
Sec. 94-402. - General provisions.

a. *Unregulated signs.* The provisions of this article shall not apply to the following:

1. Any sign which is located completely within an enclosed building and which is not visible from outside the building, and any sign which is so located that it is not visible beyond the boundaries of the lot or parcel on which it is located or from any public thoroughfare, except, however, that signs within a shopping center shall be subject to review and approval pursuant to site plan review.
2. Traffic signs of any public or governmental agency.
3. Any identification of any official public office, notices thereof, or any flag, emblem or insignia of the nation, a unit of government, or public school.
4. Any grave marker, headstone, memorial statue, or other similar remembrances that are noncommercial in nature.
5. Works of fine art, both two and three dimensional, with a commercial enterprise which may receive direct commercial gain from such display.
6. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays.
7. Signs on a truck, bus, trailer, or other vehicle which is maintained and operated for normal business purposes other than the display of such a sign on a lot.
8. Names and addresses on postal boxes.
9. Residential address numbers.
10. Names of newspapers and similar publications on their delivery boxes.
11. The posting of privately owned land and/or buildings or structures against trespassing, hunting, fishing, swimming or any other activity, and/or the warning of any person against any danger, hazard or condition pertaining to such land and/or buildings and structures.
12. The flying of individual national, state, or city flags attached to freestanding poles mounted on the ground, limited to a total of three provided that such flags shall not be used for commercial promotion.
13. Cornerstones, memorial tablets, and similar markers made of masonry, bronze and other incombustible and durable material and used to indicate, without advertising matter, information relating to the development of the facility on which they are located such as those involved in planning, financing and construction of buildings.
14. Historical signs and markers designating places of historical significance.
15. Directional markings, entrance and exit locators, traffic warnings, lane and stall markings, parking and loading area reservations and restrictions, and similar information when painted on or otherwise affixed to pavement, curbs or wheelstops.
16. Any informational sign, not exceeding six square feet, identifying an institutional use. Such signs may be located in public rights-of-way subject to engineering approval.
17. Any sign approved by the city commission for use on city-owned property at the city auditorium/stadium complex, and which is in conformance with subsection 94-408(d) (signs permitted in general commercial and city center-3 district).
18. Any sign approved by the city commission and incorporated into a county bus shelter, a city trolley shelter, or located at a bicycle sharing station or bicycle sharing kiosk, which signs shall be in conformance with the provisions of subsection 94-305(e) regarding visibility at intersections.
19. City entry identification signs designating entry points to the city.
20. Neighborhood entry identification signs designating entry points to neighborhoods.
21. City park identification signs designating city parks and recreation areas.
22. Temporary light pole banners which are located in a public right-of-way and which announce and promote special noncommercial events or organizations of public interest. Such banners are regulated in chapter 78, article VI, pertaining to special events.

b.1. *Prohibited signs and related equipment.* The following signs and related equipment shall not be permitted erected, or maintained in any district:

1. Any sign or sign structure which is structurally unsafe or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or which is not kept in good repair or is capable of causing electrical shocks to persons likely to come into contact with it.
2. Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way.
3. Any sign which makes use of words such as "stop," "look," "danger," or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.
4. Any sign which was or is unlawfully installed, erected, or maintained under the terms of this ordinance or under the applicable terms of any preceding ordinance.
5. Any sign which is supported by visible angular bracing members, guy wires or cables, or any sign that is served by visible electrical conduit.
6. Any sign which would project into any public right-of-way or other access way, or the visibility triangle area set forth in subsection 94-303(d), with the exception of sidewalk signs which are regulated by subsection 94-408(b)(6).
7. Any sign located so as to impair access to a roof.
8. Any sign in or on the waters of Lake Worth, Lake Mangonia, or Clear Lake.
9. Unauthorized signs on property owned by or under the control of the city.
10. Any billboard or off-premises sign, with the exception of subsection 94-404(g)(5).

b.2. *Prohibited signs and related equipment.* The following signs and related equipment shall not be permitted erected, or maintained in any district, unless specifically permitted as part of a site-specific sign program adopted as part of a planned development (PD):

1. Signs which incorporate any flashing or moving lights, except that this section shall not be deemed to prohibit signs which state time and/or temperature information and which incorporate moving or exposed incandescent light bulbs with a time and/or temperature sequence span of four to eight seconds.
2. Banners, pennants, spinners, balloons and streamers, except as permitted by subsection (a)(6) of this section and section 94-407[16]. For the purposes of this section, banners, pennants, streamers, spinners, and balloons shall be any such object with or without lettering or other specific identification or advertising information or graphic.
3. String lights used on commercial premises except as permitted by subsection (a)(6) of this section.
4. Any sign which has any visible moving parts, visible revolving or rotating part, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations, or action of normal wind current.
5. Any portable sign. For the purpose of this section, a portable sign shall be any sign which is not permanently affixed to the ground or to a building or to another structure which is affixed to the ground in accordance with the requirements of the building code. A sign which is affixed to a truck, bus, trailer or other vehicle which has as a primary purpose the display of such a sign on a lot shall be considered to be a portable sign and shall be prohibited. However, a sign which is affixed to a truck, bus, trailer or other vehicle which is maintained and operated primarily for business purposes other than the display of such a sign on a lot, shall not be considered to be a portable sign, but shall be considered to be an unregulated sign pursuant to the provisions of subsection (a)(1) of this section. These provisions do not apply to sidewalk signs as defined and regulated by section 94-611 and subsection 94-408(b)(6).
6. Any sign attached to or painted on a standpipe, gutter drain, fire escape, television antenna, satellite dish, or any similar accessory structure.
7. Any sign within 50 feet of any residential district boundary line unless such design is completely screened from the residential district by a building; such sign is expressly permitted in the particular residential district that is within 100 feet and meets all the requirements which would be applicable if such sign were located within the particular residential district.

8. Any wall mounted sign located on the exterior of a building which would project more than 18 inches there from, except as provided for in section 94-403.
9. Any sign which would project above the height, as defined in section 94-611, of the building on which it is located at the point where it is located.
10. Any sign which emits a sound, odor, or visible matter.
11. Any signs made of any material (including paper, cardboard, wood, and metal) when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to or painted on trees, utility poles, fences, or other similar objects. However, this section shall not prohibit signs on freestanding landscape walls if such walls are permitted or required under the terms of this chapter. For the purposes of this section, a freestanding landscape wall shall be any wall which:
 - a. Is not part of a building or which extends beyond a building.
 - b. Is of brick, decorative concrete, or comparable durable wood and steel construction and is built upon a permanent foundation.
12. Any addition or enlargement of an existing sign unless such addition or enlargement has been approved by issuance of a permit in conformance with the sign code.
13. Any sign which contains or consists of a three dimensional sculptural figure which is an emblem of the business to which it is accessory or which represents products manufactured or sold by such business.
14. Any other sign not specifically authorized by this chapter.

c. *Severability.*

1. *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article.
2. *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1) or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
3. *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1) or elsewhere in this article, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under subsection 94-402(b) of this article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of subsection 94-402(b) is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of subsection 94-402(b).
4. *Severability of prohibition on billboards.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained in this article and Code.

d. *Substitution of speech.*

1. *Substitution of noncommercial speech for commercial speech.* Notwithstanding anything contained in this article or Code to the contrary, any sign erected pursuant to the provisions of this article or Code may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted at any time in place of the commercial copy upon issuance of a duly authorized building permit. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one

noncommercial message to another noncommercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback, and other dimensional criteria contained in this article and Code have been satisfied, and appropriate building permits have been issued.

e. *Permits required.*

1. Except for those signs described in subsection 94-402(a), an owner or applicant shall obtain a duly-authorized building permit from the city's construction services department prior to the installation of any sign, including the change of any sign face.

(Code 1979, § 33-151; Ord. No. 3508-01, § 3, 3-4-02; Ord. No. 3770-04, § 1, 5-10-2004; Ord. No. 4193-08, § 2, 12-15-2008; Ord. No. 4518-14, § 1, 6-23-2014; Ord. No. 4752-17, § 1, 12-18-2017)