



**PLANNING BOARD MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, March 24, 2025
4:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -

Action Request: Motion to approve the March 24, 2025 agenda.

2. Audience Comments -

Comments shall be limited to 3 minutes for general and agenda items. Public comment on agenda items will be allowed when that item is called. Please complete and submit a comment card to the Clerk.

3. Approval of Minutes

a. January 27, 2025

4. Action Items -

a. Election of Officers 2025-26

Sec. 22-243. - Election of officers; conduct of meetings.

(a) The planning board shall annually, at the first meeting held following the appointment of members, organize by electing a chairman and vice-chairman and such other officers as may be necessary from among its members.

The Board may opt to maintain current appointments.

Current: David Hubbard Chair; Sam Angelides, Jr., Vice Chair

Requested Actions:

Motion to APPOINT _____ as the Committee Chair for 2025-2026.

Motion to APPOINT _____ as the Committee Vice Chair for 2025-2026.

5. Action Items - Sitting as Local Planning Agency -

a. Ordinance 2025-10: Sign Ordinance (Land Development Code Division 26) Amendments

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA FOR THE PURPOSE OF ADOPTING AMENDMENTS TO LAND DEVELOPMENT CODE DIVISION 26 SECTIONS 26-1 THROUGH 26-42 ENTITLED SIGN ORDINANCE TO ENSURE CONTENT-NEUTRAL SIGN DEFINITIONS, STANDARDS, REGULATIONS AND REQUIREMENTS, AND ADOPTING AMENDMENTS TO THE REQUIREMENTS FOR PERMITTING, ENFORCEMENT, AND MAINTENANCE FOR NEW, EXISTING AND NONCONFORMING SIGNS IN ALL ZONING DISTRICTS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

6. Discussion Items

7. Adjournment - Next meeting April 21, 2025 -

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

The public is cordially invited to attend this meeting.

All agenda material is available for review at City Hall or www.stpetebeach.org.

DRAFT PLANNING BOARD MEETING MINUTES

January 27, 2025 4:00PM

MEMBERS PRESENT: David Hubbard, Chair
Sam Angelides, Jr., Vice Chair
Terri Grocott, Member
Cindy Perry, Member

ABSENT: Shawn Rae, Member

STAFF PRESENT: Brandon Berry, Senior Planner
Ralf Brookes, Interim City Attorney
Ginny Bodkin, Deputy City Clerk

Chair Hubbard called the meeting to order at 4:00 PM, followed by the Pledge of Allegiance.

1. Approval of the Agenda –

Member Grocott asked to add a discussion on Multimodal Transportation as Item 5.b. and Senior Planner Brandon Berry asked to add a discussion on the February meeting as Item 5.c.

Motion: Member Grocott moved, and Member Perry seconded to approve the January 27, 2025 agenda as amended: the motion carried unanimously.

2. Audience Comments – There were no comments.

3. Approval of Minutes – December 16, 2024 Meeting

Member Grocott pointed out a typo on page 3 in the bulleted section; the Clerk will correct.

Motion: Member Perry moved, and Vice Chair Angelides seconded, to approve the December 16, 2024, minutes with the correction: the motion carried unanimously.

4. Action Items (Sitting as the Local Planning Agency) –

Chair Hubbard adjourned the meeting as the Planning Board and reopened as the Local Planning Agency (LPA) at 4:03 PM.

a. Ordinance 2025-03: Artificial Turf

AN ORDINANCE OF THE CITY OF ST. PETE BEACH AMENDING THE ST. PETE BEACH LAND DEVELOPMENT CODE DIVISION 2 – DEFINITIONS, SECTION 2.1. – WORDS, TERMS AND PHRASES DEFINED, AND DIVISION 22 – LANDSCAPING AND TREE PROTECTION, ADDING SECTION 22.15 – ARTIFICIAL TURF STANDARDS, TO AMEND QUALITY, AREA AND PLACEMENT STANDARDS FOR ARTIFICIAL TURF PRODUCTS ON PRIVATE PROPERTY AND RIGHT OF WAY; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER’S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

Senior Planner Brandon Berry summarized that this Ordinance is a response to the recommendations made by the Planning Board at the December 2024 meeting. Staff seeks to ensure that the content accurately reflects the requests of the Board based on the preceding discussion prior to scheduling a hearing before the City Commission. The proposed Land Development Code amendments were included in the meeting packet.

Mr. Berry reviewed a presentation of the recommendations, which is part of the meeting record. The permeability standards were adapted from the City of Tampa. He reviewed the consistency with the supporting Comprehensive Plan Objectives and Policies from the Future Land Use and Coastal Conservation Elements. Mr. Berry indicated that staff found that by and large, the Comprehensive Plan does support these reasonable limitations on artificial turf especially in light of data submitted by members as well as through the Tampa Bay Regional Planning Council.

Discussion followed. Turf in rights-of-way would be prohibited under this ordinance. Existing turf can remain unless relandscaping or if the property is substantially modified or developed, then compliance would be required. Utilities would not need to replace the artificial turf; maintenance permits specify that they are not responsible for replacing anything other than standard sod, although efforts are made to maintain materials, if reasonable.

Motion: Member Grocott moved, and Vice Chair Angelides seconded to recommend the approval of Ordinance 2025-03 as written to the City Commission. The motion carried 4-0.

Chair Hubbard adjourned as the LPA at 4:12 PM and reconvened as the Planning Board.

5. Discussion Items –

a. **Seawall Height Compliance**

Mr. Berry explained that the City Commission gave direction for discussion of this topic; no draft Code amendments have been made but may in the future. Mr. Berry's presentation provided background on Ordinance 2024-02, the first standards for required seawall maintenance. He reviewed those standards, which includes compliance with minimum seawall height when replacing more than 50% of the seawall's length, the repair cost exceeds 50% of the depreciated seawall value, or an elevation change occurs along more than 50% of the seawall's length. His presentation is part of the meeting record. Currently, seawall height compliance standards are based on the seawall itself, not upland development. In December, the Commission requested a discussion to consider accelerated compliance with seawall standards based on (potentially) upland development.

Mr. Berry reviewed a graphic depicting the 2050 Outlook of projected nearly one-foot rise in mean sea level between 2020 and 2050, king tides, and 5.0 feet NAVD (adopted in 2010) level of safety. He presented compliance options from the least to most regulatory:

- Do nothing –allow seawalls to be elevated as repairs are undertaken.
- Reduce elevation threshold for repair cost or linear footage (e.g. 25% instead of 50%)
- Prohibit administrative waivers after a certain year (see Broward County's 2050 plan)
- Require compliance based upon substantial upland improvements (e.g. new residence, home elevation).

- Require compliance based upon some threshold of upload improvement (e.g. renovation exceeding 25% of home's depreciated value)

Mr. Berry reviewed current, similar LDC compliance thresholds (trigger for improvements not related to a structure being improved):

- Landscaping: Substantially improved residences must comply with the landscaping ordinance as if they were a new development.
- Signage: Nonconforming signage must be made compliant if the business is substantially improved or repaired, even if the sign is not damaged or otherwise altered.
- Setbacks and impervious surface: Nonconforming buildings must be made compliant with setbacks and impervious surface unless a limited elevation exception is undertaken for storm-damaged homes.

The major exception would be commercial drainage plans - Full-site stormwater compliance is required when a parking area is expanded by 10%, building floor area by 5%, or renovation costs exceed 25% of the depreciated structure value.

Mr. Berry asked for Board input, and discussion ensued. Member Perry shared a draft ordinance from Treasure Island outlining triggers for new seawalls, which is part of the meeting record. Mechanisms for seawall evaluations were discussed, as well as structural and nonstructural fill behind seawalls, and potential consequences of having none.

Following the discussion, Mr. Berry summarized the items that he identified for review with the City Manager's Office to potentially bring back in the next few months:

- Basing compliance upon elective new upland development vs. substantial repair from storms and so on
- Replacing seawall caps in compliance with the 5 ft. standard
- Potentially issuing a waiver when the seawall being replaced is within 12" of the 5 ft. NAVD standard unless a cap can be added
- The City providing a post storm evaluation and then more frequent evaluations thereafter
- Adding pools and elective improvements in the rear yard that aren't tied into habitation triggering compliance
- Anything dealing with conditional use permits would trigger compliance with seawall standards
- General review of the Treasure Island drafted standards, seeing if there are living shoreline or infrastructure improvements that could be brought over
- Change nonstructural fill ordinance to be compatible and avoid 'bathtubs'

b. Multimodal Transportation (Added)

Member Grocott remarked that developer's contributions to the City's Multimodal Fund (Freebee) have been raised during at least the last two Conditional Use Permit (CUP) hearings. She wondered whether, in relation to Objective 5.1 of the Comp Plan, there is a way to look outside of impact fees (City and County) to have a predictable, repeatable, and reliable process (i.e. based upon the number of rooms) that might create more stability in the process rather than at the last minute.

Mr. Berry explained that the City is about to embark on an Impact Fee evaluation, for all manners of impact fees at the local level. The County is in the process of looking at its Multimodal Impact Fee for transportation. St. Pete Beach falls under their ordinance; we collect those fees and split them with the County. It has been a very long time since they updated their fees and Mr. Berry expressed that it is expected that they will go up significantly. When the new projects come in for Site Plan permitting,

they may be subject to the higher fees; that has been added to the Development Agreements. With regard to other fees, he explained that the City has exactions that must be followed to ensure that what is being asked for from developers is in line with direct impacts and proportionality of their projects. Administrative site plans are limited to some degree and any actions must be justified, with the exception of reaching into Density Pools (the recent Miramar and Windward Pass both did), which allows more flexibility.

Freebee was discussed. Mr. Berry expressed that most cities do not have a local circulator such as Freebee, so an additional fee for that can be investigated by staff.

c. February meeting (Added)

Mr. Berry explained that due to adjustments for holidays, the February meeting was scheduled for 2/10, in two weeks. He indicated that staff had nothing to bring forward yet, but are working on several large items for March, likely including the Sign Ordinance. The Board agreed by consensus to cancel the February 10th meeting.

Member Perry inquired whether the Stormwater Drainage Manual mentioned in the meeting packet was available. Mr. Berry will check with Public Works on that.

6. Adjournment - Next meeting March 24, 2025.

There being no further business, Chair Hubbard adjourned the meeting at 4:55 PM.

These minutes will be considered for approval at the March 24, 2025 meeting of the Planning Board.

**PLANNING BOARD MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: Ordinance 2025-10: Sign Ordinance (Land Development Code Division 26) Amendments

Action Request: Motion to recommend approval of Ordinance 2025-10 to the City Commission [with or without modifications].

Strategic Objective:

Date: March 24, 2025

Prepared By: Kimley-Horn

Through: Laura Canary, Community Development Director

Summary of Issue: This ordinance contains significant amendments to Land Development Code Division 26 - SIGN ORDINANCE, with two overarching purposes:

1) Eliminate content-based references to the City's regulation of signage in the wake of Reed v. Town of Gilbert, a Supreme Court case preventing governments from lawfully applying different regulations to signage based upon the content of the sign except in cases where the restrictions survive strict scrutiny. This includes setting standards for certain sign types, such as temporary signs, rather than regulating temporary signs based upon their content, such as political signs or construction signs. Restrictions pertaining to distinctions between signs allowed on commercial and residential properties, on- and off-premise, and total sign density, are among the modifications made in this Code update to achieve content neutrality.

2) Update and modernize the sign code generally based on feedback received from the City Commission and City Staff, including substantially reducing the number of district groupings with disparate sign requirements, extending signage available for uses City-wide instead of within specific districts, and clarifying permissions for multi-tenant business developments, among others.

