

WORKSHOP
APALACHICOLA CITY COMMISSION
TUESDAY, AUGUST 2, 2022 – 3:15PM
BATTERY PARK COMMUNITY CENTER
1 BAY AVE., APALACHICOLA, FLORIDA 32320

Agenda

You are welcome to comment on any matter under consideration by the Apalachicola City Commission when recognized to do so by the Mayor. Once recognized please rise to the podium, state your name for the record and adhere to the three minute time limit for public comment. Comments may also be sent by email to the City Manager or to Commissioners.

- I. Call to Order**
- II. Public Comment**
- III. Sign Workshop**
- IV. Adjournment**

Any person who desires to appeal any decision at this meeting will need a record of the proceeding and for this purpose, may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the appeal is based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office 48 hours in advance of the meeting.

V. SIGN REGULATIONS

A. General Provisions

All signs within the City shall be erected, constructed, maintained or permitted in accordance with the provisions of this Article, and only those signs allowed in this article shall be erected within the City.

B. Definitions and Interpretation

Words and phrases used in this Article shall have the meanings defined in this section. Words or phrases not defined in this section but defined in the Land Development Code shall have the meaning defined in that ordinance.

Words used in the singular shall include the plural; and the plural the singular; and the words used in the present tense shall include the future tense.

The word "shall" is mandatory, not discretionary. The word "may" is permissive.

The word "erected" includes the words "constructed", "moved", "located" or "relocated".

The word "lot" includes the word "plot" or "parcel".

The word "person" includes the words "individuals", "firms", "partnerships", "corporations", "associations", "governmental bodies" and all other legal entities.

The words "used" or "occupied" include the words "intended", "arranged" or "designed to be used or occupied".

C. Definitions

"A" frame or sandwich sign: A sign so named because of the inverted "v" shaped structure and utilization of copy on both sides, facing opposite directions. These signs are usually painted on wood or metal surfaces usually resting on the ground with no permanent attachment.

Abandoned sign: A sign which no longer identifies or advertises a bona fide business, lessor service, owner, product or activity, time of event passed, and/or for which no legal owner can be found. This definition shall also include any sign structure, which no longer supports the sign for which it was designed.

Accessory sign: A permanent ground or building sign that is permitted under this Code as incidental to an existing or proposed use of land.

Accessory use: A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel.

Advertising: Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Animated Signs: Any sign of which all or any part thereof visibly moves in any fashion whatsoever and any sign which contains or uses for illumination any light, lights, or lighting devices or devices which change color, flash, or alternate, show movement or motion, or change the appearance of such sign or any part thereof automatically. The term "animated sign" shall not include revolving signs.

Attached sign: Any sign attached to any part of a building, as contrasted to a free standing sign, and which extends from the wall no more than twelve (12) inches.

Awning: Any rigid or non-rigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

Awning sign: A sign placed or painted directly on the surface of an awning.

Backlight awning: A structure, projecting from and supported by the exterior wall of a building constructed of materials such as cloth, plastic or metal with characters, letters, figures, etc. illuminated by electric light, luminous tubes, or other lighting method as part of the sign structure. This type of structure will be considered a wall sign for regulation purposes.

Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges.

Bench sign: An advertising message on any portion of a bench.

Building marker: Any sign indicating the name of a building and date and/or incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Building sign: A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper.

Canopy: An extension of the roof of a building or a free standing structure that has a roof with support but no walls.

Canopy sign: Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor services area.

City: The City of Apalachicola.

Commercially developed parcel: A parcel of property on which there is at least one (1) walled and roofed structure used or designed to be used for other than residential purposes.

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

Directory sign: Any sign which displays exclusively the names, logos and locations of occupants or uses of a building or commercial complex. No advertising other than name, logo and locations of occupants or use is included.

Double faced sign: A sign which has two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other face from the other direction.

Electric sign: Any sign containing electric wiring.

Enforcement officer: The official designated by the City to administer and enforce the provisions of this Article or his/her designee.

Erect: To build, paint, construct, reconstruct, attach, hang, suspend, place or affix.

Festoons: A string of ribbons, tinsel, small flags or pinwheels.

Flag: A piece of cloth or flexible material varying in size, color and/or design, used as a symbol, standard, signal or emblem.

Flashing sign: See animated sign.

Free standing sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structures. Includes ground and monument signs.

Frontage: The length of the property line of any one (1) parcel along a street on which it borders.

Ground sign: A free standing sign supported by a sign structure placed in the ground and which is entirely independent of any building, fence or object other than the sign structure for support. A ground sign is also known as a pole sign.

Harmful to minors: With regard to sign content, any description or representation, in whatever form, of nudity, sexual conduct or sexual excitement, when it is patently offensive to contemporary standards in the adult community as a whole with respect

to what is suitable sexual material for minors or lacks serious literary, artistic, political or scientific value.

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

Illegal sign: Any sign erected or maintained in violation of a preceding ordinance or erected, altered, moved or replaced in violation of this Article.

Illuminated sign: A sign illuminated in any manner by an artificial light source.

Indirectly illuminated sign: A sign illuminated by an external light source directed primarily toward such sign.

Internally illuminated sign: A sign containing a light source that is recessed or contained within the element of the sign.

Inflatable sign: Any device which is supported by air pressure or inflated with air or gas which is used to attract the attention of the public, whether or not it displays any specific advertising message.

Marquee: A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Monument sign: A permanent ground sign designed so that the base of the sign face is flush with the supporting base, and the supporting base is flush with the ground and extends the full width of the sign face.

Multi-Faced sign: A sign structure with more than two sign faces situated so that each sign face is facing a different direction.

Multiple Occupancy Complex: A commercial use, i.e., any use other than residential, consisting of a parcel of property or parcel of contiguous properties existing as a unified or coordinated project, with a building or buildings housing more than one (1) occupant.

Non-Conforming sign: Any sign legally in existence prior to the effective date of this Article, or any applicable amendment thereto, which does not satisfy the requirements of this Article as amended.

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

On premise or on site sign: Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, sale or location that is located on the premises upon which the sign is located.

Pennant: Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

Permanent: Designed, constructed and intended for more than short-term use.

Permitted sign: Any sign that has been reviewed by the Building Department, found to be in compliance with this Ordinance and for which a building permit has been approved and received.

Portable sign: Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to signs designed to be transported by means of wheels; signs converted to "A" or "T" frames; menu and sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right of way, unless said vehicle is used in the normal day to day operations of business.

Premises: An area of land occupied by the buildings or other physical uses which are an integral part of the activity conducted upon the land and such open spaces as are arranged and designed to be used in conjunction with that activity.

Projecting sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve inches beyond the surface of such building or wall.

River frontage: The distance for which a lot line of a zone lot adjoins the waterfront of a river, from one lot line intersecting said waterfront to the furthest distance lot line intersecting the same waterfront.

Roof sign: A sign projecting over the coping of a flat roof, or wholly or partially over the ridge of a gable, hip or gambrel roof and supported by or attached to said roof.

Roofline: A horizontal line intersecting the highest point or points of a roof.

Sign: Sidewalk or Sandwich: A moveable sign not secured or attached to the ground or surface upon which it is located.

Sign: Any device, fixture, placard, sculpture or structure whether natural or man made, that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. This definition includes all parts of such device, including its structure and supports and also includes balloons,

banners, pennants, flags, lights, reflectors, reflected lights, streamers or other devices which are used to attract the attention of the public, whether or not they convey a specific advertised message.

Sign: exempt: Any sign which is specifically listed as exempt from this Article.

Sign face: The surface or plane of the sign upon, against or through which a message is displayed or illustrated.

Sign face area: The area of any regular geometric shape, which contains the entire surface area of a sign upon which copy may be placed.

Sign structure: Those parts of a sign designed to support it in place.

Snipe sign: A temporary sign or poster affixed to a tree, fence, utility pole, etc.

Streamer: Any long, narrow flag, banner, tinsel or roping which is hung or strung from any structure to another structure or the ground.

Street frontage: The distance for which a lot line of a zone lot adjoins an opened public street from one lot line intersecting said street to the furthest distance lot line intersecting the same street. Driveways or alleys are not to be used to determine or calculate street frontage.

Temporary sign: A sign that is displayed for a specific period of time not to exceed 30 days and which announces special events or occurrences.

Trailer sign: Any sign which is mounted on wheels and which may be moved from one location to another.

Unit: That part of a multiple occupancy complex housing one occupant.

Vehicle Sign: Any sign affixed to a vehicle.

Wall sign: A sign applied to or mounted to the wall or surface of a building or structure, the display surface which does not project more than six inches from the outside wall of such a building or structure.

Wind signs: Any sign, part of a sign or series of signs designed or erected in such a manner as to move when subjected to wind pressure.

Window sign: Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is attached inside a window or upon the window panes or glass and is visible from the exterior of the window.

D. Computations

The following principles shall control the computation of sign area and sign height.

1. Computation of sign area:

The area of a sign shall be computed by means of the smallest rectilinear figure (but which shall have a continuous perimeter of not more than eight straight lines) which encompasses all lettering, wording, frame, design or symbols, together with any background and any illuminated part of the sign on which the sign is located, if such background or such illuminated part of the sign is designed as an integral part of and related to the sign. Support and bracing which are not intended as part of the sign and which contain no message, shall be excluded. In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of different color than the natural of the building.

2. Computation of Height:

The height of the sign shall be computed as the distance from the ground directly below the center of the sign or from the grade of the closest point in the traveled way of the road or street the sign is located along, whichever is higher, to the sign or sign structures highest point.

E. Permitting

Except as specifically exempted or prohibited in this section, all signs, constructed or modified shall require a permit in accordance with the provisions of this Article.

F. Exempt Signs

The following signs are exempt from the application of these sign regulations and from the requirements in this Article that a permit be obtained for the erection of permanent signs, provided they are not placed within the right of way of any road or constructed as to create a hazard of any kind.

- a. Legal notices and instruments. This may include temporary political signs announcing a campaign drive or event, provided such signs are not erected in a public right of way and are removed within five days following a campaign drive or event.
- b. Signs necessary to promote health, safety and welfare and other regulatory, statutory, traffic control or directional signs erected on public property with permission from the United States, the State, the County or the City.
- c. Decorative flags and bunting for a celebration, convention or commemoration of significance to the entire community when authorized by the City council for a prescribed period of time.

- d. Temporary holiday lights and decorations.
- e. Merchandise displays behind storefront windows so long as no part of the display contains flashing lights.
- f. Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- g. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.
- h. Public warning signs no larger than 4 square feet to indicate the dangers of trespassing, unfriendly animals or similar hazards.
- i. Signs carried by a person.
- j. One sign per residential use indicating a residents name, street address of the premises and/or an accessory use sign for an allowed home occupation, and/or such sign for a permitted professional activity, provided that such sign shall not exceed an area of two square feet.
- k. Bulletin boards for public, charitable, educational or religious institutions not to exceed fifteen square feet of sign area; provided such sign is located on the premises of said institution. Such sign shall be placed flat against the principal use structure or not less than five feet from the property line.
- l. One temporary non-illuminated real estate sign advertising only the sale, lease or rental of the premises or property upon which said sign is located, or one non-illuminated sign indicating a building is open for public inspection. For residential zoned districts, such signs shall not exceed four square feet in sign area or exceed 4 feet in height. Such signs shall be placed no closer than five feet from the street right of way line or shall be attached to the principal use structure. For non-residential zoned districts such signs shall not exceed twelve square feet in area and shall be placed no closer than ten feet from the street right of way line or shall be attached to the principle structure. All such signs shall be removed within five days after the property has been sold, leased or rented.

G. Signs Regulated but not requiring permits

The following types of signs are exempted from sign permit requirements, and shall not be considered in determining the allowable size or number of signs on a zoned lot; provided however, that they must comply with all other applicable sections of this Article. The erection of any sign not listed in this section shall require a permit.

1. Window signs on or within windows relating to the business conducted within; or to non-profit civic or charitable organizations provided that no more than twenty-five percent of any window area is utilized for such signs.
2. Temporary signs as defined in Section C of this Article.
3. Signs required by law, statute or ordinance.

H. Permitted temporary signs

1. Where allowed: Temporary signs are allowed throughout the city, subject to the restrictions imposed by this section and other relevant parts of this Article.
2. Sign types allowed: A temporary sign may be a ground or building sign but may not be an electric sign.
3. Removal of illegal temporary signs: Any temporary sign not complying with the requirements of this section is illegal and subject to immediate removal by the City. Any fee incurred by the City for removal of illegal signs will be charged to the owner. Fees shall be a minimum of \$20.00 but not to exceed \$200.00.
4. Restrictions on content of temporary signs: A temporary sign may display any message so long as it does not contain any of the following:
 - a. Language, pictures or any other content that is harmful to minors.
 - b. Offensive words, pictures, nudity or profanity.
 - c. Advertising except that advertising for the following purposes may be displayed:
 1. To indicate the grand opening of a business or other activity. Such message may be displayed for a period not exceeding fourteen days.
 2. To indicate the existence of a new business or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than thirty days or until installation of permanent signs, whichever shall occur first.
 3. To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets or any public, charitable, educational or religious event or function. Such message shall be removed within five days after the special event.

