



**Planning Board
155 Corey Avenue
6/19/2012**

4:00 p.m.

**Call to Order
Pledge of Allegiance
Roll Call**

Regular Meeting

1. Acceptance of Minutes:

- 5/15/2012

2. Action Items:

Public Hearing-Legislative

AN ORDINANCE TO BE ENTITLED, AMENDING THE TEXT OF SECTION 3.10 OF THE LAND DEVELOPMENT CODE AS IT RELATES TO EXPANSION AND/OR ENLARGEMENT OF NON-CONFORMING PRINCIPAL AND ACCESSORY USES AND STRUCTURES.

3. Discussion Items

- Proposed removal of City's Coastal Construction Excavation Setback Line from LDC
- Proposed sign code changes (request of City Commission)
- Permitting outdoor seating in the RFM zoning district
- 2012-2013 Work Program
- Other discussion

4. Adjourn

APPEALS

If a person decides to appeal any decision made at this Meeting, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of Meeting is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105) The city does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts.

ADA

Agenda Material is available for review at City Hall. In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Services, no later than seven days prior to the proceeding at (727) 363-9243 for assistance; if hearing impaired, contact the Florida Relay Service Numbers, (800) 955-8771 (TDD).

PLANNING BOARD

MINUTES

May 15, 2012

4:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Don Breitweiser, Vice Chairman
Tom DeYampert, Member
Ron Holehouse, Member

ABSENT:

Ward J. Friszolowski, Chairman (Excused)
Mike Lehman, Member (Excused)

ALSO PRESENT:

George Kinney, Director of Community Development
Catherine Hartley, Senior Planner
Susan Churuti, City Attorney
Pamala Prell, Deputy City Clerk, MMC

1. Acceptance of Minutes

a. April 17, 2012

Member DeYampert made a motion to approve the April 17, 2012 minutes, as written. The motion was seconded by Member Holehouse and unanimously approved by a voice vote.

2. Action Items

- a. An Ordinance to be entitled: Amending the text of Section 34.2 of the Land Development Code to add Class B Docks (Docks for Multifamily Residential) as a permitted use in the DCR (Downtown Core Residential) Zoning District.**

Senior Planner Catherine Hartley explained that this ordinance will amend Section 34.2 of the Land Development Code to add Class B docks for the Downtown Core Residential Zoning District, which would only apply to 7305, 7261, 7241 and 7201 Bay Street.

Senior Planner Hartley advised that this is a public hearing. (There was no one in attendance to speak regarding this item).

The board held a general discussion regarding commercial and residential dock uses, non-conforming properties and reviewing the public notice requirements.

The board was in agreement to amend the ordinance to include docks as accessory uses, to amend the definitions and to re-advertise the public hearing for their next meeting on June 20, 2012.

Member Holehouse made a motion to continue this ordinance until June 20, 2012. The motion was seconded by Member DeYampert and unanimously approved by a voice vote.

- b. An Ordinance to be entitled: Amending the text of Section 3.10 of the Land Development Code as it relates to expansion and/or enlargement of non-conforming principal and accessory uses and structures.**

Senior Planner Hartley advised that the City Manager requested this item be postponed until the next meeting on June 20, 2012, in order for the City Attorney to review the language.

Member Holehouse made a motion to postpone the amendment to Section 3.10 until the next meeting on June 20, 2012. The motion was seconded by Member DeYampert and unanimously approved by a voice vote.

The Board was in agreement to add a discussion regarding the public notice requirements at their next meeting.

Member Holehouse referenced a priority list of items that the board needs to consider and asked that the list be provided at their next meeting.

3. Adjournment

There being no further business to come before the board, the meeting was adjourned at 4:36 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Ward J. Friszolowski, Chairman

Minutes approved on: _____

Sec. 3.10. - Vested rights and nonconformities.

The purpose of this section is to regulate the continued existence of certain uses and structures established prior to the effective date of this Code that do not conform to these regulations. It is the intent of this ~~Code section~~ to permit legally nonconforming uses and structures to continue in existence until they are substantially damaged, removed, or ~~abandoned~~discontinued.

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of this Code, or amendment thereto, and upon which actual building construction has continued unabated since inception of such construction, pursuant to valid building permits issued therefor.

(a)

Nonconforming lots. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Code, except as provided below, a single-family dwelling and customary accessory buildings may be erected on any lot of record as of the adoption date of this Code. Such lot must be in separate ownership and not of continuous frontage with other lots under the same ownership – or – Such lot may be of continuous frontage with other lots under the same ownership. This provision shall apply even though such lot fails to meet the requirements for lot width or area, or both, that are generally applicable to the district, provided that the building setbacks and other requirements shall conform to the regulations for the district in which the lot is located.

Formatted: Highlight

Comment [ch1]: Options for the planning board to consider regarding non conforming lots – per GK.

Formatted: Highlight

(b)

Nonconforming structures. Where a lawful structure exists at the time of adoption or amendment of this Code which could no longer be built under the terms of this Code by reason of restrictions on lot area, impervious surface, height, setbacks, or other such development characteristics, such structure may continue to be used so long as it remains otherwise lawful, subject to the following provisions:

(1)

No such structure may be enlarged, altered or improved in a manner which increases its non-conformity, except for the conditions set forth for elevating an existing structure in Section (3)A. below.

(2)

Any non-residential nonconforming structure, except for temporary lodging uses within a nonconforming structure, which suffers substantial damage, as defined in this Code, shall only be repaired,

restored or reconstructed in a manner which brings the entire structure into compliance with all requirements of this Code and other applicable codes of the city. A nonconforming structure that contains a permitted temporary lodging use may be reconstructed within the same footprint provided the replacement structure does not contain any additional units and is not taller or larger in square footage than the original structure. This provision shall only apply if permits for such reconstruction have been obtained within 6-months of the event causing the substantial damage.

(3)

Should such a nonconforming structure be moved, either vertically or horizontally, it shall comply with the following:

A.

The structure shall be moved, vertically only, such that the lowest floor is elevated no higher than six inches above the base flood elevation, as defined and established in the city's flood damage prevention regulations set forth in Chapter 98 of the Code of Ordinances, except that minimum necessary additional height shall be allowed to provide for the construction of a garage underneath any structure which is so moved. The maximum height of the new construction for the garage shall not exceed nine feet from the existing grade of the lot to the bottom of the existing horizontal structural member of the lowest floor. Under no circumstances shall the resulting structure exceed the maximum height allowed by the zoning district.

B.

The structure shall be moved, horizontally only, such that no additional non-conformities are created, and no existing non-conformities are increased, by such relocation; and

C.

The structure shall be located on the property so that there is a setback of at least three feet from the nearest property line on all sides of the structure.

(c)

Nonconforming uses. Nonconforming ~~principle or accessory uses~~ uses of land, structures and premises, which were lawfully established prior to the adoption of this Code, but which are not permitted or are otherwise currently prohibited by this Code, may continue to operate at their present location until such time as such use has been discontinued. If the use is discontinued

for more than 90 consecutive days or a total of 180 calendar days within a one-year period, subsequent use of the premises shall conform to the district regulations. Continuance of nnonconforming uses are subject to the following provisions:

(1)

Uses nonconforming by the type of use are shall be regulated as follows:

a(1).

~~There shall be no increase of a~~ nonconforming use shall not be expanded in any manner including expansion of the use within an existing structure, expansion of the use to other structures on a zoning lot, by expansion of the use to adjacent properties zoning lots, to other structures on the property, or to other portions of a multi-tenant structure within which the nonconforming use is located. No multi-tenant structure may be converted into a single-tenant structure for the purpose of expanding a nonconforming use.

b(2).

~~No s~~Structures in which a nonconforming use is located shall not be enlarged, altered, or substantially improved or and shall not be relocated to occupy other portions of the zoning lot upon which it is located or to increase the size of the structure.

(3).

No new primary or accessory structures shall be constructed or otherwise permitted on a zoning lot that supports a nonconforming use. Any such request shall be deemed an expansion of the existing nonconforming use. Accessory structures for this purpose shall include but not be limited to detached garages, storage sheds, docks, signs, pools, gazebos, spas, fences and other similar structures.

e(4).

When a structure which is occupied by a nonconforming use suffers substantial damage, said structure, if repaired, restored or reconstructed, shall only be occupied, upon completion, by uses which are allowed in the zoning district in which the structure is located.

(5).

So long as no structural alterations are made, except as required by enforcement or other codes or ordinances, any nonconforming use may, upon appeal to and approval by the BOA, be changed to another nonconforming use of a less intensive classification, provided the BOA shall find that the use proposed for substitution is more appropriate to the district than the existing nonconforming use. In

Formatted: content2

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 2"

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 2"

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 2", First line: 0"

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 2"

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 2"

permitting such change, the BOA may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a violation of this Code. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use or other nonconforming use.

(2d)

Uses Nonconforming density. Residential and temporary lodging uses that are nonconforming by reason of development density are regulated as follows:

a(1).

The recognized number of units on such property shall be determined by the number shown in the ~~property~~ records on file with the city as of the date of adoption of this section.

b(2).

There shall be no increase in the number of units ~~by expansion or alteration of the use.~~

c(3).

Except as provided for elsewhere in this Code, any property, upon which there are one or more buildings having such pre-existing nonconforming number of units shall be brought into conformity with the density requirements of this ordinance when any building is proposed to be substantially improved or the property is redeveloped.

(4).

Residential and Temporary lodging uses that are nonconforming by reason of density and that are substantially damaged due to a catastrophic event may rebuild the same number of units that were in place at the time of the catastrophic event provided permits to rebuild have been obtained within one-year of the catastrophic loss. An extension of this time frame may be granted by the BOA.

(d)

~~Grandfathered nonconforming residential uses.~~ Notwithstanding the provisions of paragraph (c)(2) above and paragraph (e) following, nonconforming residential properties having a greater number of units than currently allowed under the provisions of the comprehensive plan and this Code that are lost through a catastrophic event may be reconstructed with

Formatted: Indent: Left: 1"

Formatted: Indent: Left: 1.5"

Formatted: Font: Italic

Formatted: Indent: Left: 2"

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 2"

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 2"

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 2"

the same number of units as they had prior to the loss under the following conditions:

(1)

For the purposes of this subsection only, transient accommodations shall be considered to be residential properties.

(2)

The applicant can verify to the satisfaction of the city that the property contained the number of units, square footage and height that are proposed for replacement;

(3)

The replacement structure(s) shall be no larger in square footage, nor taller than the original structure, except that structure height may be increased by the height of the base flood elevation where necessary to comply with flood hazard mitigation requirements;

(4)

Provided there are no conflicts with other codes and that no adverse impacts on adjacent properties will be created, the replacement structure(s) may be permitted to be constructed with the same footprint as the original structure(s);

(5)

The replacement structure(s) shall meet all other local, state and federal requirements in place at the time of replacement; and

(6)

Permits to rebuild under these provisions shall be obtained within one year of the catastrophic loss unless a general extension of time has been granted by the city commission.

(e)

Nonconforming accessory structures. No nonconforming accessory structure shall continue after the principal use or structure is terminated by abandonment, damage, or destruction. In addition to the other provisions of this section applicable to nonconforming structures, the following additional conditions shall apply to nonconforming accessory structures:

(1)

Any accessory structure associated to a primary structure that has been demolished, substantially damaged, or otherwise destroyed, shall be removed simultaneously with or immediately following the destruction of the primary structure. Accessory structures for this purpose shall include but not be limited to detached garages, storage

Formatted: Indent: Left: 2"

sheds, docks, signs, pools, gazebos, spas, fences and other similar structures.

