person at the physical meeting location, or, alternatively, may watch or call in to the meeting by following these instructions:

ATTEND THE MEETING IN PERSON AT THE PHYSICAL MEETING LOCATION: The meeting will be held in person at the physical meeting location stated above. Admission to the physical meeting location is on a first-come, first-serve basis and space is limited. Doors will open 30 minutes prior to the meeting start time. The Village highly encourages those in attendance to wear facial coverings and abide by social distancing as recommended by the CDC.
Watch the Public Meeting: https://northbayvillage-fl.gov/videos TV Channel 661 Facebook Live
Participate in the meeting via Zoom: Meeting ID: 839 8967 2951
Listen via telephone to the Virtual Public Meeting: 1-305-224-1968 or 1-929-205-6099
For technical support during the meeting, please contact: (786) 309-4991

PUBLIC COMMENTS

Public comments will be accepted by the following means:

IN-PERSON COMMENTS: Members of the public may attend the meeting at the physical meeting location stated above and deliver their public comments in person during the public comment portion of the agenda.

VIRTUAL COMMENTS: ***Public comments will also be accepted during the meeting using the virtual meeting platform.***

VIA E-MAIL TO: publiccomment@nbvillage.com

Interested parties or their authorized representatives may address the Commission and/or Board via written or electronic commentary ("e-comments") by emailing the Village Clerk at least two (2) hours prior to the commencement of the meeting. E-comments will not be read during the meeting but will be distributed to the Village Commission or Board prior to the commencement of the meeting. You may send your concerns with the subject line "PUBLIC COMMENT" and the following information in the body of the email: your name, address, if you are a hired Consultant or Village Employee, and/or if you are engaged in lobbying activities and/or representing an organization.

PUBLIC RECORDS

The meeting will be recorded for later viewing and is a public record. Minutes of the meeting will be taken and will be made available.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY VILLAGE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE VILLAGE CLERK, NORTH BAY VILLAGE, 1666 KENNEDY CAUSEWAY. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171 EXT 45. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE VILLAGE WEBSITE AT www.northbayvillage-fl.gov.

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK AT 786-224-8070 NO LATER THAN FIVE DAYS PRIOR TO SUCH PROCEEDING. TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT 786-224- 8070 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

LOBBYING ACTIVITIES

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Village Clerk prior to engaging in lobbying activities per Village Code Sec. 38- 17. ""Lobbyist"" specifically includes the principal, as well as any agent, officer or employee of a principal, regardless of whether the lobbying activities fall within the normal scope of employment of the agent, officer or employee. The term ""lobbyist"" specifically excludes the following persons: lobbyists hired by the Village who are communication with Village personnel in the course of performing under their contracts; attorneys or other representatives retained to represent individuals and corporate entities in quasi-judicial proceedings where the law prohibits ex -parte communications; expert witnesses who only provide scientific, technical or other specialized information or testimony at public meetings; employees of the principal who do not engage in lobbying activities and representatives of non-profit organizations who only appear at publicly noticed meetings, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support or opposition to any item.

Have questions or need additional information?

E-mail: villageclerk@nbvillage.com

Call: 305-756-7171

North Bay Village

OFFICIAL AGENDA
PLANNING AND ZONING BOARD MEETING
1666 Kennedy Causeway, #101 | North Bay Village, FL 33141
Meeting ID: 839 8967 2951
Wednesday, March 4, 2026
6:00 PM

Decorum: Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the board shall be barred from further appearance before the board by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Village Clerk prior to engaging in lobbying activities per Village Code Sec. 38-17. "Lobbyist" specifically includes the principal, as well as any agent, officer or employee of a principal, regardless of whether the lobbying activities fall within the normal scope of employment of the agent, officer or employee. The term "lobbyist" specifically excludes the following persons: lobbyists hired by the Village who are communication with Village personnel in the course of performing under their contracts; attorneys or other representatives retained to represent individuals and corporate entities in quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who only provide scientific, technical or other specialized information or testimony at public meetings; employees of the principal who do not engage in lobbying activities and representatives of non-profit organizations who only appear at publicly noticed meetings, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support or opposition to any item.

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1. Call to Order/Roll Call

2. Approval of Meeting Minutes

2.A. Approval of the December 3, 2025, Meeting Minutes
12.03.2025 DRAFT.pdf

3. Public Hearings (Quasi-Judicial)

Please be advised that the following items are quasi-judicial in nature. If you wish to object or comment upon any of these items, please inform the Chair when he requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further, details of the quasi-judicial procedures may be obtained from the Village Clerk.

4. Applications

5. Ordinances

5.A. AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 11, "SIGNS," AND CHAPTER 15, "FORM BASED CODE," TO ADDRESS CURRENT LEGAL REQUIREMENTS, TO ESTABLISH SPECIFIC STANDARDS AND REGULATIONS, AND TO CONSOLIDATE ALL PROVISIONS RELATED TO SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

It is recommended that the Planning and Zoning Board approve the proposed Ordinance.

Memo - Agenda PZB 03.04.2026.DOCX
Ordinance Cpt.11 and 15 - Sign Code - PZB 03.04.2026.DOCX
Exhibit A Chapters 11 and 15 - Sign Code - PZB 03.04.2026.DOCX
Exhibit B Chapters 11 and 15 - Sign Code - PZB 03.04.2026.DOCX
03.04.2026 - Public Notice - MDC Legals Ads.pdf

6. Discussion Items

7. Public Comments

8. Adjournment

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ITEM NO. 2.A

North Bay Village
Recommendation Memorandum

DATE: March 4, 2026

TO: Planning and Zoning Board

FROM: Alba L. Chang, Village Clerk

SPONSORED BY:

SUBJECT: Approval of the December 3, 2025, Meeting Minutes

RECOMMENDATION

BACKGROUND AND ANALYSIS

A Meeting was held on December 3, 2025, and Minutes have been provided for the Planning & Zoning Board's consideration and approval.

It is recommended that the Board approve the meeting minutes as presented.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)

N/A

PERSONNEL IMPACT

None

ATTACHMENT(S):

12.03.2025 DRAFT.pdf

NORTH BAY VILLAGE
PLANNING AND ZONING BOARD MEETING MINUTES
DECEMBER 3, 2025, | 6:00 P.M.
1666 KENNEDY CAUSEWAY, SUITE 101, NORTH BAY VILLAGE, FL. 33141
MEETING ID: 839 8967 2951

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1. **Opening Items:**

   A. Call to Order:
   The Planning and Zoning Advisory Board Meeting was called to order at 6:00 p.m.

   B. Roll Call:

   The following Board Members were present:
   - Chair Ryan Shaw
   - Vice-Chair Jorge Gonzalez
   - Board Member Sherry Abramson
   - Board Member Paul Murphy

   Absent:
   Board Member Joelyn Losada
   Alternate Member Maximo Turbides

2. **Approval of Commission Minutes:**

   A. Approval of Meeting Minutes of November 5, 2025

   ACTION: Board Member Murphy made a motion to approve the meeting minutes. Vice Chair Gonzalez seconded the motion, and it passed by unanimous voice vote.

3. **Public Comments -** None

4. **Public Hearings**
   Please be advised that the following items are quasi-judicial in nature. If you wish to object or comment upon any of these items, please inform the Chair when he requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further, details of the quasi-judicial procedures may be obtained from the Village Clerk.

5. Applications - None

6. Ordinances

6.A. AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 4, "ADMINISTRATION AND ENFORCEMENT," OF

THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE BY CREATING A NEW DIVISION 4, "REASONABLE ACCOMMODATION PROCEDURES" AND A NEW SECTION 4.25, TO ESTABLISH PROCEDURES FOR CERTIFIED RECOVERY RESIDENCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. - VILLAGE ATTORNEY HAYDEE SERA

Village Clerk Alba Chang read the ordinance title into the record.

Village Attorney Tony Recio presented the proposed ordinance and explained that recent changes in state law affect the process for regulating recovery residences. The ordinance would establish the administrative procedures needed to comply with these new requirements.

Vice Chair Gonzalez asked whether the Village could restrict or prohibit such facilities. Tony noted that state law already sets regulations for accommodation based on facility size.

Board Member Abramson asked whether the Village could include spacing requirements within the ordinance.

Vice Chair Gonzalez also suggested possibly capping the number of facilities and/or the number of occupants.

Village Attorney Recio clarified that each proposed use would be reviewed by the Planning and Zoning official.

Vice Chair Gonzalez expressed concern about the potential impacts these facilities could have on the community.

ACTION: Board Murphy made a motion to approve the proposed ordinance with the following conditions to the extent legally permissible:

1. Provide a spacing requirement
2. Avoid over-concentration
3. Nonresidential, if possible.
4. Provide for an application fee.
5. Address the occupancy limitation based on the administration burden.

Board Member Abramson seconded the motion.

Upon roll call, the motion passed 4-0, with Board Member Murphy, Board Member Abramson, Vice Chair Gonzalez, and Chair Shaw voting for.

6.B. AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 8, "ZONING," SECTION 8.12, "BONUS HEIGHT," AND CHAPTER 15, "FORM BASED CODE," SECTIONS 15.7.B "SUMMARY TABLE AND ILLUSTRATIONS – T6-24 AND T6-24MU (MUNICIPAL USE)" AND 15.7.C "SUMMARY TABLE AND ILLUSTRATIONS – T6-30" TO PROVIDE FOR HEIGHT BONUSES IN T6-24, T6-24MU, AND T6-30 TRANSECT ZONES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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Village Clerk Chang read the ordinance title into the record.

Village Attorney Tony Recio introduced the proposed ordinance. The proposed ordinance would provide a fee structure.

Vice Chair Gonzalez asked about the current fees associated with the T6 and T30 height allowances and the applicable rates.

Andrew Dolkart, President of Miami Economics Associates, and Rob Curtis were present. Mr. Dolkart explained that their firm had been retained to review the Village's fee structure.

Village Attorney Recio noted that there are two types of bonuses:

- Height Bonus in RM-70
    - Base height allowed is 150 feet
    - Bonus applies to increase height to 240 feet
    - 312 feet is only permitted through the purchase of TDR

- Density Bonus in T6 (Base density is 70 dwelling units per acre)
    - Ties 1- increase to 120 units per acre
    - Tier 2 – increase to 150 units per acre

He explained that the current height bonus formula is established through the Village Fee Schedule via Resolution. He also highlighted examples of site plan approvals that have paid for bonus height, such as the Pagani project, which is required to contribute more than $472,000 in community contributions.

Vice Chair Gonzalez asked how the proposed formula would affect both existing approvals and new site plan applications.

Mr. Recio responded that the new formula would only apply to new projects or projects whose approvals have expired.

Mr. Dolkart presented the proposed formula to the Board, explaining that it would calculate:

- Community Benefit Fee
- Bonus Square Footage
- Land Value
- Base Square footage.

Example Calculation:

- Land Value: $25,000,000
- Base Allowance: 200,000 sq. ft.
- Bonus: 50,000 sq. ft.
- Fee: 50,000 × ($25M / 200,000) = $6,250,000

He also provided examples comparing prior site plan approvals to what the fee would be under the proposed formula:

- Pagani (7940 West Drive):

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$3,124,755.75 under the proposed formula vs. $472,500 previously paid

- Continuum (1755–1819 Kennedy Causeway):
  $27,089,600.24 under the proposed formula vs. $5,840,000 paid under the current formula

Vice Chair Gonzalez expressed concern about how the revised fees might affect developer competitiveness and future project sales.

Village Attorney Recio clarified that the proposed ordinance applies specifically to the height bonus for T6 and T24 MU districts.

A majority of the Board expressed support for the proposed formula.

Board Member Murphy opposed the proposed formula, arguing it would not benefit developers.

ACTION: Vice Chair Gonzalez made a motion to approve the proposed ordinance as presented. Board Member Murphy seconded the motion.

Upon Roll call, the motion passed 4-0, with Vice Chair Gonzalez, Board Member Murphy, Board Member Abramson, and Chair Shaw voting for.

~~6.C. AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 11, "SIGNS," AND CHAPTER 15, "FORM BASED CODE," TO ADDRESS CURRENT LEGAL REQUIREMENTS, TO ESTABLISH SPECIFIC STANDARDS AND REGULATIONS, AND TO CONSOLIDATE ALL PROVISIONS RELATED TO SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.~~

Village Attorney Recio deferred item #6C to a later meeting.

There being no further business to discuss, the meeting adjourned at 7:15 p.m.

Accepted this 3rd day of December 2025.

_____
Ryan Shaw
Chair

Respectfully Submitted,

_____
Alba L. Chang, CMC
Village Clerk

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ITEM NO. 5.A

North Bay Village
Recommendation Memorandum

DATE: March 4, 2026

TO: Planning and Zoning Board

FROM: Haydee Sera, Village Attorney

SPONSORED BY:

SUBJECT: **AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 11, "SIGNS," AND CHAPTER 15, "FORM BASED CODE," TO ADDRESS CURRENT LEGAL REQUIREMENTS, TO ESTABLISH SPECIFIC STANDARDS AND REGULATIONS, AND TO CONSOLIDATE ALL PROVISIONS RELATED TO SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

RECOMMENDATION

It is recommended that the Planning and Zoning Board approve the proposed Ordinance.

BACKGROUND AND ANALYSIS

See attached memo and proposed ordinance.

BUDGETARY/FINANCIAL IMPACT (Finance Dept.)

N/A

PERSONNEL IMPACT

None

ATTACHMENT(S):

Memo - Agenda PZB 03.04.2026.DOCX
Ordinance Cpt.11 and 15 - Sign Code - PZB 03.04.2026.DOCX
Exhibit A Chapters 11 and 15 - Sign Code - PZB 03.04.2026.DOCX
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03.04.2026 - Public Notice - MDC Legals Ads.pdf

Sign Code Update

Summary of code amendments

1. **Unifies sign regulations in Chapter 11 of the ULDC**

Today, Chapter 11 of the Village's Unified Land Development Code (ULDC) serves as the Village's sign code. Additional sign code regulations are found in Chapter 15 of the ULDC, relating to the transect zones. The proposed ordinance consolidates the sign regulations in a unified Chapter 11.

2. **Provides extensive legislative intent**

Section 11.1 is currently "Purpose." The proposed ordinance provides for an expanded Section 11.1 title and text to address the Village's intent, the scope of the regulations, as well as findings related to the Florida Constitution, Florida Statutes, County Code, the Village's Comprehensive Plan, case law, and the impacts of sign clutter. In addition, Section 11.1 provides specific information on the legislative intent and addresses how substitution and severability of provisions should be treated.

For temporary signs, the legislative intent is currently presented under section 11.7(B). The intent language has been incorporated under 11.1 of the proposed ordinance.

3. **Reorganizes regulations and renames sections/titles for user ease**

   a. Existing Chapter 15 sign code regulations 15 have been reorganized within Chapter 11. This reorganization is intended to provide a unified set of sign code regulations in one Chapter.
   b. Existing district-specific regulations from Section 11.9 have been reorganized and consolidated under Section 11.4 of the proposed Ordinance. Accordingly, section 11.10 has been renumbered as 11.9.
   c. In addition, certain provisions of the existing sign regulations have been moved within Chapter 11 to place the regulations in more appropriate and obvious sections and subsections. For example, provisions from existing Section 11.9 relating to illuminated signs have been consolidated under the proposed Section 11.4.

4. **Updates definitions**

Section 11.2 currently provides the definitions applicable to the Sign Code and additional definitions are provided in Chapter 15. While many of the existing definitions have been retained, Section 11.2 has been completely updated to provide for more accurate and modern definitions. Like other sections of the sign code, the definitions have been reorganized.

5. **Provides illustrations of sign types**

Currently there are no illustrations in Chapter 11. Existing Section 15.6.F of the ULDC, however, provides illustrations that are applicable across all zoning districts in the Village, including the transect zones. As part of the reorganization effort, the illustrations from Section 15.6.F of the ULDC have been moved to a new Section 11.2.5 of the ULDC.