I. Sign prohibited within City limits

All signs not expressly permitted under this Article or exempt from regulation hereunder in accordance with this Section are prohibited within the City limits of Apalachicola, Florida. Such signs include, but are not limited to:

1. Banners, streamers, pennants, festoons and other wind signs, except as exempted herein;
2. Temporary signs except as exempted under the provisions of this Article.
3. Portable, trailer, sidewalk, sandwich, curb.
4. Searchlights, strobe or flashing lights, (except as required for public safety by state or local regulation).
5. Strings of lights not permanently mounted to a rigid background, except those exempted under the provisions of this Article.
6. Illuminated tubing outlining property lines, open sale areas, doors, windows, or wall edges of any building.
7. Internally illuminated signs.
8. Animated signs.
9. Bench signs. (unless approved by the City Commission)
10. Snipe signs.

11. Roof signs of all types.
12. Signs that emit audible sound, odor or visible matter such as smoke or steam.
13. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement or any portion of any sidewalk or street.
14. Signs erected on public property, or on private property (such as private utility poles) located on public property, other than signs erected by public authority for public purpose and signs authorized in writing pursuant to FS 337.407.
15. Signs displaying copy that is harmful to minors.
16. Inflatable signs and tethered balloons.
17. Any abandoned sign or sign structure.
18. Signs that are in violation of the building or electrical code adopted by the City.
19. Any sign that, when determined by the City Building Inspector, does or may constitute a safety hazard. Such signs include those which may create a vision impairment by obstructing the vision of pedestrians, cyclists or motorists traveling on or entering onto public streets.
20. Signs that involve the use of live animals intended to attract attention.
21. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit or standpipe, or that obstructs any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this chapter or other ordinance of the city.
22. 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.
23. Nongovernmental signs that use the words "stop", "look", "danger" or any similar word, phrase or symbol.
24. Signs within ten feet of any public right of way or one hundred feet of traffic control lights that contain red or green lights that might be confused with traffic control lights.
25. 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 way or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
26. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
27. Signs erected over or across any public street except as otherwise may be expressly authorized by this Ordinance and exempt governmental signs erected by or on the order of a public officer.
28. Signs placed within public rights of way, except publicly owned, authorized or maintained signs which serve an official public purpose.
29. Any sign placed or erected on property without permission of the owner.
30. Signs which advertise any activity, service or product prohibited by the laws and regulations of the United States or the State of Florida or by ordinances or resolutions of the City.

31. Dilapidated or neglected signs. A sign (including sign structure) will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy.
32. Outdoor advertising signs.
33. Off premise advertising signs.

J. Permits Required.

If a sign requiring a permit under the provisions of this Article is to be placed, constructed, erected or modified, the person or entity proposing the sign shall secure a sign permit prior to the construction, placement, erection or modification of such a sign in accordance with the requirements of Section S.

No permit of any kind shall be issued for a proposed sign unless such sign is consistent with the requirements of this Article (including those protecting existing signs) in every respect.

A sign permit shall expire if the sign for which the permit was issued has not been erected, installed or completed within six months after the date of permit issuance.

K. Design, Construction and Maintenance

All signs requiring a permit shall be designed, constructed and maintained in accordance with the following standards:

- a. All signs shall comply with applicable provisions of the Florida Building Code and the Electrical Code of the City at all times.
- b. All signs requiring permits shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
- c. Signs that are illuminated shall only be illuminated in accordance with the following additional standards:
 1. Full cutoff fixtures must be used. Up-lighting is prohibited. No sign shall have internal illumination.
 2. Illumination shall be with white light only. "LED"
 3. Illumination shall be with fluorescent bulbs or lamps only. Fluorescent fixtures shall be of the enclosed type with a gasketed lens and a wet location label.
 - a. one fixture allowed per sign face for signs up to four feet wide, two fixtures for signs up to six feet wide and three fixtures for signs up to eight feet wide.
 - b. The maximum wattage, for all fixtures combined, shall not exceed 36 watts per sign face.

4. A full cutoff fixture for lighting a sign face shall be designed and positioned no higher than the top edge of the sign face.
- d. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code at all times. The Building Inspector shall have the right to order the repair or removal of any sign which is defective, damaged or substantially deteriorated as defined in the Florida Building Code.
- e. "A" frame or sandwich signs shall be no larger than 24x40 inches and shall only be displayed during business hours. Only one such sign shall be allowed per storefront.

All persons involved in maintenance, installation, alteration or relocation of signs near or upon any public right of way shall agree to hold harmless and indemnify the City, its officers, agents and employees against any and all claims of negligence resulting from such work.

All persons involved in maintenance, installation, alteration or relocation of signs, for a fee, shall maintain all required insurance and shall file with the State a satisfactory certificate of insurance to indemnify the State, County or City against any form of liability in accordance with City, County and State regulations.

L. Signs permitted in all Zones

The signs enumerated in Section F, Signs Exempt and Section G, Signs Regulated but not requiring Permits apply to all zones.

M. Signs permitted in Residential Zones.

For the purposes of this section, the following shall be considered residential districts: R1, R2, R3, R4 and OR.

Signs are permitted in these districts as follows:

1. For home occupations- one non-illuminated wall sign, not to exceed three square feet in size is permitted.
2. For permitted non-residential uses other than home occupations, including churches, and synagogues- One free standing monument sign not to exceed twelve square feet in area or eight feet in height.

N. Signs permitted in Commercial Zones

Signs in these zones may be illuminated in accordance with Section K. Signs are permitted in these districts as follows:

1. The total maximum allowable square footage of signage per business per street frontage shall not exceed 24 square feet.

2. In addition to the above maximum total signage allowances, each business with an off street entrance may have one non-illuminated, attached directory sign per occupancy, not to exceed three square feet.

All free standing signs shall be setback from the property line such that there is at every intersection a clear view between heights of three to ten feet in a triangle formed by the corner and points of the curb thirty feet from the intersection or entranceway.

O. Projecting Signs

1. Such signs shall be hung at a ninety-degree angle from the building face.
2. Each sign face shall not exceed eight square feet of sign area.
3. The bottom of said sign shall allow an eight foot pedestrian clearance from sidewalk level.
4. The top of the sign may be suspended no higher than the bottom of the sills of the first level of windows above the first story in a multi-story building.

P. Nonconforming Permanent Signs

Subject to the following conditions, all permanent signs made nonconforming by the passage of this Article or by any subsequent amendment, may be continued in operation and maintained. Such signs shall not be:

1. Replaced with another nonconforming sign.
2. Enlarged, extended, constructed, reconstructed, moved or structurally altered except to bring the sign into conformance with all provisions of this Article.
3. Re-established after damage or destruction if such damage to the sign exceeds fifty percent of its total surface area. The extent of the damage shall be determined by the Building Inspector.
4. Re-established after it has been removed or has been abandoned for sixty days or more.

Any change in use shall require the sign be brought into conformance.

Q. Nonconforming portable, temporary or wind signs.

All portable, temporary or wind signs which are made nonconforming as a result of the passage of this article, or from the passage of any subsequent amendment to this Article, shall be removed within sixty days of the effective date of this Ordinance.

R. Permitting

No sign except those listed in Section F and Section G shall be constructed, erected or modified without a compliance and building code review by the Building Inspector. The Building Inspector shall issue a permit only for a proposed sign that meets the requirements of this Ordinance.

S. Sign Permit Applications

Sign permit application forms shall be obtained from the Building Inspector. Each application shall be accompanied by the following information:

1. Name of business and address where work is to be performed.
2. Name and title of applicant.
3. Name, address and telephone number of the firm doing installation work.
4. Name and address of the sign owner if other than business installing sign.
5. A complete list describing each existing sign on the premises, including sign type, copy, sign area, location on premises and date installed.
6. A site plan showing the location of the affected lot, buildings and signs showing both existing and proposed signs.
7. A scale drawing of each proposed sign or sign revision, including location, size, height, copy, structural and footing details, material, method of attachment, illumination, front and end views of canopies and any other information required to ensure compliance with appropriate laws.
8. Written consent of the owner of the building, structure, or property where the sign is to be erected.
9. Owner must provide, to the Code Enforcement Officer, photographs of completed sign placement on premises within 30 days of issuance of permit.

Each applicant for a sign permit shall, upon request of the Enforcement Officer, submit any additional information deemed necessary.

T. Appeal

Any aggrieved person may appeal the decision of the Enforcement Officer by filing a written request for appeal to the City Board of Adjustment within fifteen days of notification of inspectors' decision.

U. Interpretations

Where there is any dispute concerning the interpretation of this Article, the decision of the Enforcement Officer shall prevail, subject to appeal to the Board as provided above.

V. Enforcement and Penalties

This Article shall be administered and enforced by the City Enforcement Officer or their designee.

The Enforcement Officer or designee may issue a citation for violation of this Article by any person, including, if applicable, the owner, manager or tenant of the lot on which a sign is located; for a sign erected, altered, maintained, converted, or used in violation of this Article; or in violation of any other applicable ordinance, including but not limited to, building and electrical codes.

Any person who shall violate any of the provisions of this Article or fail to comply with any of its requirements shall be subject to fines not to exceed \$500.00 per day.

Every violation of this Article shall constitute a misdemeanor and be punishable as such, but nothing herein contained shall prevent the City of Apalachicola from taking such other action as is necessary to prevent or remedy any violation.

The Enforcement Officer or designee may remove any sign or structure illegally placed upon a public right of way without any notice and may dispose of said sign or structure at owners' expense. Such removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing such signs in the public right of way.

W. Removal of Signs

- a. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within sixty days after the business or services advertised by the sign is no longer conducted on the premises.
- b. The Enforcement Officer may order the removal of any sign erected, installed or allowed to remain in violation of this Article. He/she shall give at least thirty days notice in writing, to the owner of such sign or of the building, structure or premises on which the sign is located to remove the sign or to bring it into compliance with this Article. The Enforcement Officer may order the removal of the sign at the expense of the owner of the premises if compliance with the written order is not obtained. Notice to the owner shall be deemed to be given as of the date of deposit in US Certified mail addressed to the address of record that date at the office of the Franklin County Property Appraisers Office or the City of Apalachicola Water and Sewer Department.

SECTION II

All ordinances or parts of ordinances in conflict herewith, to the extent of such conflict are hereby repealed.

SECTION III

This ordinance shall become effective upon affirmative vote of the majority of the City Commission and when signed by the Mayor and attested to by the City Administrator.

PART 6.00.00 - GENERALLY

Development may be pursued in a variety of ways. This article sets forth the development options established by the city. Depending on the circumstances of particular development scenarios, these options may be used singly or jointly. Where necessary the provisions relating to the different development options contain design standards that supplement or replace particular standards in Article VI, and procedures which supplement or replace particular procedures in Article X.

PART 6.01.00 - REGULATIONS GOVERNING SUBDIVISION OF LAND

It shall be the declared public policy of the City of Carrabelle to establish reasonable regulations and minimum standards for the subdivision of lands within its boundaries to insure the preservation of the health, safety and welfare of citizens. Pursuant to the authority conferred on the city commission, as the governing body of the city, by the Constitution of the State of Florida and F.S. Chapter 163, the city commission does hereby exercise its vested authority to regulate the subdivision of lands for the protection of the health, safety and welfare of its citizens as hereinafter provided.

Sec. 6.01.01 - Generally.

Sec. 6.01.01.01 - Purpose.

The purpose of the subdivision regulations is to set forth regulations regarding the subdivision and development of land within the corporate limits in order to protect the health, safety, welfare, and general well being of the citizens of Carrabelle.

Sec. 6.01.01.02 - Objectives.

These regulations are adopted to achieve the following objectives:

- A. Establishment of minimum standards of subdivision design which will encourage the development of sound and economically stable areas within the City of Carrabelle.
- B. Assure adequate and efficient supply of utilities and services to new land developments.
- C. Prevention of traffic hazards and congestion which result from narrow or poorly aligned streets, and from excessive exit and entrance points along major traffic arteries, and the provision for safe and convenient traffic circulation, both vehicular and pedestrian, in new land developments.
- D. Secure safety from fire, panic, natural disasters, and other dangers; to promote health and the general welfare.
- E. Prevention of sanitation and health hazards, especially in those subdivisions with lots to be served by individual water supply and individual waste disposal systems.
- F. Minimize flooding and insure proper stormwater management.
- G. Provide public open spaces for recreational, educational and other public purposes.
- H. Coordinate land development in orderly physical patterns consistent with general plans and policies adopted by the city commission.
- I. Prevent and discourage haphazard, premature, uneconomic, or sprawling land development.
- J. Protect the natural and scenic resources of the community including surface waters and aquifer recharge areas.

Sec. 6.01.01.03 - Applicability.

Whenever land within the boundaries of the city is divided so as to constitute a subdivision as defined herein, such subdivision of land shall be in compliance with the requirements set forth in these regulations. The entire parent parcel for any subdivision shall be reviewed by the city in conjunction with the subdivision review for any portion of the parent parcel.

Sec. 6.01.01.04 - Compliance with comprehensive plan.

No division of land shall be allowed that is in conflict with the densities, intensities, or other provisions of the City of Carrabelle Comprehensive Plan.

Sec. 6.01.01.05 - Compliance with other regulations.

No parcel of land shall be created, either by inclusion within or exclusion from a proposed subdivision, which cannot be properly utilized for a permitted use under the existing zoning regulations. A subdivision development shall meet or exceed the relevant requirements of all land development regulations adopted by the city. The approval of a subdivision development does not abrogate any legal requirement to comply with the regulations of any other governmental agency, local, state, or federal, which may have jurisdiction over the proposed activity.

