

## ORDINANCE 538

**AN ORDINANCE OF THE TOWN OF BELLEAIR, PINELLAS COUNTY, FLORIDA AMENDING THE CODE OF ORDINANCES, SUBPART B – LAND DEVELOPMENT CODE; AMENDING ARTICLE IX – SIGNS (ORDINANCE NO. 399); PROVIDING FOR EFFECT ON OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission desires to update the Code of Ordinances, Sign requirements to ensure reasonable, consistent, and nondiscriminatory sign standards and requirements, and to ensure that the signs are appropriate for their respective uses; and

**WHEREAS**, the Town desires to balance, maintain and enhance the aesthetic environment of the town; and

**WHEREAS**, the Town desires to ensue content neutrality in the review and permitting of allowable signs within the Town; and

**WHEREAS**, the Town Commission determined that it is necessary and desirable to amend the Town’s Land Development Code, Article IX – Signs to implement consistent, nondiscriminatory sign standards and requirements, and to ensure that the signs are appropriate for their respective uses, and maintain and enhance the aesthetic environment of the town.

**NOW THEREFORE, BE IT ENACTED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR:**

**Section 1. Legislative Findings.** The foregoing recitals are incorporated herein by reference as the legislative findings of the Town Commission of the Town of Belleair.

**Section 2. Section 2. Subpart B - Land Development Code Amendment.** Chapter 74 – Land Use Regulations, Article IX – Signs, is hereby amended.

ARTICLE IX. - SIGNS

DIVISION 1. - GENERALLY

Sec. 74-541. - Purpose of article; conflicting provisions and intent.

~~This article is intended to complement the requirements of the building and electrical codes adopted by the town. It is also the intent of this article to support the provisions of the county~~

~~sign ordinance where it is consistent with or more restrictive than this article. Wherever inconsistency exists between this article and the county sign ordinance or the building and electrical codes, the more stringent requirement shall apply.~~

~~(Ord. No. 399, § 1, 11-20-01)~~

The purpose of this article is to promote the public health, safety, and general welfare through a comprehensive system of reasonable, consistent, and nondiscriminatory sign standards and requirements, and to ensure that the signs are appropriate for their respective uses, to balance, maintain and enhance the aesthetic environment of the town. These sign regulations are intended to:

- (1) Enable the identification of places of residence and business.
- (2) Setting standards and providing uniform, controls that permit reasonable use of signs and preserve the character of the Town of Belleair.
- (3) Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians, motorists, and other forms of transportation.
- (4) Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.
- (5) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.
- (6) Establishing a process for the review and approval of sign permit applications.
- (7) Enable fair and consistent enforcement of this sign code.
- (8) Require signs to be constructed, installed, and maintained in a safe and satisfactory manner.

Further, it is the intent of the Town of Belleair that protection of First Amendment rights shall be afforded such that any sign, display, or device allowed under this section may contain, in lieu of any other copy, any otherwise lawful noncommercial message that complies with the size, duration, spacing and lighting requirements of this section.

#### Sec. 74-542 - Severability.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the code.

#### Sec. 74-543 - Substitution of Non-Commercial Speech for Commercial Speech.

Notwithstanding anything contained in this article to the contrary, any sign erected pursuant to the provisions of this article may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the non-commercial copy may be substituted at any time in place of the commercial copy. The non-commercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one non-commercial message to another non-commercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback, or other dimensional criteria, and the permitting requirements contained in this article have been satisfied.

Sec. 74-542~~4~~. - Applicability of article.

The provisions of this Article shall govern the number, sizes, location, and character of all signs within the Town of Belleair. No person shall erect in any manner or attach in any manner to any building, wall, fence, pole, tree or shrub, or annex to the land within the town any sign or any advertising matter of any kind whatsoever, unless expressly authorized by or exempted from this land development code. A permit shall be applied for and issued by the town manager or designee prior to erecting any permanent accessory sign. Development excluded under section 66-3(b)(4) and (5) shall not be exempted from the provisions of this article.

(Ord. No. 399, § 1, 11-20-01)

#### Sec. 74-545 - Definitions

All words used in this section, except where specifically defined in this subsection, shall carry their customary meaning when not inconsistent with the context in which they are used. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this subsection, shall be construed to have their legal or dictionary definition.

**Abandoned Sign** means a sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 90 days.

**Area of Signs** means the square foot area enclosed by a rectangle, parallelogram, triangle, circle, semicircle or other geometric figures, or other architectural design, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display. The area of a sign composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest rectangle, triangle, circle, parallelogram or other geometric figure, or other architectural design, which encloses the whole group of words or characters.

**Artwork** means drawings, pictures, symbols, paintings, or sculptures which in no way identify a product or business and which are not displayed in conjunction with a commercial, for-profit, or nonprofit enterprise.

**Banner** means any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

**Bulletin Board** means a sign of permanent character, but with removable letters, words, numerals, or symbols.

**Business** means any individual person, nonprofit organization, partnership, corporation, other organization, or legal entity holding a valid occupational license and occupying distinct and separate physical space.