Some of the most significant changes proposed include the following:

- Eliminating references to "political signage", "real estate signage", and other temporary sign types that could be viewed as content-based in favor of standards for "temporary signage", which are differentiated only between residential and non-residential properties, and whether the event associated with the sign is predictable or non-predictable in duration and dates.
- Collapsing an existing 16 distinct sign districts into four, and providing for standardization among the types of signs permitted within those four districts.
- Extending what are currently district-specific signage types City-wide when the use of the property qualifies for the signage, such as allowing theater signs for theaters, or a sandwich board for a commercial establishment.
- Reducing repair value for nonconforming signs from 50% to 25% before the sign must be brought into conformity with current regulations, which is expected to hasten compliance with the current sign code.
- Loosening restrictions on renovating or newly-constructing pole signs, which are currently prohibited in most areas of the City where freestanding monument signs are permitted, in favor of allowing pole signs as an alternative to monument signs when they are placed within a landscaped area and taller than ten feet in total height.
- Adopting updated area calculation measurements to provide clarity to property owners, contractors, and staff in interpreting and implementing the sign code.
- Setting general sign standards to mitigate impacts on fire access, facility clearance, and drainage features.
- Lessening timeframes for removal of poorly-maintained signs that pose health or safety risks to the public.
- Providing updated illustrations showing sign types (forthcoming).

Staff finds the following Goals, Objectives and Policies

of the Comprehensive Plan to be supportive of these amendments:

Future Land Use Element

GOAL 4: The Land Development Code shall be amended and adopted to implement the goals, objectives, and policies of this comprehensive plan, as amended.

Objective 4.1: Recognizing that the City is located on a barrier island, future growth and development shall be managed through the preparation, adoption, implementation, and enforcement of the Land Development Code consistent with this adopted Comprehensive Plan, as amended, in accordance with applicable timeframes established herein or State law, whichever is more restrictive.

Policy 4.1.2: The City shall adopt and implement a Land Development Code that contains specific and detailed provisions required to implement this Comprehensive Plan, as amended, which, at a minimum shall:

[...]

c. Regulate signs;

[...]

Transportation Element

Policy 1.7.7 The City shall enforce the requirements maintained within the Land Development Code for signage along roadways in order to reduce visual confusion and safety hazards.

Funding:

Attachments:

1. Ordinance 2025-10
2. Exhibit A - Markup
3. Exhibit A - Clean

Ordinance 2025-10

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA FOR THE PURPOSE OF ADOPTING AMENDMENTS TO LAND DEVELOPMENT CODE DIVISION 26 SECTIONS 26-1 THROUGH 26-42 ENTITLED SIGN ORDINANCE TO ENSURE CONTENT-NEUTRAL SIGN DEFINITIONS, STANDARDS, REGULATIONS AND REQUIREMENTS, AND ADOPTING AMENDMENTS TO THE REQUIREMENTS FOR PERMITTING, ENFORCEMENT, AND MAINTENANCE FOR NEW, EXISTING AND NONCONFORMING SIGNS IN ALL ZONING DISTRICTS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City's sign ordinance is intended to be content neutral and regulate only the number, form and placement of signs, with goals that include promotion of corridor and site-specific aesthetics, improving pedestrian and traffic safety, and visually aligning signs with their associated structures.

WHEREAS, the amendments proposed herein are intended in part to maintain content neutrality of the City's sign regulations, particularly in light of the Reed v. Town of Gilbert U.S. Supreme Court decision.

WHEREAS, these amendments are also intended to modify the City's compliance thresholds for nonconforming sign improvements, standardize sign types and sizes across zoning districts and other defined areas of the City, and update application and enforcement standards, among other amendments, to provide for greater compliance with the City's sign ordinance while also providing greater surety to businesses and residents when it comes to application and enforcement of the City's sign code.

WHEREAS, the City's Planning Board, sitting as the Local Planning Agency, recommended these amendments to the City Commission at a vote of xx to xx on March 24, 2025 and [found/did not find] them to be consistent with the City Comprehensive Plan.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The Land Development Code is amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Land Development Code of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, word, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, words, clauses, and phrases of this Ordinance as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall take effect immediately upon passage.

FIRST READING: _____
SECOND READING: _____
PUBLIC HEARING: _____

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.

Adrian Petrila, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2025.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

City Attorney

Exhibit “A”

DIVISION 26 SIGN ORDINANCE¹

DRAFT: MARCH 2025

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 nondiscriminatory sign standards. The sign regulations in this division are intended to be ~~not intended to censor speech or to regulate viewpoints, but instead are intended to~~ content-neutral and regulate the secondary effects of speech and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety only the number, form, and placement, not the content, of signs. 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 mitigating the impact signs have on traffic and pedestrian safety, enhancing the visual environment of the city, and promoting its continued well-being. ~~These sign regulations 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~~ their structures and tailor the regulation of signs based upon ~~their function~~ those structures;
- (l) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;

¹Editor's note(s)—Ord. No. 2013-14, § 1(Exh. A), adopted April 23, 2013, amended Div. 26 in its entirety to read as set out herein. Former Div. 26, §§ 26.1—26.40, pertained to similar subject matter and derived from Ord. No. 2011-42, § 1(Exh. A), adopted Jan. 24, 2012; Ord. No. 2012-16, § 1(Exh. A), adopted Sept. 12, 2012.

- (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, is appropriate in scale to the surrounding buildings and landscape, 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) Provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and
- (tu) Enable the fair and consistent enforcement of these sign regulations.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.2. Definitions.

All words used in this division, ~~except where specifically defined herein~~, shall carry their customary dictionary meanings when not inconsistent with the context in which they are used, ~~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 means (a) A sign on or appurtenant to a building when that building has not been occupied~~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 or sign copy for a period of 90 consecutive days or longer. This does not include individual panels within a sign for multi-tenant developments unless the multi-tenant development is more than 50 percent vacant.

Advertising means sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, sales event, 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 requiring electrical energy or~~ set in motion by movement of the atmosphere, or made up of external sign elements that revolve or turn. The term "animated sign" does not include signs which display time of day, temperature, or both, and does not include electronic message board signs.

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 an artistic form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically ~~but does not in any way convey the name of the~~ identify a business, product, business logo, or a commercial message.

Attached sign means ~~a wall sign, an integral roof sign, marquee sign or a canopy sign~~ any sign attached to, on, or supported by any part of a building (e.g., walls, integral roof, awning, windows, or canopy) which encloses or covers usable space.

Awning means a cloth, plastic, or other nonstructural covering that is permanently attached to a building or other structure, or that can be raised or retracted to a position against the building or other structure when not in use.

Awning sign or 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.

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 means a permanent or semi-permanent, on-premise roof-like projection or structure intended to provide shade or shelter.

Canopy sign or awning sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable copy/message sign means a sign with the capability of content change by means of manual or remote input, including the following types:

- (1) Manually activated. Changeable sign whose message copy can be changed manually on a display surface.
- (2) Electronically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or may be from an external light source designed to reflect off of the changeable component display. See also Electronic message board sign.

Character means any symbol, mark, logo, or inscription.

Color means any distinct tint, hue or shade including white, black or gray.

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-thru menu sign means a sign placed so as to be viewed from a drive-thru 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 means 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. This shall include but not be limited to changeable words, lines, logos, symbols, or illustrations and shall include all LED type signs regardless of if the sign periodically changes copy.

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

Facade means the ~~entire building front~~ exterior wall(s) of a building exposed to public view.

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. A flagpole is not a freestanding pole sign.

Flashing sign means ~~a sign which permits light to be turned on or off intermittently more frequently than once per minute~~ any illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign. This does not include official warning signs to the motoring public.

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, or building frontage, means the length of the single façade of a building or that portion of 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 on-site 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, backyard sale, home sale, attic sale, rummage sale, patio sale, flea market sale, or any similar designation.

Government sign means any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building, program or service (including bus or other public transit services), traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of government events or actions, proposed changes of land use, any proposed rezoning, or any other government speech. This term includes signs erected on government property pursuant to lease, license, concession or similar agreements requiring or authorizing such signs.

Ground level means the level of finished grade of a parcel of land, exclusive of any filling, berming, or mounding, or excavating, solely for the purpose of locating a sign. 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-premises 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, weather, or accident.

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-thru 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 building/development means a building or 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.

Noncommercial 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.

Nonconforming sign means a sign which does not conform with the regulations provided in this division.

Off-premises 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. This does not include a locally recognized non-profit Chamber of Commerce that promotes its members within the city.

On-premises 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, and is so constructed as to be of lasting and enduring condition (beyond normal wear and tear). 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. Unless otherwise provided for herein, a sign other than a temporary sign or portable sign shall be deemed a permanent sign.

Predictable event means an event of which the date or dates is or are known at the time the sign is erected. By way of example, predictable events shall include an election, garage sale, grand opening, parade, wedding, garage sales, and others with a definite date.

Portable sign means any sign, banner, or poster that is not permanently attached to the ground or structure, or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels or carried by a person, and signs converted to an A-frame sign or a T-frame sign. 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.

Property means the overall area represented by the outside boundaries of a parcel of land or development containing one or more business establishments and/or residential units.

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~~ an animated sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.

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 or A-frame sign means a portable double-faced, freestanding sign not exceeding 12 square feet in area ~~designed such that it can be displayed during business hours and easily removed at the close of business which is ordinarily in the shape of an "A," or some variation thereof when erected.~~

Shopping center means a group of ~~five or more independent commercial establishments developed, operated, managed, and/or owned and operated as a planned unit, with off-street parking provided on the property under a single architectural plan.~~ 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 herein.)

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, herein).~~ 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 computed as described in section 26.14.

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

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 and shall include a sign formerly or commonly associated with a temporary use or structure, or a sign related to an event or occurrence at a future time, which shall be further defined by whether the event to which it pertains is predictable or unpredictable. 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).

Unpredictable event means an event of which the date or dates is or are not known at the time the sign is erected. By way of example, unpredictable events may mean for rent or for sale periods, construction projects, and others without a definite date of ending.

Vehicle sign 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 can 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 includes signs attached to the following vehicles: On- or off-site inoperable vehicles, junk or abandoned vehicles as defined in section 98-67 of the Code of Ordinances, vehicles that have not been driven or moved in 72 hours, or a vehicle with signage attached to it that renders the vehicle not safely drivable. ~~This definition excludes those signs that identify a business organization or its principal services and contact information on a vehicle 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 only 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 only provides warning of a violation of law ~~(e.g., no trespassing, no hunting allowed, etc.)~~ or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity on the property on which the sign is posted.

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.

Wayfinding/Directional sign means a sign, which may or may not be a governmental/statutory sign, that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information for the aid of the traveling public, for facilitating a safe and orderly traffic flow and preventing sudden stops.

~~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.

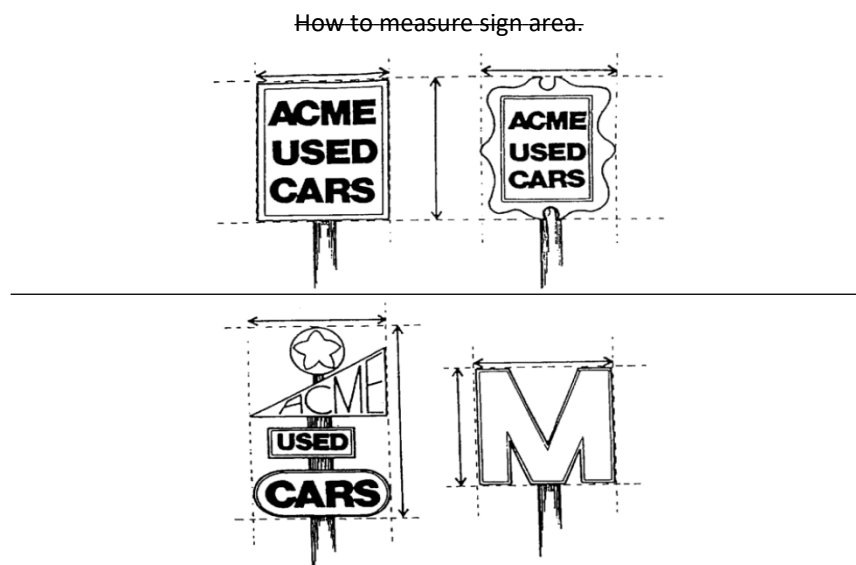
Window or door sign means any sign visible from the exterior of a building or structure which is painted on, attached, glued, or otherwise affixed in any fashion on the interior or exterior of the surface of a window or door.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13; Ord. No. 2016-24, § 2, 1-10-17; Ord. No. 2017-17, § 2, 11-14-17)

Cross reference(s)—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:



(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.63. ExemptionsApplicability.

