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October 26, 2004

Greater Fort Myers Beach Area Chamber of Commerce
17200 San Carlos Boulevard
Fort Myers Beach, Florida 33931

Fort Myers Beach Civic Association
P.O. Box 2356
Fort Myers Beach, Florida 33932

RE: Fort Myers Beach Land Development Code, Chapter 30 on Signs

Dear Civic Leaders:

The Local Planning Agency of the Town of Fort Myers Beach is preparing an update to the town's land development code. This update will be lengthy but it mainly will serve to resolve minor inconsistencies and interpretation problems that have arisen since the code was completed early last year.

Chapter 30 of this code regulates signs. This is the only chapter that has never been thoroughly updated since it was inherited from Lee County when the town incorporated. For this reason, its current update appears more extensive than the other chapters.

Before public hearings are scheduled, please ask any of your members who are interested to review the attached draft of this chapter and forward any comments or questions directly to me or to Jerry Murphy at Town Hall.

This material is also available on-line for any of your members who would prefer to obtain a copy that way: <http://www.spikowski.com/LetterToChamber-CivicLDCch30.pdf>

Sincerely,

Bill Spikowski

ATTACHMENTS:

- *Memorandum to the Local Planning Agency, dated October 11, 2004*
- *Draft of proposed revisions to Chapter 30 of the land development code, dated October 26, 2004*
- *Cross-reference chart of sign types described in Chapter 30*

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MEMORANDUM

TO: Fort Myers Beach Local Planning Agency
FROM: Bill Spikowski
DATE: October 11, 2004
SUBJECT: **LAND DEVELOPMENT CODE AMENDMENTS – CHAPTER 30**

Attached is a preliminary draft of proposed amendments to the Land Development Code for Chapter 30 regarding signs. This draft will be added to other changes to Chapters 1, 2, 6, 14, 27, and 34 that you reviewed on June 22. The result will be a single major ordinance amending the Land Development Code. Formal public hearings on this ordinance will not take place until this winter.

The Local Planning Agency is charged with preparing amendments and updates to the Land Development Code. On October 19, the LPA should review this draft and discuss any observations and concerns so that they can be considered prior to circulation of these changes to the business community and to the general public.

CHAPTER 30

HISTORY: The original version of Chapter 30 of the Land Development Code (the sign chapter) was Lee County's version of that chapter as it existed on the date of incorporation. The Local Planning Agency overhauled Chapter 30 through Ordinance 99-1 in February 1999, followed by minor changes as follows:

- Ordinance 99-11 in September 1999
- Ordinance 99-14 in November 1999
- Ordinance 03-06 in June 2003

The previous revisions and the current update all retain the organizational structure of the original Chapter 30. The structure is quite complicated but is being retained primarily to remain consistent with the format of Lee County's sign regulations (which are also used by the city of Cape Coral).

This ordinance can be used in two different ways. Regulations for certain types of signs are found in specific sections of Chapter 30; for instance, prohibited signs are listed in § 30-5; allowable signs are listed in § 30-6; non-conforming signs are discussed in § 30-56; and signs that identify businesses are addressed in § 30-153. Those already familiar with this chapter, or who need just a single piece of information, can go directly to those sections.

Those with more general questions will probably start with the definitions in § 30-2. Every distinct type of sign is defined there. The definitions section now includes specific references to all other sections of this chapter that address that particular type of sign. Thus someone interested in placing a temporary sign across Estero Boulevard to publicize a civic event would begin by reviewing the definitions section, learn there that “banner” is the appropriate term, then be directed to §§ 30-5 and 30-151 for details on banners.

For your convenience I am attaching to this memorandum a cross-reference chart that lists every type of sign in this version of Chapter 30 and then identifies all sections of the chapter that address each type of sign. This chart is not a formal part of Chapter 30 but should prove useful as an aid to learning how the chapter is structured.

DETAILS OF PROPOSED CHANGES: The proposed changes attached to this memorandum affect the following sections of Chapter 30:

- **§ 30-2:** This section adds definitions for previously undefined sign types; adds cross-references to other parts of this chapter; eliminates existing terms that are no longer used in Chapter 30; and eliminates some regulations that had been contained in their definitions (the regulations have been moved to the appropriate section of this chapter).
- **§§ 30-3—30-6:** These sections had been renumbered in 1999, causing confusion to those who use both Lee County’s and Fort Myers Beach’s sign regulations. With this draft, the original numbering would be reinstated in order to eliminate this confusion.
- **§ 30-4:** In 2003, special sign regulations were added to Chapter 34 as part of new commercial design standards. These new sign regulations are now being moved from Chapter 34 into Chapter 30 so that all regulations for signs that identify businesses are in a single location.
- **§ 30-5:** This section lists all prohibited signs. The new regulations are very similar in content to the existing regulations, but the terminology has been made more consistent and certain contradictions have been eliminated.
- **§ 30-6:** This section lists all allowable signs. Subsection (a) lists allowable signs that do not require a sign permit; subsection (b) lists allowable signs for which a sign permit is required.
- **§ 30-51:** The penalty provisions are being made consistent with the remainder of the land development code.
- **§§ 30-53—30-55:** These sections address administrative matters such as permitting and inspections. The major change is that the (Lee County) building official would no longer be the authority for issuing sign permits at Fort Myers Beach; the town manager or designee at town hall would issue sign permits.
- **§ 30-56:** This section on non-conforming signs is extremely important. When this section was rewritten in 1999, signs that did not conform to the new rules were given an 8-year-period before they had to be removed. This period will expire on September

13, 2007, at which time these signs must be replaced with signs that conform to Chapter 30. No significant changes are being proposed to these nonconforming rules.

- **§ 30-91:** This section describes how the size of a sign is measured. The traditional rule is that the area measurement is to the outside edge of the sign frame, or if there is no sign frame, the area where a frame would have gone (completely surrounding all letter in the sign). A significant change is being proposed in this draft; signs that are mounted on the wall of a building and consist of individual letters or symbols would use a different standard, now being measured as the sum of the areas within the perimeter of each letter of symbol. This change would encourage this type of sign by allowing the individual letters to be larger than if the sign were mounted on a frame or placed on a freestanding monument sign.
- **§ 30-92—30-96:** These sections contain other technical standards regarding the height and location of signs, followed by construction and landscaping standards.
- **§ 30-151:** This section contains regulations for six types of temporary signs. This draft makes only minor changes to these regulations, primarily to resolve inconsistencies in terminology.
- **§ 30-152:** This section contains regulations for permanent identification signs in residential areas. Some changes are being made for consistency, and two subsections are being deleted as they apply only to very large master-planned real estate developments.
- **§ 30-153:** This section is perhaps the most important in the entire chapter as it regulates signs that identify businesses in commercial areas. The existing structure of this section has always confused even regular users of this code; in addition, this is the proper location for the sign standards being moved from Chapter 34. Thus a new format for this section has been prepared for your consideration. The standards themselves are very similar to the existing code.
 - Standards have been added to allow certain signs to extend over sidewalks. These standards are needed for buildings that are built immediately up to the sidewalk.
 - New language has been added to coordinate with the sea turtle lighting regulations in Chapter 14 that apply to signs.
 - New regulations strongly favor lighting that is inside individual letters or is an external light shining on the sign, rather than signs that are internally lit with light shining through translucent material.
 - When signs are internally lit, the lighting needs to come through the letters and symbols, rather than through a surrounding translucent panel.
 - The existing Chapter 30 is somewhat unclear as to how monument signs are to be measured, particularly as to the amount of structure that can be placed *below* the sign. I have attempted to make this standard easier to understand without changing its original intent.



- Allowable identification signs for businesses fall into three categories, each of which is illustrated in the code:

Wall Signs (mounted flat on the walls of buildings)	
Projecting Signs (mounted on building walls but projecting outward so they are visible to someone passing by, rather than someone looking directly toward the face of the building where the sign is mounted)	
Monument Signs (low freestanding signs placed directly on the ground)	

ATTACHMENTS:

- Draft of proposed revisions to Chapter 30 of the land development code, dated October 11, 2004
- Cross-reference chart of sign types described in Chapter 30

EXHIBIT G

FORT MYERS BEACH LAND DEVELOPMENT CODE

CHAPTER 30 — SIGNS

Sec. 30-1. Purpose and intent of chapter.
Sec. 30-2. Definitions and rules of construction.
Sec. 30-3. Reserved.
Sec. 30-4. ~~3.~~ Applicability of chapter.
Sec. 30-5. ~~4.~~ Prohibited signs.
Sec. 30-6. ~~5.~~ Permitted Allowable signs.
Sec. 30-7. ~~6.~~ Parking of advertising vehicles.
Secs. 30-8. ~~7.~~–30-50. Reserved.
Sec. 30-51. Violation of chapter; penalty.
Sec. 30-52. Reserved.
Sec. 30-53. Powers and duties of town manager.
~~building official.~~
Sec. 30-54. Variances.
Sec. 30-55. Permits; inspections.
Sec. 30-56. Non-conforming signs.
Secs. 30-57–30-90. Reserved.
Sec. 30-91. Measurement of sign area.
Sec. 30-92. Measurement of sign height.
Sec. 30-93. Location.
Sec. 30-94. Construction standards; landscaping.
Sec. 30-95. Sign identification and marking.
Sec. 30-96. Maintenance.
Secs. 30-97–30-150. Reserved.
Sec. 30-151. Temporary signs.
Sec. 30-152. Permanent identification signs in residential areas.
Sec. 30-153. Permanent identification signs in commercial areas.