**Changeable Message Sign** means a sign or portion of a sign on which message copy is changed manually or mechanically in the field through the utilization of attachable letters, numbers, symbols, and other similar characteristics.

**Double-faced sign** means a sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on each face being either in contact with the other face or in contact with the same background.

**Flag** means any fabric, plastic, canvas, bunting or like material containing distinct colors, patterns, words, or symbols, attached to a pole or staff, used as a symbol of a government, political subdivision, corporation, business, or other entity.

**Flash** means an entry or exit mode in an electronic changing message with any single frame that repeats two or more times consecutively without change. This does not include official warning signs to the motoring public.

**Frontage** means the length of the property line for a parcel which runs parallel to, and along, a road right-of-way or street, exclusive of alleyways. "Building frontage" means the single facade constituting the length of the building or that portion of a building occupied by a single office, business, or enterprise abutting a street, parking area, or other means of customer access such as an arcade, mall, or walkway.

**Height** means the vertical distance measured from the ground level nearest the base of the sign to the highest point of the sign.

**Legally existing**, for the purpose of describing a sign or sign structure, means that the sign or sign structure was lawfully erected in conformance with all applicable local, state, and federal laws, has been lawfully maintained and is lawfully operated in compliance with all applicable local, state, and federal laws, including any legal nonconforming signs.

**Maintenance** means the replacing, repairing, or repainting of a portion of a sign structure, periodically changing changeable copy, or renewing copy which has been made unusable by ordinary wear, weather, or accident.

**Pennant** means any series of small flaglike or streamer like pieces of cloth, plastic or paper, or similar material attached in a row to any staff, cord, building, or at only one or two edges, the remainder hanging loosely.

**Person** means any individual, corporation, association, firm, partnership, and the like, singular or plural.

**Property** means the overall area represented by the outside boundaries of a parcel of land or development.

**Sign** means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, architectural style or design or writing to advertise, attract attention, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. "Sign" includes sign structure.

- (1) **Address sign** means a sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.
- (2) **A-frame or sandwich sign** means a portable sign which is ordinarily in the shape of an "A" or some variation thereof.
- (3) **Abandoned signs** mean signs on which is advertised a business that is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at that location and such circumstances have continued for a period of more than 90 consecutive days.
- (4) **Animated sign** means any sign composed of moving parts or lights or lighting devices that change color, flash, fade, rotate, twinkle, twirl, alternate luminance, scroll, show action or motion, create the optical illusion of action or motion, or otherwise change the appearance of the sign. Animated signs do not include electronic (digital) changeable message sign or multi-vision sign as defined in this section.
- (4) **Attached signs** means any sign attached to, on, or supported by any part of a building (e.g., walls, integral roof, awning, windows, or canopy) which encloses or covers usable space.
- (5) **Bench signs/bus shelter signs** means a bench or bus shelter upon which a sign is drawn, painted, printed, or otherwise affixed, and, where authorized by action of the town commission shall be exempt from the provision of this section as per F.S. § 337.407(2).

- (6) **Canopy (awning) sign** means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- (7) **Exempt signs** mean all signs for which permits are not required, but which must, nonetheless, conform to the other terms and conditions of Sec. 74-571 and this Article.
- (8) **Freestanding sign** means any sign supported by structures or supports that are placed on or anchored in the ground and that are independent of any building or other structure.
- (9) **Nonconforming sign** means any sign that does not conform to the requirements of this section.
- (10) **Off-premises sign** means any sign identifying or advertising a product, business, person, activity, condition, or service not located or available on the same zone lot where the sign is installed and maintained.
- (11) **On-premises sign** means any sign which identifies a use or business or advertises a product for sale or service to be rendered on the zone lot where the sign is located.
- (12) **Portable sign** means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted from A-frames; menu and sandwich board signs; balloons and other inflatables; and umbrellas used for advertising. See also Wind Signs.
- (13) **Projecting sign** means any sign affixed perpendicularly to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
- (14) **Roof sign** means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure. "Integral roof sign" means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches. Any integral portion of the roof shall not extend more than five feet above the structural roof.
- (15) **Snipe sign** means a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects with the message appearing thereon not applicable to the present use of the premises or structure upon which the sign is located.
- (16) **Temporary sign** shall mean any sign that is not a permanent sign and shall include a sign formerly or commonly associated with a temporary use or structure, 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.

(17) **Vehicle sign** means a sign attached to or placed on a vehicle, including automobiles, trucks, boats, campers, and trailers, that is parked on or otherwise utilizing a public right-of-way, public property or on private property so as to be intended to be viewed from a vehicular right-of-way for the basic purpose of providing advertisement of products or services or of directing people to a business or activity. This definition is not to be construed to include those signs that identify a firm or its principal products on a vehicle or such advertising devices as may be attached to and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time such vehicle is regularly and customarily used to traverse the public highways during the normal course of business.

(18) **Wall sign** means a sign which is painted on, fastened to, or erected against the wall of a building with its face in a parallel plane to the plane of the building facade or wall.