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ORDINANCE NO. 2026-___

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 11, "SIGNS," AND CHAPTER 15, "FORM BASED CODE," OF THE VILLAGE'S UNIFIED LAND DEVELOPMENT CODE (ULDC) TO ADDRESS CURRENT LEGAL REQUIREMENTS, TO ESTABLISH SPECIFIC STANDARDS AND REGULATIONS, AND TO CONSOLIDATE ALL PROVISIONS RELATED TO SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166, Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, North Bay Village (the "Village"), as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, the Village Commission finds and determines that the land development code is required to regulate signs as provided by Section 163.3202(2)(f), Florida Statutes; and

WHEREAS, the Village Commission does not wish to censor speech, but rather to provide for the public welfare by regulating signage in the Village in a manner that enhances the aesthetics of the community, reduces visual pollution, provides clear information and minimizes distractions to drivers in the interests of traffic safety; and

WHEREAS, the Village Commission desires to modify and update its regulation of signs in order to respond to case law including *Reed v. Town of Gilbert*, 576 U.S. 155, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015) ("*Reed*"), and *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 142 S. Ct. 1464 (2022) ("*Austin*"); and

WHEREAS, the Village finds and determines that the purpose and intent provisions of its signage regulations should be detailed so as to further describe the beneficial aesthetic, traffic safety, and other effects of the Village's sign regulations, and to reaffirm that the sign regulations are concerned with the secondary effects of speech and are not designed to censor speech or regulate the viewpoint of the speaker; and

WHEREAS, various signs that serve as signage for particular land uses are based upon content-neutral criteria in recognition of the functions served by those land uses, and are not based upon any intent to favor any particular viewpoint or control the subject matter of public discourse; and

WHEREAS, the Village finds and determines that the sign regulations adopted hereby allow and leave open adequate alternative means of communications, such as

newspaper advertising, internet advertising and communications, advertising in shoppers and pamphlets, advertising in telephone books, advertising on cable television, advertising on UHF and/or VHF television, advertising on AM and/or FM radio, advertising on satellite radio, advertising on internet radio, advertising via direct mail, and other avenues of communication available in the Village (*see State v. J & J Painting*, 167 N.J. Super. 384, 400 A.2d 1204, 1205 (Super. Ct. App. Div. 1979); *Board of Trustees of State University of New York v. Fox*, 492 U.S. 469, 477 (1989); *Green v. City of Raleigh*, 523 F.3d 293, 305-306 (4th Cir. 2007); *Naser Jewelers v. City of Concord*, 513 F.3d 27 (1st Cir. 2008); *Sullivan v. City of Augusta*, 511 F.3d 16, 43-44 (1st Cir. 2007); *La Tour v. City of Fayetteville*, 442 F.3d 1094, 1097 (8th Cir. 2006); and *Reed v. Town of Gilbert*, 587 F.3d 866, 980-981 (9th Cir. 2009)); and

WHEREAS, in *Reed*, the United States Supreme Court addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs; and

WHEREAS, in *Reed*, Justice Alito in a concurring opinion joined in by Justices Kennedy and Sotomayer pointed out that municipalities still have the power to enact and enforce reasonable sign regulations; and

WHEREAS, Justice Alito further noted that in addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech (*see Pleasant Grove City v. Summum*, 555 U.S. 460, 467-469 (2009)), and that government entities may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots; and

WHEREAS, Justice Alito noted that the *Reed* decision, properly understood, will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate aesthetic objectives, including rules that distinguish between on-premises and off-premises signs; and

WHEREAS, under established Supreme Court precedent and Eleventh Circuit precedent, commercial speech may be subject to greater restrictions than noncommercial speech and that doctrine is true for both temporary signs as well as for permanent signs; and

WHEREAS, all of these findings pursuant to *Reed* and other prior caselaw have been reaffirmed and further reinforced by the *Austin* decision; and

WHEREAS, the Village finds and determines that a traffic control device, as defined herein, should be exempt from regulation under the Village's regulations for signage; and

WHEREAS, the Village finds and determines that the regulation of signs within the Village strongly contributes to the development and maintenance of a pleasing, visually attractive environment, and that these sign regulations are intended to enhance the environment and promote the continued well-being of the Village; and

WHEREAS, the Village finds and determines that the regulation of signage for purposes of aesthetics has long been recognized as advancing the public welfare; and

WHEREAS, the Village finds and determines that, as far back as 1954, the United States Supreme Court recognized that "the concept of the public welfare is broad and inclusive," that the values it represents are "spiritual as well as physical, aesthetic as well as monetary[,]" and that "[i]t is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled" (*Berman v. Parker*, 348 U.S. 26, 33 (1954)); and

WHEREAS, the Village finds and determines that aesthetics is a valid basis for zoning, and that the regulation of the size and appearance of signs and the prohibition of certain types of signs can be based upon aesthetic grounds alone as promoting the general welfare (*see Merritt v. Peters*, 65 So. 2d 861 (Fla. 1953); *Dade County v. Gould*, 99 So. 2d 236 (Fla. 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 878 (1970)); and

WHEREAS, the Village finds and determines that these sign regulations further the character and ambiance of the Village, and reflect its commitment to maintaining and improving an attractive environment; and

WHEREAS, the Village finds and determines that the beauty of the Village's natural and built environment has provided the foundation for the economic base of the Village's development, and that the Village's sign regulations help create an attractive residential community for its residents; and

WHEREAS, the Village finds and determines that the goals, objectives and policies of its plans over the years demonstrate a strong, long-term commitment to maintaining and improving the Village's attractive and visual environment; and

WHEREAS, the Village finds and determines that, from a planning perspective, one of the most important community goals is to define and protect aesthetic resources and community character; and

WHEREAS, the Village finds and determines that the purpose of the regulation of signs as set forth in this Ordinance is to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements; and

WHEREAS, the Village finds and determines that the sign regulations in this Ordinance are intended to lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular/mobile traffic; and

WHEREAS, the Village finds and determines that these sign regulations are intended to protect the public from the dangers of unsafe signs; and

WHEREAS, the Village finds and determines that these sign regulations are intended to permit signs that are compatible with their surroundings and aid orientation, and to preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs; and

WHEREAS, the Village finds and determines that these sign regulations are intended to regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians; and

WHEREAS, the Village finds and determines that these sign regulations are intended to require signs to be constructed, installed and maintained in a safe and satisfactory manner; and

WHEREAS, the Village finds and determines that in meeting the purposes and goals established in these findings, it is appropriate to prohibit or to continue to prohibit certain sign types; and

WHEREAS, the Village finds and determines that the prohibition of the construction of billboards and certain other sign types, as well as the establishment and continuation of height, size and other standards for on-premise signs, is consistent with the policy set forth in the Florida Constitution that it shall be the policy of the state to conserve and protect its scenic beauty; and

WHEREAS, the Village finds that local governments may separately classify off-premise and on-premise advertising signs in taking steps to minimize visual pollution (*see City of Lake Wales v. Lamar Advertising Association of Lakeland Florida*, 414 So. 2d 1030, 1032 (Fla. 1982)); and

WHEREAS, the Village finds and determines that a prohibition on the erection of off-premise outdoor advertising signs will reduce the number of driver distractions and the number of aesthetic eyesores along the roadways of the Village (*see, e.g., E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1154 (5th Cir. 1970), cert. denied, 400 U.S. 878 (1970)); and

WHEREAS, the Village finds and determines that in order to preserve, protect and promote the safety and general welfare of the residents of the Village, it is necessary to regulate off-premise advertising signs, so as to prohibit the construction of off-premise signs and billboards in all zoning districts, and to provide that the foregoing provisions shall be severable; and

WHEREAS, the Village hereby finds and determines that any object or message in close proximity to roadways which tends to distract the driver of a motor vehicle directly affects traffic safety, and that signs which divert the attention of the driver and occupants of motor vehicles from the highway and streets to objects away from it may reasonably be found to increase the danger of accidents, and agrees with the courts that have reached the same determination (*see In re Opinion of the Justice*s, 103 N.H. 268, 169 A.2d 762 (1961); and *Newman Signs, Inc. v. Hjelle*, 268 N.W.2d 741 (N.D.1978)); and

WHEREAS, the Village finds and determines that the Village has allowed noncommercial speech to appear wherever commercial speech appears; and the Village desires to continue that practice through the specific inclusion of a substitution clause that expressly allows non-commercial messages to be substituted for commercial messages (and non-commercial messages to be substituted for each other); and

WHEREAS, the Village finds and determines that, by confirming in this Ordinance that noncommercial messages are allowed wherever commercial messages are allowed, the Village will continue to overcome any constitutional objection that its ordinance

impermissibly favors commercial speech over noncommercial speech (*see Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1236-1237 (D. Kan. 1999)); and

WHEREAS, the Village finds and determines that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be allowed to stand provided (1) the unconstitutional provisions can be separated from the remaining valid provisions, (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void, (3) the good and the bad features are not so inseparable in substance that it can be said that the legislative body would have passed the one without the other, and (4) an act complete in itself remains after the valid provisions are stricken (*see, e.g*., *Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)); and

WHEREAS, the Village finds and determines that there have been several judicial decisions where courts have not given full effect to severability clauses that applied to sign regulations and where the courts have expressed uncertainty over whether the legislative body intended that severability would apply to certain factual situations despite the presumption that would ordinarily flow from the presence of a severability clause; and

WHEREAS, the Village finds and determines that the Village has consistently adopted and enacted severability provisions in connection with its ordinance provisions, and that the Village wishes to ensure that severability provisions apply to its regulations, including its sign regulations; and

WHEREAS, the Village finds and determines that the Code's severability clauses were adopted with the intent of upholding and sustaining as much of the Village's regulations, including its sign regulations, as possible in the event that any portion thereof (including any section, sentence, clause or phrase) be held invalid or unconstitutional by any court of competent jurisdiction; and

WHEREAS, the Village finds and determines that it has considered an ample record of its intention that the presence of a severability clause in connection with the Village's sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any provision is invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the Village finds and determines that it has considered an ample record that it intends that the height and size limitations on free-standing, ground, wall, and other signs continue in effect regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the Village's sign regulations, other provisions of the Code of Ordinances, or other laws, for any reason(s) whatsoever; and

WHEREAS, the Village finds and determines that it has considered an ample record that it intends that each prohibited sign-type continue in effect regardless of the invalidity or unconstitutionality of any, or even all, other provisions of the Village's sign regulations, other provisions of the Code of Ordinances, or other laws, for any reason(s) whatsoever; and

WHEREAS, the Village finds that it is in the best interest of the Village and its residents to amend Chapter 11, "Signs" and Chapter 15, "Form-Based Code;" and

WHEREAS, the Village makes the detailed findings set forth in Section 11.1 of this Ordinance as to the purpose, scope and intent of the Village's sign regulations, and the substantial and compelling governmental interests that are advanced by these regulations; and

WHEREAS, the Village reiterates its desire that there be an ample and unequivocal record of its intention that the severability clauses it has adopted related to its sign regulations shall be applied to the maximum extent possible, even if less speech would result from a determination that any exceptions, limitations, variances, or other sign provisions are invalid or unconstitutional for any reason whatsoever; and

WHEREAS, in accordance with the requirements of Chapter 163, Florida Statutes, the Planning and Zoning Board, acting as the Local Planning Agency, reviewed the proposed Ordinance on _____, 2026, and has determined that the proposed regulation is consistent with the Village's Comprehensive Plan; and

WHEREAS, the Village Commission conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, on _____, 2025, and _____, 2026, and after having received input from and participation by interested members of the public and staff, determined that this Ordinance is consistent with the Village's Comprehensive Plan and in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above recitals are true and correct and incorporated herein by this reference.

Section 2. Amending Chapter 11 of the Village ULDC. That Chapter 11, "Signs" of the North Bay Village Unified Land Development Code is hereby amended to read as set forth in Exhibit "A", attached hereto.[1]

Section 3. Amending Chapter 15 of the Village ULDC. That Chapter 15, "Form-Based Code" of the North Bay Village Unified Land Development Code is hereby amended to read as set forth in Exhibit "B", attached hereto.[1]

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Codification. That it is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 7. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED on first reading on the _____ day of _____, 2026.

PASSED AND ADOPTED on second reading on the ____ day of _____, 2026.

_____
Rachel Streitfeld, Mayor

ATTEST:

_____
Alba L.Chang, CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Village Attorney

First Reading:
Moved By: _____
Seconded By: _____

Second Reading:
Moved By: _____
Seconded By: _____

Vote on Final Adoption:
Mayor Rachel Streitfeld _____
Vice Mayor Goran Cuk _____
Commissioner Doris Acosta _____
Commissioner Richard Chervony _____
Commissioner Andy Daro _____

EXHIBIT "A"[1]

CHAPTER 11, SIGNS

§ 11.1 – ~~Purpose~~ Intent; scope; findings; legislative intent; substitution; and severability.

1. *Intent*. The purpose of these regulations is to create a legal framework for a comprehensive and balanced system of Street graphics and Signs and thereby to facilitate an easy and aesthetically pleasing communication between the public and their environment. With this purpose in mind, it is the intention of these regulations to authorize the use of street graphics and signs which are compatible with their surroundings; appropriate to the type of activity to which they pertain; expressive of the identity of individual proprietors or of the community as a whole; and legible in the environment in which they are seen.

2. *Scope*.

   A. The provisions of this Chapter shall govern the number, size, location, and aesthetic appearance of all signs which may be permitted either as a principal or accessory use under the terms of this Chapter. No signs shall be permitted on any property either as a principal or accessory use except in accordance with the provisions of this Chapter.

   B. This Chapter does not regulate Village signs on property owned by the Village, Miami-Dade County or the State of Florida, and does not regulate traffic control devices. Private signs on public property and rights of way are unauthorized, and subject to removal and disposal.

   C. In the event of any conflict between this Code and any declaration of covenants, bylaws, or other restrictions applying to any property within the Village, the language affording the more restrictive interpretation shall apply.

   D. The Village specifically finds that these sign regulations are narrowly tailored to achieve the compelling and substantial governmental interests of traffic safety and aesthetics, and that there is no other way for the Village to further these interests.

3. *Findings.* The Village Commission makes the following findings:

   A. *Florida Constitution*. Article II, Section 7 of the Florida Constitution provides that "[i]t shall be the policy of the state to conserve and protect its natural

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resources and scenic beauty. . . ." A beautiful environment preserves and enhances the desirability of the Village as a place to live and to do business. Implementing the Florida Constitution is a compelling governmental interest.

B. *Florida Statutes*. Florida law require cities to adopt comprehensive plans and implement them through land development regulations (also known as zoning regulations) and approval of development orders that are consistent with the comprehensive plan. See Part II of Chapter 163, Florida Statutes. Florida law specifically requires that the Village adopt sign regulations. *See* Section 163.3202(2)(f), Florida Statutes. Complying with state law is a compelling governmental interest.

C. *Miami-Dade County Code*. Article VI of Chapter 33 of the Miami-Dade County Code, also known as the County Sign Code, provides minimum requirements that the Village is charged with enforcing within its territorial boundaries. The regulations in this Chapter 11 are consistent with the minimum requirements of the County Sign Code.

D. *Village Comprehensive Plan*. The Village is a diverse community with a wide range of land uses. Several goals, objectives, and policies of the Village's Comprehensive Plan require the Village to maintain its scenic beauty and traffic safety through its land development regulations and actions. Implementing the Village's Comprehensive Plan serves a compelling governmental interest. The Future Land Use, Transportation, Housing, and Conservation Elements of the Village's Comprehensive Plan call for sign regulation and prioritize aesthetics and traffic safety as follows:

i. Future Land Use Element:

a. Goal: Secure the maximum physical, economic, and social welfare for the Village and its residents through the thoughtful use and development of land, buildings, streets, and public facilities, while maintaining, its existing character as an attractive waterfront residential environment.

b. Objective 2.2: Implement policies, strategies and actions to promote the Village's character as an attractive, sustainable and resilient waterfront community and direct future development and redevelopment to be consistent with the desired community character, the vision and pillars of the NBV100 Master Plan, and goals, objectives, and policies within the Plan.

c. Policy 2.2.1: Maintain and, as necessary, periodically upgrade the entry treatments and/or features at the Village's gateways, including, but not limited to installing aesthetically pleasing, distinctive signage, lighting and lush, sustainable tropical landscaping that reflect the community's branded identity and spirit.

d. Policy 2.2.4: The Village shall continue to enhance and strengthen the character and the identity of the Village through design criteria and a timetable for the improvement of street intersection elements and street furnishings. In addition, the Village shall continue to develop and implement mechanisms to address the nature and design of crosswalks, signage, benches, sidewalks (including widening, meandering and enhanced sidewalk accessibility), pavement and pavement markings, and other key elements of the public rights-of-way.

e. Policy 2.2.5: The Village shall continue to encourage all future land use development and redevelopment to emphasize aesthetic quality, livability, sustainability, resilience, and overall acceptability to local residents.

f. Policy 2.3.6: North Bay Village will maintain, as a particular area of attention in its planning program, a systematic review of the aesthetics and physical conditions between its boundary and those between unincorporated areas and other cities in an effort to improve the appearance of these areas and the compatibility and transition between the adjoining communities. Joint planning area agreements will be implemented if appropriate.

ii. Transportation Element:

a. Goal: Maintain the Village's existing traffic circulation system, which provides for the safe and efficient movement of people and goods through and within the Village.

b. Policy 3.2.2: As identified in the NBV100 Master Plan Vision for the Village, proper provisions for connectivity, safety, and multimodal transportation friendliness shall be ensured by requiring and improving pedestrian ways, the installation of bike paths and the installation of traffic calming devices.

c. Policy 3.3.2: The Village shall require all potential development or redevelopment projects to contribute to providing a safe, convenient, comfortable, and aesthetically pleasing transportation environment that promotes walking, cycling, and transit use. Appropriate improvements or enhancements to the multimodal network shall be required to mitigate any impacts as a condition of development approval.

d. Policy 3.6a.3: Ensure that buildings are oriented to provide pedestrians and bicyclists with easy access and a visually interesting environment that reduces perceived travel distances and increases the legibility of the bicycle and pedestrian network.

iii. Housing Element:

a. Policy 6.1.1: Review existing development regulations to ensure they promote long term sound housing and aesthetically pleasing neighborhood environments.

iv. Conservation Element:

a. Policy 9.4.45.1: The Village will enhance the Kennedy Causeway by requiring new development in their design and layout to enhance bay views, create signage at key entry points and add landscaping including water features.

E. Caselaw. In accordance with the U.S. Supreme Court's cases on sign regulation, the regulations in this Chapter are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may adversely affect the Village's substantial and compelling governmental interests in preserving scenic beauty and community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment. These cases and their holdings include, but are not limited to:

i. *Reed v. Town of Gilbert*, 576 U.S. 576 U.S.155, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015) on the topic on noncommercial temporary signs;

ii. *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981) on the topic of commercial signs and off-premise signs;

iii. *City of Ladue v. Gilleo*, 512 U.S. 43 (1994) on the topic of political protest signs in residential areas;

iv. *Linmark Assocs., Inc. v. Township of Willingboro*, 431 U.S. 85 (1977) on the topic of real estate signs in residential areas;

v. *Burson v. Freeman*, 504 U.S. 191 (1992) on the topic of election signs near polling places;

vi. *Central Hudson Gas & Electric Corp. v. Public Service Commission*, 447 U.S. 557 (1980) on the topic of commercial speech;

vii. *City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984) on the topic of signs on public property;

viii. *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 142 S. Ct. 1464 (2022) on the topic of off-premises sign regulation; and

ix. *Shurtleff v. City of Boston, Massachusetts*, 142 S. Ct. 1583, 1584 (2022) on the topic of commercial flags.

F. Impact of sign clutter. Excessive signage and sign clutter impair the legibility of the environment, and undermine the effectiveness of governmental signs, traffic control devices and other required signs (such as address, directional, directory, and identification signs) that are essential to identifying locations for the delivery of emergency services and other compelling governmental purposes. The intent of these sign regulations is to enhance the visual environment of the Village, ensure that Village residents, visitors and emergency responders can safely navigate through the Village to their intended destinations, and promote the continued well-being of the Village. It is therefore the purpose of this Chapter to promote aesthetics and the public health, safety and general welfare, and assure the adequate provision of light and air within the Village through reasonable, consistent and nondiscriminatory standards for the posting, displaying, erection, use, and maintenance of signs and sign structures that are no more restrictive than necessary to achieve these governmental interests.

