Town of Fort Myers Beach
Agenda Item Summary

Blue Sheet Number: **2011-020**

1. Requested Motion:
Second public hearing for amendments to the sign ordinance (Chapter 30)

Meeting Date:
February 22, 2011

Why the action is necessary:
Second hearing requirement

What the action accomplishes:

2. Agenda:

__ Consent
_ Administrative
X Public Hearing

3. Requirement/Purpose:

_ Resolution
X Ordinance
_ Other

4. Submitter of Information:

_ Council
X Town Staff
X Town Attorney

5. Background:
Updates and revisions to the sign ordinance (LDC Chapter 30) addressing constitutional issues, assisting in streamlining compliance and resolving permitting issues.

6. Alternative Action:

7. Management Recommendations:

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk

9. Council Action:

_ Approved _ Denied _Deferred _Other

02/07/11

Town of Fort Myers Beach

ORDINANCE NO. 11-01

AN ORDINANCE AMENDING CHAPTER 30—SIGNS IN THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE; AMENDING DEFINITIONS; APPLICABILITY; PROHIBITED SIGNS; EXEMPT SIGNS; POWERS AND DUTIES OF TOWN MANAGER; PERMITS AND INSPECTIONS; NON-CONFORMING SIGNS; DESIGNATION OF HISTORICALLY SIGNIFICANT SIGNS; COMPUTATION OF SIGN AREA; LOCATION; TEMPORARY SIGNS; MAXIMUM SIGN AREA; AND STANDARDS FOR CERTAIN TYPES OF SIGNS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapters 163 and 166, Florida Statutes and other applicable provisions of law.

Section 2. Adoption of Amendments to Chapter 30 of the Town of Fort Myers Beach Land Development Code. Chapter 30 of the Town of Fort Myers Beach Land Development Code, entitled "Signs," is hereby amended as set forth in Exhibit "A," attached hereto and incorporated herein by reference. Entirely new language is indicated with underlining. Language being repealed from the existing code is indicated with ~~strikethroughs.~~ Existing language being retained is shown without underlining or strikethrough.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

Section 4. Effective Date. this Ordinance shall be effective immediately upon adoption.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member _____ and seconded by Council Member _____ and, upon being put to a vote, the result was as follows:

Larry Kiker, Mayor
Bob Raymond, Vice Mayor
Tom Babcock
Alan Mandel
Jo List

DULY PASSED AND ENACTED by the Council of the Town of Fort Myers Beach, Florida, this _____ day of _____, 2011.

ATTEST:

BY:_____
Michelle D. Mayher, Town Clerk

TOWN OF FORT MYERS BEACH

BY:_____
Larry Kiker, Mayor

Approved as to legal sufficiency by:

_____
Fowler White Boggs, Town Attorney

EXHIBIT "A"

Sec. 30-1. Purpose and intent of chapter.

The Town council finds and declares:

(a) An excess of signs causes a visual blight on the appearance of the town by detracting from views of structures and open space. This visual blight adversely affects the aesthetic quality of life and traffic safety on Fort Myers Beach for residents, businesses, pedestrians, and persons in vehicles. In order to promote the appearance of the town, while protecting the rights of sign owners to expression and identification, the regulation of existing and proposed signs is necessary to protect the public health, safety, and general welfare.

(b) The purpose of this chapter is to encourage signs which are integrated with and harmonious to the building and sites which they occupy, to eliminate excessive and confusing sign displays, to preserve and improve the appearance of the town as a place in which to live and work and as an attraction to nonresidents who come to visit or trade, and to restrict signs which increase the probability of accidents by distracting attention or obstructing vision.

(c) This Chapter provides minimum standards to safeguard life, safety, property, and public welfare by regulating size, construction location, electrification, operation and maintenance of all signs and sign structures exposed to public view within the town. These standards are content-neutral and regulate based on the form, and not the content, of signs. The visual appearance and traffic safety of the town cannot be achieved by measures less restrictive than the procedures and standards of this chapter.

(d) It is the intent of the Town Council that protection of First Amendment rights shall be afforded by these sign regulations. Accordingly, any sign, display or device permitted under these regulations may contain, in lieu of any other copy, any otherwise lawful non-commercial message that complies with all other requirements of this code. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this code.

Sec. 30-2. Definitions and rules of construction.

(a) In case of any difference of meaning or implication between the text of this chapter and any other law or regulation, this chapter shall control.

(b) The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

~~***Abandoned sign.*** A sign which no longer advertises or identifies a legal business establishment, product, or activity. See § 30-5.~~

Alteration. Any change in copy, color, size, or shape, which changes appearance of a sign, or a change in position, location, construction, or supporting structure of a sign, except that a copy change on a sign specifically designed for the use of replaceable copy, e.g., a reader board with changeable letters, is not an alteration.

Animated sign. Any sign, ~~which has any visible moving part, any flashing lights, any intermittent or alternating lights that cause visible messages to change, any visible mechanical movement of any description, or any other apparent visible movement achieved by any means~~ including electronic, laser, video, or digital displays, that uses movement or change of lighting to depict action or create a special effect or scene. Electronic message boards, ~~and~~ electronic changing message centers, and any signs with flashing lights are considered to be animated signs. ~~See § 30-5.~~

Awning sign. Any sign consisting of letters which are painted or installed on a lawful awning, but not including a back-lit awning. ~~See §§ 30-6(a).~~

Back-lit awning. An awning with a translucent covering material and a source of illumination contained within its framework. ~~See §§ 30-5 and 30-153.~~

Balloon sign. One or more balloons, with or without messages or illustrations, that are used as a temporary or permanent sign or as a means of directing attention to a business or organization or to a commodity, service or entertainment. ~~See § 30-5.~~

Banner. A temporary sign of flexible plastic, cloth, or any other fabric, either enclosed or not enclosed in a rigid frame that is ~~hung between light poles or buildings~~ secured or mounted to allow movement caused by the atmosphere, including "streamer" and "pennants" but not including flags. ~~so that it is in prominent view of motorists or pedestrians~~. ~~See §§ 30-5 and 30-151.~~

Bench sign. A sign that is painted on or attached to any part of a bench, seat, or chair placed one or adjacent to a public street, public plaza, or beach access. ~~See § 30-6(a).~~

~~***Billboard.*** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. See § 30-5.~~

Building numbers. The building number assigned by Lee County as the official ~~building~~ premises address, painted or affixed to a building, mailbox, or similar structure. ~~See §§ 30-6(a) and 30-153.~~

Building official. The same officer as appointed by the town manager through § 6-44.

~~***Business affiliation sign.*** Signs displayed upon the premises denoting professional and trade association with which the occupant is affiliated, including each credit card accepted by the occupant. See § 30-6(a).~~

~~***Business announcement sign.*** A temporary sign announcing a project to be under construction, or an intended use of the premises, that will occur within 60 days after erection of the sign. See § 30-6(b).~~

Business information sign. Any sign containing the name or address of a building and may include hours of operation, information to customers such as business hours and telephone number, "open" and "closed," "shirts and shoes required," "no soliciting," "no loitering," ~~and~~ emergency information, professional and trade association information and credit card information. ~~See § 30-6(a).~~

Canopy. A permanent roof-like shelter open on four sides, to protect an area from the elements, such as over gasoline pumps.

Canopy sign. Any permanent sign attached to or constructed in, on, or below a canopy. ~~See § 30-5.~~

Commercial message. Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. For purposes of this chapter, terms such as sale, special, clearance, or other words which relate to commercial activity shall be deemed to be commercial messages. The identification by name of an apartment or condominium development on a residential sign at the apartment or condominium development site shall not be considered to be a commercial message.

Construction sign. A ~~non-permanent~~ temporary sign identifying a construction project and the persons, firms, or businesses ~~directly connected with a~~ participating in the construction project. ~~See § 30-6(b) and 30-151.~~

~~***Development sign.*** A sign designed and intended to advertise and promote the sale or rental or lease of lots or homes in any residential development, and also in commercial areas for sale or rental or lease of units in the development. See § 30-6(b) and 30-151.~~

Development identification sign. A permanent sign, which is either a freestanding sign or a sign located on a subdivision entry feature or perimeter wall, at a main entrance to a subdivision or development, identifying the name of the development or subdivision.

Directional sign. Any sign which serves solely to designate the location of or direction to any place, activity, facility, or area and contains no commercial message. ~~See § 30-6(a) and (b) and 30-151.~~

Double-faced sign. A single plane with items of information identical on both sides and mounted as a single structure. ~~See § 30-94.~~

Election sign. A sign temporarily installed in the ground or attached to a building relating to the election of a person to a public office or relating to a matter to be voted upon at a federal, state, or local election.

Emitting sign. A sign designed to emit visible smoke, vapor, particles, or odor, or a sign which produces noise or sounds capable of being heard, even though the sounds produced may not be understandable. ~~See § 30-5.~~

~~***Erect.*** To build, construct, attach, hang, place, suspend or painting of wall signs.~~

Face of sign. The entire area of a sign on which copy could be placed.

~~***Figure-structured sign.*** A sign sculptured, inflated, or otherwise constructed in the caricature or shape of an animal (including human beings) or vegetable, whether fictional or real, which is used to draw attention to a business or commercial establishment. See § 30-5.~~

Flag. Any fabric or bunting used as a symbol (as of a nation, government, political subdivision or other entity) or as a signaling device.

Freestanding sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building, wall, fence, vehicle, or object other than the sign structure for support.

Frontage. The distance measured along a public street right-of-way or a private street easement between the points of intersection of the side lot lines with the right-of-way of the easement line.