(19) **Warning sign** means a sign located on property posting such property for warning or prohibitions on parking, trespassing, fishing, swimming, or other activity, provided such signs do not carry any commercial message or identification.

(20) **Window sign** means a sign located on a window or within a building or other enclosed structure, which is visible from the exterior through a window or other opening.

(21) **Wind Signs** means any display or series of displays, banners, flags pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move in the wind.

**Sign face** means the part of the sign that is or can be used to identify, display, advertise, communicate information, or for visual representation which attracts or intends to attract the attention of the public for any purpose.

**Sign structure** means any structure which is designed specifically for the purpose of supporting a sign, has supported or can support a sign. This definition shall include any decorative covers, braces, wires, supports, or components attached to or placed around the sign structure.

**Street** means a public right-of-way intended for the use of vehicular, bicycle and pedestrian traffic.

**Zone lot** means a parcel of land that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such setbacks and other open spaces as are required by the applicable local government zoning regulations. For the purpose of this

definition, a shopping center, or other lot or parcel of land which contains a single unit or an integrated group of commercial establishments and is developed, operated, managed and/or owned as a unit shall be considered as a zone lot.

Sec. 74-5436. - Maintenance.

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display area, shall be maintained in accordance with the building and electrical codes adopted by the town, and shall present a neat and clean appearance. The vegetation around, in front of, behind and underneath the base of the ground signs for a distance of ten feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

(Ord. No. 399, § 1, 11-20-01)

Sec. 74-547 - Unsafe Signs.

Should any sign become insecure, in danger of falling or otherwise unsafe in the opinion of the Town, the owner thereof, or the person or firm maintaining the same, shall upon written notice of the Town, forthwith in the case of immediate danger and in any case within ten days, remove such sign or secure the same in a manner approved by the Town, in conformity with the provisions of the building code. If such order is not complied with within ten days, the Town shall remove such sign at the expense of the owner or lessee.

Sec. 74-5448. - Compliance with article no defense to nuisance action.

Compliance with the requirements of this article shall not constitute a defense to an action brought to abate a nuisance under the common law.

(Ord. No. 399, § 1, 11-20-01)

Sec. 74-5459. - Prohibited signs.

The following signs are prohibited unless exempted by division 2 of this article or expressly authorized by division 3 or division 4 of this article:

- (1) Signs that are in violation of the building code or electrical code adopted by the town.
- (2) Any sign that constitutes or has the potential to constitute a safety hazard.
- (3) Blank signs.



- (4) Signs with visible moving, revolving, or rotating parts, visible mechanical movement of any kind, or other apparent visible movement achieved by electrical, electronic, or mechanical means, including time-temperature-date signs.
- (5) Signs with the optical illusion of movement created by a design that presents a pattern giving the illusion of motion or changing of copy.
- (6) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color.
- (7) Strings of lightbulbs used on commercially developed parcels for commercial purposes, excluding holiday decorations.
- (8) Signs commonly referred to as wind signs, consisting of one or more banners, flags pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move in the wind. (See figure 1 ~~following this subsection.~~)



*Figure 1—Wind Signs*

- (9) Signs that incorporate projected images, have more than the two faces (sides), involve the use of live animals, or emit audible sound, odor, or visible matter such as smoke to attract attention.
- (10) Signs or sign structures that interfere in any way with the use of any fire escape, emergency exit or standpipe, or that obstruct any window so that light or ventilation is

reduced to less than that required by any provision of this land development code or other town ordinance.

- (11) Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color would conflict with the proper functioning of any traffic sign or signal or be of a size, location, movement, content, color, or illumination that may be reasonably confused with, construed as or conceal a traffic control device.
- (12) Signs that are erected upon or project over public rights-of-way, or obstruct the vision of pedestrians, cyclists or motorists traveling on or entering public streets.
- (13) Nongovernmental signs that use the word "stop," "look" or "danger," or any similar word, phrase, or symbol, except as permitted under section 74-571(11).
- (14) Signs within ten feet of a public right-of-way.
- (15) Signs within 100 feet of traffic controls that contain red, yellow, or green lights that might be confused with traffic control lights.
- (16) Signs of such intensity or brilliance that they cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public street, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- (17) Signs that contain any lights or control mechanism that causes unreasonable interference with radio, television, or other communication signals.
- (18) Searchlights used to advertise or promote a business or to attract customers to a property.
- (19) Signs that are painted, pasted, or printed on any curbstone, flagstone or pavement or any portion of any sidewalk or street, except house numbers and traffic control signs.
- (20) Signs placed on benches, bus shelters or waste receptacles, except signs to identify public conveyances or services.
- (21) Signs erected on public property, or on private property, such as private utility poles, located on public property, other than signs erected by public authority for public purposes (see also snipe sign).
- (22) Signs erected over or across any public street, except as may otherwise be expressly authorized by this land development code, and except governmental signs erected by or on the order of the town manager.
- (23) Vehicle signs with a total sign area on any vehicle ~~in excess of~~ more than 80 square inches when the vehicle is parked for more than 60 consecutive minutes, except when the operator of the vehicle is engaged in work at that location, or when the vehicle is

parked in a non-residential district and reasonably screened from the public right-of-way.