- (a) Applicability. This division applies to any sign, permanent or temporary, displayed or erected which is visible and legible from a right-of-way.
- (b) Relationship to other codes. All signs shall comply with applicable building, electrical, and maintenance codes as adopted by the city. In the event any provisions of this division are in conflict with other applicable requirements, the more restrictive requirements shall apply.
- (c) This division does not pertain to regulate the following:
 - (a1) A sign, ~~other than a window sign~~, located entirely inside the premises of a building or enclosed space, and that is not visible from the right-of-way or public parking lot.
 - (b2) A government statutory sign.
 - (c3) Historic markers for local, state, or nationally ~~locally~~ designated historic resources.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.94. Substitution of noncommercial speech for commercial speech No content restrictions.

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 noncommercial message unrelated to the business located on the premises where the sign is erected. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that the size, height, setback, other dimensional criteria, and dwell time criteria for electronic changeable message signs contained in this Division and Code have been satisfied.

- (a) Notwithstanding anything in this division or Code to the contrary, nNo 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.
- (b) It is the intent of the City Commission that protection of First Amendment rights shall be afforded such that any sign, display, or device allowed under this division may contain, in lieu of any other copy, any otherwise lawful message unrelated to the business located on the premises where the sign is erected. The message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial or commercial message to another, as frequently as desired by the owner of the sign, provided that the applicable size, height, setback, lighting, design, other applicable requirements, and dwell time criteria for electronic changeable message signs contained in this division and Code have been satisfied.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.115. - Sign permit required.

- (a) Generally.
- (a1) Allowed temporary and allowed permanent signs of the type described in section 26.25 shall be exempt from sign permitting hereunder.
- (b2) No sign permit shall be issued for the erection of a prohibited sign.
- (3) Signs subject to this division shall be designed, constructed, and maintained in compliance with the City's building, electrical, maintenance, and all other applicable codes and ordinances and in compliance with all applicable state and federal law, codes and regulations.
- (e4) 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. Where electrical permits are required, they shall be obtained at the same time as the sign permit. 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.
- (e5) A sign lawfully erected under permit may be repainted or have ordinary and customary non-structural repairs performed, including replacement of plastic or glass panels, without a new sign permit; however, if repair work causes such sign is to be structurally altered or repaired, relocated, or enlarged in any manner, a new sign permit shall be required and the altered or repaired sign must meet all requirements of this division and this Code. Nonconforming signs that have been substantially damaged, deteriorated beyond 5025 percent of the assessed value of the sign, or destroyed shall not be issued a permit for repairs and shall be removed in accordance with section 26.6.

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(Supp. No. 47)

(b) 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.

(c) Permit Application. 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. 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. ~~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(s) 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(s) (e.g., attached wall sign, freestanding monument sign).
- (7) Detailed scaled drawings to show the dimensions, design, structure, and location of each particular sign (when depicting the design of the sign it is not necessary to show the content of the sign as the sign reviewer is prohibited from taking this factor into consideration).
- (8) Computations of the maximum total sign area, the maximum area for individual signs, and the height of each of the proposed signs.
- (9) The setbacks for the proposed sign(s).
- (10) The cost of the proposed sign(s).
- (11) 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.
- (12) If the proposed sign is to be an illuminated sign, the type, placement, intensity and hours of operation.

~~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.~~

(d) Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. If the sign is an integral part of a new building structure, then the permit shall be valid until completion of the building.

(e) Revocation. If the city manager and/or their designee finds that any sign has been erected, altered or maintained in violation of this division, Florida Building Code, or any other ordinance of the city, or that there has been any false statement or misrepresentation of a material fact in the application or plans on which the permit was based, ~~the city shall notify~~ the owner of record of the property upon which such sign is located shall be notified 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. If the permit holder fails or refuses to make corrections within ten days, or a shorter period when emergency conditions exist pursuant to 98-75, it shall be the duty of the building official, or designee, to revoke such permit and provide written notice of same to such permit holder. It shall be unlawful for any person to proceed with any work under the permit after such notice is issued. 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.

- (f) Appeals. 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 on or before 30 days from the day of the administrative decision in accordance with Section 3.14 of the Land Development Code.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

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.

Sec. 26.56. 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.

All signs that lawfully existed at the time of the enactment of this division and that do not conform to the provisions of this division, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed, or maintained, shall be regarded as nonconforming signs.

- (a) Except as provided in this section, no nonconforming sign shall be moved, reconstructed, extended, enlarged, or structurally altered, unless changed to conform with this division.
- (b) Nonconforming signs may continue to be maintained, repaired, or the message of the sign may be changed provided that maintenance, repair, or changing the copy does not require structural alterations.
- (c) Removal of a nonconforming sign, or replacement of a nonconforming sign with a sign conforming to this division, is required when:
 - (1) The nonconforming sign is substantially damaged, destroyed, or deteriorated to such extent that the cost of repair or restoration would equal or exceed 25 percent of the replacement cost of the sign; or

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- (2) A building or site on which the nonconforming sign is located is improved, repaired, rehabilitated, altered, or redeveloped at a cost which equals or exceeds 50 percent of the market value of the existing building or structure before the improvement or repair is started.
 - (d) In addition to the above, all legally erected nonconforming electronic message board signs, including all LED-type signs, must be made to conform to the applicable provisions of this division by January 1, 2027.
 - (e) Signs that exist on the effective date of this division that were not in conformance with previous regulations are illegal signs and shall conform with this division or be removed within ninety (90) calendar days of the effective date of this division.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13; Ord. No. 2016-24, § 3, 1-10-17)

Sec 26.7. Variances.

- (a) Requests for variances from any provisions of this division, unless stated otherwise, shall be processed and authorized pursuant to section 3.12 general variances of the Land Development Code.
- (b) Variances from the terms of these regulations may not be contrary to the public interest. Variances may be granted where, owing to special conditions, the literal enforcement of the provisions would result in unnecessary hardship, not to include economic hardship. However, no variance shall be granted unless the criteria of section 3.12 are met. In addition to these usual criteria for variances to the provisions of this article, any additional signage allowed pursuant to variances shall be conditioned in such a way that, taking into consideration existing allowable signage in the area, the additional signage does not exacerbate visual clutter, driver distraction or traffic safety in the area.

Sec. 26.148. Inspection and Maintenance of signs.

- (a) Inspection. Signs for which a permit is required under this division may be inspected periodically by the building official, or designee, for compliance with this division, other codes of the City, and all terms upon which the sign permit may have been conditioned.
- (b) Maintenance of signs.
 - (1) All visible portions of a sign and its supporting structure shall be maintained in a safe condition, and present a neat and clean appearance according to the following:
 - a. Signs with illumination that have become flashing signs shall be repaired, renovated, or corrected to the original permitted function and order. 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.
 - d. Every sign shall be able to withstand the wind pressure for which it was originally designed.
 - e. If a sign is a freestanding sign, the area around the base of the sign shall be landscaped, maintained, and kept free of weeds, overgrowth, debris, trash, litter, and any other unsightly conditions or nuisances as defined by chapter 98, article 3 property maintenance of the Code of Ordinances.
 - (2) The maintenance of signs shall be in keeping with the intent of chapter 98, article 3, section 98-66(d) to ensure the public health, safety and welfare is maintained. The owner and/or leaseholder shall be responsible for maintaining the signs concerned in good operating

conditions and appearance and shall be responsible for maintaining the area immediately surrounding the sign. Failure to comply with chapter 98, article 3 shall constitute cause for revocation of the sign permit and removal of the sign, if the owner and/or leaseholder fail to correct same within two days after written notice of violation.

- (2) ~~Nonconforming signs may suffer only ordinary and customary repairs and maintenance. As provided in section 26.11, a lawfully erected nonconforming sign shall not be structurally altered except in full conformance with this division.~~

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

~~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. 2013-14, § 1(Exh. A), 4-23-13)

~~Sec. 26.169. Enforcing official.~~

The city manager, or designee, 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. 2013-14, § 1(Exh. A), 4-23-13)

~~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. 2013-14, § 1(Exh. A), 4-23-13)

~~Sec. 26.180. 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:

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- (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. 2013-14, § 1(Exh. A), 4-23-13)

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. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.11. - General sign requirements

- (a) All new signs shall comply with all applicable Florida Building Code requirements, design requirements, and other applicable requirements.
- (b) Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Placement shall not interfere with natural or artificial drainage or surface or underground water.
- (c) No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress, nor shall it obstruct or interfere with roof access or any opening required for ventilation.

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- (d) No sign, portable or otherwise, is to be placed or located to conflict with the intersection visibility requirements of section 6.21 of this Land Development Code.
 - (e) All signs shall be installed and constructed in a professional and workmanlike manner and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated, or made of rust or wood rot inhibitive material.
 - (f) Signs on public lands. Signs shall not be located on publicly owned land or easements or inside street rights-of-way except signs required or erected by permission of the authorized governmental agency. Such prohibited signs shall include, but not be limited to, handbills, posters, advertisements, or notices that are attached in any way upon lampposts, telephone poles, utility poles, bridges and sidewalks. All signs shall be moved by the owner of the sign at no expense to the applicable governmental jurisdiction when the signs are within any public property including existing rights-of-way. Nothing shall prohibit a duly authorized public official from removing a sign from public property.
 - (g) Official signs and notices. Nothing in this division shall be construed to prevent or limit the display of legal notices, warnings, informational, direction, traffic, or other such signs which are legally required or necessary for the essential functions of government agencies.

Section 26.12. Sign standards in all districts.

All permitted signs shall be subject to the below design requirements:

- (a) All permanent signs shall be compatible with the building(s) to which they relate and with the surrounding neighborhood.
- (b) The placement and location of signs shall not cover or obscure architectural features, finishes, doors, windows, or other elements of the building to which they relate unless designed to be an integral part of that element.
- (c) Freestanding signs.
 - (1) All freestanding signs of ten (10) feet in height or less shall be monument signs, unless any combination of landscaping of sufficient density and maturity at the time of planting may be used to achieve the same opacity as would have been achieved with the monument base.
 - (2) The materials, finishes and colors of the base of freestanding signs, including monument and-pole base sign, shall match the architectural design of the building on the same site.
 - (3) All freestanding signs shall be placed in a landscaped setting appropriate to the size and scale of the sign.
 - (4) Tenant panels in freestanding signs for a multi-tenant development or shopping center, including those added to existing sign structures, shall be constructed of the same materials and illuminated by the same method.
 - (5) 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.
 - (6) A freestanding sign shall not exceed 35 feet in height or 135 feet in sign area in any district and shall not exceed six (6) feet in height for any property in the Pass-a-Grille Overlay district. No variance to this regulation may be granted and no variance application to this requirement shall be accepted.

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- (d) Window signs. One or more window signs may be displayed where attached signs are permitted and shall count towards the maximum allowable attached sign area. Permanent window signs shall not cover more than 50% of any window and shall comply with all fire safety codes.
- (e) Projecting signs. Projecting signs shall have a minimum ground clearance of eight (8) feet and shall not project within two (2) feet of any curb.
- (e) Illuminated signs.
- (1) 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.
 - (2) No sign shall have animated, blinking, flashing, or fluttering lights or other illumination devices which have a changing light intensity, brightness, color, or direction.
 - (3) Illuminated signs shall not interfere with pedestrian or motorist vision. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices. Similarly, no electronic changeable message sign shall be permitted if it may be confused with, construed as, or interfere with traffic control devices.
 - (4) The illumination shall not be reflective or phosphorescent and shall be placed in a manner that will not create a nuisance to other premises or ~~interfere with vehicular movements~~ create a traffic hazard to operators of motor vehicles on public thoroughfares.
 - (5) Externally illuminated signs are preferable to internally illuminated signs. Externally illuminated signs are permitted only with steady, stationary, and shielded lighting directed solely onto the sign from either above or below.
 - (6) Internally illuminated signs or portions of a sign that are internally illuminated shall not be larger than 50 square feet in area.
 - (7) Internally illuminated signs shall be expressly prohibited in the following areas:
 - a. Within 50 feet of a property with a single-family use or zoned for a single-family use;
 - b. Building facades or property frontage adjacent to Corey Avenue in the TC-1 or TC-2 district;
 - b. BR district;
 - c. Traditional hotel district;
 - d. UBV district; and
 - e. Pass-a-Grille Overlay district.