Government sign. Any sign erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance or other governmental regulation. ~~See § 30-6(a).~~

~~***Holiday decorations.*** Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays or holiday seasons. See § 30-6(a).~~

~~***Identification sign.*** Any sign where the matter displayed is used only to indicate te name, address, number of building, logo, trademark, and business activity of the primary land use. Identification signs may be awning signs, monument signs, nameplates, projecting signs, sandwich signs, wall signs, or window signs. See §§ 30-6(b), 30-152, and 30-153.~~

~~***Illegal sign.*** Any sign placed without proper approval or permits as required by the code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any non-conforming sign which has not been brought into compliance with the provisions of this chapter. See §30-56(c).~~

Illuminated sign. Any electrically operated sign or any sign for which an artificial source is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing, or radiating signs. ~~See §§ 30-6(b) and 30-94(d).~~

Incidental sign. A sign, generally informational, that has a purpose that is secondary to the use of the site on which it is located, such as "No Parking," "Entrance," "Exit," "Telephone," "Open," "Beware of Dog," "No Trespassing" "Welcome," and other similar directives. The term incidental sign shall not include a sign designed to be transported by means of wheels, a

sandwich-board sign, or a skid-mounted sign, regardless of the nature of the information that such sign may contain.

Inflatable object. An object of any shape that is expanded or capable of expansion by means of air or gas, such as a balloon, wind sock, or air tube, and which is used as a means of attracting attention to a site, product or event.

Licensed contractor. A person holding a valid contractor's license issued by the Lee County construction board. ~~See §§ 6-231-237.~~

Maintain. To preserve from decline, keep in an existing state or retain in possession or control.

Menu display box. A small plaque or display case, not exceeding four (4) square feet in area and four (4) inches in depth, located on an exterior building wall that displays a restaurant's menu near its entrance for the convenience of potential patrons who arrive on foot. ~~See § 30-6(b).~~

Monument sign. A free-standing sign with internal structural supports, where the height from the ground to the highest point on the sign is less than the sign's greatest horizontal dimension. ~~See §§ 30-6(b), 30-152, and 30-153.~~

Motion picture sign. A sign capable of displaying moving pictures or images in conjunction with an outdoor advertising structure, accessory sign, or advertising statuary visible from any public street or sidewalk. ~~See §30-5.~~

~~***Multiple-occupancy complex.*** A parcel of property under one ownership or singular control, or developed as a unified or coordinated project, with a building or buildings housing more than five occupants conducting a business operation of any kind.~~

Nameplate sign. A non-illuminated identification sign ~~giving~~ indicating only the name, address, and/or occupation of an occupant or group of occupants of a building. ~~See §§ 30-6(a) and 30-153.~~

Non-commercial sign. A sign which contains no commercial message.

Open house sign. A sign identifying property for sale, rent or lease and temporarily open for inspection.

~~***Non-conforming sign.*** A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the provisions of this chapter.~~

Off-premises sign. Any sign normally used for promoting a business, individual, products, or service available somewhere other than the premises where the sign is located. A sign containing a non-commercial message shall not be considered to be an off-premises sign. ~~See § 30-5.~~

Parasite sign. Any sign not exempted by this chapter, for which no permit has be issued, and which is hung from, attached to or added onto an existing sign.

~~***Pennant.*** Any flag-like piece of cloth, plastic, or paper attached to any staff, cord, building, or other structure at only one or two edges with the remainder hanging loosely. See § 30-5.~~

Permit Board. A freestanding device erected on a construction site for the sole purpose of providing a conspicuous display of and shelter for the permits required for construction activities being performed on such construction site. A permit board may display a contractor name or logo so long as such display does not exceed one (1) square foot.

~~***Plane.*** Any surface capable of carrying items of information, such as a rectangle, square, triangle, circle, or sphere; or any area enclosed by an imaginary line describing a rectangle, square, triangle, or circle, which includes freestanding letters, numbers, or symbols.~~

Pole sign. A free-standing sign supported by an exposed structure of poles or other supports where the height of the exposed sign supports extends more than eighteen (18) inches from the ground to the bottom of the sign. A free-standing sign that meets this chapter's requirement for a monument sign is not considered to be a pole sign. ~~See §30-5.~~

~~***Political and non-commercial temporary signs.*** Any sign designed for the purpose of supporting or opposing a candidate, proposition, or other measure at an election or for any other noncommercial expression not related to the advertisement of any product or service or the identification of any business. See §30-5.~~

Portable sign. Any movable sign not permanently attached to the ground or a building ~~(except for sandwich signs). Examples of portable signs include trailer signs, beacon lights, balloon signs, and vehicles whose primary purpose is advertising. See §30-5. For purposes of this code, sandwich signs are not considered portable signs and are regulated separately (see § 30-6(a)).~~

~~***Posted property sign.*** Signs used to indicate "no trespassing," "beware of dog," "no dumping," "towing," and other similar warnings. See § 30-6(a).~~

~~***Premises.*** Any property owned, leased, or controlled by the person actively engaged in business and so connected with the business as to form a contiguous component or integral part of it, or owned, leased, or controlled by a person for living accommodations.~~

Projecting sign. A sign which is attached to a building and projects more than eighteen (18) inches above, below, or outward from, and is supported by, a wall, parapet, or ceiling of a building. ~~See §§ 30-6(b) and 30-153.~~

Public body. Any government or governmental agency of the United States, the state, the county, or the Town of Fort Myers Beach.

Real estate sign. ~~Any non-permanent~~ temporary sign ~~pertaining to~~ which advertises the sale, exchange, lease, rental, or availability of ~~land, buildings, condominium and similar units, or~~

~~apartments~~ the parcel, improved or unimproved, upon which it is located. ~~See §§ 30-6(a), 30-56, and 30-151~~

Residential sign. Any sign, not otherwise defined or regulated in this Chapter as an allowed sign in a residential zoning district, that is located in a district zoned for residential uses and does not contain any commercial message.

Roof sign. Any sign erected upon a roof or roof-mounted equipment. ~~See § 30-5.~~ Signs placed flat against the steep slope of a mansard roof will not be considered roof signs.

Sandwich-board sign. An easily moveable sign not attached to the ground that is supported by its own frame which generally forms the cross-sectional shape of an A. For purposes of this code, sandwich signs are not considered portable signs~~ and are regulated separately. See § 30-6(a) and 30-153.~~

Sign. Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention or convey a message outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof.

Sign face. An exterior display surface of a sign including non-structural trim exclusive of the supporting structure.

~~***Site.*** All the contiguous ground area legally assembled into one development location.~~

Snipe sign. A sign of any material, including paper, cardboard, wood, and metal, when tacked, nailed, or attached in any way to trees, telephone poles, or other objects ~~where such sign may or may not apply to the premises~~ located or situated on a public road right-of-way, or any sign which is installed on property without the permission of the property owner. ~~See § 30-5.~~

~~***Special event sign.*** Any temporary or non-permanent sign advertising or pertaining to any special event, defined as any social, commercial, or fraternal gathering for the purpose of entertaining, instructing, viewing a competition, or for any other reason that would assemble an unusual concentration of people in one location. Specifically excluded from this definition are any gatherings formed and/or sponsored by any recognized religion or religious society. Special events and special event signs are governed by Ordinance Nos. 98-1, 00-16, and future amendments. See § 30-6(a) and 30-151.~~

~~***Special occasion sign.*** Temporary outdoor on-site signs that address grand openings, sale events, parking lot sales, annual and semi-annual promotions, or similar events. It does not include signs for special events as defined in the Special Events Ordinance (Nos. 98-1, 00-16, and future amendments). See § 30-6(a) and 30-151.~~

Special event sign. A temporary sign announcing a social function, promotional, or fund raising event, sponsored by a private, not-for-profit, or governmental entity which is open to the public, and which is distinct from the usual and customary business day functions of the organization.

Temporary sign. ~~Any sign which is installed for a period not to exceed 60 days, in any consecutive 12 month period, unless otherwise limited or authorized herein. This chapter provides for six types of temporary signs: business announcement signs, construction signs, development signs, political and non-commercial signs, special event signs including banners, and special occasions signs.~~ A sign displayed for a fixed, terminable length of time. Temporary signs are intended to be removed after the temporary purpose has been served. Included are for sale, lease or rent signs, political signs, service signs, special event signs, construction signs, directional signs to special or temporary events and signs of a similar nature. ~~See § 30-151.~~

Vehicle sign. Any sign permanently or temporarily attached to or placed on a vehicle, including a motor vehicle, boat, trailer, or bicycle or human powered vehicle, where the vehicle is parked so as to be visible from the public right-of-way or parked on public property so as to clearly provide a commercial message close to the public right-of-way, unless said vehicle is used by a proprietor or employee of the business for the purpose of commuting between the business location and home or is used in the usual course or operation of a business. Factors to be considered in determining whether a vehicle is used in the usual course or operation of a business shall include, but not be limited to, whether the vehicle is inoperable, whether the vehicle has a current registration in the State of Florida, the role the vehicle plays in the business, the frequency with which the vehicle is used in the operation of the business, and whether the size of the sign makes it impractical or dangerous to operate the vehicle. Any sign bearing a commercial message that is attached to or painted on a vehicle that is routinely parked or otherwise located on a site or sites other then the site where the business is located, or a sign whose size makes it impractical or dangerous to operate the vehicle shall be presumed to be a prohibited vehicle sign. ~~See §§ 30-5 and 30-7.~~

Wall sign. Any sign attached to or painted on the wall of a building or structure and extending no more than eighteen (18) inches outward from the wall in a plane approximately parallel to the plane of said wall. ~~See § 30-6(b), 30-91, and 30-153.~~

~~***Welcome sign.*** A monument sign erected by or on behalf of a governmental organization welcoming visitors to the Town of fort Myers Beach. (see § 30-6(b)).~~

Window sign. Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is viewable from the exterior, including signs located inside a building but visible primarily from the outside of the building. ~~See § 30-5, 30-6(a), and 30-153.~~

Sec. 30-3. Reserved.

Sec. 30-4. Applicability of chapter.

(a) ***Generally.*** Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the Town of Fort Myers Beach, or cause such work to be done, without first obtaining a sign permit for each such sign as required by this chapter.

(b) ***Exceptions.***

(1) This chapter shall not apply to any sign erected by the federal, state, county, or Town of Fort Myers Beach government or to the placement of temporary signs ~~up to~~ not

exceeding eight (8) square feet in area within a right-of-way for purposes of business identification or access location, when necessitated by road construction and when authorized by the county or town.

