

36 **WHEREAS**, the City finds and determines that the sign regulations adopted
37 hereby allow and leave open adequate alternative means of communications, such as
38 newspaper advertising, internet advertising and communications, advertising in shoppers
39 and pamphlets, advertising in telephone books, advertising on cable television,
40 advertising on UHF and/or VHF television, advertising on AM and/or FM radio,
41 advertising on satellite radio, advertising on internet radio, advertising via direct mail,
42 and other avenues of communication available in the City [see *State v. J & J Painting*,
43 167 N.J. Super. 384, 400 A.2d 1204, 1205 (Super. Ct. App. Div. 1979); *Board of*
44 *Trustees of State University of New York v. Fox*, 492 U.S. 469, 477 (1989); *Green v. City*
45 *of Raleigh*, 523 F.3d 293, 305-306 (4th Cir. 2007); *Naser Jewelers v. City of Concord*,
46 513 F.3d 27 (1st Cir. 2008); *Sullivan v. City of Augusta*, 511 F.3d 16, 43-44 (1st Cir.
47 2007); *La Tour v. City of Fayetteville*, 442 F.3d 1094, 1097 (8th Cir. 2006); *Reed v. Town*
48 *of Gilbert*, 587 F.3d 866, 980-981 (9th Cir. 2009)]; and

49 **WHEREAS**, in *Reed v. Town of Gilbert, Ariz.*, -U.S.-, 135 S. Ct. 2218, 2221, 192
50 L. Ed. 2d 236 (2015), the United States Supreme Court, in an opinion authored by Justice
51 Thomas, and joined in by Chief Justices Roberts, Scalia, Alito, Kennedy and Sotomayer,
52 addressed the constitutionality of a local sign ordinance that had different criteria for
53 different types of temporary noncommercial signs; and

54 **WHEREAS**, in *Reed*, Justice Alito in a concurring opinion joined in by Justices
55 Kennedy and Sotomayer pointed out that municipalities still have the power to enact and
56 enforce reasonable sign regulations; and

57 **WHEREAS**, Justice Alito further noted that in addition to regulating signs put up
58 by private actors, government entities may also erect their own signs consistent with the
59 principles that allow governmental speech [see *Pleasant Grove City v. Sumnum*, 555
60 U.S. 460, 467-469 (2009)], and that government entities may put up all manner of signs
61 to promote safety, as well as directional signs and signs pointing out historic sites and
62 scenic spots; and

63 **WHEREAS**, Justice Alito noted that the *Reed* decision, properly understood, will
64 not prevent cities from regulating signs in a way that fully protects public safety and
65 serves legitimate aesthetic objectives, including rules that distinguish between on-
66 premises and off-premises signs; and

67 **WHEREAS**, under established Supreme Court precedent and Eleventh Circuit
68 precedent, commercial speech may be subject to greater restrictions than noncommercial
69 speech and that doctrine is true for both temporary signs as well as for permanent signs;
70 and

71 **WHEREAS**, the City finds and determines that a traffic control device, as
72 defined herein, should be exempt from regulation under the City's regulations for
73 signage; and

74 **WHEREAS**, the City finds and determines that the regulation of signs within the
75 City strongly contributes to the development and maintenance of a pleasing, visually
76 attractive environment, and that these sign regulations are prepared with the intent of
77 enhancing the environment and promoting the continued well-being of the City; and

78 **WHEREAS**, the City finds and determines that the regulation of signage for
79 purposes of aesthetics has long been recognized as advancing the public welfare; and

80 **WHEREAS**, the City finds and determines that, as far back as 1954, the United
81 States Supreme Court recognized that "the concept of the public welfare is broad and
82 inclusive," that the values it represents are "spiritual as well as physical, aesthetic as well
83 as monetary," and that it is within the power of the legislature "to determine that the
84 community should be beautiful as well as healthy, spacious as well as clean, well
85 balanced as well as carefully patrolled" [in *Berman v. Parker*, 348 U.S. 26, 33 (1954)];
86 and

87 **WHEREAS**, the City finds and determines that aesthetics is a valid basis for
88 zoning, and that the regulation of the size and appearance of signs and the prohibition of
89 certain types of signs can be based upon aesthetic grounds alone as promoting the general
90 welfare [see *Merritt v. Peters*, 65 So. 2d 861 (Fla. 1953); *Dade County v. Gould*, 99 So.
91 2d 236 (Fla. 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade County*, 425 F.2d
92 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 878 (1970)]; and

93 **WHEREAS**, the City finds and determines that these sign regulations further the
94 character and ambiance of the City, and reflect its commitment to maintaining and
95 improving an attractive, small tropical town environment; and

96 **WHEREAS**, the City finds and determines that the beauty of the City's natural
97 and built environment has provided the foundation for the economic base of the City's
98 development, and that the City's sign regulations help create an attractive residential
99 community for its residents; and

100 **WHEREAS**, the City finds and determines that the goals, objectives and policies
101 of its plans over the years demonstrate a strong, long-term commitment to maintaining
102 and improving the City's attractive and visual environment; and

103 **WHEREAS**, the City finds and determines that, from a planning perspective, one
104 of the most important community goals is to define and protect aesthetic resources and
105 community character; and

106 **WHEREAS**, the City finds and determines that the purpose of the regulation of
107 signs as set forth in this Ordinance is to promote the public health, safety and general
108 welfare through a comprehensive system of reasonable, consistent and nondiscriminatory
109 sign standards and requirements; and

110 **WHEREAS**, the City finds and determines that implementation of a City
111 wayfinding system is essential to preserving the aesthetic quality and economic vitality of
112 the City and ensuring clear traffic patterns with safe wayfinding signage to preserve
113 traffic flow and safety; and

114 **WHEREAS**, the City finds and determines that the sign regulations in this
115 Ordinance are intended to lessen hazardous situations, confusion and visual clutter caused
116 by proliferation, improper placement, illumination, animation and excessive height, area
117 and bulk of signs which compete for the attention of pedestrian and vehicular traffic; and

118 **WHEREAS**, the City finds and determines that these sign regulations are
119 intended to protect the public from the dangers of unsafe signs; and

120 **WHEREAS**, the City finds and determines that these sign regulations are
121 intended to permit signs that are compatible with their surroundings and aid orientation,
122 and to preclude placement of signs in a manner that conceals or obstructs adjacent land
123 uses or signs; and

124 **WHEREAS**, the City finds and determines that these sign regulations are
125 intended to regulate signs in a manner so as to not interfere with, obstruct vision of or
126 distract motorists, bicyclists or pedestrians; and

127 **WHEREAS**, the City finds and determines that these sign regulations are
128 intended to require signs to be constructed, installed and maintained in a safe and
129 satisfactory manner; and

130 **WHEREAS**, the City finds and determines that in meeting the purposes and goals
131 established in these findings, it is appropriate to prohibit or to continue to prohibit certain
132 sign types; and

133 **WHEREAS**, the City finds and determines that the prohibition of the
134 construction of billboards and certain other sign types, as well as the establishment and
135 continuation of height, size and other standards for on-premise signs, is consistent with
136 the policy set forth in the Florida Constitution that it shall be the policy of the state to
137 conserve and protect its scenic beauty; and

138 **WHEREAS**, the City finds that local governments may separately classify off-
139 site and on-site advertising signs in taking steps to minimize visual pollution [*see City of*

140 *Lake Wales v. Lamar Advertising Association of Lakeland Florida*, 414 So. 2d 1030,
141 1032 (Fla. 1982)]; and

142 **WHEREAS**, the City finds and determines that a prohibition on the erection of
143 off-site outdoor advertising signs will reduce the number of driver distractions and the
144 number of aesthetic eyesores along the roadways of the City [*see, e.g., E. B. Elliott Adv.*
145 *Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1154 (5th Cir. 1970), *cert. denied*, 400
146 U.S. 878 (1970)]; and

147 **WHEREAS**, the City finds and determines that in order to preserve, protect and
148 promote the safety and general welfare of the residents of the City, it is necessary to
149 regulate off-site advertising signs, so as to prohibit the construction of off-site signs and
150 billboards in all zoning districts, and to provide that the foregoing provisions shall be
151 severable; and

152 **WHEREAS**, the City hereby finds and determines that anything beside the road
153 which tends to distract the driver of a motor vehicle directly affects traffic safety, and that
154 signs, which divert the attention of the driver and occupants of motor vehicles from the
155 highway to objects away from it, may reasonably be found to increase the danger of
156 accidents, and agrees with the courts that have reached the same determination [*see In re*
157 *Opinion of the Justices*, 103 N.H. 268, 169 A.2d 762 (1961); *Newman Signs, Inc. v.*
158 *Hjelle*, 268 N.W.2d 741 (N.D.1978)]; and

159 **WHEREAS**, the City finds and determines that the City has allowed
160 noncommercial speech to appear wherever commercial speech appears; and the City
161 desires to continue that practice through the specific inclusion of a substitution clause that
162 expressly allows non-commercial messages to be substituted for commercial messages;
163 and

164 **WHEREAS**, the City finds and determines that, by confirming in this Ordinance
165 that noncommercial messages are allowed wherever commercial messages are permitted,
166 the City will continue to overcome any constitutional objection that its ordinance
167 impermissibly favors commercial speech over noncommercial speech [*see Outdoor*
168 *Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1236-1237 (D. Kan. 1999)]; and

169 **WHEREAS**, the City finds and determines that under Florida law, whenever a
170 portion of a statute or ordinance is declared unconstitutional, the remainder of the act will
171 be permitted to stand provided (1) the unconstitutional provisions can be separated from
172 the remaining valid provisions, (2) the legislative purpose expressed in the valid
173 provisions can be accomplished independently of those which are void, (3) the good and
174 the bad features are not so inseparable in substance that it can be said that the legislative
175 body would have passed the one without the other, and (4) an act complete in itself

176 remains after the valid provisions are stricken [*see, e.g., Waldrup v. Dugger, 562 So. 2d*
177 687 (Fla. 1990)]; and

178 **WHEREAS**, the City finds and determines that there have been several judicial
179 decisions where courts have not given full effect to severability clauses that applied to
180 sign regulations and where the courts have expressed uncertainty over whether the
181 legislative body intended that severability would apply to certain factual situations
182 despite the presumption that would ordinarily flow from the presence of a severability
183 clause; and

184 **WHEREAS**, the City finds and determines that the City has consistently adopted
185 and enacted severability provisions in connection with its ordinance provisions, and that
186 the City wishes to ensure that severability provisions apply to its regulations, including its
187 sign regulations; and

188 **WHEREAS**, the City finds and determines that the Code's severability clauses
189 were adopted with the intent of upholding and sustaining as much of the City's
190 regulations, including its sign regulations, as possible in the event that any portion thereof
191 (including any section, sentence, clause or phrase) be held invalid or unconstitutional by
192 any court of competent jurisdiction; and

193 **WHEREAS**, the City finds and determines that there must be an ample record of
194 its intention that the presence of a severability clause in connection with the City's sign
195 regulations be applied to the maximum extent possible, even if less speech would result
196 from a determination that any provision is invalid or unconstitutional for any reason
197 whatsoever; and

198 **WHEREAS**, the City finds and determines that there must be an ample record
199 that it intends that the height and size limitations on free-standing and other signs
200 continue in effect regardless of the invalidity or unconstitutionality of any, or even all
201 other, provisions of the City's sign regulations, other ordinance code provisions, or other
202 laws, for any reason (s) whatsoever; and

203 **WHEREAS**, the City finds and determines that there must be an ample record
204 that it intends that each prohibited sign-type continue in effect regardless of the invalidity
205 or unconstitutionality of any, or even all, other provisions of the City's sign regulations,
206 other ordinance code provisions, or other laws, for any reason(s) whatsoever; and

207 **WHEREAS**, the City Council makes the detailed findings set forth in Section 30-
208 521(b) of Section 3 of this Ordinance as to the purpose, scope and intent of the City's
209 sign regulations, and the substantial and compelling governmental interests that are
210 advanced by these regulations.

211 **WHEREAS**, the City Council finds and determines that this Ordinance is
212 consistent with all applicable policies of the City’s adopted Comprehensive Plan; and

213 **WHEREAS**, the City Council reiterates its desire that there be an ample and
214 unequivocal record of its intention that the severability clauses it has adopted related to
215 its sign regulations shall be applied to the maximum extent possible, even if less speech
216 would result from a determination that any exceptions, limitations, variances, or other
217 sign provisions are invalid or unconstitutional for any reason whatsoever; and

218 **WHEREAS**, the Planning Board, sitting as the Local Planning Agency, has
219 reviewed this Ordinance at workshops on November 17, 2017 and December 15, 2017,
220 and at a duly noticed hearing on April 20, 2018, and May 4, 2018 and recommended
221 Approval; and

222 **WHEREAS**, the City Council conducted a first and second reading of this
223 Ordinance at duly noticed public hearings, as required by law, and after having received
224 input from and participation by interested members of the public and staff, the City
225 Council has determined that this Ordinance is consistent with the City’s Comprehensive
226 Plan and in the best interest of the of the public health, safety and welfare.

227 **NOW, THEREFOR, BE IT ORDAINED BY THE CITY COUNCIL OF**
228 **THE CITY OF MARCO ISLAND¹:**

229 **Section 1. Recitals.** The foregoing “WHEREAS” clauses are true and correct and
230 reflective of the legislative intent underlying this Ordinance and are hereby ratified and made a
231 specific part of this Ordinance.

232 **Section 2. City Code Amended.** That Chapter 30 “Land Development Code,” Article II
233 “Zoning,” Division 1 “Generally”, Section 30-65 “Variance procedures,” is hereby amended to
234 read as follows:

235 **ARTICLE II. - ZONING**

236 **DIVISION 1. - GENERALLY**

237 * * *

238 **Sec. 30-65. - Variance procedures.**

239 * * *

240 (b) *Types of variances authorized.* A variance is authorized for any dimensional development
241 standard, including the following: height, area, and size of structure; height of fence; size of

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.

242 yards and open spaces; landscaping and buffering requirements; ~~size, height, maximum~~
243 ~~number of, and minimum setback for signs~~; architectural and site design standards; and
244 minimum requirements for off-street parking facilities.

245 **Section 4. City Code Amended.** That Chapter 30 “Land Development Code,” Article
246 VI “Signage,” is hereby amended to read as follows:

247 ARTICLE VI. - SIGNAGE

248 Sec. 30-521. – Scope, pPurpose and intent, substitution and severability.

249 (a) Scope.

250 (1) The provisions of this article shall govern the number, size, location, and character of
251 all signs which may be permitted either as a main or accessory use under the terms of
252 this article. No signs shall be permitted on a plot or parcel either as a main or accessory
253 use except in accordance with the provisions of this article.

