

Chapter 23 SIGNS AND ADVERTISING¹

Sec. 23-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Area of sign means the square foot area enclosed by the perimeter of the sign structure with each face contributing to the aggregate area.

Banner means a sign applied to cloth, paper or any animated rotating and/or fluttering devices used to attract attention (including colored or plain unadorned devices, i.e., flaps).

Double-faced sign means a sign with two (2) faces, mounted back to back, attached to a support, and/or a single sign with two (2) faces.

Electrical sign means a sign or sign structure in which electrical wiring, connections and/or fixtures are used as part of the sign proper or used in an adjacent or nearby area to illuminate a sign.

Flag means a piece of cloth usually attached at one edge to a staff/pole or cord containing distinctive colors, patterns or symbols, identifying a government or political subdivision.

Intermittent lighting, animation, moving or rotating sign means a sign shall not involve intermittent lighting, animation, motion or rotation of any part of a sign structure or display; except for governmental traffic signals, traffic devices and traffic signs as required by law.

Nonconforming sign means a sign erected prior to June 2, 1987, which does not conform to this chapter.

Obscene sign means a sign exhibiting thereon any lewd, lascivious, or obscene, character, or illustration.

Off-premises sign means a sign that advertises an establishment, merchandise, a service, or entertainment which is sold, produced, manufactured, or furnished at a place other than the premises on which the sign is located, however, non-commercial messages shall never be considered off-premises.

Permanent sign means a sign used to identify or name a residence, apartment or condominium building, motel or hotel.

Premises means the real property (as a unit) which is involved by the sign; includes the land or the land and the building(s).

Real estate sign means a sign advertising the premises for rent, for sale or for lease by an owner or his agent.

Roof sign means a sign erected on the roof, or above the roof line, or on the parapet.

¹Editor's note(s)—Ord. No. 14-006, § 2, adopted July 1, 2014, repealed the former chapter 23, §§ 23-1—23-13, and enacted a new chapter 23 as set out herein. The former chapter 23 pertained to similar subject matter. See Code Comparative Table for complete derivation.

Cross reference(s)—Alcoholic beverages, Ch. 3; buildings and structures, Ch. 6; food and food services, Ch. 10; licenses and license taxes, Ch. 15; motor vehicles and traffic, Ch. 16; planning and development, Ch. 20; streets, sidewalks and bicycle/walkway paths, Ch. 25; subdivisions, Ch. 26; zoning, Ch. 30.

State law reference(s)—Sign ordinances, F.S. §§ 163.3202(2)(f), 166.0425; outdoor advertising, F.S. ch. 479.

Searchlight means a large light used to attract attention by lighting the sky for the purpose of advertising.

Sidewalk or sandwich sign means a movable sign, not secured or attached to the ground.

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.

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.

Traffic confusion sign means a sign or other advertising matter erected at the intersection of any streets or in any street right-of-way in a manner so as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, a traffic signal, or traffic device; or which makes use of the words "stop", "look", "drive-in", "danger", or any other word, phrase, symbol, or character in a manner as to interfere with, mislead, or confuse vehicular traffic.

Vehicular sign means a sign placed on a vehicle or trailer that is parked on a street, public right-of-way or private property for the primary purpose of displaying the sign for advertising a commercial enterprise.

(Ord. No. 14-006, § 2, 7-1-14; Ord. No. 16-011, § 2, 11-1-16)

Sec. 23-2. Purpose.

The purpose of this chapter is to govern the number, size, location and character of all signs which may be permitted. No sign shall be erected or permitted in any location except in conformity with this chapter. This chapter is intended to prevent the random and indiscriminate erection of signs and to provide for the protection of the residential aspect of the town.

(Ord. No. 14-006, § 2, 7-1-14)

Sec. 23-3. Permit—Required; application; exemptions; waiver.

- (a) It shall be unlawful for any person to post, display, repair, change or erect a sign in the town without first obtaining a permit or registration, except as provided in subsection (b) of this section or in other provisions of this chapter or unless such permit is specifically waived in this chapter. When repair of an existing sign involves the expenditure of less than fifty (50) percent of its replacement value as determined by the building department, a permit may be waived. All application for sign or sign structure permits required in this section shall be filed by the sign or sign structure owner or his agent in the office of the building department. The application forms shall be supplied by the town. Applications will be reviewed by the building department as to conformance with this chapter.
- (b) The following types of signs are exempt from permitting requirements:
 - (1) Signs of a duly constituted governmental body, including, but not limited to, traffic or similar regulatory devices, legal notices or warnings at railroad crossings.