(24) Signs displaying copy that is harmful to minors (as defined in Ch. 847.001 Florida Statutes).

(25) Any sign which violates community standards for obscenity.

(25) Portable signs.

(26) Roof signs.

(27) Abandoned signs.

(28) Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic or government sign, signal, or device.

(29) Snipe signs.

(30) Off-premises signs, except for public/semipublic directional signs, unless specifically approved by the town manager.

(Ord. No. 399, § 1, 11-20-01)

#### Sec. 74-550 - Illegal Signs on Public Property.

Any sign installed or placed on public property, except in conformance with the requirements of this article or applicable concession or other agreement, shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the town shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign. This section applies to all property, including roads and rights-of-way, owned, or controlled by a public entity, situated within the town limits.

Secs. 74-54~~6~~51—74-570. - Reserved.

#### DIVISION 2. - EXEMPT AND PERMITTED SIGNS

##### Sec. 74-571. - Exempt signs.

The following signs are exempt from the provisions of this article, and from the requirements stated in this land development code that a permit be obtained for the erection of a permanent sign, provided such signs are not placed or constructed so as to violate any of the provisions of section 74-54~~5~~8:

(1) Signs that are not designed or located ~~so as~~ to be visible from any street, public right-of-way, or adjoining property.

- (2) Signs of 80 square inches or less which include no letters, symbols, logos or designs in excess of two inches in vertical or horizontal dimension, provided that such signs do not constitute a sign prohibited by section 74-545 and are not located in the front yard setback.
- (3) Signs necessary to promote health, safety, and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the United States, the state, the county, or the town.
- (4) Legal notices and official instructions.
- (5) Decorative flags, banners and bunting for a celebration, convention, or commemoration of significance to the community, when authorized by the town manager for a prescribed period of time.
- (6) Holiday lights, religious displays, and decorations.
- (7) Merchandise displays behind storefront windows if no part of the display moves or contains flashing lights, provided that any printed matter in the display combined with any permanent permitted sign may not exceed the total number of square feet allowed in the permanent sign regulations.
- (8) Memorial signs or tablets, names of buildings and dates of erection when cut into masonry surface or when constructed of bronze or other noncombustible materials and attached to the surface of a building.
- (9) Signs incorporated into machinery or equipment by a manufacturer or distributor which identify or advertise only the product or service dispensed by the machine or equipment.
- (10) Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers.
- (11) Warning signs to indicate the dangers of trespassing, swimming, animals, or potential hazards as provided in section 74-545 §(13).
- (12) Vending machine signs.
- (13) Temporary signs on active construction sites in residential districts which do not exceed six square feet in area and six feet in height, which are limited to one per lot, and which are installed after issuance of a building permit and removed prior to the issuance of a certificate of occupancy or certificate of completion. If a sign is displayed pursuant to this section, but construction is discontinued for a period of more than sixty days, the message shall be removed, pending continuation of construction activities.
- (14) Temporary signs on active construction sites in nonresidential districts which are equal to or less than thirty-two square feet in area and ten feet in height, which must be

spaced at least one hundred feet apart, and which are installed after issuance of a building permit and removed prior to the issuance of a certificate of occupancy or certificate of completion. Construction-related signs that are thirty-two square feet or more in area and ten feet in height must comply with the district requirements for a permanent sign. If a sign is displayed pursuant to this section, but construction is discontinued for a period of more than sixty days, the message shall be removed, pending continuation of construction activities.

(15) Interior facing signs, banners and scoreboards located at sports fields and recreation facilities in Public Use districts.

(Ord. No. 399, § 1, 11-20-01)

Sec. 74-572. - Permitted temporary signs.

- (a) *Generally.* Temporary signs are allowed throughout the town, subject to the restrictions of this section and other relevant parts of the land development code. The town feels it is necessary to place restrictions on the use and placement of temporary signs in order to protect and enhance the aesthetic ~~beauty~~ appeal and appearance of the town and to ensure that the proliferation of temporary signs does not create visual eyesores or litter problems. A temporary sign may be a ground or building sign. It may not be an electrical sign and shall not be illuminated. ~~Within 48 hours after the culmination of the event (sale, election, close of business, special event, etc.) to which the sign pertains, the owner or resident thereof shall remove all posted temporary signs.~~

(1) Temporary signs for a use requiring the issuance of a temporary use permit, shall comply with the conditions of said permit.

- (b) *Placement authorization; off-premises signs.*

- (1) No temporary sign shall be erected on any property without the authorization of the owner or resident thereof.
- (2) Temporary off-premises signs for the purpose of providing direction or advertising a sale or event are prohibited.

~~No temporary sign shall be erected on any property without the authorization of the property owner or resident thereof.~~

(3) Temporary signs for the purpose of providing direction or advertising of a garage sale, yard a sale, estate sale, automobile sale and the like are to be placed only on the property of the residence where a permit has been issued for such sale.

