

ORDINANCE No. 03-06

AN ORDINANCE AMENDING CHAPTER 30 SIGNS, OF THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE; PROVIDING AUTHORITY; AMENDING SEC. 30-2 DEFINITIONS AND RULES OF CONSTRUCTION, SEC. 30-4 PROHIBITED SIGNS, SEC. 30-5 PERMITTED SIGNS, SEC. 30-51 VIOLATION OF CHAPTER, PENALTY, SEC. 30-53 POWERS AND DUTIES OF BUILDING OFFICIAL, SEC. 30-55 PERMITS, INSPECTIONS, SEC. 30-56 NON-CONFORMING SIGNS, SEC. 30-93 LOCATION, SEC. 30-94 CONSTRUCTION STANDARDS, LANDSCAPING, SEC. 30-95 SIGN IDENTIFICATION AND MARKING, SEC. 30-152 PERMANENT SIGNS IN RESIDENTIAL AREAS, SEC. 30-153 PERMANENT SIGNS IN COMMERCIAL AREAS; PROVIDING SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY. 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. AMENDING CHAPTER 30 SIGNS, OF THE LAND DEVELOPMENT CODE. The amendments to Chapter 30 are contained in the attached **Exhibit A**. Entirely new language is indicated with underlining and language being repealed from the regulations is indicated with strike-throughs. The Amendments are found in Sec. 30-2 Definitions and rules of construction. 30-4 Prohibited signs. 30-5 Permitted signs. 30-51 Violation of chapter; penalty. 30-53 powers and duties of building official. 30-55 permits; inspections. 30-56 non-conforming signs. 30-93 location. 30-94 construction standards; landscaping. 30-95 sign identification and marking. 30-152 permanent signs in residential areas. 30-153 permanent signs in commercial areas.

SECTION 3. SEVERABILITY. If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance, and in no way affect the validity of all other provisions of this ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

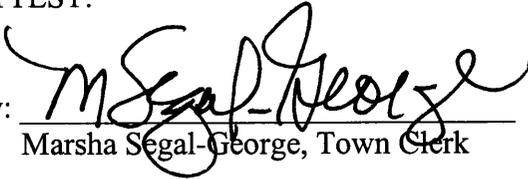
The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Rynearson and seconded by Council Member B. VanDuzer and, upon being put to a vote, the result was as follows:

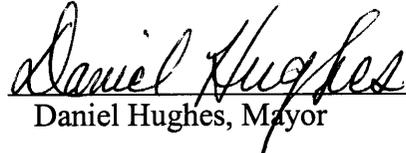
| | |
|------------------------|-----|
| Howard Rynearson | aye |
| Daniel Hughes | aye |
| Bill Thomas | aye |
| W. H. "Bill" Van Duzer | aye |
| Terry Cain | aye |

DULY PASSED AND ENACTED this 2ndnd day of June, 2003.

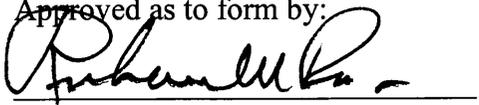
ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Daniel Hughes, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney

DOWNTOWN

Subdivision II. DOWNTOWN Zoning District

Sec. 34-671. Purpose.

The purpose of the DOWNTOWN district is create the desired quality and character for the center of pedestrian-oriented commercial activities within the town. New commercial buildings are expected to accommodate pedestrians by providing storefronts near sidewalks and by offering shade and shelter along major streets. Old San Carlos Boulevard will serve as the town's "Main Street" and will be anchored by pedestrian plazas at each end.

Properties that have been zoned into a planned development (PD) district are governed by the terms of the PD zoning resolution rather than the requirements of the DOWNTOWN district, even if the property is shown on Figure 34-6.

(b) Streets have been categorized into primary streets, secondary streets, and pedestrian plazas to guide the regulations for properties fronting each type of street.

Sec. 34-672. District map and applicability.

(a) The area indicated on Figure 34-6 is the outer perimeter of the DOWNTOWN district.

Sec. 34-673. Allowable uses.

In the DOWNTOWN district, allowable uses are defined in Table 34-2.

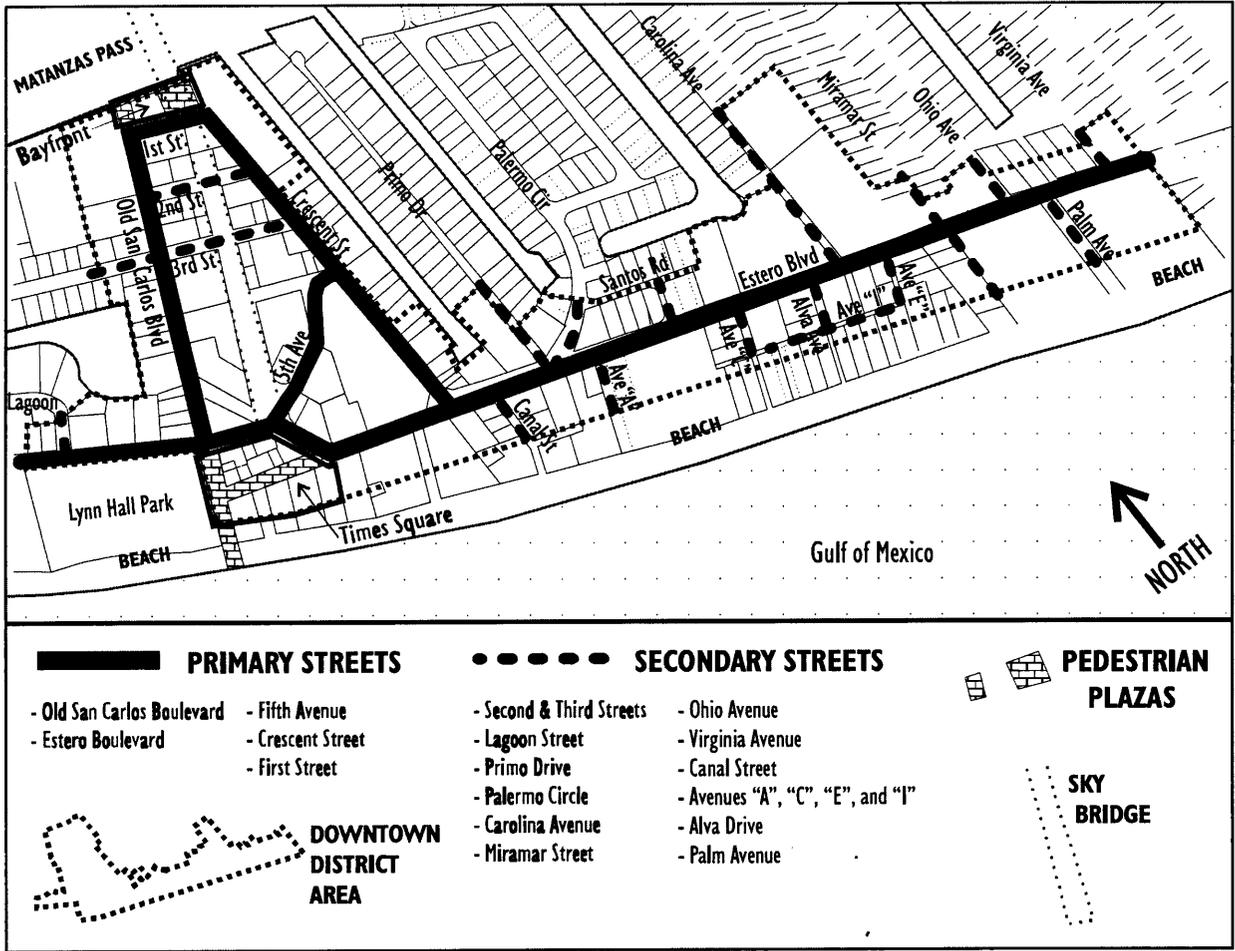


Figure 34-6

Exhibit A

CHAPTER 30 SIGNS

- Sec. 30-1 Purpose and intent of chapter.*
Sec. 30-2 Definitions and rules of construction.
Sec. 30-3 Applicability of chapter.
Sec. 30-4 Prohibited signs.
Sec. 30-5 Permitted signs.
Sec. 30-6. Parking of advertising vehicles.
Secs. 30-7–30-50. Reserved.
Sec. 30-51. Violation of chapter; penalty.
Sec. 30-52. Reserved.
Sec. 30-53. Powers and duties of building official.
Sec. 30-54 Variances.
Sec. 30-55. Permits; inspections.
Sec. 30-56. Non-conforming signs.
Secs. 30-57–30-90. Reserved.
Sec. 30-91. Measurement of sign area.
Sec. 30-92. Measurement of sign height.
Sec. 30-93. Location.
Sec. 30-94. Construction standards; landscaping.
Sec. 30-95. Sign identification and marking.
Sec. 30-96. Maintenance.
Secs. 30-97–30-150. Reserved.
Sec. 30-151. Temporary signs.
Sec. 30-152. Permanent signs in residential areas.
Sec. 30-153. Permanent signs in commercial areas.
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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 the Fort Myers Beach sign code is to encourage signs which are integrated with and harmonious to the buildings 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) The Fort Myers Beach sign code provides minimum standards to safeguard life, safety, property, and public welfare by reviewing design and by regulating size, construction, location, electrification, operation, and maintenance of all signs and sign structures exposed to public view within the town. The visual appearance and traffic safety of the town cannot be achieved by measures less restrictive than the procedures and standards of this chapter.

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 phrase, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

(c) No lighting is authorized by this chapter the sign ordinance that is otherwise prohibited in the sea turtle lighting restrictions in ch. 14 ordinance.

Abandoned sign. A sign which no longer advertises or identifies a legal business establishment, product or activity. See § 30-4(d).

Advertising message. Copy on a sign describing commodities, products or services being offered to the public.

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 or a sign, except that a copy change on an attraction or reader board is not an alteration.

Animated sign. Any sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other

apparent visible movement achieved by any means. See § 30-4(e).

Building frontage. The linear dimensions of a building which faces upon a public street projected along the street property line. Where a building faces two or more streets, the frontage containing the principal street address shall be designated as the building frontage.

Building identification 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 such as sign being located on the same site as the structure.

Building official. The same officer as appointed by the town manager through § 6-44. The administrative director of the division of community development.

Bulletin board. A sign which identifies an institution or organization on the premises on which it is located and which contains the names of individuals connected with it and general announcements or events or activities occurring at the institution or similar messages. It shall not be interpreted to include movie theaters or other similar commercial activities.

Business affiliation sign. Signs displayed upon the premises denoting professional and trade associations with which the occupant is affiliated, including each credit card accepted by the occupant.

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 or on a canopy.

Changeable copy sign (manual). A sign on which copy is changeable manually in the field, i.e. reader boards with changeable letters or changeable pictorial panels.

Changing sign (automatic). See Electronic changing message center.

Commercial advertising sign. Any structure, poster board, bulletin board, neon sign, screen, surface or wall with characters, letters or illustrations affixed thereto, thereon or thereunder, by any method or means

whatsoever, where the matter displayed would be used for the purpose of publicly advertising the legal or exact firm or organization name or the name of the business carried therein or thereon.

Construction sign. A non-permanent sign identifying the persons, firms or businesses directly connected with a construction project.

Convenience sign. A sign which conveys information such as "no parking," "entrance," "service entrance," "restroom," "manager," "exit," and the like, but does not contain brand, trade, or business identification, and is designed to be viewed on-site or adjacent to the site by pedestrians and motorists.

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.

Directional sign. Any sign which serves solely to designate the location of or direction to any place or area.

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

Electronic changing message center. See animated sign.

~~*Emitting sign.* [deleted]~~

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

~~*Facade.* [deleted]~~

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

Figure-structured sign. A sign which consists of any body form, impression or frame. Or cylindrical or other form, sculptured or otherwise constructed, emblematic or symbolic of a personage or the characteristic or quality of either, which is used commercially to attract or draw attention to a business or commercial establishment.

Free-standing sign. Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, with air space between the sign and the ground space.

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.

Grade. The level of the site at the property line located at the closest distance to the sign.

Ground sign. Any sign which is neither attached to nor part of a structure and which is permanently affixed in or upon the ground where the sign support is no greater than 1/3 of the height of the sign off the ground. An illustration would be as follows: a 4-foot by 6-foot sign could be placed a maximum of 16 inches off the ground. Permitted ground signs must also be monument signs as defined in this chapter.

~~*Hearing board.* [deleted]~~

Height of sign. See § 30-92, pertaining to measurement of sign height.

Holiday decorations. Signs or displays including lighting which are a non-permanent installation celebrating national, state and local holidays or holiday seasons.

Identification sign. Any sign where the matter displayed is used only to indicate the name, address, number of building or character of the primary land use.

Illegal sign. Any sign placed without proper approval or permits as required by the Fort Myers Beach 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.

Illuminated sign. 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.

Licensed contractor. A person holding a valid contractor's license issued by the Lee County construction board.

Light bulb string. A display consisting of a row or rows of bare light bulbs.

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

Marquee. A permanent roof-like structure extending from part or all of a building face and constructed of some durable material which may or may not project over a public right-of-way.

Marquee sign. A sign; painted on or attached to or supported by a marquee.

Monument sign. A ground sign having a horizontal dimension greater than its vertical dimension.

Nameplate. See identification sign.

Neon sign. A sign with tubing that is internally illuminated by neon or other electrically charged gas.

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 the Fort Myers Beach sign code.

Off-premises sign. Any sign normally used for promoting a business, individual, products, or service available on the premises other than the premises where the sign is located.

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.

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 or post sign. A free-standing sign made up of a single, double or multiple structure or pole,

that is not a solid monument style support, and is in excess of 2 feet in height.

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.

Portable sign. Any movable sign not permanently attached to the ground or a building.

Posted property sign. Signs used to indicate “no trespassing,” “beware of dog,” “no dumping,” “towing” and other similar warnings.

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 projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall.

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

Pylon sign. [deleted]

Real estate sign. Any non-permanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

Roof sign. Any sign erected upon a roof, parapet or roof-mounted equipment structure and extending above a roof, parapet or roof-mounted equipment structure of building or structure.

Sandwich sign. A sandwich sign, or “A” frame sign or other types of portable signs, single or double-faced, which are portable and readily movable from place to place. No more than 6 square feet per side; no more than one per business location.

Seawall sign. [deleted]

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 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.

Special event sign. Any temporary or non-permanent sign advertising or pertaining to any civic, patriotic or special event of general public interest. Special event signs are governed by Ordinance No. 98-1.

Special occasion sign. Temporary outdoor on-site signs that address grand openings, sale events, shopping center craft shows, carnivals, parking lot sales or similar events. It does not include special events as defined in Special Events Ordinance No. 98-1.

Statutory graphic. Graphics required by a law of the Town of Fort Myers Beach, the county, or the United States government.

Statue. [deleted]

Temporary sign. Any sign which is installed for a period not to exceed 60 days, in any consecutive 12 month period, unless otherwise authorized herein.

Town. The incorporated areas within the Town of Fort Myers Beach.

Under-canopy or under-marquee sign. A sign suspended below the ceiling of a canopy or marquee.

Upper level sign. Any sign mounted on a building that is placed in whole or in part between thirty (30) inches above the second floor line and the top of a parapet or roof line.

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. See § 30-6.

Visibility triangle. A triangular-shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Wall sign. Any sign attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.

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.

Cross-reference--Definitions and rules of construction generally, 1-2.

Sec. 30-3. Applicability of chapter.

(a) Ordinance 96-20 adopted the Fort Myers Beach core area overlay zoning district. Certain signage is addressed at §§ 34-1143(e) and 34-1145(g) and with greater specificity within the design guidelines for the core area adopted as section 1 of the administrative code. This chapter is to be read in coordination with the rules and regulations which govern the Fort Myers Beach overlay zoning district.

(b) 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 from the building official as required by this chapter.

(c) Exceptions.

(1) This chapter shall not apply to any sign erected by the federal, state or Town of Fort Myers Beach government.

(2) The following operations shall not be considered as creating 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 an existing approved changeable copy sign, whether electrical, illuminated, electronic changing message center or non-illuminated message, which are specifically designed for the use of replaceable copy. A change of copy for a billboard shall not require a permit.
- b. *Maintenance.* Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving change or 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. 30-4. 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:

(a) ***On-site signs and off-site 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.

(b) ***Lights and signs that resemble any traffic control device,*** official traffic control signs or emergency vehicle markings.

(c) ***Signs and other advertising matter as regulated by this chapter 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.

(d) **Abandoned signs.**

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

(f) **Signs which visible smoke, vapor, particles or odor,** or which produce noise or sounds capable of being heard, even though the sounds produced are not understandable sounds.

(g) **Balloon signs.**

(h) **Banners, pennants or other flying paraphernalia,** except an official federal state, county or Town of Fort Myers Beach flag, or one symbolic flag not to exceed 15 square feet in area for each institution or business, except holiday decorations and banners of special events.

(i) **Bench signs, except as permitted in Section 30-5 (a)(1) of this code.**

(+)(j) **Billboards.**

(+)(k) **Changing sign (automatic):** off-site and on-site residential areas only.

(+)(l) **Figure-structured signs** as defined in this chapter.

(+)(m) **Motion picture mechanisms** in conjunction with any outdoor advertising structure, accessory sign or advertising statuary used in such a manner as to permit or allow the images to be visible from any public street or sidewalk.

(+)(n) **Vehicle signs.** The parking of advertising vehicles is prohibited as more fully described in § 30-6. 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.

(o) **Off-premises signs.**

(p) **Pole signs.**

(+)(q) **Portable signs** (except as allowed in 30-5(a).

(+)(r) **Projecting signs** (except as allowed in Downtown Zoning District 34-998).

(s) **Roof signs.** (except as allowed in Downtown Zoning District 34-998).

(+)(t) **Signs with any lighting or control mechanism** which causes radio or television or other communication interference.

(+)(u) **Signs erected, constructed, or maintained so as to obstruct or be attached to any fire-fighting 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.

(+)(v) **Signs, except “posted property” signs, which are erected or maintained upon trees** or painted or drawn upon rocks or other natural features.

(+)(w) **Any sign which is placed on any curb, sidewalk, post pole,** electrolier, 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.

(+)(x) **Snipe signs.**

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

(+)(z) **Window signs** which identify or advertise activities, services, goods or products available within the building, and which collectively cover more than 30 per-cent of the window glass surface area.

(+)(aa) **No commercial signage is allowed on inland waterways.**

(+)(bb) **Upper level signs.**

(+)(c) **Pole signs.**

Sec. 30-5. Permitted signs.

Permitted signs are classified into two categories: signs not requiring a permit and signs requiring a sign construction permit.

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

(1) **Bench signs, limited to existing signs, as of May 19, 2003, which are located at public transit stops, within public beach accesses, and all other existing bench signs sponsored by non-profit, charitable organizations, providing Signage does 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 public right-of way are permitted.**

(2) **Awning signs.** Signs consisting of one line of letters, which are painted, placed or installed upon the hanging border only of any awning legally permitted, erected and maintained in accordance with the Town of Fort Myers Beach laws. An identification maintained in accordance with the Town of Fort Myers Beach laws. An identification emblem, insignia, initial or other feature not exceeding an area of eight square feet may

be painted, placed, or installed elsewhere on any awning, provided that any sign emblem, insignia or other such similar item shall comply with other provisions of this chapter.

- (3) **Business affiliation signs.** Signs displayed by businesses, upon the premises, denoting professional and trade associations with which the business is affiliated, requiring statutory signs and other signs pertaining to public safety and law enforcement provided such graphics do not contain lettering more than two inches high.
- (4) **Business information signs.** Business information signs provided that such signs are posted on the entrance doors or within a window.
- (5) **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.
- (6) **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.
- (7) **Governmental and public safety signs.** Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, signs of public service companies indicating danger, 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.
- (8) **Holiday decorations.** Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday, 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, number, area, height, illumination or animation and shall be set back ten feet from all boundary lines of the lot, provided that clear visibility shall be maintained on a corner lot.
- (9) **Instructional signs** or symbols located on and pertaining to a parcel of private property, not to exceed four square feet in area per sign.
- (10) **Interior signs.** Signs located within the interior of any building or stadium, 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 land development code and the Southern Standard Florida Building Code,

- (11) **Legal notices.** Legal notices and official instruments.
- (12) **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.
- (13) **Nameplates.** Any sign not exceeding 1½ square feet in area per sign and not exceeding 2 in number per lot, except that special permission may be obtained from the building official for additional signs under proven special circumstances. Such signs shall not be illuminated, and they shall not project over any public right-of-way.
- (14) **Posted property signs.** Posted property signs, not to exceed 1½ square feet in area per sign and not exceeding 2 in number per lot, except that special permission may be obtained from the building official 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) **Promotional signs.** Promotional signs, not exceeding four square feet in area, provided that such signs are posted only during such drive or no more than 30 days before the event and are removed no more than 2 days after the event. See § 30-151(e) ~~(b) of this section.~~
- (16) **Public information signs.** Any sign used for public information or direction erected either by or at the direction of a public body.
- (17) **Real estate, open house and model signs.** Real estate, open house and model signs, subject to § 30-151(f).
- (18) **Sandwich Signs.**
 - a. In General. Sandwich signs are permitted within the outer perimeter of the DOWNTOWN zoning district as shown on Figure 34-6 of this code, whether the subject property is classified in the DOWNTOWN zone or in a Commercial Planned Development zone, and all other commercial zoning districts, despite the general prohibition in Section 30-4 of this Chapter of portable signs which are readily movable from place to place. A business may place a single- or double-faced sandwich sign on the same

premises, or when there is no location available on premises due to the street setback of the building, the sign may be placed on a sidewalk directly in front of the premises, provided it does not unreasonably obstruct or interfere with use of the sidewalk or access to parking spaces. Sandwich signs must be placed indoors after business hours, may not be illuminated, and may not exceed 24 inches in width and a total of 6 square feet per side. Sandwich signs must be professionally made and maintained in an attractive manner. Sandwich signs which are structurally unstable or deteriorating are not permitted. Multiple occupancy complexes with less than 10 occupants may display no more than 2 sandwich signs at one time, and multiple occupancy complexes with more than 10 occupants may display up to 3 sandwich signs at one time. This entire section has the potential for substantial adverse impact upon the community and shall expire on May 31, 2005, if not modified or readopted prior to that date.

b. *Pre-existing off-premises signs.* Sandwich signs for the Heavenly Biscuit restaurant (located on the corner of Mango Street and Estero Boulevard), and SeaGrape Plaza shopping center, shall be considered legal non-conforming. These signs shall maintain their legal non-conforming status with the continued permission of the property owner where the sign is located or until such time as they lose status in accordance with Section 30-56 (c) of this chapter. This entire section has the potential for substantial adverse impact upon the community and shall expire on May 31, 2005, if not modified or readopted prior to that date.

(19) ***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.

(20) ***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 16 square feet in area.

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

(22) ***Waterway signs.*** Directional signs along inland waterways.

(23) ***Window signs.*** Interior window signs which identify or advertise activities, services, goods or products available within the building.

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

(1) ***Announcement signs,*** see § 30-151(a).

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

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

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

(5) ***Identification signs (residential and commercial),*** see §§ 30-152 and 30-153.

~~(6) ***Wall-mounted signs,*** see § 30-153-930d.~~

~~(6)(7) ***Any illuminated sign*** if the source of the illumination has not been previously approved.~~

~~(7)(8) ***Any sign not specifically exempted*** from requiring a sign permit as delineated under § 30-5(a).~~

Sec. 30-6. 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 a 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 or 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-way for advertising or commercial purposes, shall be deemed to be prohibited by this section.

Secs. 30-7–30-50. Reserved.

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

(a) Any owner, agent, lessee, tenant or 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; any person who maintains any sign or sign structure in violation of this chapter ordinance shall be subject to the following penalties:

- (1) **Criminal penalties, upon conviction:**
 - a. A fine not to exceed \$500.00 per day.
- (2) **Civil penalties:**
 - a. The town shall be entitled to injunctive relief to enjoin and restrain any person from violating the provisions of this chapter the ordinance, and
 - b. Prosecution before the hearing examiner Lee County Code Enforcement Board pursuant to a current executed interlocal agreement between the Town of Fort Myers Beach and Lee County.
 - c. Any other relief available pursuant to law.

(b) In addition to the criminal penalties and enforcement procedures provided in subsection (a) of this section, the violation of any of the regulations, restrictions and limitations promulgated under the provisions of this chapter may be restricted by injunction, including a mandatory injunction, and otherwise abated in any manner provided by law, and each suit or action may be instituted and maintained by the Council of the Town of Fort Myers Beach or by any citizen of the Town of Fort Myers Beach or by any person affected by the violation of these regulations, restrictions or limitations. No sign or sign structure shall hereafter be erected, constructed, reconstructed, altered or relocated except in conformity with the provisions of this chapter.

(c) No person shall erect on any premises owned or controlled by him any sign which does not comply with the provisions of this chapter.

(d) No person shall erect on any premises owned or controlled by him any sign which is in a dangerous or

defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises, or as otherwise provided for in this chapter.

Sec. 30-52. Reserved.

Sec. 30-53. Powers and duties of building official.

(a) **Generally.** ~~The Town of Fort Myers Beach~~ building official is hereby authorized and directed to administer and enforce the regulations and procedures set forth in this chapter. The building official is further empowered 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 building official, 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. Issuance of the permit shall in no way prevent the building official 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 by the building official except in compliance with this chapter and any other applicable ordinances and laws, decisions of the zoning board, board of adjustments, construction board, or Town of Fort Myers Beach council, or court decisions.

(2) **Revocation of permits and certificates.** The building official 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 building official may suspend a sign permit or certificate of compliance where and administrative determination has been duly made that 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 building official 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 building official.
 - b. Upon inspection, where it is found that any sign or sign structure is in violation of this chapter, the building official should take the appropriate action as set forth in ~~§ 30-8~~ this code.

Sec. 30-54. Variances.

Requests for variances from the terms of this chapter shall be administered and decided in conformance with the requirements for variances 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 erect, construct, replace, 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 sign from the building officials.
 - (2) 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 building official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the building official. 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 building official a sign permit application, which shall include:

- (1) A completed application form containing but not limited to:
 - 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. For off-site signs only, the name, address, telephone number and signature of the owner of the premises granting permission for the construction, operation, maintenance or displaying of the sign structure, including:
 1. Proof of ownership of the property upon which the sign is to be erected on the subject parcel; or
 2. A copy of the executed lease or agreement permitting the sign to be erected on the subject parcel, or
 3. A signed statement from the property owner of the subject property granting permission for the erection of the sign and recognizing that a lien may be filed against the subject property if the sign is required to be removed for violation of this chapter.
 - ~~d. For off-site bench signs, in addition to the requirements of subsection (b)(1)c-f, this section, a statement signed by the town manager Town of Fort Myers Beach engineer approving the location.~~
 - d. e. Information as to the type of sign to be erected, e.g., ground-mounted,

projecting, wall-sign, illuminated or non-illuminated, temporary or permanent.

e. f. The approximate value of the sign to be installed, including the installation cost, some representation as to design and copy with regard to the sign requested.

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

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

(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 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) *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 town.

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

(6) *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) Plans indicating the scope and structural detail of the work to be done, including details of all connection, supports and footings and materials to be used.

(8) 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 building official.

(9) 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 ~~Southern Standard~~ Florida Building Code.

(10) A sea turtle lighting plan is required for all new lighted signs that are visible from the beach.

(11) 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. Electrical work must be UL-approved or installed by a licensed electrician.

(12) *Sign contractor's license.* Certain types of signs are required to be installed or erected only by a licensed 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 the building official and paid the license fees provided by the Town of Fort Myers Beach, or shall be represented by a duly licensed agent or subcontractor. 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 is 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 from 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.

(13) *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 building official.

- (14) *Inspections.* All signs for which a permit is required by this chapter are subject to inspection by the building official. 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.
- (15) *Identification number.* New signs permitted after the effective date of this ~~ordinance~~ chapter (September 13, 1999) will carry a sign permit number on the right corner of the permitted sign. The town will begin a process of photographing all signs within the town by digital camera 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 34-3275.

(a) *Status.* Every sign, as of the effective date of the ~~ordinance from which this~~ chapter (September 13, 1999) ~~is derived~~, 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.

- (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 division of community development 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 by the division,
- (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) *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 ch. 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 ~~as required by this the land development~~ 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 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 as defined as void of advertising for 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). ~~ordinance.~~
- 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 building official 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 building official 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) *Other non-conforming signs.* Any other non-conforming sign shall be brought in compliance with this chapter ordinance upon any alteration (but not routine maintenance) of the sign, or 8 years after the effective date of this chapter (September 13, 1999) ~~ordinance~~, whichever comes first.
- (3) *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 building official shall prepare a notice which shall describe the sign and specify the violation involved, and which shall state that, if the sign is 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 mailed by the building official 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 the 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 which 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 building official shall require new sign permits to be issued for each existing sign so classified and shall be attached to the Town of Fort Myers Beach's copy of the permit application.
 - e. Any person having an interest in the sign or the property may appeal the determination of the administrator 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 building official 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.
- (4) *Emergency work.* When it is determined by the building official 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 building official may correct the danger, with all costs being assessed against the property owner.
- (5) *Assessment of costs.*
- a. As soon after the offending condition is corrected or removed by the building official and the expense thereof can finally be determined, the building official 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.

Secs. 30-57–30-90. Reserved.

Sec. 30-91. Measurement of sign area.

(a) The sign area shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of the supporting structures provided that the supporting structures are not used for advertising purposes and are of an equal to or less than the permitted sign area. In the case of wall signs without a border or frame, the surface shall include such reasonable and proportionate space as would be required if a border or frame were used.

(b) When a single sign structure is used to support two or more signs, or unconnected elements of a single sign, 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.

(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.

Sec. 30-92. Measurement of sign height.

The height of a sign shall be considered to be the vertical distance measured from the crown of the road.

Sec. 30-93. Location.

(a) **Visibility triangle.** No sign shall be erected which would impair visibility at a street intersection or driveway entrance as described in Section 34-3131 of this code. ~~Within the arc formed by the right-of-way lines of intersecting streets or streets and driveways, and a straight line connecting points on such right-of-way lines at a distance of 25 feet from their point of intersection.~~

(b) **Clearance from high voltage power lines.** Signs shall be located in such a way that they maintain a clearance of ten feet to all overhead electrical conductors and a three foot clearance on all secondary voltage service drops.

Sec. 30-94. Construction standards; landscaping.

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

(b) **Structural design.**

- (1) The building official may request wind load calculations for signs less than 24 square feet prior to issuing a permit.
- (2) A wall must be designed for and have sufficient strength to support any sign which is attached thereto.

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

- (1) All ground sign structures 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 Town of Fort Myers Beach building department.

(d) **Electric signs.**

- (1) All electric signs shall be certified by a licensed electrical contractor that the sign meets the standards established by National Electric Code as adopted in § 6-191. 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 ~~land development code~~ ch. 14 of this code for sea turtle lighting restrictions.

(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 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.

(h) **Landscaping.**

- (1) Approved landscaping, which includes xeriscape, shall be functional and decorative. It should be designed for minimal maintenance and capable of withstanding vandalism. It may be of many materials, including flowers, shrubs, trees, rockwork, brickwork or other constructional elements in an attractive combination and appropriate to the specific location. The support structure of the sign may, if properly designed, be included as part of the landscaping.
- (2) The least dimension of the landscaped area shall be the greatest dimension of the sign, and the sign shall not extend beyond the

landscaped area. The area enclosed by the sign shall be landscaped with shrubs and ground cover.

Sec. 30-95. Sign identification and marking.

(a) 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) ordinance, the town will use a digital camera to record all signs within the town. In the interim, all signs permitted under this chapter ordinance 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 ground 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. 30-151. 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) *Announcement signs.*

- (1) A temporary sign announcing a project to be under construction or an intended use of the premises in the immediate future shall 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 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, villas, townhouse 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 building official. Such sign shall be removed upon issuance of a certificate of occupancy for the project.

- (2) Temporary announcement signs for a new business, or a business in a new location with no permanent signs, may be permitted up to 16 square feet in sign area or the maximum permitted sign area for any one ground-mounted permanent sign, whichever is lesser, for a period of not more than 60 days or until installation of permanent signs, whichever occurs first. The temporary sign shall not exceed 8 feet in height. No temporary announcement sign shall be permitted if the sign would exceed either the number or size of permanent signs otherwise permitted by this chapter for the occupant or location.

(b) *Construction signs.*

- (1) One construction sign shall be permitted per construction project on each street frontage. The sign shall be erected no more than five days prior to any construction of the project shall be confined to the site of construction, and shall be removed prior to issuance of a certificate of occupancy.
- (2) Construction signs may denote the architect, engineer, contractor, subcontractor, owner, future tenant financing agency, or other persons performing services or labor or supplying materials to the premises.
- (3) Maximum size limitations for construction signs shall be as follows:
 - a. For all residences and nonresidential developments, one non-illuminated wall or ground-mounted sign not exceeding 16 square feet in sign area and 8 feet in height, including supports, may be erected on each street frontage.
 - b. All construction signs must be located within the property line.

(c) *Development signs.*

- (1) A development sign may be permitted in any residential development wherein more than 20 percent of the lots, homes or living units remain unsold, subject to the following regulations:
 - a. One non-illuminated development sign not exceeding 16 square feet in sign area may be permitted for each street entrance into the subject subdivision or development.
 - b. The sign shall be located within the confines of the property being developed.
 - c. Permits for such signs shall be issued for one year and may be renewed annually until 20 percent or less of the total lots, homes or living units remain unsold.
- (2) One non-illuminated development sign per street frontage may be permitted in any commercially zoned district to promote the sale or rental or lease of units within the development. The maximum size shall be 16 square feet and the maximum height shall be ten feet plus 10 feet, including supports.

(d) **Temporary political signs.** Temporary political signs shall only be erected in accordance with the following standards:

- (1) **Area and height.** Temporary political signs shall have a maximum sign face area of 4 square feet and if a ground sign, a maximum height of 3 feet.
- (2) **Timing and removal.** For signs pertaining to any matter relating to an election: a period beginning 25 days prior to the election to which they relate and ending 5 days after said election.

(e) **Promotional signs.** Except as provided in § 30-5(a), no person, civic club or other organization shall post any sign for special events or promotions until such person, civic club or organization obtains a permit from the building official 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.

- (1) Promotional signs may be erected within 14 days prior to a proposed event and must be removed within 2 days after the event.
- (2) Promotional signs shall not exceed 16 square feet in area and 8 feet in height.
- (3) Banners may be strung after obtaining the proper permit. The banner may be placed up to two weeks before the event and must be taken down no later than one week after the event.

(f) **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 for sale will be allowed one non-illuminated ground sign, perpendicular to the roadway, that is 24 inches in height and 24 inches in width. Lots may have one sign for each street frontage. Waterfront (canal, bay, lagoon or beach) properties may have more than one additional monument sign which is 12 inches in height and 24 inches in width on water frontage visible from the water.
- (2) The sign face will 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 statements must be included on the 24-inch by 24-inch sign face.
- (3) No riders (such as name of agent, "sold," "sale pending," "pool," "price reduced," etc.) shall be attached.
- (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.** One ground-mounted "open house" sign per property per street frontage. Sign area shall not exceed four square feet, and the sign shall be placed upon the property to be sold or leased. The sign shall be displayed only when the premises are actually available for inspection by a prospective buyer or tenant.
- (8) **"Model" signs.** New developments may place the words "Model Open" within the 16 square foot temporary construction sign permitted for the project under § 30-151(b), "Construction Signs."

(g) **Special occasion signs.** Temporary outdoor on-site signs shall be allowed to address grand openings or special occasions such as car, boat or craft shows, carnivals, parking lot sales, annual and semi-annual promotions or other similar events, provided that:

- (1) A special occasion sign permit is issued by the building official;

- (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 signs in residential areas.

Permanent 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 identification signs.**

(1) **Entrance signs.** Permanent wall or ground-mounted signs for identification purposes only, giving only the name of the subdivision or residential development, may be permitted at each main entrance into such subdivision or development, subject to the following regulations:

- a. Subdivision or residential development entrances which contain a boulevard entrance, i.e., a median strip separating the entrance and exit lanes, may be permitted:
 - 1. A single ground-mounted sign located in the median strip of the entrance, provided that it is set back a minimum of 15 feet from the right-of-way of the public access road and a minimum of five feet from the edge of the pavement of the entrance and exit lanes, or
 - 2. Two single-faced signs equal in size and located on each side of the entranceway.

(2) **Internal subdivision signs.** Permanent wall or ground-mounted signs for identification purposes may be permitted at one main entrance into each internal subdivision or development, subject to the following:

- a. Subdivision entrances which contain a boulevard entrance, i.e. a median strip separating the entrance and exit lanes, would be permitted:

- 1. A single ground-mounted sign located in the median strip of the entrance and exit lanes would be permitted;
- 2. Two single-faced signs equal in size and located on each side of the entranceway.

(3) **Limitations.**

- a. The subdivision shall have a homeowners, association or similar entity which will be responsible for maintenance of the sign.
- b. The face of each permitted main entrance identification sign shall not exceed 24 square feet. ~~The sign shall not be more than 8 feet high, from the crown of the road.~~ The maximum height for all identification signs shall be determined by the permitted dimensions of a ground mounted, monument sign, where the sign support is not greater than 1/3 of the height of the sign. For example, a ground mounted, monument sign which is 4 feet in height, may be no more than 16 inches above the crown of the road.
- c. The face of each permitted internal identification sign shall not exceed 24 square feet in area.
- d. Except when permitted in the entrance median strip, the sign shall be located within the property line.
- e. The sign may be illuminated with a steady light so shielded as to not allow the light to interfere with vehicular traffic. See ~~land development code ch. 14 of this code for sea turtle protection lighting restrictions.~~
- f. The sign should be incorporated into accessory entrance structural features such as a project wall or landscaping.

(c) **Schools, churches, day care centers, parks, recreational facilities and libraries.**

A school, church, day care center, park, recreational facility, library or any other similar use permitted by right or by special exception in accordance with the town’s zoning regulations shall be permitted one ground-mounted or wall-mounted identification sign and one directory sign, subject to the following limitations:

- (1) Maximum sign area shall be 24 square feet per sign face.

- (2) Signs shall be located within the property line.
- (3) ~~No sign shall exceed 8 feet in height. The maximum height for all identification signs shall be determined by the permitted dimensions of a ground mounted, monument sign, where the sign support is not greater than 1/3 of the height of the sign. For example, a ground mounted, monument sign which is 4 feet in height, may be no more than 16 inches above the crown of the road.~~

(d) **On-site directional signs.**

- (1) *Permitted signs.* Permanent wall or ground-mounted signs, for directional purposes only, may be permitted within any residential development which consists of several distinctly separate subdivisions, clusters or other sub-units of development.
- (2) *Location.* On-site directional signs may be permitted within any such residential development along any interior collector street at intersections with other interior streets.

(3) *Limitations.*

- a. The development shall have a homeowners association or similar entity responsible for maintenance of the sign.
- b. The face of each permitted directional sign shall not exceed 4 square feet in area.
- c. Maximum permitted height shall be a 3-foot by 4-foot monument style sign.
- d. Signs shall be located within the property line.
- e. The signs may be illuminated.

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

In order to provide fair, equal and adequate exposure to the public, and to prevent any single property owner from visually dominating neighboring properties with signs, all nonresidential uses shall be limited to a total permissible sign area in accordance with the provisions of this section.

(a) Each business shall be allowed 32 square feet of signage for each frontage providing vehicle access.

(b) **Nonresidential subdivisions and multiple-occupancy complexes.**

- (1) *Identification sign.* A nonresidential subdivision or a multiple-occupancy complex shall be permitted ground-mounted identification signage along any street which provides access to the property as follows:
 - a. One 32-square-foot identification sign for buildings with less than 10 occupants.

- b. One 64-square-foot identification sign or two 32-square-foot identification signs for buildings with more than ten occupants.
- c. Identification signs must contain the address in a minimum of 8 inch letters.
- d. In the absence of free-standing identification signage each business shall have the address prominently displayed on the building in 8 inch letters minimum, 24 square foot maximum.
- e. ~~The maximum height for any identification sign shall be 8 feet in height including supports for 32-square-foot signs. The maximum height for any identification sign shall be 8 feet including supports for 64-square-foot signs. The maximum height for all identification signs shall be determined by the permitted dimensions of a ground mounted, monument sign, where the sign support is not greater than 1/3 of the height of the sign. For example, a ground mounted, monument sign which is 4 feet in height, may be no more than 16 inches above the crown of the road.~~
- f. The identification sign may be illuminated with a steady light, but the sign shall not be animated. See ~~land development code ch. 14 of this code for sea turtle protection lighting restrictions.~~
- g. Identification signs shall be located within the property line.
- h. No sign permitted by this subsection shall contain any advertising message concerning any business, goods, products, services or facilities which are not manufactured, produced, sold, provided or located on the premises upon which the sign is erected or maintained.

(c) **Individual occupants within multiple-occupancy complex.** Individual offices, institutions, or business establishments located within a multiple-occupancy complex shall not be permitted individual ground-mounted identification signs, but may display wall-mounted, marquee or under-canopy signs as follows:

- (1) *Sign content.* No sign permitted by this subsection shall contain any advertising message concerning any business, goods,

products, services or facilities which are not manufactured, produced, sold, provided or located on the premises upon which the sign is erected or maintained.

(d) **Individual office, institution, or business establishments.** The following regulations shall apply for any office, institution, or business establishment which is not located within a multiple-occupancy complex:

- (1) One 32-square-foot sign.
- (2) ~~Maximum height of a ground-mounted identification sign shall be 8 feet.~~ The maximum height for all identification signs shall be determined by the permitted dimensions of a ground mounted, monument sign, where the sign support is not greater than 1/3 of the height of the sign. For example, a ground mounted, monument sign which is 4 feet in height, may be no more than 16 inches above the crown of the road.
- (3) Identification signs may be illuminated, but shall not be animated.
- (4) Wall-mounted, marquee or canopy signs may be displayed provided the total sign area of such signs plus any permitted ground-mounted identification sign does not exceed 32 square feet.
- (5) Identification signs shall be located within the property line.

(e) **Emergency medical facilities.** Emergency medical facilities shall be allowed the same size identification sign as permitted for individual establishments not located within a multiple occupancy complex (see subsection (c) of this section). In addition one additional illuminated monument sign, not to exceed 3 feet by 4 feet, to identify emergency entrances, shall be permitted.

(f) **Motion picture theaters.** Motion picture theaters shall be allowed one sixty-four (64) square-foot illuminated sign.