(12)

Any nonconforming accessory structure shall be brought into conformity with these regulations whenever a substantial improvement to the structure or the principal structure on the property is proposed and approved. ~~Notwithstanding the foregoing, any accessory structure which is designated and constructed as a garage, the principle purpose of which is the storage of motor vehicles for single-family residential purposes, which is substantially damaged as the result of a catastrophic event as defined in the Code of Ordinances, may be reconstructed in accordance with the criteria set forth in subsection (d) hereof.~~

(2)

Any nonconforming accessory structure which is destroyed or substantially damaged ~~due to a catastrophic event may be reconstructed within the same footprint provided the replacement structure is not taller or larger in square footage than the original accessory structure. This provision shall only apply if permits for such reconstruction have been obtained within 6-months of the catastrophic event, shall, upon replacement, conform to all~~ requirements of this Code and other applicable codes of the city. Any part of a nonconforming accessory structure which is destroyed or damaged to less than 50 percent of the value of such accessory structure may be repaired or restored if a permit for the repair or restoration is issued within 12 months of the date of the damage.

(f)

Repairs and maintenance; maintaining safe condition. Ordinary Repairs repairs and maintenance of nonconforming principle or accessory structures or structures containing a nonconforming use are permitted provided the nonconformity is not increased, the structure has not been substantially damaged, and permits for repair or restoration have been issued within 12-months from the date of the damage.

Agenda Item 2

AN ORDINANCE TO BE ENTITLED, AMENDING THE TEXT OF SECTION 3.10 OF THE LAND DEVELOPMENT CODE AS IT RELATES TO EXPANSION AND/OR ENLARGEMENT OF NON-CONFORMING PRINCIPAL AND ACCESSORY USES AND STRUCTURES.

**THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

**COCONUT INN, LLC, a Florida Limited
Liability Company, and JOSEPH CARUSO,**

Plaintiffs,

CASE NO. 10-14397-CI-19

vs.

**CITY OF ST. PETE BEACH, Florida, a
political subdivision of the State of Florida**

Defendant.

**FINAL JUDGMENT GRANTING PETITION FOR WRIT OF CERTIORARI
AND QUASHING SPECIAL MAGISTRATE'S FINDINGS OF FACT AND ORDER**

THIS CAUSE came on to be heard at Final Hearing on the Petition/Complaint filed in this cause by Plaintiffs/Petitioners, COCONUT INN, LLC and JOSEPH CARUSO, for a Writ of Certiorari under Rule No. 9.100 of the Florida Rules of Appellate Procedure and Section 3.14 of the Land Development Code of the St. Pete Beach, Florida, seeking direct review by appeal to the Circuit Court of administrative action (Count I) and for declaratory and other relief pursuant to Chapter 86 of the Florida Statutes (Count II). At the commencement of the Final Hearing, the Plaintiffs voluntarily dismissed, without prejudice, Count II of the Petition/Complaint and the matter proceeded to oral argument on the Count I Petition for Writ of Certiorari.

Pursuant to Count I, this Court was asked to review certain actions of the City of St. Pete Beach and consider the appeal by the Petitioners of the Special Magistrate's Findings of Fact and Order, whereby the Special Magistrate upheld the decision of the City of St. Pete Beach, Florida to issue a cease and desist order ("stop work order") stopping all work by the Petitioners under

Permit No. 20090284 issued by the City of St. Pete Beach on March 27, 2009. The procedure for this Court's review is governed by *City of Deerfield Beach vs. Vallant*, 658 So.2d 523 (Fla. 1995) and *Florida Power and Light Co. vs. City of Dania*, 761 So.2d 1089 (Fla. 2000). Pursuant to that procedure, this Court has a three-prong determination: (1) whether procedural due process was accorded to the Petitioners; (2) whether the essential requirements of the law have been observed; and (3) whether the findings and judgment of the Special Magistrate are supported by competent substantial evidence.

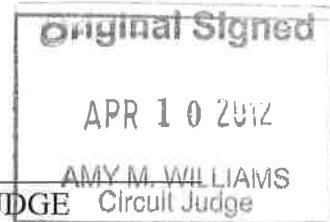
Based upon its review of the Record and after hearing argument of counsel, this Court finds that part of the ruling of the Special Magistrate in the Administrative Hearing was, in fact, based on Section 3.10(c)(1)(b). Based upon that finding, the Court rules that the Special Magistrate did not follow the essential requirements of law in determining that the City properly issued the stop work order.. Further, the Court finds that the Special Magistrate's administrative Findings of Fact and Order were not supported by competent substantial evidence that the stop work order had been issued consistent with the City's codes. The Court also finds that there was no substantial competent evidence in the Record to show that there was an increase of the nonconforming use. Therefore, the Court finds that the second and the third prong of the *City of Deerfield Beach* procedure were not met. Based upon the foregoing, it is hereby

ORDERED AND ADJUDGED that the Findings of Fact and Order made and entered by the Special Magistrate in the Administrative Appeal before City of St. Pete Beach under CEVN No. 2010012, and the cease and desist (or stop work order) issued by the City of St. Pete Beach on September 16, 2009 be, and the same are hereby, quashed. Permit No. 20090284 issued by the City of St. Pete Beach on March 27, 2009 is hereby revitalized and reinstated. It is further

ORDERED AND ADJUDGED, that this Court shall retain jurisdiction over the subject matter and the Parties in order to award costs in this matter.

DONE AND ORDERED in Chambers at St. Petersburg, Florida on this ____ day of April, 2012.

AMY M. WILLIAMS, CIRCUIT JUDGE



Copies furnished to:

George L. Hayes, III, Esquire
Suzanne Van Wyk, Esquire

The City is proposing to remove all references to the City Coastal Construction Excavation Setback Line as it is not necessary to have both a “City Line” and a “State Line for regulation purposes. Maps comparing the two lines are attached for your reference.

Section 25 of the Land Development Code currently reads:

Sec. 25.4. - Development controls.

The city, the State of Florida and Pinellas County have adopted construction control lines and other regulations to protect the beaches and dunes of Pinellas County, including those within the City of St. Pete Beach, as follows:

(a)

St. Pete Beach Coastal Construction and Excavation Setback Line. There is established a Coastal Construction and Excavation Setback Line (CCSBL), as provided by the official coastal construction and excavation setback line map, such map having been adopted and made a part of this section by reference.

(b)

St. Pete Beach Bulkhead Line. There is established a beach bulkhead line, as provided by the official bulkhead line map, such map having been adopted and made part of this section by reference.

(c)

Florida Coastal Construction Control Line. The State of Florida has established a Coastal Control Line (CCL) in accordance with Section 161.053, Florida Statutes, that is administered by the Florida Department of Environmental Protection.

Sec. 25.5. - Prohibitions.

(a)

Except as otherwise provided herein, no person, municipality, county or other public or private agency shall develop or cause any development seaward of the CCSBL.

(b)

No person, municipality, county or other public or private agency shall develop or cause any development seaward of the CCL without a permit from the Florida Department of Environmental Protection.

(c)

Further, no person, municipality, county or other public agency shall develop or cause any development or construct any seawall, revetment, or similar structure

incidental thereto within the submerged lands of the Boca Ciega Bay and adjacent waters without a permit from any and all governmental agencies having jurisdiction over the submerged land.

(d)

Except as otherwise provided in this section, the following shall be prohibited:

(1)

The removal or disturbance of vegetation of a dune;

(2)

Planting of vegetation except for native, salt-resistant species suitable for beach and dune stabilization;

(3)

The crossing, passing over or passing through any dune by any person or vehicle, except in where such crossing is marked for access pursuant to this section; or

(4)

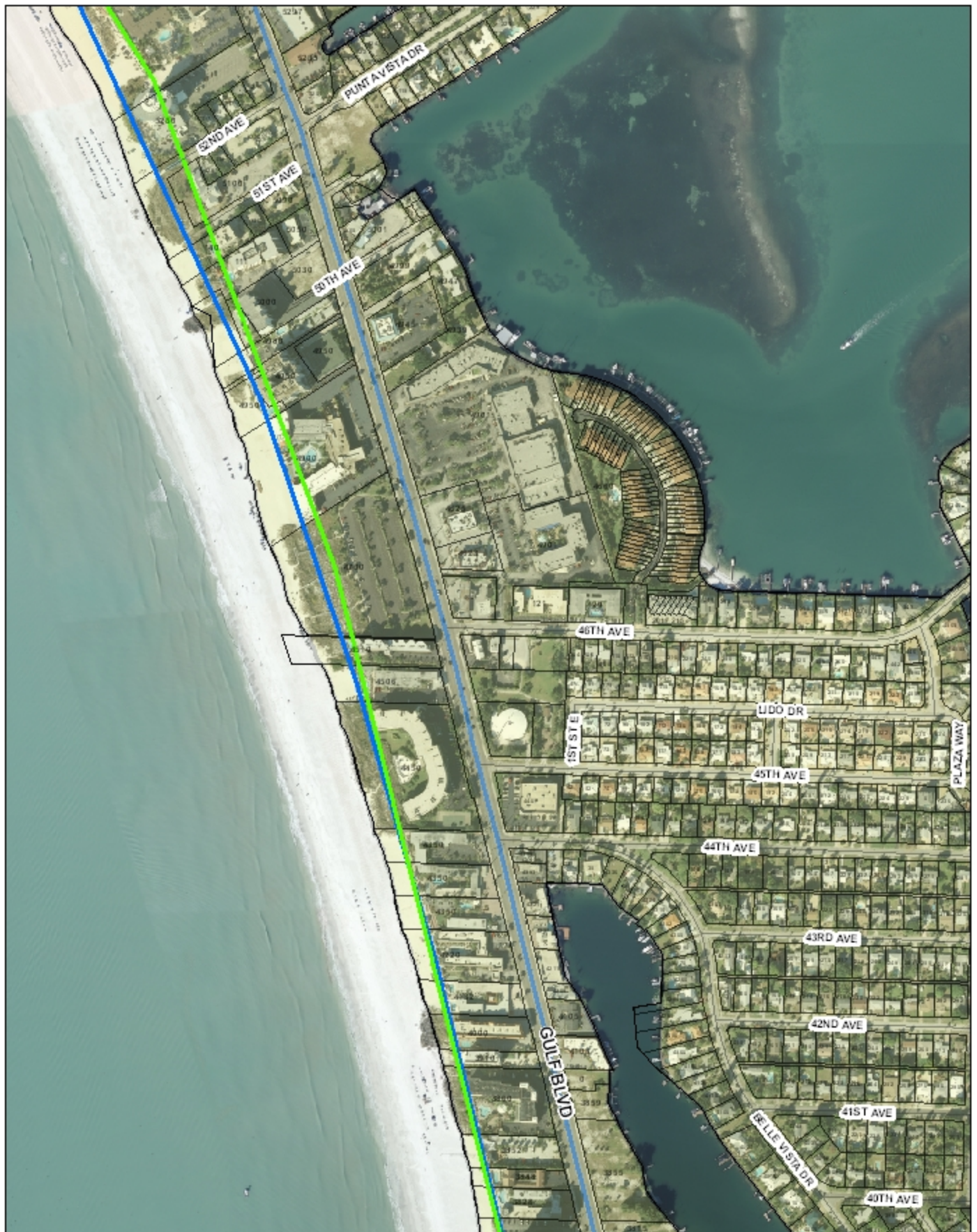
Blocking or causing to be blocked by any means whatsoever any pathway leading to or from a public beach.

Coastal Lines: State-Blue City-Green



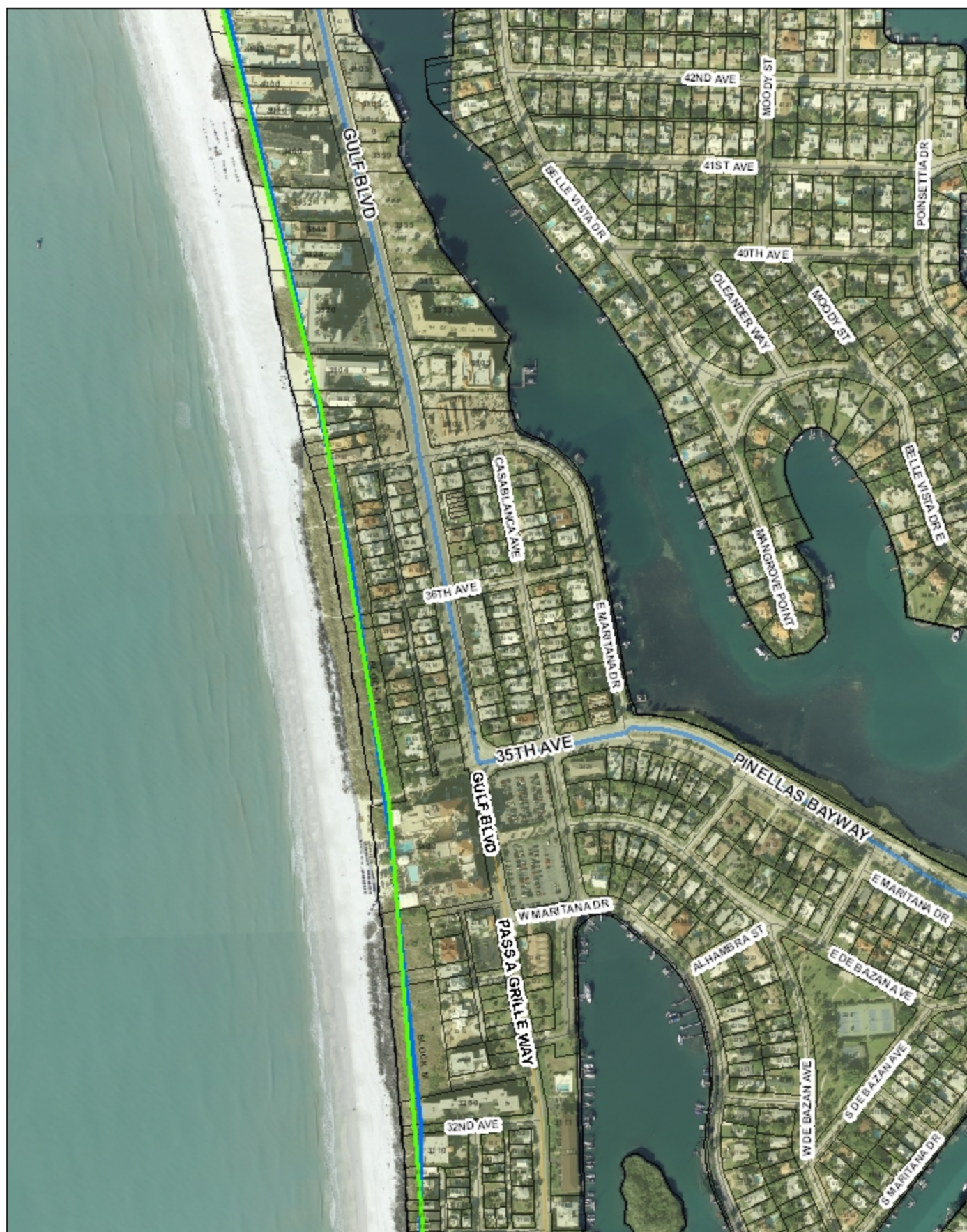
0 220 440 880 1,320 1,760 Feet

Coastal Lines: State-Blue City-Green



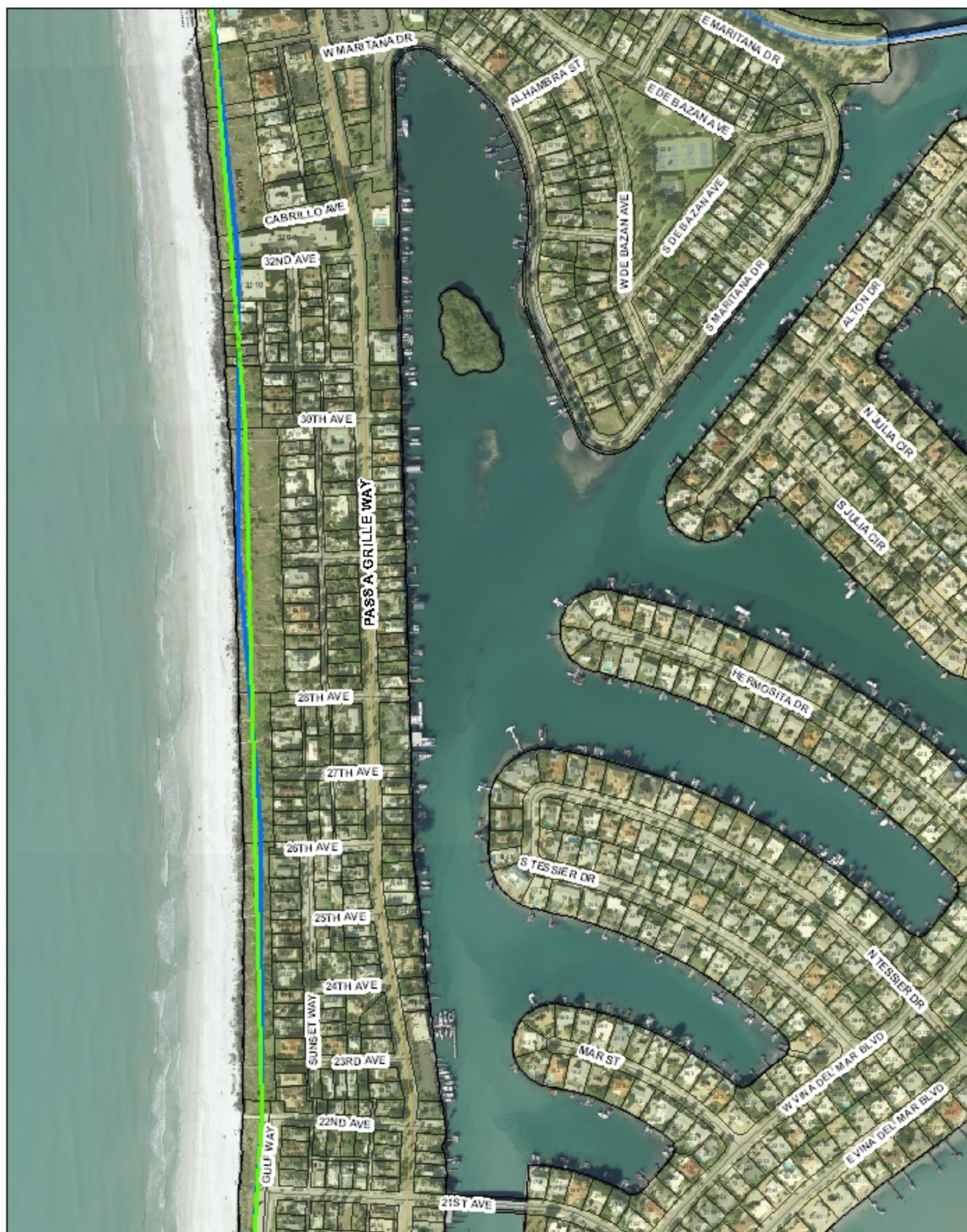
0 162.5 325 650 975 1,300 Feet

Coastal Lines: State-Blue City-Green



0 162.5 325 650 975 1,300 Feet

Coastal Lines: State-Blue City-Green



0 162.5 325 650 975 1,300 Feet

Coastal Lines: State-Blue City-Green



0 210 420 840 1,260 1,680 Feet

Discussion Item: Proposed Changes to the Sign Code

The City Commission discussed various issues related to the sign code in May 2012. At the commission's request, the Planning Board shall discuss the attached changes to the code (please see highlighted changes, attached).

“Exhibit A”

DIVISION 26 SIGN ORDINANCE

[Sec. 26.1. Purpose, intent and scope.](#)

[Sec. 26.2. Definitions.](#)

[Sec. 26.3. Illustrations of type of signs and methods of measurement.](#)

[Sec. 26.4. Prohibited signs.](#)

[Sec. 26.5. Nonconforming signs.](#)

[Sec. 26.6. Exemptions.](#)

[Sec. 26.7. Building permits.](#)

[Sec. 26.8. Shielding of illumination.](#)

[Sec. 26.9. Substitution of noncommercial speech for commercial speech.](#)

[Sec. 26.10. Content neutrality as to sign message \(viewpoint\).](#)

[Sec. 26.11. Sign permit required.](#)

[Sec. 26.12. Application.](#)

[Sec. 26.13. Fees.](#)

[Sec. 26.14. Conditions.](#)

[Sec. 26.15. Appeals.](#)

[Sec. 26.16. Enforcing official.](#)

[Sec. 26.17. Failure to comply.](#)

[Sec. 26.18. Violations and penalties.](#)

[Sec. 26.19. Adoption of zoning regulations.](#)

[Sec. 26.20. Freestanding signs.](#)

[Sec. 26.21. Setback measurement.](#)

[Sec. 26.22. Double-faced signs.](#)

[Sec. 26.23. Illumination.](#)

[Sec. 26.24. Time and temperature signs.](#)

[Sec. 26.25. All districts.](#)

[Sec. 26.26. RU-1, RU-2, RLM-1 and RLM-2 Residential Districts.](#)

[Sec. 26.27. RM and DCR Residential Districts.](#)

[Sec. 26.28. ROR Residential/Office/Retail District.](#)

[Sec. 26.29. RFM Resort Facilities Medium District.](#)

[Sec. 26.30. CG-1 Commercial District.](#)

[Sec. 26.31. CG-2 Commercial District.](#)

[Sec. 26.32. INS Institutional District.](#)

[Sec. 26.33. TC-1 and TC-2 District.](#)

:

[Sec. 26.34. Large Resort and BHC Districts.](#)

[Sec. 26.35. CC-1 CC-2 Districts](#)

[Sec. 26.36. UBV District](#)

26.37 AC District

26.38 BR District

Sec. 26.39. Traditional Hotel District.

Sec. 26.40. Severability.

Sec. 26.1. Purpose, intent and scope.

It is the purpose of this division to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this division 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. In order to preserve and enhance the city as a desirable community in which to live, vacation and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the city is a highly contributive means by which to achieve this desired end. These sign regulations have been prepared with the intent of enhancing the visual environment of the city and promoting its continued well-being, and are intended to:

- (a) Encourage the effective use of signs as a means of communications in the city;
- (b) Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
- (c) Improve pedestrian and traffic safety;
- (d) Minimize the possible adverse affect of signs on nearby public and private property;
- (e) Foster the integration of signage with architectural and landscape designs;
- (f) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- (g) 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;
- (h) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;
- (i) Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- (j) 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;
- (k) Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;
- (l) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- (m) Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- (n) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- (o) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the city;
- (p) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on

streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;

(q) Protect property values by precluding to the maximum extent possible sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;

(r) Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;

(s) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the city and that complements the natural surroundings in recognition of this city's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its resort community, as well as for its commercial properties; and

(t) Enable the fair and consistent enforcement of these sign regulations.

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.2. Definitions.

All words used in this division shall carry their customary dictionary meanings, except that the following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned or discontinued sign or sign structure (a) A sign pertaining to or associated with an event, business, service, or purpose which is no longer ongoing and which has been inactive or out of business for a period of 90 consecutive days or longer; or (b) a sign which contains structural components but no display for a period of 90 consecutive days or longer. means a sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of six months or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (i) a sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed, or (ii) a sign which is blank.

Advertising means sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity, entertainment, or real or personal property.

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn.

Area of ground supports means the total area of a freestanding sign's structural elements.

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed.

Attached sign means a wall sign, an integral roof sign, marquee sign or a canopy sign.

Banner means any sign or string of one or more signs, usually made of cloth or other lightweight material, which is used to attract attention, whether or not imprinted with words or characters, including but not limited to balloons and pennants. Flags shall not be considered banners.

Beacon means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention, except, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar agency. This

definition does not apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.

Billboard means a sign structure and/or sign utilized for advertising an establishment, an activity, a product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign structure and/or sign is located.

Building frontage See frontage, building *Bus stop informational sign* means a freestanding or attached noncommercial sign located at a bus stop and providing information as to the route, hours or times of service.

Canopy 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.

Commercial message means any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

Construction sign means a temporary on-premise sign identifying the ongoing construction activity during the time that a building permit is active and prior to completion of the work for which the permit was issued, containing sign copy is limited to the ongoing construction activity and identifying the contractor and/or any subcontractor engaged to perform construction activity on the site.

Copy means the linguistic or graphic content of a sign.

Designer sign means a sign that is custom made wall or monument type signs, reviewed by the city manager or his designee and found to be of a higher creative, artistic and three-dimensional, or sculptural nature than the standard types of signs typically used within the sign industry.

Double-faced sign means a single sign with items of information relating to the same business on both sides of the sign and mounted as a single structure.

Drive-through menu sign means a sign placed so as to be viewed from a drive-through lane and which contains only a listing of the products, with prices, offered for sale by the business on which the sign is located and which may provide a mechanism for ordering the products while viewing the sign.

Eave mean the lowest horizontal line of a sloping roof.

Election sign means a temporary sign erected or displayed for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue upon which the voters of the city shall vote.

Electronic message board sign means a sign by which the message copy can be electronically changed and controlled.

Erect means to build, construct, attach, hang, place, suspend or affix and includes the painting of wall signs.

Facade means the entire building front.

Flag means any fabric, or bunting containing distinct colors, patterns or symbols, used as an ornamental flag or as a symbol of government, political subdivision, corporation or business or other entity. (See also Ornamental flag.)

Flagpole means a pole on which to raise a flag.

Flashing sign means a sign which permits light to be turned on or off intermittently more frequently than once per minute.

Foot-candle means a unit of measure of luminosity of a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Footlambert means the centimeter gram second unit of brightness equal to the brightness of a perfectly diffused surface that radiates or reflects one lumen per square centimeter.

Free expression sign means a sign, not in excess of three square feet in size (area) and the top of the sign is not more than six feet off the ground, communicating information or views on matters of public policy concern or containing any other noncommercial message, that is otherwise lawful.

Freestanding sign, monument or pole means a sign supported by structures or supports that are placed on or anchored in the ground or at ground level and which are independent of any building or other structure.

Frontage means the length of the property line of a parcel of land which runs parallel with and along a road right-of-way or street, exclusive of alleyways.

Frontage, Building means the length of the single face of a building or that portion of a building occupied by a single office, business or enterprise, commonly referred to as "store-front," which is abutting a street, parking area, or other means of customer access such as an arcade, a mall or a walkway.

Garage or yard sale or garage-yard sign means any onsite temporary sign pertaining to the sale of personal property in, at or upon any residentially-zoned property located in the city. Garage or yard sales shall include but not be limited to all such sales, and shall include the advertising of the holding of any such sale, or the offering to make any sale, whether made under any name such as garage sale, lawn sale, yard sale, front yard sale, back yard sale, home sale, attic sale, rummage sale, patio sale, flea market sale, or any similar designation.

Ground level means the finished grade of a parcel of land exclusive of any filling, berming or mounding. Ground level on marina docks or floating structures shall be the finished grade of the landward portion of the adjoining parcel.

Grand opening sign means an on-premise temporary sign announcing the opening of a newly licensed business, that does not exceed 16 square feet in sign area and that is not displayed for longer than 30 days after the issuance date of the occupational license for the new business.

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

Holiday and seasonal decorations mean decorations that pertain to legal or other recognized holidays or to a season of the year.

Illuminated sign means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign.

Integral roof sign means any sign erected or constructed as an 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. No integral portion of the roof shall extend more than five feet above the structural roof.

Lot. See definition of Parcel.

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

Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee sign means any sign attached to a marquee.

Menu display sign means a fully enclosed or otherwise protected from the elements sign structure, including but not limited to a box, shadow box or cabinet, attached to a wall or freestanding, which is used solely for the purpose of displaying restaurant menus. A menu display may be used for a restaurant without drive-through service and for transient lodging facilities which have restaurant facilities open to the general public in addition to the registered guests. Menu display sign structures shall be limited to one per establishment, having a maximum surface area of not more than 12 square feet, and the zoning districts in which they are permitted.

Multi-tenant development means a development where more than one business may be located, including businesses located above the first floor or otherwise without frontage on a public right-of-way.

Nameplate sign or occupant identification sign means a sign indicating the name and/or profession or address of a person or persons residing on the premises or legally occupying the premises.

Non-commercial message means any message, which is not a commercial message.

Noncommercial on-site directional sign means an on-site sign providing direction or information to pedestrian or vehicular traffic that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises, and not displaying a commercial message, e.g., "entrance," "exit," "caution," "no parking," "one way only," "no trespassing," and the like.

Non-conforming sign means a sign which does not conform with the regulations provided in this division.

Off-premise sign or off-site sign means any sign relating in its subject matter to commodities, accommodations, services or activities on a premises other than the premises on which the sign is located. See also Billboard.

On-premise sign or on-site sign means any sign relating in its subject matter to the commodities, accommodations, service or activities on the premises on which it is located.

Ornamental flag means any fabric or similar material containing patterns, drawings or symbols used for decorative purposes and designed to be flown as a flag.

Parcel means land which has been or which is proposed to be used, developed, or built upon as a unit under single ownership.

Parapet means a false front or wall extension above the roof of a building.

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

Permanent sign means any sign which, when installed, is intended for permanent use. For the purposes of this division any sign with an intended use in excess of 12 months from the date of installation shall be deemed a permanent sign.

Portable sign means any sign or poster that is not permanently attached to the ground or structure. For purposes of this division, a cold air inflatable sign shall be considered to be a portable sign.

Premises means any property owned, leased or controlled by the person actively engaged in business at that location.

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.

Real estate sign means a sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed temporarily.

Revolving sign or rotating sign means any sign that revolves or rotates.

Roof sign means any sign erected and constructed wholly on or over the roof of a building, which is supported by the roof structure, or any sign that extends in whole or in part above the roofline of a building.

Roofline means the highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal ridgeline or the highest line common to one or more principal slopes of roof. On a flat roof, the roofline is the highest continuous line of a roof or parapet, whichever is higher.

Safety sign. See Warning sign.

Sandwich board sign means a portable double-faced, freestanding sign not exceeding 12 square feet in area that is designed such that it can be displayed during business hours and easily removed at the close of business.

Shopping center means a group of five or more independent commercial establishments owned and operated as a planned unit, with off-street parking provided on the property. A shopping center may include a building or structure owned in fee simple, condominium, cooperative, leasehold or other ownership.

Sight visibility triangle means a triangular shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. For street intersections, this triangle is measured 20 feet in length from the intersection along the abutting curb lines to form a triangle; and for driveway intersections, this triangle is measured ten feet from the intersection along the curb line and along the driveway line to form a triangle. (See illustration in section 6.21.)

Sign means any device, fixture, placard or structure which uses color, form, graphics, illumination, architectural style or design with text, or writing to advertise, attract attention, announce the purpose of, or identify the purpose of any person or entity or to communicate information of any kind to the public. The term "sign" includes sign structure.

Sign area means the total square foot area of sign surface, including all parts thereof devoted to the background, computed by bounding the exterior of the sign structure or surface with a series of straight or curved lines tangent thereto (see illustrative examples in section 26.3). The area of a sign painted directly on a wall or awning and signs with letters attached directly to walls or awnings shall be calculated by constructing an imaginary series of straight lines or lines formed, bounded or characterized by curves around the outside of all elements of the sign.

Sign face means the part of the sign that is or can be used to identify, display, advertise, communicate information, or for the 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, which has supports or which is capable of supporting a sign. The definition shall include

any decorative covers, braces, wires, supports, or other components attached to or placed around the sign structure.

Snipe sign means any sign tacked, nailed, posted, pasted, glued or otherwise attached to telephone poles, utility poles, or fences, with the message appearing thereon not applicable to the present use of the premises upon which the sign is located.

Statutory sign means a sign required by any statute of the State of Florida or the United States.

Street address sign means any sign denoting the street address of the premises on which it is attached or located.

Subdivision monument identification sign means a monument sign which contains only the name of a platted subdivision or other residential development.

Temporary sign means a sign intended for a use not permanent in nature. For the purposes of this division, a sign with an intended use of one year or less shall be deemed a temporary sign.

Time and temperature sign means a sign which displays the current time and temperature at intervals no more frequently than once per minute and which contains no other messages. Time and temperature signs are regulated within the zoning districts in which they are allowed.

Traffic control device sign means 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. 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 readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

~~*Vehicle sign* means any sign or signs where the total sign area covers more than ten square feet of the vehicle.~~ Means a sign attached to or placed on a vehicle, including but not limited to automobiles, trucks, boats, campers, and trailers, and that is located on public or private property and is intended to be viewed from a right-of-way for the purpose of providing advertisement of products or services or directing people to a business or activity. This definition excludes those signs that identify a business organization or its principal services and contact information on a vehicle or such advertising devices as may be attached to and within the normal unaltered lines of the vehicle when and during that period of time such vehicle is regularly and customarily used to traverse the public street during the normal course of business.

Visibility triangle. See Sight visibility triangle.

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 with the plane of the building facade or wall, which is used for advertising.

Warning sign or safety sign means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

Waterside identification sign means a sign identifying a residential complex, single business property or shopping center and which can be only be viewed from the waters of the Gulf of Mexico, Boca Ciega Bay, the intracoastal waterway or any other navigable waterway.

Window sign means any sign painted on or mounted in any fashion on the interior or exterior of the surface of a window.

Wind sign means a sign, which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include, pennants, ribbons, spinners, streamers or captive balloons to express a commercial message; however, the term wind sign shall not include flags.

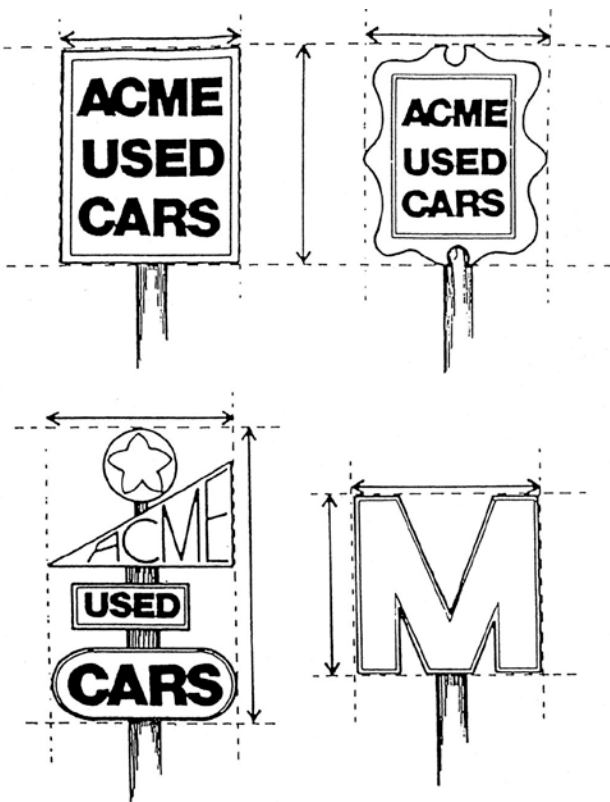
(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Cross references: Definitions, § 2.1.

Sec. 26.3. Illustrations of type of signs and methods of measurement.

The following diagrams illustrate the types of signs and methods of measurement:

How to measure sign area:



Sec. 26.4. Prohibited signs.

The following signs and sign-types are prohibited within the city limits and shall not be erected. Any lawfully existing permanent sign or sign-type which is among the prohibited signs and sign-types listed below shall be deemed a nonconforming sign subject to the provisions of section 26.5.

- (a) Billboards; off-site signs.
- (b) Revolving signs; rotating signs.
- (c) Flashing or animated signs.

(d) Banners, except those used to advertise special events, approved with a special event permit. The banner may not be placed on the property in which the event is to take place more than 21 days prior to the special event.

(e) Wind signs.

(f) Portable signs, other than sandwich board signs as allowed within certain zoning districts pursuant to this division.

(g) Roof signs, other than integral roof signs in non-residential zoning districts.

(h) Abandoned and discontinued signs.

(i) Snipe signs.

(j) Bus bench advertising signs; bus shelter advertising signs.

(k) Signs that emit sound, vapor, smoke, odor, particles or gaseous matter.

(l) Signs that have unshielded illuminating devices.

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

(n) Any attached sign that exceeds 100 square feet in area.

(o) Any freestanding sign that is higher than 35 feet.

(p) Any freestanding sign that exceeds 135 square feet in sign area.

(q) Any sign within a sight visibility triangle that obstructs a clear view of pedestrian or vehicular traffic.

(r) Any sign in the public right-of-way, other than traffic control device signs, bus stop informational signs, warning signs or safety signs.

(s) Any sign attached to a seawall or pier, other than a warning sign or safety sign.

(t) Any sign other than a traffic control device sign that uses the word "stop" or "danger," or presents or implies the need or requirement of stopping or the existence of danger, or which is a copy or limitation of official traffic control device signs, and which is adjacent to the right-of-way of any road, street, or highway.

(u) Any sign nailed, fastened or affixed to any tree.

(v) Any sign prohibited by state or federal law.

(w) Vehicle signs.

Vehicle sign or signs which have a total sign area on any vehicle in excess of ten square feet, when the vehicle is not "regularly used in the conduct of the business" advertised on the vehicle, and (a) is visible from a street right-of-way within 100 feet of the vehicle, and (b) is parked for more than two consecutive hours within 100 feet of any street right-of-way. A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily (i) for advertising, or (ii) for the purpose of advertising, or (iii) for the purpose of providing transportation for owners or employees of the business advertised on the vehicle.

~~(xy)~~ Any sign located on real property without the permission of the property owner.

~~(yz)~~ Beacons, except as required by federal or state law.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Sec. 26.5. Nonconforming signs.

A nonconforming sign that was lawfully erected may continue to be maintained: (a) until the nonconforming sign is substantially damaged or destroyed, or (b) until the real property on which the sign is located is redeveloped, whichever of the foregoing occurs first. At such time the sign is substantially damaged or destroyed or at such time the real property is redeveloped,

the nonconforming sign must either (a) be removed or (b) be brought into conformity with this division and with any other applicable law or regulation. For the purpose of this section, the term "redevelopment" shall mean a substantial improvement of the principal structure on the real property.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.6. Exemptions.

This division does not pertain to the following:

(a) A sign, other than a window sign, located entirely inside the premises of a building or enclosed space.

~~(b) A sign on a vehicle, other than a prohibited vehicle sign or signs.~~

(be) A statutory sign.

(cd) Historic markers for locally designated historic resources.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.7. Building permits.

It shall be unlawful for any person or business or the person in charge of the business to erect, construct, alter or maintain an outdoor advertising display sign, as defined in the Florida Building Code, without first obtaining a building permit from the city in accordance with the provisions of the Florida Building Code and applicable law. Permit fees shall be paid in accordance with the applicable city fee schedules. The requirement of a building permit under the Florida Building Code is separate and independent of the requirement for a sign permit under this division.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.8. Shielding of illumination.

Illuminated signs, in addition to conforming to all other requirements of this division, shall be shielded in such a manner so that no direct source of light is cast into residential properties or into a public street or right-of-way. Illuminated signs shall not interfere with pedestrian or motorist vision. The illumination shall not be reflective or phosphorescent and shall perform in a steady non-fluctuating or non-undulating manner and shall be placed in a manner that will not create a nuisance to other premises or interfere with vehicular movements.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.9. Substitution of noncommercial speech for commercial speech.

Notwithstanding anything contained in this division or Code to the contrary, any sign erected pursuant to the provisions of this division or Code may, at the option of the owner, contain a non-commercial message unrelated to the business located on the premises where the sign is erected. The non-commercial message 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, as frequently as desired by the owner of the sign, provided that the size, height, setback and other dimensional criteria contained in this division and Code have been satisfied.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.10. Content neutrality as to sign message (viewpoint).

Notwithstanding anything in this division or Code to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.11. Sign permit required.

(a) Allowed temporary and allowed permanent signs of the type described in section 26.25 shall be exempt from sign permitting hereunder.

(b) No sign permit shall be issued for the erection of a prohibited sign.

(c) Unless exempt from permitting, no permanent sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and appropriate fee paid to the city.

(d) A sign lawfully erected under permit may be repainted or have ordinary and customary repairs performed, including replacement of plastic or glass panels, without a new sign permit; however, if such sign is to be structurally altered in any manner, a new sign permit shall be required and the altered sign must meet all requirements of this division and this Code.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Sec. 26.12. Application.

(a) A sign permit application for a permanent sign shall be made upon a form provided by the city. The sign permit application is in addition to any building permit application required by the Florida Building Code. The sign permit application shall be accompanied by plans and specifications drawn to scale, together with any site plan required by Division 5 of the Land Development Code. The applicant shall furnish the following information on or with the sign permit application form:

(1) The legal description of the real property where the sign is proposed to be located.

(2) The zoning district for the real property on which the sign will be located.

(3) The name, mailing address and telephone number (where available) of the owner(s) of the real property where the sign is proposed to be located.

(4) A notarized statement of authorization signed by the owner(s) consenting to the placement of the proposed sign on the real property.

(5) The name, mailing address and telephone number of the sign contractor.

(6) Type of proposed sign (e.g. attached wall sign, freestanding monument sign).

(7) The square footage of the surface area of the proposed sign.

(8) The setbacks for the proposed sign.

(9) The cost of the proposed sign.

(10) If the proposed sign is a freestanding sign:

a. The lot frontage on all adjacent street rights-of-way.

b. The dimensions of the supporting structure.

c. The height of the proposed sign.

(11) If the proposed sign is an attached sign, the building frontage for the building to which the attached sign shall be affixed.

(12) The number, type, location, and surface area for all existing signs on the same lot and/or building on which the sign will be located.

(13) If the proposed sign is to be an illuminated sign, the type, placement, intensity and hours of operation.

(b) An applicant shall deliver a sign permit application for a permanent sign to the city's chief building official, or such other person as may be designated by the city. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this division and any applicable zoning law.
(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.13. Fees.

(a) *Initial application fees.* Every person making an initial application for a sign permit shall pay fees to the city at the time of approval of the application. The fees shall be established by resolution of the city commission and shall be as stated in appendix A to this Code.
(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Sec. 26.14. Maintenance of Signs.

(a) *Maintenance of signs.*

- (1) All visible portions of a sign and its supporting structure shall be maintained in a safe condition, and neat appearance according to the following:
- a. If the sign is lighted, all lights shall be maintained in working order and functioning in a safe manner.
 - b. If the sign is painted, the painted surface shall be kept in good condition.
 - c. Every sign shall be kept in such manner as to constitute a complete or whole sign.

(2) Lawfully erected Nonconforming signs may suffer only ordinary and customary repairs and maintenance. As provided in section 26.11, a lawfully-erected non-conforming sign shall not be structurally altered except in full conformance with this division. Non-conforming signs that are considered abandoned pursuant to this division shall be demolished or removed.
(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.15. Appeals.

(a) Whenever it is alleged that there has been an error in any order, action, decision, determination, or requirement by an administrative official in the enforcement and application of any provision contained within this division or any other provision of this Code pertaining to sign permits (including any allegation that an administrative official has failed to act within applicable time frames), the aggrieved party shall file a written appeal in accordance with Section 3.14 of the Land Development Code.
(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.16. Enforcing official.

The city manager shall be the enforcing official of this division. The enforcing official is charged with the duty of administering this division and securing compliance therewith. Further, the enforcing official shall make such inspection as may be necessary to ensure compliance with this division and shall initiate appropriate action, if any, to enforce the provisions of this division.
(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.17. Failure to comply.

If the city manager finds that any sign has been erected, altered or maintained in violation of this division, the city shall notify the owner of record of the property upon which such sign is located

by either certified mail or by hand delivery that such violation exists. The owner shall cause the violation to be remedied or shall file an appeal of the violation within three working days after receipt of the notice. Where it is determined that such illegal sign poses an imminent threat to the health, safety or welfare of the public, the city may cause the immediate removal of the sign by its own action. Cost of such removal shall be paid by the property owner. In addition to removal, the city shall be entitled to proceed with alternative legal or equitable remedies, including injunctive relief.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.18. Violations and penalties.

(a) The acts enumerated in this section shall be a violation of this division and shall be subject to the enforcement remedies and penalties provided by this division, by other city codes, and by state law. Such remedies may be pursued simultaneously.

(b) It shall be a violation to:

(1) Install, create, erect or maintain any sign in a way that is inconsistent with any approved plan or permit governing such sign or the site on which the sign is located.

(2) Install, create, erect or maintain any sign requiring a permit without having first obtained such permit.

(3) Fail to remove any sign that is installed, created, erected or maintained in violation of this division or for which the sign permit has lapsed.

(4) Install, erect, place, or maintain any sign contrary to the provisions of this division, including any sign or sign structure not allowed within the applicable zoning district.

(5) Continue any such violation.

(c) Each sign installed, created, erected or maintained in violation of this division shall be considered a separate violation, and each day of a continued violation shall be considered a separate violation.

(d) Any violation of this division or any condition or requirement adopted pursuant to this division may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to law. The remedies of the city shall include but not be limited to the following:

(1) Issuing a stop work order for any and all work on any signs on the same site.

(2) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign or the correction of the violation.

(3) For a sign which poses an immediate danger to the public health or safety, taking such measures as are available to the city under the applicable provisions of this division for such circumstances.

(e) A person in violation of this division shall be subject to prosecution and, upon conviction, shall be punished as set forth in section 1-14 of Chapter 1, St. Pete Beach Code of Ordinances.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.19. Adoption of zoning regulations.