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 ~~the Fort Myers Beach sign code~~ 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) ~~The Fort Myers Beach sign code~~ This chapter provides minimum standards to safeguard life, safety, property, and public welfare ~~by reviewing design and~~ by regulating size, construction, location, electrification, operation, and maintenance of all signs and sign structures exposed to public view within the town. The visual appearance and traffic safety of the town cannot be achieved by measures less restrictive than the procedures and standards of this chapter.

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.

Abandoned sign. A sign which no longer advertises or identifies a legal business establishment, product, or activity. See § 30-~~5.4(4)~~.

~~Advertising message.~~ Copy on a sign describing commodities, products or services being offered to the public.

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 an attraction or reader board with changeable letters, is not an alteration.

Animated sign. Any sign which has any visible moving part, any flashing or osculating lights, any intermittent or alternating lights that cause visible messages to change, any visible mechanical movement of any description, or any other apparent visible movement achieved by any means. Electronic message boards and electronic changing message centers are considered to be animated signs. See § 30-5.4(5).

Awning sign. Any sign consisting of letters which are painted or installed on a lawful awning, but not including a back-lit awning. See §§ 30-6(a) and 30-153.

Back-lit awning. An awning with a translucent covering material and a source of illumination contained within its framework. See §§ 30-5 and 30-153.

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. See § 30-5.

Banner. A temporary sign of flexible plastic, cloth, or any other fabric that is hung between light poles or buildings so that it is in prominent view of motorists or pedestrians. See §§ 30-5 and 30-151.

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. See § 30-6(a).

Billboard. A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than

the premises on which the sign is located. See § 30-5.

Building frontage. The linear dimensions of a building which faces upon a public street projected along the street property line. Where a building faces two or more streets, the frontage containing the principal street address shall be designated as the building frontage.

Building numbers. The building number assigned by Lee County as the official building address, painted or affixed to a building, mailbox, or similar structure. See §§ 30-6(a) and 30-153.

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

Bulletin board. A sign which identifies an institution or organization on the premises on which it is located and which contains the names of individuals connected with it and general announcements or events or activities occurring at the institution or similar messages. It shall not be interpreted to include movie theaters or other similar commercial activities.

Business affiliation sign. Signs displayed upon the premises denoting professional and trade associations with which the occupant is affiliated, including each credit card accepted by the occupant. See § 30-6(a).

Business announcement sign. A temporary sign announcing a project to be under construction, or an intended use of the premises, that will occur within 60 days after erection of the sign. See § 30-6(b).

Building identification 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,” and emergency information such as sign being located on the same site as the structure. See § 30-6(a).

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, ~~or on, or below~~ a canopy. See § 30-5.

Changeable copy sign (manual). A sign on which copy is changeable manually in the field, i.e. reader boards with changeable letters or changeable pictorial panels.

Changing sign (automatic). See *Electronic changing message center*.

Commercial advertising sign. Any structure, poster board, bulletin board, neon sign, screen, surface or wall with characters, letters or illustrations affixed thereto, thereon or thereunder, by any method or means whatsoever, where the matter displayed would be used for the purpose of publicly advertising the legal or exact firm or organization name or the name of the business carried therein or thereon.

Construction sign. A non-permanent sign identifying the persons, firms, or businesses directly connected with a construction project. See §§ 30-6(b) and 30-151.

Convenience sign. A sign which conveys information such as "no parking," "entrance," "service entrance," "restroom," "manager," "exit," and the like, but does not contain brand, trade, or business identification, and is designed to be viewed on-site or adjacent to the site by pedestrians and motorists.

Development sign. A sign designed and intended to advertise and promote the sale or rental or lease of lots or homes in any residential development, and also in commercial areas for sale or rental or lease of units in the development. See §§ 30-6(b) and 30-151.

Directional sign. Any sign which serves solely to designate the location of or direction to any place or area. See §§ 30-6(a) and (b) and 30-151.

Double-faced sign. A single plane with items of information identical on both sides and mounted as a single structure. See § 30-94.

Electronic changing message center. See *animated sign*.

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. See § 30-5.

Erect. To build, construct, attach, hang, place, suspend or painting of wall signs.

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

Figure-structured sign. A sign which consists of sculptured, inflated, or otherwise constructed in the caricature or shape of an animal (including human beings) or vegetable, whether fictional or real, any body form, impression or frame. Or cylindrical or other form, sculptured or otherwise constructed, emblematic or symbolic of a personage or the characteristic or quality of either; which is used commercially to attract or draw attention to a business or commercial establishment. See § 30-5.

Free-standing sign. Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, with air space between the sign and the ground space.

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. See § 30-6(a).

Grade. The level of the site at the property line located at the closest distance to the sign.

Ground sign. Any sign which is neither attached to nor part of a structure and which is permanently affixed in or upon the ground where the sign support is no greater than 1/3 of the height of the sign off the ground. An illustration would be as follows: a 4-foot by 6-foot sign could be placed a maximum of 16 inches off the ground. Permitted ground signs must also be monument signs as defined in this chapter.

Height of sign. See § 30-92, pertaining to measurement of sign height.

Holiday decorations. Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays or holiday seasons. See § 30-6(a).

Identification sign. Any sign where the matter displayed is used only to indicate the name, address, number of building, logo, trademark, and business activity or character of the primary land use. Identification signs may be awning signs, monument signs, nameplates, projecting signs, sandwich signs, wall signs, or window signs. See §§ 30-6(b), 30-152, and 30-153.

Illegal sign. Any sign placed without proper approval or permits as required by the ~~Fort Myers~~ **Beach** code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any non-conforming sign which has not been brought into compliance with the provisions of this chapter. See § 30-56(c).

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. See §§ 30-6(b) and 30-94(d).

Licensed contractor. A person holding a valid contractor's license issued by the Lee County construction board. See §§ 6-231-237.

~~**Light bulb string.** A display consisting of a row or rows of bare light bulbs.~~

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

~~**Marquee.** A permanent roof-like structure extending from part or all of a building face and constructed of some durable material which may or may not project over a public right-of-way.~~

~~**Marquee sign.** A sign, painted on or attached to or supported by a marquee.~~

Menu display box. A small plaque or display case that displays a restaurant's menu near its entrance for the convenience of potential patrons who arrive on foot. See § 30-6(b).

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. See §§ 30-6(b), 30-152, and 30-153. A ground sign having a horizontal dimension greater than its vertical 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. See § 30-5.

Multiple-occupancy complex. A parcel of property under one ownership or singular control, or developed as a unified or coordinated project, with a building or buildings housing more than five occupants conducting a business operation of any kind.

Nameplate. A non-illuminated identification sign giving only the name, address, and/or occupation of an occupant or group of occupants. See §§ 30-6(a) and 30-153. See identification sign.

~~**Neon sign.** A sign with tubing that is internally illuminated by neon or other electrically charged gas.~~

Non-conforming sign. A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the provisions of this chapter. ~~the Fort Myers Beach sign code.~~

Off-premises sign. Any sign normally used for promoting a business, individual, products, or service available somewhere on the premises other than the premises where the sign is located. See § 30-5.

Pennant. Any flag-like piece of cloth, plastic, or paper attached to any staff, cord, building, or other structure at only one or two edges with the remainder hanging loosely. See § 30-5.

Plane. Any surface capable of carrying items of information, such as a rectangle, square, triangle, circle, or sphere; or any area enclosed by an imaginary line describing a rectangle, square, triangle, or circle, which includes freestanding letters, numbers, or symbols.

~~Pole or post 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 18 inches from the ground to the bottom of the sign, made up of a single, double or multiple structure or pole, that is not a solid monument style support, and is in excess of 2 feet in height. A free-standing sign that meets this chapter's requirements for a monument sign is not considered to be a pole sign. See § 30-5.

Political and non-commercial temporary signs. Any sign designed for the purpose of supporting or opposing a candidate, proposition, or other measure at an election or for any other noncommercial expression not related to the advertisement of any product or service or the identification of any business. See §§ 30-5 and 30-151.

Portable sign. Any movable sign not permanently attached to the ground or a building (except for sandwich signs). Examples of portable signs include trailer signs, beacon lights, balloon signs, and vehicles whose primary purpose is advertising. See § 30-5. For purposes of this code, sandwich signs are not considered portable signs and are regulated separately (see § 30-6(a)).

Posted property sign. Signs used to indicate “no trespassing,” “beware of dog,” “no dumping,” “towing,” and other similar warnings. See § 30-6(a).

Premises. Any property owned, leased, or controlled by the person actively engaged in business and so connected with the business as to form a contiguous component or integral part of it, or owned, leased, or controlled by a person for living accommodations.

Projecting sign. A sign which projects more than 18 inches above, below, or outward from, and is supported by, a wall, or parapet, or ceiling of a building, with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. See §§ 30-6(b) and 30-153.

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. Any non-permanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. See §§ 30-6(a), 30-56, and 30-151. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

Roof sign. Any sign erected upon a roof, ~~parapet or roof-mounted equipment. See § 30-5. structure and extending above a roof, parapet or roof-mounted equipment structure of building or structure. Signs placed flat against the steep slope of a mansard roof will not be considered roof signs.~~

Sandwich 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 signs are not considered portable signs and are regulated separately. See § 30-6(a) and 30-153. A sandwich sign, or “A” frame sign, single or double-faced, which are portable and readily movable from place to place. No more than 6 square feet per side; no more than one per business location.

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 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.

Site. All the contiguous ground area legally assembled into one development location.

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 where such sign may or may not apply to the premises. See § 30-5.

Special event sign. Any temporary or non-permanent sign advertising or pertaining to any civic, patriotic or special event, defined as any social, commercial, or fraternal gathering for the purpose of entertaining, instructing, viewing a competition, or for any other reason that would assemble an unusual concentration of people in one location. Specifically excluded from this definition are any gatherings formed and/or sponsored by any recognized religion or religious society, of general public interest. Special events and special event signs are governed by Ordinance Nos. 98-1, 00-16, and future amendments. See § 30-6(a) and 30-151.