- (c) *Placement standard.* Temporary signs and support structures are to be posted not less than ten feet from the edge of a street and shall not be posted on or over a public right-of-way or easement.

(1) A temporary sign may not be placed in a visibility triangle as stipulated in Sec. 74-153.

- (d) *Content.* A temporary sign may display any message as long as it is:

(1) Not harmful to minors (as defined in Ch. 847.001 Florida Statutes).

(2) Does not violate community standards for obscenity.

~~(2)~~(3) For a specific, special, one-time event or function that does not normally occur more than once a year ~~(i.e., sale of property, construction in progress, election or grand opening).~~

- (e) Duration.

(1) Temporary signs shall be permitted for no more than 45-days.

(2) Within 48-hours after the culmination of the event (sale, election, close of business, special event, etc.) to which the temporary sign pertains, the owner or resident thereof shall remove all posted temporary signs.

- ~~(e)~~(f) *Size, height, and number.*

(1) RE, R-1 and R-2 districts. A parcel on which a one-family or two-family residence is located may display signage ~~of that cumulatively totals~~ six square feet per residence with no individual sign exceeding ~~five~~ three square feet in size. No sign, including its support, shall exceed four feet in height.

(2) All other zoning districts. All other parcels may display six square feet of temporary signage per 100 feet of frontage, up to a maximum of 24 square feet of signage. No sign, including its support, shall be more than eight feet in height.

(3) *Exception.* Notwithstanding the foregoing height and size restrictions a person engaging in the sale of residential or real property shall be permitted to install one additional temporary sign that shall not exceed five square feet in size and shall not be more than four feet in height, including its supports. The ~~aforementioned~~ additional temporary sign shall be permitted on the property for a maximum of 12 hours per week and shall be no more than three feet apart from any other temporary sign on the property. ~~In addition, notwithstanding the prohibition in subsection (b) above, the additional temporary sign contemplated in this subsection or a temporary sign contemplated generally in this section may provide direction or advertise the sale or event related to the sale of residential or real property. This exception shall expressly apply to persons~~

~~engaging in the sale of residential real estate. All provisions of this section and applicable provisions of the land development code shall apply to any additional temporary sign permitted by this section.~~ **I**

(f)(g) *Removal of illegal signs.* Any temporary sign not complying with the requirements of this section is illegal, and the town is authorized to remove and dispose of all illegal temporary signs and assess a fee as provided in appendix B to this Code for such removal.

(Ord. No. 399, § 1, 11-20-01; Ord. No. 402, § 1, 1-15-02; Ord. No 409, § 1, 1-7-03; Ord. No. 452, § 1, 7-15-08)

Sec. 74-573. - Permitted permanent signs.

(a) A permanent accessory sign may be a ground or building sign. No such signs are allowed in the RE, R-1 and R-2 zoning districts except those allowed in section 74-575.

(b) Art and murals provided such signs do not contain any commercial messaging and have received a permit prior to installation.

(b)(c) A permanent accessory sign may display any message which is not harmful to minors (as defined in Ch. 847.001 Florida Statutes).

(e)(d) Permissible number, area, spacing and height of permanent accessory signs are as follows:

- (1) *RM-15, RPD, hotel, golf course and SPM districts.* One sign, either a ground sign or a building sign, is permitted. A ground sign shall not exceed a sign area of 20 square feet, nor shall it be more than six feet in height above the ground. A building sign shall not exceed a sign area of 20 square feet, nor shall it exceed a height of ten feet above the ground.
- (2) *Single-occupancy commercial complex.* One sign, either a ground sign or a building sign, is permitted. A ground sign shall not exceed a sign area of 20 square feet, nor shall it be more than six feet in height above the ground. A building sign shall not exceed a sign area of 20 square feet, nor shall it exceed a height of ten feet above the ground.
- (3) *Multiple-occupancy commercial complex, general sign.* One sign, either a ground sign or a building sign, is permitted. A ground sign shall not exceed a sign area of 20 square feet, nor shall it be more than six feet in height above the ground. A building sign shall not exceed a sign area of 20 square feet, nor shall it exceed a height of ten feet above the ground.
- (4) *Multiple-occupancy commercial complex, occupant signs.* One or more building signs, displayed on any exterior portion of the complex that is part of the occupant's unit (not

including a common or jointly owned area), is permitted, not to exceed a total sign area of six square feet.

~~(d)~~(e) Any sign not complying with the requirements of this section is illegal and subject to immediate removal, except for those signs covered in section 66-252(b)(2)c.

(Ord. No. 399, § 1, 11-20-01)

Sec. 74-574. - Directional signs.

Directional signs limited in area to four square feet which give directions to motorists regarding the location of parking area and access to drives shall be permitted as permanent accessory signs on all parcels and shall not be counted as part of an occupant's allowable sign area.

(Ord. No. 399, § 1, 11-20-01)

Sec. 74-575. - Signs at entrances to residential developments.

- (a) *Generally.* A permanent accessory sign may be displayed at the entrance to residential development.
- (b) *Restrictions.*
  - (1) One sign is permitted at only one entrance into the development from each abutting street. The sign may be a single sign with two faces of equal size or may be two single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed 20 square feet in size.
  - (2) When reviewing the placement of such signs, the location of public utilities, sidewalks and future street widenings shall be considered.
  - (3) Signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent owner's association or some other person who is legally accountable under a maintenance arrangement. If no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for their maintenance, the signs shall be removed by the town, and the developer or owner shall pay all cost of removal.

(Ord. No. 399, § 1, 11-20-01)

Sec. 74-576. - Flags.

~~(a) *Number.* Not more than three flags or insignias may be displayed on any one parcel of land.~~



~~(b) — Size. The maximum distance from top to bottom of any flag shall be 20 percent of the total height of the flagpole, or, in the absence of a flagpole, 20 percent of the distance from the top of the flag or insignia to the ground. (See figure 2 following this section.)~~

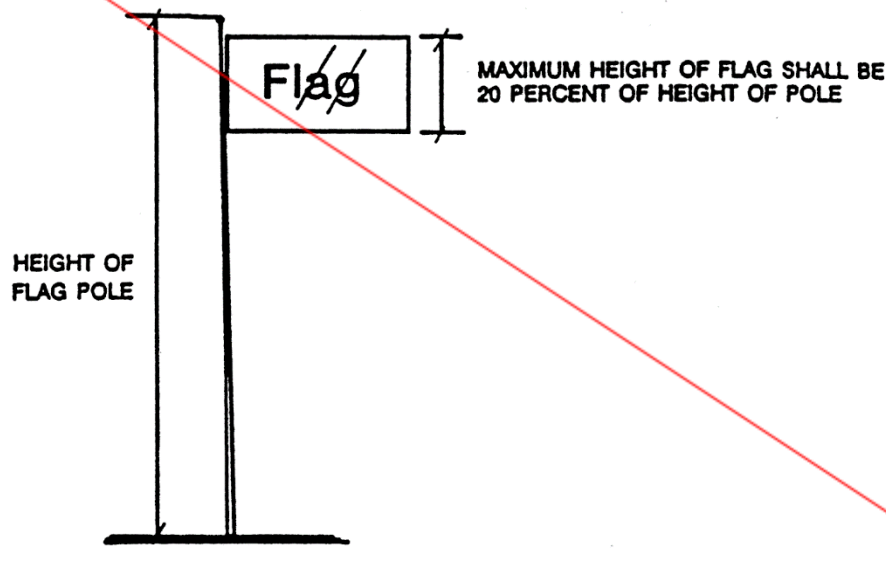
~~(a) For each detached dwelling unit in a residential district, one (1) flag not greater than fifteen (15) square feet in area, mounted on a pole and attached to the facade of the primary structure may be displayed. One (1) ground mounted flagpole is allowed for each parcel in the town zoned for single family residential use not to exceed 25 feet in height. Each flagpole may display two flags, each not exceeding 15 square feet in area.~~

~~(b) For each detached dwelling unit in a residential district, one (1) decorative or seasonal flag not greater than six (6) square feet in area, mounted on a pole and attached to the facade of the primary structure may be displayed in addition to the flags enumerated in Sec. 74-576 (a).~~

~~(c) For each parcel in a multi-family residential or non-residential districts one (1) flag not greater than twenty-four (24) square feet in area, attached to the facade of primary structure may be displayed. Two (2) ground mounted flagpoles are allowed for each parcel in the town that is zoned for multi-family residential or non-residential use not to exceed 35 feet in height. Each flagpole may display two flags, each not exceeding 24 square feet in area.~~

~~(d) Public use districts and government buildings are exempt from the provisions of this section.~~

FIGURE 2. FLAG SIZE



~~Figure 2 — Flag Size~~

~~(Ord. No. 399, § 1, 11-20-01)~~

Sec. 74-577. Utility signs.

Public utility signs that identify the location of underground utility lines and facilities, high-voltage lines and other facilities and appurtenances are permitted so long as they do not exceed three feet in height and the sign face does not exceed one-half square foot.

(Ord. No. 399, § 1, 11-20-01)

Secs. 74-578 – Electronic Message Signs

Notwithstanding other requirements of this section, electronic message signs or electronic message centers (EMC's) shall only be permitted for use by local, state, or federal agencies and by the Town, for the purposes of providing a guide to the physical environment and serve the community through public service announcements and emergency situations; and to promote local events.

Secs. 74-579 - 74-590. - Reserved.

DIVISION 3. - MEASUREMENT DETERMINATIONS

Sec. 74-591. - Sign area.

- (a) *Generally.* The area of a sign shall be the area within the smallest square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the sign face.
- (b) *Special situations.*
  - (1) Where a sign is composed of letters or pictures attached directly to a facade, window, door or marquee and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points of the letters or pictures. (See figure 3 following this subsection.)

**FIGURE 3. AREA OF SIGN WITH LETTERS OR PICTURES ATTACHED DIRECTLY TO A WALL, WINDOW, DOOR, ETC. (WITHOUT A BORDER)**

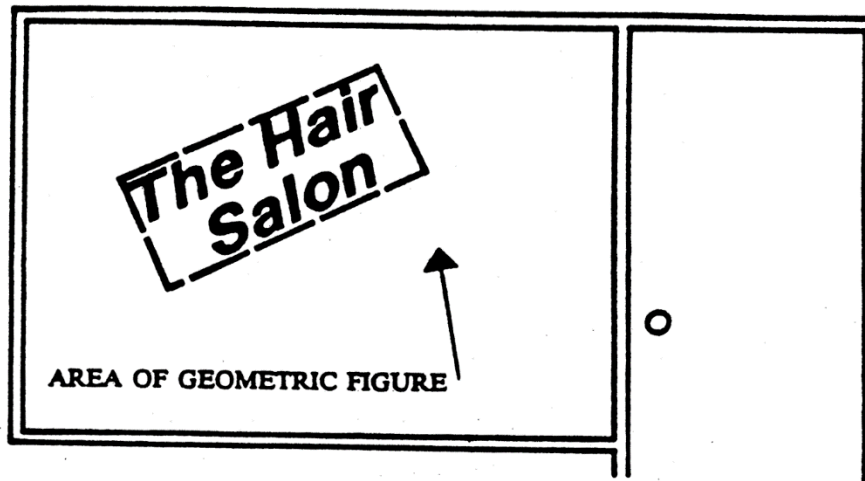


Figure 3—Area of Sign with Letters or Pictures Attached Directly to a Wall, Window, Door, etc. (Without a Border)

- (2) Where two sign faces are placed back-to-back on a single sign structure and the faces are at no point more than three feet apart, the area of the sign shall be counted as the area of one of the faces.

(Ord. No. 399, § 1, 11-20-01)

Sec. 74-592. - Number of signs.

- (a) *Generally.* Each noncontiguous sign face shall be counted as one sign.
- (b) *Special situations.* Where two sign faces are placed back-to-back and are at no point more than three feet apart, they shall be counted as one sign.

(Ord. No. 399, § 1, 11-20-01)

Sec. 74-593. - Sign height.

The height of a sign shall be measured as the vertical distance from the finished grade at the base of the supporting structure to the top of the sign or its frame or supporting structure, whichever is highest.

(Ord. No. 399, § 1, 11-20-01)

Secs. 74-594—74-610. - Reserved.

#### DIVISION 4. - DESIGN, CONSTRUCTION AND LOCATION

Sec. 74-611. - Applicability of division.

All permanent signs must comply with the design, construction and location standards set out in this division.

(Ord. No. 399, § 1, 11-20-01)

Sec. 74-612. - Compliance with building and electrical codes.

All permanent signs and their illuminations shall be designed, constructed, and maintained in conformance with applicable provisions of the building and electrical codes adopted by the town.

(Ord. No. 399, § 1, 11-20-01)

Sec. 74-613. - Illumination.

- (a) Sign lighting shall not be designed or located to cause confusion with traffic lights.
- (b) Illumination by floodlights or spotlights is permitted provided that no light shines directly onto an adjoining property or obstructs the vision of motorists or pedestrians using or entering a public street.
- (c) Illuminated signs shall not have lighting mechanisms that project more than 18 inches perpendicularly from any surface of the sign over public space.
- (d) Illumination of signs in commercial districts, hotel districts and golf course districts shall not be permitted between the hours of 8:00 p.m. and 8:00 a.m. However, if an entity illuminating a sign is open for business and operating, illumination of signs shall be allowed during those operating hours.

(Ord. No. 399, § 1, 11-20-01) Sec.

74-614. - Placement.

- (a) *Placement near street and driveway intersections.* Signs located within a clear visibility triangle shall conform to the requirements of section 74-153.
- (b) *Placement in right-of-way.* Signs and support structures are to be posted not less than ten feet from the edge of a street and shall not be posted on a public right-of-way or easement.

- (c) *Projection over right-of-way.* No sign shall project over a public right-of-way except as specifically authorized by this land development code.
- (d) *Blocking exits, fire escapes, etc.* No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit or standpipe.

(Ord. No. 399, § 1, 11-20-01)

Sec. 74-615. - Clearance.

- (a) *Clearance over pedestrian ways.* All signs over pedestrian ways shall provide a minimum of seven feet six inches of clearance.
- (b) *Clearance over vehicular ways.* All signs over vehicular ways shall provide a minimum of 13 feet six inches of clearance.

(Ord. No. 399, § 1, 11-20-01)

Sec. 74-616. - Relationship to building features.

A building sign shall not extend beyond any edge of the surface to which it is attached, nor shall it disrupt a major architectural feature of the building. (See figures 4 and 5 following this section.)

**FIGURE 4. A BUILDING SIGN SHALL NOT EXTEND BEYOND ANY EDGE OF THE SURFACE TO WHICH IT IS ATTACHED**

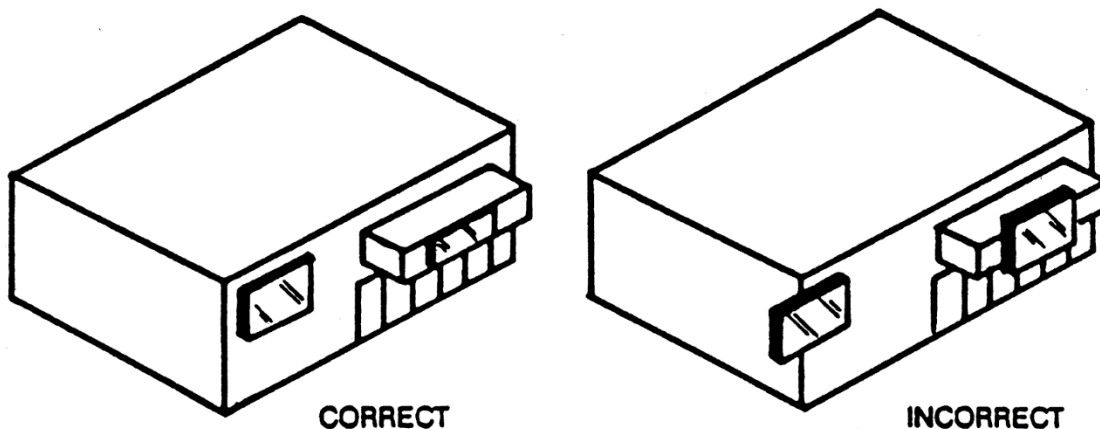
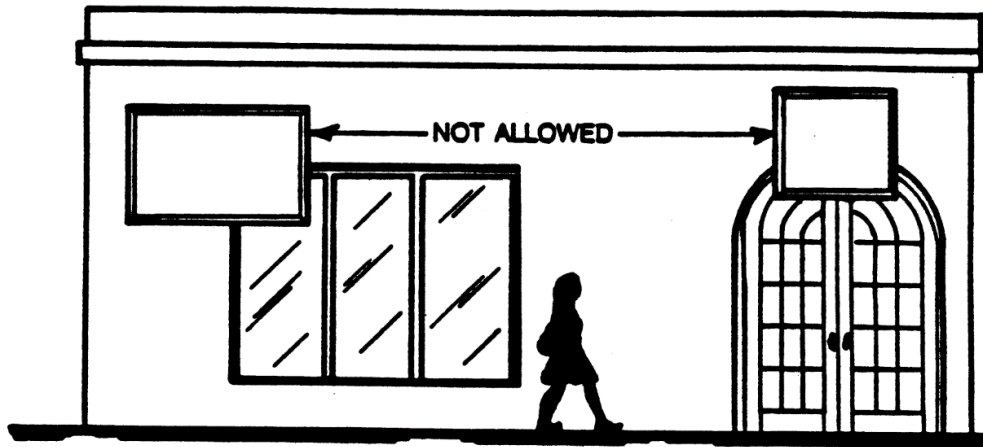


Figure 4—A Building Sign Shall Not Extend Beyond Any Edge of the Surface to Which it is Attached

FIGURE 5. A BUILDING SIGN MAY NOT DISRUPT ARCHITECTURAL FEATURES OF THE BUILDING



*Figure 5—A Building Sign May Not Disrupt Architectural Features of the Building*

(Ord. No. 399, § 1, 11-20-01)

Sec. 74-617. - Projection of building signs.

A building sign may project no more than four feet perpendicularly from the surface to which it is attached.

(Ord. No. 399, § 1, 11-20-01)

Sec. 74-618. - Maximum window coverage.

The combined area of permanent and temporary signs placed on or behind windows shall not exceed 25 percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

(Ord. No. 399, § 1, 11-20-01)

Sec. 74-619. - Format for multiple-occupancy complexes.

Building signs for multiple-occupancy complexes constructed or remodeled after the effective date of this land development code shall conform to an approved sign format. The sign format shall be included as a submittal for authorization to erect such a sign and shall be

maintained on file by the town. The format shall be presented in a plan or sketch with written specifications in sufficient detail to enable the town manager to authorize signs based on the specifications. At a minimum, the sign format shall specify the types of signs and dimensions, not to exceed the size limits contained in this article, which will be permitted each occupant within the complex. The sign format shall also contain common design elements such as placement, color, shape, or style of lettering which lend a unified appearance to the signs of all the occupants within the complex. The sign format may only be modified with the approval of the town manager upon submission of a revised plan and specifications detailing the revised format.

(Ord. No. 399, § 1, 11-20-01)

**Section 3. Effect on Other Ordinances.**

The provisions of this Ordinance shall prevail in the event of conflict with the provisions of any existing ordinance.

**Section 4. Severability.** It is the intent of the Town Commission that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**Section 5. Effective Date.** This Ordinance and the amendment to the Towns Land Development Code shall become effective following adoption.

**PASSED ON FIRST READING: *\*October 19, 2021***

**PASSED ON SECOND AND FINAL READING: *\*November 2, 2021***

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Mike Wilkinson, Mayor

**ATTEST:**

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Town Clerk