



## CHAPTER 5

### ACCESSORY AND TEMPORARY USES AND STRUCTURES

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### 5.00.00 GENERALLY

It is the purpose of this chapter is to regulate the design, construction, and use of accessory structures, the construction and use of temporary structures, and the design and construction of signs in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

### 5.01.00 ACCESSORY USES AND STRUCTURES

#### 5.01.01 Generally

It is the purpose of this section to set forth standards for the design, installation, configuration, and use of accessory structures, and the establishment of accessory uses in existing structures.

#### 5.01.02 Home Occupations

- A. It is the purpose of this section to establish regulations to protect the residential areas of the City and ensure that allowable home occupations are conducted in a manner that avoids or minimizes negative impact to neighbors.
- B. A home occupation is permissible in a lawfully established dwelling unit in any residential zoning district. Home occupations shall meet the standards set forth in this section.
- C. The following and similar uses are permissible as home occupations:
  1. Art studio;
  2. Dressmaking or tailoring;
  3. Personal services, such as barber, beautician, nail technician, massage therapist, and the like, provided that the services are provided to one (1) client at any one (1) time;
  4. Office for the professions or consultants, such as architecture, insurance, engineering, planning, law, accounting, or real estate;
  5. Office for persons involved in businesses conducted at other locations, such as construction trades, sales, or manufacturing representative;
  6. Teaching or tutoring, including musical instruments or dance, when limited to one (1) pupil at a time;
  7. Child care for four (4) or fewer children at any time; and
  8. Home school for family members residing on the premises.
- D. Home occupations shall be conducted in accordance with the following standards:
  1. Home occupations shall be limited to immediate family members residing within the dwelling and who make the dwelling their primary place of residence. Nonresident employees shall be prohibited;
  2. The use of the dwelling unit for the home occupation shall be incidental and subordinate to the use for residential purposes by the occupants;
  3. There shall be no outdoor display of business goods, business materials, business supplies, or business equipment visible from any street;
  4. No more than twenty (20) percent of the gross heated and air conditioned floor area of the dwelling unit shall be used in the conduct of the home occupation;
  5. There shall be no structural alterations to the interior of the dwelling to accommodate a home occupation, which would reduce the area for residential use to less than eighty (80) percent of the interior space of the dwelling;
  6. There shall be no structural additions, enlargements, or exterior alterations changing the residential appearance of the dwelling or the lot, or other visible indications of the conduct of the home occupation;
  7. There shall be no additional or separate entrance to the dwelling for the purpose of conducting the home occupation;

8. There shall be no internal or external alterations, construction features, or use of electrical or mechanical equipment, which would change the fire rating of the structure;
  9. There shall be no business equipment or process used in the home occupation which creates noise, vibration, glare, smoke, fumes, odors, or electrical interference detectable to the normal senses at any point beyond the lot line;
  10. There shall be no business electrical or business mechanical equipment utilized in the home occupation which will create any visual or audible interference with radio or television reception or which will cause fluctuations in line voltage off the premises;
  11. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than vehicles normally associated with residential home delivery (i.e., postal or parcel delivery service vehicles);
  12. There shall be no overnight parking of commercial vehicles, except as set forth in Section 7.01.05;
  13. No signs are permissible, other than an occupant sign permissible as set forth in Table 5.03.06 (A);
  14. No work shall be conducted within any attached or detached garage. This prohibition shall not be construed to prevent a home occupation in a lawful accessory dwelling. Limited storage may be allowed in any attached or detached garage provided such storage does not create a nuisance or prevent the utilization of the garage for parking motor vehicles;
  15. The home occupation shall not interfere with the delivery of utilities or other services to the neighborhood in which the principal residential dwelling is located;
  16. No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood;
  17. There shall be no on-street parking space associated with the home occupation;
  18. No toxic, explosive, flammable, radioactive, or other hazardous materials in greater quantities than for ordinary household use shall be used, sold, or stored on the site of the home occupation. However, materials common to ordinary household use are permitted, provided the quantity of the material does not exceed that found in an ordinary household;
  19. No visitors in conjunction with the home occupation (clients, patrons, pupils, or sales persons) shall be permitted between the hours of 7:00 p.m. and 8:00 a.m.;
  20. A home occupation shall be subject to all applicable City occupational licenses and other business taxes; and
  21. If any home occupation requires a license or permit from the State or agency thereof, the applicant for a home occupation permit shall provide a current, valid copy of any such permit or license with the application for approval of the home occupation. The license or permit from the State or any agency thereof shall be kept active and current and a duplicate copy shall be filed with the City at the time of all subsequent renewals.
- E. Failure to continuously comply will all provisions of this section and all other provisions of the LDC applicable to home occupations generally, and all conditions of any permit or license issued by the State or any agency thereof, shall be grounds for revocation of the occupational license by the City.

### 5.01.03 All Accessory Structures

- A. There shall be a permitted principal structure in full compliance with all development standards and requirements of this LDC prior to issuance of a permit for an accessory structure. This provision shall not be construed to prohibit the establishment of an accessory structure simultaneously with the establishment of a permitted principal structure.
- B. Permissible accessory uses by zoning district are identified in Table 2.03.03.
- C. There shall be no more than one (1) detached accessory dwelling and not more than a total of two (2) other detached accessory buildings on a lot.
- D. An accessory structure shall not be located within or partially within any public right-of-way.
- E. Accessory structures shall be shown on any site plan with full supporting documents as required by this LDC.
- F. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff requirements.
- G. Accessory structures shall not be located in any required buffer, landscape area, or stormwater management area.
- H. A detached accessory building in a residential zoning district shall be set back from the side lot line a minimum of three (3) feet, except within the C-3 zoning district whereby the building standards set forth in Section 4.02.03(E) shall apply.
- I. A detached accessory building shall not be closer than three (3) feet to the rear lot line except within the C-3 zoning district whereby the building standards set forth in Section 4.02.03(E) shall apply.
- J. A detached accessory building shall not exceed twenty-five (25) feet in height or exceed a maximum building footprint of 625ft<sup>2</sup>.
- K. Connection of an accessory structure to a principal structure may be permissible if the connection is non-conditioned, unenclosed, and meets all principal structure setback requirements. A half wall, knee wall, or railings may be permitted as part of the connection.

### 5.01.04 Accessory Dwellings

- A. Accessory dwelling units are intended to provide non-remunerated housing for relatives, guests, or domestic helpers. An accessory dwelling unit shall not be considered an apartment, hotel, or other kind of multi-family use. Accessory dwelling units shall not count towards density. Per the City's Comprehensive Plan policy 1.06.05, detached accessory dwelling units shall be permissible in all residential and mixed use zoning districts in compliance with the following standards:
  - 1. The total floor area of the detached accessory dwelling shall not exceed 625 square feet;
  - 2. The maximum height for a detached accessory dwelling located as a freestanding building or an apartment over a detached garage shall not exceed twenty-five (25) feet, measured from the approved finished grade to the peak of the roof;
  - 3. A detached accessory dwelling shall be located only within a rear yard as established by Section 4.02.03; and
  - 4. An accessory dwelling shall comply with all standards set forth in Section 5.01.03;
  - 5. The accessory dwelling shall not have a separate water or electric meter.
- B. An accessory dwelling is permissible in the I-1 or I-A zoning districts within a building which has as its principal use industrial or commercial uses. The accessory dwelling shall comply with the following standards:
  - 1. The total floor area shall not exceed 625 square feet, and only one accessory dwelling is permitted per lot of record or business, whichever is more restrictive;

2. The accessory dwelling shall be provided solely for the occupancy by the owner, the manager, or an employee of the business which is the principal use;
  3. The accessory dwelling shall not have a separate water or electric meter from the business it serves;
  4. Parking for the accessory dwelling may be shared with the business it serves;
  5. The accessory dwelling shall not have a separate exterior entrance from the business entrance.
- B. An accessory dwelling is permissible in the OT-1 or OT-2 zoning districts subject to the standards in Section 8.01.01.02(C).