Special occasion sign. Temporary outdoor on-site signs that address grand openings, sale events, shopping center craft shows, carnivals, parking lot sales, annual and semi-annual promotions, or similar events. It does not include signs for special events as defined in the Special Events Ordinance (Nos. 98-1, 00-16, and future amendments). See § 30-6(a) and 30-151.

Statutory graphic. Graphics required by a law of the Town of Fort Myers Beach, the county, or the United States government.

Temporary sign. Any sign which is installed for a period not to exceed 60 days, in any consecutive 12 month period, unless otherwise limited or authorized herein. This chapter provides for six types of temporary signs: business announcement signs, construction signs, development signs, political and non-commercial signs, special event signs including banners, and special occasions signs. See § 30-151.

Town. The incorporated areas within the Town of Fort Myers Beach.

Under-canopy or Under-marquee sign. A sign suspended below the ceiling of a canopy or marquee.

Upper level sign. Any sign mounted on a building that is placed in whole or in part between thirty (30) inches above the second floor line and the top of a parapet or roof line.

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. See §§ 30-5 and 30-76.

Visibility triangle. A triangular-shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Wall sign. Any sign attached to or painted on the wall of a building or structure and extending no more than 18 inches outward from the wall in a plane parallel or approximately parallel to the plane of said wall. See § 30-6(b), 30-91, and 30-153.

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. See § 30-5, 30-6(a), and 30-153.

(c) ~~No lighting is authorized by this chapter that is otherwise prohibited in the sea turtle lighting restrictions in ch. 14. [this subject is addressed by §§ 30-93(c) and 30-94(d)]~~

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

Sec. 30-3. Reserved.

Sec. 30-4.3. Applicability of chapter.

(a) ~~Ordinance 96-20 adopted the Fort Myers Beach core area overlay zoning district. Certain signage is addressed at §§ 34-1143(e) and 34-1145(g) and with greater specificity within the design guidelines for the core area adopted as section 1 of the administrative code. This chapter is to be read in coordination with the rules and regulations which govern the Fort Myers Beach overlay zoning district.~~

(a) ~~(b)~~ **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 from the building official as required by this chapter.

(b) ~~(c)~~ **Exceptions.**

- (1) This chapter shall not apply to any sign erected by the federal, state, or Town of Fort Myers Beach government or to the placement of temporary signs up to 8 square feet 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 operations shall not be considered as creating a sign insofar as requiring the issuance of a sign permit, but such signs which are subject to the following operations must be in conformance with all other building, sign, structural, and electrical codes and regulations of the Town of Fort Myers Beach:
 - a. *Change of copy.* Changing of the advertising copy of a message on ~~an~~ existing ~~approved changeable copy signs, whether electrical, illuminated, electronic changing message center or non-~~ illuminated message, which are specifically designed for the use of replaceable copy, e.g., reader boards with changeable letters. ~~A change of copy for a billboard shall not require a permit.~~
 - 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. 4 Prohibited signs.

No commercial advertising signs by whatever name designated, shall be erected in the town of Fort Myers Beach, except those expressly authorized by the provisions of this chapter. The following specific types of signs are expressly prohibited, but this enumeration shall not be construed to limit the general prohibition set forth in this subsection:

- (1) ~~On-site signs and off-site~~ **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) **Lights and signs that resemble any traffic control device,** official traffic control signs or emergency vehicle markings.
- (3) **Signs and other advertising matter as regulated by this chapter 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) **Abandoned signs.**
- (5) ~~Animated signs.~~ **Animated signs,** except those displaying only cycling time or temperature.
- (6) **Back-lit awnings.** ~~Signs which visible smoke, vapor, particles or odor, or which produce noise or sounds capable of being heard, even though the sounds produced are not understandable sounds.~~
- (7) **Balloons or balloon signs.**
- (8) **Banners, pennants, or other flying paraphernalia,** except:
 - a. an official federal state, county, or Town of Fort Myers Beach flag, ~~or~~
 - b. one symbolic flag not to exceed 15 square feet in area for each institution or business, ~~except~~
 - c. holiday decorations and (see § 30-6(a).
 - d. banners of special events (see § 30-151).
- (9) ~~(10)~~ **Billboards.** ~~Bench signs,~~ except as permitted in § 30-5(a)(1) of this code.
- (10) **Canopy signs.**

- (11) **Emitting signs.** ~~Changing sign (automatic):~~
off-site and on-site.
- (12) **Figure-structured signs** as defined in this chapter.
- (13) **Motion picture signs.** ~~mechanisms in conjunction with any outdoor advertising structure, accessory sign or advertising statuary used in such a manner as to permit or allow the images to be visible from any public street or sidewalk.~~
- (14) **Vehicle signs.** The parking of advertising vehicles is prohibited as more fully described in § 30-76. This prohibition is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle.
- (15) **Off-premises signs.**
- (16) **Pole signs.**
- (17) **Portable signs** (except as allowed in § 30-65(a).
- (18) **Reserved.** ~~Projecting signs (except as allowed in DOWNTOWN zoning district, § 34-998).~~
- (19) **Roof signs.** ~~(except as allowed in DOWNTOWN zoning district, § 34-998).~~
- (20) **Signs with any lighting or control mechanism** which causes radio or 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, except “posted property” signs, which are erected or maintained upon trees** or painted or drawn upon rocks or other natural features.
- (23) **Any Signs which are is placed on any curb, sidewalk, post, pole, electrolier, 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.**
- (24) **Snipe signs.**
- (25) **Unshielded illuminated devices** that produce glare or are a hazard or a nuisance to motorists or occupants of adjacent properties.
- (26) **Window signs** which identify or advertise activities, services, goods, or products available within the building, and which collectively cover more than 30 per-cent of the window glass surface area.
- (27) **No commercial signage is allowed on inland waterways except for directional signs (see § 30-6(a)).**
- (28) ~~Upper level signs.~~

Sec. 30-6.5. Permitted Allowable signs.

Permitted Allowable signs are classified into two categories: signs not requiring a sign permit and signs that do requiring a sign permit.

(a) **Signs not requiring a sign permit:**

- (1) **Bench signs**, limited to existing signs, as of May 19, 2003, which are ~~located at public transit stops, within public beach accesses, and all other existing bench signs~~ sponsored by non-profit, charitable organizations. Signage may not exceed a 2-foot by 4½-foot sponsorship plaque. Bench signs located on property zoned commercial, placed a minimum of 25 feet from public right-of-way, and whose advertisement is not visible from a public right-of way are also permitted. All other bench signs are prohibited.

- (2) **Awning signs**. Awning signs consisting of one line of letters, which are painted, placed or installed upon the hanging border, or only, of any awning legally permitted, erected and maintained in accordance with the Town of Fort Myers Beach laws. An identification maintained in accordance with the Town of Fort Myers Beach laws: an identification emblem, insignia, initial, or other feature not exceeding an area of eight square feet may be painted, placed, or installed elsewhere on any awning, provided that any sign emblem, insignia or other such similar item shall comply with other provisions of this chapter. Larger signs on awnings are also permitted if they meet this chapter's requirements for projecting signs; see § 30-153.

- () **Building numbers**. Posted building numbers must be between 3 and 8 inches high for detached dwellings and for individual businesses, institutional, and multifamily buildings. Numbers on buildings that are set back more than 50 feet from the street must be between 8 and 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. See also § 6-11 of this code.

- (3) **Business affiliation signs**. Signs displayed by businesses, upon the premises, denoting professional and trade associations with which the business is affiliated, required requiring statutory signs, and other signs pertaining to public safety and law

enforcement provided such graphics do not contain lettering more than two inches high.

- (4) **Business information signs**. Business information signs provided that such signs are posted on the entrance doors or within a window.
- (5) **Flags or insignias of governmental or nonprofit organizations**. Flags or insignias of a governmental, religious, charitable, or fraternal organization, except when displayed in connection with a commercial promotion.
- (6) **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.
- (7) **Governmental and public safety signs**. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, ~~railroad crossing signs~~, signs of public service companies indicating danger, 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.
- (8) **Holiday decorations**. Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local, or religious, provided that such signs shall be displayed for a period of not more than 60 consecutive days and such signs shall not be displayed for more than 60 days in any one year. Such signs may be of any type, ~~number, area, height, illumination or animation and shall be not otherwise prohibited by § 30-5, provided that:~~
- the decorations contain no advertising other than the name of the business,
 - the decorations are set back ten feet from all boundary lines of the lot, provided that and
 - clear visibility shall be maintained on a corner lot in accordance with § 30-93.
- (9) **Instructional signs** or symbols located on and pertaining to a parcel of private property, not to exceed four square feet in area per sign.
- (10) **Interior signs**. Signs located within the interior of any building ~~or stadium~~, 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 ~~and~~

development code and the Florida Building Code.

- (11) **Legal notices.** Legal notices and official instruments.
- (12) **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.
- (13) **Nameplates.** Any sign not exceeding 1½ square feet in area per sign and not exceeding 2 in number per lot, except that special permission may be obtained ~~from the building official~~ for additional signs under proven special circumstances. Such signs shall not be illuminated, and they shall not project over any public right-of-way.
- () **Political and non-commercial temporary signs.** See § 30-151.
- (14) **Posted property signs.** Posted property signs, not to exceed 1½ square feet in area per sign and not exceeding 2 in number per lot, except that special permission may be obtained ~~from the building official~~ for additional signs under proven special circumstances. Such signs shall not be illuminated, and they shall not project over any public right-of-way.
- (15) **Reserved. Promotional signs.** ~~Promotional signs, not exceeding four square feet in area, provided that such signs are posted only during such drive or no more than 30 days before the event and are removed no more than 2 days after the event. See § 30-151(e).~~
- (16) **Public information signs.** Any sign used for public information or direction erected either by or at the direction of a public body.
- (17) **Real estate, open house, and model signs.** Real estate, open house, and model signs, subject to § 30-151(f).
- (18) **Sandwich Signs.**
 - a. **In General.** Sandwich signs are permitted within the outer perimeter of the DOWNTOWN zoning district as shown on Figure 34-6 of this code, whether the subject property is classified in the DOWNTOWN zone or in a Commercial Planned Development zone, and all other commercial zoning districts, despite the general prohibition in § 30-54 of this chapter of portable

signs which are readily movable from place to place.