(2) The following ~~operations~~ activities shall not be considered ~~as~~ the creat~~ing~~ion of a sign ~~insofar as requiring the issuance of a sign permit, but such signs which are subject to the following operations must be in conformance with all other building, sign, structural, and electrical codes and regulations of the Town of Fort Myers Beach~~:

a. *Change of copy.* Changing ~~of~~ the ~~advertising~~ copy ~~of a message~~ on existing signs ~~which are specifically designed for the use of replaceable copy, e.g., reader boards with changeable letters~~.

b. *Maintenance.* Painting, repainting, cleaning, or other normal maintenance and repair of a sign not involving change of copy, structural, or electrical changes.

c. *Window displays.* Changes in the content of show window displays, provided all such displays are within the building.

Sec. 30-5. Prohibited signs.

~~No commercial advertising signs by whatever name designated, shall be erected in the town of Fort Myers Beach, except those expressly authorized by the provisions of this chapter.~~ The following ~~specific types of~~ signs are ~~expressly~~ prohibited~~, but this enumeration shall not be construed to limit the general prohibition set forth in this subsection~~:

(1) ***Any signs which are not designed, located, constructed, or maintained in accordance with the provisions of this chapter***, or which do not meet the requirements of all applicable Town of Fort Myers Beach, state, and federal codes.

(2) ~~***Lights and s***~~***Signs that resemble any traffic control device,*** official traffic control signs or emergency vehicle markings.

(3) ***Signs*** ~~***and other advertising matter as regulated by this chapter***~~ ***located at the intersection of any street right-of-way*** in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape, or color, the sign may interfere with or obstruct the view of any authorized traffic sign, signal, or device; or which make use of the word "stop," "look," "drive-in," "danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse vehicular traffic.

(4) ~~***Abandoned signs.***~~

~~(5)~~ ***Animated signs*** except those displaying only cycling time or temperature.

~~(6)~~ (5) ***Back-lit awnings.*** However, any business with an existing back-lit awning as of December 31, 2004, may continue to use that awning and may place or replace signage on that awning provided it otherwise conforms to this code. This right shall end if the business is discontinued or moved to a different location, or if the building is rebuilt or substantially improved ~~(see § 34-992)~~.

~~(7)~~ (6) ***Balloons or balloon signs.***

~~(8)~~ (7) ***Banners, pennants, or other flying paraphernalia***, except~~:~~ as permitted in Sec. 30-141 (Temporary Signs).

~~a. an official federal state, county, or Town of Fort Myers Beach flag,~~

~~b. one symbolic flag not to exceed 15 square feet in area for each institution or business,~~

~~c. holiday decorations (see § 30-6(a),~~

~~d. Banners of special events (see § 30-151).~~

~~(9)~~ ~~***Billboards.***~~

~~(10)~~ (8) ***Canopy signs.***

(9) ***Bench signs.***

~~(11)~~ (10) ***Emitting signs.***

(11) ***Inflatable objects.***

~~(12)~~ ~~***Figure-structured signs*** as defined in this chapter.~~

(13) ***Motion picture signs.***

~~(14) ***Vehicle signs.*** The parking of advertising vehicles is prohibited as more fully described in § 30-7. This prohibition is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle.~~

(14) ***Obscene signs.***

~~(15)~~ (15) ***Off-premises signs*** ~~(except as allowed in § 30-151 for "open house" signs)~~.

~~(16)~~ (16) ***Parasite signs.***

(17) ***Pole signs.***

~~(17)~~ (18) ***Portable signs.*** ~~(except as allowed in § 30-6(a).~~

~~(18)~~ (19) ***Roof signs.***

~~(19)~~ (20) ***Sandwich-board signs.*** Except as permitted by Section 27-51(c)(4) and (5) for PWVL and PAL businesses.

(21) Signs with any lighting or control mechanism which causes radio, ~~or~~ television or other communication interference.

~~(20)~~ (22) ***Signs erected, constructed, or maintained so as to obstruct or be attached to any firefighting equipment*** or any window, door or opening used as a means of ingress or egress or for fire-fighting purposes, or placed so as to interfere with any opening required for proper light and ventilation.

~~(21)~~ ~~***Signs, except "posted property" signs, which are erected or maintained upon trees*** or painted or drawn upon other natural features.~~

~~(22)~~ (23) ***Signs which are placed on any curb, sidewalk, post, pole***, hydrant, bridge, tree, or other surface located on public property or over or across any street or public street except as may otherwise expressly be authorized by this chapter.

~~(23)~~ (24) ***Snipe signs.***

~~(24)~~ ~~***Unshielded illuminated devices*** that produce glare or are a hazard or a nuisance to motorists or occupants of adjacent properties.~~

(23) ***Vehicle signs.***

~~(25)~~ (24) ***Window signs*** which ~~identify or advertise activities, services, goods, or products available within the building, and which collectively~~ cover more than thirty (30) percent of the window glass surface area.

~~(26)~~ ~~***No commercial signage is allowed on inland waterways*** except for directional signs (see § 30-6(a)).~~

Sec. 30-6 ~~Allowable~~ Exempt signs.

~~Allowable signs are classified into two categories: signs not requiring a sign permit and signs that do require a sign permit.~~

~~(a) ***Signs not requiring a sign permit:***~~

The following signs are exempt from the permitting requirements of this Chapter:

(1) ~~***Bench signs***, limited to existing signs, as of May 19, 2003, which are sponsored by non-profit, charitable organizations. Signage may not exceed a 2-foot by 4½-foot sponsorship plaque. Bench signs located on property zoned commercial, placed a minimum of 25 feet from public right-of-way, and whose advertisement is not visible from a public right-of-way are also permitted. All other bench signs are prohibited.~~

~~(2)~~ ***Awning signs***. Awning signs consisting of one line of letters or building or address numbers on the hanging border, or an identification emblem, insignia, initial, or other feature not exceeding an area of eight (8) square feet painted or installed elsewhere on an awning. ~~Larger signs on awnings are also permitted if they meet this chapter's requirements for projecting signs; see § 30-153.~~

(~~3~~2) ***Building numbers.*** Posted building numbers must be between three (3) and eight (8) inches high for detached dwellings and for individual businesses, institutional, and multifamily buildings. Numbers on buildings that are set back more than fifty (50) feet from the street must be between eight (8) and eighteen (18) inches high. If the building number is prominently displayed on an identification sign for a multiple occupancy complex, the number need not be repeated for individual businesses within that complex. ~~See also § 6-11 of this code.~~

~~(4) ***Business affiliation signs***. Signs displayed by businesses, upon the premises, denoting professional and trade associations with which the business is affiliated, required statutory signs, and other signs pertaining to public safety and law enforcement, provided such graphics do not contain lettering more than two (2) inches high.~~

(~~5~~3) ***Business information signs***. Business information signs, provided that such signs are posted on the entrance doors or within a window.

(~~6~~4) ***Flags*** ~~***or insignias of governmental or nonprofit organizations***. Flags or insignias of a governmental, religious, charitable, or fraternal organization, except when displayed in connection with a commercial promotion~~ that contain no commercial message.

~~(7)~~ (5) ***Garage sale signs.*** Garage sale signs, provided they are erected not more than 24 hours prior to the sale and are removed within 72 hours of the time they were erected.

(~~8~~6) ***Government and public safety signs.*** Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, signs of public service companies indicating danger, "no parking" signs, and aids to service or safety which are erected by or on the order of a public official in the performance of his public duty.

(~~9~~) ~~***Holiday decorations.*** Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local, or religious, provided that such signs shall be displayed for a period of not more than 60 consecutive days~~

~~and such signs shall not be displayed for more than 60 days in any one year. Such signs may be of any type not otherwise prohibited by § 30-5, provided that:~~
~~a. the decorations contain no advertising other than the name of the business,~~
~~b. the decorations are set back ten feet from all boundary lines of the lot, and~~
~~c. clear visibility shall be maintained on a corner lot in accordance with § 30-93.~~

(7) ***Incidental signs*** not exceeding two (2) square feet in area per sign and limited to two (2) signs per parcel or lot. Additional incidental signs shall require a permit for each such additional sign.

(~~10~~8) ***Instructional signs*** or symbols located on and pertaining to a parcel of private property, not to exceed four (4) square feet in area per sign.

(~~11~~9) ***Interior signs.*** Signs located within the interior of any building, or within the inner or outer lobby, court, or entrance of any theater. This does not, however, exempt such signs from the structural, electrical, or material specifications as set out in this code and the Florida building code.

(~~12~~10) ***Legal notices.*** Legal notices and official instruments.

(~~13~~11) ***Memorial signs or tablets***. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

(~~14~~12) ***Nameplates.*** Any sign not exceeding one and one-half (1½) square feet in area per sign and not exceeding two (2) in number per lot~~, except that special permission may be obtained for additional signs under proven special circumstances~~. Such signs shall not be illuminated, and they shall not project over any public right-of-way.

~~(15) ***Political and non-commercial temporary signs***. See § 30-151.~~

(~~16~~13) ***Posted property signs.*** Posted property signs, not to exceed one and one-half (1½) square feet in area per sign and not exceeding two (2) in number per lot~~, except that special permission may be obtained for additional signs under proven special circumstances~~. Such signs shall not be illuminated, and they shall not project over any public right-of-way.

(~~17~~14) ***Public information signs.*** Any sign used for public information or direction erected either by or at the direction of a public body.

(~~18~~15) ***Real estate, open house, and model signs.*** Real estate, open house, and model signs~~, subject to § 30-151~~.

(~~19~~16) ***Sandwich-board Signs***, but only as permitted by Section 27-51 (c)(4) and (5) for PWVL and PAL businesses. ~~Sandwich signs may not be used after May 31, 2005.~~

(~~20~~17) ***Signs incorporated on machinery or equipment***. Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.