254 (2) This article does not regulate the following:

255 (a) Directional, hazard, life safety, traffic control device, wayfinding and similar
256 signs required or installed by a government agency on public or private property;

257 (b) Noncommercial athletic field score boards, including sponsor identification,
258 located within a public park and facing the playing field or public viewing stands.

259 (c) Notices required to be posted by law or ordinance on public or private property.

260 (3) In the event of any conflict between this article and any declaration of covenants,
261 bylaws, or other restrictions applying to any property within the city, the language
262 affording the more restrictive interpretation shall apply.

263 (4) The city specifically finds that these sign regulations are narrowly tailored to achieve
264 the compelling and substantial governmental interests of traffic safety and aesthetics,
265 and that there is no other way for the city to further these interests.

266 (b) Purpose and intent. It is the purpose and intent of this article to provide specific signage
267 development standards and design regulations to ensure the orderly and appropriate
268 installation, design and construction of individual signs, ~~and to balance desired~~
269 ~~communication with the interests of the public health, safety, convenience, aesthetics, and~~
270 ~~general welfare.~~

271 (1) Florida Constitution. Article II, Section 7 of the Florida Constitution provides that “[i]t
272 shall be the policy of the state to conserve and protect its natural resources and scenic
273 beauty. . . .” A beautiful environment preserves and enhances the desirability of the city

274 as a place to live and to do business. Implementing the Florida Constitution is a
275 compelling governmental interest.

276 (2) Florida Statutes. Florida law requires local governments to adopt comprehensive plans
277 and implement them through land development regulations (also known as zoning
278 regulations) and approval of development orders that are consistent with the
279 comprehensive plan. See Part II of Chapter 163, Florida Statutes. Florida law
280 specifically requires that the City adopt sign regulations. See Section 163.3202(2)(f),
281 Florida Statutes. Complying with state law is a compelling governmental interest.

282 (3) City Comprehensive Plan. The city's Comprehensive Plan requires that the city
283 maintain its' residential, small town, tropical character and ensure traffic safety on roads
284 within the city through the regulation of signs, as set forth in detail below.
285 Implementing the city Comprehensive Plan is a compelling governmental interest.

286 1. City Comprehensive Plan Elements. The Comprehensive Plan describes Marco
287 Island as a "small island paradise situated off the west coast of Florida, dates back
288 to 1880." The Existing land use conditions in the City are further described as
289 follows: "a large proportion of Marco Island is either built-out or in conservation
290 use. Approximately 52.4% of the Island's land mass is developed or situated for
291 either residential, commercial, governmental/institutional or resort usage, with
292 residential uses being by far predominant." Further, "A variety of commercial uses
293 ... will be permitted that serve the needs of the residents and traveling public while
294 maintaining the village atmosphere. Specific development criteria that encourage
295 pedestrian and bicycle access, open view corridors of the waterfront, strengthen the
296 historic character of the areas and identify permitted commercial uses."

297 2. City Comprehensive Plan Goals, Objectives and Policies. Several goals, objectives
298 and policies of the city's comprehensive plan require the city to maintain its
299 tropical, small town, residential, and resort character and traffic safety through its
300 land development regulations and actions:

301 GOAL: TO ENHANCE MARCO ISLAND'S QUALITY OF LIFE,
302 ENVIRONMENTAL QUALITY, AND TROPICAL SMALL TOWN AND
303 RESORT CHARACTER BY MANAGING GROWTH AND ASSURING A
304 STABLE RESIDENTIAL COMMUNITY WITH SUFFICIENT BUSINESSES TO
305 SERVE THE NEEDS OF RESIDENTS AND VISITORS.

306 Objective 1.7: The City will enforce existing and future Land Development
307 regulations to eliminate and/or reduce uses of land inconsistent with the Future
308 Land Use Map and the community's character.

309 Policy 1.7.1: The City will continue to enforce adopted architectural and site design
310 regulations in the adopted Land Development Code.

311 Policy 1.7.3: The City will seek to identify and eliminate existing non-conformities
312 that detract from the City’s character or could impact the public health, safety, or
313 welfare through diligent code enforcement action and through attrition via
314 approved development orders.

315 Objective 1.8: The City shall coordinate future transportation, park, and
316 infrastructure improvements to ensure compatibility and appropriateness of
317 adjacent land uses and to promote the Island’s small town character.

318 GOAL 1: TO PROVIDE AND ENCOURAGE A MULTIMODAL
319 TRANSPORTATION SYSTEM THAT MEETS THE CIRCULATION NEEDS
320 OF MARCO ISLAND IN A SAFE AND EFFICIENT MANNER BUT DOES
321 NOT ADVERSELY IMPACT THE QUALITY OF LIFE OF THE RESIDENTS.

322 Objective 1.1: Promotion of a safe, convenient, and energy efficient multimodal
323 transportation system.

324 Objective 1.5: Protect and reserve existing and future rights-of-way to prevent
325 structural encroachments and to ensure adequate ultimate roadway widths for
326 maintenance of adopted level-of-service standards, consistent with this element, the
327 2020 Collier County MPO Transportation Plan and the Land Development Code

328 Policy 1.5.1: Ensure all new construction and redevelopment projects comply with
329 required setbacks through diligent zoning and site plan review.

330 (4) Caselaw. In accordance with the U.S. Supreme Court’s cases on sign regulation, the
331 regulations in this article are not intended to regulate or censor speech based on its
332 content or viewpoint, but rather to regulate the secondary effects of speech that may
333 adversely affect the city’s substantial and compelling governmental interests in
334 preserving scenic beauty and community aesthetics, and in vehicular and pedestrian
335 safety in conformance with the First Amendment. These cases and their holdings
336 include, but are not limited to:

337 a. Reed v. Town of Gilbert, 135 S. Ct. 2218, 192 L. Ed. 2d 236 (2015) on the topic on
338 noncommercial temporary signs;

339 b. Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981) on the topic of
340 commercial signs and off premise signs;

341 c. City of Ladue v. Gilleo, 512 U.S. 43 (1994) on the topic of political protest signs in
342 residential areas;

343 d. Linmark Assocs., Inc. v. Township of Willingboro, 431 U.S. 85 (1977) on the topic
344 of real estate signs in residential areas;

345 e. Burson v. Freeman, 504 U.S. 191 (1992) on the topic of election signs near polling
346 places;

347 f. Central Hudson Gas & Electric Corp. v. Public Service Commission, 447 U.S. 557
348 (1980) on the topic of regulation of commercial speech; and

349 g. City Council v. Taxpayers for Vincent, 466 U.S. 789 (1984) on the topic of signs on
350 public property.

351 (5) Impact of sign clutter. Excessive signage and sign clutter impairs the legibility of the
352 environment, and undermines the effectiveness of governmental signs, traffic control
353 devices and other required signs (such as nameplate sign, noncommercial onsite
354 directional sign, identification sign, and warning and danger sign) that are essential to
355 identifying locations for the delivery of emergency services and other compelling
356 governmental purposes. The intent of these sign regulations is to enhance the visual
357 environment of the city, ensure that city residents and visitors can safely navigate
358 through the city to their intended destinations, and promote the continued well-being of
359 the city. It is therefore the purpose of this article to promote aesthetics and the public
360 health, safety and general welfare, and assure the adequate provision of light and air
361 within the city through reasonable, consistent and nondiscriminatory standards for the
362 posting, displaying, erection, use, and maintenance of signs that are no more restrictive
363 than necessary to achieve these governmental interests.

364 (6) Specific Legislative Intent. More specifically, the sign regulations in this article are
365 intended to:

366 a. Encourage the effective use of signs as a means of communication in the city;

367 b. Maintain and enhance the scenic beauty of the aesthetic environment of the island;

368 c. Maintain and improve the city's ability to preserve sources of economic
369 development;

370 d. Ensure pedestrian and traffic safety;

371 e. Minimize the possible adverse effect of signs on nearby public and private
372 property;

373 f. Foster the integration of signage with architectural and landscape designs;

374 g. Lessen the visual clutter that may otherwise be caused by the proliferation,
375 improper placement, illumination, animation, excessive height, and excessive area
376 of signs which compete for the attention of pedestrian and vehicular traffic and are
377 not necessary to aid in wayfinding;

378 h. Allow signs that are compatible with their surroundings and aid orientation, while
379 precluding the placement of signs that contribute to sign clutter or that conceal or
380 obstruct adjacent land uses or signs;

- 381 i. Encourage and allow signs that are appropriate to the zoning district in which they
382 are located, consistent with and serving the needs of the land uses, activities and
383 functions to which they pertain;
- 384 j. Curtail the size and number of signs to the minimum reasonably necessary to
385 identify a residential or business location, and the nature of such use, and to allow
386 smooth navigation to these locations;
- 387 k. Establish dimensional limits and placement criteria for signs that are legible and
388 proportional to the size of the lot and building on which the sign is to be placed, or
389 to which it pertains;
- 390 l. Regulate signs so that they are effective in performing the function of identifying
391 and safely directing pedestrian and vehicular traffic to a destination;
- 392 m. Preclude signs from conflicting with the principal permitted use of the lot and
393 adjoining lots;
- 394 n. Regulate signs in a manner so as to not interfere with, obstruct the vision of, or
395 distract motorists, bicyclists or pedestrians;
- 396 o. Except to the extent expressly preempted by state or federal law, ensure that signs
397 are constructed, installed and maintained in a safe and satisfactory manner, and
398 protect the public from unsafe signs;
- 399 p. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of
400 all zoning districts of the city;
- 401 q. Allow for traffic control devices and government signs without regulation
402 consistent with national standards, because they promote highway safety and
403 efficiency by providing for the orderly movement of road users on streets and
404 highways, and by notifying road users of regulations and providing nationally
405 consistent warnings and guidance needed for the safe, uniform and efficient
406 operation of all elements of the traffic stream and modes of travel, while regulating
407 private signs to ensure that their size, location and other attributes do not impair the
408 effectiveness of such traffic control devices;
- 409 r. Protect property values by precluding, to the maximum extent possible, signs that
410 create a nuisance to the occupancy or use of other properties as a result of their
411 size, height, illumination, brightness, or movement;
- 412 s. Protect property values by ensuring that the size, number and appearance of signs
413 are in harmony with buildings, neighborhoods, structures, and conforming signs in
414 the area;
- 415 t. Regulate the appearance and design of signs in a manner that promotes and
416 enhances the beautification of the city and that complements the natural

417 surroundings in recognition of this city's reliance on its natural surroundings and
418 beautification efforts as a source of economic advantage as an attractive place to
419 live, work and visit;

420 u. Classify and categorize signs by type;

421 v. Not regulate signs more than necessary to accomplish the compelling and
422 substantial governmental objectives described herein; and

423 w. Enable the fair, consistent, and rigorous enforcement of these sign regulations.

424 x. Permit, regulate and encourage the use of signs with a scale, graphic character, and
425 type of lighting compatible with buildings and uses in the area, so as to support and
426 complement the goals, objectives and policies set forth in the city's Comprehensive
427 Plan;

428 y. Establish regulations for the design, erection and maintenance of signs for the
429 purpose of ensuring equitable access to graphic communication, while maintaining
430 a harmonious and aesthetically pleasing visual environment within the city,
431 recognizing that signs form an integral part of architectural building and site design
432 and require equal attention in their design, placement and construction; and

433 z. Be considered the maximum standards allowed for signage, and regulate signs in a
434 permissive manner so that any sign is not allowed unless expressly permitted and
435 not expressly prohibited.

436 (c) Nonconforming signage.

437 ~~It is further the intent of this code that the June 15, 2001, compliance deadline for~~
438 ~~nonconforming on premises permanent signs shall not be enlarged, expanded, or stayed~~
439 ~~except in full compliance with the provisions of this Code.~~

440 (1) Any previously permitted, existing sign that does not conform to the provisions of these
441 regulations as adopted on June 18, 2018 shall be considered legal nonconforming and
442 shall be brought into conformance with these regulations:

443 a. upon replacement after destruction by any means to such extent that the cost of
444 rebuilding, repair or reconstruction of the sign will exceed 50 percent of the
445 appraised value of the existing sign prior to damage; or

446 b. upon new development redevelopment of the property as defined in section 30-626,
447 whichever occurs first.

448 c. Identification signs legally located in the public right of way, or on private property
449 which identify businesses located on a property other than the property on which
450 the sign is located, as of June 18, 2018 shall not be subject to the replacement
451 requirements of (1)a. and (1)b. above. Such signs may be replaced, rebuilt, repaired

452 or reconstructed subject to the execution of a right-of-way license agreement in a
453 form acceptable to the City if located in the public right of way.

454 (2) If a nonconforming sign or sign face is voluntarily altered, replaced, repaired or
455 relocated prior to the required point of compliance, any sign illumination must come
456 into conformance at that time.

457 (3) This subsection shall be applied in a manner consistent with Section 70.20, Florida
458 Statutes.

459 (db) *Substitution of noncommercial speech for commercial speech.* Notwithstanding any
460 provisions of this article to the contrary, to the extent that this article permits a sign
461 containing commercial copy, it shall permit a noncommercial sign to the same extent. The
462 noncommercial message may occupy the entire sign area or any portion thereof, and may
463 substitute for or be combined with the commercial message. The sign message may be
464 changed from commercial to noncommercial or from one noncommercial message to
465 another, as frequently as desired by the sign's owner, provided that the sign is not prohibited
466 and the sign continues to comply with all requirements of this article.

467 (ee) *Severability.*

468 (1) ~~fGenerally.~~ Generally, if any part, section, subsection, paragraph, subparagraph,
469 sentence, phrase, clause, term, or word of this article is declared unconstitutional by the
470 final and valid judgment or decree of any court of competent jurisdiction, the
471 declaration of unconstitutionality or invalidity shall not affect any other part, section,
472 subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this
473 article.

474 (2) *Severability where less speech results.* This section shall not be interpreted to limit the
475 effect of subsection (de)(1) or any other applicable severability provision in the Code of
476 Ordinances or adopting ordinance. The city council specifically intends that severability
477 shall be applied to these sign regulations even if the result would be to allow less
478 speech, whether by subjecting currently exempt signs to permitting or by some other
479 means.

480 (3) *Severability of provisions pertaining to prohibited signs.* This section shall not be
481 interpreted to limit the effect of subsection (de)(1), or any severability provision in the
482 Code of Ordinances or any adopting ordinance. The city council specifically intends
483 that severability shall be applied to section 30-5297 concerning prohibited signs so that
484 each of the prohibited sign types listed in that section shall continue to be prohibited
485 irrespective of whether another sign prohibition is declared unconstitutional or invalid.