**5.01.05 Agricultural Structures**

Agricultural structures including barns, stables, corrals, and facilities for farm animals and livestock are permissible in the R-E district as an accessory use.

- A. Agricultural structures are subject to the standards shown in the following table:

**Table 5.01.05(A). Standards for Barns, Stables, and Facilities for Livestock**

<b>Development Feature</b>	<b>Standard</b>
Animals allowed	Farm animals and livestock
Minimum land area	1 acre; the total land area shall be sufficient for the proposed number of animals, based on acceptable Animal Husbandry practices
Minimum setback for accessory buildings or structures	200 feet from lots zoned R-1, RLM, R-2, R-3, OT-1, OT-2, or MU-1
Minimum setback for outdoor tracks and exercise yards	250 feet from lots zoned R-1, RLM, R-2, R-3, OT-1, OT-2, or MU-1
Maximum floor area for a barn	Exempt from the requirements set forth in Section 5.01.03(C), (J) and (K)
Outdoor tracks, exercise yards, and corrals	Odor and pest control required, based on acceptable Animal Husbandry practices
Fences	The lot shall have perimeter fencing, at least 6 feet in height and not more than 8 feet in height. Any outdoor track and each exercise yard shall be separately fenced.

- B. No animal having a disease harmful to humans shall be kept on the premises.

**5.01.06 Docks and Other Waterfront Structures**

The following types of structures are permissible, provided that a permit or exemption from permitting has been granted by the FDEP or the USACOE, as applicable:

- A. Docks;
- B. Piers;
- C. Seawalls;
- D. Jetties;
- E. Wharves;
- F. Boat ramps;
- G. Boardwalks; and
- H. Boathouses.

**5.01.07 Dumpsters**

- A. Dumpsters shall be screened with a solid masonry wall or wooden fence. The fence shall be a minimum of six (6) feet and a maximum of eight (8) feet in height.
- B. Double-staggered shrubs shall be installed around the perimeter, except for the gate, of the wall or fence to form a continuous hedge. Plant materials shall meet the requirements set forth in Section 4.05.03.
- C. A gate shall be provided for access.
- D. Where possible, dumpsters shall be sited to not be visible from the public right-of-way.
- E. Dumpsters shall be located on a paved surface of sufficient size to accommodate the dumpster.
- F. The dumpster location shall be easily accessible for pick-up.
- G. Dumpsters shall be located to the rear or side of the principal building. A location in the front of the principal building shall be permissible only where side and rear yard locations cannot provide adequate access for pick-up.
- H. Dumpsters shall not be located within any required buffer area, required landscaped area, required parking lot landscaping, or stormwater management area.

**5.01.08 Storage Buildings, Sheds, Utility Buildings, and Greenhouses**

- A. Storage buildings, sheds, utility buildings, and greenhouses shall not be located within any easement.
- B. Storage buildings, sheds, utility buildings, and greenhouses that are used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located a minimum of 200 feet from any property line.

**5.01.09 Outside Storage**

- A. Outside storage involving machinery and equipment, service areas for vehicles in need of major service or repair, materials for construction or distribution is permissible only in the C-2, I-1, and I-A zoning districts. Construction materials permissible in this category are limited to lumber, garden supplies and equipment, plumbing supplies, and similar materials. Machinery and equipment do not include heavy construction machinery, heavy construction vehicles, and heavy construction equipment.
- B. Outside storage involving machinery and equipment for agricultural support is permissible only in the RE, I-1, and I-A zoning districts.
- C. Outside storage shall be located only within a rear yard.
- D. Outside storage shall be fully screened from view from adjacent residentially zoned districts, from adjacent office areas, and from public right-of-way by a fence, wall, or landscaping. Where landscaping is proposed as screening, a buffer "D" shall be required as set forth in Section 4.05.05. Where a fence or wall is proposed, the fence or wall shall be solid, wooden, or masonry; a minimum of six (6) feet in height; and a maximum of eight (8) feet in height.
- E. Stored materials shall not exceed the height of the fence.
- F. Outside storage of parts and materials and associated service areas or work activity areas shall be maintained in a neat and orderly manner.
- G. Outside storage shall be limited to a maximum of twenty-five (25) percent of the building area of the site.

**5.01.10 Fences and Walls**

- A. The maximum height of fences and walls shall be as set forth in Table 5.01.10(A), except where otherwise provided in this LDC.

**Table 5.01.10(A). Maximum Height of Fences and Walls**

Zoning District	Location	Maximum Height
RE,R1-G R-1, RLM, R-2, R-3, OT-1, OT-2, MU-1	Front yard, measured from the required front yard setback line to the front property line	4 feet
RE, R1-G R-1, RLM, R-2, R-3, OT-1, OT-2, MU-1	Side yard, measured from the required front yard setback line to the required rear yard setback line	6 feet
	Rear yard, measured from the required rear yard setback line to the rear property line	6 feet
C-1, C-2, C-3, PI-1 & W-1	All locations	8 feet
I-1,I-A, I-W, REC & CON	All locations	12 feet

- B. Where walls or fences are proposed to be located on a common property line, the written consent of adjacent property owners shall be required.
- C. Property lines shall be established by a survey prepared by a surveyor licensed in Florida not more than two (2) years prior to the date of the application for a permit to install or construct a fence.
- D. Electrified fences are prohibited.
- E. The use of barbed wire, razor wire, or the like for fencing is permissible only in the I-1, I-A, and PI-1 zoning districts.
- F. Permissible barbed wire or razor wire shall be six (6) feet or more above the ground level. The barbed or razor wire shall be turned, pointed, or directed inward toward the property enclosed by the fence.

**5.01.11 Swimming Pools and Pool Enclosures**

- A. All pools shall provide fencing or enclosures in compliance with the requirements of the Florida Building Code.
- B. A screen enclosure may be installed instead of, or in addition to, a fence or wall, provided that the screen enclosure meets all the following requirements:
  1. A pool screen enclosure shall be set back from the side lot line a minimum of three (3) feet;
  2. A pool screen enclosure shall not be closer than three (3) feet to the rear lot line and shall not be required to comply with the setback from a rear lot line as set forth in Section 4.02.03(E); and
  3. A pool screen enclosure shall not exceed twenty-five (25) feet or the height of the principal structure, whichever is lower.
- C. No overhead electric power lines shall pass over any pool unless enclosed in conduit and rigidly supported, nor shall any power line be nearer than ten (10) feet horizontally or vertically from the pool edge.
- D. Pool equipment may be located within the side yard setback, but not closer than five (5) feet to side or rear yard lot line.