(~~21~~18) ***Special event signs.*** ~~See § 30-151.~~

~~(22) ***Special occasion signs.*** See § 30-151.~~

(~~23~~19) ***Symbols or insignia of religious orders***, historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque or identification emblem shall exceed sixteen (16) square feet in area.

(20) ***Temporary signs.*** Temporary election signs, special event signs, and real estate signs as provided in §30-141.

(21) ***Tow Away Zone signs*** erected pursuant to and in compliance with Section 715.07, Florida Statutes.

(~~24~~22) ***Warning signs.*** Signs warning the public or the existence of danger, ~~but containing no advertising material, of a size as may be necessary,~~ to be removed upon subsidence of danger.

(~~25~~23) ***Waterway signs.*** Directional signs along inland waterways.

(~~26~~24) W***indow signs***. Interior window signs which identify or advertise activities, services, goods, or products available within the building.

(25) In single family residential zoning districts, no more than one (1) residential sign, in addition to any directional signs, flags, incidental signs and temporary signs that may be otherwise allowed, shall be erected or located on the site and shall not exceed four (4) square feet in sign area and, if freestanding, five (5) feet in height.

(26) In multi-family zoning districts, one (1) residential sign per street frontage of the site, in addition to any directional signs, flags, incidental signs and temporary signs that are otherwise allowed, shall be located on the site, provided, however, that in no event shall the total number of such signs exceed two (2) per site. The maximum sign area for each residential sign shall be sixteen (16) square feet and, if freestanding, the maximum height shall not exceed eight (8) feet.

~~(b) ***Signs requiring a sign permit.*** No sign that meets or exceed one or more of the following criteria shall be erected prior to issuance of a sign permit in accordance with § 30-55.~~

~~(1) ***Business announcement signs***, see § 30-151(a).~~

~~(2) ***Construction signs***, see § 30-151(b).~~

~~(3) ***Development signs***, see § 30-151(c).~~

~~(4) ***Directional signs*** (on-site only), § 30-152(d).~~

~~(5) ***Identification signs*** (residential and commercial), whether wall signs, monument signs, or projecting signs, see §§ 30-152 and 30-153.~~

~~(6) ***Menu display boxes***. One menu display box may be permitted outdoors adjacent to a public entrance of an establishment that serves prepared food to the public. Menu display boxes cannot exceed 4 square feet in area and 4 inches deep, and menu lettering cannot exceed 2 inches in height.~~

~~(7) ***Welcome signs***. One welcome sign may be permitted provided it does not exceed 60 square feet in area and it meets the requirements of § 30-153(d)(1), (2), and (4).~~

~~(8) ***Any illuminated sign*** if the source of the illumination has not been previously approved.~~

~~(9) ***Any sign not specifically exempted*** from requiring a sign permit as delineated under § 30-6(a).~~

~~**Sec. 30-7. Parking of advertising vehicles.**~~

~~(a) No person shall park any vehicle, trailer, or boat on a public right-of-way, public beach, or public property so as to be clearly visible from the public right-of-way, which has attached thereto or located thereon any sign or advertising device for the primary purpose of~~

~~providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises.~~

~~(b) This section is not intended to prohibit any form of public vehicular signage such as a sign attached to a bus. Neither shall this section prohibit a sign lettered to attached to a motor vehicle in such a manner as to primarily identify the vehicle with the business it serves and which is less than 6 square feet of total surface area. This section shall not be interpreted as prohibiting company names which are customarily and normally on interstate or local delivery trucks.~~

~~(c) The parking of vehicles or the use of any other device or contrivance visible from a public or private street or right-of-say for advertising or commercial purposes, shall be deemed to be prohibited by this section.~~

Secs. 30-8~~7~~—30-50. Reserved.

Sec. 30-51. Violation of chapter; penalty.

The town manager or designee is authorized to pursue any one or combination of the enforcement mechanisms provided in this code ~~(for example, § 1-5, or article V of ch. 2)~~ or by law for any violation of this chapter. Penalties may be assessed against any owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or shall exist; any person who knowingly commits, takes part in or assists in such violation; and any person who maintains any sign or sign structure in violation of this chapter or in a dangerous or defective condition.

Sec. 30-52. Reserved.

Sec. 30-53. Powers and duties of town manager.

(a) ***Generally***. The town manager is hereby authorized and directed to administer and enforce the regulations and procedures and to delegate the duties and powers granted to and imposed upon him under this chapter.

(b) ***Specific powers and duties***.

(1) **Issuance or denial of permits and certificates.**

a. It shall be the duty of the town manager or designee, upon receipt of a completed application for a sign permit, to examine such plans and specifications and other data and, if the proposed structure is in compliance with the requirements of this section and all other applicable provisions of this chapter, to issue to the applicant a written permit evidencing the applicant's compliance therewith. Permits shall be issued within fifteen (15) days of receipt of a complete application. Issuance of the permit shall in no way prevent the town manager or designee from later declaring the sign to be illegal if, upon further review of the information submitted with the application or of newly acquired information, the sign is found not to comply with the requirements of this chapter.

b. No sign permit or certificate of compliance shall be issued except in compliance with this chapter and any other applicable ordinances and laws or court decisions.

(2) **Lapse**. A sign permit shall lapse automatically if the businesss license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of thirty (30) days and is not renewed within thirty (30) days from the date written notice is sent from the Town to the last permittee that the sign permit will lapse if such activity is not resumed. A sign permit shall also lapse if the sign for which it is issued either is not erected and/or placed within one hundred eighty (180) days following the issuance of the sign permit or is removed for a period of sixty (60) days. Once a sign permit has lapsed, it shall be considered void and a new application and review process shall be necessary in order to have the sign permit re-issued.

(3) The Town Manager shall direct the Building Official to deny issuance of any Certificate of Occupancy until any and all signs located on the property are inspected and determined to be in compliance with the provisions of this Chapter.

~~**Revocation of permits and certificates.** The town manager may revoke a sign permit or certificate of compliance in those cases where an administrative determination has been duly made that false statements or misrepresentations existed as to material facts in the application or plans upon which the permit or approval was based.~~

~~(3) Suspension of permits and certificates. The town manager may suspend a sign permit or certificate of compliance where an administrative determination has been duly made than an error or omission on the part of either the permit applicant or a government agency existed in the issuance of the permit or certificate. A new permit or certificate shall be issued in place of the incorrect permit or certificate after correction of the error or omission.~~

~~(4) **Cease and desist orders**. The town manager shall have the authority to issue cease and desist orders in the form of written official notices given to any person.~~

~~(5) **Complaints**.~~

~~a. Complaints on any violations of this chapter shall be filed with the town manager.~~

~~b. Upon inspection, where it is found that any sign or sign structure is in violation of this chapter, the town manager should take the appropriate action as set forth in this code.~~

Section 30-54. Variances.

Requests for variances or deviations from the terms of this chapter shall be administered and decided in conformance with the requirements for variances and deviations which are set forth in ch. 34.

Sec. 30-55. Permits; inspections.

(a) ***Sign permit required; modifications.***

(1) Except as otherwise provided for in this chapter, ~~it shall be unlawful for any person to~~ no sign shall be located, placed, erected, constructed, altered, replaced, enlarged, moved, or converted ~~any sign~~ in the Town of Fort Myers Beach~~, or cause such work to be done~~, without first obtaining a sign permit ~~for each sign~~.

(2) In the event a sign is located, installed, or maintained upon real property in the Town of Fort Myers Beach without any required permits, after the expiration or lapse of a sign permit, or otherwise in violation of the requirements of this Chapter, the owner of the real property where the sign is located shall be responsible for the prompt removal of such sign and shall be responsible for and subject to all fines or penalties resulting from such violation.

~~In addition to any other permit required by this code, a sign permit shall be obtained prior to placing, changing, altering, or displaying any sign unless specifically exempted by this code. No sign permit shall be required where the only work to be performed is the repair, maintenance, or maintenance of a lawful non-conforming sign, or the replacement or repair of a destroyed sign except when such sign is required to be removed by this code.~~

~~(3) When a sign permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without prior approval of the town manager. A written record of such approval shall be entered upon the original permit application and maintained in the files of the town manager. All such approvals shall be consistent with the terms of this chapter.~~

(b) ***Application for sign permit***. In order to obtain a permit to erect, alter, or relocate any sign under the provisions of this chapter, an applicant therefore shall submit to the town a sign permit application, which shall include:

(1) A completed application form ~~containing but not limited to~~ that includes the following:

a. The name, address, and telephone number of the applicant.

b. The name, address, and telephone number of the person constructing the sign, as well as the name, address, and telephone number of the owner of the sign.

c. Information as to the type of sign to be erected, e.g., monument, projecting, or wall-sign; illuminated or non-illuminated; temporary or permanent.

d. The approximate value of the sign to be installed, including the installation cost, ~~some representation as to~~ and information concerning the design of the sign and the copy ~~with regard to~~ that will appear on the sign ~~requested~~.

(2) *A site location plan* ~~including~~ that includes the following:

a. Location by street ~~number~~ address and legal description (tract, block, and lot) of the building, structure, or lot ~~to which or upon which~~ where the sign is to be erected or installed.

b. A fully dimensioned plot plan, to scale, indicating the location of the sign relative to property lines, rights-of-way, streets, easements, sidewalks, and other buildings or structures on the premises, as well as the location, size, and type of any other existing signs whose construction requires a sign permit~~, when such signs are on the same premises~~.

c. A sea turtle lighting plan ~~is required~~ for all ~~new~~ lighted signs that are visible from the beach, including signs that are within buildings.

d. A landscape plan ~~is required~~ for sign installations that will include landscaping.

~~(3) *Bond or other security for certain type signs.* Town of Fort Myers Beach shall adopt a bond or other security schedule for certain type signs requiring a bond or other security as specified in this chapter. Such signs include, but are not limited to certain temporary signs and such others as the Town Council deems necessary. If the signs are not removed within a specified time period, the signs will be removed by the Town of Fort Myers Beach and the bond will be forfeited.~~

(~~4~~3) *Application fee.* Applications for a permit to erect, construct, alter, or extend a sign or sign structure shall be accompanied by a fee in the amount ~~to be~~ established by the ~~t~~Town Council.

~~(5) Such other information as the town manager may require which is necessary to secure full compliance with this chapter, the Florida Building Code and any other applicable ordinance.~~

(~~6~~4) *A drawing to scale* showing the design of the sign, including dimensions, sign size, method of attachment, and source of illumination, and showing the relationship to any building or structure to which it is or is proposed to be installed or affixed~~, or to which it relates~~.

(~~7~~5) Plans indicating the scope and structural detail of the work to be done, including details of all connections, supports, ~~and~~ footings and materials to be used.

(~~8~~6) Where determined to be necessary, a copy of stress sheets and calculations indicating that the sign is properly designed for dead load and wind pressure in any direction~~, if required by the town manager~~.

(~~9~~7) Where determined to be necessary, a listing of all materials to be utilized in the construction of the sign, or, in the alternative, a statement that all materials are in compliance with the Florida Building Code.

(~~10~~8) If applicable, an application, and required information for such application, for an electric permit for all ~~electric~~ signs~~, if the sign is to be illuminated~~ that include electrical components. Electrical ~~work~~ components must be UL-approved ~~or~~ and installed ~~by a licensed electrician~~ in conformance with the listing.

(11) ~~*Sign contractor's license.* Certain types of~~ All signs, except exempt signs and certain temporary signs, are required to be installed or erected only by a licensed sign contractor or licensed electrical sign contractor. ~~No person shall perform any work or service in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion, or manufacture of any such sign in the Town of Fort Myers Beach unless such person shall first have obtained a contractor's license from in accordance with §§ 6-231-237.~~ All persons engaged in the business of installing or maintaining signs involving, in whole or part, the erection, alteration, relocation, or maintenance of a sign or other sign work in or over or immediately adjacent to a public right-of-way or public property if used or encroached upon by the sign installer shall agree to hold harmless and indemnify the Town of Fort Myers Beach and its officers, agents, and employees from any and all claims of negligence resulting form the erection, alteration, relocation, or maintenance of a sign or other sign work ~~insofar as this chapter has not specifically directed the placement of a sign~~.

(~~12~~9) *Expiration of sign permit.* A sign permit shall expire and become null and void six months from the date of issuance, except that it may be extended for good cause by the town manager or designee.

(~~13~~10) *Inspections.* All signs for which a permit is required by this chapter ~~are subject to inspection~~ must be inspected by the Town to ensure compliance with this Chapter and all other applicable regulations. Failure to obtain a final satisfactory inspection within the permit period or any renewal shall render the permit invalid, and the applicant shall be required to reapply for a permit or remove the sign or sign or structure.

(~~14~~11) *Identification number.* ~~New~~ All signs that were issued a permit~~ted~~ after ~~the effective date of this chapter (~~September 13, 1999~~) will carry a~~ must have the sign permit number ~~on~~ affixed to the upper right corner of the ~~permitted~~ sign. The town will ~~begin a process of photographing~~ maintain digital photographs of all signs ~~with~~in the town ~~by digital cameral and such record will be kept~~ in town hall.

Sec. 30-56. Non-conforming signs.

~~For further clarification, see land development code §§ 34-3201 through 34-3277.~~

(a) ~~***Status***. Every sign, as of the effective date of this chapter (September 13, 1999) which is a permitted legally existing sign shall be deemed a legal non-conforming sign. A permitted sign means a sign that was constructed or is in place with a valid permit from the Town of Fort Myers Beach. All non-conforming signs shall be subject to the provisions of this section. All existing signs which are not legal non-conforming signs must comply with the terms of this chapter.~~ ***Non-conforming sign compliance.*** All signs that do not conform to the requirements of this Chapter shall be considered to be non-conforming signs. All non-conforming signs shall be either removed or brought into conformity with this Chapter no later than December 31, 2011. The owner of the real property on which such non-conforming signs exist shall be responsible for ensuring that such signs are removed or brought into conformity.

~~(1) A non-conforming sign may not be enlarged or altered in a way which increases its nonconformity.~~

~~(2) Nothing in this section shall relieve the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this chapter regarding safety, maintenance, and repair of signs. Any repair or refurbishing of a sign that exceeds 50 percent of the replacement value of the sign in its preexisting state shall be considered as an act of placing a new sign and not an act of customary maintenance. It shall be the responsibility of the permittee to provide the town with adequate proof of the cost of such work in the form of an itemized statement of the direct repair cost whenever such information is requested.~~

~~(3) If any non-conforming sign is destroyed to an extent exceeding 50 percent or more of its replacement value at the time of destruction, the sign shall not be replaced or repaired, in part or full, except upon full compliance with this chapter.~~

(b) ***Non-conforming sign permits.*** Sign permits will not be issued for the alteration, replacement, or repair of any non-conforming signs.

(c) ***Exception.*** Signs that have been designated as historically significant pursuant to Section 30-57 below, shall not be considered to be non-conforming signs. Such signs shall be governed by the provisions of Section 30-57.

~~Designation of historically significant and/or landmark signs. Pursuant to the Fort Myers Beach Comprehensive Plan, the town's vision for preserving its history is set out in chapter 13. This historic preservation element has two major goals. The first is to preserve "the best of the old" as the community evolves and redevelops over time. The second goal is to share the legacy left by previous residents with today's visitors and the broader community and to do so in a way that preserves the local culture and environment and enriches visitors' experiences. The local planning agency is designated to serve as the historic preservation board by this code.~~

~~(1) A sign may be nominated for designation as historically significant or having landmark status to the local planning agency.~~

~~(2) A nomination letter would be prepared documenting the historical background of the sign and listing the reasons for possible landmark status. The historic preservation element sets out historic and archaeological criteria that should be incorporated into a nomination letter.~~

~~(3) The local planning agency will hold a public hearing on any nomination requests received and will use the historic preservation element as a guideline for approving or denying such requests.~~

~~(4) The town council will serve as the appeal board for signs that are denied historical and/or landmark status.~~

~~(5) A sign that is designated as historical or having landmark status will receive a legal non-conforming status for as long as the sign remains. If the sign is destroyed in any way, it may be re-constructed to its legal non-conforming historical and/or landmark status. Similarly, if the underlying business is sold or "copy" or "use" is changed, the sign continues to hold its legal non-conforming designation and remains as a historical or landmark designated sign.~~

~~(c) Loss of legal nonconformity.~~

~~(1) A legal non-conforming sign shall become an illegal sign which must comply with this chapter if:~~

~~a. More than 50 percent of the sign is removed or unassembled for a period of more than six months.~~

~~b. The sign is altered or relocated in any manner which increases its nonconformity or causes it to be less in compliance with the provisions of this chapter.~~

~~c. Any change of use or change of ownership of a sign loses legal non-conformity and must comply with current regulations.~~

~~d. Repair or refurbishing exceeds 50 percent of the value of the sign in its preexisting state.~~

~~e. The sign is replaced.~~

~~(2) When a sign face remains blank, which is defined as void of advertising or a period of 12 months it loses its non-conforming status and must be treated as a sign which must comply with all the requirements of this chapter. Signs displaying an "available for lease" message or similar message and partially obliterating signs~~

~~which do not identify a particular product, service, or facility are considered to be blank signs.~~

~~(3) A non-conforming sign that has lost its legal non-conforming status shall be immediately brought into compliance with this chapter, or the sign shall be removed.~~

~~(4) The existence of an illegal sign or a legal non-conforming sign does not constitute a hardship warranting the issuance of a variance from the provisions of this chapter.~~

~~(d) Time for compliance. all signs shall be brought into compliance with the standards of this section according to the following schedule which follows:~~

~~(1) Real estate signs shall be removed or made lawful hereunder within 24 months after the effective date of this chapter (September 13, 1999).~~

~~a. The town finds that in view of the inexpensive nature of these signs and the administrative burden which would be imposed by elaborate procedural prerequisites prior to removal, any procedure other than summary removal of these signs when unlawfully erected and maintained would defeat the purpose of regulating such signs. Therefore, the town manager is hereby authorized summarily to remove such signs when unlawfully erected and maintained, subject to the provisions contained in subsection (3) of this section.~~

~~b. After summary removal of a sign pursuant to this section, the town manager shall notify, either in person or by first class postage, prepaid, the occupant of the property from which the sign was removed, and if the sign identified a party other than the occupant of the property, the party so identified. The notice shall advise that the sign has been removed, and shall state that the sign may be retrieved within 30 days of the date of the notice and that if the sign is not retrieved within 30 days it will be disposed of by the town. If the sign is removed from public property, the party, if any identified on the sign shall be notified; if no party is identified on the sign, then no notice prior to disposition is required. The town shall dispose of all unclaimed signs after the expiration of the 30-day period.~~

~~(2) Signs damaged in a natural disaster. Signs damaged in a natural disaster may be repaired to replaced and may remain in place until September 13, 2007, if the applicant signs an affidavit acceptable to the town acknowledging that the sign must be removed or brought into conformance with this chapter prior to that date. In accordance with the application and permit provisions of § 30-55 of this chapter, temporary sign permits conforming to the standards in § 30-151(a)(2) may be issued for properties associated with such damaged signs for one period not to exceed 180 calendar days. One additional temporary sign permit may be issued for an additional period not to exceed 180 days on a showing of continued hardship.~~

~~(3) Other non-conforming signs. Any other non-conforming signs shall be brought in compliance with this chapter upon any alteration (but not routine maintenance) of the sign, or 8 years after the effective date of this chapter (September 13, 1999), whichever comes first.~~

~~(4) Other unlawful signs. Signs which are or have been erected or maintained unlawfully but do not fall under the provisions set forth in subsection (1) of this section shall be subject to the following procedures:~~

~~a. The town manager shall prepare a notice which shall describe the sign and specify the violation involved, and which shall state that, if the sign if not removed or the violation is not corrected within 15 days, the sign shall be removed in accordance with the provisions of this section.~~

~~b. All notices shall be sent by certified mail, return receipt requested. Any time periods provided in this section shall be deemed to commence on the date of receipt of the certified mail.~~

~~c. The notice shall be mailed to the owner of the property on shich the sign is located as shown on the last equalized assessment roll. If the owner of the sign and the occupant of the property are known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.~~

~~d. Failing determination of the sign owner or user or owner of the property on which the sign is located, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated. The town manager shall require new sign permits to be issued for each existing sign so classified.~~

~~e. Any person having an interest in the sign or the property may appeal the determination of the town manager ordering removal or compliance by filing a written notice of appeal with the town within 15 days after the date of receiving the notice.~~

~~f. Upon completion of the notification procedures and after the expiration of the 15-day appeal period, if no appeal has been filed, the town manager shall have the authority to remove or contract with a contractor to remove the unlawful sign. All costs associated with the removal of the unlawful sign shall be assessed against the property owner. Each such assessment shall be a lien against the property until paid.~~

~~(5) Emergency work. when it is determined that a sign would cause an imminent danger to the public safety, and contact cannot be made with a sign owner or building owner, no written notice shall have to be served. In this emergency situation, the town manager may correct the danger, with all costs being assessed against the property owner.~~

~~(6) Assessment of costs.~~

~~a. As soon after the offending condition is corrected or removed and the expense thereof can finally be determined, the town manager shall render a statement to the property owner or permittee or person having possession or right to use, by regular United States mail, addressed to the last known address of any such persons, informing the person of the sums due the town.~~

~~b. If such sums are not paid within 45 days, the town shall, by resolution, levy a special assessment lien in the amount of all sums due the town, plus interest on the amount at a rate of 12 percent per annum, plus all expenses which may be incurred incident to the enforcement of such lien, including any court costs or attorney's fees, until final payment of all sums have been made.~~

~~c. Liens shall be recorded in the official records of the Town of Fort Myers Beach and shall remain in full force and effect until finally paid. The Town of Fort Myers Beach shall furnish releases of the subject upon proper satisfaction having been made. The lien may be enforced in the manner provided by the~~

~~general law of the state for the enforcement of liens or the foreclosure of mortgages.~~

Sec. 30-57. ***Designation of Historically Significant Signs.*** Any existing sign may be nominated for designation as historically significant as provided herein.

(a) Nomination of a sign for designation as historically significant shall be made on an application provided by the director. The application should document the historical background of the sign.

(b) The historic preservation board will hold a public hearing on the nomination and will use the historic preservation element of the town's comprehensive plan as a guideline to consider the nomination. The following criteria will be considered where applicable:

(1) Whether the sign is assocated with historic person(s), event(s), or location(s);
(2) Whether the sign provides significant evidence of the history of the product, business or service represented;
(3) Whether the sign is characteristic of a specific historic period;
(4) Whether the sign is an outstanding example of the art of sign-making, through its craftsmanship, use of materials, and/or design; and
(5) Whether the sign is a local landmark that is popularly recognized as a focal point in the community.

(c) The historic preservation board will, after hearing public comment, vote to recommend that the Town Council either approve or deny historically significant status to the nominated sign.

(d) Following the historic preservation board public hearing, the Town Council will hold a public hearing to consider the nomination. In order to approve the designation of a sign as historically significant, the Town Council must find that the sign meets one or more of the criteria in § 30-57(b) and is consistent with the Town comprehensive plan historic preservation element.

(e) A sign that has been designated historically significant may remain as a legal non-conforming sign notwithstanding the provisions of §30-56 (non-conforming signs). If a sign that has been designated as historically significant is damaged or destroyed, it may be reconstructed, but such reconstruction must duplicate in all respects the sign that was damaged or destroyed.

Secs. 30-~~57~~58—30-90. Reserved.

Sec. 30-91. ~~Measurement~~ Computation of sign area.

(a) ~~The sign area shall be measured from the outside edges of the sign and supporting structures, except where the supporting structure is a building wall. In the case of signs that use individual letters or symbols without a border, background, frame, or supporting structure other then the building itself, the sign area shall be the sum of~~

~~the areas within the perimeter of each letter or symbol in the sign.~~ The area of a sign shall include all lettering, wording and accompanying designs and symbols together with the background, whether open or enclosed, on which they are displayed but not including any supporting framework and bracing which are incidental to the display. The sign area shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of any supporting structures that are not part of the display.

(b) When a single sign structure is used to support two or more signs, or unconnected elements of a single sign other than individual letters or symbols, ~~the surface area shall comprise the square footage within the perimeter of a regular geometric form enclosing the outer edges of all the separate signs or sign elements~~ sign area shall be computed on each sign face in the same manner as the sign area of a single sign. If the faces of a multi-faced sign are separated at any point by more than eighteen (18) inches, then each sign face shall constitute a separate sign.

(c) ~~Where signs are installed back-to-back, one face only is considered as the sign area. If unequal in size, the larger face will be counted.~~ The area of a double-faced sign shall be computed on only one (1) side, provided, however, that where both sides are unequal in size, the area for the larger side shall be used.

(d) Where a sign consists of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall consist of the single smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols, including the sign background.

Sec. 30-92 Measurement of sign height.

The vertical height of a freestanding sign shall be ~~considered to be~~ the vertical distance measured from the ~~crown of the adjacent street~~ highest adjacent grade or the crown of the adjacent street, whichever is higher, to the highest point of the sign face or its supporting structural elements.

Sec. 30-93. Location.

(a) ***Visibility triangle.*** No sign shall be erected ~~which~~ that would impair visibility at a street intersection or driveway entrance as described in § 34-3131 of this code.

(b) ***Street setbacks.*** No sign or portion of a sign shall be erected closer than three (3) feet to any sidewalk or bike path or to any street right-of-way unless at least eight (8) feet of vertical clearance is maintained ~~(except that "open house" signs may be erected in the right-of-way in accordance with § 30-151)~~.

(c) ***Signs near the beach.*** Other portions of this code may affect the location or lighting of signs. For example:

(1) Signs are permitted in the EC zoning district only if approved through the special exception process or as a deviation in the planned development zoning process (see

§ 6-366(b)), or where explicitly permitted by §§ 14-5 or 27-51. Where signs are permitted by §27-51, equivalent signs containing non-commercial messages may be substituted.

(2) A sea turtle lighting plan is required for ~~all~~ new ~~lighted~~ signs with artificial light sources that are visible from the beach, including signs that are within buildings. Guidelines for ensuring that sea turtle nesting habitat will not be directly or indirectly illuminated are found in §14-79.

(d) ***Clearance from power lines***. Signs shall be located ~~in such a way that they maintain a clearance of~~ no closer than ten (10) feet ~~to~~ from all overhead electrical lines and conductors and ~~a~~ no closer than three (3) ~~foot clearance on~~ feet from all secondary voltage service drops.

Sec. 30-94. Construction standards.

(a) ***Generally***. All signs shall comply with the appropriate detailed provisions of the Florida Building Code relating to design, structural members, illumination, and connections. All electrical work shall be Underwriters' Laboratories approved or be certified by an electrician licensed in accordance with article II of ch. 6 of this code. Signs shall also comply with the additional standards set forth in this section.

(b) ***Structural design.***

(1) The town manager or designee may ~~request~~ require wind load calculations for signs prior to issuance of a permit.

(2) A wall must be designed for and have sufficient strength to support any sign ~~which~~ that is attached thereto.

(c) ***Materials for monument signs.***

(1) All monument signs shall be self-supporting structures erected on and permanently attached to the ground.

(2) All wood permitted to be used, whether for new permanent signs, for replacement of existing permanent signs, or for any part thereof, shall be rot and termite resistant through open-cell preservation methods as specified by the American Wood Preservation Association, or by any other open-cell preservation treatment approved by the Florida Building Code.

(d) ***Electric signs***.

(1) All electric signs shall be certified by a licensed electrical contractor that the sign meets the standards established by the Florida Building Code. All electric signs shall be erected and installed by a licensed sign contractor. The electrical connection to a power source shall be performed by a licensed electrical contractor.

(2) Artificial light used to illuminate any sign from outside the boundaries of the sign shall be screened in a manner which prevents the light source from being visible from any abutting right-of-way or adjacent property. See ch. 14 of this code for sea turtle lighting restrictions.

(3) All externally illuminated signs must also comply with the technical standards for lighting found in § 34-1833.

(e) ***Supports and braces***. Metal supports or braces shall be adequate for wind loading. All metal wire cable supports and braces and all bolts used to attach signs to brackets or brackets and signs to the supporting building or structure shall be made of galvanized steel or of an equivalent corrosive resistant material. All such sign supports shall be an integral part of the sign.

(f) ***Anchoring***. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

(g) ***Maximum angle for double faced signs***. Double faced signs with opposing faces having an interior angle greater than 30 degrees shall not be permitted.

Sec. 30-95. Sign identification and marking.

Unless specifically exempted from permit requirements of this chapter, all signs shall be photographed and filed with permit numbers in town hall. ~~Within 1 year of the effective date of this chapter (September 13, 1999), the town will use a digital camera to record all signs within the town. In the interim, all signs permitted under this chapter will display the sign permit number issued for that sign at the right lower corner of the sign so that it is easily visible for inspection.~~

Sec. 30-96. Maintenance.

(a) All signs, including their supports, braces, guys, and anchors, shall be maintained so as to present a neat, clean appearance. Painted areas and sign surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe and good working order.

(b) Weeds and grass shall be kept cut in front of, behind, underneath, and around the base of monument signs for a distance of ten feet, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near such signs.

Secs. 30-97—30-150. Reserved.

Sec. 30-141. Temporary signs.

The following temporary signs are permitted in all zoning districts subject to the following regulations. It shall be unlawful to erect, cause to be erected, maintain, or cause to be maintained any temporary sign which fails to comply with the following regulations.