Sec. 26.2513. - All districts Exempt Signs.

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. The following sign types are exempt from the permitting process and are exempt from other provisions of this division, but are not exempt from the requirements imposed by this subsection or from applicable requirements of this division relating to construction, illumination, placement, safety, and nonconformity, and are not exempt from other regulations related to public health, safety and welfare.

- (a) Street address signs. For each parcel within the city, one attached street address sign ~~may~~ shall be displayed for each public street ~~building façade facing the primary 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 nonresidential use, the street address sign shall not exceed six square feet in sign area. The address

numbers shall be at least three inches in height if the dwelling or business establishment is located 50 feet or less from the curb or improved right-of-way, at least five inches in height if the dwelling or business establishment is located more than 50 feet from the curb or improved right-of-way, in Arabic numbers, and of contrasting color to background. For any site or parcels subject to a common plan of development on which one or more signs requiring a permit are proposed to be erected, the location, height, and area of street address signs shall be included in sign plan. Address numbers are subject to National Fire Protection Association (NFPA) code, as amended. One additional street address sign may also be located on the monument sign or other sign at the entrance of the development.

- (hb) Artwork. ~~Artwork is allowed in all districts, provided it does not contain a commercial message. The portion of the artwork containing a commercial message shall be part of the computation of the allowable sign area, as described in section 26.15.~~
- (u) ~~Bus stop informational signs.~~ Bus stop informational signs up to three square feet in area.
- (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.
- (jc) Flags. There shall be a maximum of one flagpole and three flags permitted 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. The maximum size of such flags shall be as follows: The maximum distance from top to bottom of any flag shall be 20 percent of the total height of the flagpole, or in the absence of a flagpole, 20 percent of the distance from the top of the flag or insignia to the ground. Flags containing a commercial message shall be part of the computation of the allowable area for freestanding signs.
- (d) Government signs. Informational, directional and regulatory signs located within rights-of-way or on publicly-owned land that are installed by the City or other governmental signs installed with the approval of the City. Official regulatory or warning signs upon any body of water (river, bay, lake, or other body of water) within the limits of the City, informational or directional signs installed by the City or with the approval of the City upon any body of water within the limits of the City in connection with a water path or paddling trail.
- (le) Machinery and equipment signs. Machinery and equipment signs shall be allowed in all districts.
- (bf) 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 nonresidential use, the nameplate or occupant identification sign shall not exceed six square feet in sign area.
- (eg) ~~Noncommercial onsite~~ Onsite directional signs. Noncommercial onsite Onsite directional signs, not exceeding four square feet in sign area, shall be allowed on each parcel within the city per sign face.
- (dh) ~~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.
- (ei) ~~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.
- (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 nonresidential 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 16 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.

- (kj) *Warning signs and safety signs.* Warning signs and safety signs, not exceeding four square feet in sign area, shall be allowed in all districts.
- (k) *Special event sign.* A special event sign may be allowed subject to the conditions of the associated special event permit or City sponsorship conditions, along with any restrictions placed specifically on special event signage within this division. All other restrictions of this division, not specific to special event signs, shall not be applicable.
- (l) *Temporary window signs.* Temporary window signs shall be allowed on parcels being used for multifamily residential, office, commercial, and public/semipublic uses. The maximum area of such signs in areas classified as office, commercial, and public/semipublic shall not exceed 25-50 percent of windowpane area or 100 square feet, whichever is less. In multifamily residential areas, the area of temporary window signs shall not exceed 25 square feet. If the use displaying such temporary window sign(s) is also displaying permanent window sign(s), as authorized in Sec. 26.11(d), then the total area of the window covered by a combination of all window signs shall not exceed 65% of the windowpane area. Temporary window signs that are illuminated shall be part of the computation of the allowable area for attached signs.
- (em) *Temporary signs.* One temporary sign per property, not exceeding three square feet in area on residential property, and 12 square feet in area on nonresidential property, shall be allowed. Additionally, an unlimited number of temporary signs shall be allowed on both residential and nonresidential property from thirty days prior to an election held in the city to two days following an election held in the city, provided all other restrictions of this sign type are met. A temporary sign for a non-election predictable event shall be posted no more than seven days prior to the event and removed no more than two days following the event. A temporary sign for a non-election unpredictable event shall be removed no more than two days following the event. This regulation does not pertain to a temporary sign otherwise regulated by a special event permit. Signs may be freestanding or attached wall signs and shall not be of a type prohibited in section 26.13. Temporary signs are further regulated by type as follows:
 - (1) *Freestanding temporary signs.* If freestanding, signs shall not exceed three feet in height on residential property and six feet in height on nonresidential property, shall be located outside of the visibility triangle required by section 6.21 of this Code, shall be located outside of any required pedestrian access, public safety access, or parking access or space, and shall be located a minimum of three feet from the sidewalk or curb line on private property.
 - (2) *Attached temporary signs.* If attached, signs shall be erected as permitted for a wall sign and shall not exceed in height the eave or parapet line of the building.
- (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 lot within the city one election sign for 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 nonresidential 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, ten feet from the edge of pavement. Election signs are prohibited on public property and public right of way. An election sign shall be removed within seven ~~(7)~~ calendar days following the election to which it pertains.

For this section, the term lot means: the least fractional part of subdivided lands having limited fixed boundaries and an assigned number, letter, legal description or other name through which it may be identified

- (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 16 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 nonresidential 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 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.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13; Ord. No. 2016-24, § 5, 1-10-17)

Sec. 26.4-14. 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.~~
- (~~a~~b) Revolving signs; rotating signs.
- (~~b~~e) Flashing signs or, animated signs, multi-prism signs and beacon lights, except when required by the Federal Aviation Administration or other government agency.

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- (~~cd~~) 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.
 - (d) Pennants, streamers, and all other fluttering, spinning, or similar type signs and advertising devices.
 - (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 nonresidential 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, or project three-dimensional images, holographic images or pyrotechnics, with the exception that signs emitting audible sound erected to accomplish compliance with the Americans with Disabilities Act shall be authorized.
 - (l) Signs that have unshielded illuminating devices, other than electronic changeable message sign displays permitted in accordance with this division.
 - (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.~~
 - (~~qn~~) Any sign within a sight visibility triangle that obstructs a clear view of pedestrian or vehicular traffic.
 - (~~ro~~) Any sign in or over the public right-of-way, ~~other than traffic control device signs, bus stop informational signs, warning signs or safety signs except government signs or as otherwise provided by this division.~~
 - (~~sp~~) Any sign attached to or painted on a seawall ~~or~~, pier, dock, or tie pole, other than a government sign, warning sign or safety sign, or signs otherwise required by local, state or federal law.
 - (~~tg~~) Signs in or upon any river, bay, lake, or other body of water within the limits of the City, other than government signs, warning or safety signs or signs otherwise required by local, state or federal law.
 - (~~ur~~) 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.
 - (~~vs~~) Any sign nailed, fastened ~~or~~, affixed to, hanging from, or painted on any tree or other vegetation, or part thereof (living or dead).
 - (~~w~~~~t~~) Any sign prohibited by state or federal law.
 - (~~x~~~~u~~) Vehicle signs, as defined by this division, and portable trailer signs.
 - (~~y~~~~v~~) Any sign located on real property without the permission of the property owner.
 - (~~y~~) ~~Beacons, except as required by federal or state law.~~

Sec. 26.15. - Methods of Measurement

- (a) *Setbacks.* Required setbacks for signs in all zoning districts shall be measured from the property line to the nearest part of the sign.
- (b) *Height.* Height for freestanding signs in all zoning districts shall be computed as the distance from the base of the sign structure at ground level to the highest point of the sign structure. In cases where the ground level, as defined in this section, cannot reasonably be determined, sign height shall be derived on the assumption that the elevation of the ground at the base of the sign is equal to the average elevation at the front property line of the zone lot.
- (c) *Area.*

 - (1) *Freestanding sign, monument base.* Sign area shall be computed as the extreme outer dimensions of the freestanding structure, excluding the support structure base and architectural features.
 - (2) *Freestanding sign, pole base.* Sign area shall be computed as the area enclosed by the smallest single rectangle that will enclose the sign structure, exclusive of poles.
 - (3) *Attached sign, single element.* Sign area shall be computed within a single perimeter composed of squares or rectangles that enclose the sign structure, background panel, or surface, including sign trim and frame.
 - (4) *Attached sign, multiple elements.* When signs are constructed of individual elements, such as signs that consist of individual letters or signs have an additional background panel or surface for a logo, the area of all sign elements which together convey a single, complete message, shall be considered as a single sign. Sign area shall be computed by summing the area of each element enclosed by the smallest single rectangle that can be drawn around the complete message of sign copy, background panel or surface, including sign trim or frame.
 - (5) *Signs painted directly on walls, awnings, canopies, or other structures.* The area of a sign painted directly on a wall, awning, canopy, marquee, or other structure that has not been distinctively painted, textured, or constructed to serve as a background for the sign copy, shall be computed as the area enclosed by the smallest single rectangle that can be drawn around the commercial message, including all sign copy, logos, or other representation or image that directly or indirectly represents a business, product, or other commercial activity. When a sign has been painted on a background panel or area distinctively painted, textured, or constructed to serve as the background for the sign copy, sign area shall be computed as the area enclosed by the smallest single rectangle that can be drawn around the outside dimensions of the background panel or surface, including sign trim or frame.
 - (6) *Window signs.* Sign area shall be computed as the area enclosed by the smallest single rectangle that that can be drawn around the outside dimensions of the sign display, including sign trim or frame.
 - (7) *Double-faced signs.* On a sign where two sign faces are back to back and directionally oriented 180 degrees from each other, the sign area shall be computed as the area of one sign face. Where the two faces of a double-faced sign are not equal in size, the larger sign face shall be used in the area computation. Where two sign faces are directionally oriented at an interior angle other than 180 degrees, both sign faces shall be counted toward sign area.

Sec. 26.16. - Adoption of Zoning Regulations

- (a) Intent. It is the intent of this section to regulate signs visible from a public right-of-way in a manner that is consistent with the land use classification which establishes the character of the area in which the signs are located and in keeping with the overall character of the community.
- (b) 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.
- (d) If no height or size restriction is specifically provided regarding any sign located in the City, the height and size restrictions for a structure in the zone in which the sign is located will govern.
- (e) Any building or land use not conforming to the zoning ordinance provisions for the zone in which it is located, shall, nevertheless, comply with all provisions of this division for the zone in which it is located.
- (f) 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.

Sec. 26.17. – Permitted signs and standards by zoning districts.