- E. Lights used to illuminate any swimming pool shall be shielded and directed to avoid illuminations of adjoining properties.
- F. The following setback shall be maintained and shall be measured from the pool's edge of water to the lot line as follows:
  - 1. The minimum front setback shall be the same as that required for a residence located on the parcel where the pool is to be constructed. However, in no case is the pool to be located closer to a front property line than the principal building is located;
  - 2. The minimum side setback shall be not less than eight (8) feet from the side lot line;
  - 3. The minimum rear setback shall be not less than eight (8) feet from the rear lot line; and
  - 4. In the C-2 and PI-1 zoning districts, pools that are an accessory to lodging accommodations may be located within a front yard, provided that the pool is setback at least ten (10) feet. The setback shall be measured from the front property line to the outermost feature of the pool, such as the edge of the pool deck or pool enclosure.

## 5.02.00 TEMPORARY USES AND STRUCTURES

### 5.02.01 Generally

This section sets forth the regulations regarding temporary uses and structures. Permissible temporary uses and the structures associated with the temporary uses include seasonal sales, special events, temporary structures during construction activities, and model homes and sales centers. Peddlers, food peddlers, and street vendors are prohibited, except as part of an approved special event.

### 5.02.02 Seasonal Sales

- A. Seasonal sales are periodic events for the sale of materials and goods associated with a holiday or calendar season (such as, but not limited to, Christmas trees or pumpkins in the fall.) A temporary use permit is required according to the procedures set forth in Chapter 11.
- B. The area devoted to seasonal sales shall not be located on or within any required setbacks, buffers, parking spaces, parking lot aisles, driveways, fire lanes, or other traffic circulation areas.
- C. Goods, tents, equipment, or materials used for the seasonal sales activity shall not be located within any right-of-way.
- D. The area devoted to seasonal sales together with the goods, tents, equipment, or materials used for the seasonal sales activity shall not obstruct access or the clear visibility area established in Section 7.01.08.
- E. Designated parking spaces shall be provided to support the seasonal sales activity. The required number of parking spaces is one (1) space for each 200 square feet of sales area.
- F. The applicant shall ensure the provision of adequate garbage and refuse disposal.
- G. The applicant shall demonstrate conformance with all applicable building, health, and other federal, State, or local laws.

### 5.02.03 Special Events

The following standards apply to carnivals, fairs, festivals, and similar events and activities:

- A. A permit is required according to the procedures set forth in Chapter 11.
- B. Peddling of goods and food by temporary vendors is permissible. The applicant shall provide details regarding the number, type, and proposed location of such temporary vendors.

- C. The applicant shall ensure the provision of adequate sanitation facilities, sewage disposal, garbage and refuse disposal, potable water supply, and food service during the special event.
- D. The site shall have floodlighting for the special event and parking areas, if any activities are to be offered during darkness. Lighting shall be shielded and directed to avoid direct illumination of adjacent properties. Lighting for special events near the beach shall comply with the requirements set forth in Section 3.05.02.
- E. The site shall have adequate parking facilities. Parking may be on-site or off-site. Where off-site parking is provided, there shall be adequate plans for transporting or conducting patrons from the parking facilities to the special event area.
- F. The applicant shall provide adequate traffic control and security in and around the special event area.
- G. All stages, booths, tents, scaffoldings, or structures of any nature on, under, or within which persons may congregate, shall conform to applicable building, health, and other construction codes.
- H. Refer to the City Code of Ordinances Sections 14-1, 26-66, and 26-91 for specific requirements related to the Annual Shrimp Festival.

#### **5.02.04 Temporary Construction and Sales Offices**

Certain uses and structures are allowable during construction activities. A temporary permit is required according to procedures set forth in Chapter 11.

- A. No temporary buildings shall be permitted until a valid building permit has been issued for the primary construction activity on the site.
- B. Temporary offices may be located on a construction site to be used for administrative functions during construction. Temporary construction offices shall have the name of the construction company printed on a sign with a maximum size of four (4) feet by eight (8) feet permanently affixed on the outside of the building.
- C. A temporary building may be located on the construction site to be used as an office for sales functions, allowing for the sale, resale, or marketing of dwellings, structures, or property within the development in which it is located, or adjacent developments under the same management control. If restrooms are provided in the temporary building, the applicant shall demonstrate adequate provisions for sewage pump-out or disposal.
- D. All temporary buildings, construction equipment, and construction materials shall be removed within thirty (30) days following completion of the permitted construction or expiration of the building permit, whichever occurs first.
- E. The temporary sales office shall be separated by a fence from the remainder of the site where general construction is in progress.
- F. Parking shall be provided to serve the administrative office, sales office, and home, according to the standards set forth in Section 7.01.04.
- G. The building housing the temporary office shall meet tie down requirements for mobile structures. If restrooms are provided in the temporary building, the applicant shall demonstrate adequate provisions for sewage pump-out or disposal.
- H. On-site outdoor storage of equipment and construction materials shall be allowed during the period of construction. However, stored materials shall be neatly stacked and maintained at least one (1) foot from all property lines.
- I. One (1) on-site manufactured home for the use of security personnel, a caretaker, or for the temporary residence of the owner/builder may be located on the site. The applicant shall demonstrate adequate provisions for sewage pump-out or disposal.
- J. Portable toilet facilities shall be provided.

- K. Construction and demolition debris dumpsters are permissible. However, dumpsters shall be located at least one (1) foot from all property lines. Such dumpsters are not required to meet screening requirements set forth in Section 5.01.07.

#### 5.02.05 Model Homes and Sales Offices

- A. Model homes are permissible only in conjunction with a new residential development during the period of construction of site improvements and new homes.
- B. Model homes may be erected or displayed in districts that include residential uses, provided that such models shall not be used for residential purposes, but only for display as a means to sell homes.
- C. One (1) or more model homes may be established in a residential development, including planned unit developments and mixed use developments, subject to the following standards:
  - 1. A model home shall be located on a platted lot meeting all standards of this LDC;
  - 2. A model home shall be located to meet all site design standards of this LDC;
  - 3. A model home shall be located only on a collector or arterial street;
  - 4. A model home may include a sales office. Hours of sales operations shall not extend beyond 8:00 p.m.;
  - 5. One (1) off-street parking space shall be provided for each employee plus one (1) off-street parking space per model home. In addition, one (1) off-street parking space shall be provided for handicapped parking. These spaces shall be provided on the same lot as the model dwelling unit or on a contiguous lot within the specific project; and
  - 6. The number of model home units shall not exceed five (5) percent of the number of homes or lots permissible in the residential development. Fractions shall be rounded to the nearest whole number.
- D. The model home shall be discontinued as a model unit and sales office when ninety (90) percent of the lots or homes in the residential development have been sold. The site shall be redesigned to comply with all site design requirements applicable to the residential development. Such redesign includes, at a minimum, removal of parking in excess of that associated with a single-family home; removal of any signs; and removal of any exterior lighting associated with the model home and sales office.

#### 5.02.06 Movable Module Storage Units

Movable module storage units (called "storage pod") are permissible temporary structures, provided that such structures are located in compliance with the following standards:

- A. A temporary use permit shall be obtained as set forth in Chapter 11.
- B. The duration of the temporary use permit shall be limited to fourteen (14) days per lot per year. One (1) renewal of the temporary use permit may be granted for an additional fourteen (14) days.
- C. The storage pod may be placed on a paved or unpaved surface. When the temporary use permit authorizes location of the storage pod on an unpaved surface, the permit shall be conditioned upon the requirement that grass, sod, or landscaping shall be restored after removal of the storage pod.
- D. The storage pod may be placed on private property, not within the right-of-way.
- E. The storage pod shall not be placed within an easement, stormwater area, or required buffer.
- F. The storage pod shall be placed at least one (1) foot from any property line.
- G. The storage pod shall not obstruct pedestrian access.
- H. The storage pod shall not be located within the clear visibility area at street intersections as set forth in Section 7.01.08.

