

(c) Any decision or action made or taken by the building official pursuant to this section may be appealed in writing to the city commission within 90 days after any such decision or action, and the action of the city commission upon such appeal shall be final and conclusive. Failure to remove the sign will constitute a violation of this chapter unless an appeal has been filed with the commission within the 90 days.

(Code 1988, § 3-67)

Sec. 102-63. Initial inspection.

All new signs shall be inspected at the time of initial installation. When a sign is found to be nonconforming, an inspection report, stating what changes must be made in order to make the sign conform to this chapter and the date by which the sign must be made to conform or be removed, shall be issued to the sign owner or to the property owner if the sign owner cannot be located.

(Code 1988, § 3-68)

Sec. 102-64. Rules of interpretation; compliance.

(a) If not specified otherwise, the owner of property upon which a sign is located will be held responsible for compliance with this chapter.

(b) For political signs, the violation will be construed to have been made by the individual affixing the sign, the candidate whose name or picture appears on the sign, or the campaign organization of the candidate.

(c) If a conflict occurs between the sections of this chapter with those of any other city ordinance as pertains to signs, this chapter will prevail.

(d) Any dispute or ambiguity concerning the interpretation of this chapter shall be resolved by the city manager, subject to appeal of this decision to the city commission.

(Code 1988, § 3-69)

Secs. 102-65—102-90. Reserved.

ARTICLE III. REGULATIONS*

DIVISION 1. GENERALLY

Sec. 102-91. Permitted signs.

Signs will be permitted in all zoning districts subject to the requirements of this article.

(Ord. No. 13-19, § 1, 5-23-13)

Sec. 102-92. Prohibited signs.

The following types of signs are prohibited in all districts:

- (1) Any sign placed on public property, including the right-of-way, unless authorized by the city commission.
- (2) Any sign which obstructs a fire escape or window, door or opening used as a means of ingress or egress or which prevents free passage across a roof; and no sign shall be attached in any manner to a fire escape nor shall any sign be placed in a manner that will interfere with any opening required for ventilation.
- (3) Signs which simulate emergency vehicles, traffic control signals or devices, or which simulate directional, informational and warning signs erected by government or a governmental agency, or by any railroad, public utility or similar agency.
- (4) Billboards, billboard signs, and digital billboards regardless of zoning district; provided digital billboards may be allowed as expressly authorized in section 102-94 of this chapter. Those billboard signs legally erected in the city prior to June 11, 1987, or legally erected within the unincorporated county prior to annexation into the city will be allowed to remain as nonconforming signs which cannot be rebuilt, moved, relocated or replaced if greater than 50 percent of the

***Editor's note**—Ord. No. 13-19, § 1, adopted May 23, 2013, amended article III in its entirety to read as herein set out. Former article III, §§ 102-919, 102-126—102-134, 102-161—102-167, 102-196, pertained to similar subject matter, and derived from §§ 3-95—3-103, 3-129—3-137, 3-166—3-171, 3-197 of the 1988 Code; Ord. No. 08-14, § 2, 3-13-08.

sign structure or value is destroyed. When the cost of materials to repair, move, relocate, or replace the sign exceed 50 percent of the physically depreciated value of the structural materials in the sign immediately prior to the destruction, the criteria of this subsection will be deemed to have been met, and the sign may not be replaced, moved, relocated, or repaired except as provided in section 102-94. This subsection shall not apply to billboard signs and structures preexisting along federal aid primary highways in the city. However, if a federal aid primary highway is later converted to a nonfederal aid highway, this subsection shall apply to billboards along such highway, becoming effective the first day upon which the highway becomes a nonfederal aid primary highway. No new billboard signs or structures shall be erected in the city. Notwithstanding the preceding, the city commission shall have the authority to grant a special exception to this subsection subject to the requirements of section 102-94 and sections 118-96 through 118-102 in those instances where at least two existing legally nonconforming billboard signs are being eliminated and being replaced with a single billboard sign or a single digital billboard that the city commission finds less obtrusive, improves the aesthetic character of the city, provides other benefits to the city, and is placed in a more desirable location. The city commission shall perform all functions of the planning and zoning board relating to the requirements of sections 118-96—118-102 for this subsection, and the planning and zoning board shall not have jurisdiction therefore. The city commission may simultaneously approve a special exception to this subsection and the related relocation and reconstruction agreement.

- (5) The use of scroll, travel and/or dynamic frame effect in changeable and/or electronic message centers signs as defined

in section 102-1, in an area zoned commercial or industrial, excluding digital billboards.