4. *Specific Legislative Intent*. More specifically, the Village's sign regulations are intended to:

i. Encourage the effective use of signs as a means of communication in the Village;

ii. Maintain and enhance the scenic beauty of the aesthetic environment and the Village's ability to attract sources of economic development and growth;

iii. Ensure all modes of pedestrian safety and traffic safety;

iv. Minimize the possible adverse effect of signs on nearby public property, public rights-of-way and private property;

v. Foster the integration of signs with architectural and landscape designs;

vi. Minimize hazardous conditions and lessen the confusion and visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, bulk, excessive sign height, and excessive sign area which compete for the attention of pedestrians, motorists, bicyclists, and vehicular traffic and are not necessary to aid in wayfinding;

vii. Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;

viii. Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the land uses, activities and functions to which they pertain;

ix. Curtail the size and number of signs to the minimum reasonably necessary to identify the location and the nature of a land use, and to allow smooth navigation to these locations;

x. Establish dimensional limits and placement criteria for signs that are legible and proportional to the size of the parcel and structure on which the sign is to be placed, or to which it pertains;

xi. Regulate signs so that they are effective in performing the function of identifying and safely directing pedestrian and vehicular traffic to a destination;

xii. Preclude signs from conflicting with the principal use of the parcel and adjoining parcels;

xiii. Regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;

xiv. Except to the extent expressly preempted by state, Miami-Dade County or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;

xv. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the Village;

xvi. Allow traffic control devices consistent with national standards without regulation in this article, because they promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and by notifying road users of regulations and providing nationally consistent warnings and guidance needed for the safe, uniform and efficient operation of all modes of travel, while regulating private signs to ensure that their size, location and other attributes do not impair the effectiveness of such traffic control devices;

xvii. Protect property values by precluding, to the maximum extent possible, signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;

xviii. Protect property values by ensuring that the size, number and appearance of signs are in harmony with buildings, neighborhoods, structures, and conforming signs in the area;

xix. Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the Village and that complements the natural surroundings in recognition of the Village's reliance on its natural surroundings and beautification efforts as a source of economic advantage as an attractive place to live and work;

xx. Classify and categorize signs by type and zoning district;

xxi. Not regulate signs more than necessary to accomplish the compelling and important governmental objectives described herein;

xxii. Enable the fair and consistent enforcement of these sign regulations;

xxiii. Permit, regulate and encourage the use of signs with a scale, graphic character, and type of lighting compatible with buildings and uses in the area, so as to support and complement the goals, objectives and policies set forth in the Village’s Comprehensive Plan;

xxiv. Establish regulations for the design, erection and maintenance of signs for the purpose of ensuring equitable access to graphic communication, while maintaining a harmonious and aesthetically pleasing visual environment within the Village, recognizing that signs form an integral part of

architectural building and site design and require equal attention in their design, placement and construction; and

xxv. Provide for the unique signage needs of multi-tenant properties through the uniform signage plans that assure a consistent and cohesive appearance and enhance legibility of sign messages through their common design; and

xxvi. Provide an effective method to deter individuals and businesses from attaching unsightly and distracting signs to public structures within or adjacent to public rights of way; and

xxvii. Be considered the maximum standards allowed for signage, and regulate signs in a permissive manner so that any sign is not allowed unless expressly permitted and not expressly prohibited.

5. *Substitution*. It is not the intent of this Chapter to afford greater protection to commercial speech than to noncommercial speech. Any sign, display or device allowed under this Chapter may contain, in lieu of any other copy, any otherwise lawful noncommercial message that complies with all other requirements of this article. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Chapter.

6. *Severability*.

i. The sections, paragraphs, sentences, clauses and phrases of this Chapter are severable, and if any phrase, clause, sentence, paragraph or section of this Chapter shall be declared unconstitutional or void or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Chapter.

ii. This subsection shall not be interpreted to limit the effect of subsection (1) above, or any other applicable severability provision in this Code or any adopting ordinance. The Village Commission specifically intends that severability shall be applied to sign regulations even if the result would be to allow less speech in the Village, whether by subjecting currently exempt signs to permitting or by some other means.

iii. This subsection shall not be interpreted to limit the effect of subsections (1) or (2) above, or any other applicable severability provision in this Code or any adopting ordinance. The Village Commission specifically intends that severability shall be applied to prohibited signs so that each of the prohibited sign types listed in the Village Code in Section 11-4 shall continue to be prohibited irrespective of whether another or any other sign prohibition is declared unconstitutional or invalid.

iv. This subsection shall not be interpreted to limit the effect of subsections (1), (2) or (3) above, or any other applicable severability provision in this Code or any adopting ordinance. The Village Commission specifically intends that severability shall be applied to section 11-XXX of the sign regulations so that if all or any of such provisions are declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the Village Commission intends that such declaration shall not affect any other prohibition on animated, flashing or off-premise signs in the aforesaid section.

§ 11.2 – Definitions

For the purpose of this ~~s~~Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~1. *Sign*. An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a Building, Structure, or land and which directs attention to a product, place, activity, person, institution, or business.~~

~~2. *Sign, accessory*. A supplemental sign relating to products or services sold, affiliations, or uses of the premises on which the sign is located (e.g.: credit card affiliations, brand symbols).~~

~~3. *Sign area*. The area of the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign. Such area shall be that total surface of one common sign structure which may be viewed from one direction of approach. Such surface area is exclusive of frame embellishment considered as border and not for the purpose of transmission of message, which additional frame surface shall not be greater than 30 percent of the total gross area. Any symbol, Mural background, pole decoration, or illustrative material contributing to the meaning or promotional effect of the message shall be considered as sign surface area. The sign area shall extend to the perimeter of the area of all letters, figures, characters, clocks, thermometers, and temperature or time data devices.~~

~~4. *Sign area, multi-faced*. On any sign with more than one face, the maximum number of advertising surfaces visible from any location will be counted; provided, however, that all advertising surfaces of multi-faced signs shall be equal in size and height on all sides. If faces are different in size and height, each face is counted individually.~~

5. *Sign, detached*. A sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface such as a Fence or Wall, not a part of a building, shall be considered a detached sign.

6. *Sign, directional*. A sign indicating the direction or allocation of some service or facility to use, or indicating an instruction (e.g., "no trespassing").

7. *Sign, flat*. A sign erected parallel to the face of or erected or painted on the outside wall of any building, and supported throughout its length by wall, cantilever, or marquee projections extending from the wall. The outer edge of a flat sign shall not be further than 18 inches, measured horizontally, from the building wall or extend further than the outside edge of a supporting marquee or cantilever, whichever distance is the larger; nor may the highest point of a flat sign extend more than 12 inches above the highest flat roof, parapet, or eave line.

8. *Sign, identification*. A sign which indicates the name of a use, owner, activity, business, or enterprise.

9. *Sign, outdoor advertising display* (character).
   A. *Activated sign*. Any sign which contains or uses for illumination any light, lighting device, or lights which change color, flash or alternate, or change the appearance of the sign or any part thereof automatically (for the purpose of these regulations, a slowly rotating sign, not exceeding ten revolutions per minute, illuminated but not flashing, shall not be considered an "activated sign").

   B. *Animated sign*. Any sign upon which a character, letter, figure, or group or combination thereof, shows movement or motion to such an extent as to be readily detected.

   C. *Banner sign*. Any sign possessing characters, letters, illustrations, or ornamentations applied to cloth, paper, or fabric of any kind, either with or without frames.

   D. *Banners, streamers, spinners, and pennants*. Any device, with or without letters or symbols, erected for the purpose of attracting attention to an area or point.

   E. *Beacon light*. Any light with one or more beams capable of being directed in any direction, capable of being revolved automatically, or capable of having any part thereof revolve automatically.

   F. *Double-faced sign*. Any sign which has two display surfaces backed against each other or against the same background, one face of which is designed to be seen from one direction, and the other from the opposite direction.

   G. *Flashing sign*. Any sign in which the electrical lighting device or devices go on and off alternately, either all of such lights or lighting devices or part thereof, or are designed to cause a deliberate intensity change for the purpose of effecting attraction. Signs that alternately display only time and temperature are excluded from this definition.

10. *Sign, outdoor advertising display* (type). A sign which contains any letter, figure, character, mark, plane, point, marquee, poster, pictorial picture, stroke, stripe, line,

~~trademark, reading matter, or illuminated surface, which shall be so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever which is displayed in any manner out-of-doors. These shall include, but are not necessarily limited to, the following:~~

~~A. *Combination sign*. Any sign incorporating any combination of the features of ground, projecting, or roof signs.~~

~~B. *Fluorescent painted sign*. Any sign which is wholly or partially composed of letters, symbols, or characters, or the background of which is of fluorescent qualities causing a reflective light to illuminate.~~

~~C. *Ground sign*. Any sign which is supported by uprights or braces in or upon the ground (also referred to as a "pole sign").~~

~~D. *Illuminated sign*. Any sign which has characters, letters, figures, designs, or an outline illuminated by electric lights, LEDs (light emitting diodes) or luminous tubes, whether or not the lights or tubes are a part of the sign proper.~~

~~E. *Marquee sign*. Any sign attached to or hung from a marquee. A "marquee" shall be known to mean a canopy or covered structure projecting from and supported by a Building, when such canopy or covered structure extends beyond the building, Building Line, or Property Line.~~

~~F. *Nonilluminated sign*. Any sign which is not illuminated by internal or external lights which are designed for such illumination, nor is designed with any special light-reflective surfaces.~~

~~G. *Projection sign*. Any sign other than a wall sign which projects from and is supported by a Wall, building, or overhang.~~

~~H. *Projected sign*. Any sign which is affixed to any building wall or Structure and extends beyond the building wall, structure, building line, or property line more than 18 inches.~~

~~I. *Real estate sign*. Any structure, device display board, screen, surface, or wall with characters, letters, or illustrations placed thereto, thereon, or thereunder, by any method or means whatsoever, where the matter displayed thereon shall be used solely for the purpose of offering for sale, lease, or rent the exact property on which the sign is placed.~~

~~J. *Roof sign*. Any sign which is fastened to and supported by or on the roof of a building, or which extends more than 12 inches above the highest flat roof, parapet, or eave line of a building.~~

~~K. *Sandwich sign*. Any sign which is either single- or double-faced, is portable, and may readily be moved from place to place.~~

~~L. *Shingle sign*. Any projection or Wall Sign not more than six square feet in area, constructed of metal or other noncombustible material attached securely to a building.~~

M. *Snipe sign*. Any small sign of any material including paper, cardboard, wood, or metal, which is tacked, nailed, or attached in any way to trees or other objects; such sign may or may not apply to the premises.

N. *Window sign*. Any sign located on or within one foot of the street window surface and which is intended to be viewed from the outside.

11. *Sign, outdoor advertising display* (usage).

A. *Changeable copy sign*. Any sign with a permanent, framed surface area principally devoted to and designed for changeable text information pertaining to entertainment, menu, prices, and the like.

B. *Directory sign*. Any sign which gives the name and/or occupation of the occupants of the building or gives the use of the building including office building directories, church *House of Worship* directories, and apartment building directories. When an identification of an entity is placed on a common directory board with identical uniform style and size of letter, such entity shall not be defined as a separate sign, but rather shall be considered as a part of a directory board sign.

C. *Identification; individual entity*. Any person who is the lessee, owner, or who has a proprietary interest in the business for which the sign is proposed. Each business shall be considered to be an individual entity. Eligibility for identification as an individual entity shall not exist when the lessee is under the same roof and with the same entrance or access or the same lessor or owner; in such case of leased floor space the occupant is not defined as an individual entity. However, eligibility for identification as an individual entity may apply to the lessee if the owner or the lessor makes of record to the Building and Planning and Zoning Official a transfer (assignment) of all parts of his the computed eligibility to the lessee.

D. *Informational sign*. Any sign which contains any combination of directory, directional, and/or explanatory information.

E. *Sign information item*. Any syllable, group of numbers, initial, abbreviation, logo, or pictograph larger than three inches in height, with the official name of an establishment counting a maximum of four items towards the ten permitted information items.

12. *Outdoor advertising display: off-premises* (commercial advertising). Any sign upon which advertising matter may be painted or upon which posters may be pasted or otherwise secured to the face thereof, advertising goods, services, or other things not sold or available upon the premises upon which the sign is located.

A. *Outdoor advertising display: premises*. Any sign advertising a product for sale or service to be rendered on the immediate premises where the sign is located.

B. *Point of purchase sign*. Any Structure, device, display board, screen, surface, or Wall with characters, letters, or illustrations placed thereto, thereon, or thereunder by any means whatsoever, where the matter displayed is used for advertising a product actually or actively offered for sale thereon or therein.

C. *Facade*. Any separate face of a building, including parapet walls or any part of

~~a building which encloses or covers usable space.~~

~~D. *Frontage*. That part of the building that faces a public thoroughfare.~~

~~*13. Sign, temporary*. Any sign that is not a permanent sign, and shall include a sign formerly or commonly known as a temporary election sign, a temporary political sign, a temporary free expression sign, a temporary real estate sign, a temporary directional sign, a temporary construction sign, a temporary grand opening sign, or any other temporary sign unless otherwise provided herein. The term "temporary sign" shall not include any substitution of message on an existing lawful sign or sign structure.~~

~~*14. Window sign, permanent*. Any sign visible from the exterior of a building or structure and which is painted, attached, glued, or otherwise affixed to a window or depicted upon a card, paper, or other material and placed on, taped on, or displayed on a window for the specific purpose of identifying the proprietor or the name of the business to the passerby.~~

~~*15. Window sign, temporary*. Any sign visible from the exterior of a building or structure and which is painted, attached, glued, or otherwise affixed to a window or door or depicted upon a card, paper, or other material and placed on, taped on, or displayed on a window for the specific purpose of attracting attention of the passerby to a sale or to promotional items or other products or services, other than the identity of the proprietor or the name of the business.~~

1. *Activated sign*. Any sign which contains or uses for illumination any light, lighting device, or lights which change color, flash or alternate, or change the appearance of the sign or any part thereof automatically (for the purpose of these regulations, a slowly rotating sign, not exceeding ten revolutions per minute, illuminated but not flashing, shall not be considered an "activated sign").

2. *Animated sign*. Any sign upon which a character, letter, figure, or group or combination thereof, shows movement or motion to such an extent as to be readily detected.

3. *Awning Sign*. A sign painted on, printed on, or applied to an awning.

4. *Band Sign*. A type of Wall sign. See Wall Sign and Sign Band.

5. *Banner sign*. Any sign possessing characters, letters, illustrations, or ornamentations applied to cloth, paper, or fabric of any kind, either with or without frames.

6. *Beacon light*. Any light with one or more beams capable of being directed in any direction, capable of being revolved automatically, or capable of having any part thereof revolve automatically.

7. *Billboard*. An outdoor advertising *sign* which directs attention to a business, product, commodity, service, entertainment venue, or facility not located, conducted, sold, or offered upon the premises where such sign is located, or which

calls public attention to a candidate, cause, or public issue and which may be either freestanding or mounted upon a *Building.*

8. Combination sign. Any sign incorporating any combination of the features of ground, projecting, or roof signs.

9. Changeable copy sign. Any sign with a permanent, framed surface area principally devoted to and designed for changeable text information with language other than the name of the business such as entertainment, menu, prices, and the like.

10. Commercial Message. Any logo, trademark, message, picture, or reference directing the viewer to a specific commercial product, brand, company, firm, or office.

11. Commercial Rental Sign. *See* Real Estate Sign.

12. Construction Sign. Nonilluminated Signs that identify the architects, engineers, planners, contractors, or other individuals or firms involved with a construction project or announce the character or purpose of a project that may be displayed at the project site. The term does not include construction mesh, which is regulated under Section 8.17.F of the North Bay Village Unified Land Development Code.

13. Digital technology (signs): Electronic technology that allows for changes to sign copy resulting from digital data input. Included in this technology are signs that use series of lights, including light emitting diodes (LED), fiber optics, or other similar technology.

14. Directory sign. Any sign which gives the name and/or occupation of the occupants of the building or gives the use of the building including office building directories, *House of Worship* directories, and apartment building directories. When an identification of an entity is placed on a common directory board with identical uniform style and size of letter, such entity shall not be defined as a separate sign, but rather shall be considered as a part of a directory board sign.

15. Double-faced sign. Any sign which has two display surfaces backed against each other or against the same background, one face of which is designed to be seen from one direction, and the other from the opposite direction.

16. Estate Sale Sign. A temporary sign advertising a home sale of household goods.

17. Facade. Any separate face of a building, including parapet walls or any part of a building which encloses or covers usable space.

18. Flashing sign. Any sign in which the electrical lighting device or devices go on and off alternately, either all of such lights or lighting devices or part thereof, or

are designed to cause a deliberate intensity change for the purpose of effecting attraction. Signs that alternately display only time and temperature are excluded from this definition.

19. *Fluorescent painted sign*. Any sign which is wholly or partially composed of letters, symbols, or characters, or the background of which is of fluorescent qualities causing a reflective light to illuminate.

20. *Freestanding sign*. Any sign which is contained or displayed on or as part of a freestanding structure not attached to any building, other structure, or object, including but not limited to ground, monument, and pylon signs.

21. *Frontage*. That part of the building that faces a public thoroughfare.

22. *Garage Sale Sign*. A temporary sign advertising a home sale of household goods.

23. *Hanging Sign*. A single or double-sided sign suspended from the underside of a canopy, awning, or *Structure* contained wholly underneath the overhead structure.

24. *Ground sign*. Any sign which is supported by uprights or braces in or upon the ground (also referred to as a "pole sign").

25. *Identification; individual entity*. Any person who is the lessee, owner, or who has a proprietary interest in the business for which the sign is proposed. Each business shall be considered to be an individual entity. Eligibility for identification as an individual entity shall not exist when the lessee is under the same roof and with the same entrance or access or the same lessor or owner; in such case of leased floor space the occupant is not defined as an individual entity. However, eligibility for identification as an individual entity may apply to the lessee if the owner or the lessor makes of record to the Building and Planning and Zoning Official a transfer (assignment) of all parts of the computed eligibility to the lessee.

26. *Illuminated sign*. Any sign which has characters, letters, figures, designs, or an outline illuminated by electric lights, LEDs (light emitting diodes) or luminous tubes, whether or not the lights or tubes are a part of the sign proper.

27. *Inflatable Sign*. Any sign or sign structure or sign enclosure that is filled with air or otherwise erected through the power of air pressure.

28. *Informational sign*. Any sign which contains any combination of directory, directional, and/or explanatory information.

29. *Marquee sign*. Any sign attached to or hung from a marquee. A "marquee" shall be known to mean a canopy or covered structure projecting from and supported by a Building, when such canopy or covered structure extends beyond

the building, Building Line, or Property Line.

30. *Nonconforming Sign, Legal*. Any sign that has a valid permit and was erected prior to the effective date of the Code or any subsequent amendment hereto, to the provisions of which the sign does not conform.

31. *Nonilluminated sign*. Any sign which is not illuminated by internal or external lights which are designed for such illumination, nor is designed with any special light-reflective surfaces.

32. *Open House / Model Home Sign*. *See Real Estate Sign*.

33. *Outdoor advertising Sign: off-premises* (commercial advertising). Any sign upon which advertising matter may be painted or upon which posters may be pasted or otherwise secured to the face thereof, advertising goods, services, or other things not sold or available upon the premises upon which the sign is located. *See Billboard*.

34. *Point of purchase sign*. Any Structure, device, display board, screen, surface, or Wall with characters, letters, or illustrations placed thereto, thereon, or thereunder by any means whatsoever, where the matter displayed is used for advertising a product actually or actively offered for sale thereon or therein.

35. *Projection sign*. Any sign other than a wall sign which projects from and is supported by a Wall, building, or overhang.

36. *Projected or Projecting sign*. Any sign which is affixed to any building wall or Structure and extends beyond the building wall, structure, building line, or property line more than 18 inches.

37. *Real estate sign*. Any structure, device display board, screen, surface, or wall with characters, letters, or illustrations placed thereto, thereon, or thereunder, by any method or means whatsoever, where the matter displayed thereon shall be used solely for the purpose of offering for sale, lease, or rent the exact property on which the sign is placed.

38. *Rental*. See Real Estate Sign.

39. *Roof sign*. Any sign which is fastened to and supported by or on the roof of a building, or which extends more than 12 inches above the highest flat roof, parapet, or eave line of a building.

40. *Sandwich sign*. Any sign which is either single- or double-faced, is portable, and may readily be moved from place to place.

41. *Shingle sign*. Any projection or Wall Sign not more than six square feet in area, constructed of metal or other noncombustible material attached securely to a building.

42. *Sign*. An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a Building, Structure, or land, which contains any letter, figure, character, mark, plane, point, marquee, poster, pictorial picture, stroke, stripe, line, trademark, reading matter, or illuminated surface, which shall be so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, and which directs attention to a product, place, activity, person, institution, business, subject, person, firm, corporation, public performance, article, machine.

43. *Sign, abandoned.* A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least six (6) months.

44. *Sign, accessory*. A supplemental sign relating to products or services sold, affiliations, or uses of the premises on which the sign is located (e.g.: credit card affiliations, brand symbols).

45. *Sign area*. The area of the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign. Such area shall be that total surface of one common sign structure which may be viewed from one direction of approach. Such surface area is exclusive of frame embellishment considered as border and not for the purpose of transmission of message, which additional frame surface shall not be greater than 30 percent of the total gross area. Any symbol, Mural background, pole decoration, or illustrative material contributing to the meaning or promotional effect of the message shall be considered as sign surface area. The sign area shall extend to the perimeter of the area of all letters, figures, characters, clocks, thermometers, and temperature or time data devices.

46. *Sign area, multi-faced*. On any sign with more than one face, the maximum number of advertising surfaces visible from any location will be counted; provided, however, that all advertising surfaces of multi-faced signs shall be equal in size and height on all sides. If faces are different in size and height, each face is counted individually.

47. *Sign band*. A horizontal component of a Shopfront to accommodate band signs located above transom and Shopfront windows and below the transition band.

48. *Sign, clearance*. The distance above the walkway, or other surface if specified, to the bottom edge of a Sign. This term can also refer to a horizontal clear distance between two objects.

49. *Sign copy*. Any letter, numeral, figure, symbol, logo, or graphic element displaying the content or message of a sign.

50. *Sign, detached*. A sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface such as a Fence or Wall, not a part of a building, shall be considered a detached sign.

51. *Sign, directional*. A sign indicating the direction or allocation of some service or facility to use, or indicating an instruction (e.g., "no trespassing").

52. *Sign, electronic message center (EMC*). A Sign, or portion thereof, that consists of electronically changeable alphanumeric text.

53. *Sign, flag*. A *Sign* printed or painted on a cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners. This definition shall include “feather flags” and “flutter flags.”

54. *Sign, flat*. A sign erected parallel to the face of or erected or painted on the outside wall of any building, and supported throughout its length by wall, cantilever, or marquee projections extending from the wall. The outer edge of a flat sign shall not be further than 18 inches, measured horizontally, from the building wall or extend further than the outside edge of a supporting marquee or cantilever, whichever distance is the larger; nor may the highest point of a flat sign extend more than 12 inches above the highest flat roof, parapet, or eave line.

55. *Sign, identification*. A sign which indicates the name of a use, owner, activity, business, or enterprise.

56. *Sign information item*. Any syllable, group of numbers, initial, abbreviation, logo, or pictograph larger than three inches in height, with the official name of an establishment counting a maximum of four items towards the ten permitted information items.

57. *Sign, Mural*. Artwork applied to the wall of a Building, which covers all or most of the Wall. Where a mural contains a commercial message, it shall be considered a Wall Sign.

58. *Sign, temporary*. Any sign that is not a permanent sign, and shall include a sign formerly or commonly known as a temporary election sign, a temporary political sign, a temporary free expression sign, a temporary real estate sign, a temporary directional sign, a temporary construction sign, a temporary grand opening sign, or any other temporary sign unless otherwise provided herein. The term “temporary sign” shall not include any substitution of message on an existing lawful sign or sign structure.

59. *Snipe sign*. Any small sign of any material including paper, cardboard, wood, or metal, which is mounted to stakes, tacked, nailed, or attached in any way to trees or other objects; such sign may or may not apply to the premises.

60. *Streamers*. Any device, with or without letters or symbols, erected for the purpose of attracting attention to an area or point*. May also be referred to as "spinners" or "penants."*

61. *Traffic control device.* Any sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard and as may be revised from time to time. A traffic control device sign includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not be readily apparent), and guide signs (that show route destinations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information). These devices are not regulated as signs under this Chapter.

62. *Vacated Premise*. Any property or portion of property where the primary business or activity has been discontinued for a period of 180 days/months or closed.

63. *Wall Sign.* A sign erected against or painted on the wall of any Building, displayed on windows or doors, or displayed with the exposed face thereof in a plane parallel to the face of said wall, window, or door.

64. *Warning / Instructional Sign*. An on-premises sign regulating the use of the premises, such as a "no trespassing," "no-hunting," or "no soliciting" sign.

65. *Wayfinding Sign*. A sign or series of signs directing from point to point or confirming progress along a route to a destination.

66. *Window sign*. Any sign located on or within one foot of the street window surface and which is intended to be viewed from the outside.

67. *Window sign, permanent*. Any sign visible from the exterior of a building or structure and which is painted, attached, glued, or otherwise affixed to a window or depicted upon a card, paper, or other material and placed on, taped on, or displayed on a window for the specific purpose of identifying the proprietor or the name of the business to the passerby.

68. *Window sign, temporary*. Any sign visible from the exterior of a building or structure and which is painted, attached, glued, or otherwise affixed to a window or door or depicted upon a card, paper, or other material and placed on, taped on, or displayed on a window for the specific purpose of attracting attention of the passerby to a sale or to promotional items or other products or services, other than the identity of the proprietor or the name of the business.

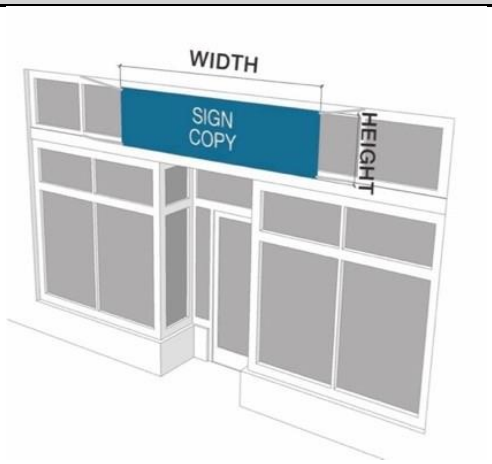
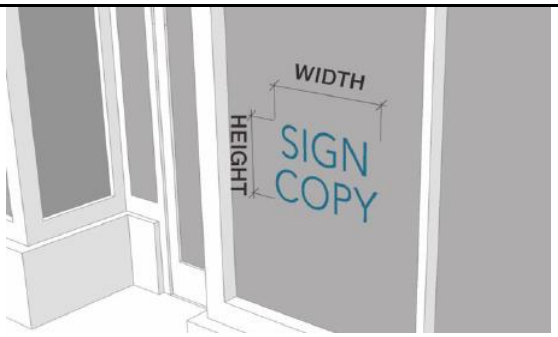
69. *Yard Sign*. A Freestanding Sign placed along a Property Frontage with a

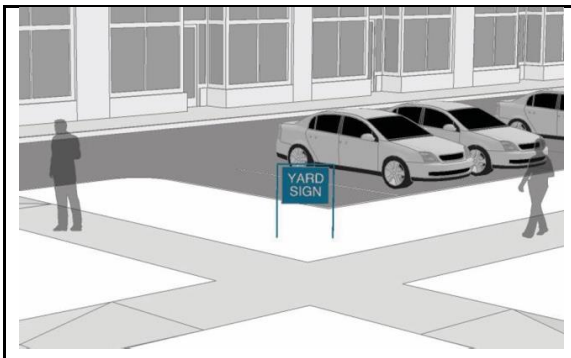
non-commercial message such as “Beware of Dog” or “Home Security”.

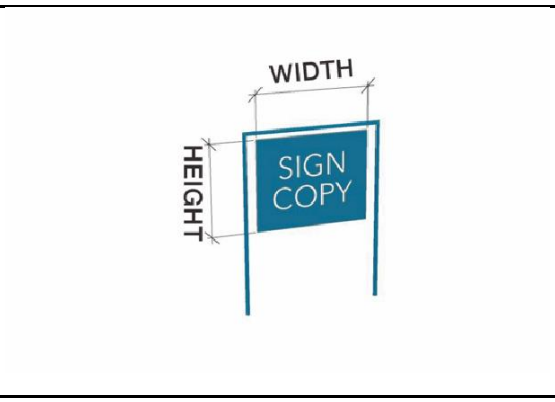
70. *Yard Sale Sign*. *See* Garage Sale Sign.

§ 11.2.5 – Sign Type Illustrations.

1. Temporary Sign Type Illustrations

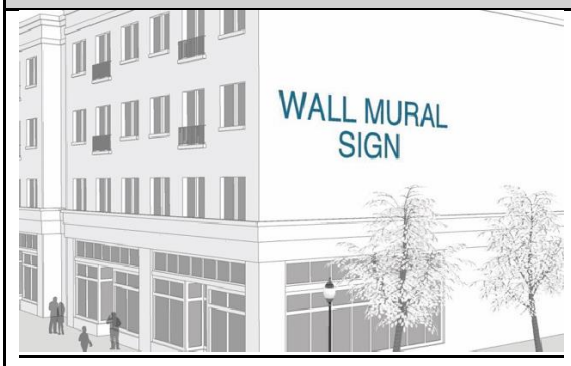
a. Banner Sign.	
	
b. Window Sign.	
	
c. Wayfinding/Yard Sign.	

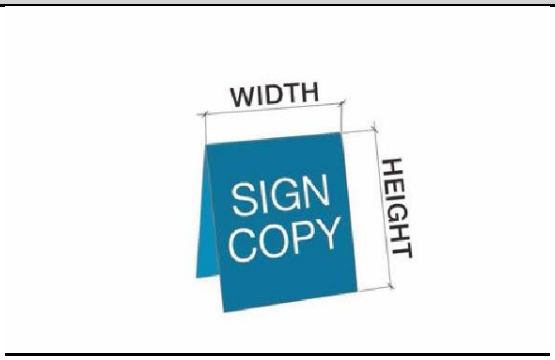




695 2. Permanent Signs.

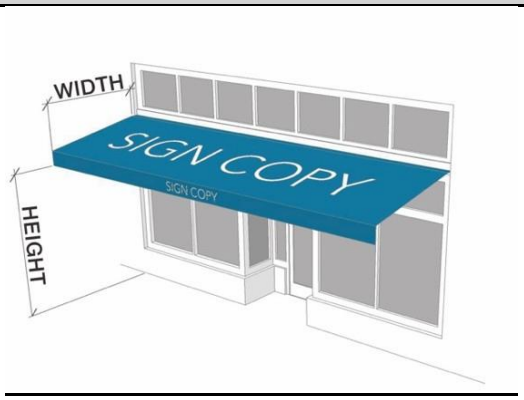
a. A-Frame Sign.



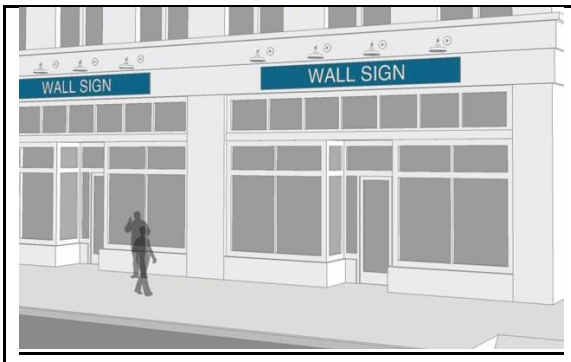


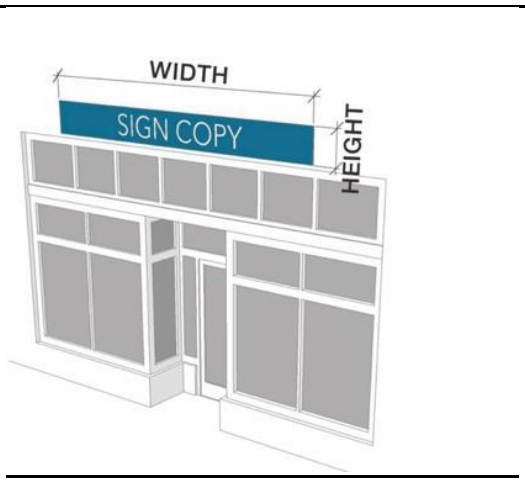
b. Awning Sign.



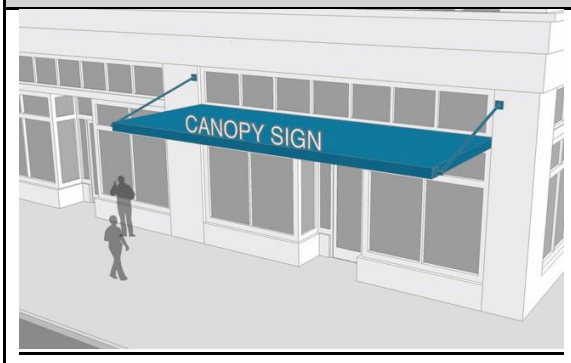


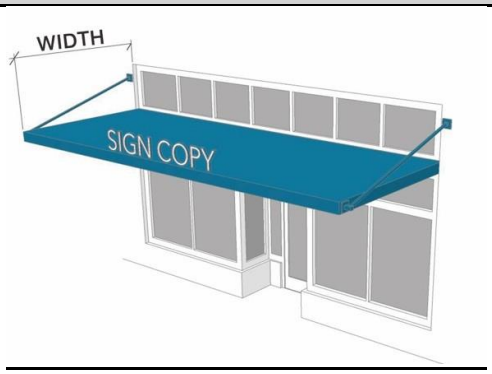
c. Band Sign (Syn. Wall Sign).





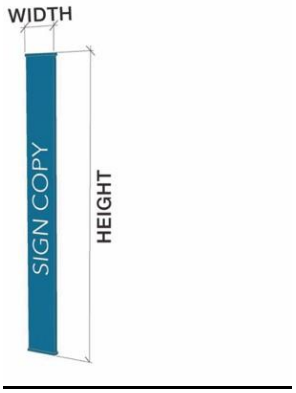
e. Canopy Sign.



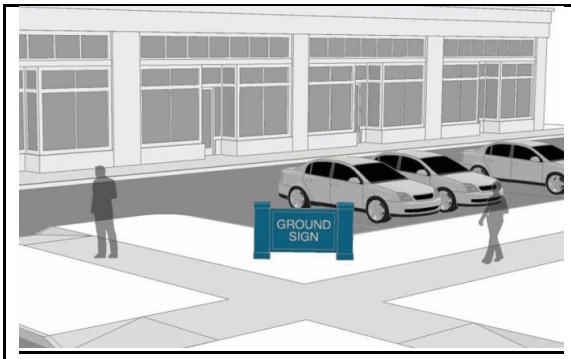


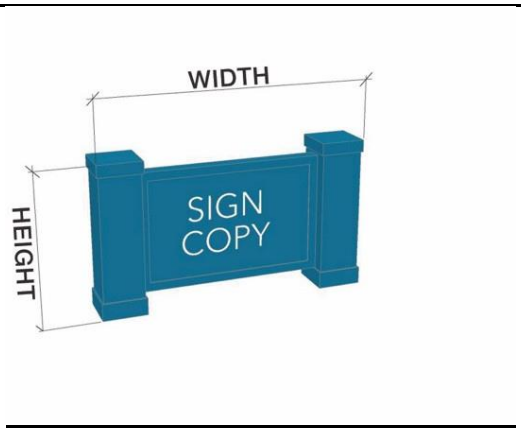
f. Corner Sign.





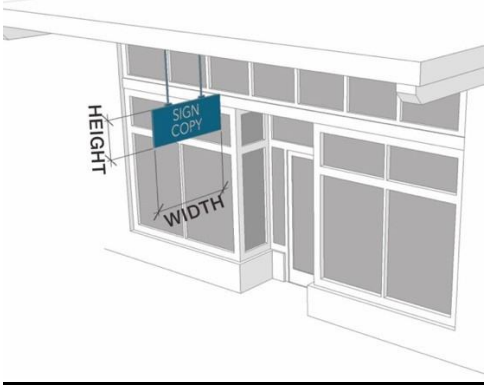
g. Ground Sign.