The boundaries of the various districts shown upon the official zoning map and the regulations of the comprehensive zoning ordinance contained in Land Development Code, governing the use of land and buildings and other matters set forth therein are made part of this division. Except as provided in this division, no sign shall be erected, enlarged, reconstructed or structurally altered

which does not comply with all the district regulations established by this division for the zoning district in which it is located.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.20. Freestanding signs.

(a) Freestanding signs shall not be permitted within any required side yard adjacent to property in an RU-1, RU-2, RLM-1 or RLM-2 district or within a required front yard established for protection of a right-of-way corridor.

(b) Freestanding signs shall not be located within any visibility triangle established for the intersections of public streets or the intersections of driveways providing ingress and egress from a property to a public street.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.21. Setback measurement.

Required setbacks for signs in all zoning districts shall be measured from the property line to the nearest part of the sign.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.22. Double-faced signs.

Double-faced signs shall be permitted in all zoning districts, provided the signs are designed and constructed such that the two sign faces are back to back and directionally oriented 180 degrees from each other. The maximum sign area allowed shall be permitted for each sign face.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.23. Illuminated and electronic message board signs.

The following conditions and restrictions shall apply to illuminated signs:

Except as hereinafter provided in this section, illuminated signs, or illumination in show windows, display windows, in or upon any building shall have the source of light concealed from view from the exterior of the building or structure, except that where channel letters or figures are used for any sign the illumination thereof may be visible if recessed within the depth of the channel.

Illuminated signs are subject to the following maximum illumination intensity levels:

Maximum Illumination Intensity Level

TABLE INSET:

Type of Illumination	Located Within 500 Feet and Visible from a Residential District	Not Visible From a Residential District or Located Beyond 500 Feet of a Residential District
Direct, internal or back lighted	90 footlamberts	150 footlamberts
Indirect or reflected sign	10 foot-candles	25 foot-candles

Internally illuminated signs or portions of a sign that are internally illuminated, shall not be larger than 50 square feet in area.

Electronic message board signs or portions of a sign that are electronic message boards shall be no larger than 32 square feet in area.

Illuminated signs located within 500 feet of a residential zone, and which are visible from such residential zone shall be turned off not later than 11:00 p.m. each night.

No intermittent or flashing illumination will be permitted.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.24. Time and temperature signs.

Time and temperature signs may be utilized as part of an otherwise allowed freestanding or attached sign in RFM and CG-1 zoning districts; otherwise they are prohibited.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Sec. 26.25. All districts.

The regulations in this division apply in every zoning district in the city, except where otherwise specified or indicated. Sign permits are not required for signs and sign-types described and identified in this section, below.

(a) *Street address signs.* For each parcel within the city, one street address sign may be displayed for each public street or waterfront. For parcels in residential use, the street address sign shall not exceed two square feet in sign area. For each parcel in non-residential use, the street address sign shall not exceed six square feet in sign area.

(b) *Nameplate signs or occupant identification signs.* For each residence, business or other occupancy within the city, one nameplate sign may be displayed. For residences the nameplate or occupant identification signs shall not exceed two square feet in sign area. For any non-residential use, the nameplate or occupant identification sign shall not exceed six square feet in sign area.

(c) *Noncommercial onsite directional signs.* Noncommercial onsite directional signs, not exceeding four square feet in sign area, shall be allowed on each parcel within the city.

(d) *Noncommercial onsite parking space signs.* Noncommercial onsite parking space number signs, not exceeding one square foot of sign face per sign, shall be allowed on each parcel in noncommercial use having multiple parking spaces onsite. One such sign shall be allowed for each parking space.

(e) *Noncommercial onsite marina slip number signs.* Noncommercial onsite marina slip number signs, not exceeding one square foot of sign face per sign, shall be allowed for each marina having marina slips. One such sign shall be allowed for each marina slip.

(f) *Free expression signs.* For each parcel within the city and for each residential unit within a multifamily residence, one free expression sign not exceeding three square feet in sign area may be displayed. The free expression sign may be displayed as an attached sign or as a freestanding sign; if displayed as a freestanding sign, the free standing sign shall not exceed three feet in height. A free expression sign is in addition to any other sign permitted under this Code and is permitted in any zoning district. Only one such sign shall be permitted on each such parcel or each residential unit. The sign must be located within six feet of a building located on the lot or

parcel; or if there is no building on the lot or parcel, the sign must be located at least 15 feet from any street.

(g) *Election signs.* For each parcel within the city, one election sign for each candidate and each issue may be displayed. An election sign may be displayed as an attached sign or as a freestanding sign. On parcels that are in residential use, the election sign shall not exceed three square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed three feet in height. On parcels that are in non-residential use, the election sign shall not exceed 12 square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed six feet in height.

Freestanding election signs shall be set back at least three feet behind the sidewalk or, if there is no sidewalk, 10 feet from the edge of pavement. An election sign shall be removed within seven calendar days following the election to which it pertains.

(h) *Artwork.* Artwork is allowed in all districts.

(i) *Flagpoles.* One flagpole is allowed for each parcel in the city. Flagpoles in residential districts shall not exceed 20 feet in height, and flagpoles in nonresidential districts shall not exceed 30 feet in height.

(j) *Flags.* For each detached dwelling unit in a residential district, one flag not greater than 15 square feet in sign area may be displayed. For each parcel in a multi-family residential district and in a non-residential district, three flags not greater than twenty-four square feet in sign area (each) may be displayed.

(k) *Warning signs and safety signs.* Warning signs and safety signs, not exceeding four square feet in sign area, shall be allowed in all districts.

(l) *Machinery and equipment signs.* Machinery and equipment signs shall be allowed in all districts.

(m) *Construction signs.* One construction sign shall be allowed on each parcel within the city. Construction signs shall not exceed three square feet in sign area for residential properties, and 16 square feet in sign area for nonresidential properties.

(n) *Real estate signs.* For each parcel within the city, one real estate sign may be displayed on each parcel of land or part thereof that is for sale, lease, or rent; however, when more than one dwelling unit or non-residential space on a parcel of land is for sale, lease, or rent, there may be one real estate sign for each such unit or space. In addition, waterfront lots may display one additional real estate sign within the required waterfront yard. Real estate signs shall not exceed three square feet in sign area for residential properties, and sixteen square feet in sign area for nonresidential properties. The real estate sign shall be removed immediately upon the sale, lease or rent of the real estate that was offered for sale, lease, or rent.

(o) *Temporary garage-yard sale signs.* For each parcel with a lawful residential use, one temporary garage-yard sale sign may be displayed. A temporary garage-yard sale sign shall not exceed four square feet in sign area. A temporary garage-yard sale sign may not be displayed for a period longer than two days during any calendar month and shall be removed upon the conclusion of the sale.

(p) *Temporary grand opening signs.* For each new business or business name change, one temporary grand opening sign shall be permitted for 30 days after the issuance of an occupational license for the new business or the business name change. A temporary grand opening sign shall not exceed 12 square feet in sign area. A temporary grand opening sign may be a temporary covering, such as a toaster cover, sign boot, or sign sock, which covers an existing permitted attached or freestanding sign.

(q) *Temporary seasonal signage.* During the period November 15 until January 7 each year, each business holding a valid Business Tax Receipt shall be allowed to display one additional sign of the types allowed for the applicable zoning district, excluding freestanding pole or monument signs. Such sign shall not require a permit, but must conform to the dimensional requirements of the code.

(r) *Window signs.* For each parcel within the city, one or more window signs may be displayed. On parcels that are in residential use, the window sign(s) shall not exceed an aggregate of three square feet in sign area. On parcels that are in non-residential use, the window sign(s) shall not be restricted from the date of adoption of this ordinance until December 31, 2012; following which such signage shall not exceed an aggregate of more than fifty (50) percent of any window surface.

(s) *Temporary holiday and seasonal decorations.* Temporary holiday and seasonal decorations shall be allowed in all districts.

(t) *Temporary valet parking station signs.* One temporary valet parking station sign no more than four square feet in sign area shall be allowed on each parcel. The temporary valet parking station sign shall only be visible during hours that the valet is operating.

(u) *Bus stop information signs.* Bus stop informational signs up to three square feet in area shall be allowed in all districts.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Sec. 26.26. RU-1, RU-2, RLM-1 and RLM-2 Residential Districts.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, the following permanent signs are also allowed within RU-1, RU-2, RLM-1 and RLM-2 Residential Districts. The permanent signs described below require a sign permit.

(a) *Subdivision monument identification signs.* For each platted subdivision or neighborhood entrance within any RU-1, RU-2, RLM-1 and RLM-2 Residential Districts, one subdivision monument identification sign not exceeding six feet in height and 24 square feet in sign area shall be allowed.

(b) *Freestanding monument signs.* For each parcel with a lawful non-residential use within the RU-1, RU-2, RLM-1 and RLM-2 Residential Districts, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:

(1) *Maximum height.* The monument sign shall not exceed six feet in height.

(2) *Maximum size.* The monument sign shall not exceed 18 square feet in sign area.

However, in the event that the parcel is greater than one acre in size and has two street frontages, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.

(c) *Attached signs.* For each parcel with a lawful non-residential use within the RU-1, RU-2, RLM-1 and RLM-2 Residential Districts, one attached sign shall be allowed. The attached sign shall be subject to the following limitations:

(1) *Maximum size.* An attached sign shall not exceed six square feet in sign area.

(2) *Height restrictions.* An attached sign may not appear above the first floor of a building.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.27. RM and DCR Residential Districts.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, the following permanent signs are also allowed within RM Residential District. The permanent signs described below require a sign permit.

(a) *Subdivision monument identification signs.* For each platted subdivision or neighborhood entrance within any RM or DCR Residential District, one subdivision monument identification sign not exceeding six feet in height and 24 square feet in sign area shall be allowed.

(b) *Freestanding monument signs.* For each parcel with a lawful non-residential use within the RM or DCR Residential District, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:

(1) *Maximum height.* The monument sign shall not exceed eight feet in height.

(2) *Maximum size.* The monument sign shall not exceed 24 square feet in sign area.

However, in the event that the parcel is greater than one acre in size and has two street frontages, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.

(c) *Attached signs.* For each parcel with a lawful non-residential use within the RM districts, one attached sign shall be allowed. The attached sign shall be subject to the following limitations:

(1) *Maximum size.* An attached sign shall not have a sign area that exceeds (a) eight square feet or (b) one square foot for each linear foot of building frontage, whichever is less.

(2) *Height restrictions.* An attached sign may not appear above the first floor of a building.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10)

Editor's note: See note at section 26.16.

Sec. 26.28. ROR Residential/Office/Retail District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the ROR District may have up to three of the following signs in [subsections] (a)--(e) below, subject to permit approval and compliance with the conditions for each type of sign:

(a) *Subdivision monument identification signs.* For each platted subdivision or neighborhood entrance within any ROR Residential/Office/Retail District, one subdivision monument identification sign not exceeding six feet in height and 24 square feet in sign area shall be allowed.

(b) *Freestanding monument signs.* For each parcel with a lawful non-residential use within the ROR Residential/Office/Retail District, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:

(1) *Maximum height.* The monument sign shall not exceed ten feet in height.

(2) *Maximum size.* The monument sign shall not exceed 40 square feet in sign area. However, in the event that the parcel is greater than one acre in size and has two street frontages, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.