(a) ~~***Business announcement signs***.~~

~~(1) A temporary sign announcing a project to be under construction or an intended use of the premises within 60 days of erection of the sign may be permitted in accordance with the following:~~

~~a. One ground-mounted sign is allowed per street frontage per project. The sign shall be confined to the site of the project.~~

~~b. Sign area shall not exceed 16 square feet, and signs (including supports) shall not exceed 8 feet in height above the crown of any abutting street.~~

~~c. A sign announcing a project to be under construction or an intended use of the premises in the immediate future may include only the project name, the nature of development (e.g., professional office, condominium, etc.), the name of the owner or agent, and one telephone number. Such sign may be posted for a 180-day period, at the end of which time continued use of the sign shall be subject to approval by the town manager. Such sign shall be removed upon issuance of a certificate of occupancy for the project.~~

~~(2)~~ ***Temporary business announcement signs*** not exceeding sixteen (16) square feet in area and eight (8) feet in height are permitted for a new business, or an existing business ~~in~~ that has moved to a new location ~~with~~ where there are no permanent signs for such business.~~, may be permitted up to 16 square feet in sign area~~ Such signs are permitted for a period of not more than sixty (60) days or until installation of permanent sign(s), whichever occurs first. ~~The temporary sign shall not exceed 8 feet in height.~~ No temporary announcement sign shall be permitted ~~if the sign would~~ that exceeds either the number or size of permanent signs otherwise permitted by this chapter for the occupan~~t~~cy or location.

~~(3)~~ Sign ~~P~~permits are required for temporary business announcement signs ~~(see §30-6(b))~~.

(b) ***Construction signs***.

(1) One construction sign shall be permitted per construction project on each street frontage. The sign shall be erected no ~~more~~ earlier than five (5) days prior to ~~any~~ the commencement of construction ~~of the project~~, shall be confined to the construction site ~~of construction~~, and shall be removed prior to issuance of a certificate of occupancy.

(2) Construction signs may only denote the name of the architect, engineer, contractor, subcontractor, owner, future tenant, financing agency, or other persons performing services or labor or supplying materials ~~to the premises~~ for the project.

(3) Maximum size limitations for construction signs shall be as follows:

a. For all ~~residences~~ residential and nonresidential developments, one non-illuminated sign not exceeding sixteen (16) square feet in ~~sign~~ area and eight (8) feet in height, ~~including supports,~~ may be erected on each street frontage.

b. All construction signs must be located within the ~~property line~~ construction site.

c. Sign ~~P~~permits are required for construction signs ~~(see § 30-6(b))~~.

(c) ***Development signs***.

(1) A development sign may be permitted in any residential development wherein more than twenty (20) percent of the total number of lots, homes, or living units remain unsold, subject to the following regulations:

a. One non-illuminated development sign not exceeding sixteen (16) square feet in ~~sign~~ area and eight (8) feet in height may be permitted ~~for~~ at each street entrance into the ~~subject~~ subdivision or development.

b. The sign shall be located within the ~~confines of the property being developed~~ subdivision or development site.

c. Permits for ~~such~~ development signs shall be ~~issued~~ valid for no more than one (1) year and may be renewed annually ~~until~~ provided more than twenty (20) percent or ~~less of the total~~ lots, homes or ~~living~~ dwelling units remain unsold.

(2) One non-illuminated development sign per street frontage may be permitted in any commercial~~ly~~ zon~~ed~~ing district to promote the sale or rental or lease of lots or units within the development. The maximum ~~size~~ sign area shall be sixteen (16) square feet and the maximum height shall be ten (10) feet ~~plus 10 feet, including supports~~.

(3) Sign ~~P~~permits are required for all development signs ~~(see § 30-6(b))~~.

(d) ~~***Political and non-commercial temporary***~~ ***Election signs***. ~~Temporary political and non-commercial signs shall only be erected in accordance with the following standards~~ Election signs are permitted as follows:

(1) Sign ~~A~~area and height. ~~Temporary political~~ Election signs shall have a maximum ~~sign face~~ area of four (4) square feet and, if ~~mounted on the ground~~ freestanding, a maximum height of three (3) feet.

(2) Number. In residential zoning districts, the number of election signs shall be limited to one (1) per ten (10) linear feet of street frontage. In commercial zoning districts, the number of election signs shall be limited to one (1) per twenty (20) feet of street frontage.

(3) Timing and removal. ~~For~~ Election signs ~~pertaining to any matter relating to an election: a period beginning 25~~ may be erected no earlier than thirty (30) days prior to the primary or general election to which they relate and ~~ending 5~~ shall be removed no later than ten (10) days after ~~said~~ the election, provided, however, that an election sign erected prior to a primary election may remain posted continuously until ten (10) days after the general election when the candidate referenced in the sign advances from the primary to the general election. In the event an election sign is displayed on a site outside of the time period allowed herein, or in the event the number of election signs located on a property exceed the number permitted herein, such sign(s) remaining outside the allowed period or the excess number of such signs shall no longer be deemed election signs, but instead, based on the zoning district, shall be treated as and subject to all conditions and regulations applicable to residential signs or non-commercial signs for the site at which the sign is located. If the one "residential sign" or "non-commercial sign" allowed as exempt under §30-6 is already located on the site where the election sign is located, then any such election sign displayed on a site either beyond the permitted time period for election signs or in excess of the number of allowed signs per site, such sign(s) shall no longer be deemed to be an exempt sign, but instead shall be treated as and subject to all conditions and regulations applicable to a non-exempt sign located on the site.

(e) ***Permit Boards.***

(f) ***Special event signs***. ~~Except as provided in § 30-6(a), no~~ For special events where a special event permit is required, no signs relating to the event shall be ~~posted~~ erected ~~for special events~~ until a special events permit has been obtained from the town ~~and a bond~~

~~or other security deposit acceptable to the Town of Fort Myers Beach is posted to insure the proper maintenance or removal of the sign in accordance with § 30-55(b)(3), and the following regulations~~. The following regulations shall also apply:

(1) Special event signs may be erected ~~within~~ no earlier than fourteen (14) days prior to a proposed event and must be removed within two (2) days after the event.

(2) Special event signs shall not exceed sixteen (16) square feet in area and eight (8) feet in height ~~including supports~~.

(3) ~~In addition, b~~Banners may be strung for special events if approved as part of a special events permit and shall be subject to the same duration limitations as other special event signs. ~~Banners may be placed up to two weeks before the event and must be taken down no later than one week after the event~~.

(4) The persons(s) or organization(s) sponsoring the special event shall post with the town a cash bond of two hundred dollars ($200.00). The cash bond shall be refunded upon removal of the sign(s) by the sponsoring person(s) or organization(s) and verification of their removal by the town. The cash bond shall be forfeited to the town in the event one (1) or more of the special event signs are not removed within two (2) days after the conclusion of the special event.

~~(f)~~ (g) ***Real estate signs***. Real estate signs shall be permitted on properties where the owner is actively attempting to sell, rent, or lease such property, either personally or through an agent, as follows:

(1) All properties listed for sale ~~will be allowed~~ may have one (1) non-illuminated sign, perpendicular to the roadway, that is ~~24 inches in height and 24 inches in width~~ not more than four (4) square feet in area and five (5) feet in height. ~~Lots may have~~ Not more than one (1) sign for each street frontage shall be permitted. Waterfront (canal, bay, lagoon, or beach) properties may also have ~~more than~~ one (1) ~~additional~~ monument sign which is no more than twelve (12) inches in height and twenty-four (24) inches in width and is located on the water frontage side of the property so that such sign is visible from the water.

(2) The sign face ~~will~~ may have the name of the licensed real estate professional, the real estate company or other licensed entity, any required professional indicia, and a phone number and/or address. The sign face may additionally state, "For Rent" or "For Lease" or both, but such statement must be included ~~on the 24-inch by 24-inch~~ within the sign face.

(3) No riders (such as name of agent, "sold," "sale pending," "pool," "price reduced," etc.) shall be attached to the sign.

(4) If a property is both for sale and for rent, only one sign is allowed.

(5) No signs may be fastened to trees.

(6) No "goal post" supports are allowed.

(7) "*Open house" signs*. "Open house" signs are allowed as follows:

a. One (1) "open house" sign per property per street and waterbody frontage.

b. The area of any "open house" sign must not exceed four (4) square feet in area and three (3) feet in height, and the sign(s) may be placed only upon the property to be sold or leased~~, other than as provided in subsection d. below~~.

c. The sign(s) shall be displayed only when the premises are actually available for an inspection by a prospective buyer or tenant.

~~d. For property that does not front on Estero Boulevard, one additional directional "open house" sign may be placed in the right-of-way at each intersection on the most direct route between Estero Boulevard and the subject property, with said sign not exceeding 2 feet by 2 feet in dimension.~~

~~(8) *"Model" signs*. New developments may place the words "Model Open" with the 16 square foot temporary construction sign permitted for the project under § 30-151, "construction Signs."~~

~~(g) ***Special occasion signs***. In addition to signs permitted in § 30-6(a), temporary outdoor on-site signs shall be allowed to address grand openings, sale events, parking lot sales, annual and semi-annual promotions, or similar events, provided that:~~

~~(1) A special occasion sign permit is issued by the town manager:~~

~~(2) The permit shall be for the duration of the event only, with a maximum of 3 consecutive days;~~

~~(3) No business shall be permitted more than two such permits in a calendar year;~~

~~(4) Signs shall be located on-site only and in such a manner as to not create any traffic or pedestrian hazard;~~

~~(5) No animated or portable signs shall be permitted; and~~

~~(6) Signs shall be constructed and secured in accordance with all applicable standards.~~

Sec. 30-152. ~~Permanent identification signs in residential areas~~ <u>Development identification signs</u>.

~~Permanent~~ <u>Development</u> identification signs ~~in residential areas~~ shall be subject to the following:

(a) ~~***Definition***. For purposes of this section, the term "subdivision" shall be interpreted to include mobile home and recreational vehicle developments, condominiums, and multiple family buildings containing five or more dwelling units.~~

~~(b)~~ ***Residential development identifications signs***.

(1) *Entrance signs*. Permanent wall or monument signs, for identification purposes only, giving only the name of the condominium, subdivision, or ~~residential~~ development, may be permitted at each main entrance into such subdivision or development. Subdivision or ~~residential~~ development entrances which contain a ~~boulevard entrance, i.e., a~~ median strip separating the entrance and exit lanes, may be permitted:

a. A single monument sign located in the median strip of the entrance, provided that it is set back a minimum of <u>fifteen (15)</u> feet from the right-of-way of the public access road and a minimum of five <u>(5)</u> feet from the edge of the pavement of the entrance and exit lanes, or

b. Two single-faced signs equal in size and located on each side of the entranceway.

(2) *Limitations*.

a. The <u>condominium,</u> subdivision<u>, or development</u> shall have a ~~homeowners'~~ <u>property owners'</u> association or similar entity which will be responsible for the maintenance of the sign.

b. The face of each permitted main entrance identification sign shall not exceed twenty-five (25) square feet and five (5) feet in height. ~~Monument signs are limited in height and exposure of sign supports as provided in § 30-153~~.

c. The sign may be illuminated with a steady light so shielded as to not allow the light to interfere with vehicular traffic. See ch. 14 of this code for sea turtle lighting restrictions.

d. The sign should be incorporated into accessory entrance structural features such as a ~~project~~ wall or landscaping.

(~~e~~b) ***Schools, churches, day care centers, parks, recreational facilities, and libraries***. A school, church, day care center, park, recreational facility, or library~~, or any other similar use~~ shall be permitted one (1) monument or wall-mounted identification sign and one (1) directory sign within the property line, with maximum sign area of twenty-four (24) square feet ~~per sign face~~ and a maximum height of five (5) feet. ~~Monument signs are limited in height and exposure of sign supports as provided in § 30-153.~~

Sec. 30-153. ~~Permanent identification signs in commercial areas.~~

~~(a) ***Generally***. In order to provide fair, equal, and adequate exposure to the public, and to prevent businesses from visually dominating neighboring properties, permanent identification signs for all commercial uses, and for other uses not regulated by § 30-152, must be in accordance with this section and with the remainder of this chapter.~~

~~(1) ***Size***. Identification signage is limited to 16 square feet per establishment, or 32 square feet for buildings containing only a single establishment. Motion picture theaters are permitted one identification sign of 64 square feet.~~

~~a. Multiple-occupancy complexes, as defined in this chapter, are permitted additional signage up to 32 square feet to identify the complex and/or its occupants.~~

~~b. Sign area and height are measured in accordance with §§ 30-90-91.~~

~~(2) ***Type of signs***. Identification signs may use any combination of the following types of signs:~~

~~a. Wall signs, including nameplates and window signs, see subsection (b).~~

~~b. Projecting signs, including awning signs, see subsection (c).~~

~~c. Monument signs, see subsection (d).~~

~~(3) ***Lighting***. Preferred methods for lighting identification signs are individual letters and symbols that are internally lit or signs that are lit by a steady external light. External lighting must use fully shielded fixtures and must comply with § 30-94(d). If visible from the beach, external lighting must also comply with §14-76(5).~~

~~a. Buildings that are required to meet the commercial design standards in § 34-991—1010 cannot install internally lit box signs (see Figure 30-1).~~

~~b. When internally lit signs are permitted for buildings that are not required to meet the commercial design standards, the sign face must be designed so that illumination occurs only on individual letters or symbols; opaque background panel must be used to that internal light only passes through the letters or symbols. This requirement also applies to all signs with changeable copy. See Figure 30-2 for an example of illuminated letters on an internally lit sign face.~~

~~c. Signs and sign lighting may not be animated.~~

~~d. See §§ 30-93(c) and 30-94(d) and ch. 14 of this code for sea turtle lighting restrictions.~~

~~(4) ***Location***. Identification signs must be located with the property line and set back at least 3 feet from any public right-of-way or easement, except that wall signs and projecting signs may extend over public sidewalks provided they maintain a minimum clear height above sidewalks of 8 feet and do not extend closer than 2 feet to an existing or planned curb.~~

~~(5) ***Advertising***. Identification signs may not contain any advertising message concerning any products or services which are not sold, provided, or located on the same premises.~~

~~(6) ***Building numbers***. Each building or multiple-occupancy complex must be clearly posted with the building's street number (see § 30-6(a)).~~

~~(b) ***Wall signs***. Wall signs are attached to or painted on the wall of a building or structure and extend no more than 1 inch outward from the wall in a plane approximately parallel to the plane of said wall.~~

~~(1) Figure 30-3 illustrates desirable and undesirable placement of signs on facades.~~

~~(2) Figure 30-4 shows examples of wall signs that are placed flat against a principal façade in compliance with this chapter.~~

~~(3) Nameplates and window signs are special types of wall signs that may be installed without a sign permit provided they comply with the special requirements of § 30-6(a).~~

~~(c) ***Projecting signs***. Projecting signs are signs which project more than 18 inches above, below, or outward from, and are supported by a wall, parapet, or outdoor ceiling of a building.~~

~~(1) Figure 30-5 shows examples of projecting signs that project out from and/or extend above a principal façade.~~

~~(2) Projecting signs on buildings that are required to meet the commercial design standards in § 34-991—1010 must obtain a compliance determination in accordance with § 34-992(d) prior to obtaining a regular sign permit.~~

~~(3) Awning signs as defined in this chapter are special types of projecting signs that may be installed without a compliance determination or a sign permit provided they comply with the requirements found in § 30-6(a).~~

~~(d) ***Monument signs***. Monument signs are freestanding with internal structural supports, where the height from the ground to the highest point on the sign is less than the sign's greatest horizontal dimension.~~

~~(1) Monument signs may be elevated provided that the bottom of the sign is no more than 1/3 of the greatest vertical dimension above the ground immediately below the sign.~~

~~(2) The maximum height of a monument sign is 5 feet above the crown of the adjacent street.~~

~~(3) No part of a monument sign may be closer than 3 feet from any right-of-way.~~

~~(4) Clear visibility must be maintained on corner lots in accordance with § 30-93.~~

~~(5) Buildings that are required to meet the commercial design standards in § 34-991—1010 cannot install monument signs. For all other buildings, Figure 30-6 shows recent local examples of monument signs.~~

Maximum sign area.

(a) ***Single and multifamily residential uses in residential zoning districts.*** Except for those signs identified as exempt signs in §30-6 and temporary signs in §30-141, no signs are allowed on sites containing residential uses in residential zoning districts. Any such exempt or temporary sign(s) located on a residential site in a residential zoning district shall comply with the regulations for exempt sign(s) contained in §30-6 and the regulations for temporary signs contained in §30-141.

(b) ***Commercial uses in commercial zoning districts.*** All signs located in commercial zoning districts, except for those signs identified as exempt signs in §30-6 and temporary signs in §30-141, shall comply with the following sign area limitations.

(1) For a parcel of land containing one (1) or two (2) business establishments, each separate business establishment shall be allowed a maximum of thirty-two (32) square feet of sign area.

(2) For a parcel of land containing three (3) or more business establishments, each establishment shall be allowed a maximum of sixteen (16) square feet of sign area. An additional thirty-two (32) square feet of sign area may be utilized to identify the commercial development.

(3) The maximum sign area provided herein may be allocated among a combination of one (1) or more monument signs, projecting signs, and/or wall signs.

Sec. 30-154. Standards for monument signs, projecting signs, and wall signs in commercial zoning districts. Except as may be otherwise provided herein, all monument signs, projecting signs, and wall signs located in commercial zoning districts shall comply with the following regulations.

(a) Buildings that are required to meet the commercial design standards in §34-991-1010 cannot install internally lit box signs (see Figure 30-1). When internally lit signs are permitted for buildings that are not required to meet the commercial design standards, the sign face must be designed so that illumination occurs only on individual letters or symbols. An opaque background panel must be used so that the internal light only passes through the letters or symbols. This requirement also applies to all signs with changeable copy. See Figure 30-2 for an example of illuminated letters on an internally lit sign face.

(b) **Location.** Monument signs must be set back at least three (3) feet from any public right-of-way or roadway easement, provided, however, that monument signs may be located in a lawfully developed landscaped median strip that is within a public or private right-of-way or easement where the holder(s) of the right-of-way or easement have consented to the location of the monument sign in such right-of-way or easement. Monument signs located in such median strips must be set back a minimum of two (2) feet from the edge of the pavement and must not violate the visibility requirements of §34-3131. Wall signs and projecting signs may extend over public sidewalks provided they maintain a minimum clear height above sidewalks of eight (8) feet and do not extend closer than two (2) feet to an existing or planned curb.

(c) Monument signs may be elevated provided that the bottom of the sign is no more than eighteen (18) inches above the highest adjacent grade. The maximum height of a monument sign is five (5) feet.

(d) A wall sign must not extend above the lowest edge of the building's eaves or above the highest horizontal members of the fence or wall to which it is attached.

(e) A projecting sign must not extend more than three (3) feet above the lowest edge of the building's eaves.

Sec. 30-155. Severability

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

(b) ***Severability where less speech results***. This subsection shall not be interpreted to limit the effect of subsection (a) above, or any other applicable severability provisions in the Code or any adopting ordinance. The town council specifically intends that severability shall be applied to these sign regulations even if the result would be to allow less speech in the town, whether by subjecting currently exempt signs to permitting or by some other means.

(c) ***Severability provisions pertaining to prohibited signs***. This subsection shall not be interpreted to limit the effect of subsection (a) above, or any other applicable severability provisions in the code or any adopting ordinance. The town council specifically intends that severability shall be applied to Section 30-5, "Prohibited signs," so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.

(d) ***Severability of prohibition on off-premises signs and commercial advertising signs***. This subsection shall not be interpreted to limit the effect of subsection (a) above, or any other applicable severability provisions in the code or any adopting ordinance. If any or all of Chapter 30 "Signs" or any other provision of the town's code is declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the town council specifically intends that that declaration shall not affect the prohibition on off-premises signs contained in Section 30-5.