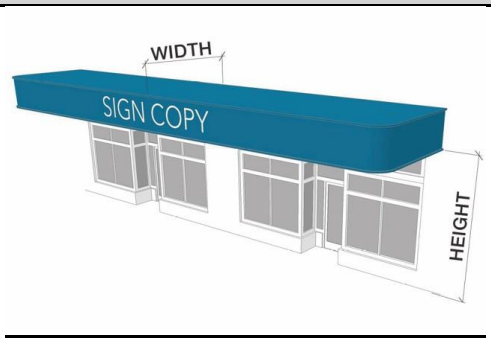
h. Hanging Sign.



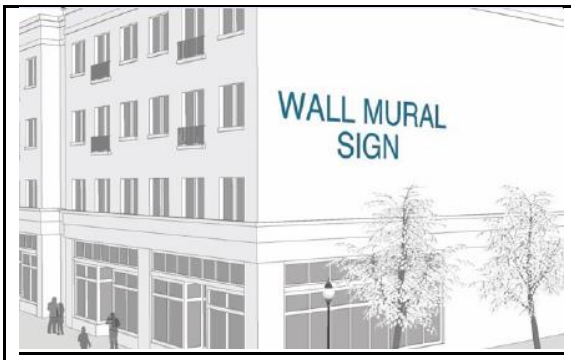


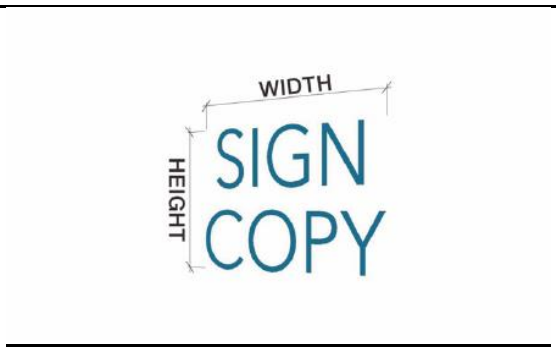
i. Marquee Sign.



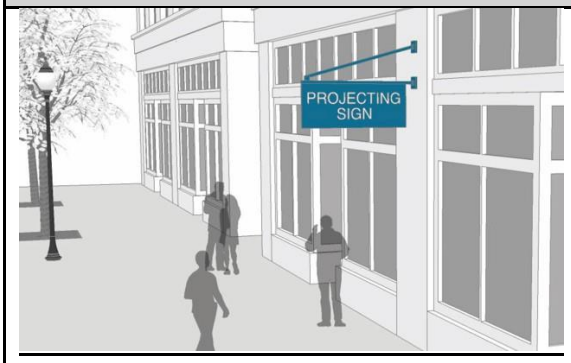


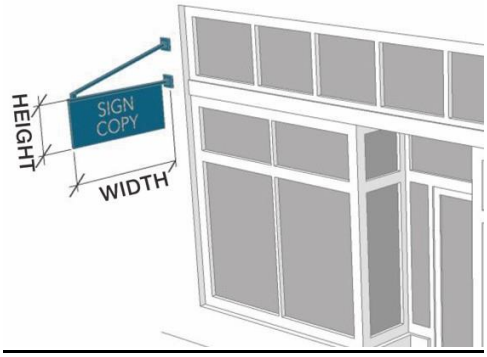
j. Mural Sign.





k. Projecting Sign.





§ 11.3 – Existing ~~N~~nonconforming ~~S~~signs, ~~R~~removal.

A. It is the intent of this ~~s~~Section to recognize that the eventual elimination of existing Legal Nonconforming Signs that are not in conformity with the provisions of these regulations, in as expeditious a manner as is reasonable, is as much a subject of the health, safety, and welfare of the citizens of the Village as is the prohibition of new signs that would violate the provisions of these regulations. It is also the intent of this section that there shall not be any unreasonable invasion of established private property rights.

B. Any sign which is Legal N~~n~~onconforming shall adhere to these regulations within five years from [insert date of adoption of this ordinance] or be removed. However, the Village Commission may grant reprieve from this provision if the Village Commission determines that a particular sign has been in existence for at least 20 years and provides historical character to the community.

C. Any sign, including the supporting Structure, now or hereafter existing, which advertises a business no longer conducted, or a product no longer sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or land upon which the sign may be found. Such removal shall be within 30 days after notification by the Building Official or other official as designated by the Village Manager.

D. Snipe signs and any illegally erected nonconforming sign shall be removed immediately.

E. A Legal N~~n~~onconforming sign once removed, either voluntarily or involuntarily, shall not be replaced except in conformity with all applicable provision of this ULDC.

§ 11.4 – Regulations and S~~s~~pecifications.

~~General regulations governing signs. For additional sign standards specific to the T6-24 and T6-30 transect zones, see Chapter 15, including Section 15.6.E, and 15.6.F.~~

A. Generally. Signs erected or maintained under the provisions of these regulations are subject to the following requirements:

1. Safety; Interference with the public.

a. ~~The~~ A sign must not create a traffic or fire hazard, be dangerous to the general welfare, or interfere with the free use of public Streets or sidewalks.

~~b. Safety requirements.~~

~~(1)~~ b. No sign shall be erected or maintained at any location in such a manner as to obstruct free and clear vision at the intersection of any streets or other public ways. No sign shall be erected or maintained at any location where, by reason of the position, illumination, shape, or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, nor shall it make use of the words, "STOP," "LOOK," "DANGER," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse the motoring public.

~~(2)~~ c. Intensely ~~lighted~~ illuminated areas ~~created~~ intended for the purpose of attracting attention to commercial establishments or activities may be regulated to ensure public safety. ~~sales attraction, may be considered to be distractive.~~ "Intensely illuminated area" refers to any Sign with an average luminance exceeding 100 candelas per square meter (nits) from sunset to sunrise and designed to attract attention to a commercial activity or product. ~~Such displays may be a hazard to the safe passage of vehicular traffic and divert attention from certain necessary traffic controls or pedestrian crossing zones. Such intensely lighted areas may be prohibited at certain locations by the Police Department and confirmed by the Village Commission.~~ The Police Department, in coordination with the Village Commission, may prohibit or restrict intensely illuminated areas within 100 feet of intersections, pedestrian crosswalks, or traffic control devices where such lighting could impair driver or pedestrian visibility or distract attention from necessary traffic

controls.

Any restrictions on illuminated displays must be based on documented evidence demonstrating a specific safety hazard, and the restriction must be the minimum necessary to mitigate the identified risk.

Appeals to any prohibition or restriction on illuminated displays may be brought before the Village Commission within 30 days of notice.

d. Avoidance of fire hazard. Weeds and trees shall be kept cut and debris shall be kept clear within a ten-foot area of any sign.

e. Obstruction of doors, windows, and fire escapes. No sign shall be attached to or be placed against a Building in such a manner as to prevent ingress or egress through any door or window of any building, nor shall any sign obstruct or be attached to a fire escape.

2. Repair and maintenance. All signs must be kept in good condition or in state of equivalent quality to which was approved or required by the Village~~, neat appearance, and good state of repair~~. Any sign more than 50 percent destroyed must be immediately removed at the owner's expense and a new permit secured before the sign is replaced. If a damaged sign is not repaired within 90 days, the sign shall be deemed to constitute a public nuisance and shall be removed at the owner's expense.

3. ~~Avoidance of fire hazard. Weeds shall be kept cut and debris shall be kept clear within a ten-foot area of any sign.~~ Clearance. Signs shall provide the following clearance:
   a. A minimum of nine (9) feet over pedestrian ways, except for signs on Awnings and Canopies.
   b. A minimum of thirteen and one half (13.5) feet over vehicular travel ways and parking aisles, except in parking structures.
   c. Signs located along streets shall be a minimum of five (5) feet from a curb, ramp, driveway, light pole, street sign, or fire hydrant.

4. Imprint of owner's name. All signs requiring permits shall be marked with the owner's name, date, and number of the permit.

~~5. Obstruction of doors, windows, and fire escapes. No sign shall be attached to or be placed against a Building in such a manner as to prevent ingress or egress through any door or window of any building, nor shall any sign obstruct or be attached to a fire escape.~~ Materials. Signs shall be made of durable, weather resistant materials.

6. Posting or tacking notices and signs. No person shall paint, paste, print, nail, or fasten in any manner whatsoever, any banner, sign, paper, or any

advertisement or notice of any kind, or cause the same to be done, on any curbs tone, pavement, or any other portion or part of any sidewalk or street, or upon any trees, lampposts, parking meter posts, telephone or telegraph poles, hydrants, or workshops, or upon any Structure within the limits of any Streets within the Village.

7. Removal of signs for right-of-way acquisitions. All signs shall be removed by the owner, at no expense to the Village, when such signs are found to be within the Right-of-Way of present or future roads. This exception to relocation and permit limitations shall cover only lateral (right angle) relocations to the road R~~r~~ight-of-W~~w~~ay and shall require a building permit. This statement shall not supersede federal or state statutes and regulations.

B. ~~*Regulations governing specific types signage*~~ *Requirements by Sign Type*.

1. Band Signs.
   a) Band signs may be located above tenant Shopfronts, below second Story windows, and beneath the Building cornice or coping.
   b) Band sign copy shall be at least 6 inches from building corners.
   c) Murals shall be considered Band Signs if they contain advertising text and/or graphic elements. Mural signs shall comply with the above requirements and specifications.
2. Wall signs that do not provide a Commercial Message (artistic wall mural) are subject to approval by the Village Manager or a designee. Billboards are not considered wall mural signs and are prohibited within the T6 zone.
3. Banner Signs.
   a) Banner signs shall be made of flexible materials such as cloth, canvas, and vinyl
   b) Banner signs may be hung on the side of a building or suspended from a portion of a building Structure.
4. Corner Signs.
   a) Corner signs are only permitted at building corners where each facade is along a street and may be illuminated in accordance with this section.
   b) Corner signs may extend up to six (6) feet above parapets.
5. Ground Signs.
   a) Ground signs are limited to the following locations:
      i. Forecourts and building or project entrances. Ground signs shall not be located within any sight triangle or on the public right of way.
      ii. Gateway and wayfinding directory ground signs shall be limited to main decision points such as development access points and intersections. Wayfinding signage for a development shall be designed and installed according to a cohesive, logical signage master plan to complement the project identity.

iii. The bottom of a ground sign shall be within two (2) feet of sidewalk grade.

iv. Ground signs shall be set back a minimum of ten (10) feet from property lines.

6. Marquee Signs. Marquee Signs may be used for lodging and movie theaters. The Village may permit marquee signs for other businesses upon request.

7. Wayfinding signs. Wayfinding signs shall be free standing and constructed using solid materials to prevent the sign from being destroyed or blown away.

8. Illuminated signs

a) Internal sign illumination is limited to window, wall, and corner signs, as well as ground signs, including directory signs.

b) Light sources shall be mounted, shielded, and pointed towards the sign face to eliminate spill-over glare onto any adjacent Streets, properties, or skyward.

c) Exposed bulbs or lamps shall not exceed the equivalent of 25 watts of incandescent light and shall be cut off to minimize light pollution.

d) Other light sources in illuminated signs shall include anti-light pollution technologies and features.

9. Digital Technology Signs.

a) Digital Technology signs are permitted for use on ground signs for House of Worship and Place of Assembly facilities.

b) Each image shall remain static for a minimum of eight seconds.

c) Transitions shall be instantaneous, without intervening flashing, animation, or movement of any kind.

d) Signs shall be equipped with automatic dimming and anti-light pollution technology.

e) Signs shall not exceed 0.3-foot candles above ambient light measured at a distance of two hundred (200) feet.

f) Digital Technology Signs shall otherwise comply with the limitations of Section 33-96 of the Miami-Dade County Code.

C. Sign Regulations by District and Transect

1. Single-Family Residential (RS-1, RS-2) Districts.

No sign will be allowed in these districts except the following, in addition to temporary signs meeting the criteria of Section 11.7 or the exemptions allowed in Section 11.6:

i. A nameplate (identification sign), not to exceed one square foot in area, nonilluminated, to identify the owner or occupant of the Dwelling or Building.

2. Multifamily Residential (RM-40, RM-70) Districts.

No sign will be allowed in these districts except the following and temporary signs

meeting the criteria of Section 8.16.A.1.b(2) and Section 11.7, or the exemptions allowed in Section 11.6:

i. Accessory signs and directional signs, all nonilluminated, and, individually, not to exceed an area of one square foot, except that illuminated fire exit signs, as required by the Florida Building Code, shall also be permitted.

ii. A nonilluminated, flat, or detached identification sign, not to exceed 24 square feet, identifying the name and/or address of a Multifamily Dwelling, group of multifamily dwellings, or the name of the Motel or Hotel. In the case of a detached sign, it shall not be located in any required rear or Side Yard setback area, nor closer than ten feet from the front Property Line, nor shall any part of the sign be more than ten feet above the ground.

iii. Nonilluminated signs not exceeding 15 square feet in area with letters not exceeding six inches in height which are painted, stamped, perforated, or stitched on the valance area of an awning, canopy, roller curtain. Signs shall be limited to the name of the owner and the street number of the Building.

3. *Commercial (CG) District*.

No sign will be allowed in this district except the following, in addition to temporary signs meeting the criteria of Section 11.7 or the exemptions allowed in Section 11.6:

i. Accessory signs and directional signs, all nonilluminated, and, individually, not to exceed an area of one square foot, except that illuminated fire exit signs, as required by the Florida Building Code, shall also be permitted.

ii. A flat illuminated or nonilluminated sign may be erected on one facade of a building or each portion of a building occupied by a separate commercial or office use, provided the sign does not exceed an area equal to ten percent of the area of the facade upon which it is erected, and for any single establishment user, contains no more than ten sign information items. For calculation purposes, the maximum single building Storefront Sign is limited to 75 square feet, the maximum storefront 15 square feet. In the case of a commercial or office use located on the ground floor of a multistory building, only the first-floor facade area shall be used for the purpose of calculating the permissible sign area. Where an establishment fronts on more than one Street, the above area of signs may be permitted on each street frontage; however, signs on side frontages will not be permitted if they face a residential area.

a. All adjacent contiguous retail and service establishments located in premises under the same ownership shall be required in lease agreements to maintain all permanent sign lettering and background in the same style and color.

b. For existing commercial establishments, facade signage may be increased to 11 percent of the total building facade and a total of 11 sign "items" per establishment may be used when all the lettering and background is uniform in style and color for signs in a shopping center or for any three consecutive separate establishments. Uniform agreements must be made a part of any lease or deed restriction.

iii. A projection sign placed at an angle of 90 degrees from the building and clearing the sidewalk by eight (8) feet. It shall project no more than four (4) feet from the building or one-third of the sidewalk width, whichever is less, and be spaced no less than 50 feet apart unless displaying symbols only, in which case there is no restriction on proximity.

All adjacent contiguous, retail and service establishments located in premises under the same ownership shall be required in lease agreements to maintain all projection signs, materials, lettering and background in the same style and color.

iv. A detached illuminated or non-illuminated sign may be permitted, not to exceed a total area of 100 square feet per side. When a single building on the property consists of two or more different commercial or office occupancies, an additional one square foot of sign area shall be permitted for each six lineal feet of street frontage in excess of 50 feet; however, the total sign area for a building with multiple occupancy shall not exceed 160 square feet in any case, nor may there be more than one detached sign on the property. No part of such detached signs shall be located in the side or rear yards, nor shall any detached sign be located closer than ten feet from the front property line. No detached sign shall exceed a height of 24 feet above the ground.

4. *T-6 24 and T6-30 Transect Zones*.

General. No sign will be allowed in this district except the following, in addition to temporary signs meeting the criteria of Section 11.7 or the exemptions allowed in Section 11.6.

i. Sign restrictions table.

Sign Type*	Period	Number of Signs (Max.)	Sign Area (Max.)	Copy Height (Max.)	Max sign height	Max sign width	Location/ Clearance
a. **A-Frame (Syn sandwich**	B	1 per tenant	9 sf. each side	n/a	3 ft	3 ft	n/a

board sign)							
b. **Awning**	O	1 per sloping plane, plus 1 per valance	75% of sloping plane; 75% area of awning valance	16 in. on sloping plane; 8 in. on valance Limited to tenant's store name, logo, and/or address.	See Location/ Clearance	Shopfront width	8 ft min clear height
c. **Band** **(Syn. Wall sign)**	O	1 per frontage	3 sf. per linear ft. up to 80 sq. ft	18 in.	3 ft	Shopfront width	n/a
e. **Canopy**	P	1 per canopy	2 sf. per linear foot of shopfront	18 in.	18 in. above projection line	Shopfront width	8 ft min clear height
g. **Corner**	P	1 per building	40 sf. per frontage	75% of signable width and signable height or 10 in. max (whichever is lesser)	3 ft	40% of shopfront width or wall width	n/a
h. **Directory/ Wayfinding**	P	1 per frontage	10 sf. each side	n/a	8 ft. (wall) 3 ft (ground)	4 ft.	Wall mounted or freestanding
i.	P	1 per	36 sf.	16 in	8 ft.	8 ft	6 ft

Freestanding; Ground		frontage	each side 72 sf total				
j. **Hanging (also known as Suspended)**	P	1 per tenant	6 sf. each side 12 sf total	12 in	3 ft	2 ft	8 ft clear height
k. **Marquee**	P	1 per entry	~~n/a~~ 15 sf. each side 30 sf. total	16 in.	50 ft.	4 ft 8 ft projection (max)	16 ft clear height
l. **Mural Sign****	P	1 per frontage	1,500 sf	n/a	50 ft.	60 ft.	10 ft above ground min.
m. **Projecting**	P	1 per tenant	6 sf. each side 12 sf. total	n/a	36 in	36 in	8 ft clear height 4 ft projection max

940

941 **Key:**

942 P - Permanent; Signs do not require removal.

943 O - Occupancy; Signs must be removed within 7 days of the end of tenant occupancy.

944 B - Business; Signs must be removed when the business is closed.

945 ***Note: See *Section 11.2.* Definitions of Terms and subsection (2) of this section, Sign
946 Types Illustrated Table.