Sec. 6.01.01.06 - Taxes.

No land shall be divided or subdivided and no drawing or plat of the division or subdivision of any land shall be filed or recorded in the public records of any court until all taxes have been paid on the land.

Sec. 6.01.01.07 - Exemptions.

Certain parent parcels or subdivisions created prior to July 26, 1989 may be exempt from these regulations. (See 11.03.00, Nonconformities.)

Sec. 6.01.01.08 - Design objectives.

A subdivision development should be designed to create a functional and attractive environment, minimize adverse impacts, provide maximum livability, provide safe and efficient access and circulation, and generally be an asset to a community. The city administrator and planning and zoning board may, in the application of these standards and guidelines, exercise design discretion to achieve the intent and purpose of these regulations.

Sec. 6.01.02. - Subdivision classification.

Sec. 6.01.02.01 - Generally.

There are three types of reviews regulating the division of property within the corporate limits of Carrabelle. They are:

- A. Certified parcel subdivision review.
- B. Platted subdivision with no improvement facilities review.
- C. Platted subdivision with improvement facilities review.

The type of review that a proposed division of property must undergo shall be determined in accord with the guidelines and standards below.

Sec. 6.01.02.02 - Certified parcel subdivision.

1. Certain parcels may be subdivided, subject to a certified parcel subdivision review, and not be required to be reviewed .
platted subdivision. Such parcels are those comprised of three lots or less which contain no improvement facilities to be
dedicated to the city; and
 - a. Have direct access to an existing publicly owned and maintained right-of-way; or
 - b. Have direct access to an existing privately owned and maintained right-of-way which meets city standards; or
 - c. Have access to an existing publicly-owned and maintained right-of-way via a legally established existing common
use area or easement, provided the easement width meets the standards of 6.02.01(B)(4)(c).
2. The following types of parcels shall qualify for review as a certified parcel subdivision, provided the criteria described
in the subsection above are met:
 - a. The residual parcel (of a parent tract) not required by the city nor proposed by an applicant for inclusion within a
platted subdivision.
 - b. Parcels created on or after July 26, 1989 which are not part of a publicly recorded surveyor platted subdivision.
 - c. Any number of parcels assembled into a larger parcel.
 - d. Parent parcels created by platted lot, deed, or folio number prior to July 26, 1989.
 - e. Parcels created by the court under probate or testate.
 - f. Parcels for which a site development plan has been approved.
 - g. Parcels granted legal nonconforming status per 11.03.00.

Sec. 6.01.02.03 - Platted subdivision.

A platted subdivision is a subdivision conforming to the provisions of F.S. Chapter 177 and for which roads, easements for access, drainage, or utilities, conservation or preservation areas or easements, and/or improvement facilities may be required or proposed depending upon the size and location of the subdivision. Platting of lots shall be required for this type of subdivision.

A Platted subdivision determined by the administrator to require no improvement facilities may be reviewed under abbreviated procedures as defined in Article XI of this code.

Sec. 6.01.02.04 - Subdivision design and improvement standards.

The design and improvement standards for subdivisions are prescribed in Article VII.

Sec. 6.01.02.05 - Procedure for subdivision approval.

The procedure for review and approval under this section is prescribed in Article XI.

PART 6.02.00 - SITE DEVELOPMENT PLAN

Sec. 6.02.01. - Purpose.

- A. Construction activity upon the land is an element in the process of community development. Such activity impacts public utilities, facilities, roadways and adjacent land and their use. Therefore, in the interest of the public health, safety and welfare, it is necessary that these activities be carried out in a proper and orderly fashion and in accordance with city standards.

- B. The purpose of the site development regulations is to establish procedures and standards for the review of construction activities and site development, except for single family and duplex residential development, in order to ensure the following:
1. Provision of efficient and effective review, determination and compliance procedures;
 2. Prevention of flooding within developments by ensuring adequate flood control and stormwater management are provided;
 3. Traffic hazards are minimized and traffic flow is enhanced, including pedestrian and other traffic;
 4. Developments are compatible with the sites as well as adjacent uses; land use capability chart.
 5. Developments are responsive to the environment and protection of environmentally sensitive areas;
 6. Availability and type of water and wastewater utilities serving the sites;
 7. Developments have adequate fire protection; and
 8. Compliance with F.S. Chapter 163 and the City of Carrabelle Comprehensive Plan.

Sec. 6.02.02. - General requirements.

- A. Site development plans shall be required for all new development in accordance with the site development regulations of this article in order to assist the administrator in assuring that development is in compliance with all applicable ordinances, regulations and resolutions of the city.
- B. All land uses shall be required to have a site development plan approved by the administrator and any other department or agency deemed necessary by the administrator prior to the issuance of a building or other construction permit or commencing any site land alteration or construction activity. Single family and two family detached dwellings on individual lots with their accessory uses and structures shall be exempt from the site development review.
- C. In instances where lots have been created and improvement facilities have been approved and constructed in accordance with the subdivision regulations, then a site development review shall be required for development upon those lots except as provided herein.
- D. All development reviewed under the site development regulations shall comply with the densities and intensities and other provisions established within the city's carrabelle comprehensive plan; unless otherwise excepted therein.
- E. All development shall meet or exceed the requirements of all land development regulations as established and adopted by the city, the State of Florida and the federal government unless such requirements have been waived by those governments.
- F. The approval of a site development plan is required before building permits may be issued for construction.
- G. Where lands have been or are subdivided or resubdivided, but ownership is described by metes and bounds without recording a plat in the manner and form required by regulations in effect at the effective date of the site development regulations, such lands may be used in accordance with the terms of the site development regulations provided:
1. That all necessary public facilities, services, and utilities are available to or located on such lands, or an agreement satisfactory to the city has been made and recorded whereby the deficiencies in necessary public facilities, services, or utilities will be remedied, and appropriate waivers, variances, or exemptions have been obtained; or
 2. That a plat of such land be recorded in the manner and form of and subject to, the requirements existing in regulations in effect at the time of the recording of such plat.

Sec. 6.03.01 - Purpose.

The intent of the planned development (PD) district is to encourage more creative and imaginative design than generally is possible under conventional zoning regulations.

It is intended to permit upon application and upon approval of site and use plans, the creation of PD districts. Suitability of such tracts for the PD district designation shall be determined by and shall be made in accordance with the comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the over-crowding of land, to avoid undue concentration of population, to preserve features of historical significance, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, other public requirements, and with a reasonable consideration being given to among other things, the character of the district and its peculiar suitability for particular uses and with a view to conserving the land throughout the city.

The procedures herein established are intended to substitute procedural protections for substantive regulations in recognition of the fact that traditional density, bulk, spacing and use regulations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development or redevelopment of parcels which lend themselves to an individual, planned approach. In addition, a development plan should be designed to ensure that the following general goals will be achieved.

- A. The proposed development shall be of such design that it will promote achievement of the stated purposes of the Carrabelle Comprehensive Plan.
- B. The development will efficiently utilize the available land, and will protect and preserve to that extent possible, natural features of the land such as trees, streams and topographic features.
- C. The development shall provide for harmonious and coherent site and building design that creates a sense of place.
- D. The development will be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
- E. In determining whether a proposed PD district should be approved, the city administrator, planning and zoning commission and the city commission shall ensure the extent to which the proposed development plan is consistent with the Carrabelle Comprehensive Plan and the other adopted plans and policies of the city.

Sec. 6.03.02 - Minimum area.

The minimum site area for a PD shall be five acres.

Sec. 6.03.03 - Effect of planned development district approval.

Approval of a PD district shall constitute an amendment to the zoning ordinance. Designation of a property as a PD district in accordance with an approved development plan shall supersede all existing and prior zoning classifications. Such property shall for zoning purposes be identified by the letters PD followed by an identifying number.

Sec. 6.03.04 - Uses and densities permitted.

The development plan shall specify both for the project as a whole and/or for subareas within the project, as appropriate, those principal and accessory uses and development densities that are to be permitted. The city commission may include or exclude uses from the development plan or include uses with attached conditions as appropriate to achieve the intent of these provisions. In making its determination of the uses and development densities to be permitted within the PD district, the commission may consider the compatibility and relationship of uses within the project, the compatibility and relationship of permitted uses adjoining or in proximity to the PD district, the appropriateness of permitted uses for the area in general and their overall impact on the community, and the consistency of the permitted uses with the Carrabelle Comprehensive Plan and other adopted plans and policies.

Sec. 6.03.05 - Content of development order.

A development order shall contain at a minimum the following provisions:

1. *Intensity of development.* The development order shall contain provisions to regulate the intensity of development within the planned development district. Such provisions may apply to the project as a whole or to subareas within the project.
 - a. For non-residential development, the intensity of development may be regulated:
 - (1) By specifying a floor area ratio (FAR) or ratios;
 - (2) By specifying maximum square footage or gross leasable area;
 - (3) By specifying setbacks, height and bulk restrictions; or
 - (4) By a combination of such restrictions for the project as a whole or for components or subareas within the project. In addition, non-residential development order may specify performance standards to be imposed on the project and restrictions regarding the location and nature of industrial, commercial and other non-residential activities. In making its determination regarding the intensity of development and appropriate performance standards, the city commission may consider the character and scale of similar development, the character and scale of surrounding development and the area in general, the real or anticipated impact on public facilities and services.
 - b. The maximum number of dwelling units permitted shall be computed. The permitted number of dwelling units may be distributed in any manner over the residential portion of the project consistent with the intent and provisions of this section. The development order shall specify distribution of residential density for the project as a whole or for subareas within the project. In making its determination regarding the distribution of residential densities, the city commission may consider the compatibility of residential densities with other uses within the district as well as outside the district, the impact of residential densities on public facilities and services.
2. *Uses permitted.* For non-residential development the specific uses shall be listed. For residential uses the types of dwellings shall be listed.
3. *Bulk, area and height requirements.* The development order shall specify bulk, area and height restrictions for the project as a whole or for sub-areas and/or components of the project. In making its determination regarding such restrictions, the Commission may consider the character and scale of the proposed development as it relates to other uses and structures both within the district and outside the district, and the general character and scale of similar development within the area of the proposal.
4. *Public facilities.* The development order shall specify conditions, restrictions and standards relating to the timely provision of necessary public facilities. In making its determination regarding such conditions, restrictions and

standards, the commission may consider the adequacy of existing facilities, the timely provision of adequate facilities, the impact of the proposed development on existing and/or planned facilities and the overall cost to the community.

5. *Access to public thoroughfares.* The development order shall specify the location and general design of ingress and egress to the project along with any proposed access restrictions. The city commission may impose such access standards and restrictions as are necessary to protect the integrity and function of the city's thoroughfare system and to insure the safe and efficient circulation of vehicles and pedestrians within the PD district. In making its determination regarding such access standards and restrictions, the commission may consider the classification and function of the thoroughfare system, existing and projected volumes, the condition and design of the affected thoroughfares, the effect of the proposed development on traffic flow and circulation patterns and the consistency with the Carrabelle Comprehensive Plan and other adopted plans and policies.
6. *Off-Street parking and loading requirements.* Unless specifically modified by the development order, the off-street parking and loading requirements imposed by Article VII shall apply. Reductions in off-street parking and loading standards may be approved only if it can be demonstrated that parking demand will be less due to design and/or occupancy characteristics of the project and/or the availability of public transportation.
7. *Sign requirements.* Unless specifically modified by the development order, the sign requirements imposed by Article VIII shall apply. The sign plan shall be approved only if the general intent of the sign regulations regarding size, location, illumination, structural integrity and relation to surrounding uses is satisfied.
8. *Landscaping and perimeter treatment.* The development order shall specify the design and arrangement of landscaping on all open space areas in the PD district, and on all buffer and perimeter areas provided to mitigate the impact of the project upon adjoining properties and/or to achieve an appropriate transition between land uses and densities. The city commission may impose such standards and requirements for perimeter treatment it deems necessary to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities.

PART 6.09.00 - DEVELOPMENT AGREEMENTS

Sec. 6.09.01 - General provisions.

Sec. 6.09.01.01 - Purpose.

It is the intent of this section to set forth the procedures and requirements necessary for the city to consider and enter into development agreements. It is the further intent of this division to encourage a strong commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development concurrent with the impacts of development, encourage the efficient use of resources, and reduce the economic cost of development.

Sec. 6.09.01.02 - Definitions.

The definitions set forth in F.S. § 163.3221 shall apply to this section.

Sec. 6.09.01.03 - Legal status.

To the extent of any conflict with the city land development code, as amended, or any other regulations of, and except as herein specifically provided, this section supersedes the city land development code, as amended, and other regulations, with respect to the subject matter hereof.

Sec. 6.09.02 - Procedures.

The procedures applying to this Section are prescribed in Article XI.

Sec. 6.09.03 - Requirements of a development agreement.

Sec. 6.09.03.01 - General information.

A development agreement shall, at a minimum, include the following:

1. A legal description and current land survey (certified) of the land subject to the agreement and the names of the legal and equitable owners;
2. The duration of the agreement;
3. A general description of the development, the development uses permitted on the land including population densities, and building intensities and height, and a description of the impacts and benefits of the development;
4. The land use designation of the property under the future land use element of the Carrabelle Comprehensive Plan;
5. The current zoning of the property;
6. A description of public facilities that will service the development, including who shall provide such facilities;
7. A description of any developer commitments;
8. The date any new facilities, if needed, will be constructed;
9. A schedule to assure public facilities are available concurrent with impacts of the development;
10. A description of any reservations or dedications of land for public purposes;
11. A description of all local development permits approved or needed to be approved for the development of the land;
12. Any anticipated approvals, waivers, variances or special exceptions sought by the developer;
13. A finding that the development permitted or proposed is consistent with the Carrabelle Comprehensive Plan and land development code;
14. A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, condition, term, or restriction;
15. Such conditions, terms, restrictions, or other requirements determined to be necessary by the city for the public health, safety, or welfare of its citizens;
16. With respect to any public facilities to be designed and/or constructed by the developer, design and construction shall be in compliance with all applicable federal, state, and county standards and requirements in order to insure the progress, quality and cost effectiveness of construction of the public facilities, to resolve in a timely manner design and construction related problems which may occur, and to protect the safety and welfare of the public. The standards and requirements shall include, but not be limited to, guarantees of performance and quality and project controls (including scheduling, quality controls, and quality assurance).

Sec. 6.09.03.02 - Stipulations.

All development agreements shall contain stipulations regarding the following, where applicable:

Parties involved; notice and hearing dates; property location; approved uses, densities, intensities and heights; duration; regulations and fees applicable; public facilities and concurrency schedule; dedications and permits required; consistency with comprehensive plan and land development regulations; conditions and terms of approval, with any phasing if needed; design/construct agreement to cover developer-provided public improvements, if required by the city; standard performance and warranty provisions on improvements to be accepted by the city; policies with regard to changes to approved development; policies with regard to changes to the agreement; resolution for disputes; cure period for defaults; and the basis for revocation.

Sec. 6.09.03.03 - Phasing.

A development agreement may provide that the entire development or any phase thereof be commenced or concluded within a specific period of time.

Sec. 6.09.03.04 - Developer commitments.

With respect to developer commitments that would be eligible for impact fee credits, nothing herein shall affect the eligibility to qualify for credits under appropriate impact fee ordinances. In order to be eligible for credits, the expenditure must have been subject to not less than three quotes in awarding the construction contract.

Sec. 6.09.04 - Post-approval actions.

Sec. 6.09.04.01 - Amendment and cancellation of agreement by mutual consent.

A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest. Prior to amending a development agreement, the city commission shall hold two public hearings on the proposed amendment.

Sec. 6.09.04.02 - Term.

The term of a development agreement shall not exceed five years or such time as F.S. §§ 163.3220—163.3243 may provide. A development agreement may be extended by mutual consent of the city commission and the developer, subject to public hearings in accordance with Article XI. The term of any one extension shall not exceed five years or such time as F.S. § 163.3220 et. seq., may provide.

Sec. 6.09.04.03 - Recordation.

Within 14 days after the city enters into the development agreement, the city clerk shall have the agreement recorded in the public records of the city. A copy of the recorded development agreement shall be submitted to the Department of Community Affairs within 14 days after the agreement is recorded. If the agreement is amended, canceled, modified, extended, or revoked, the clerk shall have notice of such action recorded in the public records and such recorded notice shall be submitted to the Department of Community Affairs.

Sec. 6.09.04.04 - Periodic review.

1. The city shall review the development subject to the development agreement every 12 months, commencing 12 months after the effective date of the agreement.
2. The city shall begin the review process by giving notice to the developer that the city intends to undertake a periodic review of the development.
3. If the city finds and determines that the developer has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded.
4. If the city makes a preliminary finding that there has been a failure to comply with the terms of the development agreement, the city commission shall conduct a public hearing at which the developer may demonstrate good faith compliance with the terms of the agreement. If the city commission finds and determines on the basis of substantial competent evidence that the developer has not complied in good faith with the terms and conditions of the agreement during the period under review, the city commission may modify or revoke the agreement.

Sec. 6.09.04.05 - Governing laws and policies.

The laws and policies governing development specifically approved in a development agreement shall be as set forth in F.S. § 163.3233.

Sec. 6.09.04.06 - Enforcement.

Enforcement of the terms of a development agreement shall be as set forth in F.S. § 163.3243 and as otherwise provided in this code.

PART 6.10.00 - COMMUNITY DEVELOPMENT DISTRICTS

Sec. 6.10.01 - General provisions.

Sec. 6.10.01.01 - Purpose.

It is the intent of this section to set forth the procedures and requirements necessary for the city to consider and approve community development districts. It is the further intent of this division to encourage a strong commitment to capital facilities planning, management and financing to ensure the provision of adequate capital infrastructure to service projected growth without overburdening the general taxpayer.

Sec. 6.10.01.02 - Governing laws and policies.

The laws and policies governing development specifically approved in a community development district shall be as set forth in F.S. ch. 190.

Sec. 6.10.01.03 - Enforcement.

Enforcement of the terms of a community development district shall be as set forth in F.S. ch. 190, and as otherwise provided in this code.

Sec. 6.10.01.04 - Definitions.

The definitions set forth in F.S. ch. 190 shall apply to this section.

Sec. 6.10.01.05 - Legal status.

To the extent of any conflict with this code, or any other regulations of city, and except as herein specifically provided, this section supersedes other city codes and regulations, with respect to the subject matter hereof.

Sec. 6.10.02 - Procedures.

The procedures applying to this Section are prescribed in Article XI.

Article VIII. - SIGNS

PART 8.00.00 - GENERAL PROVISIONS

Sec. 8.00.01 - Relationship to building and electrical codes.

These sign regulations are intended to complement the requirements of the building and electrical codes adopted by the city. Wherever there is inconsistency between these regulations and the building or electrical code, the more stringent requirements shall apply.

Sec. 8.00.02 - No defense to nuisance action.

Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

Sec. 8.00.03 - Maintenance.

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the city, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

Sec. 8.00.04. - Definitions.

Accessory sign: A permanent ground or building sign that is permitted under this Code as incidental to an existing or proposed use of land.

Advertising: Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Abandoned sign: A sign which no longer identifies or advertises a bona fide business, leaser, service, owner, product, or activity, or for which no legal owner can be found.

Animated sign: Any sign which uses movement or change of lighting to depict action or to create a special effect or scene.

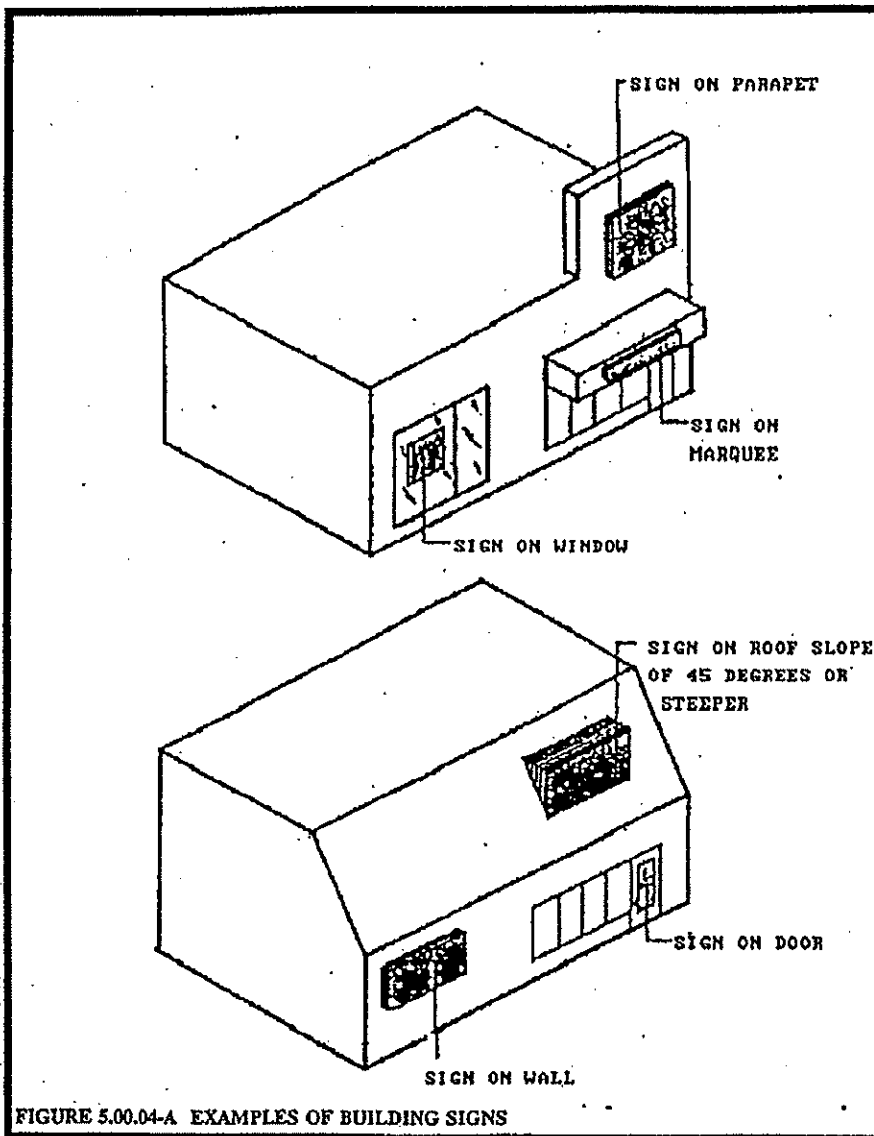
Awning: A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework.

Awning sign: A sign painted on, printed on, sewn, or attached against the surface of an awning.

Banner: A sign on which copy or graphics may be displayed, made of paper, plastic, fabric or any flexible, nonrigid material with no enclosing framework or frames. For purposes of this ordinance, the term "banner" shall not be deemed to include flexible sign face substrates, which are used as the enclosed face on advertising signs using back illumination, consisting generally of a polyester scrim embedded between two layers of white pigmented vinyl formulated to accepted opaque and translucent films, and meeting Federal Standards #191-A (Textile Test Methods)

Billboard: See "Off-premises sign."

Building sign: A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees, and roof slopes of 45 degrees or steeper. See Figure 5.00.04-A.



Commercially developed parcel: A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Construction sign: A temporary sign identifying an architect, contractor, subcontractor, financial institution, developer, or material supplier participating in construction on the property on which the sign is located.

Copy: The linguistic or graphic content of a sign.

Double-faced sign: A sign with two faces.

Electric sign: Any sign containing electric wiring.

Erect a sign: To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Facade: The entire building front including the parapet.

Face of sign: The area of the sign in which the copy is located.

Festoons: A string of ribbons, tinsel, small flags, or pinwheels.

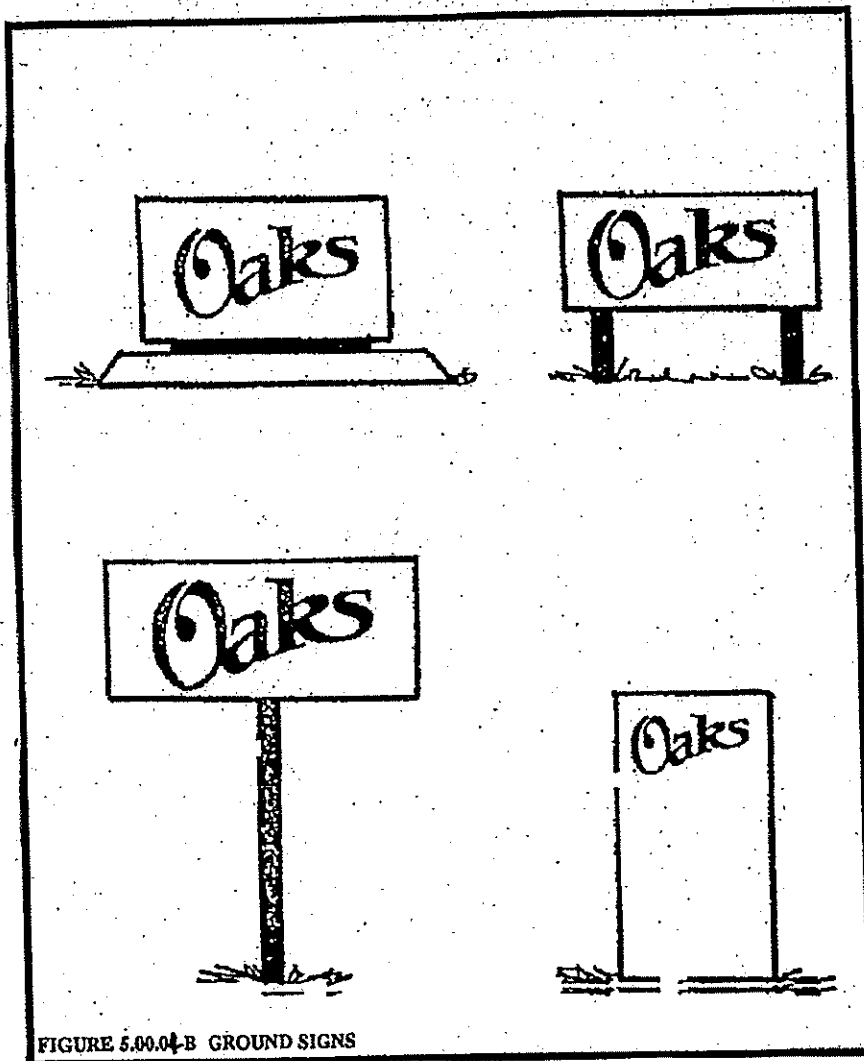
Flags: A flexible, graphic device representing a government, business, or other identifiable entity.

Frontage: The length of the property line of any one parcel along a street on which it borders.

Frontage, building: The length of an outside building wall facing a public right of way.

Governmental Sign: Any temporary, portable, or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility; or used for any other public purpose.

Ground Sign: A sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building. See Figure 5.00.01-B.



Identification Sign: A sign whose copy is limited to the name and address of a building, institution, or person, activity or occupation being identified.

Illegal sign: A sign which does not meet the requirements of this chapter and which has not received legal nonconforming status.

Illuminated sign: A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Incidental sign: A small sign, emblem, or decal, located on the window or wall of the building, informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or sign indicating the hours of business.

Inflatable sign: A sign or sign statuary that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

Mansard: A sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee: A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Monument sign: A sign designed to be mounted on a concrete footing or similar support which allows the base of the sign structure to be placed at grade level and not supported by poles or attached to other structures.

Multiple occupancy complex: A commercial use, i.e., any use other than residential or agricultural, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Nonconforming sign: Any sign within the city on the effective date of this code (or a sign existing within any area annexed to the city after the effective date of this code) which is prohibited by, or does not conform to the requirements of, this code; except signs that are within ten percent of the height and size limitations of this code, and that in all other respects conform to the requirements of this code, shall be deemed in conformity with this code.

Occupant: Also referred to as occupancy. A commercial use, i.e. any use other than residential or agricultural.

Off-premises sign: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising"

Outdoor advertising sign: A permanent ground sign supported by a post, or posts, attached to which is a sign face intended to directly or indirectly promote the sale or use of a product, commodity, entertainment, real or personal property, or a service.

Owner: The record owner of the property. For the purposes hereof, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the city, e.g., a sign leased from a sign company.

Parapet: The extension of a false front or wall above a roofline.

Parcel: A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of this code or lead to absurd results, a "parcel" may be as designated for a particular site by the board.

Permanent: Designed, constructed, and intended for more than a short time.

Plaza sign: An on-premises sign of a facility which is a multiple occupancy complex for more than one business, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Point of purchase display: Advertising of a retail item on the product display, e.g., an advertisement on a product dispenser.

Political sign: For the purposes of this land development code, a temporary sign used in connection with a local, state, or national election or referendum.

Portable sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, not including portable governmental signs.

Projecting sign: A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Real estate sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roof line: A horizontal line intersecting the highest point or points of a roof.

Roof sign: A sign placed above the roof line of a building or on or against a roof slope of less than 45 degrees.

Sandwich sign: Also referred to as a "sandwich board sign." Signboard consisting of two hinged boards that hang front and back from the shoulders of a walker and are used to display advertisements; these signs are not secured or attached to the ground or any building or structure and displayed in or proximate to areas of pedestrian traffic

Sign: Any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device which is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term "sign" shall not be deemed to include the terms "building" or "landscaping" or any architectural embellishment of a building not intended to communicate information.

Sign face: The part of a sign that is or may be used for copy.

Sign face area: The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

Sign structure: Any construction used or designed to support a sign.

Snipe sign: Any temporary, unpermitted sign, banner, or poster made of any material, including paper, cardboard, wood, and metal, when such sign is tacked, nailed, posted, pasted glued, or otherwise attached to trees, telephone poles, fences, conventional sign pole(s), pedestal, other similar object, or having wire legs located or situated on public or private property. Snipe signs shall not include "posted property" signs.

Street: A public or private right of way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways, and boulevards.

Temporary: Designed, constructed, and intended to be used on a short-term basis.

Total sign area: Unless otherwise qualified, e.g. square footage "per face," any reference in this chapter to "sign area" or to a square footage without more, shall mean total square footage of all faces for the sign.

Under-canopy sign: A sign suspended beneath a canopy, ceiling, roof, or marquee.

Unit: That part of a multiple occupancy complex housing one occupant.

Vehicle sign: Any sign affixed to a vehicle.

Wall sign: A sign attached parallel to and extending not more than 12 inches from the wall of a building; this definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

Window sign: A sign installed inside a window and intended to be viewed from outside.

PART 8.01.00 - EXEMPT SIGNS

The following signs are exempt from the enforcement of these sign regulations, and from the requirement in this code that a permit be obtained for the erection of permanent signs, provided they are not placed or constructed so as to create a hazard of any kind:

- A. Signs that are not designed or located so as to be visible from any street or adjoining property.
- B. Signs of two square feet or less and signs that include no letters, symbols, logos, or designs in excess of two inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by section 8.02.02 of this code.
- C. Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the State of Florida, the United States, Franklin County, or the City of Carrabelle.
- D. Legal notices and official instruments.
- E. Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the city commission for a prescribed period of time.

- F. Holiday lights and decorations.
- G. Flags, emblems, or insignias of the United States, State of Florida, Franklin County, or the City of Carrabelle.
- H. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
- I. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers. Except for signs identified in section 8.02.02, subparagraph "V".
- J. Public warning signs to indicate the dangers of trespassing, swimming, animals, or similar hazards.
- K. Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.
- L. Religious displays.
- M. Political signs. Political Signs are defined as any sign that requires a political disclaimer under F.S. ch. 106. Political signs must meet the following standards.
 1. Placement. Signs shall be placed on private property only and with the permission of the property owner. The signs may be placed back-to-back, or single face, but multiple signs of the same candidate shall not be placed within ten feet of one another, regardless of size.
 2. Dimensions. Political signs shall not exceed eight square feet per sign face and shall not exceed five feet in sign height measured from the aggregate grade.
 3. Timelines for placement. All political signs shall not be displayed prior to 90 days before the date of any election and shall be removed within ten days following the end of any election cycle. If a primary or run off exists, only candidates or issues advancing will be allowed to continue sign placement.
- N. Sandwich/sandwich board signs with a sign face of four square feet or less. Sandwich signs shall be in good taste, located on private property, and with a minimum distance of twenty feet between consecutive signs. There shall be a maximum of two sandwich signs per parcel and/or business.
- O. Under canopy signs which shall be limited to two per occupancy and no more than four square feet per sign.
- P. Signs, commonly referred to as "wind signs," consisting of one or more pennants, ribbons, spinners, streamers, captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind and determined to be in good taste by the planning and zoning board.

PART 8.02.00 - PROHIBITED SIGNS

Sec. 8.02.01 - Generally.

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this code.

Sec. 8.02.02. - Specifically.

The following signs are expressly prohibited unless exempted by Part 8.01.00 of this Code or expressly authorized by Part 8.03.00 or Part 8.04.00 of this code:

- A. Signs that are in violation of the building code or electrical code adopted by the city.
- B. Any sign that, in the opinion of the Board, does or will constitute a safety hazard.

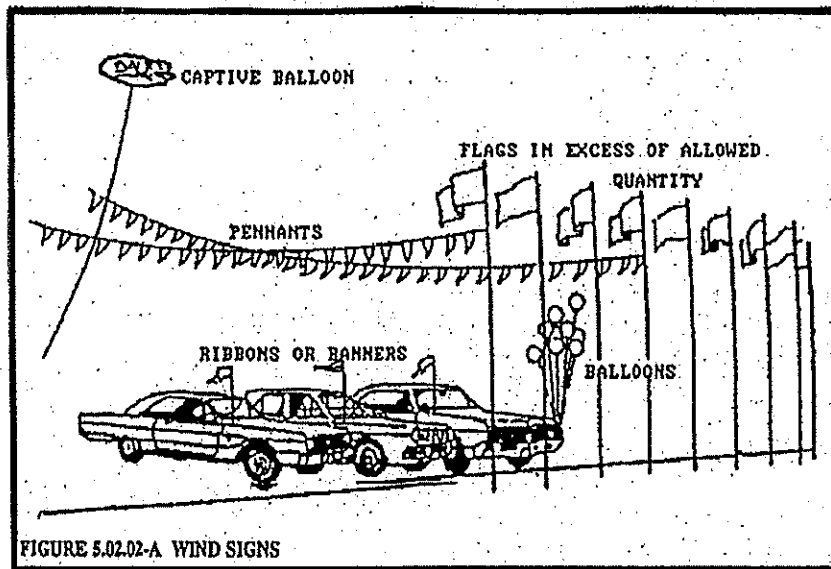
- C. Blank temporary signs.
- D. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- E. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- F. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color except for time/temperature/date signs.
- G. Signs carried by a person.
- H. Banners, except for temporary banners as authorized in section 8.03.05, subsection "F", of this code.
- I. Inflatable signs.
- J. Signs that incorporate projected images emit any sound that that is intended to attract attention, or involve the use of live animals.
- K. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this code or other ordinance of the city.
- L. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- M. 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 reasonable confused with or construed as, or conceal, a traffic control device.
- N. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
- O. Non-governmental signs that use the words "stop," "look," "danger," or any similar work, phrase, or symbol.
- P. 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 way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- Q. Searchlights used to advertise or promote a business or to attract customers to a property.
- R. 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.
- S. Signs placed upon benches, bus shelters, or waste receptacles, except as may be authorized in writing pursuant to F.S. § 337.407.
- T. Signs erected on public property, or on private property (such as private utility poles) located on public property, other than signs erected by a public authority for public purposes.
- U. Signs erected over or across any public street except as may otherwise be expressly authorized by this code, and except governmental signs erected by or on the order of a public officer.
- V. All off-premises outdoor advertising signs.
- W. No person or business shall operate or park any vehicle or trailer in a non-designated parking spot/lot on public right of way or public property so as to be visible from the public right of way, which has attached thereto or located thereon any sign or advertising device for the primary purpose of advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises.
- X. Any sign erected or displayed in any fresh water wetlands or salt marsh areas subject to periodic inundation by

tidal saltwater.

Y. Any sign on, or towed behind, a boat or raft on waters within the city or its purview.

Z. Portable signs.

AA. Snipe signs.



PART 8.03.00 - PERMITTED TEMPORARY SIGNS

Sec. 8.03.01 - Where allowed.

Temporary signs are allowed throughout the city, subject to the restrictions imposed by this section and other parts of this code.

Sec. 8.03.02 - Sign types allowed.

A temporary sign may be a ground or building sign but may not be an electric sign.

Sec. 8.03.03. - Permits.

Temporary signs as defined in this Code shall not require a permit from the city.

Sec. 8.03.04. - Removal of illegal temporary signs.

Any temporary sign not complying with the requirements of this section is illegal and subject to immediate removal. The city administrator or his designee shall have the authority to remove all illegal signs, without notice to the owners thereof, prohibited by this Code, and to impound them for a period of 30 days. The owner or person entitled to possession of a sign impounded may recover any impounded sign prior to the expiration of the 30-day impoundment period upon the payment to the city of the costs incurred in the impounding of such sign, including attorney's fees and any applicable fines. In the event any impounded sign is not claimed within 30 days, the city administrator, or his designee, may dispose of the sign in the same manner as surplus or abandoned city property.

Sec. 8.03.05. - Permissible temporary signs.

A temporary sign may display any message as long as it is not advertising as defined by this code, except that advertising for the following purposes may be displayed:

- A. To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent or lease the property on which the sign is located; provided that if the property is for lease or rent such sign shall be attached or affixed to the building or structure and shall not be staked or placed into the ground. Temporary real estate signs advertising the lease or rental of property shall not exceed two signs per unit and each individual rental sign shall not exceed a total of four square feet. Property which is for sale is covered under section 8.03.06 of this code.
- B. To indicate the grand opening of a business or other activity. Such message may be displayed for a period not exceeding 14 days within the first three months that the occupancy is open for business.
- C. To identify construction in progress. Such signs shall be 32 square feet or less and any construction sign shall not be displayed more than 60 days prior to the beginning of actual construction of the project, and shall be removed when construction is completed. If a message is displayed pursuant to this section, but construction is not initiated within 60 days, the sign shall be removed, pending initiation or continuation of construction activities.
- D. To indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than 60 days or until installation of permanent signs, whichever shall occur first.
- E. To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, or any public, charitable, educational, or religious event or function. Such message shall be removed within five days after the special event.
- F. Upon written application to, and approval by, the city, a temporary banner may be erected in the city only under the following terms and conditions:
 - 1. A temporary banner covering a sign in a business district which has been damaged by windstorm or other casualty, provided such banner is displayed for not more than the 45-day period following such windstorm or casualty; and
 - 2. During a special event, a temporary banner not exceeding 32 square feet may be approved for use. Any banner approved for a special event must be one-sided, located entirely against a solid structure or sign, and stretched tight and securely fastened at each corner or edge. All such banners shall be permitted for a maximum length of time of two weeks.
- G. Wind signs may be permitted for as long as they are displayed in good taste and in a non-excessive manner. Upon determination by the city administrator, the city can order the removal of such wind signs determined to be excessive or outstandingly bad in their display.

Sec. 8.03.06. - Permissible size, height, and number of temporary signs.