486 (4) *Severability of prohibition on bill board off-premises signs.* This section shall not be
487 interpreted to limit the effect of subsection (de)(1) above, or any other applicable
488 severability provision in the Code of Ordinances or any adopting ordinance. If any or all

489 of article VI signage or other provision of the city's Code of Ordinances is declared
490 unconstitutional or invalid by the final and valid judgment of competent jurisdiction, the
491 city council specifically intends that the declaration shall not affect the prohibition on
492 bill board off-premises signs contained herein in section 30-5297.

493 Sec. 30-522. – Sign Permits.

494 (a) Permit required. Except as provided in this article, no permanent or temporary sign shall be
495 erected, constructed, posted, painted, altered, maintained, or relocated until a sign permit has
496 been issued by the city.

497
498 (1) Application procedure. Before any permit is issued, a written application, in the form
499 provided by the city, shall be filed, together with such drawings and specifications as
500 may be necessary to fully advise the city with the location, construction, materials,
501 manner of illuminating, method of securing or fastening, the number of signs applied
502 for, the consent of the property owner, and the wording of the sign. Upon the
503 submission of an application, the city shall have ten business days to determine whether
504 it is complete. If the city finds that the application is not complete, the city shall provide
505 the applicant with written notice of the deficiencies within the ten-day period. Upon
506 resubmission of the application, the city shall have five additional business days to
507 determine whether the applicant's revisions are sufficient to complete the application. If
508 they are not, the city will again inform the applicant of any remaining deficiencies in
509 writing. This process shall continue until the applicant has submitted a complete
510 application, or demands that the application be reviewed "as is."

511
512 (2) Unified Sign Plan Application. When requested or required, an application for a
513 Unified Sign Plan, in the form provided by the city, signed by owners of all property
514 subject to the proposed Unified Sign Plan may be submitted. Such application shall be
515 processed pursuant to the sign permit process of this section.

516
517 (3) Code requirements. All signs shall be constructed in accordance with the Florida
518 Building Code, including obtaining all required permits. No sign shall be approved for
519 use unless it has been inspected and found to be in compliance with all the requirements
520 of this article and applicable codes.

521
522 (4) Application review. The city shall approve or deny the sign permit based on whether it
523 complies with the requirements of this article. The city shall approve or deny the sign
524 permit within 30 calendar days after receipt of a complete application. If the sign
525 permit, or requested administrative variance, is denied, the city shall prepare a written
526 notice of its decision, describing the applicant's appeal rights, and send it by certified
527 mail, return receipt requested, to the applicant. The applicant may file a written notice

528 of appeal to the city council within 30 calendar days after the date of receipt of the
529 city's written notice. The city council shall hold a public hearing at the next available
530 council meeting that is at least 25 days after the date of receiving the written notice of
531 appeal, at which the city council shall determine whether the application satisfies all
532 Code requirements. If the city council does not approve the application, then the
533 applicant may seek relief in the Circuit Court for Collier County, as provided by law.

534
535 (5) Failure to commence. Each sign permit issued by the city shall become null and void,
536 if installation is not commenced within 90 days from the issuance date of such permit.
537 If no work authorized by such permit takes place for any continuous 90-day period any
538 time after the work has commenced, a new sign permit shall be required prior to
539 resuming the work, and the fee will be the full amount required for a new permit for
540 such work.

541 (b) Signs exempt from permitting. The following signs are exempt from the permit
542 requirements of this code, and shall be allowed in all districts subject to the limitations set
543 forth below: However, this exemption in no way waives the requirements of the Florida
544 Building Code or the city's adopted engineering standards, any limitation or restriction on
545 the number, size, height, setback, placement or duration of such signs under this article, or
546 any limitation or restriction under any other applicable law or regulation.

547 (1) Signs, not exceeding four square feet in area, which facilitate the movement of
548 pedestrians and vehicles within the site upon which such signs are posted.

549 (2) One identification sign for each professional office or business establishment not to
550 exceed two square feet in sign area and placed flush against a building face or mailbox
551 side.

552 (3) One identification sign for each residential property subject to the following:

553 a. Maximum size: 12 inches in height by 18 inches in length.

554 b. Maximum height: Three feet as measured from average finished ground elevation,
555 or, if attached to a wall or fence, not to exceed the maximum height of said wall or
556 fence.

557 (4) Up to three warning or danger signs, subject to subsections (3)a. and (3)b. above.

558 (5) Plaques, cornerstones, and similar types of signs, not exceeding three square feet, when
559 cut into any masonry surface or constructed of bronze or other noncombustible
560 materials that are attached, adjacent to, or located near a structure designed to
561 memorialize a person or event.

562 (6) Non-electronic window signs, not exceeding 20 percent of the total window area or 50
563 square feet, whichever is more restrictive.

- 564 (7) One electronic window sign, not exceeding 3 square feet. Graphics, pictures, logos,
565 motion or flashing are prohibited. Text changes shall occur only when the business
566 opens or closes for business. Such signage shall be included in the calculation of
567 maximum permitted window signage.
- 568 (8) Altering the copy or panels for changeable copy signs.
- 569 (9) Painting, repainting or cleaning of an advertising structure, or changes which are
570 determined to be normal maintenance and repair.
- 571 (10) One noncommercial sign for each property subject to the following criteria.
- 572 a. Maximum size:
- 573 1. Residential single-family: Four square feet.
- 574 2. Residential multifamily: 16 square feet.
- 575 3. Nonresidential: 24 square feet.
- 576 4. Additional temporary noncommercial signage shall be allowed for the 60 days
577 prior to and seven calendar days following any Federal, State of Florida,
578 Collier County, or city election, as follows:
- 579 i. Residential districts: up to a cumulative total of 24 additional square feet,
580 provided no individual sign exceeds 4 square feet.
- 581 ii. Nonresidential districts: up to a cumulative total of 24 additional square
582 feet, provided any individual sign exceeding 4 square feet shall be set back
583 a minimum of 15 feet from any property line.
- 584 b. Maximum height: Six feet as measured from average finished ground elevation.
- 585 c. Location:
- 586 1. In residential districts, signs may be placed in the public right-of-way only
587 between the hours of 7:00 a.m. and 6:00 p.m.
- 588 2. Signs may be placed on private property at any time of the day or night, at the
589 property line, provided that such sign shall be:
- 590 i. Set back at least ten feet from the edge of the pavement of any adjacent
591 public street; and
- 592 ii. If a sidewalk is present, such sign shall be setback five feet from the
593 sidewalk.
- 594 3. Signs may be located either parallel to or perpendicular to the adjacent right-of-
595 way.

596 (11) Signs required to be maintained or posted by law or governmental order, rule, or
597 regulation.

598 (12) Municipal, county, state or federal signs, legal notices, danger signs and such temporary
599 emergency signs when erected by an appropriate authority.

600 (13) To the extent that this subsection allows a sign displaying commercial content to be
601 exempt from permitting, it shall allow a sign with the same size, length of display,
602 appearance, location, display area, and other physical characteristics to be exempt from
603 permitting if it displays noncommercial content.

604 (c) Variances. It is recognized that the regulations provided herein cannot address all situations
605 pertaining to signs. Administrative Variances to Section 30-526(a)(2)a, or 30-526(h)(2)d,
606 may be approved by the Director. Variances to the size, height, maximum number of, and
607 other minimum setback requirements for signs may be granted by the zoning board of
608 appeals.

609 (1) Application procedure. A written application for a sign variance, in the form provided by
610 the city, shall be filed, together with a complete sign application and shall include a
611 detailed description of the variance request and such drawings and specifications as may
612 be necessary to fully advise the city of the type and degree of variance from the code
613 requirements requested. Upon the submission of an application, the city shall have ten
614 business days to determine whether it is complete. If the city finds that the application is
615 not complete, the city shall provide the applicant with written notice of the deficiencies
616 within the ten-day period. Upon resubmission of the application, the city shall have five
617 additional business days to determine whether the applicant's revisions are sufficient to
618 complete the application. If they are not, the city will again inform the applicant of any
619 remaining deficiencies in writing. This process shall continue until the applicant has
620 submitted a complete application, or demands that the application be reviewed "as is."

621 (2) Administrative Variances. An applicant may, in conjunction with a sign permit, with
622 submission of the administrative variance fee, request an administrative variance for
623 consideration of a variance to:

624 a. Section 30-526(a)(2)a, requiring a 15-foot setback requirement for freestanding signs
625 in a commercial district, provided in no event shall an approved setback be less than
626 five feet.

627 1. The director shall review and either approve, approve with conditions, or deny the
628 administrative variance at the same time the sign permit is approved or denied.
629 The director may grant an administrative variance to the required 15-foot setback
630 only:

- 631 i. Where due to the existing site conditions and improvements, it can be
632 demonstrated that adherence to the required 15-foot setback will have a
633 deleterious effect on the safety of users of the site from the perspective of
634 vehicular parking and vehicular and pedestrian ingress and egress; or
- 635 ii. Where due to the nature and location of existing landscape features and/or
636 specimen trees, it would be prudent to allow for a reduction in the required
637 setback so as to most appropriately locate the sign structure; and
- 638 iii. To the extent the reduction is the minimum amount necessary to provide
639 relief from the applicable conditions cited above.
- 640 2. As a condition of such approval, the director may require a reduction in sign
641 height and/or size.
- 642 b. Section 30-526(h)(2)d. limiting illumination to ten or two footcandles, provided in no
643 event shall the administrative variance relief granted exceed ten percent of the
644 allowable foot-candle standard.
- 645 1. The director shall review and either approve, approve with conditions, or deny the
646 administrative variance at the same time the sign permit is approved or denied.
647 The director may grant an administrative variance to the illumination standards
648 only under one of the following circumstances:
- 649 i. Where due to the nature and location of existing landscaping features and/or
650 specimen trees, it would be prudent to allow for an increase in the maximum
651 illumination; or
- 652 ii. Where the sign owner has demonstrated a good-faith effort to obtain
653 compliance, but due to factors inherent to the sign components and/or
654 materials, full compliance cannot be achieved without substantial additional
655 costs; or
- 656 iii. Where the signage in question is part of an approved unified sign plan,
657 whereby the intended uniformity or harmony of the sign plan cannot be
658 achieved without variance relief to the maximum illumination standards; or
- 659 iv. In cases where such variance relief to the maximum illumination standard(s)
660 will not create on- or off-site impacts to pedestrians or to vehicular traffic.
- 661 2. As a condition of such approval, the director may impose additional landscape or
662 other shielding requirements.
- 663 (3) Other sign variances. The City Council is empowered to grant variances to the size,
664 height, maximum number of, and other minimum setback requirements for signs to
665 permit the erection of signs not in strict conformity with this chapter as provided below:

666 a. Application review. The City Council shall hold a public hearing at the next available
667 Council meeting that is at least 25 days after the date of receiving the completed
668 variance application, at which the Council shall determine whether the application
669 satisfies the criteria of this section.

670 b. Notice of City Council public hearing. Notice of public hearing before the City
671 Council is given at least 15 calendar days in advance of the public hearing. The owner
672 of the property for which variance is sought, or his agent or attorney designated by
673 him on his petition, shall be notified by mail. Notice of the public hearing shall be
674 prominently posted on the property for which the variance is sought and shall be
675 advertised in a newspaper of general circulation in the city at least one time 15
676 calendar days prior to the hearing.

677 c. Approval criteria. The City Council shall approve, by resolution, or deny a petition
678 for a sign variance upon consideration and weighing of the following standards:

679 1. Are there special conditions and circumstances existing which are peculiar to the
680 location, size and characteristics of the land, structure, building or sign involved.

681 2. Are there special conditions and circumstances which do not result from the
682 action of the applicant such as pre-existing conditions relative to the property
683 which is the subject of the variance request.

684 3. Will a literal interpretation of the provisions of this zoning code work unnecessary
685 and undue hardship on the applicant or create practical difficulties on the
686 applicant.

687 4. Will the variance, if granted, be the minimum variance that will make possible the
688 reasonable placement or use of the sign to promote standards of health, safety or
689 welfare.

690 5. Will granting the variance requested confer on the petitioner any special privilege
691 that is denied by these zoning regulations to other lands, buildings, structures or
692 signs in the same zoning district.

693 6. Will granting the variance be in harmony with the intent and purpose of this
694 zoning code, and not be injurious to the neighborhood, or otherwise detrimental to
695 the public welfare.

696 7. Are there natural conditions or physically induced conditions that ameliorate the
697 goals and objectives of the regulation such as natural preserves, lakes, golf course,
698 etc.

699 8. Will granting the variance be consistent with the growth management plan.

700 d. Conditions and safeguards. In approving any variance, the City Council may impose
701 appropriate conditions and safeguards in conformity with this zoning code including,
702 but not limited to, reasonable time limits within which the action for which
703 the variance is required shall be begun or completed, or both. In the case of after-the-
704 fact variances, the Council may impose, as a condition of approval, that in the case of
705 the destruction of the sign structure, for any reason, to an extent equal to or greater
706 than 50 percent of the actual replacement cost of the structure at the time of its
707 destruction, any reconstruction shall conform to the provisions of this Code in effect
708 at the time of reconstruction. Violation of such conditions and safeguards, when made
709 a part of the terms under which the variance is granted, shall be deemed a violation of
710 this zoning code.

711 e. If the City Council does not approve the application, the City shall prepare a written
712 notice of its decision, describing the applicant's appeal rights, and send it by certified
713 mail, return receipt requested, to the applicant. Upon denial of a sign variance
714 application the applicant may seek relief in the Circuit Court for Collier County, as
715 provided by law.

716 Sec. 30-523 General Requirements.

717 (a) Signs and activities subject to Florida Building Code. Certain signs and activities are
718 subject to the Florida Building Code. The city's building official has the authority to
719 determine which signs and activities are subject to the Florida Building Code. The
720 construction, alteration, repair, or maintenance of all signs shall conform to the provisions
721 established by the Florida Building Code. This includes mechanical and electrical
722 components, as well as structural components subject to wind load standards. The sign
723 permit is a zoning approval that is separate from, and shall be obtained prior to, any required
724 building permit for the sign.

725 (b) Compliance with article and development agreements. No sign of any sort shall be erected
726 or maintained in the city unless the provisions of this article and any applicable development
727 agreement are first complied with.

728 (c) Permission required. No person within the city shall erect, fasten or attach or cause to be
729 erected, fastened or attached in any way any sign upon any private property within the city,
730 unless legally authorized to do so by the owner of such property. In addition to standard
731 code enforcement action, signs placed without permission of the property owner are subject
732 to removal by the property owner or the city at the sign owner's expense.

733 (d) Sign maintenance. Every sign, together with its framework, braces, angles, or other supports
734 shall be maintained in a safe condition, properly secured, supported and braced to withstand

735 wind pressure as required by the Florida Building Code or any other applicable regulatory
736 code or ordinance in effect within the city limits.