947 ** Art Murals – Art murals (i.e., murals not containing commercial messages or logos)
948 are not subject to these limitations. In keeping with the character of the *Village*, it is
949 suggested that murals be limited to themes depicting nature or the natural environment.

950

D. Prohibited signs ~~situations~~.

1. In all transect and zoning districts, the following sign types, features, and locations are prohibited:
   a. ~~1(a)~~ Signs within or upon public property and rights-of-way.
   b. ~~2(b)~~ Pole (ground) signs projecting over rights-of-way.
   c. ~~3(c)~~ Flashing, activated, ~~and~~ moving, and animated signs.
   d. ~~4.~~ Pennants, streamers, spinners, advertising balloons and all other fluttering, spinning, or similar type signs and advertising devices.
   ~~5.~~ Roof signs, or be located on the roofs of buildings or structures.
   e. ~~6.~~ Snipe and sandwich signs.
   f. Permanent signs located within a triangle measured 30 feet from the intersection along each right-of-way.
   g. Signs located on property without prior authorization granted by the property owner, or in the case of public parks or any public property, without the permission of North Bay Village.
   h. Signs attached to any traffic control sign, utility pole, street sign or tree, except for temporary signs installed by a government agency for public information or special events.
   i. Signs that are mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on private premises close to the public right-of-way or within public right-of-way in a manner intended to attract the attention of the public for advertising purposes.
   j. Billboards and Outdoor Advertising Signs.
   k. Inflatable signs.
   l. Two or more signs that convey a single, cumulative advertising message, part of which is contained on each sign in the series.
   m. Any sign that simulates emergency lights on emergency vehicles, traffic-control signals or devices, directional, informational, or warning signs erected by a government, utility, or similar agency.
   n. Any sign that uses an intermittent light or lights, including flashing lights, beach lights, strobe lights, rotating beacons, chasing lights, or zip lights.
   o. Any sign that is intended to be affected by wind including flags (other than those flags expressly permitted in Section 11.6), streamers, pinwheels, feather signs, and balloons.

§ 11.5 – Sign ~~P~~permits and ~~F~~fees.

A. No sign shall be erected, constructed, posted, painted, altered, maintained, or relocated, except as provided in this subchapter and in these regulations, until a

permit has been issued by the Building Official or other official as designated by the Village Manager.

1. Before any permit is issued, an application, including written approval of the owner of the property, shall be filed, together with five sets of drawings or specifications (one set to be returned to the applicant upon disposition of the application) as may be necessary to fully advise and acquaint the Building Official or other official as designated by the Village Manager with the location, construction materials, manner of illuminating and securing or fastening, number of Signs applied for, and the wording of the sign or advertisement to be carried on the sign. For Buildings over three stories, the scale shall be 1/8″ = 1′ 0″. A separate scaled drawing shall be prepared at ½ = 1′ 0″ showing dimensions, sizes, colors, materials, and method of installation.

2. All signs which are electrically illuminated shall require a separate electrical permit and inspection. All signs shall be erected on or before the expiration of 60 days from the date of issuance of the permit; otherwise, the permit shall become null, and void and a new permit shall be required.

3. No sign, once approved, may be moved, or altered without additional approval, excluding maintenance or repainting required to restore a sign to its original, approved condition, or removal of a Sign.

B. The owner and/or tenant of the premises and the owner and/or erector of the sign shall be held responsible for any violation of these regulations. Where a sign has been erected in accordance with these regulations, the sign company shall be relieved of further responsibility under these regulations after final approval of the sign by the Building Official or other official as designated by the Village Manager.

C. The Building Official or other official as designated by the Village Manager shall remove or cause to be removed any sign erected or maintained in conflict with these regulations if the owner or lessee of either the site or the sign fails to correct the violation within ten days after receiving written notice of the violation. Removal of a sign by the Building Official or other official as designated by the Village Manager shall not affect any proceedings instituted prior to the removal of the sign.

D. Fees for sign permits shall be in accordance with the schedule adopted by ordinance, a copy of which is maintained in the office of the Building Official or other official as designated by the Village Manager.

§ 11.6 – Exempted ~~S~~signs.

The following signs are exempted from the provisions of these regulations and may be erected or constructed without a permit but in accordance with the structural and safety requirements of the ~~South~~ Florida Building Code and in accordance with Section 11.9. ~~See also Chapter 15, Section 15.2.F.~~

A. Official traffic signs or sign structures, and provisional warning signs or sign structures, when erected or required by a government agency.

B. Changing of the copy of a bulletin board, poster board, display encasement, or marquee.

C. Temporary signs which meet the ~~criteria~~ standards of Section 11.7.

D. ~~National flags and flags of political subdivisions of the United States,~~Flags not intended to attract attention to a particular use of the property or product, including ~~N~~national flags and flags of political subdivisions of the United States, provided they do not exceed 50 square feet and that mounting of the flag adheres to Section ~~8.13(N)~~ 8.17(N).

E. Signs on a truck, bus, or other vehicle while in use in the normal course of business, provided that no such vehicle with attached signs shall be parked on public or private property for the purpose of advertising a business or firm or calling attention to the location of a business or firm.

F. In the commercial districts, nonilluminated signs not exceeding 15 square feet in area with letters not exceeding six inches in height which are painted, stamped, perforated, or stitched on the valance area of an awning, canopy, or roller curtain. Signs shall be limited to the name of the owner or trade name of the business and the street number of the business.

G. Signs posted by the Village.

H. Art murals

I. Traffic control device.

J. A sign located on a transit shelter provided that the Building Official determines that compliance with the Florida Building Code is not required.

K. Address signs that are non-illuminated, which indicates the address of the site, provided it does not exceed two (2) square feet in area.

L. A sign carried, held, worn, or operated by an individual person for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, or product. A sign walker may also be referred to as a human sign.

M. Signs erected entirely within the confines of a nonresidential or mixed-use site, provided the Sign cannot be viewed from common property or public property including but not limited to Streets, the Bay, the Island Walk, or Island Walk Public Access Walkways.

N. Holiday decorations, streamers, and similar, provided they do not result in an intensely illuminated area.

O. Any warning sign, non-advertising signs (e.g., “no trespassing,” “no dumping”), or non-advertising symbol which pertains to the parcel of property upon which it is located, provided any such sign does not exceed four (4) square feet in copy area and is not illuminated.

P. Any special instruction sign (e.g., “open,” “closed,” “hours of business,” “no smoking”) provided any such sign does not exceed eight (8) square feet in copy area.

Q. Any memorial sign or commemorative plaque.

R. Any generic, architectural feature that is designed, integrated, and constructed as part of a Building.

S. Any sign which is integrated into or on a point-of-sale purchase display.

T. Any sign carried by a person.

§ 11.7 – Temporary ~~S~~signs ~~Permits~~

A. *Scope*.

Notwithstanding anything to the contrary in the Village’s Unified Land Development Code or in any other ordinance or code provision of the Village, the provisions of this section shall govern the regulation of temporary signs and take precedence over any other provisions that pertain to temporary signs unless specifically exempted or excepted herein.

~~B. *Purpose and intent*.~~

~~It is the purpose of these sign regulations to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory standards for temporary signs. The temporary sign regulations are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech, and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. It is the intent of the Village Commission that the temporary sign regulations shall provide uniform sign criteria which regulate the size, height, number and placement of signs in a manner that is compatible with the character of the Village, and which place the fewest possible restrictions on personal liberties, property rights, commerce, and the free exercise of Constitutional rights while achieving the Village’s goal of creating a healthy, safe and attractive environment that does not contain excessive clutter and visual distraction in rights-of-way and adjacent properties, the surrounding natural coastal environment, and residential neighborhoods. These sign regulations have been prepared with the intent of enhancing the visual environment of the Village and promoting its continued well-being, consistent with the most recent pronouncements by the United States Supreme Court regarding the regulation of temporary signage, and are further intended to:~~

~~1. Encourage the effective use of signs as a means of communication in the Village;~~

~~2. Maintain and enhance the aesthetic environment and the Village's ability to attract sources of economic development and growth;~~

~~3. Improve pedestrian and traffic safety;~~

~~4. Minimize the possible adverse impact of temporary signs on nearby public and private property;~~

~~5. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of temporary signs which compete for the attention of pedestrian and vehicular traffic;~~

~~6. Allow temporary signs that are compatible with their surroundings, while precluding the placement of temporary signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;~~

~~7. Encourage and allow temporary signs that are appropriate to the zoning district in which they are located;~~

~~8. Regulate temporary signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;~~

~~9. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the Village;~~

~~10. Protect property values by precluding, to the maximum extent possible, temporary signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement; and~~

~~11. Enable the fair and consistent enforcement of these temporary sign regulations.~~

~~C.~~ B. *Duration ~~for temporary signs~~.* If a temporary sign pertains to an event, except where otherwise set forth in this code, the temporary sign shall be removed no later than seven (7) days after the event is concluded. Political primaries or elections, for the purpose of these sign regulations, shall be treated as an event. If a temporary sign does not pertain to an event, the temporary sign shall be removed within and by no later than thirty (30) days after being erected.

C. ~~1.~~ Permission of owners. A temporary sign shall not be placed on any property without the permission of the property owner.

D. Compliance with code. Temporary signs shall meet applicable requirements of this Chapter relating to location, setbacks and structural requirements.

E. ~~2.~~ Prohibition of lighting. A temporary sign may not display any lighting or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.

F. ~~3.~~ Exemptions from permitting. A temporary sign does not require a permit from the Village. However, if a building permit or other permit is required by this Chapter or any other applicable source of law, that law must be followed.

G. No placement on right-of-way or other public property. No temporary sign shall be placed on any public right-of-way or on property owned by the Village.

H. All "for sale," "for lease" or "for rent" signs shall be removed within seven (7) days after the sale, lease, or rental of the property has occurred.

I. Open house signs may only be installed the day before the open house and shall be removed the same day of the open house after its conclusion. In no case shall an open house sign be in place for more than 48 continuous hours.

J. "For sale," "for lease," "for rent" and open house signs may only be installed on the property to which they refer.

K. *Standards.*

Within each Village Zoning District, temporary signs shall conform to the following criteria:

	Single Family Residential RS-1, RS-2	**Multi-Family RM-40, RM-70**	**Commercial CG**
Maximum Number of Signs Allowed Per ~~Parcel~~Frontage	~~3~~1	~~3~~2	~~4~~2
Maximum Sign Area	3 sf	12 sf (RM-40) 20 sf (RM-70)	40 sf
Sign Height Maximum for a Freestanding Sign	4 ft	~~24~~10 ft	~~24~~10 ft
Sign Height Maximum for a Wall Sign (inclusive of a Window Sign)	15 ft	24 ft	24 ft
Minimum Sign Setback for Ground Signs	2 ft	~~2~~5 ft	~~2~~5 ft

Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign)	15 ft	15 ft	15 ft
Maximum Aggregate ~~Maximum of Surface~~ Area ~~Allocated~~ for All Sign Messages	12 sf per frontage	~~1~~20 sf per frontage	~~16~~40 sf per frontage

~~D~~L. ~~*Additional s*~~*Standards for temporary signs* in the T6-24 and T6-30 transect zones.

~~For additional~~ Temporary signs ~~standards~~ in the T6-24 and T6-30 transect zones~~,~~ ~~see Chapter 15~~ shall comply with the following.

Sign restrictions table.

Sign Type*	Number of Signs (Max.)	Sign Area (Max.)	Copy Height (Max.)	Max sign height	Max sign width	Location/ Clearance
a. Banner	1 per event	Per NBV	Per NBV	Per NBV	Per NBV	Per NBV
b. Commercial Construction	1 per construction site	32 ft.	Per NBV	10 ft	6 ft	Min 15 ft from any other sign
c. Real Estate	1 per lot plus 1 per water frontage	12 sf. each side, 24 sf total	Per NBV	Per NBV	Per NBV	60 in. above grade (ground)
d. Open House	2 per event	3 sf. each side~~,~~ 10 sf total	n/a	3 ft.	30 in. above grade	At least 12 feet from the edge of the thoroughfare pavement
e. Garage / Yard / Estate Sale, and Moving	2 per lot	n/a	n/a	n/a	n/a	On private property

Signs						
f. Window	1 per window	25% of glazed area	8 in	8 ft	3 ft	3 ft off ground min
g. Yard	1 per 50 feet of frontage	6 sf. each side	6 in	3 ft	3 ft	5 ft.
Construction Fence Sign	See Section 8.16.F	See Section 8.16.F	See Section 8.16.F	See Section 8.16.F	See Section 8.16.F	See Section 8.16.F

§ 11.8 – Maintenance, abandonment, and r~~R~~emoval of ~~S~~signs.

A. All signs must be maintained in a condition or quality to that which was originally approved by the Village or as required by the Village Code. Maintenance includes repair or replacement of damaged, deteriorated, or faded elements, including the sign face, structure, and lighting components, to preserve the approved appearance and functionality.

B. Any Sign ~~previously~~ associated with a V~~v~~acated P~~p~~remise shall be removed from the premises by either the owner or lessee not later than thirty (30) days from the time such activity ceases to exist.

C. If the property use is not reestablished or a new use is not established within two (2) years of vacancy and a replacement sign face conforming to this Code has not been installed, then the entire sign structure and mounting hardware shall be removed.

D. Any moveable signs shall be removed from outdoor spaces during high winds or other weather conditions that might pose a hazard to public safety.

E. Removal requirements for transect zones. Signs shall be removed as specified in *Section 11.7, L* Sign Restrictions Table, and as follows:

1. (P) = Permanent; Signs do not require removal.
2. (O) = Occupancy; Signs shall be removed within 7 days of the end of tenant occupancy.
3. (B) Business = Signs shall be removed when the business is closed.
4. (T) Temporary = Signs shall be removed within the time period specified by

sign type.

~~§ 11.9 – District Sign Regulations.~~

~~A. *Single-Family Residential (RS-1, RS-2) Districts*.~~

~~No sign will be allowed in these districts except the following and temporary signs meeting the criteria of Section 11.7 or the exemptions allowed in Section 11.6:~~

~~ii. A nameplate (identification sign), not to exceed one square foot in area, nonilluminated, to identify the owner or occupant of the Dwelling or Building.~~

~~B. *Multifamily Residential (RM-40, RM-70) Districts*.~~

~~No sign will be allowed in these districts except the following and temporary signs meeting the criteria of Section 11.7, or the exemptions allowed in Section 11.6:~~

~~iv. Accessory signs and directional signs, all nonilluminated, and, individually, not to exceed an area of one square foot, except that illuminated fire exit signs, as required by the South Florida Building Code, shall also be permitted.~~

~~v. A nonilluminated, flat, or detached identification sign, not to exceed 24 square feet, identifying the name and/or address of a Multifamily Dwelling, group of multifamily dwellings, or the name of the Motel or Hotel. In the case of a detached sign, it shall not be located in any required rear or Side Yard setback area, nor closer than ten feet from the front Property Line, nor shall any part of the sign be more than ten feet above the ground.~~

~~vi. Nonilluminated signs not exceeding 15 square feet in area with letters not exceeding six inches in height which are painted, stamped, perforated, or stitched on the valance area of an awning, canopy, roller curtain. Signs shall be limited to the name of the owner and the street number of the Building.~~

~~C. *Commercial (CG) District*.~~

~~No sign will be allowed in this district except the following and temporary signs meeting the criteria of Section 11.7 or the exemptions allowed in Section 11.6:~~

~~1. Accessory signs and directional signs, all nonilluminated, and, individually, not to exceed an area of one square foot, except that illuminated fire exit signs, as required by the South Florida Building Code, shall also be permitted.~~

~~2. A flat illuminated or nonilluminated sign may be erected on one facade of a building or each portion of a building occupied by a separate commercial or office use, provided the sign does not exceed an area equal to ten percent of the area of the facade upon which it is erected, and for any single establishment user, contains no more than ten sign information items. For calculation purposes, the maximum single building Storefront is limited to 75 feet, the maximum storefront 15 feet. In the case of a commercial or office use located on the ground floor of a multistory building, only the first-floor facade area shall be used for the purpose of calculating the permissible sign area. Where an~~

establishment fronts on more than one Street, the above area of signs may be permitted on each street frontage; however, signs on side frontages will not be permitted if they face a residential area.

c. All adjacent contiguous retail and service establishments located in premises under the same ownership shall be required in lease agreements to maintain all permanent sign lettering and background in the same style and color.

d. For existing commercial establishments, facade signage may be increased to 11 percent of the total building facade and a total of 11 sign "items" per establishment may be used when all the lettering and background is uniform in style and color for signs in a shopping center or for any three consecutive separate establishments. Uniform agreements must be made a part of any lease or deed restriction.

3. For properties with bay frontage, an additional attached sign is allowed on the bayside façade not to exceed 10% of the façade area, with lettering not to exceed 100 square feet.

4. A projection sign placed at an angle of 90 degrees from the building and clearing the sidewalk by eight feet. It shall project no more than four feet from the building or one-third of the sidewalk width, whichever is less, and be spaced no less than 50 feet apart unless displaying symbols only, in which case there is no restriction on proximity.

All adjacent contiguous, retail and service establishments located in premises under the same ownership shall be required in lease agreements to maintain all projection signs, materials, lettering and background in the same style and color.

5. A detached illuminated or non-illuminated sign may be permitted, not to exceed a total area of 100 square feet per side. When a single building on the property consists of two or more different commercial or office occupancies, an additional one square foot of sign area shall be permitted for each six lineal feet of street frontage in excess of 50 feet; however, the total sign area for a building with multiple occupancy shall not exceed 160 square feet in any case, nor may there be more than one detached sign on the property. No part of such detached signs shall be located in the side or rear yards, nor shall any detached sign be located closer than ten feet from the front property line. No detached sign shall exceed a height of 24 feet above the ground.

D. *T-6 24 and T6-30 transect zones*.

For sign standards within the T6 transect zone, see Chapter 15, Section 15.2.F.

§ 11.~~10~~ 9 – Variances to sign regulations.