(c) *Attached signs.* For each parcel with a lawful non-residential use within the ROR Residential/Office/Retail District, attached signs shall be allowed. Attached signs shall be subject to the following limitations:

(1) *Maximum size.* An attached sign shall not have a sign area that exceeds one square foot for each linear foot of building frontage.

(2) *Height restrictions.* An attached sign may not appear above the second floor of a building.

(d) One sandwich board sign or one designer sign, subject to the following:

(1) *Sandwich board*-- Shall be located in front of the storefront for which it advertises and shall not be placed in the right of way, shall not be placed within the visibility triangle required for intersections at streets and driveways, as required by this LDC, be no larger than five (5) feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

(2) *Designer sign*-- Shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than 5 feet tall by three feet wide by three feet deep.

(e) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within 2 feet of any curb, and has a minimum ground clearance of 7 feet.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Sec. 26.29. RFM Resort Facilities Medium District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, the following permanent signs and temporary signs are also allowed within RFM Resort Facilities Medium District. The permanent signs described below require a sign permit.

(a) *Freestanding monument signs*. For each parcel with a lawful non-residential use within any RFM Resort Facilities Medium District, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:

(1) *Maximum height*. The monument sign shall not exceed 20 feet in height.

(2) *Maximum size*. The monument sign shall not exceed 135 square feet in sign area.

However, in the event that the parcel is greater than one acre in size and has two street frontages or more than 400 feet along one street frontage, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.

(b) *Attached signs*. For each parcel with a lawful non-residential use within the RFM Resort Facilities Medium District, attached signs shall be allowed. Attached signs shall be subject to the following limitations:

(1) *Maximum number*. Up to three attached signs shall be allowed with a combined sign area not exceeding the maximum permitted in paragraph (c)(2); however, in the event the parcel contains a multi-tenant development, each individual business use may have one attached sign.

(2) *Maximum size*. An attached sign shall not have a sign area that exceeds one square foot for each linear foot of building frontage.

(3) *Height restrictions*. An attached sign may not appear above the second floor of a building.

(c) *Drive-thru menu signs*. For each parcel with a lawful non-residential use that utilizes a drive-through lane within RFM Resort Facilities Medium District, one drive-through menu sign shall be allowed for each drive-thru lane. An allowed drive-thru menu sign may be either a free-standing sign or an attached sign, and shall not exceed 40 square feet in sign area and ten feet in height. Drive-thru menu signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(d) *Attached menu display signs*. For each parcel within RFM Resort Facilities Medium District with (a) a restaurant without drive-through service or (b) with a transient lodging facility that has restaurant facilities open to the general public, one attached menu display sign shall be allowed. An attached menu display sign shall be a wall sign not exceeding 12 square feet in sign

area. An attached menu display sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(e) *Theater signs.* For each parcel with a theater within RFM Resort Facilities Medium District, one attached theater sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater, subject to a maximum limit of 64 square feet in sign area. An attached theater sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(f) *Waterside identification signs.* For each parcel within RFM Resort Facilities Medium District with a residential complex, business property or shopping center theater that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed eight feet in height and shall not exceed 20 square feet in sign area. A waterside identification sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(g) *Boat or beach concession signs.* Each licensed boat or beach concession rental business operating along the Gulf of Mexico and on the site of a business having Gulf frontage may be permitted signs as follows:

(1) *Permission required.* The applicant shall provide the city with a letter, granting approval for placement of the signs, from the owner of the real property upon which signs are to be located prior to the issuance of a permit.

(2) *Advertising permitted.* Signs at boat or beach concession rental business licensed sites shall only provide descriptions of the specific activities and services offered at the site where the sign is located. Such signs shall not be permitted to advertise or imply the availability of any activities or services that are not specifically available at the site.

(3) *Lighted signs.* Lighted signs shall be prohibited.

(4) *Sandwich board signs.* Operators may display sandwich board sign on the sandy beach during the hours of business operation in accordance with subparagraphs (i) through (iv) below. Such signs shall be removed from the beach when the business is closed.

(i) *Maximum area:* 12 square feet per face.

(ii) *Number permitted:* One.

(iii) *Maximum height:* Five feet.

(iv) *Setbacks:* 40 feet from the water's edge.

(5) *Tiki hut or ticket office signs.* Operators may display signs on the tiki huts or ticket offices as follows:

(i) *Maximum area:* Eight square feet per face.

(ii) *Number permitted:* Three per tiki hut; not more than two on one side.

(iii) *Location:* Signs may be attached to or painted on the sides of the tiki hut at a point no higher than four feet above the ground, provided however, that one of the signs may be raised and attached at a point on the side of the tiki hut just below the eave of the roof.

(6) *Operators without a tiki hut or ticket office.* Licensed board or beach concession rental businesses that do not use a tiki hut or other structure for their businesses shall be permitted to keep one sandwich board sign on the beach overnight, provided such sign is no larger than eight square feet in area per face and is located or protected so as to not be a hazard to people walking on the beach after dark.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Sec. 26.30. CG-1 Commercial District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the CG-1 District may have up to three of the following signs in [subsections] (a)--(f) below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose up to 4 signs from [subsections] (a)--(f)):

(a) *Freestanding monument signs.* Up to two freestanding monument signs are permitted, provided that the sign face does not exceed 50 square feet in area, is not taller than 8 feet in height, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed 8 feet in height. However, this sign shall be counted as two of the three or four permitted.

(b) *Attached signs,* subject to the following:

(1) *Maximum size.* An attached sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.

(2) *Height restrictions.* An attached sign may not appear above the second floor of a building.

(c) *Drive-thru menu signs.* For each parcel with a lawful non-residential use that utilizes a drive-through lane within the CG-1 Commercial District, one drive-through menu sign shall be allowed for each drive-thru lane. An allowed drive-thru menu sign may be either a free-standing sign or an attached sign, and shall not exceed 40 square feet in sign area and ten feet in height. Drive-thru menu signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(d) *Attached menu display signs.* For each parcel within the CG-1 Commercial District with a restaurant without drive-through service or with a transient lodging facility that has restaurant facilities open to the general public, one attached menu display sign shall be allowed. An attached menu display sign shall be a wall sign not exceeding 12 square feet in sign area. An attached menu display sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(e) *Theater signs.* For each parcel with a theater within the CG-1 Commercial District, one attached theater sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater. An attached theater sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(f) *Waterside identification signs.* For each parcel within the CG-1 Commercial District with a residential complex, business property or shopping center theater that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed eight feet in height and shall not exceed 20 square feet in sign area. A waterside identification sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Editor's note: See note at section 26.16.

Sec. 26.31. CG-2 Commercial District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the CG-2 District may have up to three of the following signs in [subsections] (a)--(f) below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose up to 4 signs from [subsections] (a)--(f)):

(a) *Freestanding monument.* Up to two freestanding monument signs are permitted, provided that the sign face does not exceed 50 square feet in area, is not taller than 8 feet in height, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed 8 feet in height. However, this sign shall be counted as two of the three or four permitted.

(1) *Maximum height.* The monument sign shall not exceed 8 feet in height.

(2) *Maximum size.* The monument sign shall not exceed 50 square feet in sign area.

(3) *Setback.* The sign shall be set back at least ten feet from the property line.

(b) *Attached signs.* Attached signs shall be subject to the following limitations:

(1) *Maximum size.* An attached sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.

(2) *Height restrictions.* An attached sign may not appear above the second floor of a building.

(c) *Attached menu display signs.* An attached menu display sign shall not exceed 12 square feet in sign area.

(d) *Theater signs.* For each parcel with a theater within the CG-2 Commercial District, one attached theater sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater. An attached theater sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(e) *Waterside identification signs.* For each parcel within the CG-2 Commercial District with a residential complex, business property or shopping center theater that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed eight feet in height and shall not exceed 20 square feet in sign area. A waterside identification sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(f) One sandwich board sign or one designer sign, subject to the following (1) *Sandwich board*-- Shall be located in front of the storefront for which it advertises and shall not be placed in the right of way, shall not be placed within the visibility triangle required for intersections at streets and driveways, as required by this LDC, be no larger than five feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

(2) *Designer sign*-- Shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than 5 feet tall by three feet wide by three feet deep. (Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Sec. 26.32. INS Institutional District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each institution may choose up to three signs from [subsections] (a)--(c) below, subject to the limitations for each sign.

(a) *Freestanding monument signs*. For each parcel with a lawful non-residential use within any INS Institutional District, one freestanding monument sign shall be allowed. The freestanding monument sign shall be subject to the following limitations:

(1) *Maximum height*. The monument sign shall not exceed 8 feet in height.

(2) *Maximum size*. The monument sign shall not exceed 50 square feet in sign area. However, in the event that the parcel is greater than one acre in size and has two street frontages, two freestanding monument signs shall be allowed, but each freestanding monument sign shall be subject to the maximum height and maximum size criteria described above.

(b) *Attached signs*. For each parcel with a lawful non-residential use within the INS Institutional District, attached signs shall be allowed. Attached signs shall be subject to the following limitations:

(1) *Maximum number*. Only one attached sign shall be allowed.

(2) *Maximum size*. An attached sign shall not exceed a sign face area equal to (a) 24 square feet or (b) one square foot for each linear foot of building frontage, whichever is less.

(3) *Height restrictions*. An attached sign may not appear above the first floor of a building.

(c) One sandwich board sign or one designer sign, subject to the following

(1) *Sandwich board*-- Shall be located in front of the storefront for which it advertises and shall not be placed in the right of way, shall not be placed within the visibility triangle required for intersections at streets and driveways as required by this LDC, be no larger than five feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

(2) *Designer sign*-- Shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than 5 feet tall by three feet wide by three feet deep. (Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Sec. 26.33. TC-1and TC-2 District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the TC-1 or TC-2 District may have up to three of the following signs in [subsections] (a)--(g) below, subject to permit approval and compliance with the conditions for each type of sign:

(a) One sandwich board sign or one designer sign, subject to the following (1) *Sandwich board*-- Shall be located in front of the storefront for which it advertises and will not be placed in the right of way, not be placed within the visibility triangle required for intersections at streets and driveways, as required by this LDC, be no larger than five (5) feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

- (2) *Designer sign*-- Shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than (5) feet tall by three (3) feet wide by three (3) feet deep.
- (b) A marquee or canopy sign;
- (c) A menu display sign;
- (d) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within 2 feet of any curb, and has a minimum ground clearance of 7 feet;
- (e) A wall sign, provided the sign is not internally illuminated, unless such sign is on a parcel which abuts Gulf Boulevard south of 76th Avenue, in which case internal illumination shall be allowed. The area of the sign may be one square foot for every linear foot of building frontage, per business, not to exceed a total of 50 square feet.
- (f) A Freestanding monument sign, provided that the sign face does not exceed 40 square feet in area, is not taller than 8 feet in height, does not block any pedestrian walkway, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback.
- (g) *Waterside identification signs*. For facades of a building that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed 40 square feet in sign area.

(Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Sec. 26.34. LR and BHC Districts.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the LR or BHC District that has an exclusive entrance to the interior of the building from the exterior of the building may have up to three of the following signs in [subsections] (a)--(e) below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose up to four from [subsections] (a)--(e) below):

- (a) A marquee or canopy sign;
- (b) A menu display sign;
- (c) A wall sign. The area of the sign may be one square foot for every linear foot of building frontage, per business, not to exceed a total of 70 square feet.
- (d) Up to two Freestanding monument signs, provided that the sign face does not exceed 50 square feet in area, is not taller than 12 feet in height, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed 8 feet in height. However, this sign shall be counted as two of the four permitted.
- (e) One sandwich board sign or one designer sign, subject to the following:
- (1) *Sandwich board*-- Shall be located in front of the storefront for which it advertises and will not be located in the right of way, shall not be placed within the visibility triangle required for intersections at streets and driveways as required by this LDC, be no larger than five feet in height and twelve (12) square feet in area per face, shall have no illumination of any kind, and may be displayed only during the time when the business is open to the public.