- (a) The following types of signs are permitted in the Activity Center (AC), Bayou Residential (BR), Commercial Corridor-1 (CC-1), Commercial Corridor-2 (CC-2), Institutional (INS), and Residential/Office/Retail (R/O/R) districts, as follows:

<u>Table 26.17.a - Standards for Signs in the AC, BR, CC-1, CC-2, CG-1, CG-2, INS, ROR Districts¹</u>			
<u>Permitted Sign Types</u>	<u>Freestanding Signs</u>	<u>Attached Signs</u>	<u>Projecting Signs</u>
<u>Maximum Quantity:</u> <u>businesses with less than 200 ft of frontage may choose up to 2 signs;</u> <u>business with 200 to 300 ft of frontage may choose up to 3 signs; businesses with more than 300 ft of frontage may choose up to 4 signs</u>	<u>1 per street frontage, not to exceed a maximum of 2</u>	<u>1 per street frontage not to exceed a maximum of 2, or 1 per business if in a multi-tenant development</u>	<u>1 per business</u>
<u>Maximum Area (per sign)</u>	<u>60 ft²</u>	<u>1 ft² per linear foot of building frontage</u>	<u>12 ft²</u>
<u>Maximum Height</u>	<u>15 feet</u>	<u>Shall not appear above second floor of building</u>	<u>-</u>

¹ Subject to additional standards set forth in Section 26.18.

- (b) The following types of signs are permitted in the Boutique Hotel/Condo (B/HC), Large Resort (LR), and Resort Facilities Medium (RFM) districts, as follows:

<u>Table 26.17.b - Standards for Signs in the B/HC, LR, and RFM Districts²</u>			
<u>Permitted Sign Types</u>	<u>Freestanding Signs</u>	<u>Attached Signs</u>	<u>Projecting Signs</u>

<u>Maximum Quantity:</u> <u>businesses with less than 200 ft of frontage may choose up to 2 signs; business with 200 to 300 ft of frontage may choose up to 3 signs; businesses with more than 300 ft of frontage may choose up to 4 signs</u>	<u>1 per street frontage, not to exceed a maximum of 2</u>	<u>1 per street frontage not to exceed a maximum of 2, or 1 per business if in a multi-tenant development</u>	<u>1 per business</u>
<u>Maximum Area (per sign)</u>	<u>60 ft²</u>	<u>1 ft² per linear foot of building frontage</u> <u>Not to exceed an aggregate area of 70 ft²</u>	<u>12 ft²</u>
<u>Maximum Height</u>	<u>15 feet</u>	<u>Shall not appear above the second floor of building</u>	

² Subject to additional standards set forth in Section 26.18.

- (c) The following types of signs are permitted in the Town Center Core (TC-1), Town Center Corey Circle and Coquina West (TC-2), Upham Beach Village (UBV) and Community Redevelopment District-Eighth Avenue (CRD-EA) districts, as follows:

<i>Table 26.17.c - Standards for Signs in the TC-1, TC-2, UBV, and CRD-EA Districts³</i>			
<u>Permitted Sign Types</u>	<u>Freestanding Signs</u>	<u>Attached Signs</u>	<u>Projecting Signs</u>
<u>Maximum Quantity:</u> <u>businesses with less than 200 ft of frontage may choose up to 2 signs; business with 200 to 300 ft of frontage may choose up to 3 signs; businesses with more than 300 ft of frontage may choose up to 4 signs</u>	<u>For street frontages along Gulf Blvd, Boca Ciega, Blind Pass, and Pass-a-Grille Way: 1</u> <u>For all other streets: Not permitted</u>	<u>1 per street frontage</u>	<u>1 per business</u>
<u>Maximum Area (per sign)</u>	<u>40 ft²</u>	<u>1 ft² per linear foot of building frontage, not to exceed a maximum area of 40 ft²</u>	<u>12 ft²</u>
<u>Maximum Height</u>	<u>10 feet</u>	<u>Shall not appear above first floor of building</u>	<u>=</u>

³ Subject to additional standards set forth in Section 26.18.

- (d) The following types of signs are permitted in the Residential Urban districts (RU-1 and RU-2), Residential Low Medium districts (RLM-1 and RLM-2) districts, Residential Medium (RM) district, and Downtown Core Residential (DCR) district, as follows:

<i>Table 26.17.d - Standards for Signs in the RU-1, RU-2, RLM-1, RLM-2, RM, DCR, and TH Districts⁴</i>			
<u>Permitted Sign Types</u>	<u>Freestanding Signs</u>	<u>Attached Signs</u>	<u>Projecting Signs</u>
<u>Maximum Quantity: 2</u>	<u>For residential uses:</u>	<u>1 per non-residential parcel</u>	<u>Not permitted</u>

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	<u>1 subdivision identification sign at the neighborhood entrance. The subdivision identification sign shall be constructed with a monument base.</u> <u>For non-residential uses: 1</u>		
<u>Maximum Area (per sign)</u>	<u>24 ft²</u>	<u>8 ft² or 1 ft² per linear foot of building frontage, whichever is less</u>	<u>=</u>
<u>Maximum Height</u>	<u>6 feet</u>	<u>Shall not appear above first floor of building</u>	<u>=</u>

⁴ Subject to additional standards set forth in Section 26.18.

Sec. 26.18. Standards for Specific Sign Types.

In addition to the regulations prescribed by this sign code generally, the following regulations for certain sign types shall apply.

- (a) Electronic message board signs. The following conditions and restrictions shall apply to electronic message board signs:
- (1) Location. Electronic message board signs are only permitted for nonresidential uses on properties adjacent to Gulf Boulevard from 37th Avenue to 75th Avenue. Electronic message board signs shall only be located in a front yard, and in no case shall be closer than 10 feet from the front yard property line.
 - (2) Design. An electronic message board sign shall only be permitted as an integral component of a freestanding sign. The width, depth, and color of the cabinet containing the electronic message board shall be compatible with the design of the primary sign structure.
 - (3) Size. An electronic message board sign shall comprise no more than 50 percent of the overall sign area of the freestanding sign and shall not, in any case, exceed 32 square feet in area.
 - (4) Brightness. Maximum illumination intensity level for electronic message board signs shall not exceed 0.3 foot candles over ambient light when measured at 50 linear feet from the base of the sign.
 - (4) Dwell time. The minimum amount of time that a message or display on an electronic message board sign remains fixed shall be one minute.
 - (5) Static images and messages. The image or message shall be static. There shall be no animation, flashing, scintillating lighting, movement, or the varying of light intensity during the message. Messages or images shall not scroll and shall not give any appearance or optical illusion of movement.
 - (6) Default mechanism. The sign shall have a default mechanism or setting that will cause the sign to turn off or show a "full black" image if a visible malfunction or failure occurs.
 - (7) Electronic message board signs, including LED-type, shall only be permitted as defined above. All other existing nonconforming electronic message board signs shall be subject to the amortization schedule set forth in section 26.6.
- (b) Waterside identification signs. For each parcel within the City with a residential complex or licensed commercial establishment(s) that has at least one façade that can only be viewed from a navigable waterway, one (1) waterside identification sign shall be allowed per such façade. A waterside

identification sign may be either a freestanding sign or an attached sign. A waterside identification sign shall not exceed eight (8) feet in height and shall not exceed 40 square feet in sign area. A waterside identification sign shall not be illuminated. A waterside identification sign shall be in addition to the signage otherwise allowed pursuant to the other provisions of this division.

- (c) Attached menu display signs. For each parcel with either (a) a restaurant without drive-thru service, or (b) with a transient lodging facility that has restaurant facilities open to the general public in addition to registered guests, one (1) 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 signage otherwise allowed pursuant to the other provisions of this division.
- (d) Drive-thru menu signs. For each parcel with a licensed commercial establishment that utilizes a drive-thru lane, one (1) drive-thru menu sign shall be allowed for each drive-thru lane. A 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 (10) 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.
- (e) Sandwich board/A-frame signs. One (1) sandwich board sign shall be allowed for each licensed commercial establishment. Sandwich board signs 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 Code, be no larger than five feet in height and 12 square feet in area per face, shall not obstruct walkways or fire access, shall have no illumination of any kind, and may be displayed only during the time when the business in front of which the sign is located is open to the public.
- (f) Theater signs. For each parcel with a theater use, 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.
- (g) Boat or beach concession signs. Boat or beach concession signs shall only be permitted in the RFM district. Each licensed boat or beach concession rental business operating along the Gulf 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) Lighted signs. Lighted signs shall be prohibited.
 - (3) Sandwich board signs. Operators may display sandwich board sign ~~on~~ at the building frontage adjacent to 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.
 - (4) 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.

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- (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.
 - (5) 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.

Sec. 26.26. Residential Zoning 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, RLM-2, RM, 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 nonresidential 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 nonresidential 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. 2013-14, § 1(Exh. A), 4-23-13)

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 nonresidential 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:

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- (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 nonresidential use within the RM or DCR 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. 2013-14, § 1(Exh. A), 4-23-13)

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 nonresidential 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 nonresidential 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 Code, be no larger than five feet in height and 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 Code and shall be no larger than five feet tall by three feet wide by three feet deep.

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

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

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 nonresidential 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 nonresidential 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 nonresidential use that utilizes a drive-thru lane within RFM Resort Facilities Medium District, one drive-thru 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-thru 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.

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- (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. 2013-14, § 1(Exh. A), 4-23-13)

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 four 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 eight feet in height, and is not located within the visibility triangle as required by this Code. 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 eight 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 nonresidential use that utilizes a drive-thru lane within the CG-1 Commercial District, one drive-thru 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-thru 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 freestanding 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. 2013-14, § 1(Exh. A), 4-23-13)

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 four signs from [subsections] (a)–(f)):

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- (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 eight feet in height, and is not located within the visibility triangle as required by this Code. 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 eight 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 eight 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 Code, be no larger than five feet in height and 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 Code and shall be no larger than five feet tall by three feet wide by three feet deep.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

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.

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- (a) *Freestanding monument signs.* For each parcel with a lawful nonresidential 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 eight 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 nonresidential 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 Code, be no larger than five feet in height and 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 Code and shall be no larger than five feet tall by three feet wide by three feet deep.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

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

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)–(f) below, subject to permit approval and compliance with the conditions for each type of sign. One of the allowable signs may be internally illuminated subject to section 26.23. Such signs shall not be located on any building façade or property frontage adjacent to Corey Avenue.

- (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 Code, be no larger than five feet in height and 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 Code and shall be no larger than five feet tall by three feet wide by three feet deep.
- (b) A marquee or canopy sign;
- (c) A menu display sign;

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- (d) A projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within two feet of any curb, and has a minimum ground clearance of seven 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 eight feet in height, does not block any pedestrian walkway, and is not located within the visibility triangle as required by this Code. 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 area.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13; Ord. No. 2016-24, § 6, 1-10-17)

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 Code. 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 eight 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 Code, be no larger than five feet in height and 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 Code and shall be no larger than five feet tall by three feet wide by three feet deep.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.35. CC-1 and 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 to four signs from [subsection] (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 eight feet in height, and is not located within the visibility triangle as required by this Code. 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 eight 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 two feet of any curb and has a minimum ground clearance of seven 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.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.36. CRD-EA District.

Each business with its own exterior entrance may have up two signs per frontage from the following list:

- (a) One projecting sign not to exceed 12 square feet and shall have a minimum clearance from the sidewalk of 7.5 feet.
- (b) One attached sign, which may include a wall sign, a canopy, or a marquee sign; the attached sign may not be larger than one square foot for every linear foot of building frontage.
- (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 will not be placed in the right-of-way such that the sidewalk width would be less than 48 inches, not be placed within the visibility triangle required for intersections at streets and driveways, as required by this Code, be no larger than five feet in height and 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 Code and shall be no larger than five feet tall by three feet wide by three feet deep.
- (d) All other signs are prohibited.

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Sec. 26.37. 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 two feet of any curb, and has a minimum ground clearance of seven 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 five feet in height, does not block any pedestrian walkway and is not located within the visibility triangle as required by this Code. 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.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.38. 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 four 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 eight feet in height, and is not located within the visibility triangle as required by this Code. 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 eight 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 nonresidential use that utilizes a drive-thru lane within the AC District, one drive-thru menu sign shall be allowed for each drive-thru lane. An allowed drive-thru menu sign may be either a freestanding 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.