737 (f) Location.

738 (1) No sign or support shall be placed in such position or manner as to obstruct or interfere,
739 either physically or visually, with traffic circulation (pedestrian or vehicular), any fire
740 alarm, police alarm, traffic signal or sign or any devices maintained by or under public
741 authority.

742 (2) No sign over a walkway shall have a vertical clearance of less than eight (8) feet in
743 height as measured from the bottom of the sign to the walkway.

744 (3) No sign shall be located within a sight visibility triangle.

745 (4) No sign shall be erected, constructed or maintained so as to obstruct any fire escape,
746 required exit, window or door opening used as a means of egress.

747 (5) No sign shall be attached in any form, shape or manner that will interfere with any
748 opening required for ventilation.

749 (6) No permanent privately owned sign shall be erected on city property except with a right
750 of way license to replace a legal nonconforming sign pursuant to section 30-521(c)(1)d.

751 (g) Sign removal. A sign advertising a discontinued or closed business shall be removed within
752 30 calendar days of the closure of said business.

753 (h) Illumination.

754 (1) No sign shall be strip lighted.

755 (2) No sign shall be illuminated except as specifically provided within these regulations.

756 (i) Signs permitted under this Code may be double sided. Each sign face is not required to
757 have identical copy.

758 Sec. 30-5242. - Temporary signs.

759 The following signs do not require a sign building permit:

760 (a±) Real estate signs.

761 (1) Properties which have street frontage, and are available for sale, or for lease or rent
762 with a lease or rental period of six months or more, may have oOne ground or wall
763 "for sale" or "for rent" sign is permissible for each lot having street frontage
764 pursuant to the criteria listed below. If a lot also has frontage on a navigable water
765 body or a golf course, one such sign shall be permitted on each frontage. It is the

766 intent of this article that "for rent" signs hereinafter erected shall be for the purpose
767 of identifying residential properties offered for long term occupancy (six months
768 and one day). Signs identifying residential properties offered for short term
769 occupancy (less than six months) shall not be allowed.

770 a. Maximum size:

- 771 1. Residential single-family: One and one-half square feet.
- 772 2. Residential multifamily: Four square feet.
- 773 3. Nonresidential: Four square feet.

774 b. Maximum height: Three feet as measured from finished grade around the base
775 of the sign.

776 c. Setbacks:

- 777 1. Said signs may be placed at the property line of the subject property
778 provided:. Said signs are prohibited within the public right of way.

779 i. 2. In no case shall such sign be located any closer than shall be setback a
780 minimum of ten feet to from the edge of the pavement of any adjacent
781 public street, and

782 ii. if a sidewalk is present, such sign shall be set back two feet from the
783 sidewalk.

- 784 3. Signs may be located either parallel to or perpendicular to the adjacent
785 right-of-way.

786 d. ~~Copy~~Additional signage:

- 787 1. ~~"For sale" or "for rent".~~

- 788 2. ~~Name, address, telephone number, picture, email and website address of~~
789 ~~any of the following:~~

790 ~~i. Property owner.~~

791 ~~ii. Real estate broker.~~

792 ~~iii. Investment company or business firm licensed to sell real estate in the~~
793 ~~state.~~

794 ~~iv. Salesperson.~~

795 ~~v. Real estate agent.~~

- 796 3. ~~One additional sign "Pending" or "sold" may be attached to the face of the~~
797 ~~real estate sign within the 12-inch × 18-inch sign face upon execution of a~~
798 ~~contract for sale, lease or rent until closing has been completed.~~

799 ~~4. Signs may be double faced, provided each sign face contains the same~~
800 ~~copy. The real estate agent's name is not required to be the same on each~~
801 ~~side of the sign.~~

802 25. No additional riders or signs information boxes shall be affixed to this
803 real estate sign.

804 e. Sign supports:

805 1. Supports shall not exceed two inches by two inches.

806 2. All supports shall be either white or black.

807 f. Signs may not be illuminated.

808 g. Real estate signs shall be removed within seven calendar days after the
809 ownership or tenancy has changed, or the property has closed, lease has been
810 signed or the property is no longer for sale or rent.

811 (2) In addition to the real estate sign, one temporary sign, no larger than four square
812 feet, may be erected on a property which is open for inspection. Such sign shall be
813 posted only while the property is open for inspection and shall be removed at the
814 completion of the inspection hours, and during non-supervised hours.

815 (3) Single family residential properties are permitted three signs which may be placed
816 on the subject property or in the public right-of-way only during the hours a
817 property which is for sale, lease or rent is open for inspection. Said signs shall
818 comply with the standards of subsections (1)a.1. and (1)b. of this section. Such
819 sign(s) shall be removed at the completion of the inspection hours, and during
820 nonsupervised hours and no later than 6:00 p.m. or sunset, whichever occurs
821 earlier.

822 ~~h. In addition to the real estate sign, one "open house" sign, no larger than four~~
823 ~~square feet, may be erected on the property where the open house is taking~~
824 ~~place. Such sign shall be removed at the completion of the open house, and~~
825 ~~during non-supervised hours.~~

826 ~~(2) *Open house directional signs.* Three right of way directional signs are allowed~~
827 ~~during a supervised open house. Said off-site directional signs shall comply with the~~
828 ~~standards of subsections (1)a.1. and (1)b. of this section. Off-site directional signs~~
829 ~~shall be placed at the intersection of any streets providing access to the open house~~
830 ~~and may only be placed in the right-of-way (along the sidewalk or in the swale) of~~
831 ~~the intersection of said streets. No other off-site signs shall be permitted. Such sign~~
832 ~~shall be removed at the completion of the open house, and during nonsupervised~~
833 ~~hours and no later than 6:00 p.m. or sunset, whichever occurs earlier. No~~

834 ~~intersection shall contain more than one directional sign for each supervised open~~
835 ~~house.~~

836 (b3) ~~Model home and sales center signs~~ (see illustration 3 below): One on-premises sign
837 shall be permitted for an individual or group of newly constructed model home(s) or a
838 sales center, in conjunction with an approved temporary use permit, is permitted subject
839 to the following criteria (see illustration 3 below). Such signs may only be erected at
840 the location of the newly constructed model home or sales center.

841 (1)a. Maximum size: 16 square feet.

842 (2)b. Maximum height: Six feet as measured from finished grade around the
843 base of the sign.

844 (3)e. Setbacks:

845 a1. Said signs may be placed at the property line. Said signs are prohibited
846 within the public right-of-way.

847 b2. ~~In no case shall s~~Such sign be located any closer than shall be set back a
848 minimum of ten feet from to the edge of the pavement of any adjacent
849 public street.

850 c. If a sidewalk is present, such sign shall be set back two feet from the
851 sidewalk.

852 d3. Signs may be located either parallel to or perpendicular to the adjacent right-
853 of-way.

854 (4)d. Color:

855 a1. White background or match the principal color of the model home.

856 b2. Lettering may be any single color.

857 c3. Twenty percent of the sign face may include the display of a logo which
858 may include multiple colors.

859 e. Copy:

860 1. ~~Name of the model.~~

861 2. ~~Name, address, phone number and logo of the developer/builder.~~

862 3. ~~Name, address, phone number and logo of the real estate company/broker,~~
863 ~~investment company or business firm licensed to sell real estate in the state.~~

864 4. ~~Signs may be double faced, provided each sign face contains the same copy.~~

865 (5)5. No additional riders or information boxes shall be affixed to this sign with
866 the exception of an additional 1.5 square foot of sign area that may be allowed

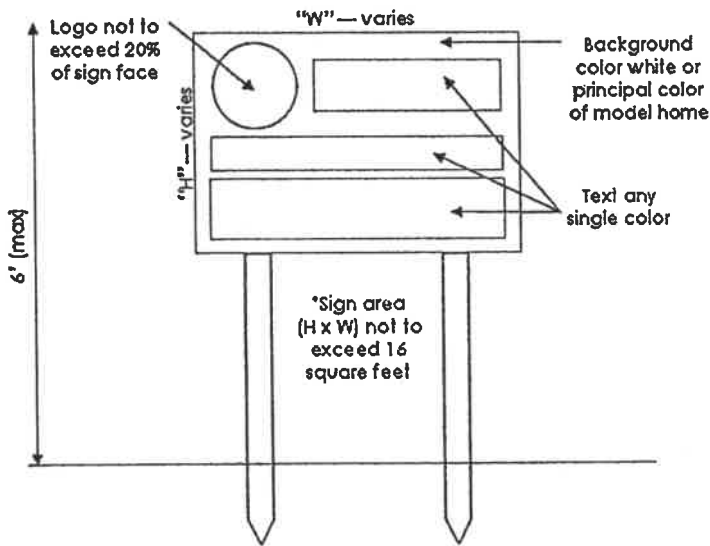
867 only during the hours a model home is open for inspection. "model open" sign
868 which shall be removed during non-open house hours.

869 (6)f. Construction materials:

870 a1. Signs and any supporting structure shall be constructed of CBS, wood (with
871 raised or engraved letters), stone, metal, or durable opaque plastic. ~~Plywood~~
872 ~~is not permissible as a finished sign face material.~~

873 b2. No other signs, ~~including temporary signs, including real estate, open~~
874 ~~house and construction signs,~~ shall be placed on the property on which a
875 model home sign is erected. ~~Incidental signs~~ Exempt signs shall be permitted
876 according to the regulations set forth in section 30-522(b)6 of this article.
877 No flags, ~~except one American flag, attached to the home, or upon an~~
878 ~~appropriate flagpole foundation,~~ are permitted.

879 (7)g. ~~Model home and sales center~~ Ssigns may not be illuminated in any
880 manner.



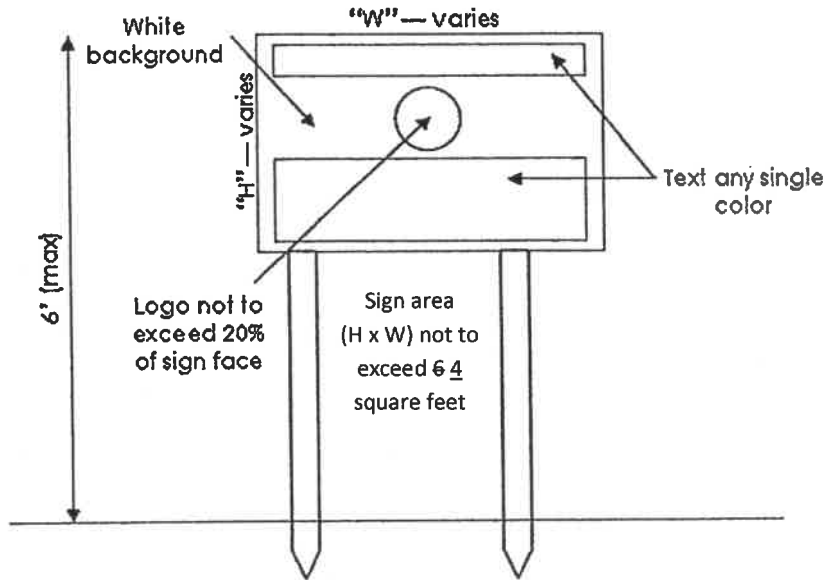
881 ~~Illustration 3. Model home sign~~

882 Illustration 3: Signage for model home or sales center

883 (c4) ~~Construction/project signs~~ Sites with an active building permit (see illustrations 4—6
884 below): One ~~construction~~ freestanding sign is allowed for each property with either an
885 approved site development plan ~~has been approved~~ or an active building permit ~~has~~
886 ~~been granted~~, subject to the following criteria. The ~~construction~~ sign must be removed
887 prior to the issuance of a certificate of occupancy or a certificate of completion.

888 (1)a. Maximum size:

- 889 a1. Residential single-family: ~~Six~~ Four square feet.
- 890 b2. Residential multifamily: 16 square feet.
- 891 c3. Nonresidential: ~~32~~ 24 square feet.
- 892 (2)b. Maximum height: Six feet as measured from average finished ground elevation.
- 893 (3)e. Setbacks: ~~Pursuant to subsection (3)e.~~
- 894 a Said signs may be placed at the property line. Said signs are prohibited within
- 895 the public right-of-way.
- 896 b Such sign shall be set back a minimum of ten feet from the edge of the
- 897 pavement of any adjacent public street.
- 898 c. If a sidewalk is present, such sign shall be set back two feet from the sidewalk.
- 899 d. Signs may be located either parallel to or perpendicular to the adjacent right-
- 900 of-way.
- 901 (4)d. Color: ~~Pursuant to subsection (3)d.~~
- 902 a White background or match the principal color of the model home.
- 903 b Lettering may be any single color.
- 904 c Twenty percent of the sign face may include the display of a logo which may
- 905 include multiple colors.
- 906 e. Copy:
- 907 1. ~~Name, address and telephone number of the following:~~
- 908 i. ~~Developer and/or leasing agent.~~
- 909 ii. ~~Architectural, planning and engineering firm.~~
- 910 iii. ~~Contractor and/or subcontractor(s) involved with the project.~~
- 911 iv. ~~Name of the individual(s) for whom the dwelling/addition is being~~
- 912 ~~constructed.~~
- 913 v. ~~Depiction of project (project sign only).~~
- 914 (5)2. Signs shall be single-faced. The back side of the sign may be utilized as a permit
- 915 board.
- 916 (6)3. No additional riders or information boxes shall be affixed to this sign except
- 917 unmarked tubes or boxes designed to hold construction plans.
- 918 (7)f. ~~Construction s~~Signs shall not be illuminated in any manner.