- (6) Animated signs and flashing signs, this is not intended to prohibit changeable signs, as defined in section 102-1.
- (7) Signs affixed to unlicensed motor vehicles where the vehicle is parked in a location visible from a public right-of-way.
- (8) Signs of any type wherein such signs obstruct in any way ingress or egress to or from a structure.
- (9) Signs projecting over a street or road, except for special events when approved by the city commission.
- (10) Additional signs on any property containing a sign that does not conform to this article.
- (11) All other signs not identified in this chapter.
- (12) The tacking, pasting or otherwise affixing of signs of a miscellaneous character to the walls of buildings, on trees, poles, posts, fences or other structures.
- (13) No sign, permanent or temporary, shall be erected or placed so that it interferes with a clear sight triangle distance per Florida Department of Transportation (FDOT) design standards.
- (14) Portable signs.
- (15) Signs on trailer frames with or without mounted wheels.
- (16) Vehicle signs or signs on or attached to vehicles which have a total copy area in excess of ten square feet, when the vehicle is not regularly used in the conduct of the business and (a) is visible from a street right-of-way within one hundred feet of the vehicle, and (b) is parked for more than two consecutive hours within one hundred feet of any street right-of-way. A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily for advertising, or for the purpose of advertising.

- (17) Flashing, animated, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, ribbons, streamers, spinners, and other similar types of attention-getting devices except for changeable signs when in compliance with the applicable regulations of this chapter.
 - (18) Signage used on bus transit shelters within the right-of-way.
 - (19) Any sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.
 - (20) Traffic sign replica.
 - (21) Snipe signs.
 - (22) Banner signs used as permanent signage.
 - (23) Commercial off-premises signs, excluding billboards and digital billboards that have been approved by the city pursuant to a relocation and reconstruction agreement in accordance with the provisions of sections 102-94 and 118-96 through 118-102.
 - (24) Neon signs, luminous tube lights, light-emitting tubes and/or neon type signs. The planning director may review and approve the use of neon signs, luminous tube lights, light-emitting tubes and/or neon type signs for properties or buildings located within a commercial district on a case by case basis where substantial historical evidence of the application of neon signs, luminous tube lights, light-emitting tubes and/or neon type signs has been provided.
- (Ord. No. 13-19, § 1, 5-23-13; Ord. No. 15-49, § 2, 5-28-15; Ord. No. 15-70, § I, 12-10-15)

Sec. 102-93. Illuminance.

Illuminance of signs shall be in accordance with the following:

- (1) White is the only color of light which is permitted in residential or office zones, or within 500 feet of such zones.
 - (2) Floodlight illuminance is permissible, provided that the floodlight or spotlight is positioned so that there is a maximum illuminance of 0.3 foot candles at a distance of 25 feet from the face of the sign. All floodlighting shall comply with dark sky lighting standards.
 - (3) Bare bulb illumination shall not be used in residential or professional office zones, or within 500 feet of such zones.
 - (4) Electronic message centers shall be equipped with technology that automatically dims the electronic message center according to the ambient light conditions.
 - (5) Electronic message centers shall be limited to a maximum illuminance of 0.3 foot candles at a distance of 25 feet from the face of the sign.
 - (6) Transitions from one frame to another frame on an electronic message center shall be achieved by one of the following modes of message transition: Fade or dissolve.
 - (7) Each frame on an electronic message center shall be displayed for not less than ten seconds before beginning transition to another frame.
- (Ord. No. 13-19, § 1, 5-23-13)

Sec. 102-94. Replacement and relocation of billboard signs; digital billboards.

It is the policy of the city to encourage owners of non-conforming signs to enter into relocation and reconstruction agreements that allow the city to accomplish the public goals of protecting, improving and ensuring highway safety, views, aesthetics and business/investment, without the expenditure of public funds while allowing the continued maintenance of private investment in signage as a medium of commercial and noncommercial communication. Notwithstanding any provisions to the contrary, the provisions of this subsection shall be the sole mechanism available under this Code of Ordinances which allow for the relocation and replacement of billboard signs.

In no event shall new triangular, three-faced billboards; stacked, double-decker billboards, or side-by-side billboards be permitted within the city.

- (a) *Billboard signs.* Existing non-conforming billboard signs may be eliminated and replaced with a billboard sign in accordance with the provisions of section 102-92(4) and other applicable provisions of chapter 102 upon the city commission's approval of, and pursuant to, a relocation and reconstruction agreement. Additional conditions and restrictions relating to the replacement of billboard signs shall be set forth in the relocation and reconstruction agreement and/or as conditions to the special exception use permit. All billboard signs constructed pursuant to this subsection shall comply with all federal and state laws and the provisions of this Code. In all circumstances, at least two billboard signs must be eliminated in order for a replacement billboard to be constructed pursuant to this subsection (a) unless the city finds that an extraordinary benefit to the city exists for the replacement of a single particular billboard with a replacement billboard. Such extraordinary benefit shall be determined by: using general public health, safety, and welfare concerns; finding that the criteria set forth in sections 118-96 through 118-102 relating to special exceptions have been met; determining that the replacement billboard is less obtrusive, improves the aesthetic character of the city, protects or enhances highway safety and is placed in a more desirable location; and requiring additional landscaping and hardscaping enhancing the removal and relocated locations. Among other matters, the following matters shall be addressed in the relocation and reconstruction agreement: (i) the time period within which billboard removal and construction must occur, (ii) details regarding the elimination and removal of the billboards and billboard sign structures, and (iii) creation of a deed restriction or other mechanism(s)

to ensure that the removed billboards cannot be re-erected or replaced at the existing or other locations (except as expressly allowed in the relocation and reconstruction agreement), including mechanism(s) to ensure that no lessee or other entity has any enforceable rights to continue or re-establish a billboard at the removal location.

- (b) *Digital billboards.* This section provides for the elimination of existing billboard signs in the city in exchange for the city's approval of a digital billboard sign in the city. Notwithstanding any provisions to the contrary, the provisions of this subsection shall be the sole mechanism available under this Code of Ordinances within which an existing billboard sign may be eliminated and replaced with a digital billboard and by which any digital billboard may be authorized in the city.

- (1) Existing non-conforming billboard signs may be eliminated and replaced with a digital billboard in accordance with section 102-92(4) and other applicable provisions of chapter 102 upon the city commission's approval of, and pursuant to, a relocation and reconstruction agreement, provided the additional minimum requirements set forth herein are met. Additional conditions and restrictions related to the replacement of billboard signs shall be set forth in the relocation and reconstruction agreement and/or as conditions to special exception use permit. Additional billboards constructed pursuant to this subsection shall comply with all federal and state laws and the provisions of this Code. The relocation and reconstruction agreement shall include provisions granting the city use and access to the digital billboard sign for displays and messages for emergencies, other urgent displays or messages, including, but not limited to Amber and other alerts, hurricane or other

emergency warnings, and for displays and messages for city approved public benefit. The agreement shall allow for city displays and messages on the digital billboard sign for an agreed number of times to display public service announcements subject to advance city commission approval. Such city display and messages will be displayed during times the digital faces are in operation on the sign structure unless agreed otherwise.

- (2) In all circumstances, at least two billboard signs must be eliminated in order for a digital billboard to be constructed pursuant to this subsection (b) unless the city finds that an extraordinary benefit to the city exists for the replacement of a single particular billboard with a digital billboard. Such extraordinary benefit shall be determined by: using general public health, safety, and welfare concerns; finding that the criteria set forth in sections 118-96 through 118-102 relating to special exceptions have been met; determining that the replacement billboard is less obtrusive, improves or protects the aesthetic character of the city, protects or improves highway safety and is placed in a more desirable location; and requiring additional landscaping and hardscaping enhancing the removal and replacement locations. Among other matters, the following matters shall be addressed in the relocation and reconstruction agreement: (i) the time period within which billboard removal and construction must occur, (ii) details regarding the elimination and removal of the billboards and billboard sign structures, (iii) creation of a deed restriction or other mechanism(s) to ensure that the removed billboards cannot be re-erected or replaced at the existing or other locations (except as

expressly allowed in the relocation and reconstruction agreement), including mechanism(s) to ensure that no lessee or other entity has any enforceable rights to continue or re-establish a billboard at the removal location and (iv) details relating to the City's use of, and access and criteria related to public displays, messages and announcements on, the digital billboard.

- (3) Digital billboards must comply with the following minimum operational standards:
 - A. Digital billboards must contain static messages only and must not have movement, or the appearance or optical illusion of movement, during the static display period, of any part of the sign structure, design, or pictorial segment of the sign. Each static message shall not include flashing or the varying of light intensity except as set forth in subsection E.
 - B. Each message on the digital billboard must be displayed for a minimum of eight seconds.
 - C. Digital billboards must not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at the pre-set distance specified in this Section.
 - D. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size digital billboard. Measurement distance criteria is as follows:

<i>Face Size</i>	<i>Distance to be measured from:</i>
12' × 25'	150'
12' × 30'	150'
10'6" × 36'	200'

- E. Each digital billboard must have a light sensing device that will automatically adjust brightness levels as ambient light conditions change.
- (4) *Spacing restrictions.* The minimum spacing between digital billboards and between billboards and digital billboards with faces visible from the same driving direction must be 1,000 feet. The distance will be measured from the nearest point of the sign to the centerline of the roadway upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest point to the centerline of the roadway upon which it is intended to be viewed.
- (5) *Maximum height.* The top of any digital billboard shall not exceed 40 feet in height above the crown of the adjacent roadway and shall not exceed 60 feet above ground level.
- (6) *Size of copy area.* The maximum size of the copy area, excluding cabinet and trim, of any digital billboard must not exceed 378 square feet. Smaller copy areas are encouraged.
- (7) *Construction.* All digital billboards must be constructed in compliance with all applicable building codes and must be constructed and maintained so as to assure proper alignment of the structure; continued structural soundness; and continued legibility of the messages displayed thereupon.
- (8) *Maintenance and removal of digital billboard sign faces.* Owners of digital billboards may remove the digital billboard sign faces only for the period required for the limited purposes of maintenance or service. During such period that the digital billboard sign faces are removed, the digital billboard owner is not

permitted to operate the digital billboard as a static or traditional billboard unless provided otherwise in the relocation and reconstruction agreement. In the event that the digital billboard sign faces are removed for any other reason than for maintenance or service, or a digital billboard or any part thereof is operated as a static or traditional billboard, the owner of the billboard must comply with all requirements of sections 102-92 and 102-94, unless otherwise provided in the relocation and reconstruction agreement.

(Ord. No. 15-49, § 3, 5-28-15)

Secs. 102-95—102-125. Reserved.

DIVISION 2. RESIDENTIAL AND PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS

Sec. 102-126. Signs permitted in residential and planned unit development (PUD) districts.

(a) General standards. Standards for permanent on-premise signs in the residential and planned unit development districts are described below and in Table 1 below.

(b) Residential properties. All residential properties that are located in residential and planned unit development zoning districts are permitted signs not to exceed eight square feet in total sign area. Signs must be temporary and may be either freestanding or displayed in a window. Trees, rocks or other naturally occurring landscape features may not be used to support a residential sign.

(c) Subdivisions, apartment, multi-family dwellings and condominium complexes are permitted either a freestanding sign or wall signs. Freestanding signs may not exceed 32 square feet provided that one such sign shall be permitted for each separate means of entrance to or exit from the subdivision, apartment, or condominium complex. Wall signs may not exceed 32 square feet provided that two such signs shall be permit-

ted for each separate means of entrance to or exit from the subdivision, apartment, or condominium complex.

(d) For properties located in a residential district as described in subsection (c) above, other directional, incidental and/or accessory signs are also permitted, to be located within the subdivision, complex or multi-family residential development. Such directional, incidental and/or accessory signs shall not exceed four (4) square feet in sign area and six (6) feet in height (if freestanding).

(e) Other permitted nonresidential uses in a residential district are permitted a freestanding sign not to exceed 32 square feet, and further provided that one such sign shall be permitted for each separate street and/or separate building frontage occupied by the permitted use, and for each means of entrance to or exit from the permitted use. Wall signs are also permitted not to exceed five percent of the area of the façade in elevation view upon which they are placed.

(f) Electronic message centers. EMC's are allowed, by special exception only, on properties with permitted nonresidential uses in a residential district. They are prohibited on single family residential properties and on subdivision, apartment, multi-family dwellings and condominium properties.

(1) All electronic message centers shall be equipped with technology that automati-

cally dims the electronic message center according to the ambient light conditions.

(2) All electronic message centers shall be limited to a maximum illuminance of 0.3 foot candles at a distance of 25 feet from the face of the sign.

(3) All transitions from one frame to another frame on an electronic message center shall be achieved by one of the following modes of message transition: Fade or dissolve.

(4) Each frame on an electronic message center shall be displayed for not less than ten seconds before beginning transition to another frame.

(g) Animated signs: As defined by this Code, animated signs are prohibited in residential districts.

(h) Roof signs: As defined by this Code, roof signs are prohibited in residential districts.

(i) Flagpoles in residential districts shall not exceed 35 feet in height and shall be limited to one per property. Flagpoles shall be located so that the flag will not extend over a right-of-way. No flagpole may be erected without obtaining appropriate building permits.

(j) Visibility triangle. On corner lots, signs within the triangular area formed by the street right-of-way lines shall not obstruct the vision of traffic.

TABLE 1: SIGNS IN RESIDENTIAL DISTRICTS

	<i>TYPES OF SIGNS ALLOWED</i>	<i>NUMBER OF SIGNS ALLOWED</i>	<i>PERMITTED SIGN AREA</i>	<i>MAXIMUM HEIGHT (IF APPLICABLE)</i>
RESIDENTIAL PROPERTIES INCLUDING SINGLE FAMILY DETACHED, DUPLEX AND TOWNHOMES	TEMPORARY FREESTANDING OR WINDOW	ANY NUMBER SO LONG AS THE TOTAL SQUARE FOOTAGE OF ALL SIGNS DOES NOT EXCEED 8 SQUARE FEET	8 SQUARE FEET	4'0"