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- (d) *Attached menu display signs.* For each parcel within the AC Commercial District with a restaurant without drive-thru 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 freestanding 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 [subsections] (a)–(f) above, multi-tenant 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 ten 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.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.39. 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 two feet of any curb, and has a minimum ground clearance of seven 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 five feet in height, does not block any pedestrian walkway and is not located within the visibility triangle as required by this Code. 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 freestanding sign or an attached sign. A waterside identification sign shall not exceed 40 square feet in sign area.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.40. 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 two feet of any curb, and has a minimum ground clearance of seven 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 four feet in height, does not block any pedestrian walkway and is not located within the visibility triangle as required by this Code. 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. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.41. Pass-a-grille overlay district.

All signs shall be allowed in accordance with the underlying zoning district's permitted signage, except that internally illuminated signage shall be expressly prohibited.

(Ord. No. 2016-24, § 7, 1-10-17)

Sec. 26.4219. 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 subsection 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 subsection 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

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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. 2013-14, § 1(Exh. A), 4-23-13; Ord. No. 2016-24, § 7, 1-10-17)

Editor's note(s)—Ord. No. 2016-24, § 7, adopted Jan. 10, 2017, added § 26.41 and in so doing renumbered § 26.41 as 26.42, as set out herein.

Exhibit “A”

DIVISION 26 SIGN ORDINANCE¹

DRAFT: MARCH 2025

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 nondiscriminatory sign standards. The sign regulations in this division are intended to be content-neutral and regulate only the number, form, and placement, not the content, of signs. 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. These sign regulations have been prepared with the intent of mitigating the impact signs have on traffic and pedestrian safety, enhancing the visual environment of the city, and promoting its continued well-being. These sign regulations 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;
- (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 their structures and tailor the regulation of signs based upon those structures;
- (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;

¹Editor's note(s)—Ord. No. 2013-14, § 1(Exh. A), adopted April 23, 2013, amended Div. 26 in its entirety to read as set out herein. Former Div. 26, §§ 26.1—26.40, pertained to similar subject matter and derived from Ord. No. 2011-42, § 1(Exh. A), adopted Jan. 24, 2012; Ord. No. 2012-16, § 1(Exh. A), adopted Sept. 12, 2012.

- (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, is appropriate in scale to the surrounding buildings and landscape, 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;
- (t) Provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and
- (u) Enable the fair and consistent enforcement of these sign regulations.

(Ord. No. 2013-14, § 1(Exh. A), 4-23-13)

Sec. 26.2. Definitions.

All words used in this division, except where specifically defined herein, shall carry their customary dictionary meanings when not inconsistent with the context in which they are used. The following terms, when used in this division, shall have the meanings ascribed to them in this section:

Abandoned or discontinued sign or sign structure means (a) A sign on or appurtenant to a building when that building has not been occupied for a period of 90 consecutive days or longer; or (b) a sign which contains structural components but no display or sign copy for a period of 90 consecutive days or longer. This does not include individual panels within a sign for multi-tenant developments unless the multi-tenant development is more than 50 percent vacant.

Advertising means sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, sales event, 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, requiring electrical energy or set in motion by movement of the atmosphere, or made up of external sign elements that revolve or turn. The term "animated sign" does not include signs which display time of day, temperature, or both, and does not include electronic message board signs.

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in an artistic form but does not in any way identify a business, product, business logo, or a commercial message.

Attached sign means any sign attached to, on, or supported by any part of a building (e.g., walls, integral roof, awning, windows, or canopy) which encloses or covers usable space.

Awning means a cloth, plastic, or other nonstructural covering that is permanently attached to a building or other structure, or that can be raised or retracted to a position against the building or other structure when not in use.

Awning sign or 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.

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.

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 means a permanent or semi-permanent, on-premise roof-like projection or structure intended to provide shade or shelter.

Canopy sign or awning sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable copy/message sign means a sign with the capability of content change by means of manual or remote input, including the following types:

- (1) *Manually activated.* Changeable sign whose message copy can be changed manually on a display surface.
- (2) *Electronically activated.* Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or may be from an external light source designed to reflect off of the changeable component display. See also *Electronic message board sign*.

Character means any symbol, mark, logo, or inscription.

Color means any distinct tint, hue or shade including white, black or gray.

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 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.

Eave means the lowest horizontal line of a sloping roof.

Electronic message board sign means a sign by which the message copy can be electronically changed and controlled. This shall include but not be limited to changeable words, lines, logos, symbols, or illustrations and shall include all LED type signs regardless of if the sign periodically changes copy.

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

Facade means the exterior wall(s) of a building exposed to public view.

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. A flagpole is not a freestanding pole sign.

Flashing sign means any illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign. This does not include official warning signs to the motoring public.

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.

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

Government sign means any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building, program or service (including bus or other public transit services), traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of government events or actions, proposed changes of land use, any proposed rezoning, or any other government speech. This term includes signs erected on government property pursuant to lease, license, concession or similar agreements requiring or authorizing such signs.

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

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

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.

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, weather, or accident.

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.

Multi-tenant building/development means a building or 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.

Nonconforming sign means a sign which does not conform with the regulations provided in this division.

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

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, and is so constructed as to be of lasting and enduring condition (beyond normal wear and tear). Unless otherwise provided for herein, a sign other than a temporary sign or portable sign shall be deemed a permanent sign.

Predictable event means an event of which the date or dates is or are known at the time the sign is erected. By way of example, predictable events shall include an election, garage sale, grand opening, parade, wedding, garage sales, and others with a definite date.

Portable sign means any sign, banner, or poster that is not permanently attached to the ground or structure, or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels or carried by a person, and signs converted to an A-frame sign or a T-frame sign. For purposes of this division, a cold-air inflatable sign shall be considered to be a portable sign.

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.

Property means the overall area represented by the outside boundaries of a parcel of land or development containing one or more business establishments and/or residential units.

Revolving sign or *rotating sign* means an animated sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.

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.

Safety sign. See Warning sign.

Sandwich board sign or *A-frame sign* means a portable, freestanding sign which is ordinarily in the shape of an "A," or some variation thereof when erected.

Shopping center means a group of commercial establishments developed, operated, managed, and/or owned as a planned unit under a single architectural plan. 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 herein.)

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, computed as described in section 26.14.

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.

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

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 and shall include a sign formerly or commonly associated with a temporary use or structure, or a sign related to an event or occurrence at a future time, which shall be further defined by whether the event to which it pertains is predictable or unpredictable.

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).

Unpredictable event means an event of which the date or dates is or are not known at the time the sign is erected. By way of example, unpredictable events may mean for rent or for sale periods, construction projects, and others without a definite date of ending.

Vehicle sign 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, can be viewed from a right-of-way. This includes signs attached to the following vehicles: On- or off-site inoperable vehicles, junk or abandoned vehicles as defined in section 98-67 of the Code of Ordinances, vehicles that have not been driven or moved in 72 hours, or a vehicle with signage attached to it that renders the vehicle not safely drivable.

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.

Warning sign or safety sign means a sign which only 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 only provides warning of a violation of law or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity on the property on which the sign is posted.

Waterside identification sign means a sign which can be only be viewed from the waters of the Gulf of , Boca Ciega Bay, the intracoastal waterway or any other navigable waterway.

Wayfinding/Directional sign means a sign, which may or may not be a governmental/statutory sign, that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information for the aid of the traveling public, for facilitating a safe and orderly traffic flow and preventing sudden stops.

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; however, the term "wind sign" shall not include flags.

Window or door sign means any sign visible from the exterior of a building or structure which is painted on, attached, glued, or otherwise affixed in any fashion on the interior or exterior of the surface of a window or door.

Sec. 26.3. Applicability.

- (a) *Applicability.* This division applies to any sign, permanent or temporary, displayed or erected which is visible and legible from a right-of-way.
- (b) *Relationship to other codes.* All signs shall comply with applicable building, electrical, and maintenance codes as adopted by the city. In the event any provisions of this division are in conflict with other applicable requirements, the more restrictive requirements shall apply.
- (c) This division does not regulate the following:
 - (1) A sign located entirely inside the premises of a building or enclosed space, and that is not visible from the right-of-way or public parking lot.
 - (2) A government sign.
 - (3) Historic markers for local, state, or nationally designated historic resources.

Sec. 26.4. No content restrictions.

- (a) 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.
- (b) It is the intent of the City Commission that protection of First Amendment rights shall be afforded such that any sign, display, or device allowed under this division may contain, in lieu of any other copy, any otherwise lawful message unrelated to the business located on the premises where the sign is erected. The message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial or commercial message to another, as frequently as desired by the owner of the sign, provided that the applicable size, height, setback, lighting, design, other applicable requirements, and dwell time criteria for electronic changeable message signs contained in this division and Code have been satisfied.

Sec. 26.5. - Sign permit required.

- (a) *Generally.*
 - (1) Allowed temporary and allowed permanent signs of the type described in section 26.25 shall be exempt from sign permitting hereunder.
 - (2) No sign permit shall be issued for the erection of a prohibited sign.
 - (3) Signs subject to this division shall be designed, constructed, and maintained in compliance with the City's building, electrical, maintenance, and all other applicable codes and ordinances and in compliance with all applicable state and federal law, codes and regulations.
 - (4) Unless exempt from permitting, no sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and appropriate fee paid to the city. Where electrical permits are required, they shall be obtained at the same time as the sign permit. 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.
 - (5) A sign lawfully erected under permit may be repainted or have ordinary and customary non-structural repairs performed, including replacement of plastic or glass panels, without a new sign permit; however, if repair work causes such sign is to be structurally altered, relocated, or enlarged in any manner, a new sign permit shall be required and the altered sign must meet all requirements of this division and this Code. Nonconforming signs that have been substantially damaged,

deteriorated beyond 25 percent of the assessed value of the sign, or destroyed shall not be issued a permit for repairs and shall be removed in accordance with section 26.6.

- (b) *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.
- (c) *Permit Application.* 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. 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. 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(s) 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(s) (e.g., attached wall sign, freestanding monument sign).
 - (7) Detailed scaled drawings to show the dimensions, design, structure, and location of each particular sign (when depicting the design of the sign it is not necessary to show the content of the sign as the sign reviewer is prohibited from taking this factor into consideration).
 - (8) Computations of the maximum total sign area, the maximum area for individual signs, and the height of each of the proposed signs.
 - (9) The setbacks for the proposed sign(s).
 - (10) The cost of the proposed sign(s).
 - (11) 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.
 - (12) If the proposed sign is to be an illuminated sign, the type, placement, intensity and hours of operation.
- (d) *Nullification.* A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. If the sign is an integral part of a new building structure, then the permit shall be valid until completion of the building.
- (e) *Revocation.* If the city manager and/or their designee finds that any sign has been erected, altered or maintained in violation of this division, Florida Building Code, or any other ordinance of the city, or that there has been any false statement or misrepresentation of a material fact in the application or plans on which the permit was based, the owner of record of the property upon which such sign is located shall be notified 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. If the permit holder fails or refuses to make corrections within ten days, or a shorter period when emergency conditions exist pursuant to 98-75, it shall be the duty of the building official, or

designee, to revoke such permit and provide written notice of same to such permit holder. It shall be unlawful for any person to proceed with any work under the permit after such notice is issued. 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.

- (f) *Appeals.* 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 on or before 30 days from the day of the administrative decision in accordance with Section 3.14 of the Land Development Code.

Sec. 26.6. Nonconforming signs.

All signs that lawfully existed at the time of the enactment of this division and that do not conform to the provisions of this division, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed, or maintained, shall be regarded as nonconforming signs.

- (a) Except as provided in this section, no nonconforming sign shall be moved, reconstructed, extended, enlarged, or structurally altered, unless changed to conform with this division.
- (b) Nonconforming signs may continue to be maintained, repaired, or the message of the sign may be changed provided that maintenance, repair, or changing the copy does not require structural alterations.
- (c) Removal of a nonconforming sign, or replacement of a nonconforming sign with a sign conforming to this division, is required when:
 - (1) The nonconforming sign is substantially damaged, destroyed, or deteriorated to such extent that the cost of repair or restoration would equal or exceed 25 percent of the replacement cost of the sign; or
 - (2) A building or site on which the nonconforming sign is located is improved, repaired, rehabilitated, altered, or redeveloped at a cost which equals or exceeds 50 percent of the market value of the existing building or structure before the improvement or repair is started.
- (d) In addition to the above, all legally erected nonconforming electronic message board signs, including all LED-type signs, must be made to conform to the applicable provisions of this division by January 1, 2027.
- (e) Signs that exist on the effective date of this division that were not in conformance with previous regulations are illegal signs and shall conform with this division or be removed within ninety (90) calendar days of the effective date of this division.