~~Illustration 4: Single family construction sign~~

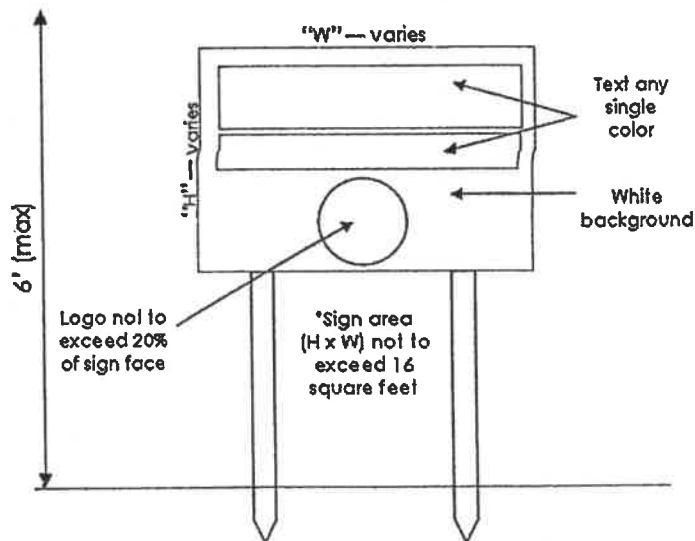
Illustration 4: Signs for properties with building permit or site development plan in single family districts

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~~Illustration 4: Single family construction sign~~

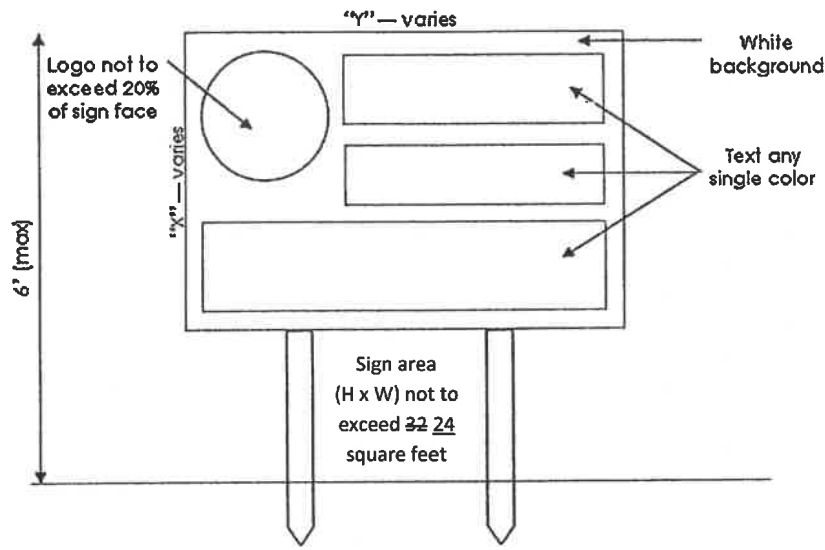


~~Illustration 5: Multi-family construction/project sign~~

Illustration 5: Signs for properties with building permit or site development plan in multi-family districts

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~~Illustration 6: Non-residential construction/project sign~~

Illustration 5: Signs for properties with building permit or site development plan in non-residential districts

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~~(5) *Garage sale:* During a permitted garage, yard, or similar type sale, one on-premises "garage sale" sign no larger than four square feet may be erected. Such sign shall be removed at the completion of the sale. The sign may be placed at the property line, however, in no case shall such sign be located any closer than ten feet to the edge of the pavement of any adjacent public street. Said sign may not be placed within the right-of-way or on any other property.~~

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~~(6) *Political sign:* Political campaign signs and posters shall be permitted subject to the following requirements:~~

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~~a. Prior to the erection, installing, placing, or displaying of a political sign a bulk temporary permit shall be obtained by a candidate.~~

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~~b. Political campaign signs or posters four square feet or less in size, shall be permitted in all zoning districts. Such signs and posters shall be located a minimum of 18 inches from the upland side of the sidewalk (or the property line if no sidewalk exists) and shall not exceed four feet in height.~~

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~~c. Larger political campaign signs or posters may be permitted in all non-residential zoning districts including the residential tourist zoning district. Such signs shall have a maximum copy area of 40 square feet per sign, shall be limited to eight feet in height, and shall be located no closer than 15 feet to any property line.~~

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~~d. The number of political campaign signs or posters shall be limited to one sign for each lot or parcel per bulk permit issued for each candidate or issue. Political signs~~

947 placed within the city shall require a candidate to obtain written permission from
948 the property owner.

949 e. ~~All supports shall be securely built, constructed and erected to conform with the~~
950 ~~requirements of this code.~~

951 f. ~~Political signs shall not be erected more than 60 calendar days prior to an election~~
952 ~~or political event and shall be removed within seven calendar days after the~~
953 ~~election, event, or after the campaign issue has been decided.~~

954 g. ~~Political signs may not be placed on any city right-of-way.~~

955 ~~(7) Special event: One on-premises sign or banner, a maximum of 32 square feet, approved~~
956 ~~in conjunction with a temporary use permit is permitted. Two signs are permitted for~~
957 ~~properties containing more than one street frontage.~~

958 Sec. 30-52~~5~~3. - Signs in residential districts. The following standards apply to all permanent
959 signs in residential districts.

960 ~~(a) The following sign does not require a building permit.~~

961 ~~(1) Incidental information and directional signs: A maximum of four incidental~~
962 ~~noncommercial information or directional signs may be erected on residential properties~~
963 ~~subject to the criteria listed below. Examples of such signs include name or insignia~~
964 ~~plaques identifying the home or homeowner, "no trespassing" signs, "beware of dog"~~
965 ~~signs, and other similar types of information signs.~~

966 a. ~~Maximum size: 12 inches in height by 18 inches in length.~~

967 b. ~~Maximum height: Three feet as measured from average finished ground elevation,~~
968 ~~or, if attached to a wall or fence, not to exceed the maximum height of said wall or~~
969 ~~fence.~~

970 ~~(b) The following signs do require a building permit.~~

971 ~~(a1) Conditional uses which are located within residential districts, are permitted subject to the~~
972 ~~following signage:~~

973 ~~(1)a. Approved conditional uses within residential zoned districts are permitted one~~
974 ~~wall and one ground sign, each not to exceed 32 square feet. Corner lots are permitted~~
975 ~~two wall signs. Said signs may be illuminated. Signs and any supporting structure shall~~
976 ~~be constructed of CBS, wood (with raised or engraved letters), stone, metal, or durable~~
977 ~~opaque plastic. Plywood is not permissible as a finished sign face material.~~

978 ~~(2)b. Houses of worship which have been approved as a conditional use within a~~
979 ~~residential zoned district are also permitted one bulletin board or identification sign to~~
980 ~~be located on the premises and not to exceed up to an additional 12 square feet for a~~

981 ~~changeable copy sign which shall in size. Such sign may also be incorporated within~~
982 ~~the ground sign which is otherwise allowed.~~

983 (b2) Subdivision/project signs: At each entrance to a specific subdivision, neighborhood, or
984 multifamily project, two ground or wall entrance or gate identification signs may be located
985 ~~at each entrance to the project. Such signs shall contain only the name of the subdivision,~~
986 ~~neighborhood, or project in which it is located,~~ subject to the following:

987 (1)a. *Maximum size:* The ground or wall signs, in combination, shall not exceed a
988 maximum size of 64 square feet, with no individual sign exceeding 32 square feet.

989 (2)b. *Maximum height and width:* The height of a ground or wall sign shall not exceed
990 the height or width of the wall or gate upon which it is located or eight feet, whichever
991 is most restrictive.

992 (3)e. *Required setback:* Said signs shall maintain a 15-foot setback from any property
993 line.

994 (4)d. *Construction materials:* Signs and any supporting structure shall be constructed of
995 CBS, wood (with raised or engraved letters), stone, metal, or durable opaque plastic.
996 ~~Plywood is not permissible as a finished sign face material.~~

997 (5) *Illumination:* Said signs may be illuminated by soft or muted light.

998 Sec. 30-5264. - Signs in commercial, public use and community facility districts. The following
999 standards apply to all permanent signs in commercial districts.

1000 ~~The following signs do require a building permit.~~

1001 (a1) ~~On-premises permanent signs.~~

1002 ~~a. Freestanding signs (ground, pole and directory):~~

1003 (1) ~~Permitted signage, based on Minimum frontage requirements:~~

1004 ai. Less than 125 linear feet of frontage. Single or multiple tenant buildings located on
1005 a parcel having less than 125 linear feet of street frontage are permitted a single
1006 ground sign per parcel, with a maximum of 32 square feet of sign face and a
1007 maximum of 20 square feet of copy area. ~~Copy is limited to building reference~~
1008 ~~name, street number, and may include up to five tenant names. Each sign face is~~
1009 ~~not required to have identical copy.~~

1010 bii. 125 to less than 250 linear feet of frontage. Single or multiple tenant buildings
1011 located on parcel having 125 linear feet or greater of street frontage, but less than
1012 250 linear feet of street frontage, are permitted a single ground or pole sign per
1013 parcel, with a maximum of 60 square feet of sign face area. ~~Copy shall include~~
1014 ~~building reference name and street number and may include a maximum of five~~
1015 ~~tenant names.~~

1016 ciii. 250 feet or greater of frontage. Shopping centers and other multi-tenant buildings
1017 having 250 linear feet or greater of street frontage on a single street, or 300
1018 combined linear feet of street are permitted a single "directory sign" per street
1019 frontage, not to exceed two such signs. The maximum size of any single directory
1020 sign shall not exceed 100 square feet. Where two directory signs are permitted, the
1021 maximum combined size shall not exceed 120 square feet in area. Copy shall
1022 include the shopping center or building name and street number and may include
1023 the name(s) of two or more persons or businesses associated with, or events
1024 conducted upon, or products or services offered upon the premises upon which the
1025 sign is located.

1026 div. Consolidated properties. Where a site development or site improvement plan has
1027 been approved for multiple properties, the minimum frontage shall be determined
1028 based on the aggregate frontage of all contiguous parcels which are part of the site
1029 improvement or site development plan. In cases where a site development plan is
1030 not required, the combination of frontage along two or more adjacent properties for
1031 the purpose of sharing signage shall require review by the planning board and
1032 approval by the city council.

1033 (2)2. — Setbacks:

1034 i. Freestanding signs shall be set back 15 feet from any property line, public or
1035 private right-of-way, or easement, unless otherwise reduced pursuant to subsection
1036 ii.

1037 ii. The 15-foot setback requirement may be administratively reduced to a minimum of
1038 five feet by the community development director upon submission of the
1039 administrative variance fee and a written request. As a condition of such approval,
1040 the director may require a reduction in sign height and/or size. The community
1041 development director's decision to reduce the required 15-foot setback shall be
1042 based on the following:

1043 (1) Where due to the existing site conditions and improvements, it can be
1044 demonstrated that adherence to the required 15-foot setback will have a
1045 deleterious effect on the safety of users of the site from the perspective of
1046 vehicular parking and vehicular and pedestrian ingress and egress;

1047 (2) Where due to the nature and location of existing landscape features and/or
1048 specimen trees, it would be prudent to allow for a reduction in the required
1049 setback so as to most appropriately locate the sign structure; or

1050 (3) the extent of the reduction is the minimum amount necessary to provide relief
1051 from the applicable conditions cited above.

1052 (3). ~~Architectural embellishments:~~ For the purpose of identifying numerical street
1053 addresses, articulated architectural embellishments may be allowed on any permanent
1054 freestanding sign not to exceed 12 inches in height over the top of the sign. ~~Copy shall~~
1055 ~~be limited to street number only.~~

1056 (4). ~~Ground sign:~~ The height of ground signs located on properties having less than 250
1057 linear feet of street frontage shall be a minimum of four feet and a maximum of eight
1058 feet. The height of ground signs located on properties having 250 linear feet or more of
1059 street frontage shall be a minimum of four feet and a maximum of fifteen (15) feet. The
1060 width of ground signs shall be a minimum of four feet and a maximum of eight feet.

1061 5. ~~Pole signs:~~

1062 ai. ~~Pole signs shall not exceed 15 feet in height as measured from the finished grade~~
1063 ~~on the lot on which the sign is located.~~

1064 bii. ~~Pole signs shall provide a pole cover, width of which shall be a minimum of 20~~
1065 ~~percent and a maximum of 50 percent of the sign structure and extending from the~~
1066 ~~bottom of the sign structure to the ground, completely covering the supporting~~
1067 ~~pole(s). The height of the pole cover shall be a minimum of five feet.~~

1068 ciii. ~~A minimum two-foot perimeter planting area shall be provided around the base of~~
1069 ~~any pole sign, consistent with the provisions of the land development code. The~~
1070 ~~two-foot perimeter shall be measured from the overall width of sign.~~

1071 (6). ~~Directory signs:~~ The ~~maximum size of any single directory sign shall not exceed 100~~
1072 ~~square feet. Where two directory signs are permitted, the maximum combined size shall~~
1073 ~~not exceed 120 square feet in area.~~

1074 (b). ~~Awning/wall/canopy signage:~~ A single wall, mansard, canopy or awning sign is permitted
1075 for each single occupancy parcel, or for each establishment in a multiple occupancy parcel.
1076 Corner buildings or corner units within a building may have one sign on each frontage wall
1077 or the unit or building not to exceed two signs.

1078 (1). No wall, mansard, canopy or awning sign shall exceed 80 percent of the width of the
1079 unit(s) occupied by a business with a minimum of ten percent clear area on each outer
1080 edge of the unit(s).

1081 (2). ~~In a multi-tenant building, W~~ wall signs ~~for a multi-tenant building~~ all tenants except
1082 anchor tenants shall be located at a uniform height on the building facade, for the top
1083 and bottom of the sign, ~~except that anchor tenants may vary from this requirement~~
1084 ~~subject to all provisions of this article.~~

1085 (3). Wall, mansard, canopy or awning signs may not exceed 15 percent of the total square
1086 footage of the visual facade of the building, in the case of single-use buildings; or the
1087 unit, in the case of multi-use buildings, to which the sign will be attached. Each wall

1088 sign shall not exceed 150 square feet in any case. Signage on awnings shall be limited
1089 to one visual side only.

1090 (c). *Under-canopy signage:*

1091 (1). In addition to any other sign permitted by this code, an under-canopy sign shall be
1092 allowed for each business in a multi-occupancy building;

1093 (2). Under-canopy signs shall not exceed six square feet for each establishment in a
1094 shopping center or multi-tenant building;

1095 (3). No building permit is required to erect on under-canopy sign, unless there is an
1096 electrical component;

1097 (4). Under-canopy signs shall adhere to the common signage theme for the property;

1098 (5). Under-canopy signs shall be installed so as to maintain a minimum of eight feet of
1099 clear, unobstructed area between the bottom of the sign and the sidewalk below.

1100 (d). *Projecting signs:* Projecting signs may be substituted for wall or mansard signs provided:

1101 (1). The projecting sign does not protrude greater than four feet from the building wall to
1102 which it is attached;

1103 (2). Projecting signs shall not exceed 20 square feet of display area;

1104 (3). Projecting signs shall not extend above the roofline of the building to which they are
1105 attached; and

1106 (4). Projecting signs which may project over any pedestrian way shall be elevated to a
1107 minimum height of eight feet above said pedestrian way.

1108 (e). *Special purpose signs:*

1109 1.—*Automobile service station:* In addition to the signs otherwise permitted by this Code,
1110 automobile service stations shall be permitted one ~~reader board~~ changeable copy sign
1111 not to exceed ten square feet in area ~~for the purpose of displaying gasoline prices only.~~
1112 Such sign shall be ~~affixed to the structure of a pole on the property or~~ incorporated
1113 within the freestanding ground or pole sign which is otherwise allowed and shall
1114 comply with the illumination and reverse copy standards of subsection (f) and (g)
1115 below.

1116 2.—*Movie theater:* ~~In addition to the signs otherwise permitted by this Code, a theater shall~~
1117 ~~be permitted a reader board sign, the surface of which shall not exceed 100 square feet~~
1118 ~~in area.~~

1119 (f)3. ~~Reader board~~ Changeable copy² signs: ~~Reader board~~ Changeable copy signs as a
1120 component of signage will be permitted at places of assembly including ~~business~~

² Changeable copy signs were formerly known as "reader board" signs.

1121 ~~establishments—movie theaters, religious—houses of worship~~ and educational or civic
1122 organizations provided:

1123 (1)~~i.~~ The reader board changeable copy signage does not exceed the permitted sign area or
1124 48 square feet, whichever is less, which changeable copy signage shall be incorporated
1125 within the signage which is otherwise allowed.~~is a part of the total square footage~~
1126 ~~allowable for a sign, not to exceed 20 percent of the sign's total square footage.~~
1127 Existing, legally permitted ~~reader board changeable copy signs~~ that are greater than
1128 the ~~20 percent~~ 48 square feet standard at the time of adoption of this section, shall be
1129 allowed until such time that a permit is taken out or required to replace or physically
1130 modify the structural components of the sign.

1131 (2)~~ii.~~ Internally or externally illuminated ~~reader board changeable copy~~ signs will comply
1132 with the sign face illumination standards set forth in the illumination design and
1133 methods section of this article.

1134 (3)~~iii.~~ Internally illuminated ~~reader board changeable copy~~ will have an opaque border
1135 background, not to exceed the allowable standard set forth in the illumination design
1136 and methods section of this article.

1137 (4)~~iv.~~ The interchangeable letter sets or panels of a ~~reader board changeable copy~~ sign shall
1138 be displayed as "reverse copy", where the background of the interchangeable letter sets
1139 or panels are opaque and of a similar color as the border, and the text is translucent.
1140 Opaque blanks will be used in the spaces between words so that only the text is
1141 translucent.

1142 (5)~~v.~~ Externally illuminated and nonilluminated ~~reader board changeable copy~~ will be
1143 required to contain "reverse copy".

1144 ~~vi. Reader board signs at automobile service stations and theaters will comply with the~~
1145 ~~illumination and reverse copy standards set forth in this section.~~

1146 (6)~~vii.~~ Existing permitted signage that does not conform to the ~~reader board changeable copy~~
1147 sign standards at the time of adoption of this section, will not have to comply with the
1148 requirements of this section unless that sign or sign face is voluntarily altered,
1149 replaced, repaired or relocated.

1150 (7) An electronic sign shall not be used as a changeable copy sign.

1151 (g) Signs adjacent to drive through lanes: A property with a drive through service lane may
1152 provide one of the following signs for each permitted drive through lane:

1153 (1) One monument sign, not to exceed 24 square feet and 8 feet in height, located within 3
1154 feet of, and oriented towards, the drive through lane; or

1155 (2) One electronic sign, not exceeding 3 square feet, located directly above the drive
1156 through service lane. Graphics, pictures, logos, motion or flashing are prohibited. Text

1157 changes shall occur only when there is a change in the availability of services in the
1158 drive through lane.

1159 (h)f. Construction and design standards:

1160 (1). Construction: Signs and any supporting structure shall be constructed of CBS, wood
1161 (with raised or engraved letters), stone, metal, or durable opaque plastic. Plywood is not
1162 permissible as a finished sign face material.

1163 (2). Illumination design and methods: Where illumination is permitted, the following
1164 requirements shall be met:

1165 ai. Signs lighting shall be designed in such a fashion so as not to cause confusion with
1166 traffic control devices, and not to shine directly onto adjoining properties or public
1167 rights-of-way.

1168 bii. External fixtures for lighting sources shall be ~~designed to avoid excessive~~
1169 ~~brightness and~~ positioned so that minimal light spills over the edge of the sign face.
1170 Externally illuminated signs shall not emit more than ten foot-candles of light when
1171 measured at night, five feet perpendicular from the center of the sign.

1172 ciii. Lighted signs shall be shielded in such a manner as to produce no glare, hazard or
1173 nuisance to motorists or occupants of adjacent properties. No lighted sign shall be
1174 reflective, phosphorescent, fluctuating or undulating.

1175 diiv. Internally illuminated, translucent signs shall not emit more than ten foot-candles
1176 of light when measured at night, five feet perpendicular from the center of the sign.
1177 The opaque background of the sign face will not emit more than two foot-candles
1178 of light when measured at night, with the light meter placed directly against the
1179 sign face, positioned on the background area only.

1180 e. Non-exposed neon must be covered with an opaque or translucent shield which
1181 will prevent radiation of direct light.

1182 v. ~~Existing signage that does not conform to the illumination standards at the time of~~
1183 ~~adoption of this section, shall have three years from the date of adoption of this~~
1184 ~~section to comply with the illumination requirements of this section. If a~~
1185 ~~nonconforming sign or sign face is voluntarily altered, replaced, repaired or~~
1186 ~~relocated prior to the required date of compliance, the sign must come into~~
1187 ~~conformance at that time.~~

1188 vi. ~~Owners and/or lessees which have signs that exceed either the two or the ten foot-~~
1189 ~~candle maximums for illumination have the option of applying for an~~
1190 ~~administrative variance from the community development director. In no case shall~~
1191 ~~the administrative variance relief granted exceed ten percent of the allowable foot-~~

1192 ~~candle standards. Further, such administrative variance relief shall be allowed~~
1193 ~~under one of the following circumstances:~~

1194 ~~(a) Where due to the nature and location of existing landscaping features and/or~~
1195 ~~specimen trees, it would be prudent to allow for an increase in the maximum~~
1196 ~~illumination; or~~

1197 ~~(b) Where the sign owner has demonstrated a good faith effort to obtain~~
1198 ~~compliance, but due to factors inherent to the sign components and/or~~
1199 ~~materials, full compliance cannot be achieved without substantial additional~~
1200 ~~costs; or~~

1201 ~~(c) Where the signage in question is part of an approved unified sign plan,~~
1202 ~~whereby the intended uniformity or harmony of the sign plan cannot be~~
1203 ~~achieved without variance relief to the maximum illumination standards; or~~

1204 ~~(d) In cases where such variance relief to the maximum illumination standard(s)~~
1205 ~~will not create on- or off-site impacts to pedestrians or to vehicular traffic.~~

1206 ~~g. *Permits required for commercial signs*: A sign permit is required to erect, reinstall,~~
1207 ~~alter or replace the sign face, repair or relocate a sign within the city limits. In addition,~~
1208 ~~a sign permit is required for the use of banners, pennants, balloons and portable signs.~~

1209 ~~(3)h.~~ *Graphics or logos:*

1210 ~~a.~~ Twenty percent of the sign face may include the display of a company graphic or
1211 logo which may include multiple colors.

1212 ~~b.~~ On internally illuminated signs, graphics or logos may be translucent but still must
1213 conform to the illumination standards set forth in this section.

1214 ~~(i2) *Old Marco Overlay*. In the Old Marco Overlay there are locational constraints and~~
1215 ~~community character issues that warrant relief from strict adherence to the commercial~~
1216 ~~signage standards contained in section 30-5264. The following standards are applicable to~~
1217 ~~this district only:~~

1218 ~~(1)a.~~ Ground signs for commercial enterprises located on existing nonconforming lots
1219 of record may be setback 1.5 feet from the property line, provided such signs are
1220 constructed of wood with engraved lettering. Such signs may be illuminated with
1221 external lights, but only during business hours of operation.

1222 ~~b. *Off premises signs*. Off premises ground signs may be permitted through a right-of-way~~
1223 ~~permit subject to the following criteria:~~

1224 ~~1. Such signs shall only be constructed of wood with raised or engraved letters.~~

1225 ~~2. For signs which serve two or more businesses, copy area may not exceed 28 square~~
1226 ~~feet.~~

- 1227 (2) The remaining standards of this chapter apply, except as provided in this subsection.
- 1228 ~~(3) *Marco Lake Business District Overlay.* In the Marco Lake Business District Overlay there~~
1229 ~~are locational constraints that warrant relief for strict adherence to the commercial signage~~
1230 ~~standards contained in section 30-524. The following standards are applicable to this district~~
1231 ~~only:~~
- 1232 ~~a. In conjunction with an executed shared parking agreement up to three off premises~~
1233 ~~informational signs may be located within the area of shared parking. Such signs shall~~
1234 ~~be limited to 12 inches in width by 18 inches in height and may not contain specific~~
1235 ~~advertising for a business (e.g., restaurant parking).~~
- 1236 ~~b. Off premises signs. The city council, after consideration by the planning board, may~~
1237 ~~approve off premises ground directory signs, subject to the following criteria.~~
- 1238 ~~1. Such signs shall only be constructed of wood with raised or engraved letters.~~
- 1239 ~~2. For directory signs which serve five or more businesses, copy area may not exceed~~
1240 ~~64 square feet.~~
- 1241 ~~3. For directory signs which serve less than five businesses, copy area may not exceed~~
1242 ~~32 square feet.~~

1243 Sec. 30-5285. - Unified sign plan.

1244 A unified signage plan shall be required for each shopping center or multi-use building or
1245 w~~Where multiple on-premises signs are proposed for a single site or project to ensure the~~
1246 compatibility of sign types, locations, sizes, colors and lettering styles, and compatibility and
1247 cohesiveness., or in the case of a shopping center or multi-use building, a unified signage plan
1248 shall be employed. Renovations and redevelopment of existing commercial buildings and
1249 projects for shopping centers, multi-use buildings or where multiple signs are proposed on a
1250 single site shall also require submittal of a unified sign plan. Applications for site development or
1251 site improvement plan approval shall be accompanied by a graphic and narrative representation
1252 of the unified signage plan to be utilized on the site. Existing commercial buildings and projects
1253 shall submit a unified sign plan to the City of Marco Island before January 1, 2004. Building
1254 permits for new signs shall not be issued at such commercial buildings which have not submitted
1255 a unified sign plan after December 31, 2003. The unified sign plan may be amended and
1256 resubmitted for approval to reflect style changes or changing tenant needs. Design elements
1257 which shall be addressed in both graphic and narrative form include:

- 1258 (1) Adherence with the provisions of this article.
- 1259 (2) Colors.
- 1260 (3) Construction materials and method.
- 1261 (4) Architectural design, including detailing of any proposed sign bands.

- 1262 (5) Illumination method.
- 1263 (6) Copy style.
- 1264 (7) Building number(s), address(es)
- 1265 ~~(87) Sign type(s) and location(s).~~
- 1266 (98) In the case of multi-use buildings, and parcels with multiple structures on site, including
1267 outparcels, the unified sign plan shall indicate conformance with the following:
- 1268 a. No wall sign shall exceed 80 percent of the width of the unit(s) occupied by a
1269 business with a minimum of ten percent clear area on each outer edge of the unit(s).
- 1270 b. All wall signs for multi-use buildings shall be located at a consistent location on the
1271 building facade, except that anchor tenants may vary from this locational
1272 requirement in scale with the anchor's larger primary facade dimensions. All signs
1273 shall adhere to the dimensions provided for in this unified signage plan; and
- 1274 ~~c. Pole signs shall provide a pole cover with architectural design features, including
1275 colors and/or materials common to those used in the design of the building the sign
1276 is accessory to. A minimum 100 square foot planting area shall be provided around
1277 the base of any ground or pole sign, consistent with the provisions of this article.~~
- 1278 (109) Outparcels. In addition to the above requirements, unified sign plans for
1279 outparcels, regardless of the size of the out parcel, shall be limited to the following:
- 1280 a. A wall sign for any facade adjacent to a public right-of-way and a wall sign for any
1281 facade facing the main commercial center, not to exceed a maximum of two wall
1282 signs for any single use.
- 1283 b. A single ground ~~or pole~~ sign not to exceed 60 square feet. ~~Pole signs shall be
1284 limited to 15 feet in height.~~
- 1285 (110) Requests for sign building permits for permanent ~~on-premises~~ signs shall adhere
1286 to the unified signage plan, which shall be kept on file in the ~~community development~~
1287 Ddepartment. If a unified signage plan is not already on file, a rRequest to permit a new
1288 sign, or to relocate, replace or structurally alter an existing sign in a shopping center or
1289 multi-use building or where multiple signs are proposed for a single site or project shall
1290 be accompanied by a unified sign plan, submitted by the property owner, for the
1291 building or project the sign is accessory to. Existing permitted signs may remain in
1292 place; however, all future requests for permits, whether for a new sign, or relocation,
1293 alteration, or replacement of an existing sign shall adhere to the unified sign plan for the
1294 property.
- 1295 ~~Sec. 30-526. Signs exempt from permitting.~~

1296 In addition to those signs identified elsewhere in this code, the following signs are exempt
1297 from the permit requirements of this code, and shall be permitted in all districts subject to the
1298 limitations set forth below:

1299 ~~(1) On-premises directional signs, not exceeding four square feet in area, intended to~~
1300 ~~facilitate the movement of pedestrians and vehicles within the site upon which such~~
1301 ~~signs are posted.~~

1302 ~~(2) Holiday, seasonal, or commemorative decorations provided that such signs display no~~
1303 ~~commercial advertising and provide that such signs are not displayed for a period of~~
1304 ~~more than 60 days.~~

1305 ~~(3) One identification sign, professional nameplate, or occupational sign for each~~
1306 ~~professional office, or business establishment not to exceed two square feet in sign area~~
1307 ~~and placed flush against a building face or mailbox side, and denoting only the name of~~
1308 ~~the occupant and, at the occupant's election, the occupant's professional [professionally]~~
1309 ~~or specialty and/or the street address of the premises.~~

1310 ~~(4) Memorial plaques, cornerstones, historical tablets, and similar types of commemorative~~
1311 ~~signs when cut into any masonry surface or when constructed of bronze or other~~
1312 ~~noncombustible materials.~~

1313 ~~(5) Window merchandise displays which are changed on a regular basis, meaning no less~~
1314 ~~frequently than every 30 days.~~

1315 ~~(6) Window signs not exceeding 20 percent of the total window area or 50 square feet,~~
1316 ~~whichever is more restrictive.~~

1317 ~~(7) Altering interchangeable letter sets or panels for reader board signs that are specifically~~
1318 ~~designed for changes of interchangeable letter sets or sign panels.~~

1319 ~~(8) Painting, repainting or cleaning of an advertising structure, or changes which are~~
1320 ~~determined to be less than a substantial improvement.~~

1321 ~~(9) Religious displays that do not constitute advertising.~~

1322 ~~(10) Flags, or insignias of governmental, religious, charitable, fraternal or other nonprofit~~
1323 ~~organizations when displayed on property owned by or leased to said organization.~~
1324 ~~Noncommercial flags that will be flown on a flagpole that does not exceed 15 feet in~~
1325 ~~height above finish grade or extend more than ten feet from any building they are~~
1326 ~~attached to, are allowable if the number of flags displayed does not exceed those~~
1327 ~~described in the land development code and the flagpoles do not require a certified~~
1328 ~~design or be sealed by a state registered engineer as described in the land development~~
1329 ~~code.~~

1330 ~~(11) One house (commercial) flag may be displayed on any developed commercial lot~~
1331 ~~regardless of parcel size, provided:~~

- 1332 a. ~~The American flag shall also be flown at the establishment on a separate flagpole;~~
 1333 ~~and~~
- 1334 b.a ~~The house flag be no larger than the American flag or larger than four feet by six~~
 1335 ~~feet, whichever is smaller.~~
- 1336 e.b ~~Developed commercial lots that have water frontage may fly one additional house~~
 1337 ~~flag on the waterfront side of the lot.~~
- 1338 d. ~~Any attempt to use the house (commercial) flag to convey or advertise~~
 1339 ~~merchandise, services or entertainment provided by, or at, the business~~
 1340 ~~establishment is prohibited.~~
- 1341 (12) ~~Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle~~
 1342 ~~bumpers, provided such sign does not violate the land development code.~~
- 1343 (13) ~~Signs required to be maintained or posted by law or governmental order, rule, or~~
 1344 ~~regulation.~~
- 1345 (14) ~~Traffic control and safety signs or other municipal, county, state or federal signs, legal~~
 1346 ~~notices, railroad crossing signs, danger signs and such temporary emergency signs when~~
 1347 ~~erected by an appropriate authority.~~

1348 Sec. 30-5297³. - Prohibited signs.

1349 It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any
 1350 sign not expressly authorized by, or exempted from this code. The following signs are expressly
 1351 prohibited:

- 1352 (1) Signs which are in violation of the building code or electrical code adopted by the city.
- 1353 (2) Animated or activated signs, ~~except time and temperature signs.~~
- 1354 (3) Flags.
- 1355 (4) Flashing signs. ~~Electronic reader boards that do not flash on and off are not flashing~~
 1356 ~~signs.~~
- 1357 (5) Off-premise signs.
- 1358 (6) Pole signs.
- 1359 (7) Rotating signs.
- 1360 (8) ~~Illuminated signs in any residentially zoned district, except residential identification~~
 1361 ~~signs, residential nameplates, and street signs that are illuminated by soft or muted light.~~
 1362 ~~Nonresidential uses within residentially used or zoned district by provisional use, PUD~~
 1363 ~~ordinance, or as otherwise provided for within the zoning ordinance, shall be allowed~~

³ Note to municode, please reorder this list alphabetically

1364 ~~the use of illuminated signs, subject to the approval of the community services~~
1365 ~~administrator or his designee.~~

1366 ~~(6) Signs located upon, within, or otherwise encroaching upon public rights of way, except~~
1367 ~~as may be permitted and erected by a governmental agency or required to be erected by a~~
1368 ~~governmental agency.~~

1369 ~~(7) Billboards.~~

1370 ~~(8) Strip lighted signs.~~

1371 ~~(89) Exposed neon type business identification signs, except non-exposed neon signs~~
1372 ~~covered with an opaque or translucent shield which will prevent radiation of direct light,~~
1373 ~~within all commercial and industrial districts. Businesses with existing neon type signs~~
1374 ~~at the date of adoption of this article may remain as a legal non-conforming sign.~~

1375 ~~(940) Roof signs.~~

1376 ~~(104) Portable signs.~~

1377 ~~(112) Signs which resemble any official sign or marker erected by any governmental~~
1378 ~~agency, or which by reason of position, shade or color, would conflict with the proper~~
1379 ~~function of any traffic control device sign or signal, or be of a size, location, movement,~~
1380 ~~content, color, or illumination which may be reasonably confused with or construed as,~~
1381 ~~or conceal, a traffic control device.~~

1382 ~~(123) Signs, commonly referred to as snipe signs, made of any material whatsoever and~~
1383 ~~attached in any way to a utility pole, tree, fence post, stake, stick or any other object~~
1384 ~~located or situated on public or private property, except as otherwise expressly allowed~~
1385 ~~by, or exempted from this code.~~

1386 ~~(134) Wind signs and tethered inflatable signs.~~

1387 ~~(15) Any description or representation, in whatever form, of nudity, sexual conduct, or~~
1388 ~~sexual excitement, when it:~~

1389 ~~a. Is patently offensive to contemporary standards in the adult community as a whole~~
1390 ~~with respect to what is suitable sexual material for minors; and~~

1391 ~~b. Taken as a whole, lacks serious literary, artistic, political, or scientific value.~~

1392 ~~(14)(16) Any sign which:~~

1393 ~~a. Emits audible sound, vapor, smoke, or gaseous matter.~~

1394 ~~b. Obstructs, conceals, hides, or otherwise obscures from view any official traffic or~~
1395 ~~government sign, signal, or device.~~

1396 ~~c. Employs motion, have visible moving parts, or gives the illusion of motion~~
1397 ~~(excluding time and temperature signs).~~

- 1398 d. Is erected or maintained so as to obstruct any firefighting equipment, window,
1399 door, or opening used as a means of ingress or egress for fire escape purposes
1400 including any opening required for proper light and ventilation.
- 1401 e. Constitutes a traffic hazard, or detriment to traffic safety by reason of its size,
1402 location, movement, content, coloring, or method of illumination, or by obstructing
1403 or distracting the vision of drivers or pedestrians.
- 1404 f. utilizes plywood as a finished sign face material.

1405 ~~(17) Signs mounted on a vehicle, be it the roof, hood, trunk, bed, and so on, where said sign~~
1406 ~~is intended to attract or may distract the attention of motorists for the purpose of~~
1407 ~~advertising a business, product, service, or the like, whether or not said vehicle is~~
1408 ~~parked, or driven, excluding emergency vehicles, taxi cabs, and delivery vehicles,~~
1409 ~~where a roof mounted sign does not exceed two square feet. This section shall not apply~~
1410 ~~to magnetic type signs affixed to or signs painted on a vehicle, which are not otherwise~~
1411 ~~prohibited by this code.~~

1412 (15)(18) Signs which use Uses flashing or revolving lights, or contains the words "stop,"
1413 "look," "danger," or any other words, phrase, symbol, or character in such a manner as
1414 to interfere with, mislead, or confuse vehicular traffic.

1415 (16)(19) ~~Abandoned signs, including any sign which advertises or publicizes an activity~~
1416 ~~not conducted on the premises upon which the sign is maintained.~~

1417 (17)(20) No sign shall be placed or permitted as a principal use on any property, in any
1418 zoning district, ~~except as follows: Political signs or signs approved by temporary permit~~
1419 ~~pursuant to the time limitations set forth herein.~~

1420 (18) Vehicle Signs

1421 (21) ~~Accent lighting as defined in this code, outlining doors and windows, or attached to~~
1422 ~~columns and vertical corners of structures.~~

1423 (22) ~~Accent lighting on walls of commercial buildings that abut residentially zoned parcels.~~

1424 Sec. 30-53028. - Definitions.

1425 {The following words, terms and phrases, when used in this article, shall have the meanings
1426 ascribed to them in this section, except where the context clearly indicates a different meaning:}

1427 Advertise or Advertising. Any form of public announcement intended to aid directly or
1428 indirectly, in the sale, use or promotion of a commercial product, commodity, service, activity or
1429 entertainment.

1430 Background (sign face background). The background of a sign face is the area of that sign
1431 face which is void of copy or graphics. ~~For internally illuminated signs, this area cannot exceed~~

1432 ~~two foot candles of illumination when the measuring device is placed on the face of the sign, in~~
1433 ~~the background area away from any copy or graphic.~~

1434 ~~*Bulk permit (signs).* A permit issued for any number of political signs.~~

1435 ~~*Changeable copy.* Interchangeable letter sets which a can be either placed manually in~~
1436 ~~channels to form messages, or copy which can be changed electronically.~~

1437 ~~Commercial message. Any sign wording, logo, or other representation or image that~~
1438 ~~directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event~~
1439 ~~or other commercial activity.~~

1440 ~~*Copy.* Any text, graphic or logo to be included as an element of a sign in an advertisement.~~

1441 ~~*Excessive brightness.* Standard applicable for any externally or internally illuminated sign~~
1442 ~~that emits more than ten foot candles of light when measured at night, five feet perpendicular~~
1443 ~~from the center of any sign face.~~

1444 ~~Flag. A commercial sign consisting of a piece of fabric usually attached at one edge to a~~
1445 ~~staff/pole or cord, containing distinctive colors, patterns or symbols.~~

1446 ~~*Graphic.* An item to be displayed in a sign that is not copy (text); includes photographs and~~
1447 ~~illustrations such as company logos.~~

1448 ~~*House (commercial) flag.* A cloth flag displayed with the intent of conveying a business~~
1449 ~~identification by name, corporate symbol, or registered trademark only.~~

1450 ~~*Interchangeable letter sets.* Single letters, numbers or symbol sets placed on rectangles of~~
1451 ~~material (usually plastic) which can be inserted into channels in sign faces such as for reader~~
1452 ~~board changeable copy signs. All interchangeable letter sets on illuminated reader board~~
1453 ~~changeable copy signs will have opaque backgrounds and translucent text. All interchangeable~~
1454 ~~letter sets on nonilluminated reader board changeable copy signs will also have reverse copy~~
1455 ~~letter sets. The sign face background color will closely match the background color of the letter~~
1456 ~~sets.~~

1457 ~~*Noncommercial message* means a ~~noncommercial message~~ is any message, which is not a~~
1458 ~~commercial message.~~

1459 ~~*Opacity of backgrounds.* Standard applicable for any opaque background on a internally~~
1460 ~~illuminated sign that emits more than two foot candles of light when measured at the surface of~~
1461 ~~the sign face in the background area only.~~

1462 ~~*Panels.* Changeable plastic or metal inserts that can be placed into channels in sign faces~~
1463 ~~such as reader board changeable copy or directory signs. Panels usually contain messages or~~
1464 ~~business names and fill the whole channel of a sign. Panels on illuminated reader board~~
1465 ~~changeable copy signs will have opaque backgrounds and translucent text. Panels on~~
1466 ~~nonilluminated reader board changeable copy signs will also have reverse copy letter sets. The~~
1467 ~~sign face background color will closely match the background color of the letter sets.~~

1468 *Reverse copy.* A type of copy design where the text is white or light colored and the
1469 background is black or of a darker color than the text. ~~Reader board~~ Changeable copy signs must
1470 contain reverse copy letter sets on both illuminated and nonilluminated signs.

1471 *Sign.* Any structure, device, vehicle, advertisement, advertising device or visual
1472 representation intended to advertise, identify, or communicate information to attract the attention
1473 of the public for any purpose and without prejudice to the generality of the foregoing, and
1474 includes any symbols, letters, figures, illustrations, or forms painted or otherwise affixed to
1475 attract the attention of the public for any purpose and also any structure or device the primary
1476 purpose of which is to border, illuminate, animate or project a visual representation. However,
1477 this definition shall not be held to include official notices issued by any court or public office, or
1478 officer in the performance of a public or official duty, and traffic control signs or traffic control
1479 devices or analog clocks. For the purpose of removal, signs shall also include all sign structures.

1480 *Sign, abandoned.* Any sign or sign structure expressly installed for the purpose of affixing a
1481 sign, which bears no sign or copy for 90 consecutive days or more; or for a period of 90
1482 consecutive days or more, displays advertising for a product or service that is no longer available
1483 information which incorrectly identifies the business, owner, lessor, or principal activity
1484 conducted on the site; or which, through lack of maintenance, becomes illegible or nearly so; or
1485 is in a state of disrepair, or with. Signs displaying an "available for lease" or similar message or
1486 partially obliterated sign faces which do not identify a particular product, service, or facility
1487 available on the site, shall be deemed abandoned.

1488 *Sign, activated.* Any sign which contains or uses for illumination any light, lighting device,
1489 or lights which change color, flash, or alternate; or change appearance of said sign or any part
1490 thereof automatically; any sign which contains moving parts as part of its normal operation, such
1491 as rotating signs, shall be considered an activated sign.

1492 *Sign, animated (a/k/a activated).* Any sign which includes action, motion, or the optical
1493 illusion of action or motion, or color changes of all or any part of the sign facing, requiring
1494 electrical energy, or set in motion by movement of the atmosphere.

1495 *Sign area.* The area of a sign is the entire area within the periphery of a regular geometric
1496 form or combination of regular geometric forms comprising all of the display area of the sign
1497 and including all of the elements of the matter displayed. The sign area shall include the
1498 aggregate sign area upon which copy is placed and all parts of the sign structure that bear
1499 advertising matter or are constructed in such a manner as to draw attention to the matter
1500 advertised. Signs consisting of detached letters shall also be measured as defined above.

1501 *Sign, awning (a/k/a canopy sign or marquee sign).* A sign suspended from or forming part
1502 of a shelter supported partially or entirely for the exterior wall of a building or structure.

1503 *Sign band* means a continuous horizontal band or area on the facade of a building in which
1504 signage shall be located.

1505 Sign, banner. A temporary sign, having characters, letters or illustrations, if any, applied to
1506 cloth, paper, plastic, or fabric of any kind, with only such material for backing, such as used to
1507 announce open houses, grand openings or special announcements.

1508 Sign, billboard. Any sign structure advertising an establishment, merchandise, service, or
1509 entertainment which is not sold, produced, manufactured, or furnished at the property on which
1510 the sign is located.

1511 Sign, bulletin board. A board for posting notices such as those found at a school, church, or
1512 other civic organization. (This is a type of reader board changeable copy sign).

1513 Sign, canopy. See *awning sign*.

1514 Sign, changeable copy. A sign where interchangeable letter sets or panels can be placed
1515 manually in channels to form messages. Combination panels, changeable signs, changeable
1516 message boards, bulletin boards and status display boards are all forms of changeable copy signs.
1517 A changeable copy sign shall not be electronic.

1518 Sign, construction. A temporary sign placed in advance of issuance of a certificate of
1519 occupancy of a building or structure indicating the name of the building or structure, the
1520 architects, the contractors, and other similar information regarding the building or structure.
1521 Construction signs may not contain any promotional or sales material.

1522 Sign, directional. An on-premises sign giving direction, instructions, or facility information
1523 such as parking or entrance or exit signs, and which may contain the name, logo, service or
1524 activity of an establishment.

1525 Sign, directory. An on-premises sign of permanent character indicating the name of five or
1526 more than one independent businesses associated with, or events conducted upon, or products or
1527 services offered upon the premises upon which such sign is maintained. This sign may be a
1528 freestanding (pole, monument or ground), awning, or wall sign as otherwise permitted by this
1529 Code.

1530 Sign, double-faced. A sign having two display surfaces, not necessarily displaying the same
1531 copy, which are parallel and back-to-back and not more than 24 inches apart. Double-faced signs
1532 shall be measured by only one side if both sides are advertising the same business, commodity,
1533 or service.

1534 Sign, electronic. Any type of electronic display board, electronic message board, digital,
1535 LED, programmable ink or other sign capable of displaying words, pictures, symbols, video or
1536 images including, but not limited to, any electronic, laser, digital, or projected images display
1537 that can be changed electronically or mechanically by remote or automatic means. Architectural
1538 lighting designed to illuminate building walls, architectural features or landscaping is a not a
1539 sign. Any sign containing electric wiring, but not including signs illuminated by exterior light
1540 sources, such as floodlights.

1541 ~~Sign, entrance or gate (a/k/a subdivision sign). Any community entry sign which is~~
1542 ~~designed to identify a subdivision or neighborhood, including but not limited to industrial and~~
1543 ~~commercial parks, multifamily projects, and single family residential development.~~

1544 *Sign face.* The area comprising the display surface upon which the copy and/or graphic is
1545 placed for advertisement.

1546 *Sign, flashing.* A flashing sign is an activated sign on which any electric lighting by any
1547 device is either alternated on and off or raised and lowered in brightness or intensity.

1548 *Sign, freestanding.* See ~~ground, pole~~ or *directory sign.* A self-supported structure attached to
1549 the ground, and not attached or fixed in any way to a building, entrance wall feature, or any other
1550 structure.

1551 *Sign, ground (a/k/a monument sign).* Any sign ~~other than a pole sign which is placed upon~~
1552 ~~or supported by structures or supports in or upon the ground and independent of support from~~
1553 ~~any building so that the top edge of the sign face is less than eight feet above grade. having a~~
1554 ~~solid base that the sign face is installed upon, provided the sign base is at least eighty percent of~~
1555 ~~the width of the sign face and the solid base shall be on the ground with a gap no more than 12~~
1556 ~~inches from the base to the ground. Signs supported by poles that are built and/or designed to~~
1557 ~~look like solid base as in monument signs shall be considered ground signs.~~

1558 *Sign, identification.* A sign which ~~contains no advertising but is used to identify a resident,~~
1559 ~~residential subdivision, or nonresidential development, business, organization or other~~
1560 ~~nonresidential occupant of a premises. Identification signs are not used to advertise services and~~
1561 ~~goods provided. limited to the name, address, and number of a building, institution, or person~~
1562 ~~and the activity carried on in the building, institution or the occupation of the person.~~

1563 *Sign, illuminated.* An illuminated sign is one which either: (a) provides artificial light
1564 through exposed bulbs, lamps, or luminous tubes on the sign surface; (b) emits light through
1565 transparent or translucent material from a source within the sign; or (c) reflects light from a
1566 source intentionally directed upon it.

1567 *Sign, inflatable.* Any object made of plastic, vinyl, or other similar material that, when
1568 inflated with gas or air, represents, advertises, or otherwise draws attention to a product, service,
1569 or activity.

1570 *Sign, mansard.* Any sign which is attached to a mansard-style roof with the face parallel to
1571 the structure to which it is attached and which does not project more than 18 inches from such
1572 structure, or above the roofline. Mansard signs shall be considered wall signs.

1573 *Sign, marquee.* See *awning sign.*

1574 *Sign, monument.* See Ground Sign. ~~A detached sign typically containing design elements~~
1575 ~~such as a base, columns, borders, toppers or caps, and a sign cabinet occupying at least two-~~
1576 ~~thirds of the total sign area.~~

1577 *Sign, nonconforming.* Any sign or advertising structure lawfully in existence within the city
1578 on ~~June 18, 2018 the effective date of this Code~~, which by its height, area, location, illumination,
1579 use or structural support does not conform to the requirements of this Code. This definition shall
1580 not be construed to include signs specifically prohibited by this Code or signs erected without a
1581 permit where a permit was required.

1582 *Sign, Off-premises.* A sign identifying, advertising or directing the public to a product,
1583 business, merchandise, service, institution, residence, residential area, entertainment or activity
1584 which is located, sold, rented, based, produced, manufactured or taking place at a location other
1585 than on the premises on which the sign is located. For purposes of this chapter, noncommercial
1586 messages are never off-premise signs.

1587 *Sign, on-premises.* A sign containing copy and/or graphics relating only to the principal
1588 legally licensed business, project, service or activity conducted or sold on the same premises as
1589 that on which the sign is located.

1590 ~~*Sign, open house directional.* A sign displaying direction to a residential open house.~~
1591 ~~Residential open house directional signs shall comply with subsection 30-522(2) of this Code.~~

1592 *Sign, permanent.* A sign which, when installed, is intended for permanent use. For the
1593 purposes of this article any sign with an intended use in excess of six (6) months from the date of
1594 installation shall be deemed a permanent sign. A sign which is affixed to a building or the ground
1595 in such a manner as to be immobile.

1596 *Sign, pole.* A sign, independent of support from any building, that is mounted on a
1597 freestanding pole or poles or other supports.

1598 ~~*Sign, political.* Any sign which states the name and/or picture of an individual seeking~~
1599 ~~election, or appointment to a public office, or pertaining to a forthcoming public election, or~~
1600 ~~referendum pertaining to or advocating political views of [or] policies.~~

1601 *Sign, portable.* Any sign which is designed to be transported, including by trailer or on its
1602 own wheels, even though the wheels of such signs may be removed and the remaining chassis or
1603 support constructed without wheels is converted to an A or T frame sign, or attached temporarily
1604 or permanently to the ground since this characteristic is based on the design of such sign. It is
1605 characteristic of such a portable sign, but not the sole indicator, that the space provided for
1606 advertising matter consists of a changeable copy sign.

1607 *Sign, projecting.* Any sign which is attached to, and which projects more than 18 inches
1608 from the outside wall of any building or structure, excluding wall, marquee, and canopy signs.

1609 ~~*Sign, reader boards.* A sign where interchangeable letter sets or panels can be either placed~~
1610 ~~manually in channels to form messages, or in the case of an LED display, changeable lit~~
1611 ~~messages are displayed. Lighted LED or electronic marquees, combination panels, led signs,~~
1612 ~~changeable signs, changeable message boards, bulletin boards and status display boards are all~~
1613 ~~forms of reader boards.~~

1614 Sign, real estate. A temporary sign erected by an owner, or his agent, on real property which
1615 is for rent, sale or lease, which advertises the sale, lease, rental, or development of the property
1616 upon which it is located.

1617 ~~Sign, residential identification.~~ A sign intended to identify a residential subdivision or other
1618 development.

1619 Sign, roof. Any sign erected, constructed, or maintained either on the roof, or more than 18
1620 inches above the roof of any building.

1621 ~~Sign, revolving (a/k/a rotating sign).~~ Any sign so erected or constructed as to periodically or
1622 continuously change the direction toward which any plane containing the display surface area is
1623 oriented.

1624 ~~Sign, roof.~~ Any sign erected, constructed, or maintained either on the roof, or more than 18
1625 inches above the roof of any building.

1626 ~~Sign, safety.~~ A sign used only for the purpose of identifying and warning of danger, or
1627 potential hazards.

1628 Sign, snipe. A sign made of any material and attached to a utility pole, tree, fence post,
1629 stake, stick, mailbox or any similar object.

1630 ~~Sign, special purpose.~~ Directional, safety, and other signs of a noncommercial nature.

1631 Sign structure. Any structure which supports or is capable of supporting any sign. Said
1632 definition shall not include a building to which a sign is attached.

1633 Sign, temporary. A sign that is moveable and not permanently affixed or attached to the
1634 ground. Where not otherwise specified in this article, the maximum time for which a temporary
1635 sign may be displayed is 90 days. ~~A sign intended to advertise community or civic projects,~~
1636 ~~construction projects, or other special events on a temporary basis, for a designated period of~~
1637 ~~time.~~

1638 ~~Sign, V-shaped.~~ Two single face freestanding signs that are constructed in the form of a "V"
1639 when viewed from above, provided the internal angle at the apex is not more than 90 degrees,
1640 and the two faces are not separated by more than six inches at the apex.

1641 Sign, vehicle. A sign that is temporarily or permanently affixed to a vehicle or trailer,
1642 whether parked or in transit, that is used primarily for advertising. There is a rebuttable
1643 presumption that such a sign on a vehicle which is 1) unregistered, unlicensed or uninsured, is a
1644 vehicle sign; and 2) parked anywhere on the same property within 100 feet of and visible from
1645 an arterial or collector roadway for more than 72 consecutive hours, is a vehicle sign. Such a
1646 sign on a vehicle that is regularly used in the conduct of the business or endeavor advertised on
1647 the vehicle, or for the purpose of providing transportation for owners or employees of the
1648 occupancy advertised on the vehicle, shall not be considered a vehicle sign under this definition.

1649 Any sign affixed to a vehicle other than a license plate, or other identification required for access
1650 to restricted parking areas, a registered logo, trademark, or service mark.

1651 *Sign, wall, fascia or parapet.* A sign affixed in a manner to any exterior wall of a building or
1652 structure, and which is parallel to and projects not more than 18 inches from the building or
1653 structure wall, and which does not extend more than 18 inches above the roof line of the main
1654 building or from the point where the roof line intersects the parapet wall on which the sign is
1655 located, whichever is more restrictive.

1656 Sign, warning or danger sign : A sign warning of pedestrian or vehicular dangers, access or
1657 safety issues (e.g., "no trespass," "one-way," "no parking," "do not enter," or similar safety
1658 issues) or of a hazardous condition or dangerous object or animal in the immediate vicinity.

1659 *Sign, wind.* Any sign or display including, but not limited to, flags, balloons, banners,
1660 streamers and rotating devices, fastened in such a manner to move upon being subject to pressure
1661 by wind or breeze, but shall not include official flags, emblems, insignia or pennants of any
1662 religious, educational, national, state, or political subdivision.

1663 *Sign, window.* A window sign which is painted on, attached to, or located within 5 feet of,
1664 and visible through a window, excluding displays of merchandise, and shall not exceed restricted
1665 amount of the total window area in the same vertical plane at the same floor level on the side of
1666 the building or unit upon which the signs are displayed.

1667 *Strip lighting.* A continuous series of linear exterior lights designed to illuminate a sign or a
1668 structure.

1669 *Substantial improvement.* Any repair, reconstruction, or improvement of a sign, the
1670 estimated cost of which equals or exceeds 50 percent of the market value of current replacement
1671 cost of the sign, whichever is lower, either [sic] before the improvement.

1672 Traffic control device. Traffic control device means any device located within the right-of-
1673 way and that is used as a traffic control device and described and identified in the Manual on
1674 Uniform Traffic Control Devices approved by the Federal Highway Administration as the
1675 National Standard and as may be revised from time to time. A traffic control device includes
1676 those signs that are classified and defined by their function as regulatory signs (that give notice
1677 of traffic laws or regulations), warning signs (that give notice of a situation that might not readily
1678 be apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned
1679 building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting
1680 allowed, etc.)), and guide signs (that show route designations, directions, distances, services,
1681 points of interest, and other geographical, recreational, or cultural information). These devices
1682 are not regulated as signs under this article.

1683 Secs. 30-531—30-570. - Reserved.

1684 **Section 5. City Code Amended.** That Chapter 30 "Land Development Code,"
1685 Article VIII "Architectural and Site Design Standards," is hereby amended to read as follows:

1686 **ARTICLE VIII. - ARCHITECTURAL AND SITE DESIGN STANDARDS**

1687 * * *

1688 **Sec. 30-624. - Design regulations.**

1689 * * *

1690 ~~(y) *Unified sign plan.* Where multiple on premises signs are proposed for a single site or~~
1691 ~~project, or in the case of a shopping center or multi-use building, a unified signage plan shall~~
1692 ~~be employed. Applications for site development or site improvement plan approval shall be~~
1693 ~~accompanied by a graphic and narrative representation of the unified signage plan to be~~
1694 ~~utilized on the site. Renovations and redevelopment of existing commercial buildings and~~
1695 ~~projects shall also require submittal of a unified sign plan. The unified sign plan may be~~
1696 ~~amended and resubmitted for approval to reflect style changes or changing tenant needs.~~
1697 ~~Design elements which shall be addressed in both graphic and narrative form include the~~
1698 ~~following:~~

1699 ~~(1) Adherence with the provisions of the sign ordinance;~~

1700 ~~(2) Colors;~~

1701 ~~(3) Construction materials and methods;~~

1702 ~~(4) Architectural design;~~

1703 ~~(5) Illumination method;~~

1704 ~~(6) Copy style;~~

1705 ~~(7) Building number(s), address;~~

1706 ~~(8) Sign type(s) and location(s).~~

1707 * * *

1708 **Sec. 30-629. - Definitions.**

1709 {The following words, terms and phrases, when used in this article, shall have the meanings
1710 ascribed to them in this section, except where the context clearly indicates a different meaning:}

1711 * * *

1712 ~~*Sign band* means a continuous horizontal band or area on the facade of a building in which~~
1713 ~~signage shall be located.~~

1714 * * *

1715 **Section 8. Codification.** It is the intention of the City Council, and it is hereby ordained,
1716 that the amendments to the City of Marco Island Code of Ordinances made by this Ordinance
1717 shall constitute a new Section 6-111 of the City of Marco Island Code of Ordinances, and that

1718 the sections of this Ordinance may be renumbered and re-lettered as necessary, and that the word
1719 "Ordinance" may be changed to "Section", "Article" or other appropriate word.

1720 **Section 9. Conflicts.** All ordinances or parts of ordinances and all resolutions or parts
1721 of resolutions in conflict with the provisions of this Ordinance are hereby superseded and
1722 resolved to the extent of any conflict in favor of the provisions of this Ordinance.


1723 **Section 10. Severability.** If any term, section, clause, sentence or phrase of this
1724 Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of
1725 competent jurisdiction, the holding shall not affect the validity of the other or remaining terms,
1726 sections, clauses, sentences or phrases portions of this Ordinance, and this Ordinance shall be
1727 read and applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence or
1728 section did not exist.

1729 **Section 11. Effective Date.** This Ordinance shall become effective upon its adoption.
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1731 ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 18th day of
1732 June 2018.

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1735 **ATTEST:**


1736 
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1738 _____
1739 Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Jared Grifoni, Chairman

1742 Approved as to form and legal sufficiency:

1743 
1744
1745 _____
1746 Alan L. Gabriel, City Attorney