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- (2) Flags, within all residential zoning districts, only one flagpole may be erected (the construction of the flagpole may require a permit) containing no more than two (2) flags. The maximum size of any flag is twenty-four (24) square feet. Flags attached to an angled pole attached to a building shall not exceed fifteen (15) square feet. No flags of any commercial nature may be displayed within any residential districts.

Within all parcels containing governmental institutions, including public or private schools, up to three (3) flagpoles may be erected per property owner containing one flag per pole only. If only one flagpole is erected, two (2) flags may be flown. The property owner can substitute the flagpole(s) and attach no more than two flags to the property owner's building. The maximum size of any one flag shall not exceed sixty (60) square feet. Flags attached to an angled pole attached to a building shall not exceed fifteen (15) square.

These restrictions shall not affect the number of American flags displayed at any location for a period of seventy-two (72) hours encompassing any legal holiday, or any other event of a patriotic, memorial or celebratory nature as determined by federal, state, county or municipal policy.

- (3) Memorial signs or tablets erected and authorized, in writing, by the town manager.
- (4) Signs required to be maintained by law, governmental rule, order or regulation.
- (5) Nonelectrical directional signs displayed for the public, including signs which identify restrooms, freight entrances, stairs, walkways, etc., with a total surface area not exceeding three (3) square feet per sign.
- (6) Home number/nameplate signs, restricted to not more than one sign for each principal building or use on a premises and not exceeding three (3) square feet in surface area, and shall show only the numerical address designation on the premises upon which such sign is maintained.
- (7) Nonelectrical instructional signs, with a total surface area not exceeding one square foot per sign, and not more than five (5) signs per commercial or multifamily residential parcel.
- (8) Temporary signs as set forth in section 23-9.

(Ord. No. 14-006, § 2, 7-1-14; Ord. No. 16-011, § 2, 11-1-16)

Sec. 23-4. Permit—Issuance.

- (a) Provided the provisions of this chapter have first been complied with, and the signs or advertising structures do not violate any of the terms conditions or provisions of this chapter, or any law or ordinance, the building department, or some other person so designated by the town manager, shall issue a permit for such sign or advertising structure, retaining a copy thereof for the records. Construction of the sign or sign structure shall be completed within ninety (90) days of issuance of the permit or the permit will expire.
- (b) Permits for signs shall be on a form as promulgated by the building department and shall only be required for permanent signs. The application form and associated submission materials shall include the following:
 - (1) The type of sign and/or sign structure as set forth in this Code.
 - (2) The street address of the premises upon which the sign and/or sign structure is to be located along with identification of where on said premises the sign will be located. If there is no street address, another suitable method of identifying the location shall be provided.
 - (3) The area per sign face and the aggregate area of the sign and/or sign structure.
 - (4) The name and address of the owner or other person in control or possession of the real property upon which the sign or sign structure is to be located.

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- (5) Written consent of the owner, or his/her designated agent, granting permission for the construction, operation, maintenance, or displaying of the sign and/or sign structure.
 - (6) Two (2) copies of a blueprint, sketch, blue line print, or similar presentation, drawn to scale and dimensioned, showing elevations of the sign as proposed and its relationship to other existing or proposed signs or sign structures in the area. In the case of a free-standing sign, the representation shall include a sketch site plan showing the location of the sign.
 - (7) Appropriate exhibits showing the proposed location of the sign with respect to nearby structures and vegetation.
 - (8) A sign contractor shall provide a signed certificate stating that the sign and/or sign structure meets wind loading to withstand a pressure of fifty (50) pounds per square foot.

(Ord. No. 14-006, § 2, 7-1-14; Ord. No. 16-011, § 2, 11-1-16)

Sec. 23-5. Permitted signs.