1. A business may place no more than one ~~a~~ single- or double-faced sandwich sign on the same premises, or when there is no location available on premises due to the street setback of the building, the sign may be placed on a sidewalk directly in front of the premises, provided it does not unreasonably obstruct or interfere with use of the sidewalk or access to parking spaces.
 2. Sandwich signs must be placed indoors after business hours, may not be illuminated, and may not exceed 24 inches in width and a total of 6 square feet per side.
 3. Sandwich signs must be professionally made and maintained in an attractive manner. Sandwich signs which are structurally unstable or deteriorating are not permitted.
 4. Multiple occupancy complexes ~~with less than 10 occupants~~ may display no more than 2 sandwich signs at one time, and except that multiple occupancy complexes with more than 10 occupants may display up to 3 sandwich signs at one time.
 5. This entire subsection has the potential for substantial adverse impact upon the community and shall expire on May 31, 2005, if not modified or readopted prior to that date.
- b. **Pre-existing off-premises signs.** Sandwich signs for the ~~Heavenly Biscuit restaurant (located on the corner of Mango Street and Estero Boulevard); and SeaGrape Plaza shopping center;~~ shall be considered legal non-conforming.
1. These signs shall maintain their legal non-conforming status with the continued permission of the property owner where the sign is located or until such time as they loose status in accordance with § 30-56(c) of this chapter.

2. This entire subsection has the potential for substantial adverse impact upon the community and shall expire on May 31, 2005, if not modified or readopted prior to that date.
- (19) **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.
- (20) **Special event signs.** See § 30-151.
- (21) **Special occasion signs.** See § 30-151.
- (22) ~~(20)~~ **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 16 square feet in area.
- (23) ~~(21)~~ **Warning signs.** Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.
- (24) ~~(22)~~ **Waterway signs.** Directional signs along inland waterways.
- (25) ~~(23)~~ **Window signs.** Interior window signs which identify or advertise activities, services, goods, or products available within the building.

(b) **Signs requiring a sign permit.** No sign that meets or exceeds one or more of the following criteria shall be erected prior to issuance of a sign permit in accordance with § 30-55.

- (1) **Business announcement signs,** see § 30-151(a).
- (2) **Construction signs,** see § 30-151(b).
- (3) **Development signs,** see § 30-151(c).
- (4) **Directional signs (on-site only),** § 30-152(d).
- (5) **Identification signs (residential and commercial),** whether wall signs, monument signs, or projecting signs, see §§ 30-152 and 30-153.
- (6) **Menu display boxes.** One menu display box may be permitted outdoors adjacent to a public entrance of an establishment that serves prepared food to the public. Menu

display boxes cannot exceed 4 square feet in area and 4 inches deep, and menu lettering cannot exceed 2 inches in height.

- (7) ~~(6)~~ **Any illuminated sign** if the source of the illumination has not been previously approved.
- (8) ~~(7)~~ **Any sign not specifically exempted** from requiring a sign permit as delineated under § 30-65(a).

Sec. 30-7.6: **Parking of advertising vehicles.**

(a) No person shall park any vehicle, trailer, or boat on a public right-of-way, public beach, or public property so as to be clearly visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the primary purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises.

(b) This section is not intended to prohibit any form of public vehicular signage such as a sign attached to a bus. Neither shall this section prohibit a sign lettered or attached to a motor vehicle in such a manner as to primarily identify the vehicle with the business it serves and which is less than 6 square feet of total surface area. This section shall not be interpreted as prohibiting company names which are customarily and normally on interstate or local delivery trucks.

(c) The parking of vehicles or the use of any other device or contrivance visible from a public or private street or right-of-way for advertising or commercial purposes, shall be deemed to be prohibited by this section.

Secs. 30-87–30-50. **Reserved.**

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

(a) The town manager is authorized to pursue any one or combination of the enforcement mechanisms provided in this code (for example, § 1-5, or article V of ch. 2) for any violation of this chapter. Penalties may be assessed against any owner, agent, lessee, tenant, or 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. shall be subject to the following penalties:~~

- ~~(1) Criminal penalties, upon conviction:~~
 - ~~a. A fine not to exceed \$500.00 per day.~~
- ~~(2) Civil penalties:~~
 - ~~a. The town shall be entitled to injunctive relief to enjoin and restrain any person from violating the provisions of this chapter, and~~
 - ~~b. Prosecution before the hearing examiner pursuant to a current executed interlocal agreement between the Town of Fort Myers Beach and Lee County.~~
 - ~~c. Any other relief available pursuant to law.~~

~~(b) In addition to the criminal penalties and enforcement procedures provided in subsection (a) of this section, the violation of any of the regulations, restrictions and limitations promulgated under the provisions of this chapter may be restricted by injunction, including a mandatory injunction, and otherwise abated in any manner provided by law, and each suit or action may be instituted and maintained by the Council of the Town of Fort Myers Beach or by any citizen of the Town of Fort Myers Beach or by any person affected by the violation of these regulations, restrictions or limitations. No sign or sign structure shall hereafter be erected, constructed, reconstructed, altered or relocated except in conformity with the provisions of this chapter.~~

~~(c) No person shall erect on any premises owned or controlled by him any sign which does not comply with the provisions of this chapter.~~

~~(d) No person shall erect on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises, or as otherwise provided for in this chapter.~~

Sec. 30-52. Reserved.

Sec. 30-53. Powers and duties of town manager building official:

(a) **Generally.** The town manager building official is hereby authorized and directed to administer and enforce the regulations and

~~procedures and set forth in this chapter. The building official is further empowered 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 building official, 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. Issuance of the permit shall in no way prevent the town manager building official 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 by the building official except in compliance with this chapter and any other applicable ordinances and laws, ~~decisions of the zoning board, board of adjustments, construction board, or Town of Fort Myers Beach council,~~ or court decisions.

(2) **Revocation of permits and certificates.** The town manager building official may revoke a sign permit or certificate of compliance in those cases where an administrative determination has been duly made that false statements or misrepresentations existed as to material facts in the application or plans upon which the permit or approval was based.

(3) **Suspension of permits and certificates.** The town manager building official may suspend a sign permit or certificate of compliance where an administrative determination has been duly made that an error or omission on the part of either the permit applicant or a government agency existed in the issuance of the permit or certificate. A new permit or certificate shall be issued in place of the

incorrect permit or certificate after correction of the error or omission.

- (4) **Cease and desist orders.** The town manager ~~building official~~ shall have the authority to issue cease and desist orders in the form of written official notices given to any person.
- (5) **Complaints.**
 - a. Complaints on any violations of this chapter shall be filed with the town manager ~~building official~~.
 - b. Upon inspection, where it is found that any sign or sign structure is in violation of this chapter, the town manager ~~building official~~ should take the appropriate action as set forth in this code.

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, it shall be unlawful for any person to erect, construct, replace, 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 sign ~~from the building officials~~.
 - (2) In addition to any other permit required by this code, a sign permit shall be obtained prior to placing, changing, altering, or displaying any sign unless specifically exempted by this code. No sign permit shall be required where the only work to be performed is the repair, maintenance, or maintenance of a lawful non-conforming sign, or the replacement or repair of a destroyed sign except when such sign is required to be removed by this code.
 - (3) When a sign permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without prior approval of the town manager ~~building official~~. A written record of such approval shall be entered upon the original permit application and maintained in the files of the

~~town manager, building official~~. All such approvals shall be consistent with the terms of this chapter.

(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 ~~building official~~ a sign permit application, which shall include:

- (1) A completed application form containing but not limited to:

- 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. For off-site signs only, the name, address, telephone number and signature of the owner of the premises granting permission for the construction, operation, maintenance or displaying of the sign structure, including:~~

- ~~1. Proof of ownership of the property upon which the sign is to be erected; on the subject parcel; or~~
- ~~2. A copy of the executed lease or agreement permitting the sign to be erected on the subject parcel; or~~
- ~~3. A signed statement from the property owner of the subject property granting permission for the erection of the sign and recognizing that a lien may be filed against the subject property if the sign is required to be removed for violation of this chapter.~~

~~c. d. Information as to the type of sign to be erected, e.g., ground-mounted, monument, projecting, or wall-sign; illuminated or non-illuminated; temporary or permanent.~~

~~d. e. The approximate value of the sign to be installed, including the installation cost, some representation as to design and copy with regard to the sign requested.~~

- (2) A *site location plan* including the following:
 - a. Location by street number and legal description (tract, block, and lot) of the building, structure, or lot to which or upon which the sign is to be installed; or

- 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, when such signs are on the same premises.
 - c. A sea turtle lighting plan is required for all new lighted signs that are visible from the beach, including signs that are within buildings.
- (3) *Bond or other security for certain type signs.* Town of Fort Myers Beach shall adopt a bond or other security schedule for certain type signs requiring a bond or other security as specified in this chapter. Such signs include, but are not limited to certain temporary signs and such others as the Town Council deems necessary. If the signs are not removed within a specified time period, the signs will be removed by the Town of Fort Myers Beach and the bond will be forfeited.
 - (4) *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 to be established by the town.
 - (5) Such other information as the building official may require which is necessary to secure full compliance with this chapter, the Florida Building Code and any other applicable ordinance.
 - (6) *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, or to which it relates.
 - (7) Plans indicating the scope and structural detail of the work to be done, including details of all connections, supports, and footings and materials to be used.
 - (8) 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, if required by the building official.
 - (9) 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.
 - (10) ~~A sea turtle lighting plan is required for all new lighted signs that are visible from the beach.~~
 - (11) If applicable, an application, and required information for such application, for an electric permit for all electric signs, if the sign is to be illuminated. Electrical work must be UL-approved or installed by a licensed electrician.
 - (12) *Sign contractor's license.* Certain types of signs are required to be installed or erected only by a licensed contractor. No person shall perform any work or service in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion, or manufacture of any such sign in the Town of Fort Myers Beach unless such person shall first have obtained a contractor's license from in accordance with §§ 6-231-237, the building official and paid the license fees provided by the Town of Fort Myers Beach, or shall be represented by a duly licensed agent or subcontractor. 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 insofar as this chapter has not specifically directed the placement of a sign.
 - (13) *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, building official.
 - (14) *Inspections.* All signs for which a permit is required by this chapter are subject to inspection ~~by the building official.~~ 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.

- (15) *Identification number.* New signs permitted after the effective date of this chapter (September 13, 1999) will carry a sign permit number on the right corner of the permitted sign. The town will begin a process of photographing all signs within the town by digital camera and such record will be kept in town hall.

Sec. 30-56. Non-conforming signs.

For further clarification, see land development code §§ 34-3201 through 34-3277.

(a) *Status.* Every sign, as of the effective date of the chapter (September 13, 1999) which is a permitted legally existing sign shall be deemed a legal non-conforming sign. A permitted sign means a sign that was constructed or is in place with a valid permit from the Town of Fort Myers Beach. All non-conforming signs shall be subject to the provisions of this section. All existing signs which are not legal non-conforming signs must comply with the terms of this chapter.

- (1) A non-conforming sign may not be enlarged or altered in a way which increases its nonconformity.
- (2) Nothing in this section shall relieve the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this chapter regarding safety, maintenance, and repair of signs. Any repair or refurbishing of a sign that exceeds 50 percent of the replacement value of the sign in its preexisting state shall be considered as an act of placing a new sign and not an act of customary maintenance. It shall be the responsibility of the permittee to provide the ~~town division of community development~~ with adequate proof of the cost of such work in the form of an itemized statement of the direct repair cost whenever such information is requested ~~by the division~~.
- (3) If any non-conforming sign is destroyed to an extent exceeding 50 percent or more of its replacement value at the time of destruction, the sign shall not be replaced or repaired, in part or full, except upon full compliance with this chapter.

(b) *Designation of historically significant and/or landmark signs.* Pursuant to the Fort Myers Beach Comprehensive Plan, the town's vision for preserving its history is set out in chapter 13. This historic preservation element has two major goals. The first is to preserve "the best of the old" as the community evolves and redevelops over time. The second goal is to share the legacy left by previous residents with today's visitors and the broader community and to do so in a way that preserves the local culture and environment and enriches visitors' experiences. The local planning agency is designated to serve as the historic preservation board by this code.

- (1) A sign may be nominated for designation as historically significant or having landmark status to the local planning agency.
- (2) A nomination letter would be prepared documenting the historical background of the sign and listing reasons for possible landmark status. The historic preservation element sets out historic and archaeological criteria that should be incorporated into a nomination letter.
- (3) The local planning agency will hold a public hearing on any nomination requests received and will use the historic preservation element as a guideline for approving or denying such requests.
- (4) The town council will serve as the appeal board for signs that are denied historical and/or landmark status
- (5) A sign that is designated as historical or having landmark status will receive a legal non-conforming status for as long as the sign remains. If the sign is destroyed in any way, it may be re-constructed to its legal non-conforming historical and/or landmark status. Similarly, if the underlying business is sold, or "copy" or "use" is changed, the sign continues to hold its legal non-conforming designation and remains as a historical or landmark designated sign.

(c) *Loss of legal nonconformity.*

- (1) A legal non-conforming sign shall become an illegal sign which must comply with this chapter if:
 - a. More than 50 percent of the sign is removed or unassembled for a period of more than six months.
 - b. The sign is altered or relocated in any manner which increases its

- nonconformity or causes it to be less in compliance with the provisions of this chapter.
- c. Any change of use or change of ownership of a sign loses legal non-conformity and must comply with current regulations.
 - d. Repair or refurbishing exceeds 50 percent of the value of the sign in its preexisting state.
 - e. The sign is replaced. **ADD HERE – NEW WORDING FROM TEMPORARY SIGN ORDINANCES (04-14 & 04-16)**
- (2) When a sign face remains blank, which as defined as void of advertising for a period of 12 months it loses its non-conforming status and must be treated as a sign which must comply with all the requirements of this chapter. Signs displaying an “available for lease” message or similar message and partially obliterating signs which do not identify a particular product, service, or facility are considered to be blank signs.
 - (3) A non-conforming sign that has lost its legal non-conforming status shall be immediately brought into compliance with this chapter, or the sign shall be removed.
 - (4) The existence of an illegal sign or a legal non-conforming sign does not constitute a hardship warranting the issuance of a variance from the provisions of this chapter.

(d) **Time for compliance.** All signs shall be brought into compliance with the standards of this section according to the following schedule which follows:

- (1) **Real estate signs** shall be removed or made lawful hereunder within 24 months after the effective date of this chapter (September 13, 1999).
 - a. The town finds that in view of the inexpensive nature of these signs and the administrative burden which would be imposed by elaborate procedural prerequisites prior to removal, any procedure other than summary removal of these signs when unlawfully erected and maintained would defeat the purpose of regulating such signs. Therefore, the town manager building official is hereby authorized summarily to remove such signs when unlawfully erected and maintained, subject to the provisions

contained in subsection (3) of this section.

- b. After summary removal of a sign pursuant to this section, the town manager building official shall notify, either in person or by first class postage, prepaid, the occupant of the property from which the sign was removed, and if the sign identified a party other than the occupant of the property, the party so identified. The notice shall advise that the sign has been removed, and shall state that the sign may be retrieved within 30 days of the date of the notice and that if the sign is not retrieved within 30 days it will be disposed of by the town. If the sign is removed from public property, the party, if any identified on the sign shall be notified; if no party is identified on the sign, then no notice prior to disposition is required. The town shall dispose of all unclaimed signs after the expiration of the 30-day period.
- (2) **Other non-conforming signs.** **ADD HERE – NEW WORDING FROM TEMPORARY SIGN ORDINANCES (04-14 & 04-16)**
Any other non-conforming sign shall be brought in compliance with this chapter upon any alteration (but not routine maintenance) of the sign, or 8 years after the effective date of this chapter (September 13, 1999), whichever comes first.
 - (3) **Other unlawful signs.** Signs which are or have been erected or maintained unlawfully but do not fall under the provisions set forth in subsection (1) of this section shall be subject to the following procedures:
 - a. The town manager building official shall prepare a notice which shall describe the sign and specify the violation involved, and which shall state that, if the sign is not removed or the violation is not corrected within 15 days, the sign shall be removed in accordance with the provisions of this section.
 - b. All notices ~~mailed by the building official~~ shall be sent by certified mail, return receipt requested. ~~Any time periods provided in this section shall be deemed to commence on the date of the receipt requested.~~ Any time periods provided in this section shall be deemed

- to commence on the date of receipt of the certified mail.
- c. The notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If the owner of the sign and the occupant of the property are known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.
 - d. Failing determination of the sign owner or user or owner of the property on which the sign is located, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated. The town manager building official shall require new sign permits to be issued for each existing sign so classified ~~and shall be attached to the Town of Fort Myers Beach's copy of the permit application.~~
 - e. Any person having an interest in the sign or the property may appeal the determination of the ~~administrator~~ town manager ordering removal or compliance by filing a written notice of appeal with the town within 15 days after the date of receiving the notice.
 - f. Upon completion of the notification procedures and after the expiration of the 15-day appeal period, if no appeal has been filed, the town manager building official shall have the authority to remove or contract with a contractor to remove the unlawful sign. All costs associated with the removal of the unlawful sign shall be assessed against the property owner. Each such assessment shall be a lien against the property until paid.
- (4) **Emergency work.** When it is determined by ~~the building official~~ that a sign would cause an imminent danger to the public safety, and contact cannot be made with a sign owner or building owner, no written notice shall have to be served. In this emergency situation, the town manager building official may correct the danger, with all costs being assessed against the property owner.
- (5) **Assessment of costs.**
- a. As soon after the offending condition is corrected or removed ~~by the building official~~ and the expense thereof can finally be determined, the town manager building official shall render a statement to the property owner or permittee or person having possession or right to use, by regular United States mail, addressed to the last known address of any such persons, informing the person of the sums due the town.
 - b. If such sums are not paid within 45 days, the town shall, by resolution, levy a special assessment lien in the amount of all sums due the town, plus interest on the amount at a rate of 12 percent per annum, plus all expenses which may be incurred incident to the enforcement of such lien, including any court costs or attorney's fees, until final payment of all sums have been made.
 - c. Liens shall be recorded in the official records of the Town of Fort Myers Beach and shall remain in full force and effect until finally paid. The Town of Fort Myers Beach shall furnish releases of the subject upon proper satisfaction having been made. The lien may be enforced in the manner provided by the general law of the state for the enforcement of liens or the foreclosure of mortgages.

Secs. 30-57–30-90. Reserved.

Sec. 30-91. Measurement of sign area.

(a) The sign area shall be measured from the outside edges of the sign ~~or the sign frame; whichever is greater, excluding the area of the and supporting structures, except where the supporting structure is a building wall, provided that the supporting structures are not used for advertising purposes and are of an equal to or less than the permitted sign area.~~ In the case of wall signs that use individual letters or symbols without a border, background, or frame, or supporting structure other than the building itself, the sign area shall be the sum of the areas within the perimeter of each letter or symbol in the sign. surface shall include such reasonable and proportionate space as would be required if a border or frame were used.

(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 surface are shall comprise the square footage within the perimeter of a regular geometric form enclosing the outer edges of all the separate signs or sign elements.

(c) Where signs are installed back-to-back, one face only is considered as the sign area. If unequal in size, the larger face will be counted.

Sec. 30-92. Measurement of sign height.

The height of a sign shall be considered to be the vertical distance measured from the crown of the adjacent street, road.

Sec. 30-93. Location.

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

(b) 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.
- (2) A sea turtle lighting plan is required for all new lighted signs 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.

(c) (b) Clearance from high-voltage power lines. Signs shall be located in such a way that they maintain a clearance of ten feet to all overhead electrical conductors and a three foot clearance on all secondary voltage service drops.

Sec. 30-94. Construction standards; landscaping.

(a) **Generally.** All signs shall comply with the appropriate detailed provisions of the Florida Building Code relating to design, structural members, illumination, and connections.

~~Illuminated signs shall also comply with provisions of the National Electrical Code, and~~ 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 building official may request wind load calculations for signs ~~less than 24 square feet~~ prior to issuance of ~~issuing~~ a permit.
- (2) A wall must be designed for and have sufficient strength to support any sign which is attached thereto.

(c) Materials for monument ground signs.

- (1) All monument signs ground sign structures 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, Town of Fort Myers Beach building department.

(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, National Electric Code as adopted in § 6-191. 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 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.

(h) **Landscaping.**

- (1) Approved landscaping, which includes xeriscape, shall be functional and decorative. It should be designed for minimal maintenance and capable of withstanding vandalism. It may be of many materials, including flowers, shrubs, trees, rockwork, brickwork, or other constructional elements in an attractive combination and appropriate to the specific location. The support structure of the sign may, if properly designed, be included as part of the landscaping.
- (2) The least dimension of the landscaped area shall be the greatest dimension of the sign, and the sign shall not extend beyond the landscaped area. The area enclosed by the sign shall be landscaped with shrubs and ground cover.

Sec. 30-95. Sign identification and marking.

(a) Unless specifically exempted from permit requirements of this chapter, all signs shall be photographed and filed with permit numbers in town hall. Within 1 year of the effective date of this chapter (September 13, 1999), the town will use a digital camera to record all signs within the town. In the interim, all signs permitted under this chapter will display the sign permit number issued for that sign at the right lower corner of the sign so that it is easily visible for inspection.

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 ground 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) Business announcement signs.

- (1) A temporary sign announcing a project to be under construction or an intended use of the premises within 60 days of erection of the sign may in the immediate future shall be permitted in accordance with the following:
 - a. One ground-mounted sign is allowed per street frontage per project. The sign shall be confined to the site of the project.
 - b. Sign area shall not exceed 16 square feet, and signs (including supports) shall not exceed 8 feet in height above the crown of any abutting street.
 - c. A sign announcing a project to be under construction or an intended use of the premises in the immediate future may include only the project name, the nature of development (e.g., professional office, ~~villas, townhouse~~ condominium, etc.), the name of the owner or agent, and one telephone number. Such sign may be posted for a 180-day period, at the end of which time continued use of the sign shall be subject to approval by the town manager. ~~building official~~. Such sign shall be removed upon issuance of a certificate of occupancy for the project.
- (2) Temporary announcement signs for a new business, or a business in a new location with no permanent signs, may be permitted up to 16 square feet in sign area ~~or the maximum permitted sign area for any one ground-mounted permanent sign, whichever is lesser,~~ for a period of not more than 60 days or until installation of permanent signs, whichever occurs first. The temporary sign shall not exceed 8 feet in height. No temporary announcement sign shall be permitted if the sign would exceed either the number or size of permanent signs otherwise permitted by this chapter for the occupant or location.
- (3) Permits are required for business announcement signs (see § 30-6(b)).

(b) Construction signs.

- (1) One construction sign shall be permitted per construction project on each street frontage. The sign shall be erected no more than five days prior to any construction of the project shall be confined to the site of construction, and shall be removed prior to issuance of a certificate of occupancy.
- (2) Construction signs may denote the architect, engineer, contractor, subcontractor, owner, future tenant financing agency, or other persons performing services or labor or supplying materials to the premises.
- (3) Maximum size limitations for construction signs shall be as follows:
 - a. For all residences and nonresidential developments, one non-illuminated ~~wall or ground-mounted~~ sign not exceeding 16 square feet in sign area and 8 feet in height, including supports, may be erected on each street frontage.
 - b. All construction signs must be located within the property line.
 - c. Permits are required for construction signs (see § 30-6(b)).

(c) Development signs.

- (1) A development sign may be permitted in any residential development wherein more than 20 percent of the lots, homes, or living units remain unsold, subject to the following regulations:
 - a. One non-illuminated development sign not exceeding 16 square feet in sign area may be permitted for each street entrance into the subject subdivision or development.
 - b. The sign shall be located within the confines of the property being developed.
 - c. Permits for such signs shall be issued for one year and may be renewed annually until 20 percent or less of the total lots, homes or living units remain unsold.
- (2) One non-illuminated development sign per street frontage may be permitted in any commercially zoned district to promote the sale or rental or lease of units within the development. The maximum size shall be 16 square feet and the maximum height shall be ten feet plus 10 feet, including supports.
- (3) Permits are required for development signs (see § 30-6(b)).

(d) **Temporary Political and non-commercial temporary signs.** Temporary political and non-commercial signs shall only be erected in accordance with the following standards:

- (1) *Area and height.* Temporary political signs shall have a maximum sign face area of 4 square feet and if mounted on the a ground sign, a maximum height of 3 feet.
- (2) *Timing and removal.* For signs pertaining to any matter relating to an election: a period beginning 25 days prior to the election to which they relate and ending 5 days after said election.

(e) **Special event signs. Promotional signs.** Except as provided in § 30-65(a), ~~no signs shall be posted person, civic club or other organization shall post any sign~~ for special events ~~or promotions~~ until ~~such person, civic club or organization obtains a special events permit has been obtained from the town from the building official~~ and a bond or other security deposit acceptable to the Town of Fort Myers Beach is posted to insure the proper maintenance or removal of the sign in accordance with § 30-55(b)(3), and the following regulations.

- (1) Special event Promotional signs may be erected within 14 days prior to a proposed event and must be removed within 2 days after the event.
- (2) Special event Promotional signs shall not exceed 16 square feet in area and 8 feet in height including supports.
- (3) In addition, banners may be strung for special events if approved as part of a special events after obtaining the proper permit. The Banners may be placed up to two weeks before the event and must be taken down no later than one week after the event.

(f) **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 for sale will be allowed one non-illuminated ~~ground~~ sign, perpendicular to the roadway, that is 24 inches in height and 24 inches in width. Lots may have one sign for each street frontage. Waterfront (canal, bay, lagoon, or beach) properties may have more than one additional monument sign which is 12 inches in height and 24 inches in width on water frontage visible from the water.

- (2) The sign face will 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 on the 24-inch by 24-inch sign face.
- (3) No riders (such as name of agent, "sold," "sale pending," "pool," "price reduced," etc.) shall be attached.
- (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.* One ~~ground-mounted~~ "open house" sign per property per street frontage. Sign area shall not exceed four square feet, and the sign shall be placed upon the property to be sold or leased. The sign shall be displayed only when the premises are actually available for inspection by a prospective buyer or tenant.
- (8) *"Model" signs.* New developments may place the words "Model Open" within the 16 square foot temporary construction sign permitted for the project under § 30-151**(b)**, "Construction Signs."

(g) **Special occasion signs.** In addition to signs permitted in § 30-6(a), temporary outdoor on-site signs shall be allowed to address grand openings, ~~sale events, or special occasions such as car, boat or craft shows, carnivals,~~ parking lot sales, annual and semi-annual promotions, ~~or other~~ similar events, provided that:

- (1) A special occasion sign permit is issued by the ~~town manager; building official;~~
- (2) The permit shall be for the duration of the event only, with a maximum of 3 consecutive days;
- (3) No business shall be permitted more than two such permits in a calendar year;
- (4) Signs shall be located on-site only and in such a manner as to not create any traffic or pedestrian hazard;
- (5) No animated or portable signs shall be permitted; and
- (6) Signs shall be constructed and secured in accordance with all applicable standards.

Sec. 30-152. Permanent identification signs in residential areas.

Permanent identification signs in residential areas shall be subject to the following:

(a) **Definition.** For purposes of this section, the term “subdivision” shall be interpreted to include mobile home and recreational vehicle developments, condominiums, and multiple family buildings containing five or more dwelling units.

(b) Residential development identification signs.

(1) **Entrance signs.** Permanent wall or monument ~~ground-mounted~~ signs for identification purposes only, giving only the name of the condominium, subdivision, or residential development, may be permitted at each main entrance into such subdivision or development, ~~subject to the following regulations:~~ a. Subdivision or residential development entrances which contain a boulevard entrance, i.e., a median strip separating the entrance and exit lanes, may be permitted:

- a. ~~1-~~ A single monument ~~ground-mounted~~ sign located in the median strip of the entrance, provided that it is set back a minimum of 15 feet from the right-of-way of the public access road and a minimum of five feet from the edge of the pavement of the entrance and exit lanes, or
- b. ~~2-~~ Two single-faced signs equal in size and located on each side of the entranceway.

~~(2) Internal subdivision signs.~~ Permanent wall or ~~ground-mounted~~ signs for identification purposes may be permitted at one main entrance into each internal subdivision or development, subject to the following:

- a. ~~Subdivision entrances which contain a boulevard entrance, i.e. a median strip separating the entrance and exit lanes, would be permitted:~~
 - ~~1. A single ground-mounted sign located in the median strip of the entrance and exit lanes would be permitted;~~
 - ~~2. Two single-faced signs equal in size and located on each side of the entranceway.~~

(2) ~~(3)~~ Limitations.

- a. The subdivision shall have a homeowners’ 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 24 square feet. Monument signs are limited in height and exposure of sign supports as provided in § 30-153. ~~The maximum height for all identification signs shall be determined by the permitted dimensions of a ground mounted, monument sign, where the sign support is not greater than 1/3 of the height of the sign. For example, a ground-mounted monument sign which is 4 feet in height may be no more than 16 inches above the crown of the road.~~
- ~~c. The face of each permitted internal identification sign shall not exceed 24 square feet in area.~~
- ~~d. Except when permitted in the entrance median strip, the sign shall be located within the property line.~~
- ~~c. e-~~ 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. f-~~ The sign should be incorporated into accessory entrance structural features such as a project wall or landscaping.

(c) Schools, churches, day care centers, parks, recreational facilities, and libraries. A school, church, day care center, park, recreational facility, library, or any other similar use ~~permitted by right or by special exception in accordance with the town’s zoning regulations~~ shall be permitted one monument ~~ground-mounted~~ or wall-mounted identification sign and one directory sign within the property line, with ~~subject to the following~~ limitations: (1) maximum sign area shall be of 24 square feet per sign face. Monument signs are limited in height and exposure of sign supports as provided in § 30-153.

- (1) Signs shall be located within the property line.
- (2) The maximum height for all identification signs shall be determined by the permitted dimensions of a ground mounted, monument sign, where the sign support is not greater

than 1/3 of the height of the sign. For example, a ground mounted, monument sign which is 4 feet in height, may be no more than 16 inches above the crown of the road.

~~(d) On-site directional signs:~~

- ~~(1) Permitted signs.~~ Permanent wall or ground-mounted signs, for directional purposes only, may be permitted within any residential development which consists of several distinctly separate subdivisions, clusters or other sub-units of development.
- ~~(2) Location.~~ On-site directional signs may be permitted within any such residential development along any interior collector street at intersections with other interior streets.
- ~~(3) Limitations:~~
 - ~~a.~~ The development shall have a homeowners association or similar entity responsible for maintenance of the sign.
 - ~~b.~~ The face of each permitted directional sign shall not exceed 4 square feet in area.
 - ~~c.~~ Maximum permitted height shall be a 3-foot by 4-foot monument style sign.
 - ~~d.~~ Signs shall be located within the property line.
 - ~~e.~~ The signs may be illuminated.

Sec. 30-153. Permanent signs in commercial areas.

In order to provide fair, equal and adequate exposure to the public, and to prevent any single property owner from visually dominating neighboring properties with signs, all nonresidential uses shall be limited to a total permissible sign area in accordance with the provisions of this section:

(a) Each business shall be allowed 32 square feet of signage for each frontage providing vehicle access:

(b) ~~Nonresidential subdivisions and multiple-occupancy complexes.~~

- (1) *Identification sign.* A nonresidential subdivision or a multiple-occupancy complex shall be permitted ground-mounted identification signage along any street which provides access to the property as follows:
 - a. One 32-square-foot identification sign for buildings with less than 10 occupants.
 - b. One 64-square-foot identification sign or two 32-square-foot identification signs for buildings with more than ten occupants.
 - c. Identification signs must contain the address in a minimum of 8 inch letters.
 - d. In the absence of free-standing identification signage each business shall have the address prominently displayed on the building in 8 inch letters minimum, 24 square foot maximum.
 - e. The maximum height for all identification signs shall be determined by the permitted dimensions of a ground mounted, monument sign, where the sign support is not greater than 1/3 of the height of the sign. For example, a ground mounted, monument sign which is 4 feet in height, may be no more than 16 inches above the crown of the road.
 - f. The identification sign may be illuminated with a steady light, but the sign shall not be animated. See ch. 14 of this code for sea turtle lighting restrictions.
 - g. Identification signs shall be located within the property line.
 - h. No sign permitted by this subsection shall contain any advertising message concerning any business, goods, products, services or facilities which are not manufactured, produced, sold,

provided or located on the premises upon which the sign is erected or maintained:

(c) *Individual occupants within multiple-occupancy complex.* Individual offices, institutions, or business establishments located within a multiple-occupancy complex shall not be permitted individual ground-mounted identification signs, but may display wall-mounted, marquee, or canopy signs as follows:

- (1) *Sign content.* No sign permitted by this subsection shall contain any advertising message concerning any business, goods, products, services or facilities which are not manufactured, produced, sold, provided, or located on the premises upon which the sign is erected or maintained.

(d) *Individual office, institution, or business establishments.* The following regulations shall apply for any office, institution, or business establishment which is not located within a multiple-occupancy complex:

- (1) One 32-square-foot sign.
- (2) The maximum height for all identification signs shall be determined by the permitted dimensions of a ground mounted, monument sign, where the sign support is not greater than 1/3 of the height of the sign. For example, a ground mounted, monument sign which is 4 feet in height, may be no more than 16 inches above the crown of the road.
- (3) Identification signs may be illuminated, but shall not be animated.
- (4) Wall-mounted, marquee, or canopy signs may be displayed provided the total sign area of such signs plus any permitted ground-mounted identification sign does not exceed 32 square feet.
- (5) Identification signs shall be located within the property line.

(e) *Emergency medical facilities.* Emergency medical facilities shall be allowed the same size identification sign as permitted for individual establishments not located within a multiple occupancy complex (see subsection (d) of this section). In addition one additional illuminated monument sign, not to exceed 3 feet by 4 feet, to identify emergency entrances, shall be permitted.

(f) *Motion picture theaters.* Motion picture theaters shall be allowed one sixty-four (64) square-foot illuminated sign.

Sec. 30-153. Permanent identification signs in commercial areas.

(a) **Generally.** In order to provide fair, equal, and adequate exposure to the public, and to prevent businesses from visually dominating neighboring properties, permanent identification signs for all commercial uses, and for other uses not regulated by § 30-152, must be in accordance with this section and with the remainder of this chapter.

(1) **Size.** Identification signage is limited to 16 square feet per establishment, or 32 square feet for buildings containing only a single establishment. Motion picture theaters are permitted one identification sign of 64 square feet.

- a. Multiple-occupancy complexes, as defined in this chapter, are permitted additional signage up to 32 square feet to identify the complex and/or its occupants.
- b. Sign area and height are measured in accordance with §§ 30-90–91.

(2) **Type of signs.** Identification signs may use any combination of the following types of signs:

- i. Wall signs, including nameplates and window signs, see subsection (b).
- b. Projecting signs, including awning signs, see subsection (c).
- c. Monument signs, see subsection (d).
- d. Sandwich signs, see subsection (e).

(3) **Lighting.** Preferred methods for lighting identification signs are individual letters and symbols that are internally lit or a steady external light. External lighting must use fully shielded fixtures. If visible from the beach, external lighting must also comply with § 14-76(5).

- 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).



Figure 30-1

- b. 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; opaque background panel must be used so that 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 30-2

- c. Signs and sign lighting may not be animated.
 - d. See §§ 30-93(c) and 30-94(d) and ch. 14 of this code for sea turtle lighting restrictions.
- (4) **Location.** Identification signs must be located within the property line and set back at least 3 feet from any public right-of-way or easement, except that:
- a. Wall signs and projecting signs may extend over public sidewalks provided they maintain a minimum clear height above sidewalks of 8 feet and do not extend closer than 2 feet to an existing or planned curb.
 - b. Sandwich signs may be placed only in accordance with § 30-6(a).
- (5) **Advertising.** Identification signs may not contain any advertising message concerning any products or services which are not sold, provided, or located on the same premises.
- (6) **Building numbers.** Each building or multiple-occupancy complex must be clearly posted with the building's street number (see § 30-6(a)).

(b) **Wall signs.** Wall signs are attached to or painted on the wall of a building or structure and extend no more than 18 inches outward from the wall in a plane approximately parallel to the plane of said wall.

- (1) Figure 30-3 illustrates desirable and undesirable placement of signs on facades.
- (2) Figure 30-4 shows examples of wall signs that are placed flat against a principal facade in compliance with this chapter.
- (3) Nameplates and window signs are special types of wall signs that may be installed without a sign permit provided they comply with the special requirements of § 30-6(a).

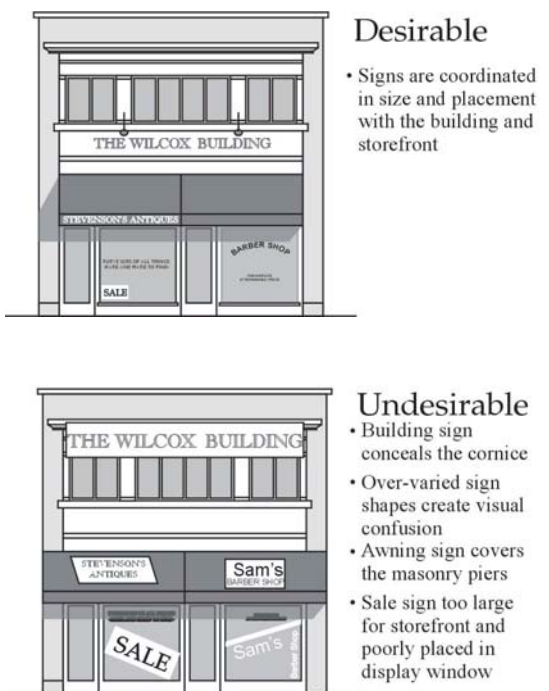


Figure 30-3

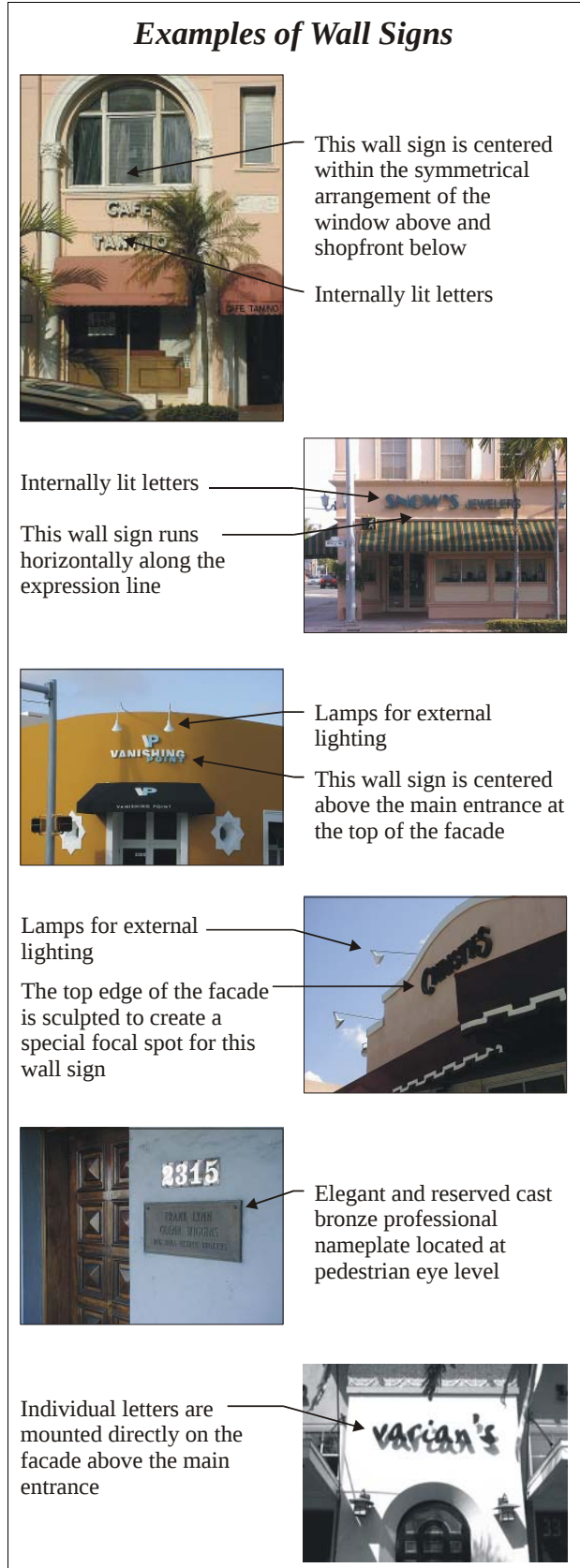


Figure 30-4

(c) **Projecting signs.** Projecting signs are signs which project more than 18 inches above, below, or outward from, and are supported by a wall, parapet, or outdoor ceiling of a building.

- (1) Figure 30-5 shows examples of projecting signs that project out from and/or extend above a principal facade.
- (2) Projecting signs on buildings that are required to meet the commercial design standards in § 34-991–1010 must obtain a compliance determination in accordance with § 34-992(d) prior to obtaining a regular sign permit.
- (3) Awning signs as defined in this chapter are special types of projecting signs that may be installed without a compliance determination or a sign permit provided they comply with the requirements found in § 30-6(a).

Examples of Projecting Signs



Discreetly located external lighting

Sign painted on the face of a canvas awning over entry

Small projecting signs can be combined with flat wall signs



Signs projecting above the roof stand out against the sky, adding an architectural flair to a shop's identity

Vertical projecting signs are visible down the street



A projecting sign extending from the corner of a building is highly visible along two streets

A second lower sign catches the eye of pedestrians passing in front of the entrance

Signs suspended from the ceilings of colonnades are highly visible to pedestrians



Figure 30-5

(d) **Monument signs.** Monument signs are free-standing 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.

- (1) Sign supports can be exposed above the ground no more than 1/3 of the greatest vertical dimension of the sign.
- (2) The maximum height of a monument sign is 5 feet above the crown of the adjacent street.
- (3) No part of a monument sign may be closer than 3 feet from any right-of-way.
- (4) Clear visibility must be maintained on corner lots in accordance with § 30-93.
- (5) Buildings that are required to meet the commercial design standards in § 34-991–1010 cannot install monument signs. For all other buildings, Figure 30-6 shows recent local examples of monument signs.

(e) **Sandwich signs.** Sandwich signs are easily moveable sign not attached to the ground that are supported by their own frames which generally form the cross-sectional shape of an A. Sandwich signs may be installed without a sign permit provided they comply with the special requirements of § 30-6(a). No other sandwich signs are allowed.

Examples of Monument Signs



Background can use attractive natural materials

Monument signs can reflect merchandise being sold or the architecture of the building



Signs can reflect logos of chain stores while having a design suitable to its context



Monument signs can incorporate landscaping and decoration that match the business



Monument signs are also suitable for lodging establishments

Figure 30-6

<i>SIGN TYPE</i>	<i>Defined in 30-2?</i>	<i>Prohibited by 30-5?</i>	<i>Allowable by 30-6(a)?</i>	<i>Allowable with permit by 30-6(b)?</i>	<i>Specific references found in these sections</i>
Abandoned sign	yes	yes			30-5(4)
Animated sign	revised	yes			30-5(5)
Awning sign	new		yes		30-6(a)(2), 30-153
Back-lit awning	new	yes			30-5(6)
Balloon sign	new	yes			30-5(7)
Banner	new	yes			30-5(8), 30-151(e)
Bench sign	new		yes		30-6(a)(1)
Billboard	new	yes			30-5(9)
Building numbers	new		yes		30-6(a)(2-), 30-153
Business affiliation sign	yes		yes		30-6(a)(3)
Business announcement sign	new			yes	30-6(b)(1), 30-151(a)
Business information sign	new name		yes		30-6(a)(4)
Canopy sign	yes	yes			30-5(10)
Construction sign	yes			yes	30-6(b)(2), 30-151(b), 30-151(f)
Development sign	yes			yes	30-6(b)(3), 30-151(c)
Directional sign	yes			yes	30-6(b)(4)
Emitting sign	new	yes			30-5(11)
Figure-structured sign	revised	yes			30-5(12)
Flags or insignias	—		yes		30-6(a)(5)
Garage sale sign	—		yes		30-6(a)(6)
Government sign	yes		yes		30-6(a)(7)
Holiday decorations	yes		yes		30-6(a)(8)

<i>SIGN TYPE</i>	<i>Defined in 30-2?</i>	<i>Prohibited by 30-5?</i>	<i>Allowable by 30-6(a)?</i>	<i>Allowable with permit by 30-6(b)?</i>	<i>Specific references found in these sections</i>
Identification sign	yes			yes	30-6(b)(5), 30-152(b) & (c) residential & institutional 30-153 commercial
Illegal sign	yes				30-56(c)(1) & (c)(4)
Illuminated sign	yes			yes	30-6(b)(7), 30-94(d), 30-95(d)
Instructional sign	—		yes		30-6(a)(9)
Interior sign	—		yes		30-6(a)(10)
Legal notices	—		yes		30-6(a)(11)
Memorial sign or tablet	—		yes		30-6(a)(12)
Menu display box	new			yes	30-6(b)(6)
Monument sign	revised			yes	30-6(b)(5), 30-55(b)(1)c, 30-94(c), 30-96(b), 30-152(b) & (c) residential & institutional 30-153 commercial
Motion picture sign	new	yes			30-5(13)
Nameplate	revised		yes		30-6(a)(13), 30-153
Off-premises sign	yes	yes			30-5(15)
Pennant	yes	yes			30-5(8)
Pole sign	revised	yes			30-5(16)
Political and non-commercial temporary signs	yes		yes		30-6(a)(13-), 30-151(d)
Portable sign	revised	yes			30-5(17)
Posted property sign	yes		yes		30-6(a)(14)
Projecting sign	revised			yes	30-6(b)(5), 30-153
Public information sign	—		yes		30-6(a)(16)

<i>SIGN TYPE</i>	<i>Defined in 30-2?</i>	<i>Prohibited by 30-5?</i>	<i>Allowable by 30-6(a)?</i>	<i>Allowable with permit by 30-6(b)?</i>	<i>Specific references found in these sections</i>
Real estate sign	yes		yes		30-6(a)(17), 30-56(d)(1), 30-151(f)
Roof sign	yes	yes			30-5(19)
Sandwich sign	revised		yes		30-6(a)(18), 30-153
Snipe sign	yes	yes			30-5(24)
Special event sign	revised		yes		30-6(a)(20), 30-151(e)
Special occasion sign	revised		yes		30-6(a)(21), 30-151(g)
Symbols or insignias	—		yes		30-6(a)(22)
Temporary sign	yes				30-151
Vehicle sign	yes	yes			30-5(14), 30-7
Wall sign	revised			yes	30-6(b)(5), 30-153
Warning signs	—		yes		30-6(a)(23)
Waterway signs	—		yes		30-6(a)(24)
Window sign	yes	yes	yes		30-5(26), 30-6(a)(25), 30-153