- A. *One-family and two-family residences/businesses:* A parcel on which is located a single one-family or two-family residence or business may display not more than two temporary signs indicating the sale of such property with an aggregate sign area of not more than eight square feet per unit. No individual sign for the sale of the property shall exceed six square feet nor exceed six feet in height.
- B. *Three-family and four-family residences/businesses:* A parcel on which is located a single three-family or four-family residence or business may display not more than two temporary signs per individual unit indicating the sale of such property with an aggregate sign area of not more than eight square feet per unit. No individual sign for the sale of

such property shall exceed six square feet nor exceed six feet in height.

C. *On all other parcels:*

1. All other parcels may display one square foot of temporary signage for the sale of such property per ten feet of frontage up to a maximum of 48 square feet of total signage. No individual sign shall exceed 12 square feet nor exceed eight feet in height. Signs must be spaced at least 100 feet apart. All parcels shall be permitted a minimum of six square feet of temporary signage indicating it is for sale.
2. "Display Signs" shall be defined as signage for the sale of five or more residential or commercial units while under construction or thereafter, including single-family and multi-family residential and commercial units, and shall be limited to no more than two signs per property or project with an aggregate sign area of 64 square feet. No such individual sign for the sale of such property shall exceed 32 square feet nor exceed eight feet in height. These display signs shall be erected in place of and not in addition to the signs described above in subsection C.1. Should four or fewer units of a larger multi-unit project be placed on the market for sale, see the above subsections A. and B. as applicable.
3. All signs erected under this section shall conform to the Florida Building Code and certification of compliance by a state licensed engineer or architect may be required by the city or its designated building agent or city administrator.

D. All other signage requirements for dwellings or parcels that are for sale which are not directly covered by these above sections shall be determined in the sole discretion of the city administrator applying these above sections in a fair and equitable manner.

PART 8.04.00 - PERMITTED PERMANENT ACCESSORY SIGNS

Sec. 8.04.01 - Sign types allowed.

A permanent accessory sign may be a ground or building sign or a work of art placed with the intention of advertising a commercial establishment or entity. A permanent accessory sign may not be a roof sign.

Sec. 8.04.02 - Permissible number, area, spacing, and height of permanent accessory signs.

A. *Ground signs:* The permissible number, area, spacing, and height of permanent accessory ground signs for each multiple occupancy complex and each occupant not located in a multiple occupancy complex shall be determined according to the following tables and text:

Permissible Ground Signs

Frontage on a Public Right-of-way (feet)	Number of Signs Allowed	Total Sign Area Allowed(sf)	Minimum Distance from Any Side Property Line (feet)	Maximum Height (feet)
Less than 50	1	24	10	18
At least 100 but less than 200	1	64	20	18

At least 200 but less than 300	1	96	50	18
At least 300 but less than 400	2	128	50	18
400 or more	2	192	50	18

B. *Building signs:* Subject to the design criteria in Part 5.07.00 of this article, the maximum height of a building sign shall be 18 feet, except that on a building of more than two stories, a single building sign is allowed above eighteen (18) feet on each side of the building.

1. Each multiple occupancy complex may display one (1) permanent accessory building sign on each side of the principal building or buildings in which the complex is located, not to exceed a sign area of up to ten percent of the façade area (see Part 5.06.00, Measurement Determinations) of each building side or two hundred square feet, whichever is smaller.
2. Each occupant of a multiple occupancy complex may display three permanent accessory building signs on any exterior portion of the complex that is part of the occupant's unit (not including a common or jointly owned area), not to exceed a total combined sign area of fifteen percent of the façade area (see part 5.06.00, Measurement Determinations) of such exterior portion or 200 feet, whichever is smaller.
3. Each occupant not located in a multiple occupancy complex may display three permanent accessory building signs on each side of the principal building in which the occupancy is located, not to exceed a total combined sign area for each building side of 20 percent of the façade area (see Part 5.06.00, Measurement Determinations) of the building side or 200 square feet, whichever is smaller.

C. *Multiple frontages:* If a building has frontage on two or more streets, each frontage shall be separately considered for the purposes of determining compliance with the provisions of these regulations, but the permitted sign area for one frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one frontage. However, no ground sign on one right of way may be closer than 100 feet to a sign on another right of way, measured as the sum of distances measured continuously along the rights-of-way through a common point or points.

Sec. 8.04.03. - Time/temperature/date signs.

Time/Temperature/Date signs are permitted as a permanent accessory sign on commercially developed parcels notwithstanding the general prohibition on changing signs. These signs may only display numerical information in an easily comprehensible way and shall be kept accurate. They may be ground or building signs and are subject to the regulations applicable to such signs. They shall be counted as part of an occupancy's allowable sign area.

Sec. 8.04.04 - Directional signs.

Directional signs are limited in area to four square feet, giving directions to motorists regarding the location of parking areas and access drives shall be permitted as permanent accessory signs on all parcels and shall not be counted as part of occupancy's allowable sign area.

Sec. 8.04.05 - Signs at entrances to residential developments.

A. *Generally:* A permanent accessory sign may be displayed at the entrance to residential developments.

B. *Restrictions:*

1. One sign is permitted at only one entrance into the development from each abutting street. The sign may be a single sign with two faces of equal size or may be two single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed 32 square feet in size and may be illuminated with a steady light only.
2. When considering the placement of such signs, the planning and zoning board shall consider the location of public utilities, sidewalks, and future street widening.
3. The planning and zoning board shall ensure that such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent owners' association, or some other person who is legally accountable under a maintenance arrangement approved by the board. If no accountable person accepts legal responsibility to maintain the sign(s) and no other provision has been made for the maintenance of them, the sign(s) shall be removed by the developer or owner.

Sec. 8.04.06 - Utility signs.

Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed three) feet in height, and so long as the sign face does not exceed one-half square foot.

PART 8.05.00 - PERMITTED PERMANENT OUTDOOR ADVERTISING SIGNS

Sec. 8.05.01 - Where allowed.

It is the purpose and intent of this section to prohibit permanent outdoor advertising signs in order to maintain the aesthetic appearance of the city.

Sec. 8.05.02 - Types prohibited.

All permanent outdoor advertising signs, as defined by this code, are prohibited.

PART 8.06.00 - MEASUREMENT DETERMINATIONS

Sec. 8.06.01 - Distance between signs.

The minimum required distance between signs shall be measured along street rights of way from the closest parts of any two signs. See Figure 5.06.01-A.

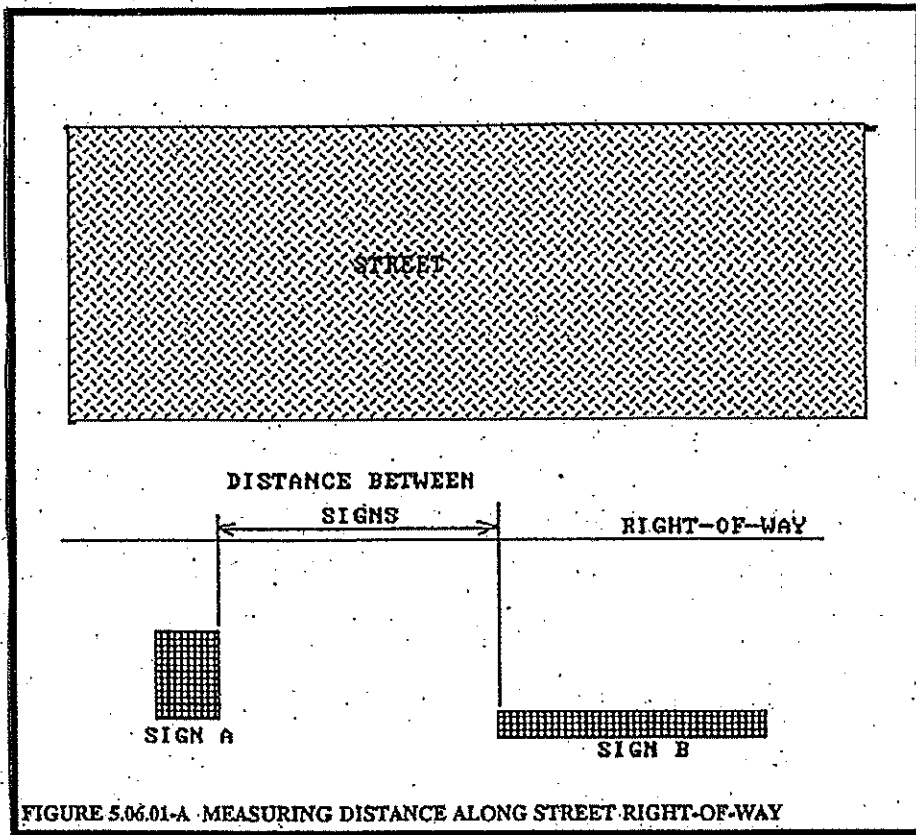
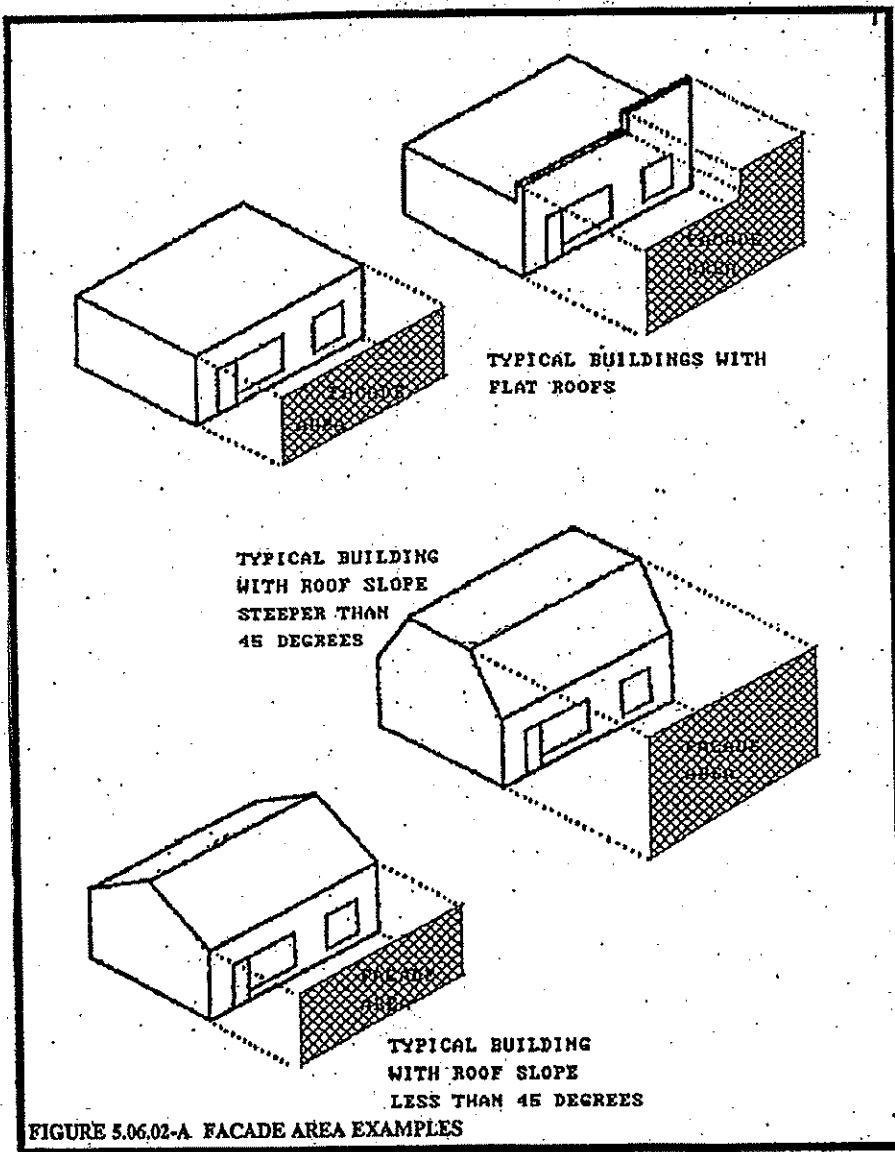


FIGURE 5.06.01-A. MEASURING DISTANCE ALONG STREET RIGHT-OF-WAY

Sec. 8.06.02 - Facade area.

The facade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes of greater than 45 degrees that from a side of a building or unit. See Figure 5.06.02-A.



Sec. 8.06.03 - Sign area.

- A. *Generally:* The area of a sign shall be the area within the smallest square, rectangle, parallelogram, triangle, circle, or semicircle, the sides of which touch the extreme points or edges of the sign face.
- B. *Special situations:*
1. Where a sign is composed of letters or pictures attached directly to a facade, window, door, or marquee, 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 or semicircle, the sides of which touch the extreme points of the letters or pictures. See Figure 5.06.03-A.
 2. Where two sign faces are placed back to back on a single sign structure and the faces are at no point more than four feet apart, the area of the sign shall be counted as the area of one of the faces.
 3. Where four sign faces are arranged in a square, rectangle, or diamond, the area of the sign shall be the area of the two largest faces. See Figure 5.06.03-B.
 4. Where a sign is in the form of a three-dimensional object, the area shall be determined by drawing a square, rectangle, parallelogram, triangle, circle, or semicircle, the sides of which touch the extreme points or edges of the projected image of the sign and multiplying that area by two (2). The "projected image" is that image created

by tracing the largest possible two dimensional outlines of the sign. See Figure 5.06.04-A.

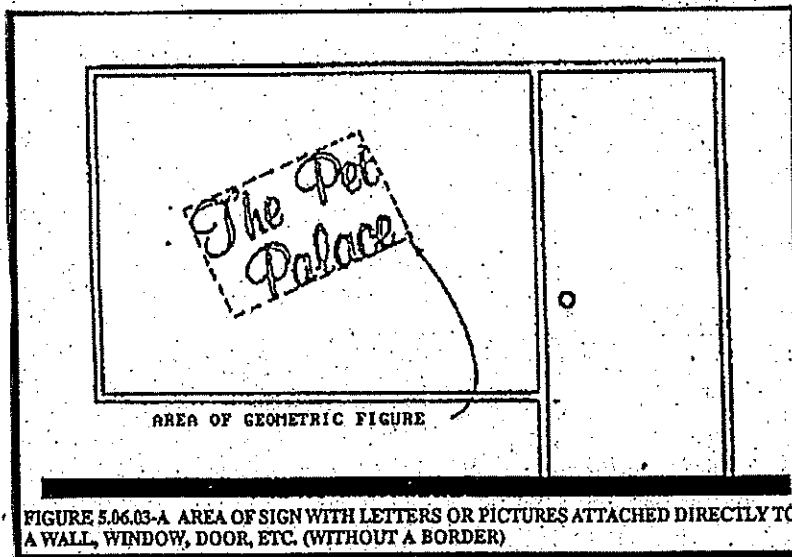


FIGURE 5.06.03-A AREA OF SIGN WITH LETTERS OR PICTURES ATTACHED DIRECTLY TO A WALL, WINDOW, DOOR, ETC. (WITHOUT A BORDER)

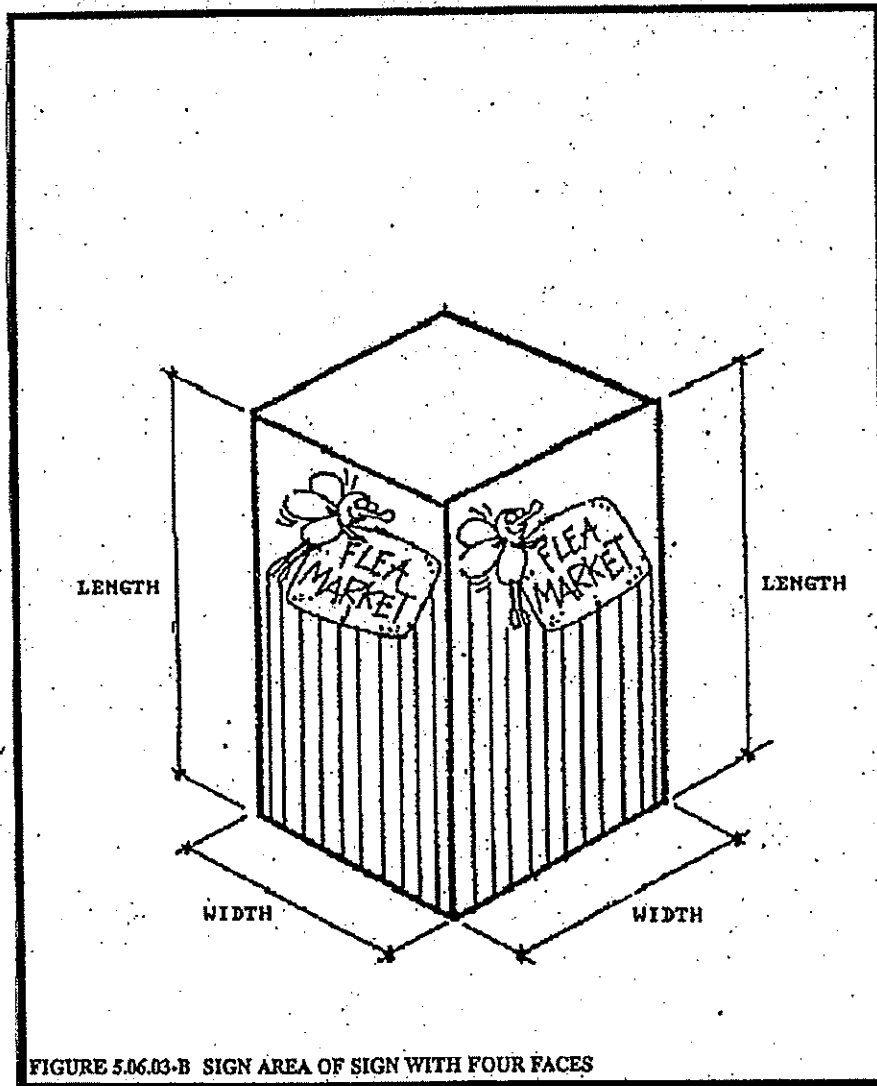


FIGURE 5.06.03-B SIGN AREA OF SIGN WITH FOUR FACES

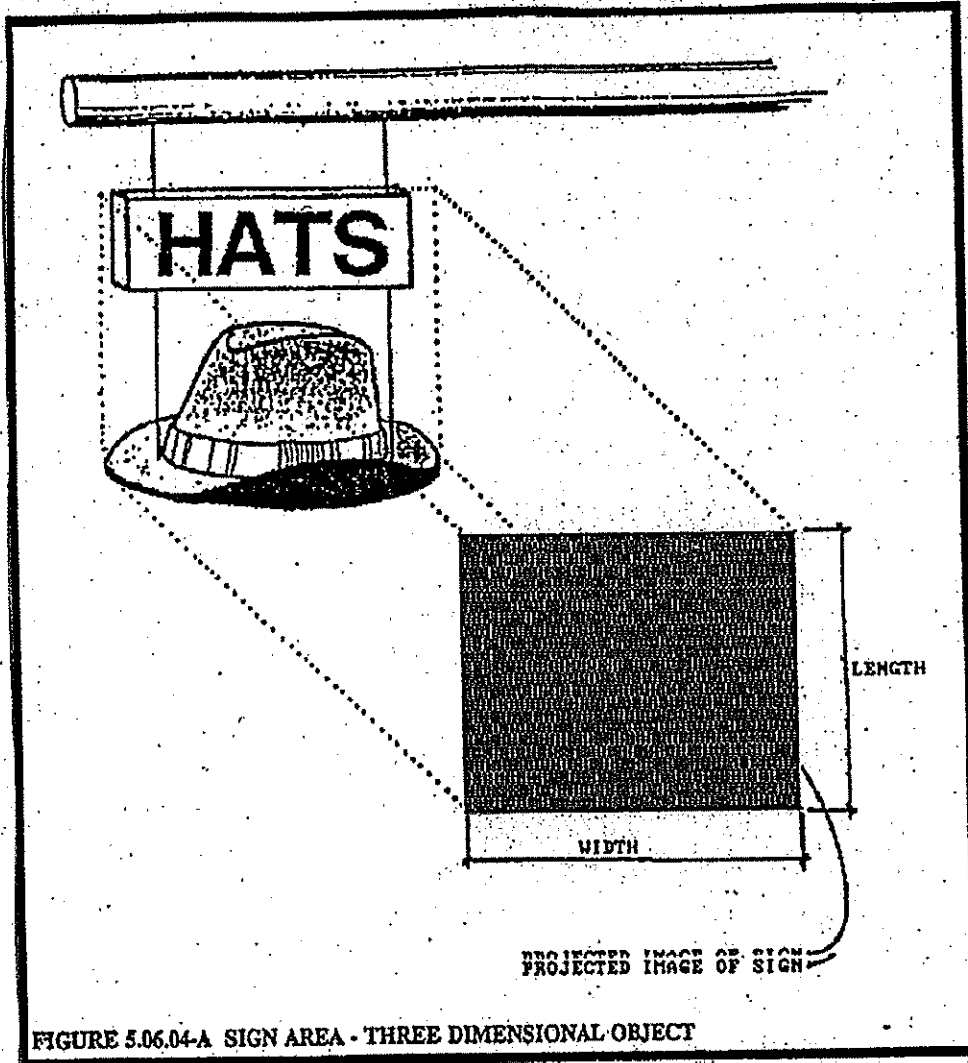
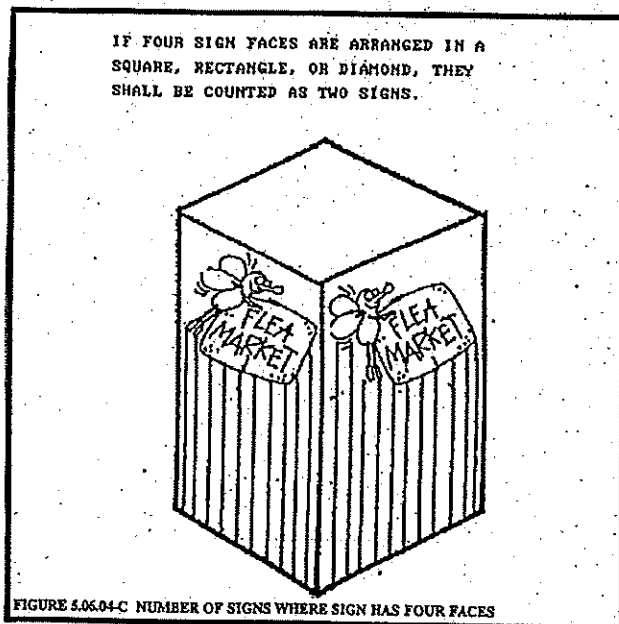
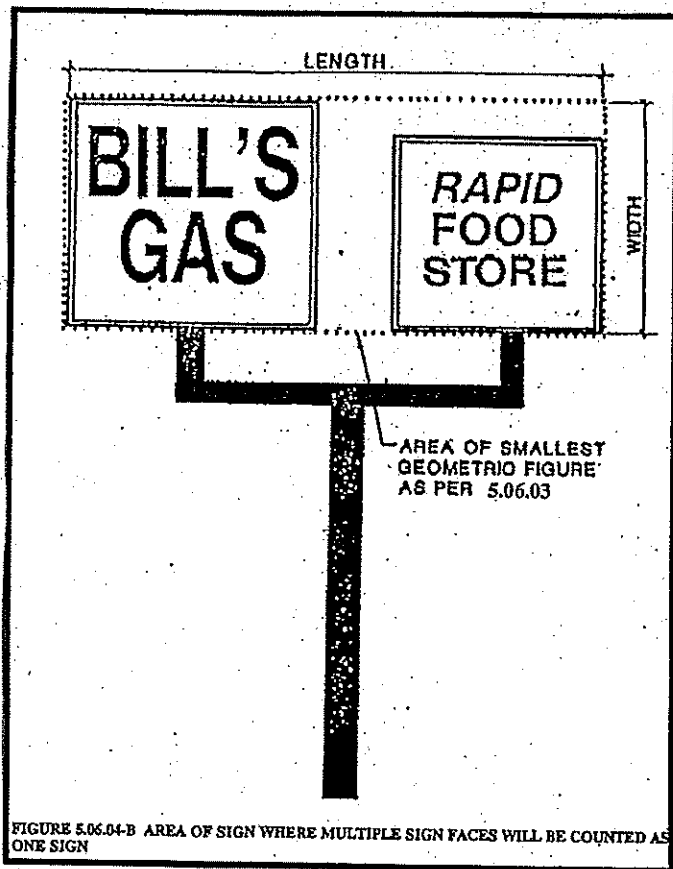


FIGURE 5.06.04-A SIGN AREA - THREE DIMENSIONAL OBJECT

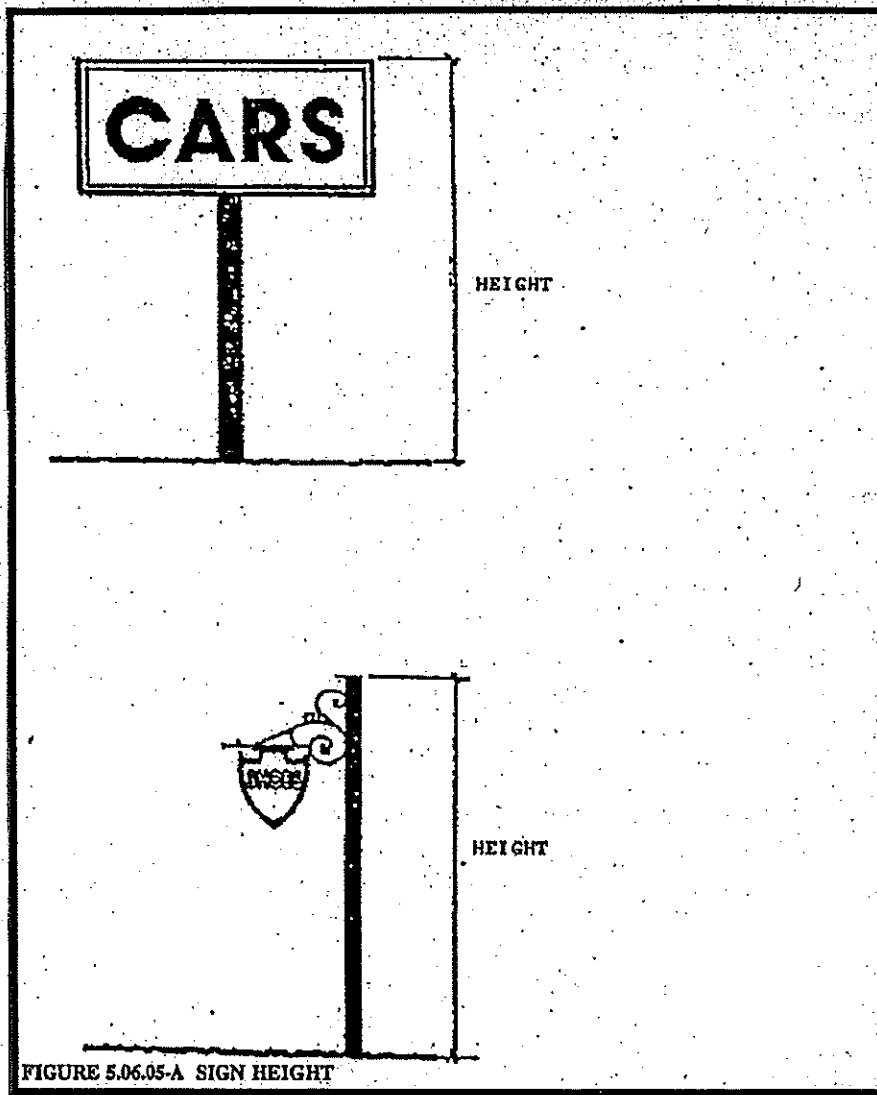
Sec. 8.06.04 - Number of signs.

- A. *Generally:* In general, the number of signs shall be the number of non-contiguous sign faces. Multiple non-contiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area. See Figure 5.06.04-A.
- B. *Special Situations:*
1. Where two sign faces are placed back to back and are at no point more than three feet apart, it shall be counted as one sign.
 2. If a sign has four faces arranged in a square, rectangle, or diamond, it shall be counted as two signs. See Figure 5.06.04-C.



Sec. 8.06.05 - Sign height.

The height of a sign shall be measured as the vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher. See Figure 5.06.05-A.



PART 8.07.00 - DESIGN, CONSTRUCTION, AND LOCATION STANDARDS

Sec. 8.07.01 - Generally.

All permanent signs must comply with the following design, construction, and location standards.

Sec. 8.07.02 - Compliance with building and electrical codes required.

All permanent signs, and the illumination thereof, shall be designed, constructed, and maintained in conformity with applicable provisions of the building and electrical codes adopted by the city. Additionally, the following will apply:

- A. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
- B. Wind loads. All signs shall be designed and constructed to meet the wind loading requirements as set forth in the Florida Building Code.
- C. All signs containing electrical components shall be constructed according to the specifications of the Florida Building Code as well as the specifications of Underwriters' Laboratories or other approved testing agency. All such signs shall have a clearly visible testing agency label permanently affixed.

Sec. 8.07.03 - Illumination standards.

- A. Sign lighting may not be designed or located to cause confusion with traffic lights.
- B. Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.
- C. Illuminated signs shall not have lighting mechanisms that project more than 18 inches perpendicularly from any surface of the sign over public space.

Sec. 8.07.04 - Placement standards.

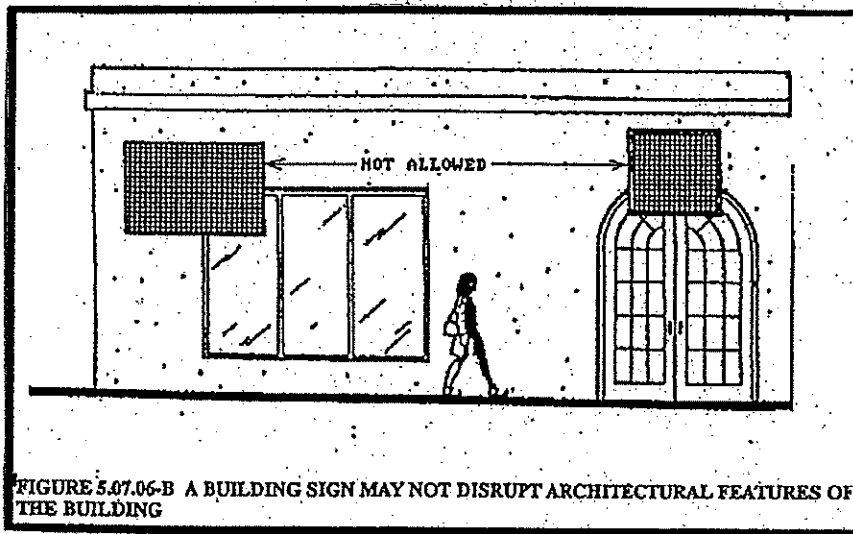
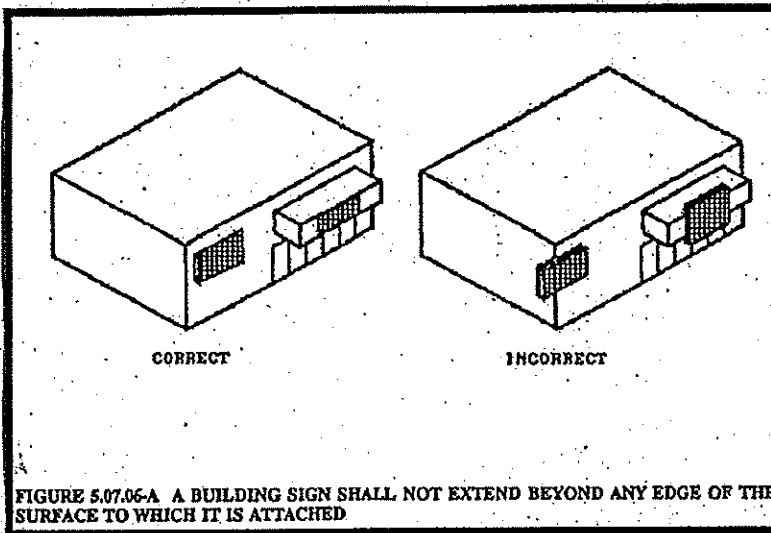
- A. *Near street and driveway intersections:* Signs located within a clear visibility triangle shall conform to the requirements of this code, Florida Building Codes, and the Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways published by the Florida Department of Transportation.
- B. *In right-of-way:* Supports for signs or sign structures shall not be placed in or upon public right of way or public easement.
- C. *Over Right-of-way:* No ground sign shall project over a public right-of-way.
- D. *Blocking exits, fire escapes, etc.:* No sign or sign structure shall be erected that impedes the use of any fire escape, emergency exit, or standpipe.
- E. *Public lands:* The placement of any sign or signs of any nature, including political signs, except by local, state or federal governments, or their respective agencies, on any public lands, tracts, or parcels shall be prohibited. Public lands, tracts or parcels, or portions thereof, shall include, but not be limited to, all right of ways, known public easements, parks, piers, public roads, and public waterways.
- F. *Vacant lands:* The placement of any sign or signs of any nature, including political signs, except by local, state, or federal governments, or their respective agencies, on any vacant land shall be prohibited. Vacant land shall be defined as any lot, parcel, or tract of land without a properly approved structure erected on such land. Roads, streets, bridges and other infrastructure or utility improvements shall not be considered a "structure" for purposes of this section. Properly approved and erected real estate signs advertising the vacant property on which such signs are erected shall be permitted and shall not violate this section.
- G. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation.

Sec. 8.07.05 - Clearance standards.

- A. *Over pedestrian ways:* All signs over pedestrian ways shall provide a minimum of seven feet six inches of clearance.
- B. *Over vehicular ways:* All signs over vehicular ways shall provide a minimum of 13 feet six inches of clearance.
- C. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with Florida Building Code specifications.

Sec. 8.07.06 - Relationship to building features.

A building sign shall not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building. See Figure 5.07.06-A and Figure 5.07.06-B.



Sec. 8.07.07 - Maximum projection.

A building sign may project no more than four feet perpendicularly from the surface to which it is attached.

Sec. 8.07.08 - Maximum window coverage.

The combined area of permanent and temporary signs placed on or behind windows shall not exceed 25 percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

Sec. 8.07.09 - Format for multiple occupancy complexes.

Building signs for multiple occupancy complexes constructed, remodeled, undergo a change in use, or a change in ownership after the effective date of this code shall conform to an approved sign format. The sign format shall be included as a submittal for authorization to erect such a sign and shall be maintained on file in city hall. The format shall be presented in a plan or sketch, together with written specifications in sufficient detail to enable the board to authorize signs based on the specifications. As a minimum, the sign format shall specify the types of signs and dimensions (not to exceed the size limits contained in this article) which will be permitted each occupant within the complex. The sign format shall also contain common

design elements, such as placement, color, shape, or style of lettering, which lend a unified appearance to the signs of the occupants within the complex. The sign format may only be modified with the approval of the board upon submission of a revised plan and specifications detailing the revised format.

PART 8.08.00 - NONCONFORMING SIGNS

Sec. 8.08.01 - Defined.

Any sign within the city on the effective date of this code (or a sign existing within any area annexed to the City after the effective date of this code) which is prohibited by, or does not conform to the requirements of, this code; except signs that are within ten percent of the height and size limitations of this code, and that in all other respects conform to the requirements of this code, shall be deemed in conformity with this code.

Sec. 8.08.02 - Continuation of use.

- A. All nonconforming signs and all signs prohibited by Part 8.02.00 (Prohibited Signs) of this code with a replacement cost of less than \$100.00, shall be removed within 60 days of the enactment of this code.
- B. All other nonconforming signs other than nonconforming accessory or permanent signs, but including portable signs, shall be removed within one year of the effective date of this code. Within 30 days from the effective date of this code, any animated component of any portable sign shall be turned off.
- C. Nonconforming accessory and other permanent signs may be continued indefinitely subject to the restrictions of section 8.08.03 below.

Sec. 8.08.03 - Continuation of use restrictions.

Subject to the restrictions of section 8.08.02, a nonconforming sign may be continued and shall be maintained in good condition as required by this Code, but it shall not be:

- A. Structurally changed to another nonconforming sign, but its pictorial content may be changed.
- B. Structurally altered to prolong the life of the sign, except to meet safety requirements.
- C. Altered in any manner that increases the degree of nonconformity.
- D. Expanded.
- E. Re-established after damage or destruction if the estimated cost of reconstruction exceeds 50 percent of the appraised replacement cost as determined by the planning and zoning board.
- F. Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.
- G. Continued in use after the structure housing the occupancy is demolished or requires renovations the cost of which exceeds 50 percent of the assessed value of the structure.
- H. Continued in use after the structure housing the occupancy changes ownership.
- I. Signs where either the business or structure no longer exists shall be removed.
- J. Signs that do not conform to these regulations will be removed upon transfer of ownership.

In addition to the above, permanent signs such as animated signs or signs with flashing lights shall conform to the signage regulations contained in this article by turning off the animated or flashing portion of the sign, where practicable.

Sec. 8.08.04 - Removal of real estate sales signs.

Temporary signs erected for the sale of real property as set forth in sections 8.03.05 and 8.03.06 shall be removed by the property owner or the real estate agent/broker whose name is on such real estate sign within 15 days from the closing of the sale of such property. The closing and sale date for such properties shall be defined as the date on which the seller signs the deed or other transfer documents to actually convey such property. The earliest executed document(s) shall control.

Upon violation of section 8.08.04 of this Code by the owner of the new property or the real estate broker or agent of the recently sold property, the offending party will be subject to the penalties specified in section 8.10.00. The city, at its discretion, shall be permitted to remove any such offending sign and retain such sign until any and all fines are paid in full. The city, at its discretion, may suspend or withhold the business license of any broker or agent whose name appears on such signs if more than two violations of this code occur in any 12-month period.

PART 8.09.00 - PERMITS AND LICENSES REQUIRED

All signs existing in the city on the effective date of this code, other than temporary signs, are required to have a sign permit application on file at city hall within 180 days of the effective date of this code, to establish a record of existing signs in the city. Applications for permits for signs existing on the effective date of this code are exempt from any sign permit fees adopted as a part of this code, if submitted within 180 days of the effective date of this code. Information included on the application shall contain sufficient information for the city administrator to make a determination as to whether the sign is in conformance with this code. The erection of a permanent sign after the effective date of this code shall require a sign permit as required in Article VII of this code.

Sec. 8.09.01 - Licenses.

No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without a valid occupational license and all required state and federal licenses.

Sec. 8.09.02 - Indemnification.

All persons involved in the maintenance, installation, alteration, or relocation of signs near any public right-of-way or property shall agree to hold harmless and indemnify the city, its officers, agents, and employees, against any and all claims of negligence resulting from such work.

PART 8.10.00 - PENALTIES

Any person, firm, or corporation violating any of the provisions of this article shall, upon conviction thereof, for each such offense, be guilty of a misdemeanor and subject to a fine not to exceed \$250.00 per offense or imprisonment of up to 30 days, or by both fine and imprisonment in the discretion of the court.

In addition to the penalties set forth above, violation of this article shall be a civil penalty and each violation shall be considered a separate offense. The city shall send a notice of violation of this article to any real estate broker or agent whose name(s) appear on an offending sign and give such person(s) seven days to correct the violations(s). If the violation is not removed within 7 days from the mailing of such notices, then the new owner and the real estate broker or agent whose name(s) appear on the offending sign will be fined a minimum of \$100.00 and up to \$10.00 per day for every day that the offending sign is in violation. The city shall always retain the right to remove any sign it deems to be in violation of this ordinance or any sign ordinance or law of this city or State without the city incurring any penalty or liability whatsoever to the owner of any sign(s).