

**To Chairman Sarnoff, Vice Chairman Gort, Commissioners Carollo, Spence-Jones, and Suarez; Mayor Regalado, and City Manager Johnny Martinez:**

**Barbara K. Bisno, Pres, Scenic Miami-Dade County, Inc.**

**May 20, 2013**

**We respectfully request that the Proposed Sign Code, PZ 14 on the City Commission agenda May 23, 2013, be sent back to Planning Dept. for the following changes:**

**1) Article 10, 10.3.9, p. 56: No Electronic Message Sign (as defined on p. 3, Article 1, 1.3 Definitions of Signs) shall be allowed within the City of Miami. [In Naser Jewelers, Inc. v. City of Concord, 513 F.3d 27 (1<sup>st</sup> Cir. 2008), the court upheld a municipal ordinance that prohibited electronic message sign displays as the court found the prohibition was content-neutral and advanced traffic safety and community aesthetics.]**

**2) new Article 10, 10.3.10, p. 57: No Media Tower (as defined on p. 4, Article 1, Article 1.3 Definitions of Signs) shall be allowed within the City of Miami. [A media tower approved by the City of Miami in 2011 consisted of two 50 story 4-faced LED billboards seen for tens of miles, destroying Miami's skyline, landscape and numerous neighborhoods .]**

**3) "Billboard" as defined on p. 2, Article 1, Article 1.3 Definitions of Signs) shall read as follows: Pursuant to Chapter 62, Article XIII, Division 6, Section 62-618.3, without exception, no new freestanding "billboards" as defined herein, shall be permitted anywhere within the territorial boundaries of the City.**

**As of the effective date of this ordinance, any freestanding "billboards" lighted in a manner or having changeable copy on its face(s) or located at a**

distance from other signs or located within certain areas not permitted by city, county, state or federal law shall be deemed non-conforming signage and shall be removed at the owner's expense within two (2) years.

No further exchange of existing static billboards for new electronic LED digital billboards may be allowed in the City of Miami pursuant to existing or future "settlement agreements" between the City and any outdoor advertising company except if approved by a majority of the voters in a city-wide referendum, notwithstanding any illegal provision in the settlement agreements which attempts to protect these agreements from subsequent law enacted by the City.

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"Mural" (as defined on p. 4, Article 1, Article 1.3 Definitions of Signs) shall read as follows: Murals shall be designated as mural advertisements, for which regulations exist at City Code, Chapter 62, Article XIII, Division 5 . No mural advertisement may be allowed on a building if it is closer to a billboard or other mural advertisement than allowed pursuant to city, county, state, or federal law. All illegal mural advertisements shall be removed at the owner's expense within ninety (90) days. No enlargement of the mural advertisement zone in Miami may be expanded by Miami-Dade County and/or the City of Miami without a referendum by voters of the county and city and no enlargement shall be so approved except by a majority of voters in said referendum in the County and and in the City.

4) Menu Board Sign on p. 4: An illuminated changeable copy sign ... and shall not be noticeably visible from the public right-of-way.

5) Maintenance of Signs at p. 41:

1. Signs shall be properly maintained ... shall be removed, repaired or replaced within thirty (30) days or the owner fined \$1,000 per day.

2. In the event ...removed from the site ... within seven (7) days or the owner fined \$1,000 per day.

6) Protections of adjacent property and nearby residential units as well as reduction of traffic hazards from lighted signs:

a) Article 4. Table 12 Design Review Criteria at p. 11:

Sign Standards

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Illumination and other lighting effects shall not be visible from a residential unit, shall not shine into or onto any adjacent property, and shall not create a nuisance to adjacent property. ~~or~~ Illumination shall not create a distraction to traffic nor create any traffic hazard.

b) Illumination standards on transect charts on pp. 48-49 and pp. 50-51:

pp. 48-49

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Illumination (all types of signs, e.g. wall, window, etc.)

All illuminated signs shall be turned off or become dark when the commercial establishment is not open for business or after 11 pm., whichever is earlier.

All illumination shall comply with Article 4, Table 12, Design Review Criteria.

pp. 50-51

...

Illumination (all types of signs, e.g. wall, window, etc.)

**All illuminated signs shall be turned off or become dark when the commercial establishment is not open for business or after 11 pm., whichever is earlier. All illumination shall comply with Article 4, Table 12, Design Review Criteria.**

pp. 55-57 10.3.5 Signs Above a Height of Fifty (50) feet

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**h. All illumination must comply with Article 4, Table 12, Design Review Criteria.**

**Comments:**

**The Staff of the Planning Department should be commended on their work which improves signage regulation in some instances. This draft of the Miami Sign Code has also been improved over the course of public comment.**

**However, this draft contains provisions which will significantly change our uniquely subtropical community into a pandemonium of flashing and distracting signs and lights everywhere residents and visitors look.**

**Please send this Sign Code back to the Planning Department with the detailed changes indicated in order to protect our scenic beauty, as required by the Florida Constitution, Article 11, Section 7 (which the City agrees is the purpose of sign regulation).**

**This draft allows an EMS to change messages every 6 hours, without restrictions on number, distancing, and location near and visibility from residential units. This signage will overwhelm pedestrians and vehicles on our commercial streets. These necessary restrictions will be difficult to enforce, especially in the climate of non-enforcement of the City of Miami. New technology does not require these signs be allowed; businesses will continue to compete for our business with signs now permitted as always without despoiling our unique scenic beauty for residents and tourists alike.**

**There should be no EMS signage in Miami. There should be no Media Tower in Miami. Sign regulation should protect adjoining property and nearby residential units as well as vehicular traffic, not allowing distraction and light spillage. Signs which are not maintained should be removed as quickly as possible for aesthetic and safety reasons. We have submitted the above six (6) specific changes, additions, deletions and improvements to the Miami Sign Code as drafted by the City. Please send back to the Planning Department with instructions that the Sign Code be amended as provided above before coming before the Commission on first reading..**