## 5.03.00 SIGNS

### 5.03.01 Applicability and Findings of Fact

This article applies to all signs, including advertising devices that are constructed, erected, operated, used, maintained, enlarged, illuminated or substantially altered within the city.

The city commission finds that:

1. The manner of the erection, location and maintenance of signs affects the public health, safety, morals, and welfare of the people of this community.
2. The safety of motorists, cyclists, pedestrians, other users of the public streets is affected by the number, size, location, lighting and movement of signs that divert the attention of drivers.
3. The size and location of signs may, if uncontrolled, constitute an obstacle to effective fire-fighting techniques.
4. The construction, erection and maintenance of large signs suspended from or placed on the tops of buildings, walls or other structures may constitute a direct danger to pedestrian and vehicular traffic below, especially during periods of strong winds.
5. Uncontrolled and unlimited signs may degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation and permanent economic growth.

### 5.03.02 Purpose and Intent

The city commission recognizes that there are persons and entities that have an interest in communicating with the public through the use of signs that serve to identify businesses and services, residences and institutions, and also to provide for expression of opinions. The City commission is also responsible for fulfilling the city's obligation to its residents and tourists to maintain a safe and aesthetically pleasing environment where signs do not create excessive visual clutter and distraction or hazards for pedestrians and vehicles; where signs do not adversely impact the residential, coastal or historic character of the city and where signs do not conflict with the natural and scenic qualities of the city. It is the intent of the city commission that the regulations contained in this article shall provide uniform sign criteria which regulate the size, height, number and placement of signs in a manner that is compatible to the residential, coastal and historic scale and character of the city, and which place the fewest possible restrictions on personal liberties, property rights, commerce, and the free exercise of Constitutional rights while achieving the city's goal of creating a healthy, safe and attractive environment that does not contain excessive clutter and visual distraction in rights-of-way and adjacent properties, the surrounding natural coastal environment, historic district and residential neighborhoods.

### 5.03.03 Sign Permits Required

- A. It shall be unlawful for any person to erect, construct, alter, or relocate any sign within the City without having first obtained a permit as provided in this section:
  1. The work necessary to construct, install, erect, illuminate, paint, or modify signage within the City shall comply with the requirements set forth in this section;
  2. Work which may be performed by a property owner or lessee:
    - a. Painting the face of any freestanding or wall sign; and
    - b. Erection of any temporary sign permissible as set forth in this LDC.
  3. Work which shall be performed by a sign contractor, general contractor, or building contractor licensed with the City to perform such work:
    - a. Construction, installation, erection, or electrical connection of any sign that is internally illuminated;
    - b. Construction, installation, or erection of any freestanding sign over six (6) feet in height, requiring wind load calculations;
    - c. Construction, installation, or erection of any sign which is located above a pedestrian walkway or on the front fascia of a canopy over a pedestrian walkway; and

d. Construction, installation, or erection of any projecting sign as set forth in this LDC.

B. *Application for permit.* All applications for permits under this section shall be filed by either a contractor licensed to erect signs in the city, or the owner of the property where the sign is to be located or his authorized agent. Such application shall include the following:

1. Name, address and telephone number of owner(s) of property;
2. Name, address and telephone number of licensed sign company erecting the sign;
3. The street address or legal description of the property upon which the proposed sign is to be located;
4. The height, size, shape, style, colors, materials and location of the proposed sign;
5. Written permission of the owner, his lessee or agent, to erect the proposed sign;
6. A plan, blueprint, or similar presentation drawn to scale, showing all pertinent structural and electrical details, wind pressure requirements, signable wall area calculations (as applicable) and materials in accordance with the city's adopted building code;
7. A statement verifying the height, size, shape and location of existing signage on the premises.

C. *Issuance of permit.* The procedure for issuing a sign permit shall be as follows:

1. Upon receipt of an application for a sign permit, the department shall determine within five (5) business days after receipt of such application whether the information submitted is complete or incomplete and inform the applicant of any deficiencies.
2. If the department determines that the information is incomplete, the applicant may submit the required information within ten (10) business days, but if more than ten (10) business days elapse, the application shall be deemed withdrawn and all application materials returned to the applicant. The applicant must thereafter initiate a new application.
3. If the department determines that the information is complete, the department shall review the plans, specifications and other data relating to such sign, and, if considered necessary, inspect the premises upon which the sign is proposed to be erected. If the proposed sign meets all provisions of this LDC and the applicable building codes, the department shall issue the permit stating whether the application is approved, denied or approved with conditions within thirty (30) calendar days of receiving the complete permit application.
4. No new sign permit shall be issued for a freestanding sign or primary wall sign on property upon which any nonconforming sign is located, until such nonconformity is corrected. On multi-tenant sites, this paragraph shall apply only to the tenant's signage.
5. If the proposed sign is in compliance with this chapter and all other applicable laws and codes of the City, a sign permit shall be issued upon receipt of the permit fee.
6. The issuance of any sign permit shall be conditioned upon the restoration of any building facade which has been damaged by placement of a previous sign. Such restoration shall include, but not be limited to, patching, repainting, and concealing visible electrical components, when applicable.

D. *Permit fees.* Permit fees under this code shall be set by ordinance of the City Commission

E. *Exemptions.* Exemption from the requirement to obtain a sign permit shall be permitted under the following circumstances:

1. The erection, construction, installation of any sign described in section 5.03.05 (Prohibited Signs) or 5.03.06 (Exempt Signs) of this chapter; or
2. The repair, maintenance or repainting of any existing sign which is deemed conforming or allowed to continue as nonconforming under provisions of this chapter.

F. *Expiration of permit.* A sign permit shall expire and become invalid in accordance with the rules set forth in the building code for all permits in general.

#### 5.03.04 Enforcement

- A. All signs shall meet the standards for visibility at intersections as set forth in Section 7.01.08.
- B. It shall be unlawful for a person to display false or misleading statements upon signs, calculated to mislead the public as to anything sold, any services to be performed, or information disseminated. The fact that any sign or display shall contain words or language sufficient to mislead a reasonable and prudent person in reading same shall be prima facie evidence of a violation of this section by the person displaying the sign or permitting same to be displayed.
- C. Inspection of signs: The City Manager may inspect at any time each sign or other advertising structure regulated by this LDC for the purposes of ascertaining whether the structure is safe, in need of repair or maintenance, not in conformance with the approved permit, or otherwise in violation of the provisions of this LDC.
- D. Unsafe signs and signs violating this LDC: If it is determined that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, the City Manager shall give written notice to the owner of such structure. If the owner fails to remove or alter the structure to comply with the standards set forth herein within the time prescribed in the notice, such sign or other advertising structure may be removed or altered to comply by the City at the expense of the owner of the property upon which it is located. The City Manager may cause any sign or other advertising structure that presents an immediate peril to persons or property to be removed without notice.
- E. Nonconforming signs
  1. *Intent.* It is the intent of this chapter to allow nonconforming signs permitted before the adoption of this code to continue under the provisions of this section until they are no longer used, or become hazardous, but not to encourage their survival. Such signs are hereby declared to be incompatible with the overall intent of this chapter.
  2. *Removal of nonconforming signs.* All nonconforming and non-permitted signs, except as provided herein, shall be removed immediately or as otherwise provided under section D of this chapter.
  3. *Continuance of nonconformities.* Use of a nonconforming sign may be continued, subject to the following regulations:
    - a. No nonconforming sign shall be enlarged or increased in any way from its lawful size at the time of the adoption of this code, nor shall a nonconforming sign be relocated from its location at the time of adoption of this code.
    - b. Nonconforming signs or sign structures that are defined as abandoned signs under 5.03.04(G) of this chapter shall not be permitted for reuse.
    - c. Use of a nonconforming sign shall immediately terminate upon a change of business, business ownership or business name, regardless of whether ownership of the lot on which the nonconforming sign is located has been transferred, devised or conveyed.
    - d. Signs existing as of the date of this amendment, whose height and/or sign area do not exceed one-hundred and fifteen percent (115%) of that allowed by the design requirements of this chapter, shall be deemed conforming. Installation or construction of all new signs, and any modification or replacement of signs permitted under this paragraph, shall comply with all applicable height, sign area, and other requirements of this chapter.
    - e. Signs that have substantial rust, missing parts, dents, or other structural or aesthetic deficiencies shall not be considered in good repair, and shall be replaced with a sign that meets the requirements of this section. A sign that is not considered in good repair may not be replaced with a non-conforming sign.
    - f. Nonconforming real estate or construction signs shall be removed no later than six months after the date of adoption of this amendment. Thereafter, all such nonconforming signs shall be deemed unlawful and prohibited and subject to the enforcement provisions of this chapter.

- g. *Repairs, maintenance and improvements.* Normal repairs, maintenance and improvements may be made, however, the cost of such improvements made during any two-year period shall not exceed twenty-five percent (25%) of the replacement cost of the sign at the end of the two-year period.
- h. *Reconstruction after catastrophe.* If any nonconforming sign is damaged by fire, flood, explosion, collapse, wind, war, or other catastrophe to such an extent that the cost of repair and reconstruction will exceed fifty percent (50%) of the replacement cost at the time of damage, it shall not be used or reconstructed except in full conformity with the provisions of this code.
- i. *Casual, temporary or illegal use.* The casual, temporary, or illegal use of any sign shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such use.

F. Maintenance of signs:

The owner of any sign as defined and regulated by this LDC shall be required to properly maintain such sign. For a sign to be properly maintained, the sign, together with its framework, braces, angles or other supports, shall be in a safe condition, properly secured, supported and braced, and shall be able to withstand weather conditions and loads required by the regulatory codes in effect within the municipal limits. Maintenance shall include painting and parts replacement.

1. All signs allowed by this article, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with all building and electrical codes that may be adopted by the city.
2. The vegetation around, in front of, behind, and underneath the base of freestanding signs for a distance of ten (10) feet shall be kept neatly trimmed and free of unsightly weeds, and no rubbish or debris that constitutes a fire or health hazard shall be permitted under or near the sign.
3. Signs and sign structures shall maintain a neat and clean appearance.

G. Abandoned Signs:

1. Any sign face now or hereafter existing which no longer identifies or advertises a bona fide operating business conducted or a product sold shall be deemed abandoned and shall be removed by the owner of the building or structure upon which such sign face may be found. The sign structure may remain, provided that the sign structure conforms to the requirements of this LDC. A sign structure which supported an abandoned sign and which complies with all applicable building and construction codes and the requirements of this LDC shall be allowed to remain in place.
2. Any sign that is located on property that becomes vacant and unoccupied pertaining to a business which does not maintain a current and valid City Local Business Tax Receipt unless exempt by Florida Statute 205.192 and Municipal Code Section 74-92, or pertains to a time, event, or purpose which no longer applies shall be deemed to have been abandoned.
3. Any sign damaged or destroyed to the extent of fifty percent (50%) or more of the replacement cost is considered an abandoned sign.
4. An abandoned sign shall be removed not later than ten (10) days after the abandonment occurs as described in Sections 5.03.04 (G) (1), (2), and (3) above. Where the structure supporting the abandoned sign does not comply with the requirements of all applicable building and construction codes and the requirements of this LDC, the entire structure shall be removed.
5. An abandoned sign shall be subject to code enforcement action, including removal by the City at the owner's expense.

### 5.03.05 Prohibited Signs

The signs identified in this section are expressly prohibited unless otherwise exempted or expressly authorized:

- A. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination.
- B. Any sign that obstructs the vision between pedestrians and vehicles using the public right-of-way, including, but not restricted to, those not meeting intersection visibility requirements set forth in Section 7.01.08.
- C. Signs with lights, lighted screens or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.
- D. Non-governmental signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device; and non governmental signs that use the words "stop", "look", "danger", or any similar word, phrase, or symbol, or which is a copy or imitation of an official sign that may be reasonably confused with or construed as, or conceal, a traffic-control device.
- E. Signs attached to trees.
- F. Snipe signs, except as permitted for campaign advertising or other Temporary Signs under Section 5.04.00.
- G. Signs with visible moving, revolving, or rotating parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- H. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- I. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- J. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe.
- K. Signs made of combustible materials that are attached to or in close proximity to fire escapes or fire fighting equipment.
- L. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public right- of- way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- M. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
- N. Off-site advertising signs, with the exception of sandwich boards as set forth in Section 5.03.09 (E) and Temporary Signs as permitted in 5.04.00.
- O. Signs mounted on any portion of a roof.
- P. Abandoned signs.
- Q. Signs erected on public property including public rights-of-way, with the exception of signs erected by public authority for public purposes, sandwich boards as set forth in Section 5.03.10 (E) and Temporary Signs as permitted in 5.04.00.
- R. Signs erected within any navigable waterway within the City to be located beyond any established bulkhead line, and oriented to be visible to those traveling the waterway.
- S. Portable or trailer signs.
- T. Internally lit signs within or adjacent to residential zoning districts.
- U. Signs attached to or painted on vehicles which are not regularly used as part of the advertised business and are obviously parked or advertise in such a way so as to advertise to the passing motorist or pedestrian.
- V. Wind Signs defined as any device, including but not limited to, one (1) or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material



fastened in such a manner as to move upon being subjected to pressure by wind not specifically exempted by section 5.03.06.

W. Any other signs that are not specifically permitted or exempted by this LDC.

#### 5.03.06 Exempt Signs

- A. Within all non-residential zoning districts, the following signs shall be considered as permitted signs and shall be exempt from the requirement to obtain a sign permit if they are not in conflict with section 5.03.05 (Prohibited Signs):
1. Decals, limited to those as required by law, which are affixed to or painted upon store windows, store equipment, fuel pumps or other types of vending equipment used for dispensing retail products.
  2. Lettering only, for the purpose of providing ownership, licensing and emergency contact information, when placed upon doors and windows of lawfully licensed businesses, with letters not exceeding three (3) inches in height and limited to a maximum area of two (2) square feet.
  3. Signs within a building that are not visible from the exterior of the building. This shall not include window signs affixed to the interior of windows, which are visible from the exterior.
  4. Building signs, historical markers, memorial signs, tablets or plaques, or the name of a building and the date of erection, when the same are cut into any masonry surface or when constructed of bronze or other similar noncombustible material.
  5. Professional nameplates for physicians, surgeons, dentists, lawyers, architects, teachers and other like professional persons placed on the premises occupied by the person(s), not exceeding one (1) square foot in sign face area, provided such professional has a valid local business tax receipt as may be required for the particular profession to operate on those premises.
  6. Signs denoting only the name and profession of an occupant of a building, placed flat against the exterior surface of the building and not exceeding three (3) square feet in sign face area, and provided such occupant has a valid local business tax receipt as may be required to operate on those premises.
  7. Menus mounted to the entrance of a restaurant are limited to one menu location and may not exceed two (2) square feet in area.
- B. Within all zoning districts, the following signs shall be considered as permitted signs and shall be exempt from the requirement to obtain a sign permit:
1. Not more than one (1) real estate sign advertising the sale, rental or lease of only the premises on which the sign is located. Such signs shall not exceed six (6) square feet in area, and five (5) feet in height. One sign sixteen (16) square feet or less is permitted for parcels of five (5) acres or larger and for each commercial or industrial property, unless said property is located in the Historic District. Signs advertising the sale, rental or lease of property exceeding this size and height shall not be considered as exempt signs.
  2. Signs noting the architect, engineer or contractor for a permitted development project when placed upon work under construction, provided the sign shall be removed within fifteen (15) days of completion of construction. Such signs shall not exceed six (6) square feet in size or eight (8) feet in height.
  3. Signs as required by law to display building permits or other similar required public notices.
  4. Traffic signs, street name signs, legal notices of public meetings, danger signs and temporary emergency, when erected by city, county, state or federal authorities.
  5. No trespassing and private property signs not exceeding two (2) square feet in area. Such signs shall not be displayed from or attached to trees, utility poles or any type of utility structure or equipment, including lift stations, fire hydrants and the like.
  6. Vacancy or no vacancy signs not exceeding two (2) square feet in area

7. Resort Rental Signs must be located on the property for rent with a valid resort rental license and valid local business tax receipt. Resort rental signage is limited to one (1) sign per property and must be setback at least ten (10) feet from the front property line. Signage may not exceed to 2.25 square feet in area.
8. Yard or Garage Sale Signs must be located on the property which a sale is being conducted and are limited to two (2) days per sale, not to exceed one (1) sale every three (3) months. Yard or garage sale signs may not exceed one (1) sign per property and may not exceed two (2) square feet in area.
9. Temporary political campaign signs announcing the candidacy of a candidate for public office not exceeding four (4) square feet in area in residential zoning districts and thirty-two (32) square feet in all other zoning districts may be placed wholly within the boundaries of any property, at the discretion or consent of the legal owner and/or occupant of the property, provided such signs conform with all traffic, electrical, maintenance, fire and safety regulations of the city.
  - a. The placing of political campaign signs on city property, other public property or on public rights-of-way shall be prohibited. Political campaign signs displayed within motor vehicles conducting routine business activities on city or other public property shall not be prohibited, provided that no such vehicle shall be parked on city property, other public property or on public right-of-ways for the sole purpose of displaying political campaign signs.
  - b. Illegally placed political campaign signs shall be removed by the code enforcement officer without notice to the candidate or abutting property owner or occupant.
  - c. Political campaign signs shall be removed within seventy-two (72) hours after the last election. If such signs are not removed within this period of time, the city may remove such signs and may charge the candidate the actual cost for such removal. Collected funds shall be deposited into the city's general revenue. Failure to remove signs is a violation of this Code and is enforceable pursuant to F.S. Chapter 162, Code Enforcement.
10. Personal expression signs limited to one (1) per lot or parcel, or in the case of multi-family uses, one (1) per dwelling unit, expressing personal views or opinions not exceeding four (4) square feet in area, providing such signs are otherwise in compliance with applicable local, state and federal laws. A personal expression sign can include a pole flag no larger than twenty (20) square feet on a pole no taller than twenty-five (25) feet.
11. Holiday lights and seasonal decorations displayed at times when such lights and decorations are generally considered appropriate.
12. Barber poles at barbershops.
13. Works of art that do not constitute as advertising.
14. Non-advertising signs carried by a person.

#### **5.03.07 Measurement Determinations**

##### **A. Sign area**

1. Where a sign is composed of letters or pictures attached directly to a facade, wall, window, door, awning, monument sign, or freestanding sign, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle, semicircle, or a combination of any of these geometric shapes, the sides of which touch the extreme points of the letters or pictures as a whole.
2. Where a sign is composed of letters or pictures enclosed by a border or trimming, the sign area shall be the area within the border or trim.
3. In cases where material is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered a single sign.

4. The area of a freestanding sign shall include the area of the outside frame, but not of the supporting structure.
- B. Number of signs
1. A supporting structure with a sign face shall be counted as one (1) sign.
  2. A double-faced projecting or freestanding sign shall be construed as having the area of a single face, provided that the sign faces are placed back to back and are at no point more than two (2) feet apart.
- C. Wall signs: The allowable area of a wall sign shall be calculated as a percentage of the signable area. The signable area is the area of the facade of the building up to the roofline, not including windows, doors, or major architectural features.
- D. Sign height
1. The height of a sign is the vertical distance from the finished grade to the highest point of the sign.
  2. Where a sign is placed on a berm, the height shall be measured from the grade at the base of the berm to the highest point of the sign.

#### **5.03.08 Design Standards for All Signs**

- A. Every sign and sign structure shall be compatible in scale with the scale of the building to which it relates and the neighborhood in which it is located.
- B. Every sign and sign structure shall be designed as a compatible architectural element relative to the building and site to which it principally relates. To be a compatible architectural element means that the sign is consistent in color, materials, texture, and style with the building(s) on the site.
- C. The number and size of graphic elements shall be proportional to the sign face.
- D. Freestanding signs shall be landscaped to achieve compatibility with the design of the site. Landscaping materials shall be consistent with the specifications set forth in Section 4.05.08 and the standards for protection of visibility at intersections set forth in Section 7.01.08.
- E. External lighting may be used only if directed solely to the sign face.

#### **5.03.09 Permissible Permanent On-Site Signs**

- A. Permanent on-site signs shall be limited to the following sign types:
1. Freestanding signs, which may be either ground or monument signs, but shall not include a pole sign;
  2. Wall Signs;
  3. Awning Signs;
  4. Projecting Signs; and
  5. Sandwich Board/ Sidewalk Signs
- B. Permanent on-site signs shall be permissible in the following non-residential or mixed use zoning districts: MU-1, C-1, C-2, C-3, I-1, I-A, and PI-1.
- C. The number and types of permanent on-site signs shall comply with the standards in Table 5.03.09.(C).

**Table 5.03.09 (C). Number and Types of Permanent On-Site Signs in Specified Non-Residential Zoning Districts**

Zoning District	Sign Type				
	Freestanding	Wall	Awning	Projecting	Sandwich Board or Sidewalk Sign
MU-1	1	1			1 per business
C-1	1	1			1 per business
C-2	1 per street frontage	1	1	1	1 per business
C-3, MU-8	1 per street frontage, except within the Historic District; see Section 8.01.03	1 1 1 except within the Historic District; see Section 8.01.03			1 per business except within the Historic District; see Section 8.01.03
I-1	2	1	1	1	1 per business
I-A	2	1	1	1	1 per business
PI-1	1 per street frontage	1	1	1	1 per business

D. Permanent on-site signs shall comply with the design standards set forth in Table 5.03.09. (D).

**Table 5.03.09. (D). Design Standards for Permanent On-Site Signs**

Standard	Sign Type				
	Freestanding	Wall	Awning	Projecting	Sandwich Board or Sidewalk Sign
<b>Maximum Sign Face Area</b>	1 ft <sup>2</sup> per linear foot of frontage, to a maximum of 50 ft <sup>2</sup>	30% of the signable area of the wall	20% of awning face Or 20% signable area of the wall	12 ft <sup>2</sup>	6 ft <sup>2</sup>
<b>Sign Location</b>	Set back 5 ft. from the property line	Front or side façade	Front façade	Front façade Projecting sign shall not extend more than 4 ft. from the building face Projecting sign shall not extend closer than 2 ft. to a vertical line extending upward from the curb	On site; to be determined by the City Manager
<b>Sign Structure Height</b>	8 ft.	NA	Lowest part of sign shall be a minimum of 8 ft. above surface directly below	Bottom of the projecting sign structure shall be a minimum of 7.5 ft. above the surface directly below the sign	4 ft.

**E. Sandwich Board/ Sidewalk Signs**

1. The sign shall only be displayed during regular business hours;
2. The sign shall be placed within the lot lines of the business it is advertising;
3. The sign shall not cause any obstruction or detriment to the public and must comply with all ADA requirements.
4. The sign shall require a permit and the proposed sign location must be indicated on the permit application.
5. The sign must not exceed forty-eight (48) inches in height or twenty-four (24) inches in width.

**5.03.10 Specific Provisions for Shopping Centers**

- A. In shopping centers incorporating three (3) or more establishments, the center may be identified by a freestanding ground sign meeting the standards set forth in this section.
- B. The area of the sign may be increased above the standard set forth for freestanding signs in Table 5.03.09(D) an additional five square feet (5 ft<sup>2</sup>) for each independently operated establishment in the center, to a maximum sign face area of 100 square feet (100 ft<sup>2</sup>).
- C. Shopping centers with street frontage of 400 feet or more may have an additional freestanding sign for each 400 feet of frontage. Any additional freestanding signs shall not exceed 100 square feet (100 ft<sup>2</sup>) in sign face area.
- D. Two (2) signs are permissible for each establishment in a shopping center. Permissible signs for each establishment shall include: wall, projecting, awning. The total area of all wall signs in the center shall not exceed thirty percent (30%) of the total wall area as described in Section 5.03.07(C). Allocation of that total area to the individual establishments shall be the responsibility of the owner/operator of the center.
- E. One Sandwich Board sign is permissible for each establishment within a Shopping Center. Sandwich Board/ Sidewalk Signs shall conform to the standards outlined in Section 5.03.09.(E).

**5.03.11 Specific Provisions for Residential Districts**

Signage for residential districts shall be permitted under the provisions of this section. One freestanding sign for each street frontage shall be permitted as follows:

**A. Multifamily development**

1. Uses of 12 units or less: 16 ft<sup>2</sup> per sign face.
2. Uses of 13 units or more: 32 ft<sup>2</sup> per sign face.
3. The sign may be a single sign with two (2) faces of equal size or two (2) single- face structures of equal size located on each side of the entrance.
4. Height, Setbacks and design
  - a. Maximum height shall be eight (8) feet.
  - b. Minimum setback shall be five (5) feet from front property line and ten feet from side lot lines.
  - c. Freestanding signs shall be ground signs in accordance with section 5.03.09(A)(1).

- B. *Subdivision signs.* Permanent subdivision signs may be permitted by the administrative official as part of the subdivision review process, or upon request of property owners after development has occurred. In determining signage, the administrative official shall consider size of the sign, color, materials, location, provision for maintenance, size of the subdivision, functional classification of the adjoining roadway(s) and land use in the area.

- C. *Nonresidential uses.* The following freestanding sign areas shall be permitted for nonresidential uses in residential zones. Height, setback and design requirements shall be according to 5.03.09(D) of this section.

1. Child care, schools: 32 ft<sup>2</sup>.
2. Home occupation: 1 ft<sup>2</sup>, affixed on the wall adjacent to the front entrance of the building.
3. All other nonresidential uses, including cemeteries: 16 ft<sup>2</sup>

4. All other residential uses: 16 ft<sup>2</sup> for uses consisting of 12 units or 24 beds or less; 32 ft<sup>2</sup> for uses consisting of thirteen (13) units or twenty-five (25) beds or more.
- D. *Houses of worship.* Houses of worship may be permitted signage under this section in accordance with the following criteria:

Specific provisions listed herein shall take precedence over all provisions in 5.03.09.

1. *Freestanding signs*
  - a. Freestanding sign shall be ground signs in accordance with section 5.03.09(A)(1).
  - b. Sign area, height and setback
    1. The maximum area shall be one square foot (1 ft<sup>2</sup>) per linear foot of frontage, to a maximum of fifty square feet (50 ft<sup>2</sup>)
    2. The maximum height shall be eight (8) feet
    3. The minimum setback shall be five (5) feet from the front property line and ten feet from side lot lines
2. *Wall signs*
  - a. Maximum area shall be thirty percent (30%) of the signable area of the wall
  - b. Shall primarily be made of wood or metal, or other materials simulating wood or metal. Solid plastic sign faces shall be prohibited.
  - c. One wall sign per street frontage is allowed
3. One Sandwich Board sign is permissible
  - a. Sandwich Board/ Sidewalk Signs shall conform to the standards outlined in Section 5.03.09(E)

#### **5.03.12 Specific Provisions Regarding Murals**

- A. Murals are permissible on buildings in non-residential zoning districts, subject to the standards in this section.
- B. A mural shall be considered a wall sign and included in the wall sign limitations of the appropriate zoning district as provided in section 5.03.09 when the theme and contents of the mural depict the goods or services available at businesses operating within the building on which the mural is painted.
- C. A mural shall be considered a decorative element when the theme and contents of the mural are not related to the goods or services available at businesses operating within the building on which the mural is painted.
- D. Murals on buildings in residential zoning districts are considered decorative elements and are permissible.
- E. A mural shall be considered an off-site sign when the theme and contents of the mural depict the goods or services available at businesses operating within a building other than the building on which the mural is painted.

#### **5.03.13 Violation Constitutes Nuisance; Abatement**

Any advertisement, advertising sign or advertising structure which is constructed, erected, operated, used, maintained, posted or displayed in violation of this LDC is hereby declared to be a public and private nuisance and shall be forthwith removed, obliterated or abated. Any portable sign such as snipe signs or real estate signs may be removed without notification of the property owner, if such sign is placed in the public rights-of-way.

#### **5.03.14 Right of Entry for Inspection**

Appropriate city employees in the performance of their functions and duties and under the provisions of this article may enter into and upon any land upon which advertising signs or advertisements are displayed and make such examinations and surveys as may be relevant subject to constitutional limitations and state law.

### **5.03.15 Procedure for Appeal**

Any administrative decision that is made by any city official in the administration or enforcement of this article may be appealed within thirty (30) calendar days to the Board of Adjustment (BOA) following the appeal procedures as set forth in Section 11.07.00. The decision of the BOA may be appealed within thirty (30) calendar days to the circuit court.

### **5.03.16 Severability**

The provisions of these sections regarding signage are declared to be severable and if any section sentence clause or phrase of these sections regarding signage shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections sentences clauses and phrases of these sections but they shall remain in effect it being the legislative intent that these sections regarding signage shall stand notwithstanding the invalidity of any part.

## **5.04.00. TEMPORARY SIGNS**

### **5.04.01 Scope**

Notwithstanding anything to the contrary in the City's Land Development Code or in any other ordinance or code provision of the City, the provisions of this subchapter 5.04 shall govern the regulation of temporary signs, and take precedence over any other provisions that pertain to temporary signs unless specifically exempted or excepted herein.

### **5.04.02 Findings of Fact**

The City Commission finds that the location and maintenance of temporary signs affects the public health, safety, and general welfare of the people of this community, and that in order to preserve and enhance the city as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance. The city commission further finds that the regulation of temporary signs within the city is a highly contributive means by which to achieve this desired end, and that uncontrolled and unlimited temporary signs would degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation and permanent economic growth.

### **5.04.03 Purpose and Intent**

It is the purpose of this section to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory standards for temporary signs. The temporary sign regulations in this subchapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech, and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. It is the intent of the city commission that the temporary sign regulations shall provide uniform sign criteria which regulate the size, height, number and placement of signs in a manner that is compatible to the residential, coastal and historic scale and character of the city, and which place the fewest possible restrictions on personal liberties, property rights, commerce, and the free exercise of Constitutional rights while achieving the city's goal of creating a healthy, safe and attractive environment that does not contain excessive clutter and visual distraction in rights-of-way and adjacent properties, the surrounding natural coastal environment, historic district and residential neighborhoods. These sign regulations have been prepared with the intent of enhancing the visual environment of the city and promoting its continued well-being, consistent with the most recent pronouncements by the United States Supreme Court regarding the regulation of temporary signage, and are further intended to:

- A. Encourage the effective use of signs as a means of communication in the city;
- B. Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;

- C. Improve pedestrian and traffic safety;
- D. Minimize the possible adverse impact of temporary signs on nearby public and private property;
- E. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of temporary signs which compete for the attention of pedestrian and vehicular traffic;
- F. Allow temporary signs that are compatible with their surroundings, while precluding the placement of temporary signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- G. Encourage and allow temporary signs that are appropriate to the zoning district in which they are located;
- H. Regulate temporary signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- I. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the city;
- J. Protect property values by precluding to the maximum extent possible temporary signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement; and
- K. Enable the fair and consistent enforcement of these temporary sign regulations.

#### 5.04.04 Definitions

The following definitions are applicable to section 5.04.00.

A. *Sign*. The term “sign” shall mean any surface, fabric, device or display which bears lettered, pictorial or sculptured matter, including forms shaped to resemble any human, animal or product designed to convey information to the public and is visible from an abutting property, from a public street, sidewalk or right-of-way, or from a body of water. The term “sign” shall include all structural members. A sign shall be construed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered a single sign. The term “sign” shall not include: artwork, holiday or seasonal decorations, cemetery markers, or machinery or equipment signs.

B. *Temporary sign*. The term “temporary sign” shall mean any sign that is not a permanent sign, and shall include a sign formerly or commonly known as a temporary election sign, a temporary political sign, a temporary free expression sign, a temporary real estate sign, a temporary directional sign, a temporary construction sign, a temporary grand opening sign, or any other temporary sign unless otherwise provided herein. The term “temporary sign” shall not include any substitution of message on an existing lawful sign or sign structure.



**5.04.05 Criteria Required for Temporary Signs**

The criteria for temporary signs are set forth in **Table 5.04.05** below. A temporary sign is unlawful if it does not meet the criteria established for the zoning district in which the sign is located.

**Table 5.04.05 Temporary Signs Design Standards and Limitations**

<b>ZONING DISTRICTS</b>	<b>R-E, R1-G, R-1, RLM, R-2, R-3, OT-1, OT-2</b>	<b>MU-1, C-1, C-2, I-1, I-A, I-W, W-1, PI-1</b>	<b>MU-8, C-3, CON, REC</b>
Maximum Number of Signs Per Parcel <sup>1</sup>	8	4	4
Maximum Sign Area <sup>2</sup>	6 sf.	32 sf.	16 sf.
Sign Height Maximum for a Freestanding Sign <sup>3</sup>	5 ft.	5 ft.	5 ft.
Sign Height Maximum for a Wall Sign (inclusive of a Window Sign)	15 ft.	15 ft.	15 ft.
Minimum Sign Setback for Ground Signs <sup>4</sup>	3 ft.	3 ft.	3 ft.
Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign <sup>5</sup> )	15 ft.	15 ft.	15 ft.
Aggregate Maximum of Surface Area Allocated for All Sign Messages <sup>6</sup>	96 sf.	256 sf.	128 sf.

<sup>1</sup> The number of temporary commercial signs per parcel shall be no more than two.

<sup>2</sup> The square footage limitation is per side for a back-to-back sign. For example, a 6 square foot limitation means that there is a limit of 6 square feet of surface area per side of a back-to-back sign, and an aggregate limit of 12 square feet is allowed if the sign is a back-to-back temporary sign.

<sup>3</sup> Not applicable to signs displayed on flagpoles.

<sup>4</sup> Minimum sign setbacks are measured from the edge of the property line. Setbacks do not apply to wall signs. And, as set forth in Section 5.04.06 all temporary signs are prohibited on public property.

<sup>5</sup> Not applicable to signs displayed on flagpoles.

<sup>6</sup> There is no limit to the number of separate messages that may appear on the allowable surface(s) of any temporary sign. The aggregate maximum of surface area allowed is subject to the other limitations or circumstances that may reduce the aggregate maximum of surface area that can be allocated.

**5.04.06 Prohibition of Temporary Signs on Public Property**

Other than government signs displaying government speech, temporary signs on public property are prohibited unless otherwise allowed within the LDC or the Code of Ordinances.

**5.04.07 Duration for Display of Temporary Sign**

If a temporary sign pertains to an event, the temporary sign shall be removed within and by no later than three days after the event is concluded. If a temporary sign does not pertain to an event, the temporary sign shall be removed within and by no later than thirty (30) days after being erected.

**5.04.08 Display of Temporary Sign Requires Permission of Real Property Owner**

A temporary sign on any parcel shall not be maintained if the placement of the same does not have the permission of the owner of the real property.

**5.04.09 A Temporary Sign May Not Display Any Lighting and Must Remain Static**

A temporary sign may not display any lighting or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.

**5.04.10 A Temporary Sign May Not Incorporate Fluorescent Color or Exhibit Fluorescence**

A temporary sign may not incorporate fluorescent color or exhibit fluorescence.

**5.04.11 A Temporary Sign May Not Obstruct A Permanent Sign or The Vision Between Pedestrians and Vehicles**

A temporary sign may not obstruct the view of a permanent sign as viewed from any public road, street or highway or any public sidewalk, and may not obstruct the vision between pedestrians and vehicles using the public right-of-way, including but not restricted to, those meeting intersection visibility requirements set forth in Section 7.01.08.

**5.04.12 A Temporary Sign May Display Multiple Messages**

A temporary sign may display multiple independent messages on any portion of the sign surface of a temporary sign.

**5.04.13 A Temporary Sign is not Subject to Permitting**

A temporary sign does not require a permit from the City.

**5.04.14 Chapter 5 5.04.00 Not Intended to Regulate Interior Facing Signage**

The City does not intend that Chapter 5 Section 5.04.00 regulate or be applicable to signage located in the interior of school yards, ball/play fields or similar uses where such signage is designed to face the interior of such location and is not designed to be viewed or seen from adjacent roadways.