- (a) *Generally.* Signs are permitted only along the road frontage unless otherwise indicated.
- (b) *All zoning districts.*
 - (1) In all zoning districts, one entrance (ingress) and one exit (egress) sign is permitted for directing traffic flow. Each sign may be single-faced or double-faced and shall meet Department of Transportation standards, and not exceed three (3) square feet in size. Each sign may be illuminated or non-illuminated as determined by the owner and police department. A permit is required.
- (c) *All zoning districts.*
 - (1) *Temporary signs.* Shall be as set forth in section 23-9.
 - (2) *Permanent signs:*
 - a. One permanent single-faced or double-faced sign not to exceed ten (10) square feet per face may be permitted. Such sign must be illuminated, but not with intermittent or colored lights or animation. The building official shall review the sign application and a permit is then required. A permit fee shall be charged and will be based upon the construction cost of the sign. The sign may be erected on a base not to exceed one foot six (6) inches in height. The base shall not exceed the dimensions of the sign by more than one foot in any direction. Any person seeking to place a sign in the FDOT right-of-way must obtain written FDOT approval prior to permit issuance by the town.
 - b. A street address sign readily visible from the street is required. Installation of this street address sign is a condition for issuing the certificate of occupancy. No permit is required.
 - c. In the case of intracoastal property, one additional permanent sign identifying the development may be allowed. This additional sign may also be single-faced or double-faced, not to exceed ten (10) square feet per face. It may be illuminated, but not with intermittent or colored lights or animation. A permit is required.
 - d. Tow away signs conforming to state statutes are allowed on private property.
 - e. Whenever a sign requires a permit and is allowed within a setback area, easement, or right-of-way, the person erecting the sign shall be required to execute an agreement with the town.
 - f. *Garishness:* The overall effect of the lettering, configuration or color of a sign shall not be garish. "Garish" signs are those that are too bright or gaudy, showy, glaring, and/or cheaply brilliant or

involving excessive ornamentation. Garish signs are not in harmony with and are not compatible with the building or adjacent surroundings.

- g. *Traffic safety*: No sign shall be located in such a manner that it will become a hazard to automotive or pedestrian traffic nor shall any sign or lighting of a sign be so placed as to obstruct the vision of the driver of any motor vehicle where vision is necessary for safety.
- h. *Illumination*: Signs may be illuminated directly or indirectly unless specifically prohibited elsewhere in this chapter. In residential zoning districts, all illumination shall be shielded so that the light is not directed toward adjacent residentially zoned property.

(Ord. No. 14-006, § 2, 7-1-14; Ord. No. 15-003, § 3, 5-5-15; Ord. No. 16-011, § 2, 11-1-16)

Sec. 23-6. Prohibited signs.

All other signs not permitted in section 23-5 are prohibited, with the exception of signs erected by a public authority for public purposes and temporary signs as permitted by section 23-9. The placement of public purpose signs by a public authority on the grounds of town hall may be approved at the discretion of the town manager. Prohibited signs include, but are not limited to the following:

- (a) Banners.
- (b) Wind signs.
- (c) Off-premise signs.
- (d) Roof signs.
- (e) Snipe signs.
- (f) Traffic confusion signs.
- (g) Vehicular signs.
- (h) Commercial signs in public rights-of-way.
- (i) Intermittent lighting, animation, moving or rotating signs.
- (j) Noise-producing signs (a sign producing noise or sounds).
- (k) Obscene signs.
- (l) Smoke or odor-producing signs (a sign producing or emitting smoke, vapor, particles, or odor).

In addition to the foregoing, any sign not provided for, or expressly permitted by this chapter is also prohibited.

(Ord. No. 14-006, § 2, 7-1-14; Ord. No. 16-011, § 2, 11-1-16)

Sec. 23-7. Enforcement and penalties.

- (a) A permanent sign erected without obtaining a building permit shall be removed within five (5) working days from the date of a written notice from the building department or other person so designated by the town manager. If the sign is not removed by the end of the fifth day, or if there are any other violations of this ordinance, enforcement proceedings will be initiated pursuant to section 2-100, enforcement procedure, or the code enforcement board, as set forth in article V of chapter 2 of the Code of Ordinances.

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- (b) For those signs that do not require a permit and are temporary in nature 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. The town manager is hereby authorized to remove such signs when unlawfully erected and maintained, subject to the provisions contained below:
- (1) After removal of a sign pursuant to this section, a notice will be sent, either by hand-delivery or by first-class postage, prepaid, to the occupant of the property from which the sign was removed, and if the sign identifies 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 thirty (30) days of the date of the notice, and that, if the sign is not retrieved within thirty (30) days, it will be disposed of by the town.
 - (2) The town shall dispose of all unclaimed signs after the expiration of the thirty-day period.
- (Ord. No. 14-006, § 2, 7-1-14)

Sec. 23-8. Appeals.