Sec 26.7. Variances.

- (a) Requests for variances from any provisions of this division, unless stated otherwise, shall be processed and authorized pursuant to section 3.12 general variances of the Land Development Code.
- (b) Variances from the terms of these regulations may not be contrary to the public interest. Variances may be granted where, owing to special conditions, the literal enforcement of the provisions would result in unnecessary hardship, not to include economic hardship. However, no variance shall be granted unless the criteria of section 3.12 are met. In addition to these usual criteria for variances to the provisions of this article, any additional signage allowed pursuant to variances shall be conditioned in such a way that,

taking into consideration existing allowable signage in the area, the additional signage does not exacerbate visual clutter, driver distraction or traffic safety in the area.

Sec. 26.8. Inspection and maintenance of signs.

- (a) *Inspection.* Signs for which a permit is required under this division may be inspected periodically by the building official, or designee, for compliance with this division, other codes of the City, and all terms upon which the sign permit may have been conditioned.
- (b) *Maintenance of signs.*
 - (1) All visible portions of a sign and its supporting structure shall be maintained in a safe condition, and present a neat and clean appearance according to the following:
 - a. Signs with illumination that have become flashing signs shall be repaired, renovated, or corrected to the original permitted function and order.
 - 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.
 - d. Every sign shall be able to withstand the wind pressure for which it was originally designed.
 - e. If a sign is a freestanding sign, the area around the base of the sign shall be landscaped, maintained, and kept free of weeds, overgrowth, debris, trash, litter, and any other unsightly conditions or nuisances as defined by chapter 98, article 3 property maintenance of the Code of Ordinances.
 - (2) The maintenance of signs shall be in keeping with the intent of chapter 98, article 3, section 98-66(d) to ensure the public health, safety and welfare is maintained. The owner and/or leaseholder shall be responsible for maintaining the signs concerned in good operating conditions and appearance and shall be responsible for maintaining the area immediately surrounding the sign. Failure to comply with chapter 98, article 3 shall constitute cause for revocation of the sign permit and removal of the sign, if the owner and/or leaseholder fail to correct same within two days after written notice of violation.

Sec. 26.9. Enforcing official.

The city manager, or designee, 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.

Sec. 26.10. 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.

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- (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.

Sec. 26.11. - General sign requirements

- (a) All new signs shall comply with all applicable Florida Building Code requirements, design requirements, and other applicable requirements.
- (b) Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Placement shall not interfere with natural or artificial drainage or surface or underground water.
- (c) No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress, nor shall it obstruct or interfere with roof access or any opening required for ventilation.
- (d) No sign, portable or otherwise, is to be placed or located to conflict with the intersection visibility requirements of section 6.21 of this Land Development Code.
- (e) All signs shall be installed and constructed in a professional and workmanlike manner and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated, or made of rust or wood rot inhibitive material.
- (f) *Signs on public lands.* Signs shall not be located on publicly owned land or easements or inside street rights-of-way except signs required or erected by permission of the authorized governmental agency. Such prohibited signs shall include, but not be limited to, handbills, posters, advertisements, or notices that are attached in any way upon lampposts, telephone poles, utility poles, bridges and sidewalks. All signs shall be moved by the owner of the sign at no expense to the applicable governmental jurisdiction when the signs are within any public property including existing rights-of-way. Nothing shall prohibit a duly authorized public official from removing a sign from public property.
- (g) *Official signs and notices.* Nothing in this division shall be construed to prevent or limit the display of legal notices, warnings, informational, direction, traffic, or other such signs which are legally required or necessary for the essential functions of government agencies.

Section 26.12. Sign standards in all districts.

All permitted signs shall be subject to the below design requirements:

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- (a) All permanent signs shall be compatible with the building(s) to which they relate and with the surrounding neighborhood.
 - (b) The placement and location of signs shall not cover or obscure architectural features, finishes, doors, windows, or other elements of the building to which they relate unless designed to be an integral part of that element.
 - (c) *Freestanding signs.*
 - (1) All freestanding signs of ten (10) feet in height or less shall be monument signs, unless any combination of landscaping of sufficient density and maturity at the time of planting may be used to achieve the same opacity as would have been achieved with the monument base.
 - (2) The materials, finishes and colors of the base of freestanding signs, including monument and pole base sign, shall match the architectural design of the building on the same site.
 - (3) All freestanding signs shall be placed in a landscaped setting appropriate to the size and scale of the sign.
 - (4) Tenant panels in freestanding signs for a multi-tenant development or shopping center, including those added to existing sign structures, shall be constructed of the same materials and illuminated by the same method.
 - (5) 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.
 - (6) A freestanding sign shall not exceed 35 feet in height or 135 feet in sign area in any district and shall not exceed six (6) feet in height for any property in the Pass-a-Grille Overlay district. No variance to this regulation may be granted and no variance application to this requirement shall be accepted.
 - (d) *Window signs.* One or more window signs may be displayed where attached signs are permitted and shall count towards the maximum allowable attached sign area. Permanent window signs shall not cover more than 50% of any window and shall comply with all fire safety codes.
 - (e) *Projecting signs.* Projecting signs shall have a minimum ground clearance of eight (8) feet and shall not project within two (2) feet of any curb.
 - (e) *Illuminated signs.*
 - (1) 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.
 - (2) No sign shall have animated, blinking, flashing, or fluttering lights or other illumination devices which have a changing light intensity, brightness, color, or direction.
 - (3) Illuminated signs shall not interfere with pedestrian or motorist vision. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices. Similarly, no electronic changeable message sign shall be permitted if it may be confused with, construed as, or interfere with traffic control devices.
 - (4) The illumination shall not be reflective or phosphorescent and shall be placed in a manner that will not create a nuisance to other premises or create a traffic hazard to operators of motor vehicles on public thoroughfares.
 - (5) Externally illuminated signs are preferable to internally illuminated signs. Externally illuminated signs are permitted only with steady, stationary, and shielded lighting directed solely onto the sign from either above or below.
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- (6) Internally illuminated signs or portions of a sign that are internally illuminated shall not be larger than 50 square feet in area.
 - (7) Internally illuminated signs shall be expressly prohibited in the following areas:
 - a. Within 50 feet of a property with a single-family use or zoned for a single-family use;
 - b. Building facades or property frontage adjacent to Corey Avenue in the TC-1 or TC-2 district;
 - b. BR district;
 - c. Traditional hotel district;
 - d. UBV district; and
 - e. Pass-a-Grille Overlay district.

Sec. 26.13. - Exempt Signs.

The following sign types are exempt from the permitting process and are exempt from other provisions of this division, but are not exempt from the requirements imposed by this subsection or from applicable requirements of this division relating to construction, illumination, placement, safety, and nonconformity, and are not exempt from other regulations related to public health, safety and welfare.

- (a) *Street address signs.* For each parcel within the city, one attached street address sign shall be displayed for each building façade facing the primary street or waterfront. The address numbers shall be at least three inches in height if the dwelling or business establishment is located 50 feet or less from the curb or improved right-of-way, at least five inches in height if the dwelling or business establishment is located more than 50 feet from the curb or improved right-of-way, in Arabic numbers, and of contrasting color to background. For any site or parcels subject to a common plan of development on which one or more signs requiring a permit are proposed to be erected, the location, height, and area of street address signs shall be included in sign plan. Address numbers are subject to National Fire Protection Association (NFPA) code, as amended. One additional street address sign may be located on the monument sign or other sign at the entrance of the development.
- (b) *Artwork.* Artwork, provided it does not contain a commercial message. The portion of the artwork containing a commercial message shall be part of the computation of the allowable sign area, as described in section 26.15.
- (c) *Flags.* There shall be a maximum of one flagpole and three flags permitted 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. The maximum size of such flags shall be as follows: The maximum distance from top to bottom of any flag shall be 20 percent of the total height of the flagpole, or in the absence of a flagpole, 20 percent of the distance from the top of the flag or insignia to the ground. Flags containing a commercial message shall be part of the computation of the allowable area for freestanding signs.
- (d) *Government signs.* Informational, directional and regulatory signs located within rights-of-way or on publicly-owned land that are installed by the City or other governmental signs installed with the approval of the City. Official regulatory or warning signs upon any body of water (river, bay, lake, or other body of water) within the limits of the City, informational or directional signs installed by the City or with the approval of the City upon any body of water within the limits of the City in connection with a water path or paddling trail.
- (e) *Machinery and equipment signs.* Machinery and equipment signs shall be allowed in all districts.
- (f) *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 nonresidential use, the nameplate or occupant identification sign shall not exceed six square feet in sign area.

- (g) *Onsite directional signs.* Onsite directional signs, not exceeding four square feet in area, per sign face.
- (h) *Onsite parking space signs.* 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.
- (i) *Onsite marina slip number signs.* 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.
- (j) *Warning signs and safety signs.* Warning signs and safety signs, not exceeding four square feet in sign area.
- (k) *Special event sign.* A special event sign may be allowed subject to the conditions of the associated special event permit or City sponsorship conditions, along with any restrictions placed specifically on special event signage within this division. All other restrictions of this division, not specific to special event signs, shall not be applicable.
- (l) *Temporary window signs.* Temporary window signs shall be allowed on parcels being used for multifamily residential, office, commercial, and public/semipublic uses. The maximum area of such signs in areas classified as office, commercial, and public/semipublic shall not exceed 50 percent of windowpane area or 100 square feet, whichever is less. In multifamily residential areas, the area of temporary window signs shall not exceed 25 square feet. If the use displaying such temporary window sign(s) is also displaying permanent window sign(s), as authorized in Sec. 26.11(d), then the total area of the window covered by a combination of all window signs shall not exceed 65% of the windowpane area. Temporary window signs that are illuminated shall be part of the computation of the allowable area for attached signs.
- (m) *Temporary signs.* One temporary sign per property, not exceeding three square feet in area on residential property, and 12 square feet in area on nonresidential property, shall be allowed. Additionally, an unlimited number of temporary signs shall be allowed on both residential and nonresidential property from thirty days prior to an election held in the city to two days following an election held in the city, provided all other restrictions of this sign type are met. A temporary sign for a non-election predictable event shall be posted no more than seven days prior to the event and removed no more than two days following the event. A temporary sign for a non-election unpredictable event shall be removed no more than two days following the event. This regulation does not pertain to a temporary sign otherwise regulated by a special event permit. Signs may be freestanding or attached wall signs and shall not be of a type prohibited in section 26.13. Temporary signs are further regulated by type as follows:
 - (1) *Freestanding temporary signs.* If freestanding, signs shall not exceed three feet in height on residential property and six feet in height on nonresidential property, shall be located outside of the visibility triangle required by section 6.21 of this Code, shall be located outside of any required pedestrian access, public safety access, or parking access or space, and shall be located a minimum of three feet from the sidewalk or curb line on private property.
 - (2) *Attached temporary signs.* If attached, signs shall be erected as permitted for a wall sign and shall not exceed in height the eave or parapet line of the building.

Sec. 26.14. Prohibited signs.

The following signs and sign types are prohibited within the city.

- (a) Revolving signs; rotating signs.

