

FORT MYERS BEACH LAND DEVELOPMENT CODE

CHAPTER 30 — SIGNS

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Sec. 30-1. Purpose and intent of chapter.

The town council finds and declares:

(a) An excess of signs causes a visual blight on the appearance of the town by detracting from views of structures and open space. This visual blight adversely affects the aesthetic quality of life and traffic safety on Fort Myers Beach for residents, businesses, pedestrians, and persons in vehicles. In order to promote the appearance of the town, while protecting the rights of sign owners to expression and identification, the regulation of existing and

proposed signs is necessary to protect the public health, safety, and general welfare.

(b) The purpose of this chapter is to encourage signs which are integrated with and harmonious to the buildings and sites which they occupy, to eliminate excessive and confusing sign displays, to preserve and improve the appearance of the town as a place in which to live and work and as an attraction to nonresidents who come to visit or trade, and to restrict signs which increase the probability of accidents by distracting attention or obstructing vision.

(c) This chapter provides minimum standards to safeguard life, safety, property, and public welfare by regulating size, construction, location, electrification, operation, and maintenance of all signs and sign structures exposed to public view within the town. These standards are content-neutral and regulate based on the form, and not the content, of signs. The visual appearance and traffic safety of the town cannot be achieved by measures less restrictive than the procedures and standards of this chapter.

(d) It is the intent of the Town Council that protection of First Amendment rights shall be afforded by these sign regulations. Accordingly, any sign, display or device permitted under these regulations may contain, in lieu of any other copy, any otherwise lawful non-commercial message that complies with all other requirements of this code. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this code.

Sec. 30-2. Definitions and rules of construction.

(a) In case of any difference of meaning or implication between the text of this chapter and any other law or regulation, this chapter shall control.

(b) The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

Alteration. Any change in copy, color, size, or shape, which changes appearance of a sign, or a change in position, location, construction, or supporting structure of a sign, except that a copy change on a sign specifically designed for the use of replaceable copy, e.g., a reader board with changeable letters, is not an alteration.

Animated sign. Any sign, including electronic, laser, video, or digital displays, that uses movement or change of lighting to depict action or create a special effect or scene. Electronic message boards, electronic changing message centers, and any signs with flashing lights are considered to be animated signs.

Awning sign. Any sign consisting of letters which are painted or installed on a lawful awning, but not including a back-lit awning.

Back-lit awning. An awning with a translucent covering material and a source of illumination contained within its framework.

Balloon sign. One or more balloons, with or without messages or illustrations, that are used as a temporary or permanent sign or as a means of directing attention to a business or organization or to a commodity, service, or entertainment.

Banner. A temporary sign of flexible plastic, cloth, or any other fabric, either enclosed or not enclosed in a rigid frame, that is secured or mounted to allow movement caused by the atmosphere, including “streamers” and “pennants” but not including flags.

Bench sign. A sign that is painted on or attached to any part of a bench, seat, or chair placed one or adjacent to a public street, public plaza, or beach access.

Building numbers. The building number assigned by Lee County as the official premises address, painted or affixed to a building, mailbox, or similar structure.

Building official. The same officer as appointed by the town manager through § 6-44.

Business information sign. Any sign containing the name or address of a building and may include hours of operation, information to customers such as business hours and telephone number, “open” and “closed,” “shirts and shoes required,” “no soliciting,” “no loitering,” emergency information, professional and trade association information, and credit card information.

Canopy. A permanent roof-like shelter open on four sides, to protect an area from the elements, such as over gasoline pumps.

Canopy sign. Any permanent sign attached to or constructed in, on, or below a canopy.

Commercial message. Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. For purposes of this chapter, terms such as sale, special, clearance, or other words which relate to commercial activity shall be deemed to be commercial messages. The identification by name of an apartment or condominium development on a residential sign at the apartment or condominium development site shall not be considered to be a commercial message.

Construction sign. A temporary sign identifying a construction project and the persons, firms, or businesses participating in the construction project.

Development identification sign. A permanent sign, which is either a freestanding sign or a sign located on a subdivision entry feature or perimeter wall, at a main entrance to a subdivision or development, identifying the name of the development or subdivision.

Directional sign. Any sign which serves solely to designate the location of or direction to any place, activity, facility, or area and contains no commercial message.

Double-faced sign. A single plane with items of information identical on both sides and mounted as a single structure.

Election sign. A sign temporarily installed in the ground or attached to a building relating to the election of a person to a public office or relating to a matter to be voted upon at a federal, state, or local election.

Emitting sign. A sign designed to emit visible smoke, vapor, particles, or odor, or a sign which produces noise or sounds capable of being heard, even though the sounds produced may not be understandable.

Face of sign. The entire area of a sign on which copy could be placed.

Flag. Any fabric or bunting used as a symbol (as of a nation, government, political subdivision or other entity) or as a signaling device.

Freestanding sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building, wall, fence, vehicle, or object other than the sign structure for support.

Frontage. The distance measured along a public street right-of-way or a private street easement between the points of intersection of the side lot lines with the right-of-way of the easement line.

Government sign. Any sign erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance or other governmental regulation.

Illuminated sign. Any electrically operated sign or any sign for which an artificial source is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing, or radiating signs.

Incidental sign. A sign, generally informational, that has a purpose that is secondary to the use of the site on which it is located, such as "No Parking," "Entrance," "Exit," "Telephone," "Open," "Beware of Dog," "No Trespassing," "Welcome," and other similar directives. The term incidental sign shall not include a sign designed to be transported by means of wheels, a sandwich-board sign, or a skid-mounted sign, regardless of the nature of the information that such sign may contain.