If a sign permit application is denied by the building official. The board of adjustment and appeals shall hear and decide appeals where it is alleged there is error in any order, interpretation, requirement, decision, or determination made by the building official in the administration or enforcement of this chapter. A request for appeal must be filed with the town clerk within ten (10) business days of the date of the matter being appealed.

(Ord. No. 14-006, § 2, 7-1-14; Ord. No. 15-003, § 4, 5-5-15; Ord. No. 16-011, § 2, 11-1-16)

Sec. 23-9. Temporary signs.

- (a) *Scope.* Notwithstanding anything to the contrary in the Town's code of ordinances, the provisions of this section 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.
- (b) *Findings of fact.* The town 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 Town as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance. The town commission further finds that the regulation of temporary signs within the Town 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.
- (c) *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 section 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 town 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 character of the Town, and which place the fewest possible restrictions on personal liberties, property rights, commerce, and the free exercise of constitutional rights while achieving the Town'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 Town 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:

- (1) Encourage the effective use of signs as a means of communication in the Town;
 - (2) Maintain and enhance the aesthetic environment and the town's ability to attract sources of economic development and growth;
 - (3) Improve pedestrian and traffic safety;
 - (4) Minimize the possible adverse impact of temporary signs on nearby public and private property;
 - (5) 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;
 - (6) 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;
 - (7) Encourage and allow temporary signs that are appropriate to the zoning district in which they are located;
 - (8) Regulate temporary signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
 - (9) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the town;
 - (10) 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
 - (11) Enable the fair and consistent enforcement of these temporary sign regulations.
- (d) *Criteria required for temporary signs.* The criteria for temporary signs are set forth in the table below. A temporary sign is unlawful if it does not meet the criteria established for the zoning district in which the sign is located.

Temporary Signs Design Standards and Limitations

ZONING DISTRICTS	RE,RS, RML,RMM,RMH
Maximum Number of Signs Per Parcel ¹	4
Maximum Sign Area ²	4 sf.
Sign Height Maximum for a Freestanding Sign ³	5 ft.
Sign Height Maximum for a Wall Sign (inclusive of a Window Sign)	15 ft.
Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign ⁴)	10 ft.
Aggregate Maximum of Surface Area Allocated for All Sign Messages ⁵	32 sf.

¹ The number of temporary commercial signs per parcel shall be no more than two (2).

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

³ Not applicable to signs displayed on flagpoles.

⁴Not applicable to signs displayed on flagpoles.

⁵There 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.

- (e) *Prohibition of temporary signs on public property.* Other than government signs displaying government speech, temporary signs on public property and public rights of way are prohibited unless otherwise allowed within the code of ordinances.
 - (f) *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 (3) days after the event is concluded.
 - (g) *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.
 - (h) *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.
 - (i) *A temporary sign may not incorporate fluorescent color or exhibit fluorescence.* A temporary sign may not incorporate fluorescent color or exhibit fluorescence.
 - (j) *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.
 - (l) *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.
 - (m) *A temporary sign is not subject to permitting.* A temporary sign does not require a permit from the town.
- (Ord. No. 14-006, § 2, 7-1-14; Ord. No. 16-011, § 2, 11-1-16)

Sec. 23-10. Non-commercial message.

Notwithstanding anything contained in this chapter to the contrary, any sign erected pursuant to the provisions of this chapter may, at the option of the applicant, contain either a non-commercial message unrelated to the business located on the premises where the sign is erected or a commercial message related to the business and located on the business premises. The non-commercial message may occupy the entire sign face or portion thereof. The sign face may be changed from commercial to non-commercial messages as frequently as desired by the owner of the sign, provided that the size and design criteria conform to the applicable portions of this chapter, the sign is allowed by this chapter, the sign conforms to the requirements of the zoning designation and the appropriate permits are obtained. Noncommercial copy may be substituted for commercial copy wherever commercial copy appears. For the purposes of this chapter, non-commercial messages, by their very nature, shall never be deemed off-premises.

(Ord. No. 14-006, § 2, 7-1-14; Ord. No. 16-011, § 2, 11-1-16)

Sec. 23-11. Severability.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the following sections of this chapter: section 23-5 and section 23-11.

(Ord. No. 14-006, § 2, 7-1-14; Ord. No. 16-011, § 2, 11-1-16)