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- (b) Flashing signs, animated signs, multi-prism signs and beacon lights, except when required by the Federal Aviation Administration or other government agency.
 - (c) 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.
 - (d) Pennants, streamers, and all other fluttering, spinning, or similar type signs and advertising devices.
 - (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 nonresidential 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, or project three-dimensional images, holographic images or pyrotechnics, with the exception that signs emitting audible sound erected to accomplish compliance with the Americans with Disabilities Act shall be authorized.
 - (l) Signs that have unshielded illuminating devices, other than electronic changeable message sign displays permitted in accordance with this division.
 - (m) Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or governmental sign, signal or device.
 - (n) Any sign within a sight visibility triangle that obstructs a clear view of pedestrian or vehicular traffic.
 - (o) Any sign in or over the public right-of-way, except government signs or as otherwise provided by this division.
 - (p) Any sign attached to or painted on a seawall, pier, dock, or tie pole, other than a government sign, warning sign or safety sign, or signs otherwise required by local, state or federal law.
 - (q) Signs in or upon any river, bay, lake, or other body of water within the limits of the City, other than government signs, warning or safety signs or signs otherwise required by local, state or federal law.
 - (r) 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.
 - (s) Any sign nailed, fastened, affixed to, hanging from, or painted on any tree or other vegetation, or part thereof (living or dead).
 - (t) Any sign prohibited by state or federal law.
 - (u) Vehicle signs, as defined by this division, and portable trailer signs.
 - (v) Any sign located on real property without the permission of the property owner.

Sec. 26.15. - Methods of Measurement

- (a) *Setbacks.* Required setbacks for signs in all zoning districts shall be measured from the property line to the nearest part of the sign.

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- (b) *Height.* Height for freestanding signs in all zoning districts shall be computed as the distance from the base of the sign structure at ground level to the highest point of the sign structure. In cases where the ground level, as defined in this section, cannot reasonably be determined, sign height shall be derived on the assumption that the elevation of the ground at the base of the sign is equal to the average elevation at the front property line of the zone lot.
- (c) *Area.*
- (1) *Freestanding sign, monument base.* Sign area shall be computed as the extreme outer dimensions of the freestanding structure, excluding the support structure base and architectural features.
 - (2) *Freestanding sign, pole base.* Sign area shall be computed as the area enclosed by the smallest single rectangle that will enclose the sign structure, exclusive of poles.
 - (3) *Attached sign, single element.* Sign area shall be computed within a single perimeter composed of squares or rectangles that enclose the sign structure, background panel, or surface, including sign trim and frame.
 - (4) *Attached sign, multiple elements.* When signs are constructed of individual elements, such as signs that consist of individual letters or signs have an additional background panel or surface for a logo, the area of all sign elements which together convey a single, complete message, shall be considered as a single sign. Sign area shall be computed by summing the area of each element enclosed by the smallest single rectangle that can be drawn around the complete message of sign copy, background panel or surface, including sign trim or frame.
 - (5) *Signs painted directly on walls, awnings, canopies, or other structures.* The area of a sign painted directly on a wall, awning, canopy, marquee, or other structure that has not been distinctively painted, textured, or constructed to serve as a background for the sign copy, shall be computed as the area enclosed by the smallest single rectangle that can be drawn around the commercial message, including all sign copy, logos, or other representation or image that directly or indirectly represents a business, product, or other commercial activity. When a sign has been painted on a background panel or area distinctively painted, textured, or constructed to serve as the background for the sign copy, sign area shall be computed as the area enclosed by the smallest single rectangle that can be drawn around the outside dimensions of the background panel or surface, including sign trim or frame.
 - (6) *Window signs.* Sign area shall be computed as the area enclosed by the smallest single rectangle that that can be drawn around the outside dimensions of the sign display, including sign trim or frame.
 - (7) *Double-faced signs.* On a sign where two sign faces are back to back and directionally oriented 180 degrees from each other, the sign area shall be computed as the area of one sign face. Where the two faces of a double-faced sign are not equal in size, the larger sign face shall be used in the area computation. Where two sign faces are directionally oriented at an interior angle other than 180 degrees, both sign faces shall be counted toward sign area.

Sec. 26.16. - Adoption of Zoning Regulations

- (a) *Intent.* It is the intent of this section to regulate signs visible from a public right-of-way in a manner that is consistent with the land use classification which establishes the character of the area in which the signs are located and in keeping with the overall character of the community.
- (b) *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.

- (d) If no height or size restriction is specifically provided regarding any sign located in the City, the height and size restrictions for a structure in the zone in which the sign is located will govern.
- (e) Any building or land use not conforming to the zoning ordinance provisions for the zone in which it is located, shall, nevertheless, comply with all provisions of this division for the zone in which it is located.
- (f) 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.

Sec. 26.17. – Permitted signs and standards by zoning districts.

- (a) The following types of signs are permitted in the Activity Center (AC), Bayou Residential (BR), Commercial Corridor-1 (CC-1), Commercial Corridor-2 (CC-2), Institutional (INS), and Residential/Office/Retail (R/O/R) districts, as follows:

Table 26.17.a - Standards for Signs in the AC, BR, CC-1, CC-2, CG-1, CG-2, INS, ROR Districts¹			
Permitted Sign Types	Freestanding Signs	Attached Signs	Projecting Signs
Maximum Quantity: businesses with less than 200 ft of frontage may choose up to 2 signs; business with 200 to 300 ft of frontage may choose up to 3 signs; businesses with more than 300 ft of frontage may choose up to 4 signs	1 per street frontage, not to exceed a maximum of 2	1 per street frontage not to exceed a maximum of 2, or 1 per business if in a multi-tenant development	1 per business
Maximum Area (per sign)	60 ft ²	1 ft ² per linear foot of building frontage	12 ft ²
Maximum Height	15 feet	Shall not appear above second floor of building	-

¹ Subject to additional standards set forth in Section 26.18.

- (b) The following types of signs are permitted in the Boutique Hotel/Condo (B/HC), Large Resort (LR), and Resort Facilities Medium (RFM) districts, as follows:

Table 26.17.b - Standards for Signs in the B/HC, LR, and RFM Districts²			
Permitted Sign Types	Freestanding Signs	Attached Signs	Projecting Signs
Maximum Quantity: businesses with less than 200 ft of frontage may choose up to 2 signs; business with 200 to 300 ft of frontage may choose up to 3 signs; businesses with more than 300 ft of frontage may choose up to 4 signs	1 per street frontage, not to exceed a maximum of 2	1 per street frontage not to exceed a maximum of 2, or 1 per business if in a multi-tenant development	1 per business
Maximum Area (per sign)	60 ft ²	1 ft ² per linear foot of building frontage Not to exceed an aggregate area of 70 ft ²	12 ft ²

Maximum Height	15 feet	Shall not appear above the second floor of building	
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² Subject to additional standards set forth in Section 26.18.

- (c) The following types of signs are permitted in the Town Center Core (TC-1), Town Center Corey Circle and Coquina West (TC-2), Upham Beach Village (UBV) and Community Redevelopment District-Eighth Avenue (CRD-EA) districts, as follows:

Table 26.17.c - Standards for Signs in the TC-1, TC-2, UBV, and CRD-EA Districts³			
Permitted Sign Types	Freestanding Signs	Attached Signs	Projecting Signs
Maximum Quantity: businesses with less than 200 ft of frontage may choose up to 2 signs; business with 200 to 300 ft of frontage may choose up to 3 signs; businesses with more than 300 ft of frontage may choose up to 4 signs	For street frontages along Gulf Blvd, Boca Ciega, Blind Pass, and Pass-a-Grille Way: 1 For all other streets: Not permitted	1 per street frontage	1 per business
Maximum Area (per sign)	40 ft ²	1 ft ² per linear foot of building frontage, not to exceed a maximum area of 40 ft ²	12 ft ²
Maximum Height	10 feet	Shall not appear above first floor of building	-

³ Subject to additional standards set forth in Section 26.18.

- (d) The following types of signs are permitted in the Residential Urban districts (RU-1 and RU-2), Residential Low Medium districts (RLM-1 and RLM-2) districts, Residential Medium (RM) district, and Downtown Core Residential (DCR) district, as follows:

Table 26.17.d - Standards for Signs in the RU-1, RU-2, RLM-1, RLM-2, RM, DCR, and TH Districts⁴			
Permitted Sign Types	Freestanding Signs	Attached Signs	Projecting Signs
Maximum Quantity: 2	For residential uses: 1 subdivision identification sign at the neighborhood entrance. The subdivision identification sign shall be constructed with a monument base. For non-residential uses: 1	1 per non-residential parcel	Not permitted
Maximum Area (per sign)	24 ft ²	8 ft ² or 1 ft ² per linear foot of building frontage, whichever is less	-
Maximum Height	6 feet	Shall not appear above first floor of building	-

⁴ Subject to additional standards set forth in Section 26.18.

Sec. 26.18. Standards for Specific Sign Types.

In addition to the regulations prescribed by this sign code generally, the following regulations for certain sign types shall apply.

- (a) *Electronic message board signs.* The following conditions and restrictions shall apply to electronic message board signs:
 - (1) *Location.* Electronic message board signs are only permitted for nonresidential uses on properties adjacent to Gulf Boulevard from 37th Avenue to 75th Avenue. Electronic message board signs shall only be located in a front yard, and in no case shall be closer than 10 feet from the front yard property line.
 - (2) *Design.* An electronic message board sign shall only be permitted as an integral component of a freestanding sign. The width, depth, and color of the cabinet containing the electronic message board shall be compatible with the design of the primary sign structure.
 - (3) *Size.* An electronic message board sign shall comprise no more than 50 percent of the overall sign area of the freestanding sign and shall not, in any case, exceed 32 square feet in area.
 - (4) *Brightness.* Maximum illumination intensity level for electronic message board signs shall not exceed 0.3 foot candles over ambient light when measured at 50 linear feet from the base of the sign.
 - (4) *Dwell time.* The minimum amount of time that a message or display on an electronic message board sign remains fixed shall be one minute.
 - (5) *Static images and messages.* The image or message shall be static. There shall be no animation, flashing, scintillating lighting, movement, or the varying of light intensity during the message. Messages or images shall not scroll and shall not give any appearance or optical illusion of movement.
 - (6) *Default mechanism.* The sign shall have a default mechanism or setting that will cause the sign to turn off or show a "full black" image if a visible malfunction or failure occurs.
 - (7) Electronic message board signs, including LED-type, shall only be permitted as defined above. All other existing nonconforming electronic message board signs shall be subject to the amortization schedule set forth in section 26.6.
- (b) *Waterside identification signs.* For each parcel within the City with a residential complex or licensed commercial establishment(s) that has at least one façade that can only be viewed from a navigable waterway, one (1) waterside identification sign shall be allowed per such façade. A waterside identification sign may be either a freestanding sign or an attached sign. A waterside identification sign shall not exceed eight (8) feet in height and shall not exceed 40 square feet in sign area. A waterside identification sign shall not be illuminated. A waterside identification sign shall be in addition to the signage otherwise allowed pursuant to the other provisions of this division.
- (c) *Attached menu display signs.* For each parcel with either (a) a restaurant without drive-thru service, or (b) with a transient lodging facility that has restaurant facilities open to the general public in addition to registered guests, one (1) 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 signage otherwise allowed pursuant to the other provisions of this division.
- (d) *Drive-thru menu signs.* For each parcel with a licensed commercial establishment that utilizes a drive-thru lane, one (1) drive-thru menu sign shall be allowed for each drive-thru lane. A 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 (10) 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.

- (e) *Sandwich board/A-frame signs.* One (1) sandwich board sign shall be allowed for each licensed commercial establishment. Sandwich board signs 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 Code, be no larger than five feet in height and 12 square feet in area per face, shall not obstruct walkways or fire access, shall have no illumination of any kind, and may be displayed only during the time when the business in front of which the sign is located is open to the public.
- (f) *Theater signs.* For each parcel with a theater use, one attached 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.
- (g) *Boat or beach concession signs.* Boat or beach concession signs shall only be permitted in the RFM district. Each licensed boat or beach concession rental business operating along the Gulf 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) *Lighted signs.* Lighted signs shall be prohibited.
 - (3) *Sandwich board signs.* Operators may display sandwich board sign at the building frontage adjacent to 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.
 - (4) *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.
 - (5) *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.

Sec. 26.19. 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 subsection 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 subsection 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.