

**JOINT WORKSHOP**  
**APALACHICOLA CITY COMMISSION &**  
**APALACHICOLA PLANNING & ZONING BOARD**  
**THURSDAY, JUNE 22, 2023 – 5:00PM**  
**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. Sign Ordinance Discussion**
- III. Public Comment**
- 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.

## Chapter 113 - SIGN REGULATIONS

### ARTICLE I. - IN GENERAL

#### Sec. 113-1. - General provisions.

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

(LDC, art. V, § A)

#### Sec. 113-2. - Definitions.

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

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

(LDC, art. V, § C)

#### Sec. 113-3. - 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, and 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 color 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 structure's highest point.

(LDC, art. V, § D)

Secs. 113-4—113-26. - Reserved.

## ARTICLE II. - APPLICABILITY

## Sec. 113-27. - 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:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) Temporary holiday lights and decorations.
- (5) Merchandise displays behind storefront windows so long as no part of the display contains flashing lights.
- (6) 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.
- (7) 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.
- (8) Public warning signs no larger than four square feet to indicate the dangers of trespassing, unfriendly animals or similar hazards.
- (9) Signs carried by a person.
- (10) One sign per residential use indicating a resident's 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.
- (11)



Bulletin boards for public, charitable, educational or religious institutions not to exceed 15 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.

- (12) 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 four 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 nonresidential zoned districts such signs shall not exceed 12 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 principal structure. All such signs shall be removed within five days after the property has been sold, leased or rented.

(LDC, art. V, § F)

#### Sec. 113-28. - 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 nonprofit civic or charitable organizations provided that no more than 25 percent of any window area is utilized for such signs.
- (2) Temporary signs as defined in section 113-3.
- (3) Signs required by law, statute or ordinance.

(LDC, art. V, § G)

#### Sec. 113-29. - Signs permitted in all zones.

The signs enumerated in sections 113-27 and 113-28, but not requiring permits, apply to all zones.

(LDC, art. V, § L)

#### Sec. 113-30. - Permitted temporary signs.

- (a) *Where allowed.* Temporary signs are allowed throughout the city, subject to the restrictions imposed by this section and other relevant parts of this article.
- (b) *Sign types allowed.* A temporary sign may be a ground or building sign but may not be an electric sign.

- (c) *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.
- (d) *Restrictions on content of temporary signs.* A temporary sign may display any message so long as it does not contain any of the following:
- (1) Language, pictures or any other content that is harmful to minors.
  - (2) Offensive words, pictures, nudity or profanity.
  - (3) Advertising, except that advertising for the following purposes may be displayed:
    - a. To indicate the grand opening of a business or other activity. Such message may be displayed for a period not exceeding 14 days.
    - b. 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 30 days or until installation of permanent signs, whichever shall occur first.
    - c. 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.

(LDC, art. V, § H)

Sec. 113-31. - Signs 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. 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, and curb signs.
- (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 purposes 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 obstruct 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 100 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 article 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 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-premises advertising signs.

(LDC, art. V, § I)

Secs. 113-32—113-50. - Reserved.

### ARTICLE III. - PERMITS

Sec. 113-51. - 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.

(LDC, art. V, § E)

Sec. 113-52. - Permits required.

- (a) 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 113-54.
- (b) 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.
- (c) 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.



(LDC, art. V, § J)

Sec. 113-53. - Compliance and building code review; permit issuance.

No sign except those listed in section 113-27 and section 113-28 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 article.

(LDC, art. V, § R)

Sec. 113-54. - 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.

(LDC, art. V, § S)

Secs. 113-55—113-81. - Reserved.

ARTICLE IV. - STANDARDS



Sec. 113-82. - Design, construction and maintenance.

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

- (1) All signs shall comply with applicable provisions of the Florida Building Code at all times.
- (2) 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.
- (3) Signs that are illuminated shall only be illuminated in accordance with the following additional standards:
  - a. Full cutoff fixtures must be used. Up-lighting is prohibited. No sign shall have internal illumination.
  - b. Illumination shall be with white light only.
  - c. 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.
    1. 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.
    2. The maximum wattage, for all fixtures combined, shall not exceed 36 watts per sign face.
  - d. A full cutoff fixture for lighting a sign face shall be designed and positioned no higher than the top edge of the sign face.
- (4) 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.
- (5) "A"-frame or sandwich signs shall be no larger than 24 by 40 inches and shall only be displayed during business hours. Only one such sign shall be allowed per storefront.
  - a. 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.
  - b. 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.

(LDC, art. V, § K)

Sec. 113-83. - 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 nonresidential uses other than home occupations, including churches and synagogues: one freestanding monument sign not to exceed 12 square feet in area or eight feet in height.

(LDC, art. V, § M)

Sec. 113-84. - Signs permitted in commercial zones.

Signs in these zones may be illuminated in accordance with section 113-82. 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 freestanding 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 30 feet from the intersection or entranceway.

(LDC, art. V, § N)

Sec. 113-85. - Projecting signs.

- (a) Such signs shall be hung at a 90-degree angle from the building face.
- (b) Each sign face shall not exceed eight square feet of sign area.
- (c) The bottom of said sign shall allow an eight-foot pedestrian clearance from the sidewalk level.
- (d) 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.

(LDC, art. V, § O)



Secs. 113-86—113-113. - Reserved.

## ARTICLE V. - NONCONFORMING SIGNS

Sec. 113-114. - 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 50 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 60 days or more.

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

(LDC, art. V, § P)

Sec. 113-115. - Nonconforming portable, temporary or wind signs.

Any portable, temporary or wind signs which are made nonconforming as a result of this article, or from any subsequent amendment to this article, shall be removed within 60 days of the effective date of the ordinance creating the nonconforming status.

(LDC, art. V, § Q)

Secs. 113-116—113-143. - Reserved.

## ARTICLE VI. - APPEALS, INTERPRETATIONS AND ENFORCEMENT

Sec. 113-144. - 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 15 days of notification of inspectors' decision.

(LDC, art. V, § T)

## Sec. 113-145. - 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.

(LDC, art. V, § U)

## Sec. 113-146. - Enforcement and penalties.

- (a) This article shall be administered and enforced by the city enforcement officer or his designee.
- (b) The enforcement officer or his 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.
- (c) 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.
- (d) Every violation of this article shall constitute a misdemeanor and be punishable as such, but nothing herein contained shall prevent the city from taking such other action as is necessary to prevent or remedy any violation.
- (e) The enforcement officer or his 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 owner's 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.

(LDC, art. V, § V)

## Sec. 113-147. - Removal of signs.

- (a) Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within 60 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 shall give at least 30 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 U.S. certified mail addressed to the address of record at the office of the county property appraiser or the city water and sewer department.