Inflatable object. An object of any shape that is expanded or capable of expansion by means of air or gas, such as a balloon, wind sock, or air tube, and which is used as a means of attracting attention to a site, product, or event.

Licensed contractor. A person holding a valid contractor's license issued by the Lee County construction board.

Maintain. To preserve from decline, keep in an existing state or retain in possession or control.

Menu display box. A small plaque or display case, not exceeding four (4) square feet in area and four (4) inches in depth, located on an exterior building wall, that displays a restaurant's menu near its entrance for the convenience of potential patrons who arrive on foot.

Monument sign. A free-standing sign with internal structural supports, where the height from the ground to the highest point on the sign is less than the sign's greatest horizontal dimension.

Motion picture sign. A sign capable of displaying moving pictures or images in conjunction with an outdoor advertising structure, accessory sign, or advertising statuary visible from any public street or sidewalk.

Nameplate sign. A non-illuminated identification sign indicating only the name, address, and/or occupation of an occupant or group of occupants of a building.

Non-commercial sign. A sign which contains no commercial message.

Open house sign. A sign identifying property for sale, rent, or lease and temporarily open for inspection.

Off-premises sign. Any sign normally used for promoting a business, individual, products, or service available somewhere other than the premises where the sign is located. A sign containing a non-commercial message shall not be considered to be an off-premises sign.

Parasite sign. Any sign not exempted by this chapter, for which no permit has been issued, and which is hung from, attached to, or added onto an existing sign.

Permit board. A freestanding device erected on a construction site for the sole purpose of providing a conspicuous display of and shelter for the permits required for construction activities being performed on such construction site. A permit board may display a contractor name or logo so long as such display does not exceed one (1) square foot.

Pole sign. A free-standing sign supported by an exposed structure of poles or other supports where the height of the exposed sign supports extends more than eighteen (18) inches from the ground to the bottom of the sign. A free-standing sign that meets this chapter's requirements for a monument sign is not considered to be a pole sign.

Portable sign. Any movable sign not permanently attached to the ground or a building.

Projecting sign. A sign which is attached to a building and projects more than eighteen (18) inches above, below, or outward from, and is supported by, a wall, parapet, or ceiling of a building.

Public body. Any government or governmental agency of the United States, the state, the county, or the Town of Fort Myers Beach.

Real estate sign. A temporary sign which advertises the sale, exchange, lease, rental, or availability of the parcel, improved or unimproved, upon which it is located.

Residential sign. Any sign, not otherwise defined or regulated in this chapter as an allowed sign in a residential zoning district, that is located in a district zoned for residential uses and does not contain any commercial message.

Roof sign. Any sign erected upon a roof or roof-mounted equipment. Signs placed flat against the steep slope of a mansard roof will not be considered roof signs.

Sandwich-board sign. An easily moveable sign not attached to the ground that is supported by its own frame which generally forms the cross-sectional shape of an A. For purposes of this

code, sandwich-board signs are not considered portable signs.

Sign. Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention or convey a message outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof.

Sign face. An exterior display surface of a sign including non-structural trim exclusive of the supporting structure.

Snipe sign. A sign of any material, including paper, cardboard, wood, and metal, when tacked, nailed, or attached in any way to trees, telephone poles, or other objects located or situated on a public road right-of-way, or any sign which is installed on property without the permission of the property owner.

Special event sign. A temporary sign announcing a social function, promotional, or fund raising event, sponsored by a private, not-for-profit, or governmental entity which is open to the public, and which is distinct from the usual and customary business day functions of the organization.

Temporary sign. A sign displayed for a fixed, terminable length of time. Temporary signs are intended to be removed after the temporary purpose has been served. Included are for sale, lease or rent signs, political signs, service signs, special event signs, construction signs, directional signs to special or temporary events, and signs of a similar nature.

Vehicle sign. Any sign permanently or temporarily attached to or placed on a vehicle, including a motor vehicle, boat, trailer, or bicycle or human powered vehicle, where the vehicle is parked so as to be visible from the public right-of-way or parked on public property so as to clearly provide a commercial message close to the public right-of-way, unless said vehicle is used by a proprietor or employee of the business for the purpose of commuting between the business location and home or is used in the usual course or operation of a business. Factors to be considered in determining whether a vehicle is used in the usual course or operation of a business shall include, but

not be limited to, whether the vehicle is inoperable, whether the vehicle has a current registration in the State of Florida, the role the vehicle plays in the business, the frequency with which the vehicle is used in the operation of the business, and whether the size of the sign makes it impractical or dangerous to operate the vehicle. Any sign bearing a commercial message that is attached to or painted on a vehicle that is routinely parked or otherwise located on a site or sites other than the site where the business is located, or a sign whose size makes it impractical or dangerous to operate the vehicle, shall be presumed to be a prohibited vehicle sign.

Wall sign. Any sign attached to or painted on the wall of a building or structure and extending no more than eighteen (18) inches outward from the wall in a plane approximately parallel to the plane of said wall.

Window sign. Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is viewable from the exterior, including signs located inside a building but visible primarily from the outside of the building.

Cross-reference--Definitions and rules of construction generally, 1-2.

Sec. 30-3. Reserved.

Sec. 30-4. Applicability of chapter.

(a) **Generally.** Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the Town of Fort Myers Beach, or cause such work to be done, without first obtaining a sign permit for each such sign as required by this chapter.

(b) **Exceptions.**

- (1) This chapter shall not apply to any sign erected by the federal, state, county, or Town of Fort Myers Beach government or to the placement of temporary signs not exceeding eight (8) square feet in area within a right-of-way for purposes of business identification or access location, when necessitated by road construction and when authorized by the county or town.
- (2) The following activities shall not be considered the creation of a sign:

- a. **Change of copy.** Changing the copy on existing signs.
- b. **Maintenance.** Painting, repainting, cleaning, or other normal maintenance and repair of a sign not involving change of copy, structural, or electrical changes.
- c. **Window displays.** Changes in the content of show window displays, provided all such displays are within the building.

Sec. 30-5. Prohibited signs.

The following signs are prohibited:

- (1) **Any signs which are not designed, located, constructed, or maintained in accordance with the provisions of this chapter,** or which do not meet the requirements of all applicable Town of Fort Myers Beach, state, and federal codes.
- (2) **Signs that resemble any traffic control device,** official traffic control signs or emergency vehicle markings.
- (3) **Signs located at the intersection of any street right-of-way** in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape, or color, the sign may interfere with or obstruct the view of any authorized traffic sign, signal, or device; or which make use of the word “stop,” “look,” “drive-in,” “danger,” or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse vehicular traffic.
- (4) **Animated signs** except those displaying only cycling time or temperature.
- (5) **Back-lit awnings.** However, any business with an existing back-lit awning as of December 31, 2004, may continue to use that awning and may place or replace signage on that awning provided it otherwise conforms to this code. This right shall end if the business is discontinued or moved to a different location, or if the building is rebuilt or substantially improved.
- (6) **Balloons or balloon signs.**
- (7) **Banners, pennants, or other flying paraphernalia,** except as permitted in § 30-141 (temporary signs).
- (8) **Bench signs.**
- (9) **Canopy signs.**
- (10) **Emitting signs.**

- (11) **Inflatable objects.**
- (12) **Motion picture signs.**
- (13) **Obscene signs.**
- (14) **Off-premises signs.**
- (15) **Parasite signs.**
- (16) **Pole signs.**
- (17) **Portable signs.**
- (18) **Roof signs.**
- (19) **Sandwich-board signs.** Except as permitted by §§ 27-51(c)(4) and (5) for PWVL and PAL businesses.
- (20) **Signs with any lighting or control mechanism** which causes radio, television, or other communication interference.
- (21) **Signs erected, constructed, or maintained so as to obstruct or be attached to any fire-fighting equipment** or any window, door, or opening used as a means of ingress or egress or for fire-fighting purposes, or placed so as to interfere with any opening required for proper light and ventilation.
- (22) **Signs which are placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface** located on public property or over or across any street or public street except as may otherwise expressly be authorized by this chapter.
- (23) **Snipe signs.**
- (24) **Vehicle signs.**
- (25) **Window signs** which cover more than thirty (30) percent of the window glass surface area.

Sec. 30-6. Exempt signs.

The following signs are exempt from the permitting requirements of this chapter:

- (1) **Awning signs.** Awning signs consisting of one line of letters or building or address numbers on the hanging border, or an identification emblem, insignia, initial, or other feature not exceeding an area of eight (8) square feet painted or installed elsewhere on an awning.
- (2) **Building numbers.** Posted building numbers must be between three (3) and eight (8) inches high for detached dwellings and for individual businesses, institutional, and multifamily buildings. Numbers on buildings that are set back more than fifty (50) feet from the street must be between eight (8) and eighteen (18) inches high. If the building number is prominently displayed on an

- identification sign for a multiple occupancy complex, the number need not be repeated for individual businesses within that complex.
- (3) **Business information signs.** Business information signs provided that such signs are posted on the entrance doors or within a window.
- (4) **Flags** that contain no commercial message.
- (5) **Garage sale signs.** Garage sale signs, provided they are erected not more than 24 hours prior to the sale and are removed within 72 hours of the time they were erected.
- (6) **Government and public safety signs.** Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, signs of public service companies indicating danger, “no parking” signs, and aids to service or safety which are erected by or on the order of a public official in the performance of his public duty.
- (7) **Incidental signs** not exceeding two (2) square feet in area per sign and limited to two (2) signs per parcel or lot. Additional incidental signs shall require a permit for each such additional sign.
- (8) **Instructional signs** or symbols located on and pertaining to a parcel of private property, not to exceed four (4) square feet in area per sign.
- (9) **Interior signs.** Signs located within the interior of any building, or within the inner or outer lobby, court, or entrance of any theater. This does not, however, exempt such signs from the structural, electrical, or material specifications as set out in this code and the Florida Building Code.
- (10) **Legal notices.** Legal notices and official instruments.
- (11) **Memorial signs or tablets.** Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- (12) **Nameplates.** Any sign not exceeding one and one-half (1½) square feet in area per sign and not exceeding two (2) in number per lot. Such signs shall not be illuminated, and they shall not project over any public right-of-way.
- (13) **Posted property signs.** Posted property signs, not to exceed one and one-half (1½) square feet in area per sign and not

- exceeding two (2) in number per lot. Such signs shall not be illuminated, and they shall not project over any public right-of-way.
- (14) **Public information signs.** Any sign used for public information or direction erected either by or at the direction of a public body.
 - (15) **Real estate, open house, and model signs.** Real estate, open house, and model signs.
 - (16) **Sandwich-board signs,** but only as permitted by §§ 27-51 (c)(4) and (5) for PWVL and PAL businesses.
 - (17) **Signs incorporated on machinery or equipment.** Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, 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.
 - (18) **Special event signs.**
 - (19) **Symbols or insignia of religious orders,** historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque or identification emblem shall exceed sixteen (16) square feet in area.
 - (20) **Temporary signs.** Temporary election signs, special event signs, and real estate signs as provided in § 30-141.
 - (21) **Tow Away Zone signs** erected pursuant to and in compliance with Section 715.07, Florida Statutes.
 - (22) **Warning signs.** Signs warning the public of the existence of danger, to be removed upon subsidence of danger.
 - (23) **Waterway signs.** Directional signs along inland waterways.
 - (24) **Window signs.** Interior window signs which identify or advertise activities, services, goods, or products available within the building.
 - (25) In single-family residential zoning districts, no more than one (1) residential sign, in addition to any directional signs, flags, incidental signs, and temporary signs that may be otherwise allowed, shall be erected or located on the site and shall not exceed four (4) square feet in sign area and, if freestanding, five (5) feet in height.

- (26) In multifamily zoning districts, one (1) residential sign per street frontage of the site, in addition to any directional signs, flags, incidental signs and temporary signs that are otherwise allowed, shall be located on the site, provided, however, that in no event shall the total number of such signs exceed two (2) per site. The maximum sign area for each residential sign shall be sixteen (16) square feet and, if freestanding, the maximum height shall not exceed eight (8) feet.

Secs. 30-7–30-50. Reserved.

Sec. 30-51. Violation of chapter; penalty.

The town manager or designee is authorized to pursue any one or combination of the enforcement mechanisms provided in this code or by law for any violation of this chapter. Penalties may be assessed against any owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or shall exist; any person who knowingly commits, takes part in or assists in such violation; and any person who maintains any sign or sign structure in violation of this chapter or in dangerous or defective condition.

Sec. 30-52. Reserved.

Sec. 30-53. Powers and duties of town manager.

(a) **Generally.** The town manager is hereby authorized and directed to administer and enforce the regulations and procedures and to delegate the duties and powers granted to and imposed upon him under this chapter.

(b) **Specific powers and duties.**

(1) **Issuance or denial of permits and certificates.**

- a. It shall be the duty of the town manager or designee, upon receipt of a completed application for a sign permit, to examine such plans and specifications and other data and, if the proposed structure is in compliance with the requirements of this section and all other applicable provisions of this chapter, to issue to the applicant a written permit evidencing the applicant's compliance therewith.

Permits shall be issued within fifteen (15) days of receipt of a complete application. Issuance of the permit shall in no way prevent the town manager or designee from later declaring the sign to be illegal if, upon further review of the information submitted with the application or of newly acquired information, the sign is found not to comply with the requirements of this chapter.

- b. No sign permit or certificate of compliance shall be issued except in compliance with this chapter and any other applicable ordinances and laws or court decisions.
- (2) **Lapse.** A sign permit shall lapse automatically if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of thirty (30) days and is not renewed within thirty (30) days from the date written notice is sent from the town to the last permittee that the sign permit will lapse if such activity is not resumed. A sign permit shall also lapse if the sign for which it is issued either is not erected and/or placed within one hundred eighty (180) days following the issuance of the sign permit or is removed for a period of sixty (60) days. Once a sign permit has lapsed, it shall be considered void and a new application and review process shall be necessary in order to have the sign permit re-issued.

Sec. 30-54. Variances.

Requests for variances or deviations from the terms of this chapter shall be administered and decided in conformance with the requirements for variances and deviations which are set forth in ch. 34.

Sec. 30-55. Permits; inspections.

- (a) **Sign permit required; modifications.**
- (1) Except as otherwise provided for in this chapter, no sign shall be located, placed, erected, constructed, altered, replaced, enlarged, moved, or converted in the Town of Fort Myers Beach, without first obtaining a sign permit.

- (2) In the event a sign is located, installed, or maintained upon real property in the Town of Fort Myers Beach without any required permits, after the expiration or lapse of a sign permit, or otherwise in violation of the requirements of this Chapter, the owner of the real property where the sign is located shall be responsible for the prompt removal of such sign and shall be responsible for and subject to all fines or penalties resulting from such violation.

(b) **Application for sign permit.** In order to obtain a permit to erect, alter, or relocate any sign under the provisions of this chapter, an applicant therefore shall submit to the town a sign permit application, which shall include:

- (1) A completed application form that includes the following:
 - a. The name, address, and telephone number of the applicant.
 - b. The name, address, and telephone number of the person constructing the sign, as well as the name, address, and telephone number of the owner of the sign.
 - c. Information as to the type of sign to be erected, e.g., monument, projecting, or wall-sign; illuminated or non-illuminated; temporary or permanent.
 - d. The approximate value of the sign to be installed, including the installation cost, and information concerning the design of the sign and the copy that will appear on the sign.
- (2) A *site location plan* that includes the following:
 - a. Location by street address and legal description (tract, block, and lot) of the building, structure, or lot where the sign is to be erected or installed.
 - b. A fully dimensioned plot plan, to scale, indicating the location of the sign relative to property lines, rights-of-way, streets, easements, sidewalks, and other buildings or structures on the premises, as well as the location, size, and type of any other existing signs whose construction requires a sign permit.
 - c. A sea turtle lighting plan for all lighted signs that are visible from the beach, including signs that are within buildings.

- d. A landscape plan for sign installations that will include landscaping.
- (3) *Application fee.* Applications for a permit to erect, construct, alter, or extend a sign or sign structure shall be accompanied by a fee in the amount established by the Town Council.
- (4) *A drawing to scale* showing the design of the sign, including dimensions, sign size, method of attachment, and source of illumination, and showing the relationship to any building or structure to which it is or is proposed to be installed or affixed.
- (5) Plans indicating the scope and structural detail of the work to be done, including details of all connections, supports, footings, and materials to be used.
- (6) Where determined to be necessary, a copy of stress sheets and calculations indicating that the sign is properly designed for dead load and wind pressure in any direction.
- (7) Where determined to be necessary, a listing of all materials to be utilized in the construction of the sign, or, in the alternative, a statement that all materials are in compliance with the Florida Building Code.
- (8) If applicable, an application, and required information for such application, for an electric permit for all signs that include electric components. Electrical components must be UL-approved and installed in conformance with the listing.
- (9) All signs, except exempt signs and certain temporary signs, are required to be installed or erected only by a licensed sign contractor or licensed electrical sign contractor. All persons engaged in the business of installing or maintaining signs involving, in whole or part, the erection, alteration, relocation, or maintenance of a sign or other sign work in or over or immediately adjacent to a public right-of-way or public property is used or encroached upon by the sign installer shall agree to hold harmless and indemnify the Town of Fort Myers Beach and its officers, agents, and employees from any and all claims of negligence resulting from the erection, alteration, relocation, or maintenance of a sign or other sign work.
- (10) *Expiration of sign permit.* A sign permit shall expire and become null and void six months from the date of issuance, except that it may be extended for good cause by the town manager or designee.

(11) *Inspections.* All signs for which a permit is required by this chapter must be inspected by the town to ensure compliance with this chapter and all other applicable regulations. Failure to obtain a final satisfactory inspection within the permit period or any renewal shall render the permit invalid, and the applicant shall be required to reapply for a permit or remove the sign or sign or structure.

(12) *Identification number.* All signs that were issued a permit after September 13, 1999, must have the sign permit number affixed to the upper right corner of the sign. The town will maintain digital photographs of all signs in the town in town hall.

Sec. 30-56. Non-conforming signs.

(a) *Non-conforming sign compliance.* All signs that do not conform to the requirements of this chapter shall be considered to be non-conforming signs. All non-conforming signs shall be either removed or brought into conformity with this chapter no later than December 31, 2011. The owner of the real property on which such non-conforming signs exist shall be responsible for ensuring that such signs are removed or brought into conformity.

(b) *Non-conforming sign permits.* Sign permits will not be issued for the alteration, replacement, or repair of any non-conforming signs.

(c) *Exception.* Signs that have been designated as historically significant pursuant to § 30-57 below, shall not be considered to be non-conforming signs. Such signs shall be governed by the provisions of § 30-57.

Sec. 30-57. Designation of historically significant signs.

Any existing sign may be nominated for designation as historically significant as provided herein.

(a) Nomination of a sign for designation as historically significant shall be made on an application provided by the director. The application should document the historical background of the sign.

(b) The historic preservation board will hold a public hearing on the nomination and will use the historic preservation element of the town’s comprehensive plan as a guideline to consider the nomination. The following criteria will be considered where applicable:

- (1) Whether the sign is associated with historic person(s), event(s), or location(s);
- (2) Whether the sign provides significant evidence of the history of the product, business, or service represented;
- (3) Whether the sign is characteristic of a specific historic period;
- (4) Whether the sign is an outstanding example of the art of sign-making, through its craftsmanship, use of materials, and/or design; and
- (5) Whether the sign is a local landmark that is popularly recognized as a focal point in the community.

(c) The historic preservation board will, after hearing public comment, vote to recommend that the Town Council either approve or deny historically significant status to the nominated sign.

(d) Following the historic preservation board public hearing, the Town Council will hold a public hearing to consider the nomination. In order to approve the designation of a sign as historically significant, the Town Council must find that the sign meets one or more of the criteria in § 30-57(b) and is consistent with the town comprehensive plan’s historic preservation element.

(e) A sign that has been designated historically significant may remain as a legal non-conforming sign notwithstanding the provisions of § 30-56 (non-conforming signs). If a sign that has been designated as historically significant is damaged or destroyed, it may be reconstructed, but such reconstruction must duplicate in all respects the sign that was damaged or destroyed.

Secs. 30-58–30-90. Reserved.

Sec. 30-91. Computation of sign area.

(a) The area of a sign shall include all lettering, wording, and accompanying designs and symbols together with the background, whether open or enclosed, on which they are displayed but not including any supporting framework and bracing

which are incidental to the display. The sign area shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of any supporting structures that are not part of the display.

(b) When a single sign structure is used to support two or more signs, or unconnected elements of a single sign other than individual letters or symbols, the sign area shall be computed on each sign face in the same manner as the sign area of a single sign. If the faces of a multi-faced sign are separated at any point by more than eighteen (18) inches, then each sign face shall constitute a separate sign.

(c) The area of a double-faced sign shall be computed on only one (1) side, provided, however, that where both sides are unequal in size, the area for the larger side shall be used.

(d) Where a sign consists of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall consist of the single smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols, including the sign background.

Sec. 30-92. Measurement of sign height.

The vertical height of a freestanding sign shall be the vertical distance measured from the highest adjacent grade or the crown of the adjacent street, whichever is higher, to the highest point of the sign face or its supporting structural elements.

Sec. 30-93. Location.

(a) **Visibility triangle.** No sign shall be erected that would impair visibility at a street intersection or driveway entrance as described in § 34-3131 of this code.

(b) **Street setbacks.** No sign or portion of a sign shall be erected closer than three (3) feet to any sidewalk or bike path or to any street right-of-way unless at least eight (8) feet of vertical clearance is maintained.

(c) **Signs near the beach.** Other portions of this code may affect the location or lighting of signs. For example:

- (1) Signs are permitted in the EC zoning district only if approved through the special exception process or as a deviation in the planned development zoning process (see § 6-366(b)), or where explicitly permitted by §§ 14-5 or 27-51. Where signs are permitted by § 27-51, equivalent signs containing non-commercial messages may be substituted.
- (2) A sea turtle lighting plan is required for new signs with artificial light sources that are visible from the beach, including signs that are within buildings. Guidelines for ensuring that sea turtle nesting habitat will not be directly or indirectly illuminated are found in § 14-79.

(d) **Clearance from power lines.** Signs shall be located no closer than ten (10) feet from all overhead electrical lines and conductors and no closer than three (3) feet from all secondary voltage service drops.

Sec. 30-94. Construction standards.

(a) **Generally.** All signs shall comply with the appropriate detailed provisions of the Florida Building Code relating to design, structural members, illumination, and connections. All electrical work shall be Underwriters' Laboratories approved or be certified by an electrician licensed in accordance with article II of ch. 6 of this code. Signs shall also comply with the additional standards set forth in this section.

(b) **Structural design.**

- (1) The town manager or designee may require wind load calculations for signs prior to issuance of a permit.
- (2) A wall must be designed for and have sufficient strength to support any sign that is attached thereto.

(c) **Materials for monument signs.**

- (1) All monument signs shall be self-supporting structures erected on and permanently attached to the ground.
- (2) All wood permitted to be used, whether for new permanent signs, for replacement of existing permanent signs, or for any part thereof, shall be rot and termite resistant through open-cell preservation methods as specified by the American Wood

Preservation Association, or by any other open-cell preservation treatment approved by the Florida Building Code.

(d) **Electric signs.**

- (1) All electric signs shall be certified by a licensed electrical contractor that the sign meets the standards established by the Florida Building Code. All electric signs shall be erected and installed by a licensed sign contractor. The electrical connection to a power source shall be performed by a licensed electrical contractor.
- (2) Artificial light used to illuminate any sign from outside the boundaries of the sign shall be screened in a manner which prevents the light source from being visible from any abutting right-of-way or adjacent property. See ch. 14 of this code for sea turtle lighting restrictions.
- (3) All externally illuminated signs must also comply with the technical standards for lighting found in § 34-1833.

(e) **Supports and braces.** Metal supports or braces shall be adequate for wind loading. All metal wire cable supports and braces and all bolts used to attach signs to brackets or brackets and signs to the supporting building or structure shall be made of galvanized steel or of an equivalent corrosive resistant material. All such sign supports shall be an integral part of the sign.

(f) **Anchoring.** No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

(g) **Maximum angle for double faced signs.** Double faced signs with opposing faces having an interior angle greater than 30 degrees shall not be permitted.

Sec. 30-95. Sign identification and marking.

Unless specifically exempted from permit requirements of this chapter, all signs shall be photographed and filed with permit numbers in town hall.

Sec. 30-96. Maintenance.

(a) All signs, including their supports, braces, guys, and anchors, shall be maintained so as to present a neat, clean appearance. Painted areas and sign surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe and good working order.

(b) Weeds and grass shall be kept cut in front of, behind, underneath, and around the base of monument signs for a distance of ten feet, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near such signs.

Secs. 30-97–30-150. Reserved.

Sec. 30-151. Temporary signs.

The following temporary signs are permitted in all zoning districts subject to the following regulations. It shall be unlawful to erect, cause to be erected, maintain, or cause to be maintained any temporary sign which fails to comply with the following regulations.

(a) *Temporary business announcement signs* not exceeding sixteen (16) square feet in area and eight (8) feet in height are permitted for a new business, or an existing business that has moved to a new location where there are no permanent signs for such business. Such signs are permitted for a period of not more than sixty (60) days or until installation of permanent sign(s), whichever occurs first. No temporary announcement sign shall be permitted that exceeds either the number or size of permanent signs otherwise permitted by this chapter for the occupancy or location. Sign permits are required for temporary business announcement signs.

(b) *Construction signs.*

- (1) One construction sign shall be permitted per construction project on each street frontage. The sign shall be erected no earlier than five (5) days prior to the commencement of construction, shall be confined to the construction site, and shall be removed prior to issuance of a certificate of occupancy.
- (2) Construction signs may only denote the name of the architect, engineer, contractor, subcontractor, owner, future tenant financing agency, or other persons performing services

or labor or supplying materials for the project.

- (3) Maximum size limitations for construction signs shall be as follows:
 - a. For all residential and nonresidential developments, one non-illuminated sign not exceeding sixteen (16) square feet in area and eight (8) feet in height may be erected on each street frontage.
 - b. All construction signs must be located within the construction site.
 - c. Sign permits are required for construction signs.

(c) *Development signs.*

- (1) A development sign may be permitted in any residential development wherein more than twenty (20) percent of the total number of lots, homes, or living units remain unsold, subject to the following regulations:
 - a. One non-illuminated development sign not exceeding sixteen (16) square feet in area and eight (8) feet in height may be permitted at each street entrance into the subdivision or development.
 - b. The sign shall be located within the subdivision or development site.
 - c. Permits for development signs shall be valid for no more than one (1) year and may be renewed annually provided more than twenty (20) percent of lots, homes, or dwelling units remain unsold.
- (2) One non-illuminated development sign per street frontage may be permitted in any commercial zoning district to promote the sale or rental or lease of lots or units within the development. The maximum sign area shall be sixteen (16) square feet and the maximum height shall be ten (10) feet.
- (3) Sign permits are required for all development signs.

(d) *Election signs.* Election signs are permitted as follows:

- (1) *Sign area and height.* Election signs shall have a maximum area of four (4) square feet and, if freestanding, a maximum height of three (3) feet.
- (2) *Number.* In residential zoning districts, the number of election signs shall be limited to one (1) per ten (10) linear feet of street frontage. In commercial zoning districts, the

number of election signs shall be limited to one (1) per twenty (20) feet of street frontage.

(3) *Timing and removal.* Election signs may be erected no earlier than thirty (30) days prior to the primary or general election to which they relate and shall be removed no later than ten (10) days after the election, provided, however, that an election sign erected prior to a primary election may remain posted continuously until ten (10) days after the general election when the candidate referenced in the sign advances from the primary to the general election. In the event an election sign is displayed on a site outside of the time period allowed herein, or in the event the number of election signs located on a property exceed the number permitted herein, such sign(s) remaining outside the allowed period or the excess number of such signs shall no longer be deemed election signs, but instead, based on the zoning district, shall be treated as and subject to all conditions and regulations applicable to residential signs or non-commercial signs for the site at which the sign is located. If the one “residential sign” or “non-commercial sign” allowed as exempt under § 30-6 is already located on the site where the election sign is located, then any such election sign displayed on a site either beyond the permitted time period for election signs or in excess of the number of allowed signs per site, such sign(s) shall no longer be deemed to be an exempt sign, but instead shall be treated as and subject to all conditions and regulations applicable to a non-exempt sign located on the site.

(e) *Permit boards.*

(f) *Special event signs.* For special events where a special event permit is required, no signs relating to the event shall be erected until a special events permit has been obtained from the town. The following regulations shall also apply:

- (1) Special event signs may be erected no earlier than fourteen (14) days prior to a proposed event and must be removed within two (2) days after the event.
- (2) Special event signs shall not exceed sixteen (16) square feet in area and eight (8) feet in height.

- (3) Banners may be strung for special events if approved as part of a special events permit and shall be subject to the same duration limitations as other special event signs.
- (4) The persons(s) or organization(s) sponsoring the special event shall post with the town a cash bond of two hundred dollars (\$200.00). The cash bond shall be refunded upon removal of the sign(s) by the sponsoring person(s) or organization(s) and verification of their removal by the town. The cash bond shall be forfeited to the town in the event one (1) or more of the special event signs are not removed within two (2) days after the conclusion of the special event.

(g) *Real estate signs.* Real estate signs shall be permitted on properties where the owner is actively attempting to sell, rent, or lease such property, either personally or through an agent, as follows:

- (1) All properties listed for sale may have one (1) non-illuminated sign, perpendicular to the roadway, that is not more than four (4) square feet in area and five (5) feet in height. Not more than one (1) sign for each street frontage shall be permitted. Waterfront (canal, bay, lagoon, or beach) properties may also have one (1) monument sign which is no more than twelve (12) inches in height and twenty-four (24) inches in width and is located on the water frontage side of the property so that such sign is visible from the water.
- (2) The sign face may have the name of the licensed real estate professional, the real estate company or other licensed entity, any required professional indicia, and a phone number and/or address. The sign face may additionally state, “For Rent” or “For Lease” or both, but such statements must be included within the sign face.
- (3) No riders (such as name of agent, “sold,” “sale pending,” “pool,” “price reduced,” etc.) shall be attached to the sign.
- (4) If a property is both for sale and for rent, only one sign is allowed.
- (5) No signs may be fastened to trees.
- (6) No “goal post” supports are allowed.
- (7) *“Open house” signs.* “Open house” signs are allowed as follows:
 - a. One (1) “open house” sign per property per street and waterbody frontage.

- b. The area of any “open house” sign must not exceed four (4) square feet in area and three (3) feet in height, and the sign(s) may be placed only upon the property to be sold or leased.
- c. The sign(s) shall be displayed only when the premises are actually available for inspection by a prospective buyer or tenant.

(h) **Temporary directional signs.** For temporary events with a duration of one (1) day or less, temporary directional signs may be placed in the right-of-way along Estero Boulevard and at each intersection on the most direct route between Estero Boulevard and the property where the temporary event is taking place. Such signs may be placed on the day of the event only and must be removed within twenty-four (24) hours after the termination of the event. Such signs shall be no more than four (4) square feet in area and may only contain a brief description of the event, the address for the event and a directional arrow.

Sec. 30-152. Development identification signs.

Development identification signs shall be subject to the following:

- (a) **Residential development identification signs.**
 - (1) **Entrance signs.** Permanent wall or monument signs for identification purposes only, giving only the name of the condominium, subdivision, or development, may be permitted at each main entrance into such subdivision or development. Subdivision or development entrances which contain a median strip separating the entrance and exit lanes may be permitted:
 - a. A single monument sign located in the median strip of the entrance, provided that it is set back a minimum of fifteen (15) feet from the right-of-way of the public access road and a minimum of five (5) feet from the edge of the pavement of the entrance and exit lanes, or
 - b. Two single-faced signs equal in size and located on each side of the entranceway.
 - (2) **Limitations.**
 - a. The condominium, subdivision, or development shall have a property owners’ association or similar entity

which will be responsible for maintenance of the sign.

- b. The face of each permitted main entrance identification sign shall not exceed twenty-five (25) square feet and five (5) feet in height.
- c. The sign may be illuminated with a steady light so shielded as to not allow the light to interfere with vehicular traffic. See ch. 14 of this code for sea turtle lighting restrictions.
- d. The sign should be incorporated into accessory entrance structural features such as a wall or landscaping.

(b) **Schools, churches, day care centers, parks, recreational facilities, and libraries.** A school, church, day care center, park, recreational facility, or library shall be permitted one (1) monument or wall-mounted identification sign and one (1) directory sign within the property line, with maximum sign area of twenty-four (24) square feet and a maximum height of five (5) feet.

Sec. 30-153. Maximum sign area.

(a) **Single and multifamily residential uses in residential zoning districts.** Except for those signs identified as exempt signs in § 30-6 and temporary signs in § 30-141, no signs are allowed on sites containing residential uses in residential zoning districts. Any such exempt or temporary sign(s) located on a residential site in a residential zoning district shall comply with the regulations for exempt sign(s) contained in § 30-6 and the regulations for temporary signs contained in § 30-141.

(b) **Commercial uses in commercial zoning districts.** All signs located in commercial zoning districts, except for those signs identified as exempt signs in § 30-6 and temporary signs in § 30-141, shall comply with the following sign area limitations.

- (1) For a parcel of land containing one (1) or two (2) business establishments, each separate business establishment shall be allowed a maximum of thirty-two (32) square feet of sign area.
- (2) For a parcel of land containing three (3) or more business establishments, each establishment shall be allowed a maximum of sixteen (16) square feet of sign area. An additional thirty-two (32) square feet of sign

area may be utilized to identify the commercial development.

- (3) The maximum sign area provided herein may be allocated among a combination of one (1) or more monument signs, projecting signs, and/or wall signs.

Sec. 30-154. Standards for monument signs, projecting signs, and wall signs in commercial zoning districts.

Except as may be otherwise provided herein, all monument signs, projecting signs, and wall signs located in commercial zoning districts shall comply with the following regulations.

(a) Buildings that are required to meet the commercial design standards in §34-991-1010 cannot install internally lit box signs (see Figure 30-1). When internally lit signs are permitted for buildings that are not required to meet the commercial design standards, the sign face must be designed so that illumination occurs only on individual letters or symbols. An opaque background panel must be used so that the internal light only passes through the letters or symbols. This requirement also applies to all signs with changeable copy. See Figure 30-2 for an example of illuminated letters on an internally lit sign face.



Figure 30-1



Figure 30-2

(b) **Location.** Monument signs must be set back at least three (3) feet from any public right-of-way or roadway easement, provided, however, that monument signs may be located in a lawfully developed landscaped median strip that is within a public or private right-of-way or easement where the holder(s) of the right-of-way or easement have consented to the location of the monument sign in such right-of-way or easement. Monument signs located in such median strips must be set back a minimum of two (2) feet from the edge of the pavement and must not violate the visibility requirements of § 34-3131. Wall signs and

projecting signs may extend over public sidewalks provided they maintain a minimum clear height above sidewalks of eight (8) feet and do not extend closer than two (2) feet to an existing or planned curb.

(c) Monument signs may be elevated provided that the bottom of the sign is no more than eighteen (18) inches above the highest adjacent grade. The maximum height of a monument sign is five (5) feet.

(d) A wall sign must not extend above the lowest edge of the building’s eaves or above the highest horizontal members of the fence or wall to which it is attached.

(e) A projecting sign must not extend more than three (3) feet above the lowest edge of the building’s eaves.

Sec. 30-155. Severability.

(a) **Generally.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or work of this chapter is declared unconstitutional by a final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter.

(b) **Severability where less speech results.** This subsection shall not be interpreted to limit the effect of subsection (a) above, or any other applicable severability provisions in the Code or any adopting ordinance. The town council specifically intends that severability shall be applied to these sign regulations even if the result would be to allow less speech in the town, whether by subjecting currently exempt signs to permitting or by some other means.

(c) **Severability provisions pertaining to prohibited signs.** This subsection shall not be interpreted to limit the effect of subsection (a) above, or any other applicable severability provisions in the code or any adopting ordinance. The town council specifically intends that severability shall be applied to § 30-5, “Prohibited signs,” so that each of the prohibited sign types listed in that section shall continue to be prohibited

irrespective of whether another sign prohibition is declared unconstitutional or invalid.

(d) ***Severability of prohibition on off-premises signs and commercial advertising signs.*** This subsection shall not be interpreted to limit the effect of subsection (a) above, or any other applicable severability provisions in the code or any adopting ordinance. If any or all of chapter 30 “Signs” or any other provision of the town’s code is declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the town council specifically intends that that declaration shall not affect the prohibition on off-premises signs contained in § 30-5.