~~There might be instances in which relief from the strict requirements of the sign ordinance would result in improved planning or zoning and would benefit the community. The standards for granting the planning variance are:~~

Variances to these sign regulations may be granted pursuant to the procedures set forth in Chapters 4 and 7, except that the Planning and Zoning Board and the Village Commission shall apply the following criteria in lieu of the hardship variance criteria in Chapter 7:

A. The sign variance must relate to a particular piece of land;

B. The sign variance can be granted ~~without~~ provided there is no substantial detriment to the public good;

C. The benefits of the deviation ~~would~~ outweigh any detriment; ~~and,~~

D. The variance would not substantially impair the intent or purpose of the Village's Comprehensive Plan and/or Zoning Ordinance~~.~~ and,

E. The variance does not authorize an Outdoor Advertising Sign.

§ 11.10 – Universal Design and Americans with Disabilities Act (ADA) Compliance.

ADA-compliant signage is required in certain specific interior spaces and to identify or provide direction to certain rooms or spaces such as bathrooms, exits, and the like. Exterior signage may also be designed and installed per ADA standards.

In order to be considered ADA-compliant, signs need to be designed with a non-glare finish and high level of contrast, using specific font and character properties specified in the Americans with Disabilities Act. In addition, ADA-compliant signs must have corresponding Braille text and be mounted at certain locations (such as adjacent to a door) and at certain heights (no less than 48 inches and no more than 60 inches above the finished floor or ground surface).

ADA compliant signage may include Braille dots, visual characters, raised characters (also called tactile characters), and/or pictograms, depending on the area or room the sign is identifying.

EXHIBIT "B"[1]

Chapter 15 - FORM-BASED CODE

. . .

§ 15.2 - General to transect zones.

. . .

~~F. Sign Standards~~

1. ~~Exempted Signs. The signs specified in this section are exempt from signage regulations other than the regulations contained in this section. Exempted signs may be erected without a sign permit.~~
   ~~a. Changing copy, maintaining, or repainting a sign are exempt, provided structural and electrical changes are not made without a permit.~~
   ~~b. Signs erected entirely within the confines of a nonresidential or mixed-use site, provided the sign cannot be viewed from *Streets*, the *Bay*, the *Island Walk*, *Island Walk Public Access Walkways*, or common property.~~
   ~~c. Address and Residential Identification Signs.~~
      ~~(1) Any *Sign* identifying the street number of a Shopfront or commercial unit if hand painted on the transom window above the *Primary Entrance* door.~~
      ~~(2) Any identification sign at the entrance of a residential unit or affixed to a mailbox, such as a sign which bears only the street number, mailbox number, or name of the occupant of the premises.~~
   ~~d. Holiday Decorations. Holiday decorations, flags, streamers, and similar.~~
   ~~e. Flags. A flag of any nation, government, sports team, or nonprofit organization which is deployed from a permanent freestanding or wall-mounted flagpole or, with respect to the United States flag, in a manner acceptable for the display of the national ensign as set forth in the *U.S. Flag Code*, and adheres to *Section 8.13(N).*~~
   ~~f. Official Signs.~~
      ~~(1) Any sign erected by North Bay Village.~~
      ~~(2) Any sign erected by a government.~~
      ~~(3) Public utility and traffic signs.~~
   ~~g. Political Signs.~~

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double strikethrough~~ and double underline.

~~(1) Political signs conforming with the following requirements do not require permits:~~

~~(2) Political signs are limited to 3 square feet and may not exceed 30 inches above grade.~~

~~(3) Political signs may be erected 25 days prior to an election and shall be removed within 7 days of the election.~~

~~(4) Up to three (3) signs total are allowed per residential lot, or per *Shopfront*, except at polling places. Of the three (3) sign signs permitted, no more than one sign is allowed per candidate or referendum item.~~

~~(5) See *Section 11.7* – Temporary Sign Permits for additional requirements.~~

~~h. Residential Construction Signs, subject to the following.~~

~~(1) Signage may only identify the contractor, subcontractor, or architect. Name, contact information, website, and license information may be included.~~

~~(2) The contractor, the architect, and subcontractor are each allowed one (1) sign with a maxim area of four (4) square feet.~~

~~(3) Signs may only be erected after a building permit has been issued.~~

~~(4) Signage must be removed within five (5) days of the final inspection.~~

~~i. Residential Rental Signs~~

~~(1)~~ Only one sign may be attached to a single-family house or fastened to a ~~stake mounted in the yard and one additional sign may face a water frontage.~~

~~j. Warning and Instructional Signs.~~

~~(1) Any warning sign, non-advertising signs (e.g., "no trespassing," "no dumping"), or non-advertising symbol which pertains to the parcel of property upon which it is located, provided any such sign does not exceed four (4) square feet in copy area and is not illuminated.~~

~~(2) Any special instruction sign (e.g., "open," "closed," "hours of business," "no smoking") provided any such sign does not exceed eight (8) square feet in copy area.~~

~~j. Miscellaneous Signs.~~

~~(1) Any memorial sign or commemorative plaque.~~

~~(2) Any generic, architectural feature that is designed, integrated, and constructed as part of a *Building*.~~

~~(3) Any sign which is integrated into or on a point-of-sale purchase display.~~

~~(4) Any sign carried by a person.~~

~~2. Prohibited Signs and Sign Locations.~~

~~a. *Billboards*.~~

~~b. Any sign advertising products or articles that are not manufactured, assembled, processed, repaired, or for services sold on the premises.~~

~~c. Snipe signs.~~

~~d. Two or more signs that convey a single, cumulative advertising message, part of which is contained on each sign in the series.~~

~~e. Illuminated, Animated, Moveable, Flashing, or Inflatable Signs.~~

~~(1) Any sign that simulates emergency lights on emergency vehicles, traffic- control signals or devices, directional, informational, or warning signs erected by a government, utility, or similar agency.~~

~~(2) Any sign that uses an intermittent light or lights, including flashing lights, beach lights, strobe lights, rotating beacons, chasing lights, or zip lights.~~

~~(3) Any sign that is wind or power operated including flags, streamers, pinwheels, and balloons.~~

~~g. No signs may be located in a way that causes a hazard to pedestrian or vehicular traffic.~~

~~(1) Temporary signs at street intersections are limited to thirty (30) inches in height within a triangle measured thirty (30) feet from the intersection along each *Right-of-Way.*~~

~~(2) No permanent sign may be located within a triangle measured thirty (30) feet from the intersection along each right-of-way.~~

~~3. Permitted Signs.~~

~~a. General.~~

~~(1) Signs shall conform with the following standards, as specified in *Section 15.6.E*. and illustrated in *Section 15.6.F.* for each of the following items.~~

~~(2) Sign type limitations by Zone.~~

~~(3) The height and area of the sign;~~

~~(4) The number of signs per site;~~

~~(5) The height of sign copy.~~

~~(6) Exterior signs shall be made of durable, weather resistant materials.~~

~~(7) A permit is required for all signs permitted under this section.~~

~~(8) No sign, once approved, may be moved, or altered without additional approval, excluding maintenance or repainting required to restore a sign to its original, approved condition.~~

~~b. Signs shall provide the following clearance:~~

~~(1) A minimum of (9) feet over pedestrian ways, except for signs on *Awnings* and *Canopies.*~~

~~(2) A minimum of thirteen and one half (13.5) feet over vehicular travel ways and parking aisles, except in parking structures.~~

~~(3) Signs located along streets shall be a minimum of two (2) feet from a curb, ramp, driveway, light pole, street sign, or fire hydrant.~~

~~c. Removal.~~

~~i. Signs shall be removed as specified in *Section 15.6.E*. Sign Restriction Table, and as follows:~~

~~(P) = Permanent; Signs do not require removal.~~

~~(O) = Occupancy; Signs shall be removed within 7 days of the end of tenant occupancy.~~

~~(B) Business = Signs shall be removed when the business is closed.~~

~~(T) Temporary = Signs shall be removed within the time period specified by sign type.~~

~~ii. Any moveable signs shall be removed from outdoor spaces during high winds or other weather conditions that might pose a hazard to public safety.~~

~~d. Sign Templates.~~

~~i. The permitting and inspections department supplies templates for Open House, Model Home, and Under Construction signs.~~

~~e. Illumination.~~

(1) Internal sign illumination is limited to window, and wall, signs within *Shopfronts.*

(2) Light sources shall be mounted, shielded, and pointed towards the sign face to eliminate spill-over glare onto any adjacent *Streets*, properties, or skyward.

(3) Exposed bulbs or lamps shall not exceed the equivalent of 25 watts of incandescent light and shall be cut off to minimize light pollution.

(4) Other light sources in illuminated signs shall include anti-light pollution technologies and features.

f. Electronic Message Center (EMC) Signs.

(1) EMC signs are permitted for use on ground signs for church *Worship* and *Place of Assembly* facilities.

(2) Each image shall remain static for a minimum of eight seconds.

(3) Transitions shall be instantaneous, without intervening flashing, animation, or movement of any kind.

(4) Signs shall be equipped with automatic dimming technology.

(5) Signs shall not exceed 0.3 foot candles above ambient light measured at a distance of two hundred (200) feet.

4. Requirements by Sign Type as described below and illustrated in *Section 15.6.F*.

a. Band Signs. (Syn. *Wall Signs*)

(1) Band signs may be located above tenant Shopfronts, below second *Story* windows, and beneath the *Building* cornice or coping.

(2) Band sign copy shall be at least 6 inches from building corners.

b. Banner Signs.

(1) Banner signs shall be made of flexible materials such as cloth, canvas, and vinyl.

(2) Banner signs may be hung on the side of a building or suspended from a portion of a building *Structure*.

c. Commercial Construction Signs subject to the following

(1) Signage may only identify the contractor, subcontractor, or architect. Name, contact information, website, and license information may be included.

(2) The contractor, the architect, and subcontractor are each allowed one (1) sign with a maxim area of four (4) square feet.

(31) Signs may only be erected after a building permit has been issued.

(42) Signage must be removed within five (5) days of the final inspection.

d. Commercial Rental Signs.

(1) All commercial rental signs require NBV approval.

e. Corner Signs.

(1) Corner signs are only permitted at building corners where each facade is along a street.

(2) Corner signs may extend up to six (6) feet above parapets.

f. For Sale Signs.

(1) Signs shall be removed within seven (7) days of closing.

g. *Garage Sale*, *Yard Sale*, *Estate Sale*, and *Moving Signs*.

(1) Signs and stakes provided by the permitting and inspections department shall be used, limited to (5) signs per sale.

(2) Signs are valid for (10) days from the date of sale and shall not be reused.

(3) Signs may be erected (1) day prior to the sale and shall be removed within (5) hours of the end of the sale.

(4) Signs shall not be altered.

h. Ground Signs.

(1) Ground signs are limited to the following locations:

(a) Forecourts and building or project entrances. Ground signs shall not be located within any sight triangle or on the public right of way.

(b) Gateway and wayfinding directory ground signs shall be limited to main decision points such as development access points and intersections. Wayfinding signage for a development shall be designed and installed according to a cohesive, logical signage master plan to complement the project identity.

(2) The bottom of the sign shall be within (2) feet of sidewalk grade.

(3) Ground signs shall be set back a minimum of (10) feet from property lines.

i. Marquee Signs.

(1) *Marquee Signs* may be used for lodging and movie theaters. The *Village* may permit marquee signs for other businesses upon request.

j. Projecting Signs.

i. Projecting signs shall be erected on a wall of a building.

~~ii. Projecting signs may project up to 4 feet from the wall of the building on which it is erected.~~

~~k. Open House, Model Home~~*~~Portable Signs~~*~~.~~

~~(1) An annual permit is required.~~

~~(2) Signs shall be free standing on a stake or frame.~~

~~(3) The business name shall be identified on signs, 2 in. copy minimum.~~

~~(4) The use of Balloons, streamers, and other types of decoration may not be used be prohibited.~~

~~(5) Signs are allowed for three (3) consecutive days in any one week.~~

~~(6) Up to (4) signs may be located off site.~~

~~l.Window Signs~~

~~(1) Window signs may be:~~

~~(a) Letters painted directly on the window;~~

~~(b) Hanging signs hung interior of the glass;~~

~~(c) Vinyl appliqué letters applied to the window, consisting of individual letters or graphics with no visible background.~~

~~m.Wayfinding signs shall be free standing and constructed using solid materials to prevent the sign from being destroyed or blown away.~~

. . .

~~G~~F. ~~*Special Area Plan.*~~

. . .

~~H~~G. ~~*Reserved.*~~

~~I~~H. ~~*Density and intensity calculations.* [Reserved].~~

~~J~~I. ~~*Sustainability.*~~

. . .

§ 15.4. Definitions.

This Section provides definitions for terms in Chapter 15, Form-Based Code that are technical in nature or that might not otherwise reflect a common usage of the word. Refer to *Chapter 3* for definitions of terms that are pertinent to other Chapters of this Code. If a term is not defined in this section or Chapter 3, the *Village Manager* or designee shall determine the definition of the term. If there is a conflict between Chapter 3 and this Section, this section shall take precedence. Refer to Chapter 11 for definitions and regulations for signs.

B. Definitions of Terms.

. . .

"A" Terms

~~*A-Frame Sign*. A type of freestanding, portable sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (also known as a sandwich board sign).~~

~~*Abandoned Sign*. A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least six (6) months.~~

. . .

~~*Address Plaque*. A small *Sign* mounted to the front or side of a *Building* at the pedestrian level, or dimensional letters mounted above the door, conveying the numerical street address of the building.~~

. . .

~~*Awning Sign*. A sign painted on, printed on, or applied to an awning.~~

. . .

"B" Terms

. . .

~~*Band Sign*. See *Wall Sign.*~~

~~*Banner Sign*. A *Sign* consisting of cloth, bunting, plastic, paper, or similar non-rigid material attached to a *Structure*, staff, pole, rope, wire, or framing which is anchored on two or more edges. Banners are temporary in nature and do not include flags.~~

. . .

~~*Billboard*. A *Sign* which directs attention to a business, product, commodity, service, entertainment venue, or facility not located, conducted, sold, or offered upon the premises where such sign is located, or which calls public attention to a candidate, cause, or public issue and which may be either freestanding or mounted upon a *Building.*~~

. . .

"C" Terms

~~*Canopy Sign*. A sign that is part of, or attached to, a canopy.~~

~~. . .~~

~~*Clearance*. The distance above the walkway, or other surface if specified, to the bottom edge of a *Sign*. This term can also refer to a horizontal clear distance between two objects.~~

. . .

~~*Commercial Rental Sign:* See *Real Estate Sign.*~~

. . .

~~*Construction Sign*. Nonilluminated *Sings* that identify the architects, engineers, planners, contractors, or other individuals or firms involved with a construction project or announce the character or purpose of a project that may be displayed at the project site. The term does not include construction mesh, which is regulated under *Section 8.17.F* of the North Bay Village Unified Land Development Code.~~

~~*Corner Sign*. A sign mounted perpendicularly from a *Building* edge along two frontages positioned at an equal degree to both frontages.~~

. . .

"D" Terms

. . .

~~*Directory Sign.* A sign type, whether wall-mounted or freestanding, which provides a listing of establishments within a building or series of buildings.~~

. . .

"E" Terms

. . .

~~*Electronic Message Center (EMC) Sign.* A *Sign,* or portion thereof, that consists of electronically changeable alphanumeric text.~~

. . .

~~*Estate Sale Sign*. A temporary sign advertising a home sale of household goods.~~

"F" Terms

. . .

~~*Flag Sign*. A *Sign* printed or painted on a cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners. This definition shall include "feather flags" and "flutter flags."~~

. . .

~~*For Sale Sign.* See *Real Estate Sign.*~~

. . .

"G" Terms

. . .

~~*Garage Sale Sign*. A temporary sign advertising a home sale of household goods.~~

. . .

"H" Terms

. . .

~~*Hanging Sign*. A single or double-sided sign suspended from the underside of a canopy, awning, or *Structure* contained wholly underneath the overhead structure.~~

"M" Terms

. . .

~~*Marquee Sign*. A *Sign* attached to a marquee~~

. . .

~~*Mural*. Artwork applied to the wall of a *Building*, which covers all or most of the *Wall*. Where a mural contains a commercial message, it shall be considered a *Wall Sign*.~~

"N" Terms

. . .

~~*Nonconforming Sign*. Any sign that has a valid permit and was erected prior to the effective date of the Code or any subsequent amendment hereto, to the provisions of which the sign does not conform.~~

"O" Terms

~~*Open House / Model Home Sign*. See *Real Estate Sign*.~~

"P" Terms

~~*Political Sign*. A sign advertising a candidate, political party, or position in connection with a local, state, or national election.~~

. . .

~~*Projecting Sign*. A building-mounted, double-sided sign which is mounted perpendicular to a *Building's Façade*.~~

"R" Terms

~~*Real Estate Sign*. A sign depicting sale or lease of a property on the premises of the property being advertised.~~

. . .

~~*Rental*. See *Real Estate Sign*.~~

. . .

~~*Residential Construction Sign*. See *Construction Sign*.~~

"S" Terms

. . .

~~*Sign*. Any writing, symbol, figure, representation, logo, emblem, flag, banner, device, letter, word, street clock or temperature announcement, which shall include any announcement, declaration, demonstration, display, illustration, name identification, description, or insignia, which is used to advertise or promote the interest of any person or firm when such representation is placed in view of the general public.~~

~~*Sign Band.* A horizontal component of a *Shopfront* to accommodate band signs located above transom and Shopfront windows and below the transition band.~~

~~*Sign Area*. The area of a sign shall mean the area of all lettering, wording, accompanying designs, logos, and symbols, together with the background on which they are displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing, or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols. Where the sign consists of individual letters, designs, or symbols attached to a building, awning/canopy, wall, window, or freestanding structure, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.~~

~~*Sign Copy*. Any letter, numeral, figure, symbol, logo, or graphic element displaying the content or message of a sign.~~

. . .

~~*Snipe Sign*. A sign attached to a tree, pole, stake, *Fence,* public bench, streetlight, or other object, placed on public property, in the public right-of-way or on private property without the permission of the property owner (also known as a bandit sign).~~

. . .

"W" Terms

~~*Wall Sign*. A sign erected against or painted on the wall of any *Building,* displayed on windows or doors, or displayed with the exposed face thereof in a plane parallel to the face of said wall, window, or door.~~

~~*Warning / Instructional Sign*. An on-premises sign regulating the use of the premises, such as a "no trespassing," "no-hunting," or "no soliciting" sign.~~

~~*Wayfinding Sign*. A sign or series of signs directing from point to point or confirming progress along a route to a destination.~~

~~*Window Sign*. A sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.~~

. . .