(2) *Designer sign*-- Shall not be located on public right of way or within the visibility triangle required by this LDC and shall be no larger than 5 feet tall by three feet wide by three feet deep. (Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2010-32, § 1, 1-11-11)

Sec 26.35 CC-1 CC-2 Districts: In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business may have up to three of the following signs in [subsections] (a)--(f) below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose up to 4 signs from [subsections] (a)--(f)):

(a) *Freestanding monument signs*. Up to two freestanding monument signs are permitted, provided that the sign face does not exceed 50 square feet in area, is not taller than 8 feet in height, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed 8 feet in height. However, this sign shall be counted as two of the three or four permitted.

(b) A marquee or canopy sign;

(c) A menu display sign not to exceed 12 square feet;

(d) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within 2 feet of any curb, and has a minimum ground clearance of 7 feet;

(e) *Wall signs*, subject to the following:

(1) *Maximum size*. A wall sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.

(2) Internally illuminated signs are discouraged but not prohibited. Externally illuminated signs are preferable with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way.

26.36 UBV District- In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the UBV District may have up to three of the following signs in [subsections] (a)--(d) below, subject to permit approval and compliance with the conditions for each type of sign:

(a) A marquee or canopy sign;

(b) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within 2 feet of any curb, and has a minimum ground clearance of 7 feet;

(c) A wall sign, provided the sign is not internally illuminated. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way. The area of the sign may be one square foot for every linear foot of building frontage, per business, not to exceed a total of 40 square feet;

(d) A Freestanding monument sign, provided that the sign face does not exceed 40 square feet in area, is not taller than 5 feet in height, does not block any pedestrian walkway and is not located within the visibility triangle as required by this LDC. The sign may be externally

illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way.

26.37 AC District:

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the AC District may have up to three of the following signs in [subsections] (a)--(f) below, subject to permit approval and compliance with the conditions for each type of sign (businesses with more than 300 feet of frontage may choose up to 4 signs from [subsections] (a)--(f)):

(a) *Freestanding monument signs.* Up to two freestanding monument signs are permitted, provided that the sign face does not exceed 50 square feet in area, is not taller than 8 feet in height, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements. If the business owner chooses to have one monument sign instead of two, the sign may be up to 100 square feet in area, but shall not exceed 8 feet in height. However, this sign shall be counted as two of the three or four permitted.

(b) *Attached signs,* subject to the following:

(1) *Maximum size.* An attached sign shall not exceed a sign face area equal to one square foot for each linear foot of building frontage.

(2) *Height restrictions.* An attached sign may not appear above the second floor of a building.

(c) *Drive-thru menu signs.* For each parcel with a lawful non-residential use that utilizes a drive-through lane within the AC District, one drive-through menu sign shall be allowed for each drive-thru lane. An allowed drive-thru menu sign may be either a free-standing sign or an attached sign, and shall not exceed 40 square feet in sign area and ten feet in height. Drive-thru menu signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(d) *Attached menu display signs.* For each parcel within the AC Commercial District with a restaurant without drive-through service or with a transient lodging facility that has restaurant facilities open to the general public, one attached menu display sign shall be allowed. An attached menu display sign shall be a wall sign not exceeding 12 square feet in sign area. An attached menu display sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(e) *Theater signs.* For each parcel with a theater within the AC District, one attached theater sign shall be allowed. An attached theater sign shall be a wall sign not exceeding 15 square feet in sign area for each auditorium within the theater. An attached theater sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(f) *Waterside identification signs.* For facades of a building that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed 40 square feet in sign area.

In addition to the number and types of signs listed in a-f above, Multitenant shopping centers in the AC district may have one additional monument sign listing each individual tenant all within the same sign face. The sign shall be no taller than 10 feet and no larger than 100 square feet per

sign face. The sign shall not be located within any setback or within any pedestrian or utility easement.

26.38 BR District: In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the BR District may have up to three of the following signs in [subsections] (a)--(e) below, subject to permit approval and compliance with the conditions for each type of sign:

- (a) A marquee or canopy sign;
- (b) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within 2 feet of any curb, and has a minimum ground clearance of 7 feet;
- (c) A wall sign, provided the sign is not internally illuminated. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way. The area of the sign may be one square foot for every linear foot of building frontage, per business, not to exceed a total of 40 square feet;
- (d) A Freestanding monument sign, provided that the sign face does not exceed 40 square feet in area, is not taller than 5 feet in height, does not block any pedestrian walkway and is not located within the visibility triangle as required by this LDC. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way.
- (e) *Waterside identification signs.* For facades of a building that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed 40 square feet in sign area.

Sec. 26.39. Traditional Hotel District.

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the THD District may have up to three of the following signs in [subsections] (a)--(d) below, subject to permit approval and compliance with the conditions for each type of sign:

- (a) A marquee or canopy sign;
- (b) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within 2 feet of any curb, and has a minimum ground clearance of 7 feet;
- (c) A wall sign, provided the sign is not internally illuminated. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not shine directly onto adjacent properties or onto the right-of-way. The area of the sign may be one square foot for every linear foot of building frontage, per business, not to exceed a total of 40 square feet;
- (d) A Freestanding monument sign, provided that the sign face does not exceed 20 square feet in area, is not taller than 4 feet in height, does not block any pedestrian walkway and is not located within the visibility triangle as required by this LDC. The sign may be externally illuminated with lighting from above or below casting light on the sign, but the lighting shall not

shine directly onto adjacent properties or onto the right-of-way. The sign may be located within the front yard setback.

(Ord. No. 11-03, § 1, 5-24-11)

Sec. 26.40. Severability.

(a) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division.

(b) *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in section 26.34(a), or elsewhere in this division, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

(c) *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth above in section 26.35(a), or elsewhere in this division, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section 26.4 of this division. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 26.4 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 26.4.

(d) *Severability of prohibition on billboards.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained herein.

(Ord. No. 03-10, § 1, 6-3-03; Ord. No. 10-02, § 1(Att. A), 2-23-10; Ord. No. 2011-03, § 1, 5-24-11)

Discussion Item: Outdoor Seating in RFM

The owners of the “Snack Shack” have requested the City consider adding outdoor seating as a permitted use to the RFM zoning District (versus a conditional use). The City Manager requested staff place this item on the agenda for discussion. Maps of the areas where the RFM district currently exists are attached.

RFM Areas



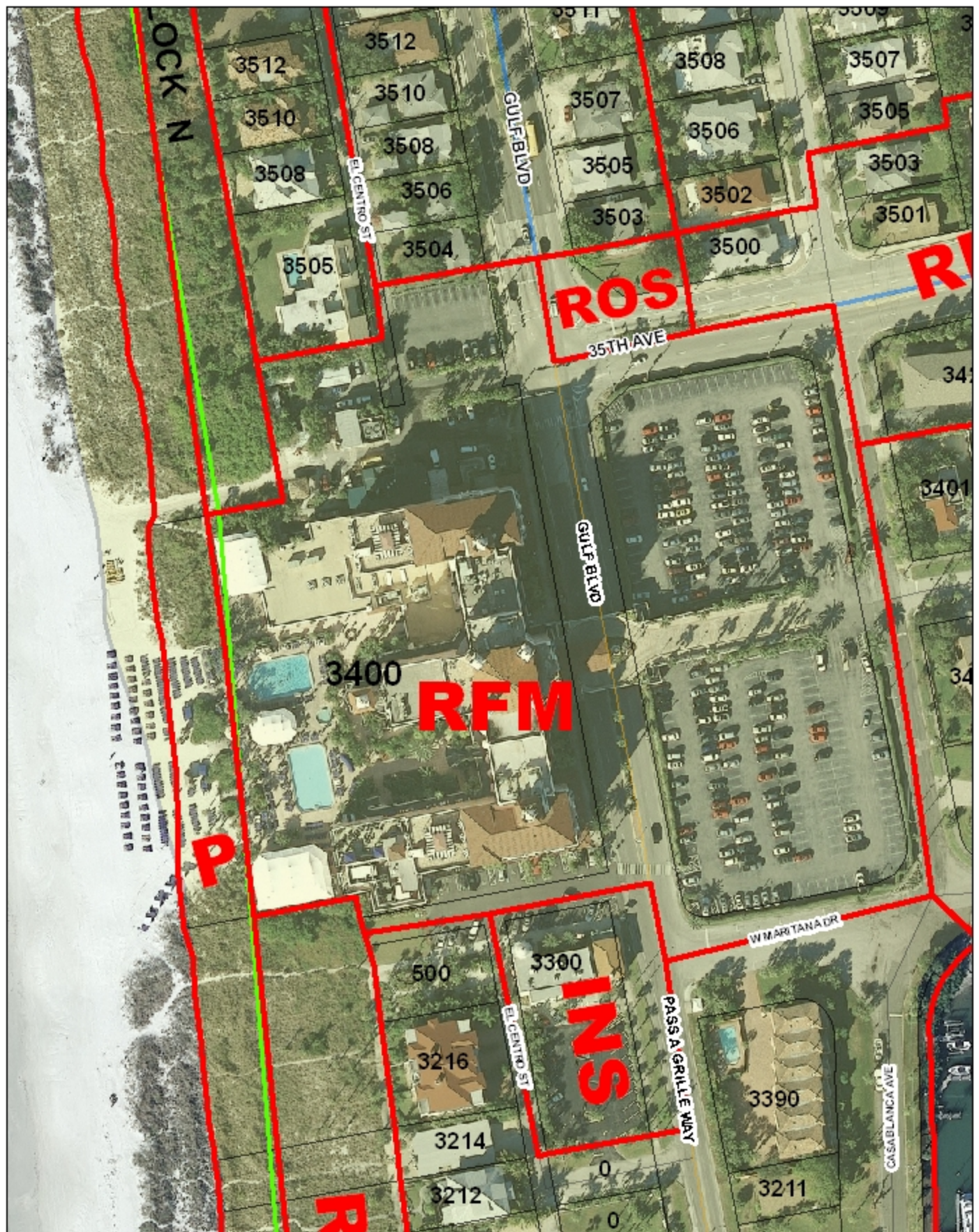
0 45 90 180 270 360 Feet

RFM Areas



0 115 230 460 690 920 Feet

RFM Areas



0 45 90 180 270 360 Feet

Discussion Item: Work Program

At the last meeting, the Planning Board requested that a work program for the upcoming months be developed. Items staff has identified are attached; the board can discuss other “wish list” items and prioritize accordingly.

Planning Board Work Program 2012-13

Items that must be completed in coming months:

- DCR Docks – additional research and public hearing
- Pool equipment placement possible code change – requested by the Board of Adjustment
- Public Notice – topic requested by Planning Board
- Items directed from City Commission: Changes to sign code, City's coastal line, outdoor seating in RFM district, commercial water sports in preservation district, temporary fencing
- Items placed on hold from 2010/2011 due to continued comp plan litigation:
- Amendments to the land development code regarding parking, landscaping, and urban design standards in the Community Redevelopment District (division 39); Additional clean up amendments to comp plan including density/FAR calculations for mixed use, environmental standards, add civic uses to DCR as permitted uses, others as identified.
- Changes to landscaping code due to DEP requirements.

Planning Board wish list: