

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2010-02

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA AMENDING DIVISION 26 OF THE LAND DEVELOPMENT CODE REGARDING SIGNS; AMENDING DEFINITIONS AND PROHIBITED SIGNS; PROVIDING FOR APPEALS OF ADMINISTRATIVE DECISIONS TO BE HEARD PURSUANT TO SECTION 3.14 OF THE LAND DEVELOPMENT CODE; RENUMBERING CERTAIN SECTIONS AS NECESSARY; ADDING NEW SECTIONS 26.33 AND 26.34 RELATED TO SIGNAGE IN THE TOWN CENTER CORE AND LARGE RESORT DISTRICTS; ALLOWING SANDWICH BOARDS IN THE ROR DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS the City of St. Pete Beach regulates signage within the City to ensure the maintenance of aesthetic quality for its residents and visitors; and

WHEREAS the Planning Board of the City of St. Pete Beach and the City Commission of the City of St Pete Beach conducted public hearings noticed pursuant to Florida law and conducted pursuant to Ordinance 88-36 of the City of St. Pete Beach and Section 3.4 of the Land Development Code; and

WHEREAS, the City Commission finds this Land Development Code amendment to be in the best interest of the citizens of the City of St. Pete Beach,

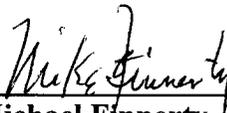
NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

Section 1. Section 26.2 of the Land Development Code is hereby amended as exhibited in "Attachment A".

Section 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

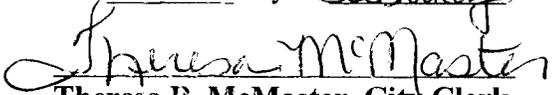
Section 4. This Ordinance shall become effective immediately upon adoption.



Michael Finnerty, MAYOR

FIRST READING : 1-26-2010
PUBLISHED : 1-30-2010
SECOND READING : 2-23-2010
PUBLIC HEARING : 2-23-2010

I, Theresa B. McMaster, 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 23rd day of February 2010.



Theresa B. McMaster, City Clerk

Attachment A

Sec. 26.2. Definitions.

Window sign means any sign painted on or mounted in any fashion on the interior or exterior of the surface of a window. **Sec. 26.4. Prohibited signs.**

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

- (a) Billboards; off-site signs.
 - (b) Revolving signs; rotating signs.
 - (c) Flashing signs.
 - (d) Animated signs.
 - (e) Wind signs.
 - (f) Portable signs, other than sandwich board signs as allowed within certain zoning districts pursuant to this division.
 - (g) Roof signs, other than integral roof signs in non-residential zoning districts.
 - (h) Abandoned and discontinued signs.
 - (i) Snipe signs.
 - (j) Bus bench advertising signs; bus shelter advertising signs.
 - (k) Signs that emit sound, vapor, smoke, odor, particles or gaseous matter.
 - (l) Signs that have unshielded illuminating devices.
 - (m) Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or governmental sign, signal or device.
 - (n) Any attached sign that exceeds 100 square feet in area.
 - (o) Any freestanding sign that is higher than 35 feet.
 - (p) Any freestanding sign that exceeds 135 square feet in sign area.
 - (q) Any sign within a sight visibility triangle that obstructs a clear view of pedestrian or vehicular traffic.
 - (r) Any sign in the public right-of-way, other than traffic control device signs, bus stop informational signs, warning signs or safety signs.
 - (s) Any sign attached to a seawall or pier, other than a warning sign or safety sign.
 - (t) Any sign other than a traffic control device sign that uses the word "stop" or "danger," or presents or implies the need or requirement of stopping or the existence of danger, or which is a copy or imitation of official traffic control device signs, and which is adjacent to the right-of-way of any road, street, or highway.
 - (u) Any sign nailed, fastened or affixed to any tree.
 - (v) Any sign prohibited by state or federal law.
 - (w) Vehicle sign or signs which have a total sign area on any vehicle in excess of ten square feet, when the vehicle is not "regularly used in the conduct of the business" advertised on the vehicle, and (a) is visible from a street right-of-way within 100 feet of the vehicle, and (b) is parked for more than two consecutive hours within 100 feet of any street right-of-way. A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily (i) for advertising, or (ii) for the purpose of advertising, or (iii) for the purpose of providing transportation for owners or employees of the business advertised on the vehicle.
 - (y) Any sign located on real property without the permission of the property owner.
 - (z) Beacons, except as required by federal or state law.
- (Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.5. Nonconforming signs.

A nonconforming sign that was lawfully erected may continue to be maintained: (a) until the nonconforming sign is substantially damaged or destroyed, or (b) until the real property on which the sign is located is redeveloped, whichever of the foregoing occurs first. At such time the sign is substantially damaged or destroyed or at such time the real property is redeveloped, the nonconforming sign must either (a) be removed or (b) be brought into conformity with this division and with any other applicable law or regulation. For the purpose of this section, the term "redevelopment" shall mean a substantial improvement of the principal structure on the real property.

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.6. Exemptions.

This division does not pertain to the following:

- (a) A sign, other than a window sign, located entirely inside the premises of a building or enclosed space.
- (b) A sign on a vehicle, other than a prohibited vehicle sign or signs.
- (c) A statutory sign.
- (d) Historic markers for locally designated historic resources.

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.7. Building permits.

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

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.8. Shielding of illumination.

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

(Ord. No. 03-10, § 1, 6-3-03)

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

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

(Ord. No. 03-10, § 1, 6-3-03)

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

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

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.11. Sign permit required.

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

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

(c) Unless exempt from permitting, no permanent sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and appropriate fee paid to the city. All sign permits for permanent signs must be renewed and the appropriate renewal fee paid pursuant to section 26.13. The sign permit is in addition to any building permit required to be obtained pursuant to the provisions of the Florida Building Code.

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

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.12. Application.

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

- (1) The legal description of the real property where the sign is proposed to be located.
- (2) The zoning district for the real property on which the sign will be located.
- (3) The name, mailing address and telephone number (where available) of the owner(s) of the real property where the sign is proposed to be located.
- (4) A notarized statement of authorization signed by the owner(s) consenting to the placement of the proposed sign on the real property.
- (5) The name, mailing address and telephone number of the sign contractor.
- (6) Type of proposed sign (e.g. attached wall sign, freestanding monument sign).
- (7) The square footage of the surface area of the proposed sign.
- (8) The setbacks for the proposed sign.
- (9) The cost of the proposed sign.
- (10) If the proposed sign is a freestanding sign:
 - a. The lot frontage on all adjacent street rights-of-way.
 - b. The dimensions of the supporting structure.
 - c. The height of the proposed sign.
- (11) If the proposed sign is an attached sign, the building frontage for the building to which the attached sign shall be affixed.
- (12) The number, type, location, and surface area for all existing signs on the same lot and/or building on which the sign will be located.
- (13) If the proposed sign is to be an illuminated sign, the type, placement, intensity and hours of operation.

(b) An applicant shall deliver a sign permit application for a permanent sign to the city's chief building official, or such other person as may be designated by the city. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this division and any applicable zoning law.

Sec. 26.13. Fees.

(a) *Initial application fees.* Every person making an initial application for a sign permit shall pay fees to the city at the time of approval of the application. The fees shall be established by resolution of the city commission and shall be as stated in appendix A to this Code. Fees shall be charged for the following:

- (1) Sign permit fee, less any required building permit fee paid by the applicant.
- (2) Sign fee, per square foot of sign area.
- (3) Plan review fee, 50 percent of the total permit and sign fees in subsections (a)(1) and (2) of this section.
- (4) On applications submitted between April 1 and September 30, the sign fee shall be reduced; however, the permit and plan review fees shall be based on the full amount which would have been due prior to April 1.

~~(b) *Annual renewal fee.* All sign permits shall be renewed annually. Renewal of fees shall be due and payable on or before October 1 each year. The renewal fee for sign permits shall be as established by resolution of the city commission and are listed in Appendix A to the Code. Fees shall be charged as follows:~~

- ~~(1) Per square foot of sign area.~~
- ~~(2) If any sign permit is not renewed on or before October 1 of each year, in accordance with this division, a delinquency penalty shall be charged in the amount of ten percent for the month of October, plus an additional five percent penalty for each month of the delinquency thereafter until the sign permit has been renewed and all fees and penalties are paid to the city. However, a delinquency penalty shall not exceed 25 percent of the renewal fee for a sign permit normally charged for the sign for which the particular permit is required.~~
- ~~(3) Nothing contained in this section shall be construed as to prohibit the city from taking appropriate legal action, including the filing of legal proceedings in a court of competent jurisdiction, to enforce this section. The requirements of this division are not exclusive, and the city shall be entitled to impose a delinquency penalty and also seek a remedy from a court of competent jurisdiction at one and the same time, if it so chooses.~~

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.14. Conditions.

(a) *Duration of permit.* Each sign permit shall be valid for a period of one city fiscal year (October 1 through September 30). If the work authorized under a sign permit has not been completed within six months after the date of issuance, the permit shall become null and void and a new application for a sign permit shall be required. However, for just cause, one renewal period of 90 days may be granted.

(b) *Maintenance of signs.*

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

(2) Lawfully erected nonconforming signs may suffer only ordinary and customary repairs and maintenance. As provided in section 26.11, a lawfully-erected non-conforming sign shall not be structurally altered except in full conformance with this division.
(Ord. No. 03-10, § 1, 6-3-03)

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. **Sec. 26.16 Enforcing official.**

The city manager shall be the enforcing official of this division. The enforcing official is charged with the duty of administering this division and securing compliance therewith. Further, the enforcing official shall make such inspection as may be necessary to ensure compliance with this division and shall initiate appropriate action, if any, to enforce the provisions of this division.

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.17 Failure to comply.

If the city manager finds that any sign has been erected, altered or maintained in violation of this division, the city shall notify the owner of record of the property upon which such sign is located by either certified mail or by hand delivery that such violation exists. The owner shall cause the violation to be remedied or shall file an appeal of the violation within three working days after receipt of the notice. Where it is determined that such illegal sign poses an imminent threat to the health, safety or welfare of the public, the city may cause the immediate removal of the sign by its own action. Cost of such removal shall be paid by the property owner. In addition to removal, the city shall be entitled to proceed with alternative legal or equitable remedies, including injunctive relief.

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.18 Violations and penalties.

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

(b) It shall be a violation to:

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

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

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

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

(5) Continue any such violation.

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

(d) Any violation of this division or any condition or requirement adopted pursuant to this division may be restrained, corrected, or abated, as the case may be, by injunction or other

appropriate proceedings pursuant to law. The remedies of the city shall include but not be limited to the following:

- (1) Issuing a stop work order for any and all work on any signs on the same site.
 - (2) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign or the correction of the violation.
 - (3) For a sign which poses an immediate danger to the public health or safety, taking such measures as are available to the city under the applicable provisions of this division for such circumstances.
- (e) A person in violation of this division shall be subject to prosecution and, upon conviction, shall be punished as set forth in section 1-14 of Chapter 1, St. Pete Beach Code of Ordinances. (Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.19. Adoption of zoning regulations.

The boundaries of the various districts shown upon the official zoning map and the regulations of the comprehensive zoning ordinance contained in Land Development Code, governing the use of land and buildings and other matters set forth therein are made part of this division. Except as provided in this division, no sign shall be erected, enlarged, reconstructed or structurally altered which does not comply with all the district regulations established by this division for the zoning district in which it is located.

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.20 Freestanding signs.

- (a) Freestanding signs shall be set back at least two feet from any property line.
- (b) Freestanding signs shall have a minimum sight clearance from three feet above grade to seven feet above grade when located within ten feet of a public right-of-way.
- (c) 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.
- (d) Freestanding signs shall not be located within any visibility triangle established for the intersections of public streets or the intersections of driveways providing ingress and egress from a property to a public street.

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.21. Setback measurement.

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

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.22 Double-faced signs.

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

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.23 Illumination.

The following conditions and restrictions shall apply to illuminated signs:

Except as hereinafter provided in this section, illuminated signs, or illumination in show windows, display windows, in or upon any building shall have the source of light concealed from view from the exterior of the building or structure, except that where channel letters or figures

are used for any sign the illumination thereof may be visible if recessed within the depth of the channel.

Illuminated signs are subject to the following maximum illumination intensity levels:
 Maximum Illumination Intensity Level

TABLE INSET:

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

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

No intermittent or flashing illumination will be permitted.

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.24 Time and temperature signs.

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

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.25. All districts.

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

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

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

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

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

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

(f) *Free expression signs.* For each parcel within the city and for each residential unit within a multifamily residence, one free expression sign not exceeding three square feet in sign area may be displayed. The free expression sign may be displayed as an attached sign or as a

freestanding sign; if displayed as a freestanding sign, the free standing sign shall not exceed three feet in height. A free expression sign is in addition to any other sign permitted under this Code and is permitted in any zoning district. Only one such sign shall be permitted on each such parcel or each residential unit. The sign must be located within six feet of a building located on the lot or parcel; or if there is no building on the lot or parcel, the sign must be located at least 15 feet from any street.

(g) *Election signs.* For each parcel within the city, one election sign for each candidate and each issue may be displayed. An election sign may be displayed as an attached sign or as a freestanding sign. On parcels that are in residential use, the election sign shall not exceed three square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed three feet in height. On parcels that are in non-residential use, the election sign shall not exceed 12 square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed six feet in height. Freestanding election signs shall be set back at least three feet behind the sidewalk or, if there is no sidewalk, 10 feet from the edge of pavement. An election sign shall be removed within seven calendar days following the election to which it pertains.

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

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

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

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

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

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

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

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

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

(q) *Temporary window signs.* For each parcel within the city, one or more temporary window signs may be displayed. On parcels that are in residential use, the temporary window sign(s)

shall not exceed an aggregate of three square feet in sign area. On parcels that are in non-residential use, the temporary window sign(s) shall not exceed an aggregate of more than twenty-five percent of any window surface.

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

(s) *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.

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

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.25. RU-1, RU-2, RLM-1 and RLM-2 Residential Districts.

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

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

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

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

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

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

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

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

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

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.27. RM Residential District.

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 Residential District, one subdivision monument identification sign not exceeding six feet in height and 24 square feet in sign area shall be allowed.

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

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

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

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

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

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

(2) *Height restrictions.* An attached sign may not appear above the first floor of a building.
(Ord. No. 03-10, § 1, 6-3-03)

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 26.2526.25, the following signs are also allowed within ROR Residential/Office/Retail District. The signs described below require a sign permit.

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

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

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

(2) *Maximum size.* The monument sign shall not exceed 40 square feet in sign area.

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

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

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

(2) *Maximum size.* The pole sign shall not exceed one square foot in sign area for each linear foot of street frontage, subject to a maximum sign area of no more than 40 square feet.

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

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

(1) *Maximum number.* Up to three attached signs having a combined sign area not exceeding the maximum permitted in paragraph (d)(2) shall be allowed; 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 first floor of a building.

(e) One sandwich board sign, subject to the following limitations:

1. Such sign shall be located in front of the storefront for which it advertises and will in no case obstruct the public sidewalk that would create a walkway less than 48" wide.

2. The sign shall not be placed within the visibility triangle required for intersections at streets and driveways, as required by this LDC.
3. Such sign shall be no larger than four (4) feet in height and twelve (12) square feet in area per face;
4. Such sign shall have no illumination of any kind;
5. Such sign may be displayed only during the time when the business is open to the public.

(f) In lieu of one attached sign, each business may have one (1) projecting sign, provided that the sign is no larger than 12 square feet in area, does not project within 2 feet of any curb, and has a minimum ground clearance of 7 feet.

Sec. 26.29. RFM Resort Facilities Medium District.

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

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

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

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

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

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

(1) *Maximum height.* The pole sign shall not exceed 35 feet in height.

(2) *Maximum size.* The pole sign shall not exceed one square foot in sign area for each linear foot of street frontage, subject to a maximum sign area of no more than 135 square feet.

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

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

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

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

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

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

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

(f) *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.

(g) *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.

(h) *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* shall be prohibited.

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

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

(ii) *Number permitted:* One.

(iii) *Maximum height:* Five feet.

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

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

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

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

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

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

(Ord. No. 03-10, § 1, 6-3-03)

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, the following permanent signs are also allowed within the CG-1 Commercial District. The permanent signs described below require a sign permit.

(a) *Freestanding monument signs.* For each parcel with a lawful non-residential use within any CG-1 Commercial 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) *Freestanding pole signs.* In lieu of one freestanding monument sign, each parcel with a lawful non-residential use within the CG-1 Commercial District is allowed one freestanding pole sign. The freestanding pole sign shall be subject to the following limitations:

(1) *Maximum height.* The pole sign shall not exceed 35 feet in height.

(2) *Maximum size.* The pole sign shall not exceed one square foot in sign area for every each foot of street frontage, subject to a maximum sign area of no more than 135 square feet.

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

(c) *Attached signs.* For each parcel with a lawful non-residential use within the CG-1 Commercial 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 exceed a sign face area equal to one square foot for each linear foot of building frontage.

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

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

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

(f) *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.

(g) *Waterside identification signs.* For each parcel within the CG-1 Commercial District with a residential complex, business property or shopping center theater that can only be viewed from a navigable waterway, one waterside identification sign shall be allowed. A waterside

identification sign may be either a free-standing sign or an attached sign. A waterside identification sign shall not exceed eight feet in height and shall not exceed 20 square feet in sign area. A waterside identification sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(Ord. No. 03-10, § 1, 6-3-03)

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, the following permanent signs are also allowed within the CG-2 Commercial District. The permanent signs described below require a sign permit.

(a) *Freestanding monument signs.* For each parcel with a lawful non-residential use within any CG-2 Commercial 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 35 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, 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) *Freestanding pole signs.* In lieu of one freestanding monument sign, each parcel with a lawful non-residential use within the CG-2 Commercial District is allowed one freestanding pole sign. The freestanding pole sign shall be subject to the following limitations:

(1) *Maximum height.* The pole sign shall not exceed 35 feet in height.

(2) *Maximum size.* The pole sign shall not exceed one square foot in sign area for every each foot of street frontage, subject to a maximum sign area of no more than 135 square feet.

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

(c) *Attached signs.* For each parcel with a lawful non-residential use within the CG-2 Commercial 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; 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 exceed a sign face area equal to one square foot for each linear foot of building frontage.

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

(d) *Attached menu display signs.* For each parcel within the CG-2 Commercial District with (a) a restaurant without drive-through service or (b) with a transient lodging facility that has restaurant facilities open to the general public, one attached menu display sign shall be allowed. An attached menu display sign shall be a wall sign not exceeding 12 square feet in sign area. An attached menu display sign shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this division.

(e) *Theater signs.* For each parcel with a theater within 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.

(f) *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.
(Ord. No. 03-10, § 1, 6-3-03)

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, the following permanent signs are also allowed within INS Institutional District. The permanent signs described below require a sign permit.

(a) *Freestanding monument signs.* For each parcel with a lawful non-residential use within any 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 ten feet in height.

(2) *Maximum size.* The monument sign shall not exceed 70 square feet in sign area.

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

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

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

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

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

(Ord. No. 03-10, § 1, 6-3-03)

Sec. 26.33. TC-1 Town Center Core District

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

(a) One sandwich board sign, subject to the following conditions:

1. Such sign shall be located in front of the storefront for which it advertises and will in no case obstruct the public sidewalk that would create a walkway less than 48" wide.
2. The sign shall not be placed within the visibility triangle required for intersections at streets and driveways, as required by this LDC.
3. Such sign shall be no larger than four (4) feet in height and twelve (12) square feet in area per face;
4. Such sign shall have no illumination of any kind;
5. Such sign may be displayed only during the time when the business is open to the public.

(b) A marquee or canopy sign;

(c) A menu display sign;

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

- (e) A wall sign, provided the sign is not internally illuminated. 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 window sign, provided that no more than 25% of the window pane is covered by the window sign.
- (g) A Freestanding monument sign, provided that the sign face does not exceed 40 square feet in area, is not taller than 8 feet in height, does not block any pedestrian walkway, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback.

Sec. 26.34 Large Resort District

In addition to the permanent and temporary signs and sign-types that are allowed pursuant to section 26.25, each business within the Large Resort 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 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 menu display sign;
- (c) A wall sign, provided the sign is not internally illuminated. 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) A window sign, provided that no more than 25% of the window pane is covered by the window sign.
- (e) A Freestanding monument sign, provided that the sign face does not exceed 50 square feet in area, is not taller than 8 feet in height, and is not located within the visibility triangle as required by this LDC. The sign may be located within the front yard setback but shall be located at least ten feet from the front lot line, and shall not be located within any easement dedicated for pedestrian or utility improvements.

Sec. 26.35 Severability.

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

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

(c) *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth above in section 26.35(a), or elsewhere in this division, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction,

the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section 26.4 of this division. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 26.4 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 26.4.

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

(Ord. No. 03-10, § 1, 6-3-03)