"Y" Terms

~~*Yard Sale Sign*. See *Garage Sale Sign.*~~

~~*Yard Sign*. A freestanding sign placed along a *Property Frontage.*~~

. . .

§ 15.6.E ~~Sign Restrictions Table~~ Reserved.

~~Sign Type*~~	~~Period~~	~~Number of Signs (Max.)~~	~~Sign Area (Max.)~~	~~Copy Height (Max.)~~
~~a. A-Frame~~	~~B~~	~~1 per tenant~~	~~9 sf. each side~~	~~n/a~~
~~b. Awning~~	~~O~~	~~1 sloping plane, plus 1 valence per awning~~	~~75% of sloping plane; 75% area of awning valence~~	~~16 in. on sloping plane; 8 in. on valence~~
~~c. Band Sign (Syn. Wall sign)~~	~~O~~	~~1 per frontage~~	~~3 sf. per linear ft.~~	~~16 in. on sloping plane; 8 in. on valence~~
~~d. Banner~~	~~T~~	~~1 per event~~	~~Per NBV~~	~~Per NBV~~
~~e. Canopy~~	~~P~~	~~1 per canopy~~	~~2 sf. per linear foot of shopfront~~	~~Copy height (max.)~~
~~f. Commercial Construction~~	~~T~~	~~1 per construction site~~	~~32 ft.~~	~~n/a~~
~~g. Corner~~	~~P~~	~~1 per building~~	~~40 sf.~~	~~16 in. on sloping plane; 8 in. on valence~~
~~h. For Sale~~	~~T~~	~~1 per lot plus 1 per golf or lake frontage~~	~~3 sf. each side, 60 in. above grade~~	~~Per NBV~~

~~i. Ground~~	~~P~~	~~1 per frontage~~	~~36 sf. each side~~	~~Copy height (max.)~~
~~j. Hanging~~	~~P~~	~~1 per tenant~~	~~6 sf. each side~~	~~n/a~~
~~k. Marquee~~	~~P~~	~~1 per entry~~	~~n/a~~	~~16 in. on sloping plane; 8 in. on valence~~
~~l. Mural**~~	~~P~~	~~1 per frontage~~	~~n/a~~	~~per NBV~~
~~m. Projecting~~	~~P~~	~~1 per tenant~~	~~6 sf. each side~~	~~Copy height (max.)~~
~~n. Open House Estate Sale Model Home~~	~~T~~	~~1 per lot~~	~~3 sf. each side, 30 in. above grade~~	~~n/a~~
~~o. Window~~	~~O~~	~~1 per window~~	~~25% of glazed area~~	~~Per NBV~~
~~p. Yard~~	~~T~~	~~1 per 50 feet of frontage~~	~~6 sf. each side~~	~~Copy height (max.)~~

~~**KEY:**~~

~~P—Permanent; signs do not require removal.~~

~~O—Occupancy; signs must be removed within seven days of the end of tenant occupancy.~~

~~B—Business; signs must be removed when the business is closed.~~

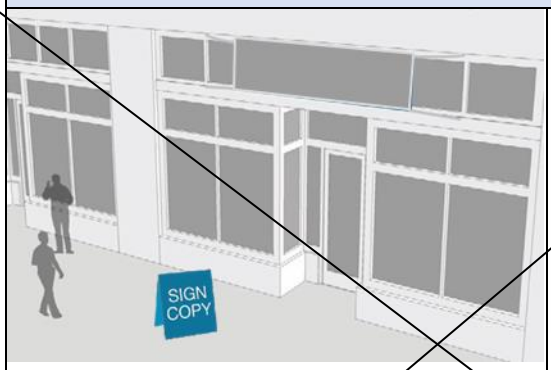
~~T—Temporary; signs must be removed within the time period specified by sign type.~~
~~Per NBV—Parameter to be determined admiratively. See also Section 11.7.~~

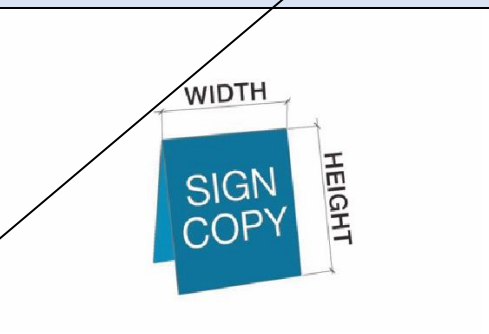
~~* Note: See Section 15.4.B, Definitions of Terms, and Section 15.6.B.5, Sign Types Illustrated Table.~~

~~** Murals—In keeping with the character of the Village, it is suggested that murals be limited to themes depicting nature or the natural environment.~~

414 **§ 15.6.F. ~~Sign types illustrated table~~ Reserved.**

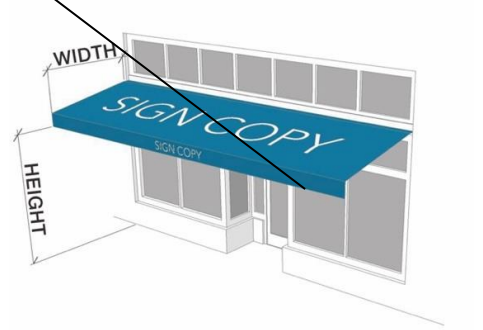
a. **A-Frame Sign**





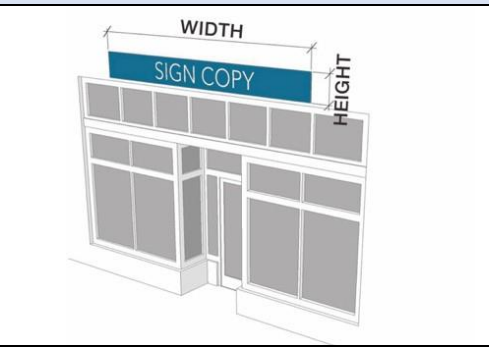
b. **Awning Sign**





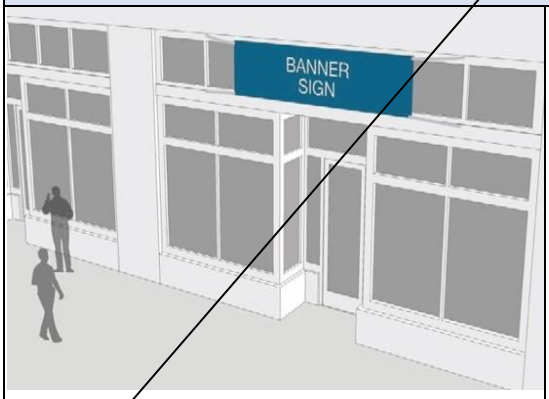
c. **Band Sign (Syn. Wall Sign)**

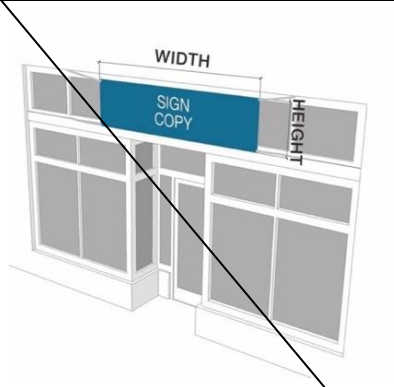




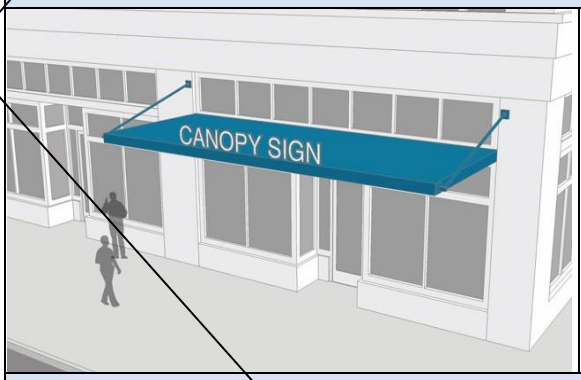
415

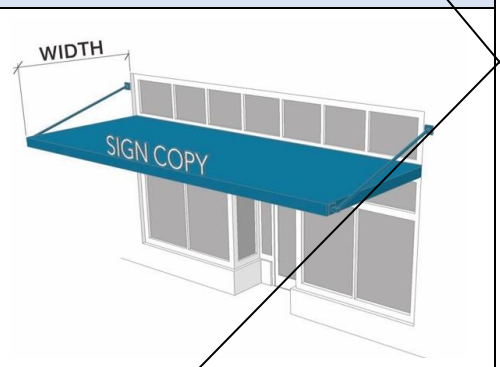
d. **Banner Sign**





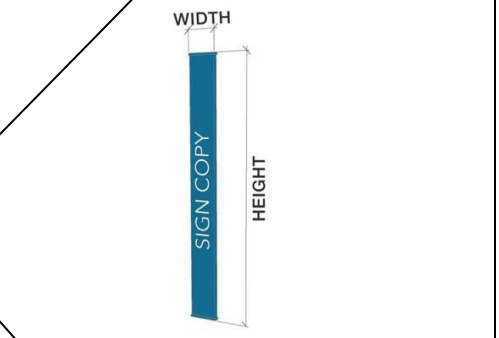
e. **Canopy Sign**





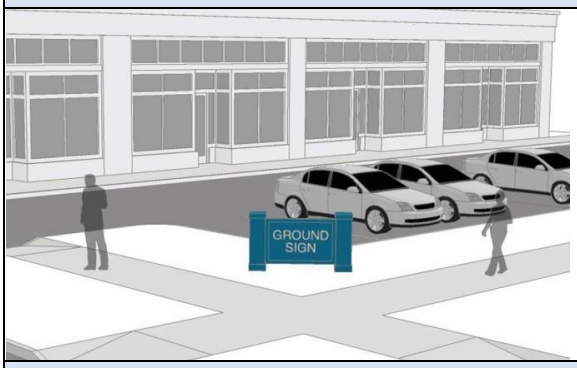
f. **Corner Sign**

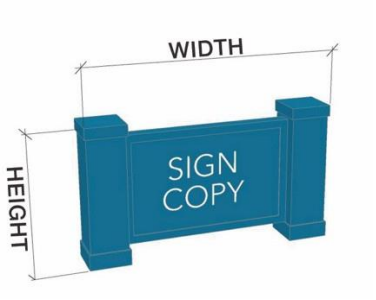




418

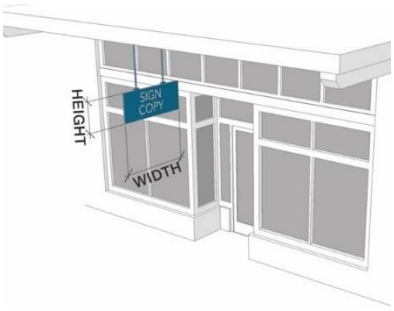
g. **Ground Sign**





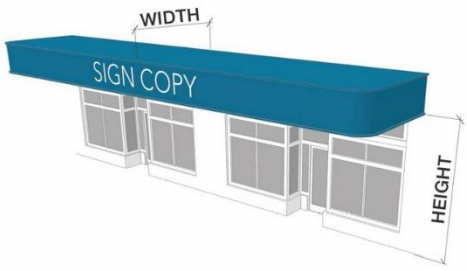
h. **Hanging Sign**



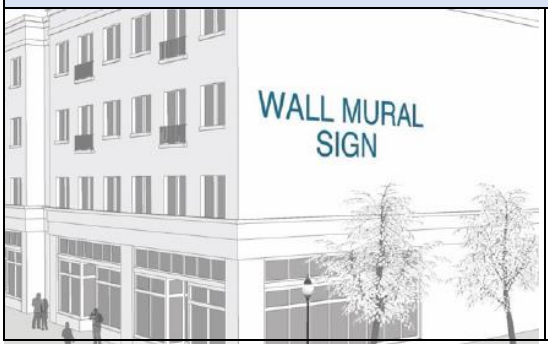


i. **Marquee Sign**



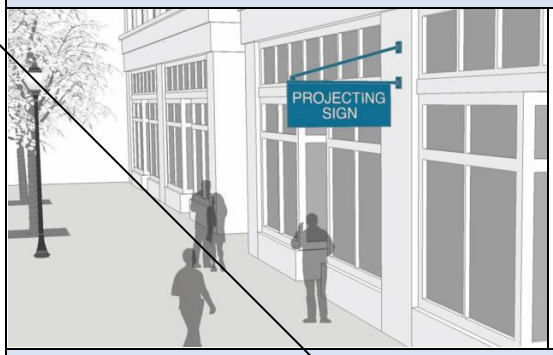


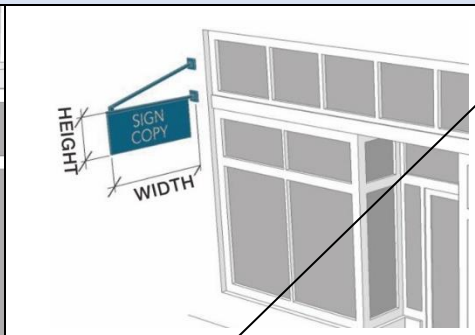
j. **Mural Sign**



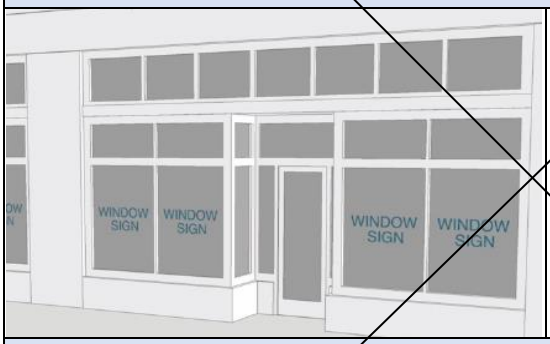


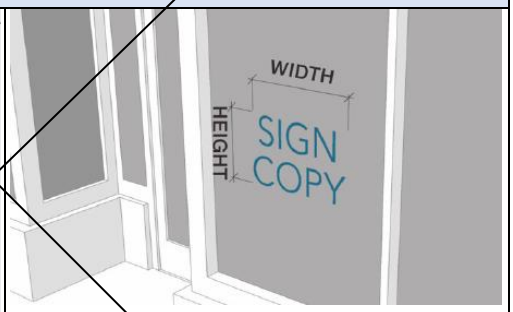
k. **Projecting Sign**



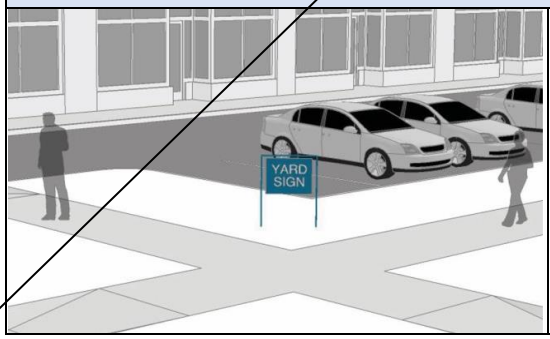


l. **Window Sign**





m. **Wayfinding/Yard Sign**





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NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON MARCH 4, 2026 AT 6:00 P.M. AT 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FL 33141 AND VIA ZOOM, OR AS SOON AS POSSIBLE THEREAFTER. DURING THIS MEETING THE BOARD WILL CONSIDER THE FOLLOWING AT A PUBLIC HEARING:

AN ORDINANCE OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA AMENDING CHAPTER 11, "SIGNS," AND CHAPTER 15, "FORM BASED CODE," TO ADDRESS CURRENT LEGAL REQUIREMENTS, TO ESTABLISH SPECIFIC STANDARDS AND REGULATIONS, AND TO CONSOLIDATE ALL PROVISIONS RELATED TO SIGNS ; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

THE MEETING AGENDA IS AVAILABLE ONLINE AT:
HTTPS://NORTHBAYVILLAGE-FL.GOV/AGENDAS-MINUTES/
YOU MAY ATTEND THE MEETING IN PERSON AT THE PHYSICAL MEETING LOCATION:
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141 OR

PARTICIPATE IN THE MEETING VIA ZOOM: MEETING ID: 839 8967 2951
WATCH THE VIRTUAL PUBLIC MEETING: HTTPS://NORTHBAYVILLAGE-FL.GOV/VIDEOS TV CHANNEL 661 FACEBOOK LIVE
LISTEN VIA TELEPHONE TO THE VIRTUAL PUBLIC MEETING: 1-929-205-6099
FOR TECHNICAL SUPPORT DURING THE MEETING, PLEASE CONTACT: (786) 309-4991

THE PROPOSED ORDINANCE(S) AND/OR RESOLUTION(S) ARE AVAILABLE FOR PUBLIC INSPECTIONS AT THE OFFICE OF THE VILLAGE CLERK. TO OBTAIN A COPY OF ANY AGENDA ITEM, INDIVIDUALS SHOULD CONTACT THE VILLAGE CLERK AT 305-756-7171. A COMPLETE AGENDA PACKET WILL ALSO BE ACCESSIBLE ON THE VILLAGE WEBSITE AT WWW.NORTHBAYVILLAGE-FL.GOV FIVE DAYS PRIOR TO THE DATE OF THE MEETING. ANY PERSON WISHING TO ADDRESS THE VILLAGE COMMISSION OR BOARD ON ANY ITEM AT THIS PUBLIC HEARING IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. ALTERNATIVELY, MEMBERS OF THE PUBLIC MAY EXPRESS THEIR VIEWS IN WRITING TO THE COMMISSION OR BOARD C/O VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, NORTH BAY VILLAGE, FL 33141, OR VIA EMAIL AT PUBLICCOMMENT@NBVILLAGE.COM

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS PUBLIC MEETING SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK AT (305) 756-7171 NO LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH MEETING.

ALBA L. CHANG, CMC
VILLAGE CLERK

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Public Hearing - Planning & Zoning Board Meeting

North Bay Village | Publish Date: Feb 18, 2026

PUBLIC NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING BOARD OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON MARCH 4, 2026 AT 6:00 P.M. AT 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FL 33141 AND VIA ZOOM, OR AS SOON AS POSSIBLE THEREAFTER. DURING THIS MEETING THE BOARD WILL CONSIDER THE FOLLOWING AT A PUBLIC HEARING: